

PENNSYLVANIA BULLETIN

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Department of Agriculture
Department of Banking and Securities
Department of Conservation and Natural Resources
Department of Education
Department of Environmental Protection
Department of Health
Department of Transportation
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Insurance Department
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State Board of Nursing
State Conservation Commission
Susquehanna River Basin Commission

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

No. 527, October 2018

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Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Rules and Regulations

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

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

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

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

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

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Printing Format

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

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

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

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

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

Court Rules in Titles 201—246 of the Pennsylvania Code

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

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

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

Fiscal Notes

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

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

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

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List of Pa. Code Chapters Affected

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

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THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART II. GENERAL ADMINISTRATION

[204 PA. CODE CH. 29]

Promulgation of Financial Regulations Pursuant to 42 Pa.C.S. § 3502(a); No. 503 Judicial Adminis- tration Doc.

Order

Per Curiam

And Now, this 25th day of September, 2018, it is Ordered pursuant to Article V, Section 10(c) of the Constitution of Pennsylvania and Section 3502(a) of the Judicial Code, 42 Pa.C.S. § 3502(a), that the Court Administrator of Pennsylvania is authorized to promulgate the following Financial Regulations. The costs outlined in the Financial Regulations are effective as of January 1, 2019.

To the extent that notice of proposed rule-making may be required by Pa.R.J.A. No. 103, the immediate promulgation of the regulations is hereby found to be in the interests of efficient administration.

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

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART II. GENERAL ADMINISTRATION

CHAPTER 29. MISCELLANEOUS PROVISIONS

Subchapter K. COSTS, FINES AND FEES

§ 29.401. Scope.

The Pennsylvania Supreme Court, pursuant to Art. V, § 10 of the Pennsylvania Constitution, and 42 Pa.C.S. § 1721, has authorized by Administrative Order, the Court Administrator of Pennsylvania to promulgate regulations relating to the accounting methods to be utilized in connection with the collection of fees and costs charged and collected by prothonotaries, and clerks of courts of all courts of common pleas, or by any officials designated to perform the functions thereof, as well as by the minor judiciary, including magisterial district judges, and judges and staff of all divisions of the Philadelphia Municipal Court.

Under authority of said Administrative Order and pursuant to the authority vested in the governing authority under 42 Pa.C.S. § 3502(a) of the Judicial Code, the following regulations are adopted to implement Act 96 of 2010, 42 Pa.C.S. §§ 1725.1(f) and 3571(c)(4) (as amended).

§ 29.402. 42 Pa.C.S. § 1725.1. Costs.

(a) *Civil cases*.—In calendar year 2019, the costs to be charged by magisterial district judges in every civil case, except as otherwise provided in this section, shall be as follows:

- | | |
|--|---------|
| (1) Actions involving \$500 or less | \$54.00 |
| (2) Actions involving more than \$500
but not more than \$2,000 | \$72.00 |

- | | |
|---|----------|
| (3) Actions involving more than \$2,000
but not more than \$4,000 | \$89.50 |
| (4) Actions involving between \$4,001 and
\$12,000 | \$134.50 |
| (5) Landlord-tenant actions involving \$2,000
or less | \$80.50 |
| (6) Landlord-tenant actions involving more
than \$2,000 but not more than \$4,000 | \$98.50 |
| (7) Landlord-tenant actions involving more
than \$4,000 but not more than \$12,000 | \$134.50 |
| (8) Order of execution | \$40.50 |
| (9) Objection to levy | \$18.00 |
| (10) Reinstatement of complaint | \$9.00 |
| (11) Entering Transcript on Appeal or Certiorari. | \$4.50 |

Said costs shall not include, however, the cost of postage and registered mail which shall be borne by the plaintiff.

(a.1) *Custody cases*.—In calendar year 2019, the cost (in addition to the cost provided by general rule) to be charged by the court of common pleas shall be as follows:

- | | |
|---|--------|
| (1) Custody cases, except as provided in section
1725(c)(2)(v) | \$8.50 |
|---|--------|

(b) *Criminal cases*.—In calendar year 2019, the costs to be charged by the minor judiciary or by the court of common pleas where appropriate in every criminal case, except as otherwise provided in this section, shall be as follows:

- | | |
|--|---------|
| (1) Summary conviction, except motor vehicle
cases | \$51.00 |
| (2) Summary conviction, motor vehicle cases,
other than paragraph (3) | \$40.50 |
| (3) Summary conviction, motor vehicle cases,
hearing demanded | \$48.50 |
| (4) Misdemeanor | \$58.50 |
| (5) Felony | \$67.50 |

Such costs shall not include, however, the cost of postage and registered mail which shall be paid by the defendant upon conviction.

(c) *Unclassified costs or charges*.—In calendar year 2019, the costs to be charged by the minor judiciary in the following instances not readily classifiable shall be as follows:

- | | |
|---|---------|
| (1) Entering transcript of judgment from another
member of the minor judiciary | \$9.00 |
| (2) Marrying each couple, making record thereof,
and certificate to the parties | \$45.00 |
| (3) Granting emergency relief pursuant to
23 Pa.C.S. Ch. 61 (relating to protection from
abuse) | \$18.00 |
| (4) Issuing a search warrant (except as
provided in subsection (d)) | \$18.00 |
| (5) Any other issuance not otherwise provided
in this subsection | \$18.00 |

§ 29.403. 42 Pa.C.S. § 3571.

In calendar year 2019, Commonwealth portion of fines, etc.

* * * * *

(c) *Costs in magisterial district judge proceedings.*

(2) Amounts payable to the Commonwealth:

(i) Summary conviction, except motor vehicle cases \$18.00

(ii) Summary conviction, motor vehicle cases other than subparagraph (iii) \$18.00

(iii) Summary conviction, motor vehicle cases, hearing demanded \$18.00

(iv) Misdemeanor \$23.40

(v) Felony \$36.00

(vi) Assumpsit or trespass involving:

(A) \$500 or less \$22.50

(B) More than \$500 but not more than \$2,000.. \$36.00

(C) More than \$2,000 but not more than \$4,000 \$53.70

(D) Between \$4,001 and \$12,000 \$89.50

(vii) Landlord-tenant proceeding involving:

(A) \$2,000 or less \$35.80

(B) More than \$2,000 but not more than \$4,000 \$44.80

(C) More than \$4,000 but not more than \$12,000 \$62.80

(viii) Objection to levy \$9.00

(ix) Order of execution \$27.00

(x) Issuing a search warrant (except as provided in section 1725.1(d) (relating to costs)) .. \$12.60

(xi) Order of possession \$15.00

(xii) Custody cases (except as provided in section 1725(c)(2)(v)) \$6.80

[Pa.B. Doc. No. 18-1657. Filed for public inspection October 26, 2018, 9:00 a.m.]

**Title 204—JUDICIAL SYSTEM
GENERAL PROVISIONS**

[204 PA. CODE CH. 83]

Proposed Amendments to the Pennsylvania Rules of Disciplinary Enforcement Relating to Annual Registration of Attorneys

Notice is hereby given that The Disciplinary Board of the Supreme Court of Pennsylvania (“Board”) is considering recommending to the Supreme Court of Pennsylvania that it adopt amendments to Pennsylvania Rule of Disciplinary Enforcement (“Pa.R.D.E.”) 219, relating to the timing of nonwaivable late payment penalties assessed against an attorney who fails to timely complete the annual attorney registration, as set forth in Annex A.

Rule 219(a) provides that every attorney admitted to practice law in this Commonwealth shall pay an annual

fee and electronically file the annual fee form by July 1. Pursuant to subdivision (c) of the rule, attorneys are notified of this obligation, via electronic mail, on or before May 15 of each year. Subdivision (f) of the rule provides for the assessment of two nonwaivable late payment penalties, the first on attorneys who fail to register by July 31, and the second on attorneys who fail to register by August 31. Although not explicitly stated, the rule provides for a courtesy period between July 1 and July 31 for late registration without penalty.

After August 31, the continued failure to comply with the registration and payment requirements of Rule 219 is deemed a request to be administratively suspended. The Rule directs the Attorney Registration Office (“Office”) to certify to the Supreme Court of Pennsylvania the name of every attorney who has failed to comply with registration. Following the timelines provided for in the rule, generally, the Office sends the administrative suspension list to the Court in September, after which time the Court enters its administrative suspension order, effective in October.

As set forth in Rule 219, the active registration period lasts from May 15 through July 1, with late registration penalties imposed on July 31 and August 31. The basis for the July 31 and August 31 late registration penalty dates is historical in nature due to the fact that for decades, attorneys were required to file the annual registration in paper form. Processing the paper registration forms was time-consuming. The Office mailed all registration forms and notices pertaining to registration in paper form and attorneys submitted all registration paperwork to the Office through the mail. Staff manually sorted the forms and inputted the data into the Attorney Registration database. The timeframes memorialized in the existing Rules are responsive to these past practices

Electronic registration has been mandatory since the 2016-2017 registration year, whereby attorneys register by accessing a portal on the Unified Judicial System’s web site. Using the electronic portal, attorneys have the option to pay by credit card, thus immediately completing the attorney registration obligation once that payment is processed, or attorneys can opt to print out a voucher and mail in the voucher along with a check or money order. In the latter case, the attorney registration obligation is considered completed once the payment is received and processed. Additionally, the Office now sends registration notices to attorneys in electronic form. Communicating with attorneys via electronic mail allows Office staff to notify those who have not completed the process through weekly or bi-weekly emails.

The data on timely compliance bears out the success of these technological developments and demonstrates a readiness for modification of the existing timelines. For 2017-2018 registration, over 79% of attorneys completed their registration by July 1; by July 31, prior to the imposition of the first late fee, over 96%¹ of attorneys completed their registration. For 2018-2019, nearly 82% of attorneys completed registration by July 1; by July 31, nearly 97%² of attorneys completed their registration. Yet, after July 31, registration remains open until October for approximately 3% of attorneys, roughly 2,500 registrants. Upon the Board’s analysis, since the transition to electronic registration and communication, the timeline established by the Rules, which was responsive to past practices, warrants modification in light of current practices.

¹ 72,465 attorneys
² 72,452 attorneys

The Board proposes truncating the registration period by amending subdivision (f) to change the late registration dates from July 31 and August 31 to July 16 and August 1. This proposed change only impacts the period for late registration; the active registration period remains the same, May 15 through July 1. Additionally, the rule still permits a courtesy period to file late registrations before penalties are assessed, from July 1 to July 15. Compressing the dates for late registration will streamline the registration process and will allow the Office to send the administrative suspension list to the Court in early August, as opposed to September, with an effective date of the Court's order in September, instead of October. In addition, this proposal is consistent with best business practices, as a shortened registration period will reduce the Office's temporary staffing needs which are required during attorney registration season for telephone support.

Interested persons are invited to submit written comments regarding the proposed amendments to the Office of the Secretary, The Disciplinary Board of the Supreme Court of Pennsylvania, 601 Commonwealth Avenue, Suite 5600, PO Box 62625, Harrisburg, PA 17106-2625, Facsimile number (717-231-3381), Email address Dboard.comments@pacourts.us on or before November 26, 2018.

By the Disciplinary Board of the Supreme Court of Pennsylvania

JESSE G. HEREDA,
Executive Director

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart B. DISCIPLINARY ENFORCEMENT

CHAPTER 83. PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT

Subchapter B. MISCONDUCT

Rule 219. Annual registration of attorneys.

(a) Every attorney admitted to practice law in this Commonwealth shall pay an annual fee of \$120.00 and electronically file the annual fee form provided for in this rule by July 1. The fee shall be collected under the supervision of the Attorney Registration Office, which shall make the annual fee form available for filing through a link on the Board's website (<http://www.padisiplinaryboard.org>) or directly at <https://ujportal.pacourts.us>. The said fee shall be used to defray the costs of disciplinary administration and enforcement under these rules, and for such other purposes as the Board shall, with the approval of the Supreme Court, from time to time determine. Upon an attorney's written request submitted to the Attorney Registration Office and for good cause shown, the Attorney Registration Office shall grant an exemption from the electronic filing requirement and permit the attorney to file the annual fee form in paper form.

Official Note: Pa.R.P.C. 1.15(u) imposes an additional annual fee for use by the IOLTA Board, and Pa.R.D.E. 502(b) imposes an additional annual fee for use by the Pennsylvania Lawyers Fund for Client Security.

* * * * *

(c) On or before May 15 of each year, the Attorney Registration Office shall transmit to all attorneys re-

quired by this rule to pay an annual fee a notice by e-mail to register electronically by July 1. Failure to receive notice shall not excuse the filing of the annual fee form or payment of the annual fee.

* * * * *

(f) Any attorney who fails to complete registration by July [31] 16 shall be automatically assessed a non-waivable late payment penalty established by the Board. A second, non-waivable late payment penalty established by the Board shall be automatically added to the delinquent account of any attorney who has failed to complete registration by August [31] 1, at which time the continued failure to comply with this rule shall be deemed a request to be administratively suspended. Thereafter, the Attorney Registration Office shall certify to the Supreme Court the name of every attorney who has failed to comply with the registration and payment requirements of this rule, and the Supreme Court shall enter an order administratively suspending the attorney. The Chief Justice may delegate the processing and entry of orders under this subdivision to the Prothonotary. Upon entry of an order of administrative suspension, the Attorney Registration Office shall transmit by certified mail, addressed to the last known mailing address of the attorney, or by electronic means, the order of administrative suspension and a notice that the attorney shall comply with Enforcement Rule 217 (relating to formerly admitted attorneys), a copy of which shall be included with the notice.

For purposes of assessing the late payment penalties prescribed by this subdivision (f), registration shall not be deemed to be complete until the Attorney Registration Office receives a completed annual fee form and satisfactory payment of the annual fee and of all outstanding collection fees and late payment penalties. If a check in payment of the delinquency has been returned to the Board unpaid, a collection fee, as established by the Board under subdivision (d)(2) of this rule, shall be added to the attorney's delinquent account and registration shall not be deemed to be complete until the delinquent account has been paid in full.

The amount of the late payment penalties shall be established by the Board annually pursuant to the provisions of subdivision (h)(3) of this rule.

* * * * *

[Pa.B. Doc. No. 18-1658. Filed for public inspection October 26, 2018, 9:00 a.m.]

**Title 204—JUDICIAL SYSTEM
GENERAL PROVISIONS**

[204 PA. CODE CH. 83]

Proposed Amendments to the Pennsylvania Rules of Disciplinary Enforcement Relating to Review and Action by the Board

Notice is hereby given that The Disciplinary Board of the Supreme Court of Pennsylvania ("Board") is considering recommending to the Supreme Court of Pennsylvania that it adopt amendments to Pennsylvania Rule of Disciplinary Enforcement ("Pa.R.D.E.") 208, relating to the submission of briefs and presentation of oral argument to the Board, as set forth in Annex A.

In attorney discipline and reinstatement proceedings, pursuant to the Disciplinary Board Rules and Procedures (“Board Rules”), following the filing of a report and recommendation with the Board by a hearing committee or special master, either party may object to such findings and recommendation by filing exceptions in a brief to the Board. In the brief on exceptions, a party may request oral argument before the Board. The parties may also file a brief opposing exceptions in response to a brief on exceptions. See, Disciplinary Board Rule § 89.201(d) and (e).¹

The Pennsylvania Rules of Disciplinary Enforcement, however, in Rule 208(d)(1), addressing the same proceedings, states that “the respondent-attorney shall have the right to submit briefs and to present oral argument to a panel of at least three members of the Board.” Contrary to what is provided for in the Board Rules, this rule language in the Rules of Disciplinary Enforcement does not expressly state that both parties have the right to file briefs and present oral argument. In order to remedy this inconsistency, the Board proposes amending Rule 208(d)(1) to encompass the rights of both parties to the proceedings.

The proposed amendment to Rule 208(d)(1) modifies the scope of the rule to provide that both parties shall have the right to submit briefs and to present oral argument before the Board.

Interested persons are invited to submit written comments regarding the proposed amendments to the Office of the Secretary, The Disciplinary Board of the Supreme Court of Pennsylvania, 601 Commonwealth Avenue, Suite 5600, PO Box 62625, Harrisburg, PA 17106-2625, Facsimile number (717-231-3381), Email address Dboard.comments@pacourts.us on or before November 26, 2018.

By the Disciplinary Board of the Supreme Court of Pennsylvania

JESSE G. HEREDA,
Executive Director

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart B. DISCIPLINARY ENFORCEMENT

CHAPTER 83. PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT

Subchapter B. MISCONDUCT

Rule 208. Procedure.

* * * * *

(c) *Hearing procedures.* Proceedings before hearing committees and special masters shall be governed by Board rules, except that, unless waived in the manner provided by such rules, at the conclusion of the hearing the hearing committee or special master shall submit a

¹ 89.201(d) *Procedure to except to report of hearing committee or special master.* Any participant desiring to object to the findings and recommendations of a hearing committee or special master shall, within 20 days after the service of a copy of a report or such other time as may be fixed by the Board Chair, file exceptions to the report or part thereof in a brief (designated “brief on exceptions”). “Briefs opposing exceptions” may be filed in response to briefs on exceptions within 20 days after the filing of briefs on exceptions or such other time as may be fixed by the Board Chair. No further response will be entertained unless the Board, with or without motion, so orders.

89.201(e) *Oral argument.* Unless otherwise ordered by the Board, oral argument shall be deemed waived unless expressly requested in a brief on exceptions or brief opposing exceptions.

report to the Board containing the findings and recommendations of the hearing committee or special master.

(d) *Review and action by Board.*

(1) Proceedings before the Board shall be governed by Board rules, except that, unless waived in the manner provided by such rules, [**the respondent-attorney**] **both parties** shall have the right to submit briefs and to present oral argument to a panel of at least three members of the Board. Members of the Board who have participated on a reviewing panel under paragraph (a)(4) or (5) of this rule shall not participate in further consideration of the same matter or decision thereof on the merits under this subdivision (d).

* * * * *

[Pa.B. Doc. No. 18-1659. Filed for public inspection October 26, 2018, 9:00 a.m.]

Title 249—PHILADELPHIA RULES

PHILADELPHIA COUNTY

Amendment Philadelphia Criminal Rule *528. Ten Percent (10%) Deposit of Bail; No 02 of 2018

Order

And now, this 10th day of October, 2018, upon recommendation of the Philadelphia County Criminal Justice Advisory Board (“CJAB”) that the First Judicial District of Pennsylvania consider amending Philadelphia Criminal Rule *528, which currently authorizes the retention of 30% of cash bail posted to secure a defendant’s release from custody pending the full and final disposition of the defendant’s case, and upon consideration of best practices reviewed by the CJAB and the First Judicial District in connection with criminal justice reform including in their involvement in the management of the MacArthur Foundation grant awarded to the City of Philadelphia and interaction with City Council’s Special Committee on Criminal Justice Reform, the Court concludes that the interests of justice would be best served if the entire amount of cash bail deposited to secure the defendant’s release were to be refunded in those cases where the Defendant fully complied with the principal purpose of bail: to appear as required at all times for all court hearings and other events until full and final disposition of defendant’s case,

Now, therefore, it is hereby *Ordered* and *Decreed* that Philadelphia Rule of Criminal Procedure *528 is amended as follows. The amendment authorizes the return of the entire amount deposited, pursuant and subject to Pa.R.Crim.P. 535, provided that the Defendant has not violated the condition of the bail bond which requires the Defendant to appear as required at all times for all court hearings and other events until full and final disposition of the case.

It Is further *Ordered* and *Decreed* that should the Defendant fail to appear as required by the bail bond, the amount deposited shall be forfeited pursuant to Pa.R.Crim.P. 536 and the forfeiture shall only be reduced or vacated pursuant to Philadelphia Criminal Rule *536 and other applicable local rules.

This Order is effective as to all cases which are fully and finally disposed as of today’s date and thereafter.

As required by Pa.R.J.A. 103(d), this Administrative Order and the proposed local rule were submitted to the Supreme Court of Pennsylvania Criminal Procedural Rules Committee for review and written notification has been received from the Rules Committee certifying that the proposed local rule is not inconsistent with any general rule of the Supreme Court. This Administrative Order and the following local rule shall be filed with the Office of Judicial Records (formerly the Prothonotary, Clerk of Courts and Clerk of Quarter Sessions) in a docket maintained for Administrative Orders issued by the First Judicial District of Pennsylvania. As required by Pa.R.J.A. 103(d)(5)(ii), two certified copies of this Administrative Order and the following local rule, as well as one copy of the Administrative Order and local rule shall be distributed to the Legislative Reference Bureau on a computer diskette for publication in the *Pennsylvania Bulletin*. As required by Pa.R.J.A. 103(d)(6) one certified copy of this Administrative Order and local rule shall be filed with the Administrative Office of Pennsylvania Courts, shall be published on the web site of the First Judicial District at <http://www.courts.phila.gov>, and shall be incorporated in the compiled set of local rules no later than 30 days following publication in the *Pennsylvania Bulletin*. Copies of the Administrative Order and local rule shall also be published in *The Legal Intelligencer* and will be submitted to American Lawyer Media, Jenkins Memorial Law Library, and the Law Library for the First Judicial District.

By the Court

HONORABLE SHEILA WOODS-SKIPPER,
*Chair, Administrative Governing Board
 First Judicial District of Pennsylvania
 President Judge, Court of Common Pleas,
 Philadelphia County*

Rule *528. Ten Percent (10%) Deposit of Bail.

(A) Any defendant who has been properly granted bail may obtain his release from custody as provided herein by depositing with the Office of Judicial Records a sum of money equal to ten percent (10%) of the full amount of the bail, but in no event less than twenty-five dollars (\$25), and by executing a bail bond. A private individual who is not a surety company or bail bondsman may act as a third-party surety and execute the aforementioned bail bond on behalf of the defendant. Except as provided in this section, no other individual or business entity may act as a third-party surety unless approved by the Administrative Governing Board of the First Judicial District of Pennsylvania upon filing a petition pursuant to Pa.R.Crim.P. 531 and applicable local rules of court.

(B) With respect to deposited bail pursuant to subsection (A), the Court is empowered to designate a minimum sum of money which shall be retained by the Court.

(C) Should the defendant fail to appear as required by the bail bond, and not appear in court within ninety (90) days after notice of the forfeiture, as provided by Pa.R.Crim.P. 536(A)(2)(c), the amount deposited shall be forfeited and a judgment will be entered for the balance of the total bail ordered. Forfeitures and bail judgments shall only be reduced or vacated pursuant to Philadelphia Criminal Rule *536 and other applicable local rules of court.

(D) Upon the full and final disposition of the criminal case in which bail has been deposited:

(1) the bail deposit shall be returned in full, as provided in Pa.R.Crim.P. 535, if the defendant has appeared as required at all times for all court hearings and other events as required by the bail bond; or

(2) the bail deposit, less the retention amount authorized pursuant to subsection (B), shall be returned if the defendant has not appeared as required at all times for all court hearings and other events as required by the bail bond.

(E) A defendant or a third party surety as defined in this rule may post realty as security for bail. In this event, an encumbrance shall be created immediately on such realty before the defendant may be admitted to bail. The said encumbrance shall remain in force until the case is disposed as provided in subsection (D).

Realty posted as security for bail shall be valued in an amount equal to the assessed value of the realty used for determining tax liability on the realty. Only realty with an unencumbered assessed value equal to, or in excess of, the full amount of bail shall be accepted as security for the bail.

Comment

Subsection (A) authorizes posting cash bail with the Office of Judicial Records.

Subsection (B) authorizes the Court to designate, consistent with Pa.R.Crim.P. 535(D), the fee to administer the cash bail program. The retention figures designated by the Court are 30% (thirty percent) of the amount of the deposit or 3% (three percent) of the total amount of the bail. However, the Court has directed that the maximum amount retained shall not exceed \$1,500 regardless of the total amount of the bail or the amount of the cash deposit, and that in no event shall the amount retained by the Court be less than \$10 (ten dollars).

Subsection (C) provides guidance regarding the forfeiture of the bail deposit and entry of a judgment for the balance of the bail ordered as well as reduction and vacation of same.

Subsection (D) provides that the entire bail deposit will be returned if the defendant appears for all court hearings and events, and that the retention amount established in subsection (B) shall be retained if the defendant does not appear as required.

Subsection (E) controls real estate posted as bail.

Note: Star Rule *4008.1, adopted May 17, 1973; Star Rule *4009.1, adopted May 17, 1973, and Star Rule *4010(c), adopted May 20, 1971. General Court Regulation 73-5, July 2, 1973; comment amended by General Court Regulation 80-13, effective July 1, 1980; comment amended by General Court Regulation 88-4; effective June 1, 1988. Former Phila. Crim. R. 506. Comment amended and rule renumbered on April 20, 2012 by Administrative Governing Board Order 03 of 2012. Amended October 10, 2018, effective immediately.

[Pa.B. Doc. No. 18-1660. Filed for public inspection October 26, 2018, 9:00 a.m.]

Title 249—PHILADELPHIA RULES

PHILADELPHIA COUNTY

Philadelphia Court of Common Pleas Criminal Rule No. 910 Probation Detainer and Violation Procedure; and Philadelphia Municipal Court Criminal Rule No. 910 Probation Detainer and Violation Procedure; Joint Administrative Order No. 08 of 2018

Order

And Now, this 9th day of October, 2018, it is hereby *Ordered and Decreed* that Philadelphia Court of Common Pleas Criminal Rule No. 910 Probation Detainer and Violation Procedure, and Philadelphia Municipal Court Criminal Rule No. 910 Probation Detainer and Violation Procedure are rescinded, effective immediately.

This Order is issued in accordance with Pa.R.J.A. No. 103 and shall be filed with the Office of Judicial Records (formerly the Prothonotary, Clerk of Courts and Clerk of Quarter Sessions) in a docket maintained for Orders issued by the First Judicial District of Pennsylvania. As required by Pa.R.J.A. No. 103(d)(5)(ii), two certified copies of this Order shall be distributed to the Legislative Reference Bureau, together with a copy on a computer diskette, for publication in the *Pennsylvania Bulletin*. As required by Pa.R.J.A. No. 103(d)(6) one certified copy of this Order shall be filed with the Administrative Office of Pennsylvania Courts, shall be published on the web site of the First Judicial District at <http://www.courts.phila.gov>, and shall be incorporated in the compiled set of Philadelphia local rules no later than 30 days following publication in the *Pennsylvania Bulletin*. Copies of the Order shall also be published in *The Legal Intelligencer* and will be submitted to American Lawyer Media, Jenkins Memorial Law Library, and the Law Library for the First Judicial District.

By the Court

HONORABLE SHEILA WOODS-SKIPPER,
*President Judge, Court of Common Pleas
Philadelphia County*

HONORABLE MARSHA H. NEIFIELD,
*President Judge
Philadelphia Municipal Court*

[Pa.B. Doc. No. 18-1661. Filed for public inspection October 26, 2018, 9:00 a.m.]

Title 255—LOCAL COURT RULES

BERKS COUNTY

Amendments to Local Rules; No. 18-54 Prothonotary

Order

And Now, this 4th day of October, 2018, the following amendments to Berks County Rules of Civil Procedure 207.1 and 4001 shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*, in accordance with Pa.R.J.A. No. 103(c)(5)(iii) and No. 103(d)(5)(iii).

(New language is bold and underscored, and removed language is shown bracketed and bold)

The District Court Administrator is *Ordered and Directed* to:

1. Submit one (1) copy of this Order, including the amended rules, to the appropriate Rules Committee of the Supreme Court of Pennsylvania for review.

2. Distribute two (2) copies of this Order, including the amended rules, and one (1) disk copy with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. File one (1) copy of this Order, including the amended rules, with the Administrative Office of Pennsylvania Courts contemporaneously with publishing the local rules in the *Pennsylvania Bulletin*.

4. Compile the local rules within the complete set of local rules available on the Berks County Court website no later than 30 days following publication in the *Pennsylvania Bulletin*.

5. Distribute one (1) copy of this Order, including the amended rules to the Berks County Prothonotary's Office so they can keep them continuously available for public inspection and copying.

THOMAS G. PARISI,
President Judge

Rule 207.1. Presentation of Motions, Petitions and Applications.

(a) All routine motions, petitions and applications shall be filed in the prothonotary's office for transmission to the assigned judge for disposition.

(b) All motions, petitions or applications necessitating personal presentation to the court should be made in the courtroom of the judge assigned to the case either at 9:30 A.M. or 1:30 P.M. on a day he or she is scheduled to sit. If the motion, petition or application is of such nature that opposing parties have a right to be heard, the moving party shall give each opposing party at least forty-eight (48) hours notice of the time when the moving party will appear and present such motion, petition or application, unless the emergency nature of the matter prevents such notice. In the latter situation, the moving party shall give as much notice as is reasonably possible.

(c) No motion, petition or application shall be made or presented to any judge in chambers without pre-arrangement with that judge. No request for appointment in chambers shall be granted except for compelling reasons.

(d) All motions, petitions or applications in cases which have not yet been assigned to a judge shall be filed with the prothonotary; the court administrator shall promptly assign a judge to the case.

(e) All motions, petitions or applications which require immediate action in cases where the assigned judge is unavailable or in cases where no judge has been assigned to the case and the court administrator fails to assign a judge to the case in sufficient time to allow presentation to such judge shall be presented to the emergency motions judge in his courtroom at 9:30 A.M. or at 1:30 P.M. or by pre-arrangement with the emergency motions judge in his chambers.

(f) A party presenting a motion, petition or application for an order or decree shall file with the motion, petition or application a proposed form of the order or decree sought, together with []:

(1) one copy of each such proposed order or decree for the moving party;

(2) one copy of each such proposed order or decree for each other party;

(3) one copy of each such proposed order or decree for the civil Court Information Management Office;

(4)] a certificate signed by the party presenting the motion, petition or application or his or her attorney of record, setting forth the name and current address of each party's attorney of record, and if no attorney has entered an appearance of record for a party, the name and current address of each unrepresented party[;].

[(5) an envelope stamped with the required postage for each party, including the moving party, pre-addressed to each party's attorney of record, or if no attorney has entered an appearance of record for a party, to each unrepresented party at such unrepresented party's current address. The envelope shall bear the return address of the Prothonotary, Court House, Reading, Pennsylvania 19601.

When a party does not provide the required number of copies of the proposed order or decree sought, the required certificate or the required envelope(s), the prothonotary shall nevertheless file and docket the same, but the prothonotary shall not forward the proposed motion, petition or application until the required number of copies and other required documents are provided.]

(g) A party presenting a motion, application or praecipe for the entry of judgment shall file with the motion, application or praecipe[:

(1)] a certificate signed by the party presenting the motion, petition or application or his or her attorney of record, setting forth the name and current address of each party's attorney of record, and if no attorney has entered an appearance for a party, the name and current address of each unrepresented party[;].

[(2) an envelope stamped with the required postage for each other party, pre-addressed to each other party's attorney of record, or if no attorney has entered an appearance of record for a party, to each unrepresented party at such unrepresented party's current address.]

Rule 4001. Discovery Applications/Discovery Master.

Legal issues relating to discovery applications and protective orders shall not be scheduled for regular argument court or be subject to the briefing schedule provided for in B.R.C.P. 211.2, unless the court specifically so orders. In order to facilitate the prompt disposition of discovery matters, discovery disputes [shall be first] may be referred by order of the assigned judge to be processed before a Master as part of the "Discovery Master Program" and shall follow the following procedure:

(a) The Board of Judges shall appoint members of the Bar who shall have practiced civil law in Berks County for a minimum of 10 years to serve as Discovery Masters, for an indeterminate term, without compensation, at the pleasure of the Court.

(b) [Except as provided in B.R.C.P. 4005(b) and 4012, all discovery applications along with a Rule to Show Cause shall be filed with the Prothonotary. The Rule to Show Cause shall contain a space for

the Court to enter a return date, time and place. The moving party shall promptly serve the respondent with a copy of the motion and Rule designating the return date, time and place. The moving party must also comply with B.R.C.P. 208.2(e) by certifying that it has conferred in a good faith effort to resolve the discovery dispute, which certification must specifically describe those efforts.] Except as provided in B.R.C.P. 4005(b) and 4012, all discovery applications shall be filed with the Prothonotary along with a proposed order scheduling the matter for disposition before a Discovery master. The proposed order shall contain a space for the Court to enter a date, time and place for a hearing on the discovery application. The Prothonotary will forward the discovery application to the assigned judge, who will promptly enter an order scheduling a hearing on the discovery application before a Discovery Master on the next scheduled Discovery Master hearing date (which shall be a Friday) that is at least fourteen (14) days after the date the discovery application was filed. If the Friday of the week in which the discovery application would otherwise be heard is a court holiday, it shall be scheduled for a hearing on the next Friday that is not a court holiday. The moving party shall promptly serve the respondent with a copy of the motion, proposed order, and argument brief, if any, filed in support of the application. The moving party must also comply with B.R.C.P. 208.2(e) by certifying that it has conferred in a good faith effort to resolve the discovery dispute, which certification must specifically describe those efforts.

(c) Any party or interested third-party opposing relief sought in the application shall file with the Prothonotary a written response to the application, and if appropriate or desired an argument brief in opposition, no later than four (4) days prior to the scheduled Discovery Master hearing date. If no opposition is timely filed, the discovery application shall be deemed to be unopposed, the moving party shall be excused from appearing at the scheduled hearing, and the Discovery master shall submit a written recommendation and proposed order granting the requested relief to the assigned judge for entry of an appropriate order.

[(c) If the motion is resolved amicably prior to the return day, the motion shall either be withdrawn or a stipulated order shall be submitted to the Prothonotary for submission to the assigned judge. If no opposition is filed, the Discovery Master shall submit a proposed order granting the motion to the assigned judge. If an opposition is filed, the parties shall appear in a courtroom or arbitration room designated on the Friday of the week in which the rule was made returnable, to argue the matter before the Discovery Master scheduled to hear the matter. In the event the Friday of the week in which the rule was made returnable is a Court holiday, the motion shall be argued before the Discovery Master on the following Friday that is not a Court holiday. Briefs in support of and in opposition to the motion may be filed prior to the day on which the motion is to be argued before the Discovery Master.] (d) If the discovery application is resolved amicably prior to the scheduled hearing date, the moving party shall either file a praecipe withdrawing the application or submit a stipulated order to the assigned judge.

If an opposition is timely filed, the parties shall appear in the designated courtroom or hearing room on the date and time for the scheduled hearing to provide evidence and argue the matter before the assigned Discovery Master. If not previously filed, argument briefs in support of or in opposition to the discovery application may be filed no later than four (4) days prior to the scheduled Discovery Master hearing date.

[(d)] (e) After hearing or argument and considering the [motion] discovery application and [answer] opposition, and any briefs filed, the Discovery Master shall submit a written recommendation and proposed order to the assigned judge for entry of an appropriate order.

[(e)] (f) Any party may file an application under this rule to have the case scheduled to a Discovery Management Conference before a Discovery Master. The Discovery Master may recommend a Discovery Management Order, which establishes the following:

(1) A date for completion of all discovery, except for depositions for use at trial;

(2) A date for plaintiff to submit expert reports and curricula vitae of said experts, or answer expert interrogatories; and

(3) A date for defendant to submit expert reports and curricula vitae of said experts, or answer expert interrogatories.

[(f)] (g) The parties may, by agreement in writing, extend any dates set forth in the Discovery Management Order.

[(g)] (h) Upon request of any party, for good cause shown, the Discovery Master may recommend an extension of any dates set forth in the Discovery Management Order.

[Pa.B. Doc. No. 18-1662. Filed for public inspection October 26, 2018, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Disbarment

Notice is hereby given that Robert Henry Leiner (# 69318), having been disbarred in the State of New Jersey, the Supreme Court of Pennsylvania issued an Order on October 9, 2018, disbaring Robert Henry Leiner from the Bar of this Commonwealth, effective

November 8, 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. 18-1663. Filed for public inspection October 26, 2018, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Disbarment

Notice is hereby given that Frank N. Tobolsky (# 50998), having been disbarred in the State of New Jersey, the Supreme Court of Pennsylvania issued an Order on October 9, 2018, disbaring Frank N. Tobolsky from the Bar of this Commonwealth, effective November 8, 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. 18-1664. Filed for public inspection October 26, 2018, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Suspension

Notice is hereby given that Stuart I. Rich having been suspended from the practice of law in the State of New Jersey; the Supreme Court of Pennsylvania issued an Order dated October 9, 2018 suspending Stuart I. Rich from the practice of law in this Commonwealth for a period of two years, effective November 8, 2018. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

JULIA M. FRANKSTON-MORRIS, Esq.,
Secretary

[Pa.B. Doc. No. 18-1665. Filed for public inspection October 26, 2018, 9:00 a.m.]

RULES AND REGULATIONS

Title 25—ENVIRONMENTAL PROTECTION

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CHS. 215—221, 223—228, 230, 232 AND 240]

Radiological Health

The Environmental Quality Board (Board) amends Chapters 215—221, 223—228, 230, 232 and 240 to read as set forth in Annex A. This final-form rulemaking amends Article V (relating to radiological health) to include clarification and guidance regarding radiation safety, update the standards for protection against radiation and amend requirements for radon certification.

This final-form rulemaking was adopted by the Board at its meeting on June 19, 2018.

A. *Effective Date*

This final-form rulemaking will be effective 90 days after publication in the *Pennsylvania Bulletin*.

B. *Contact Persons*

For further information, contact the Bureau of Radiation Protection, P.O. Box 8469, Rachel Carson State Office Building, Harrisburg, PA 17105-8469, (717) 787-2480; or Robert Schena, Assistant Counsel, Bureau of Regulatory Counsel, P.O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 783-8072. This final-form rulemaking is available on the Department of Environmental Protection's (Department) web site at www.dep.pa.gov (select "Public Participation," then "Environmental Quality Board (EQB)").

C. *Statutory Authority*

The amendments to Chapters 215—221, 223—228, 230 and 232 are authorized under sections 301 and 302 of the Radiation Protection Act (35 P.S. §§ 7110.301 and 7110.302) and section 1920-A of the Administrative Code (71 P.S. § 510-20).

The amendments to Chapter 240 (relating to radon certification) are authorized under sections 12 and 13 of the Radon Certification Act (63 P.S. §§ 2012 and 2013), section 302 of the Radiation Protection Act and section 1920-A of the Administrative Code.

D. *Background and Purpose*

Significant technological advances in the use of radiation sources prompted the need to amend the radiological health regulations. This final-form rulemaking establishes and maintains appropriate radiation protection standards and oversight. The Board last updated its radiological health regulations in 2009.

This final-form rulemaking includes amendments based on standards set by recognized accrediting bodies and national organizations such as the National Council on Radiation Protection and Measurements and the Conference of Radiation Control Program Directors.

The radon certification regulations in Chapter 240 were first promulgated in 1991 and have not been significantly amended since. This final-form rulemaking amends the radon certification application requirements and the reporting requirements for certified radon service providers to add clarity to both processes. The amendments to the

testing and mitigation protocol requirements and the quality assurance (QA) and quality control (QC) requirements provide greater detail regarding how these programs should be designed and what goals they should accomplish.

This final-form rulemaking was presented to and reviewed by the Radiation Protection Advisory Committee (RPAC) on October 19, 2017. The RPAC represents various stakeholders, including radioactive materials licensees, radiation-producing machine registrants, radon service providers and the general public. The RPAC endorsed moving forward with this final-form rulemaking.

E. *Summary of Changes to the Proposed Rulemaking*

Sections 224.11(6), 226.5(5), 230.4(5) and 232.3(4) are revised in this final-form rulemaking to delete Agreement State transition language. These deletions were inadvertently omitted in the proposed rulemaking.

The term "business days" is added throughout this final-form rulemaking for time requirements based on public comments received.

The word "individual" is revised to "individual(s)" throughout Chapter 240 due to an amendment in this final-form rulemaking that no longer requires only one certified individual per radon testing, mitigation or laboratory firm. Other grammatical changes were also made where necessary throughout this final-form rulemaking.

The Board amends the following sections of the proposed rulemaking based on public comments, unless otherwise noted.

Chapter 215. General provisions

The title of § 215.41 (relating to address) is changed to "contact information" and the telephone number and web address were added in this final-form rulemaking.

Chapter 216. Registration of radiation-producing machines and radiation-producing machine service providers

In § 216.3 (relating to exemptions) the word "centimeter" is changed to "centimeters" in this final-form rulemaking.

Chapter 217. Licensing of radioactive material

In § 217.143 (relating to certain measuring, gauging or controlling devices), the units of radiation doses were reversed. For example, 37 MBq (1 mCi) in the proposed rulemaking was changed to 1 mCi (37MBq) in this final-form rulemaking, to be consistent with national standards.

Chapter 218. Fees

In § 218.11(e) (relating to registration, renewal of registration and license fees), "check payable" was changed to "payment" in this final-form rulemaking to account for future payment options.

Chapter 219. Standards for protection against radiation

In § 219.3 (relating to definitions), the proposed definition of "medical reportable event for radiation-producing diagnostic or interventional X-ray procedures" contained specific dose criteria. The dose criteria for an unintended peak skin dose to the same area in a single procedure has been increased from the proposed 3 Gy (300 rad) to 1500 rad (15 Gy) in subparagraph (i) of this final-form rulemaking based on public comments. The proposed dose

criteria in subparagraphs (ii) and (iii) were changed from 0.5 Gy (50 rad) to 50 rad (0.5 Gy) in this final-form rulemaking to be consistent with national standards.

The title of § 219.229 (relating to other medical reports) is revised in the final-form rulemaking to “diagnostic or interventional procedure medical reports” to avoid confusion and to clarify the types of reportable events that are covered by this section.

In § 219.229(b), (b)(1), (b)(2) and (b)(4), the proposed term “medical event” is changed to “medical reportable event” in this final-form rulemaking for consistency with the definitions in § 219.3.

Chapter 220. Notices, instructions and reports to workers; inspections and investigations

In § 220.2(c) (relating to posting of notices to workers), a typographical error in a document number is corrected in this final-form rulemaking.

Chapter 221. X-rays in the healing arts

In § 221.2 (relating to definitions), a change is made in the proposed definition of “high-risk procedure” to the skin dose levels to change “200 rads” to “200 rad (2.0 Gy)” to be consistent with national standards and correct a typographical error. The term “high-risk” was added to the proposed definition of “FGI—fluoroscopic guided interventional procedures” in this final-form rulemaking in response to comments regarding the scope of this definition. The term “therapy” in subsection (iii) of the “FGI” definition is changed to “the procedure” in this final-form rulemaking for clarity.

In § 221.11(b)(1) (relating to registrant responsibilities), the proposed phrase “. . .including certification or registration. . .” is changed to “. . .which may include certification or registration. . .” in this final-form rulemaking based on public comments. In subsection (c)(2), the term “film” is replaced with “image receptor” in this final-form rulemaking based on comments from the RPAC.

Proposed § 221.35a(c) (relating to fluoroscopic x-ray systems) is revised in this final-form rulemaking to improve clarity based on public comments expressing confusion with the proposed language. Subsection (c) is also revised to add “or digital acquisition” modes in paragraph (3) and separate the two types of beam evaluations into paragraphs (5) and (6) to differentiate between the two tests.

In proposed § 221.35a(d)(4) the proposed phrase “. . .all of the following information. . .” is changed to “. . .other information. . .” in this final-form rulemaking to clarify the information necessary to estimate radiation dose to the skin. Additionally, the proposed phrase “or the following, as necessary” is changed to “or one or more of the following” for clarity.

Proposed § 221.57 (relating to facilities using CR or DR) is renumbered as § 221.50 in this final-form rulemaking for proper placement in the regulation.

In proposed § 221.64(a) and (a)(2) (relating to CBCT), the phrase “or QE” is added in this final-form rulemaking along with the QMP for responsibilities outlined in the subsection and paragraph. Also in subsection (a)(2), the proposed timeframe of “12 months” is changed to “14 months” for performance evaluation intervals of CBCT units for consistency throughout the rulemaking. Subsection (c) was revised in this final-form rulemaking to clarify that CBCT systems are exempt from the requirements in § 221.202(a) (relating to equipment require-

ments), which relates to accreditation. Similar changes are made in this final-form rulemaking in § 221.65(1) and (3) (relating to x-ray attenuation systems) to exempt CT systems from §§ 221.202(a) and 221.204(a)(4)(xi) (relating to performance evaluations, routine QC and surveys).

In § 221.201 (relating to definitions), the proposed definition for CTDI_w is amended in this final-form rulemaking to further clarify dose measurements.

In § 221.204(c)(1), the proposed language is amended in this final-form rulemaking to “CT X-ray systems shall have a survey performed at the time of installation. . .” to clarify when a survey is required.

Chapter 223. Veterinary medicine

Proposed Section 223.31(d) (relating to registrant responsibilities) is amended in this final-form rulemaking to specify the distance within which appropriate persons required for a medical procedure or training may be during the radiographic exposure. The amendment changed “in the room” to “within 2 meters of the device.”

Chapter 240. Radon certification

Section 240.2(a) (relating to scope) is amended in this final-form rulemaking to clarify that Chapter 240 applies to “a person except when the person is” performing one of the enumerated activities listed in section (a)(1)—(6). For example, if a person is conducting both commercial radon testing and testing for radon contamination in a building that the person owns or occupies, Chapter 240 would apply in the former circumstance but not in the latter circumstance. Wording was changed in Section 240.2(a)(6) to conform with those changes.

Section 240.2(a)(4) is revised in this final-form rulemaking to delete the proposed addition of “Department-approved,” and the proposed § 240.2(a)(5)(ii) is revised by adding “activated charcoal, liquid scintillation, or alpha track” to further clarify the types of radon testing devices. Section 240.2(a)(6)(iii) is added in this final-form rulemaking for clarity and specifies that radon testing must be performed in accordance with the device manufacturer’s instructions.

Section 240.3 (relating to definitions) is revised in this final-form rulemaking by removing the proposed definition of “ALARA.” The proposed term “blind study” is also removed in this final-form rulemaking and, instead, is explained in § 240.203(a)(5) (relating to conditions of certification). The method for analyzing activated charcoal has been added to the definition of “AC—activated charcoal” in this final-form rulemaking, and the method for analyzing liquid scintillation has been added to the definition of “LS—liquid scintillation.” Also, the proposed definition of “spiked measurement or spike” is revised in this final-form rulemaking to clarify that the measurement must be conducted in an approved chamber.

Sections 240.101(b), 240.102(b), 240.112(b) and 240.122(b) are revised in this final-form rulemaking to remove the proposed requirement that only one person in a firm can be certified. The term “person” is replaced with “individual” in this final-form rulemaking in Sections 240.101(b) and 240.111(b) (relating to requirements for radon testing certification; and requirement for radon mitigation certification) for consistency.

The proposed requirement in §§ 240.102(b)(2), 240.112(b)(2) and 240.122(b)(2) (relating to prerequisites for radon testing certification; prerequisites for radon mitigation certification; and prerequisites for radon laboratory certification) that the firm’s certified individual

may not also be a firm employee is removed in this final-form rulemaking and the paragraphs were renumbered accordingly.

Proposed sections 240.102(b)(4)(ii) and 240.112(b)(4)(i) are revised in this final-form rulemaking to change the notification requirements from 5 days to 10 business days.

The proposed requirement that a testing firm in § 240.102(b)(4) and a mitigation firm in § 240.112(b)(5) may list a maximum of five firm employees at one time is removed in this final-form rulemaking.

Proposed §§ 240.102(b)(6)(iii) and 240.112(b)(6)(iii) are changed in this final-form rulemaking from requiring proof of passing the appropriate Department-approved course or exam to requiring certification that firm employees hired after the effective date of the rulemaking received initial training under new subsection (b)(6) of the respective sections. Initial training under subsection (b)(6) may be provided by the firm's certified individual or by a third party. Proposed subsection (b)(6) is renumbered as subsection (b)(4) in each section. A new subsection (b)(6)(iv) is added to both sections in this final-form rulemaking to require each testing firm applicant to submit proof of completion of continuing education as required by new subsection (b)(7), if applicable. A new subsection (b)(6) is added to both sections in this final-form rulemaking specifying the initial training requirements for a firm employee.

Sections 240.103(a)(3), 240.113(a)(3), and 240.123(a)(3) (relating to radon testing application contents; radon mitigation application contents; and radon laboratory application contents) are amended in this final-form rulemaking to remove the proposed date of birth requirement. A new paragraph in subsection (a) of each section is added in this final-form rulemaking to specify that the applying firm must submit a demonstration that the certified individual will maintain adequate span of control over the employees. These subsections are added in this final-form rulemaking because of the removal of the proposed requirements in §§ 240.102 and 240.112 that would have allowed only five firm employees. This span of control requirement will allow the Department to ensure that certified individuals in responsible charge of firm activities are adequately training firm employees.

Section 240.111(b) (relating to requirements for radon mitigation certification) is amended in this final-form rulemaking to delete the proposed requirement that a certified firm may only have one certified individual in responsible charge of a firm at a time.

Section 240.121(b) (relating to requirement for radon laboratory certification) is amended in this final-form rulemaking to add language to specify that there can be more than one certified individual in a laboratory firm.

Subsection 240.122(b)(4) (relating to prerequisites for radon laboratory certification) is amended in this final-form rulemaking to clarify submittal requirements for each laboratory firm employee for individual certification for laboratory analysis. A new subsection (b)(6) was added to clarify the initial training requirements of firm employees, and a new subsection (b)(7) was added specifying the continuing education requirements for a firm employee.

Section 240.133(a)(3) (relating to certification application contents) is amended in this final-form rulemaking to remove the proposed date of birth requirement.

Proposed § 240.141 (relating to withdrawal of applications and certifications) is amended in this final-form

rulemaking to allow for a withdrawn certification application to be reinstated prior to the expiration of the current certification instead of requiring a new application to be submitted along with the appropriate fee.

Proposed § 240.142 (relating to testing and mitigation identification cards) is amended in this final-form rulemaking to remove the proposed requirement for individuals identified in subsection (a) to wear the Department-issued identification card while performing radon-related activities due to the possibility of losing badges when working in tight spaces such as crawlspaces and attics.

Section 240.203(a)(5) is amended in this final-form rulemaking to explain what a blind study is.

Section 240.302(a) (relating to required client information) is amended in this final-form rulemaking to delete the phrase "for the general public" to provide clarity in the notice to clients.

Section 240.303(1)(i) (relating to reporting of information) is amended in this final-form rulemaking to add "as available" to the end of the subsection. This revision is made in response to a comment regarding the lack of control laboratories have over what information clients provide to the laboratory.

Section 240.303(2)(i) is amended in this final-form rulemaking to replace the word "of" with "after" to clarify when mitigation reporting should occur.

Section 240.303(3) is amended in this final-form rulemaking to add that the owner or occupant of the building in addition to the client is to receive test results and that the results must be reported within 10 business days. Also, the proposed phrase "secondary tester" is changed to "certified tester" and the proposed phrase "certified individual" to "certified laboratory" to clarify reporting responsibility to the client.

Section 240.303(4) is amended in this final-form rulemaking to remove the proposed requirement for a test to be performed prior to a mitigation system installation. Paragraph (4) is also revised to clarify that results of the postmitigation test must be reported in accordance with this section unless the postmitigation test is performed by someone other than the mitigator and the client does not provide the postmitigation test results to the mitigator.

Section 240.305 (relating to health and safety program) is amended in this final-form rulemaking to remove the language relating to ALARA and to specify ways to protect certified individual and firm employees from exposure to radon.

Section 240.306 (relating to continuing education program) is amended in this final-form rulemaking to remove duplicative continuing education requirements that had been proposed.

Section 240.308 (relating to radon mitigation standards for detached and attached residential buildings three stories or less in height) contains several amendments in this final-form rulemaking:

- The proposed heading is amended to "Radon mitigation standards for detached and attached residential buildings three stories or less in height."

- A new subsection (a) is added to require the certified individual to conduct a thorough visual inspection of the building prior to initiating any radon mitigation work. With this addition, the subsections are renumbered accordingly.

- Proposed subsections (a)(2) and (a)(3) are removed.
- Proposed subsection (a)(6) is renumbered as subsection (b)(5) and is amended to clarify that the termination point must be at least 5 feet horizontally from a vertical wall that extends above the roof or higher than the vertical wall. Proposed subsection (a)(7) is renumbered as subsection (b)(6) and expanded to clarify that the termination point must be at least 12 inches above the surface of the roof for vent pipes that penetrate the roof and at least 10 feet from any openings of conditioned spaces in the structure.

- A new subsection (b)(1) is added to specify what the termination point must be, and proposed subsection (a)(1) is amended as final-form subsection (b)(2) to specify that a 45-degree elbow is permitted.

- Proposed subsection (b)(1) is renumbered as subsection (c)(1) and is amended to specify that a radon fan used in active soil or block wall depressurization may not be installed in a window well or egress window well or in the conditioned space of a building.

- Proposed subsection (c)(1)(iii) is renumbered as subsection (d)(1)(iii) and is amended to change the sealing of “openings or cracks in the foundation or at. . .” to “expansion or control joints.” Subparagraphs (iv) and (v) are added to clarify sealing requirements for openings in the foundation and sump pits. Proposed subsection (c)(3) is renumbered as subsection (d)(3). This provision pertains to when a mitigator may leave areas unsealed and must provide written information to the homeowner. Paragraph (3) is amended in this final-form rulemaking to remove “. . .or that openings or cracks are inaccessible. . .”; paragraph (3)(i) is changed from heating and cooling “penalty” to “costs”; and paragraph (3)(ii) is changed from “decrease the efficiency” to “reduce the effectiveness.”

- Proposed subsection (d) is renumbered as subsection (e). Subsection (e)(1)(ii) and (iii) are changed in this final-form rulemaking to include reference to the firm or the certified individual on the system description label affixed to the mitigation piping system.

- Proposed subsection (e)(1) is removed as unnecessary.

- Proposed subsection (f) is renumbered as subsection (g) and is amended to delete reference to the EPA for source material.

Proposed § 240.309 (relating to testing protocols) is renumbered in this final-form rulemaking as § 240.310 due to a recently promulgated rulemaking that added § 240.309 (relating to radon mitigation system fee). (47 Pa.B. 6482, October 21, 2017). Subsection (a)(4)(v)(G) and (a)(11)(ii) are expanded in this final-form rulemaking to clarify that the client must be notified immediately if a permanently installed radon mitigation system is not functioning during the test period. Subsection (a)(4)(vii) is amended in this final-form rulemaking to correct a grammatical error. The word “sustained” is changed to “unusually” in this final-form rulemaking in relation to describing storms and winds. Subsection (a)(6)(i), on the use of anti-tampering devices to guard against movement of test devices, is amended in this final-form rulemaking for clarity. Subsection (a)(7) is amended in this final-form rulemaking to correct a document reference number. Subsection (a)(8) is added in this final-form rulemaking to address multifamily building mitigation, and the remainder of the subsection is renumbered. Subsection (a)(11), formerly (a)(10), is amended in this final-form rulemaking to clarify the required testing timeframe applies when no unforeseen circumstance is prohibiting the test from being performed such as when an owner or occupier

refuses or ignores requests to complete the postmitigation test. Subsections (b)(1) and (2) are amended in this final-form rulemaking to add “as available” with regard to the inclusion of information in the Result Report Form and to change “10 working days” to “10 business days”.

In this final-form rulemaking, § 240.604(a)(6) (relating to QA requirements for testing using primary devices), 240.605(a)(5) (relating to QA requirements for testing using secondary devices), and 240.605(b)(3), the term “radioactive check source” is amended to “check source” to account for electronic check sources.

In this final-form rulemaking, the requirement in §§ 240.604(c)(2)(ii) and (c)(3)(v)(C) and 240.605(c)(1)(ii) and (c)(2)(v)(C) to include electret chamber serial number(s) is removed from the proposed rulemaking because including both electret and chamber serial numbers on the form tracking electret custody is unnecessary. Proposed §§ 240.604(c)(3)(iv), 240.605(c)(2)(iv) and (d)(2)(iv), and 240.606(c)(3)(iv) (relating to QA requirements for laboratories), (d)(4)(iv) and (e)(3)(iv), pertaining to control and warning levels associated with spikes, are removed because predetermined control limits are already in place for these devices. Proposed §§ 240.604(c)(5) and 240.606(c)(5), pertaining to electret voltage drift, are removed because the manufacturer performs voltage drift checks prior to shipment of the device. All affected subsections were renumbered appropriately.

F. Summary of Major Comments and Responses on the Proposed Rulemaking

The proposed rulemaking was adopted by the Board on October 18, 2016, and published at 47 Pa.B. 2722 (May 13, 2017). Public comments on the proposed rulemaking were accepted through June 26, 2017. A webinar was presented for the proposed radiation-producing machines and radiation source regulations on May 31, 2017. A separate webinar was presented on May 31, 2017, for the proposed radon certification regulations. The Board received comments from 23 commentators during the public comment period and the Independent Regulatory Review Commission (IRRC). These comments were considered and are addressed in the comment and response document that accompanies this final-form rulemaking. All comments are available on the Department’s web site at <http://www.ahs.dep.pa.gov/eComment/>. A summary of the major comments and responses is set forth as follows.

General IRRC comments

IRRC noted that the preamble to the proposed regulation did not include all amendments and did not explain why certain amendments are needed. IRRC also cited differences between the preamble and the Regulatory Analysis Form regarding compliance costs and asked the Board to amend these sections of the two documents in this final-form rulemaking and include explanations that were omitted. Based on these concerns, the Board has clarified the inconsistencies in these final-form rulemaking documents.

With regard to IRRC’s comment about differences in the preamble and the Regulatory Analysis Form, an error was made by including the cost of certification of a qualified medical professional (QMP) in the proposed rulemaking, which is not applicable to these regulations. Any costs inadvertently included in the preamble and Regulatory Analysis Form have been corrected in this final-form rulemaking.

IRRC recommended the Board reconsider the regulatory scheme of prescriptive requirements, provide flexibility to accommodate advances in technology, and consider

more reliance on the QMP, based on other comments that were submitted. In general, the Board notes that this rulemaking embodies the theory that regulatory clarity and codification of best practices can improve the quality of services to the public, instead of ratcheting numerical standards in a command-and-control fashion. The industry had moved ahead of the Commonwealth regulations in technology and safety. The Department engaged with the business community, learned about practices that had already become standard, and is codifying them in this final-form rulemaking. This process ensures that the requirements are not an unfair surprise to the industry. Some requirements are required of operators by insurance companies (including Medicare and Medicaid), and most others are standards from national organizations, such as the Joint Commission, or are contained in technical guidance documents. The Board notes that the Department's authority in § 215.31 (relating to granting exemptions) to grant exemptions from Article V provides for flexibility to address advances in technology. Additional sections in Article V also address emerging technologies. For example, § 218.11 (relating to registration, renewal of registration and license fees) requires Department safety review and § 221.16 (relating to training, competency and continuing education) necessitates registrants to be knowledgeable with emerging technologies. The Department strives to write regulations as performance based; however, certain requirements, such as basic operations, are not likely to change. Regarding reliance on QMPs as technology advances, the Department anticipates that the previously discussed waiver requests will necessitate QMP involvement to ensure new technologies are being implemented safely.

IRRC questioned why the answer to Question 13 of the Regulatory Analysis Form did not include citations to the Department of Health (DOH) regulations that address radiology, and how the development of this regulation was coordinated with DOH. The Board notes that DOH has regulations regarding radiation sources in 28 Pa. Code Chapters 51, 127, and 565 (relating to general information; radiology services; and laboratory and radiology services) that could be affected by this rulemaking. DOH is currently working on a regulatory update. The Department and DOH have held several meetings and have been working together to ensure DOH's regulations are consistent with the Department's regulations.

IRRC noted that several commentators identified terms that are defined but not used. IRRC recommends reviewing all proposed definitions to eliminate terms not used in the body of the regulation and ensure that defined terms are used consistently. The Board responds the defined phrase "medical reportable event for radiation-producing diagnostic or interventional X-ray procedures" remains in this final-form rulemaking to distinguish the difference between the two types of reportable events that are discussed in Chapter 219. One type is for radiation-producing machine therapy and the other is for diagnostic or interventional procedures. "Medical reportable event for radiation-producing machine therapy" is defined in existing § 219.3 and applies to sections that are not part of this final-form rulemaking. The definition of "medical reportable event for radiation-producing diagnostic or interventional X-ray procedures" clarifies § 219.229. Section 219.229 is included in this final-form rulemaking and only covers diagnostic or interventional procedures. The title of § 219.229 has been revised in this final-form rulemaking to "diagnostic or interventional procedure medical reports" to avoid confusion and to clarify the types of reportable events that are covered by this

section. The proposed term "blind study" is a common term used in all types of scientific studies, but has been removed from the definitions proposed in § 240.3 and is explained in § 240.203(a)(5) in this final-form rulemaking. The proposed term "ALARA" in § 240.3 has been removed in this final-form rulemaking. Instead, the substance of how to pursue ALARA is discussed in § 240.305. The Department reviewed all of the proposed definitions to make sure terms are used consistently in the body of the regulation and to consider which definitions should be removed from the rulemaking.

IRRC comments and public comments

One commentator questioned why this final-form rulemaking is effective upon publication. The Board acknowledges this concern and has made this final-form rulemaking effective 90 days after publication in the *Pennsylvania Bulletin*.

Chapters 215—230

Several commentators suggested that the proposed dose of 3 Gy in the definition of "Medical reportable event for radiation-producing diagnostic or interventional X-ray procedures" in § 219.3 is too low. IRRC asked the Board to explain why 3 Gy is the appropriate dose. The Board considered the comments and changed the dose to 15 Gy in this final-form rulemaking based on recommendations of The Joint Commission—a national health care accreditation body—and the Department's discussions with the RPAC.

IRRC and the American Association of Physicists in Medicine (AAPM) commented that the proposed definition of QMP in § 221.2 is insufficient to ensure that individuals providing the designated medical physics services are qualified to do so, and they suggest using AAPM's or CRCPD suggested State regulations' definition. The Board notes that AAPM's definition is a restricted definition and, further, that the individuals providing the medical physics services are already qualified to do so. The Department solicited advice from the RPAC and other organizations in determining appropriate qualifications. The Board believes it would not be reasonable to say the individuals that have already been performing these services are not qualified to do so. Therefore, the proposed definition has not been changed in this final-form rulemaking and will allow equivalent qualifications.

Two commentators questioned whether American Registry of Radiologic Technologists (ARRT) (CT) certification is required in relation to operators subject to § 221.16(a)(2), or whether other certification such as by the Nuclear Medicine Technology Certification Board (NMTCB) would be acceptable for operators of hybrid imaging devices where CT is only used for attenuation correction and localization. The Board notes that ARRT certification in Radiology is required when operating a CT that is only used for attenuation correction. Individuals certified in NMTCB must have post-primary certification in CT to perform CT procedures.

One commentator questioned whether Physician Assistants can no longer be trained to use fluoroscopy due to changes to § 221.35a(b)(1). The Board notes that Physician Assistants are licensed by the Department of State. Subchapter G (relating to medical doctor delegation of medical services) of 49 Pa. Code Chapter 18 permits all duties specified in written agreements between the supervising physician and the Physician Assistant to be performed. If those duties include fluoroscopic procedures, the Physician Assistant is permitted to perform them.

Two commentators suggested that the proposed § 221.11(c), which references protocol information in the vicinity of the control panel, include an allowance for the electronic storage of pre-programmed techniques. The Board confirms that electronic storage of protocols complies with the regulation. No change has been made in this final-form rulemaking, however, because there are numerous older models in use that still print protocols and post them near the control panel.

One commentator disagrees with proposed § 221.35a(c), which states, "At a minimum, evaluations shall include all of the following." Instead of requiring a full evaluation after any maintenance, the commentator recommended that the QMP be allowed to make a determination to evaluate components affected. The Board notes that, if the QMP determines that maintenance did not affect the exposure rate, then no further evaluation is necessary. However, a full evaluation is still required within 14 months from the date of the prior evaluation. Therefore, no change was made in this final-form rulemaking.

One commentator recommended eliminating low-risk fluoroscopic-guided interventional procedures (FGI) from proposed § 221.35a(d). The Department discussed this comment with the RPAC and amended the definition of FGI in this final-form rulemaking to only include high-risk fluoroscopic-guided interventional procedures.

One commentator is concerned that an inspector would interpret proposed § 221.63(a) (relating to therapy imaging guidance systems) as the site being expected to follow all QA procedures described in a document published by a national organization and by the device manufacturer. The commentator believes the QMP should develop QC procedures and tolerances for therapy imaging guidance systems and states that the same should apply to proposed § 221.64(a)(2) and (3). The Board notes that this final-form rulemaking stipulates that it is the QMP's responsibility to develop QC procedures, and the Department will only inspect against those procedures—not against procedures described elsewhere.

Chapter 240

IRRC and another commentator believe the proposed definition of "ALARA" in Chapter 240 is vague and unreasonable because it sets a standard of "making every reasonable effort" to limit exposure and "taking into account economic considerations and other societal concerns." The Board has considered these comments and deleted the proposed term "ALARA" from Chapter 240 in this final-form rulemaking. Instead, the substance of how to pursue ALARA is discussed in § 240.305 in this final-form rulemaking.

Several commentators and IRRC recommended not limiting the number of firm employees in §§ 240.102(b)(4) and 240.112(b)(5). The Board agrees and has deleted this proposed requirement from this final-form rulemaking.

One commentator questioned whether, if bidding on a large job such as a school or nursing home, the proposed regulation in § 240.310 states that they cannot test the number of locations specified by the client. The Board responds that this final-form rulemaking requires testing practices under which protocols require a certain number of tests to be placed in specific locations. The client cannot dictate how many or where the test kits will be placed.

One commentator recommended that the certification program require adherence to all Commonwealth home improvement contractor requirements and require each certified individual to work under a certification firm. The

testing reporting should include a requirement that the certified individual responsible be included in the report, and the firm should be required to have a Home Improvement Contractor license. The Board notes that requiring certified individuals to work under a certified firm is not necessary. The name, street address and telephone number of the tester is required in the report under § 240.303(1). The main purpose of a firm is to allow firm employees without certification to perform the work under the direction of a certified individual as a cost savings measure to the industry, because it is more expensive to require all employees to be certified. If a certified individual has no employees, the individual is not required to apply for firm certification. The individual can form a business entity if required by the Home Improvement Contractor program. Therefore, no change was made in this final-form rulemaking.

One commentator observed that the radon industry was not properly represented on the RPAC because none of the members are certified testers or mitigators. The Board notes that, while there is one member on the RPAC who represents the radon industry, RPAC formed a radon subcommittee and engaged that subcommittee in developing this final-form rulemaking.

Two commentators noted the proposed requirement in §§ 240.604(c)(3)(iv), 240.605(c)(2)(iv), (d)(2)(iv), 240.606(c)(3)(iv), (d)(4)(iv) and (e)(3)(iv) for ". . .control and warning levels identified in . . . shall be adjusted when the RPE of at least 20 spike results has been calculated" may be too burdensome. The Board agrees and has amended these sections in this final-form rulemaking accordingly.

One commentator noted that there is no place to report data about passive system installations and failures. The Board clarified that there are codes for reporting passive systems into Greenport, the Department's web-based method to report radon activities. The Department will consider adding a code to Greenport for failures.

Several commentators recommended eliminating an exception for new construction in § 240.2 because new construction homes should be built in accordance with radon resistant new construction (RRNC) standards. The commentators stated that data indicates a 40% failure rate when builder RRNC pre-pipe is activated, which occurs because builders are not certified under these regulations to install RRNC correctly. The Board will explore removing this exemption in a future rulemaking, to allow public comment from all stakeholders.

One commentator questioned whether § 240.2(a)(5) means that a real estate agent that buys and distributes but does not place or retrieve secondary devices is exempt from the regulations, and whether a home inspector placing and retrieving secondary devices and getting the lab's report is not exempt. The Board notes that § 240.2(a)(5) does not apply to a real estate agent, but it does apply to the home inspector.

One commentator and IRRC questioned why a certified individual cannot also be a firm employee in proposed §§ 240.102(b)(2) and 240.122(b)(2). The Board has deleted the proposed language that would have prohibited a certified individual from being a firm employee in this final-form rulemaking.

Several commentators questioned what training course or exam the Department requires for new radon firm employees in proposed §§ 240.102(b)(4)(iii) and 240.112(b)(4)(iii). The Board has removed the requirement for firm employees to pass a Department-approved radon

course. This requirement has been replaced in this final-form rulemaking with initial training requirements that can be given by the firm's certified individual or through a Department-approved course.

Two commentators noted that the requirement for laboratories to report the status of a radon mitigation system is burdensome because it is difficult to get the required information from the consumer. The Board recognizes this concern and has added "as available" at the end of § 240.303(1) in this final-form rulemaking so that the report forms contain all information available to the lab.

One commentator and IRRC noted that the proposed provision in § 240.309(a)(4)(v)(G) states that the mitigation system must be functioning during the test period. They recommended that the final regulation address the situation in which a mitigation system is not functional. The Board notes that § 240.309 was renumbered as § 240.310 in the final-form rulemaking and subsection (a)(4)(v)(G) was amended by adding, "If the system is not functioning, the client must be notified immediately."

One commentator suggested changing § 240.309(a)(7) to ANSI/AARST MAMF-2017 instead of ANSI/AARST MSMF-2010. The Board appreciates the correction and has made the suggested change in the final-form rulemaking. In the final-form rulemaking, § 240.309 is renumbered as § 240.310.

One commentator questioned why DEP does not use all of the more current ANSI/AARST Standards instead of relying on several antiquated standards. The commentator does not see how most of the proposed regulation will aid in the effort to save lives, as was the intention of the EPA and the Department in 1987. The Board believes that the standards used in this regulation are not antiquated and provide the necessary protections to test for and mitigate radon exposure. The intent of the regulations is to ensure that radon service providers are properly trained and qualified, and the standards are being followed to reduce the public's risk to radon exposure. Therefore, no change was made in this final-form rulemaking.

G. Benefits, Costs and Compliance

Benefits

As set forth in this final-form rulemaking, users of radiation sources will be required to comply with radiation protection standards that will not only protect and benefit employees but will also protect and benefit the general public. This final-form rulemaking will ensure that trained professionals are operating these radiation sources so that both the patient and the operator are adequately protected.

The amendments to the radon certification regulations in this final-form rulemaking add clarity to the application and reporting requirements, making it easier for the regulated community to understand what is required during each process. The amendments to the testing and mitigation protocols and QA and QC requirements ensure that the radon services provided to the public will protect public health and welfare from the dangers of radon. The QA and QC requirement amendments also benefit the regulated community by eliminating certain equipment check requirements when the equipment is not used. They also remove cross-checks and duplicate tests for testers who use continuous monitors and continuous working level monitors. This final-form rulemaking will eliminate the requirement to have 1 year of radon testing experience prior to certification as a radon tester. This

will benefit the regulated community by simplifying and shortening the process for an individual to become certified to test for radon.

Residents of this Commonwealth; including those who have tested their homes for radon and subsequently taken action to reduce high levels with a certified radon mitigation contractor, will benefit from continued strong regulatory oversight of the radon industry, by assuring that testing is done properly and that mitigation systems are installed according to Department standards.

Compliance costs

Minor costs may be experienced regarding the amendments in this final-form rulemaking to Chapters 215—221, 223—228, 230 and 232 if businesses are not following the standard industry practices codified therein. Some requirements in the final-form rulemaking are already required by insurance companies (including Medicare and Medicaid) or are contained in technical guidance documents. Therefore, because these standards are already implemented by the regulated community, the Board does not foresee increased costs resulting from this final-form rulemaking.

The amendments to Chapter 240 in this final-form rulemaking pertaining to reinstating previously withdrawn certifications will decrease costs for, and will benefit, the regulated community which will no longer need to pay certification fees to reinstate a withdrawn certification. Depending upon the type of certification, this amendment will save a firm or individual \$450 to \$1,125 when a firm or individual seeks to reinstate a withdrawn certification. See Chapter 240, Appendix A (relating to radon certification fee schedule). The standards codified in this final-form rulemaking are already common practice in the radon industry. Some minor business costs may be experienced if firms are not already following these standards. Therefore, because these standards are already implemented by the regulated community, the Board does not foresee increased costs resulting from this final-form rulemaking.

Compliance Assistance Plan

Outreach and support will be provided by regional inspectors and technical staff of the Department's Radiation Control and Radon Divisions. The majority of amendments clarify references; definitions are self-explanatory. Assistance will be offered to explain acceptable requirements for addressing new technologies.

Paperwork requirements

This final-form rulemaking amends various records retention requirements to a 5-year period. This change was suggested by the RPAC to promote consistency throughout the radiological health regulations. These records need not be in paper format and may be stored electronically.

This final-form rulemaking adds requirements for certified radon firms and radon firm employees to document continuing education for firm employees. Continuing education records are required to be retained for 5 years. This requirement was added to this final-form rulemaking because the proposed requirement to limit certified firms to 5 employees, which was aimed at addressing span of control issues, was removed based on comments from IRRC and the public. Requiring this documentation will allow the Department to ensure that certified individuals in responsible charge of firm activities are adequately training firm employees. These records need not be in paper format and may be stored electronically.

H. *Pollution Prevention*

Pollution prevention is not applicable to this rule-making.

I. *Sunset Review*

The Board is not establishing a sunset date for these regulations because they are needed for the Department to carry out its statutory authority. The Department will continue to closely monitor these regulations for their effectiveness and recommend updates to the Board as necessary.

J. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on April 21, 2017, the Department submitted a copy of the notice of proposed rulemaking, published at 47 Pa.B. 2722 (May 13, 2017), to IRRC and the Chairpersons of the House and Senate Environmental Resources and Energy Committees for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act, on August 15, 2018, this final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on August 16, 2018, and approved this final-form rulemaking.

K. *Findings*

The Board finds that:

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

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

(3) This final-form rulemaking does not enlarge the purpose of the proposed rulemaking published at 47 Pa.B. 2722 (May 13, 2017).

(4) These regulations are necessary and appropriate for administration and enforcement of the authorizing acts identified in Section C of this final-form rulemaking.

L. *Order*

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

(a) The regulations of the Department, 25 Pa. Code Chapters 215—221, 223—228, 230, 232 and 240, are amended by adding §§ 221.16, 221.50, 221.63, 221.64, 221.65, 223.31, 230.15, 240.141—240.143, 240.310, 240.601—240.606, Appendix B and Appendix C, deleting §§ 217.133, 218.11a, 240.304, 240.501 and 240.502, and amending §§ 215.12, 215.14, 215.22, 215.24, 215.31, 215.41, 216.1, 216.2, 216.2a, 216.2b, 216.3, 217.1, 217.131, 217.132, 217.142, 217.143, 217.152, 217.162, 217.172, 217.182, 217.202, 218.1, 218.11, 219.3, 219.6, 219.229, 220.2, 220.10, 221.1, 221.2, 221.11, 221.21, 221.25, 221.35a, 221.61, 221.71, 221.201, 221.202, 221.204, 221.205, 223.1, 223.22, 224.11, 225.3a, 225.4a, 225.81, 226.5, 227.11a, 228.11a, 228.21a, 228.35, 228.36,

228.61, 228.72, 228.73, 228.75, 230.4, 232.3, 240.1—240.3, 240.101—240.104, 240.111—240.114, 240.121—240.124, 240.132, 240.133, 240.201—240.205, 240.301—240.303, 240.305—240.308 and 240.401 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(b) The Chairperson of the Board shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for review and approval as to legality and form, as required by law.

(c) The Chairperson of the Board shall submit this order and Annex A to IRRC and the Senate and House Environmental Resources and Energy Committees as required by the Regulatory Review Act (71 P.S. §§ 745.1—745.14).

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

(e) This order shall take effect 90 days after publication in the *Pennsylvania Bulletin*.

PATRICK McDONNELL,
Chairperson

(Editor's Note: Chapters 224, 226 and 232 were not part of the proposed rulemaking. Amendments to §§ 224.11, 226.5 and 232.3 are included in this final-form rulemaking.)

(Editor's Note: Proposed § 221.57 is renumbered as § 221.50 in this final-form rulemaking.)

(Editor's Note: Section 240.309 was added in the final-form rulemaking published at 47 Pa.B. 6482 (October 21, 2017). Therefore, proposed § 240.309 is renumbered as § 240.310, in this final-form rulemaking.)

(Editor's Note: See 48 Pa.B. 5576 (September 1, 2018) for IRRC's approval order.)

Fiscal Note: Fiscal note 7-499 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Subpart D. ENVIRONMENTAL HEALTH AND SAFETY

ARTICLE V. RADIOLOGICAL HEALTH CHAPTER 215. GENERAL PROVISIONS RIGHTS AND RESPONSIBILITIES OF THE DEPARTMENT

§ 215.12. Inspections and investigations.

* * * * *

(a) *Maintenance of records.* Licensees and registrants shall maintain records under this article and have these records available for inspection by the Department at permanent sites for facilities of use identified in a license or registration issued under this article.

(b) *Rights of the Department.* The Department and its agents and employees will:

(1) Have access to, and require the production of, books, papers, documents and other records and physical evidence pertinent to a matter under investigation.

(2) Require a registrant or licensee to make reports and furnish information as the Department may prescribe.

(3) Enter the premises of a licensee or registrant for the purpose of making an investigation or inspection of radiation sources and the premises and facilities where radiation sources are used or stored, necessary to ascertain the compliance or noncompliance with the act and this chapter and to protect health, safety and the environment.

(4) Secure or lock-down a device if a radiation source is abandoned or poses a threat to public health, safety or the environment.

(c) *Inspections and investigations by the Department.* The Department, its employees and agents may conduct inspections and investigations of the facilities and regulated activities of registrants of radiation-producing machines and licensees of radioactive material necessary to demonstrate compliance with the act or this article.

(d) *Additional inspections and investigations.* The Department, its employees and agents may conduct additional follow-up inspections and investigations if violations of the act or regulations promulgated thereunder were noted at the time of the original inspection, or if a person presents information, or circumstances arise which give the Department reason to believe that the health and safety of a person is threatened or that the act or this article are being violated.

§ 215.14. Availability of records.

The following Department records will not be disclosed to the public or to a litigant absent a court order unless the Department determines that disclosure is in the public interest and is necessary for the Department to carry out its duties under the act:

- (1) Trade secrets or secret industrial processes customarily held in confidence.
- (2) A report of investigation which would disclose the institution, progress or results of an investigation undertaken by or at the direction of the Department or other governmental agency.
- (3) Personnel, medical and similar records, the disclosure of which would be reasonably likely to result in a substantial and demonstrable risk of physical harm to or the personal security of an individual.
- (4) Location, identification, safeguards, security measures or other security-related information relating to a radiation source.
- (5) A record designated as classified by a Federal or State authority.
- (6) A record exempt from disclosure under any Federal or State law or regulation, or judicial order or decree.
- (7) Any other record maintained by the Department, the disclosure of which may endanger or threaten public health, safety or preparedness.

PROHIBITIONS AND RESTRICTIONS

§ 215.22. Prohibited uses.

(a) No person may operate or maintain within this Commonwealth devices or machines which use X-ray or radiologic technology for human nonmedical use without prior written approval of the Department.

(1) A person requesting the Department to approve the nonmedical human use of radiation shall submit written information describing the proposed use to the Department for evaluation.

(2) The Department will consider efficacy of the device or procedure as a factor when evaluating the proposed nonmedical human use of radiation.

(b) Hand-held fluoroscopic screens may not be used.

§ 215.24. Human use.

* * * * *

(b) Auxiliary personnel employed by a licensed practitioner of the healing arts at the location at which the licensed practitioner practices or employed by a health care facility may use radiation sources in the healing arts provided those individuals comply with the applicable requirements of 49 Pa. Code Part I, Subpart A (relating to professional and occupational affairs), located in the following chapters:

* * * * *

(7) Chapter 33 (relating to the State Board of Dentistry).

(c) Subsection (b) notwithstanding, human use of radiation sources is permitted by individuals enrolled in clinical training programs that satisfy the related accreditation requirements of the boards in subsection (b) and who are under the supervision of a licensed practitioner of the healing arts or of auxiliary personnel authorized under subsection (b) to use radiation sources in the healing arts.

EXEMPTIONS

§ 215.31. Granting exemptions.

(a) The Department may grant exemptions from this article on its own initiative or upon application from a licensee when the Department determines that the exemptions do not result in significant risk to the health and safety of the public and safeguards that provide equivalent levels of protection in this article are implemented.

(b) The Department will not grant exemptions to the fee requirements in § 218.11 (relating to registration, renewal of registration and license fees).

COMMUNICATIONS

§ 215.41. Contact Information.

Communications and reports concerning this article and applications filed under it shall be addressed to the Bureau of Radiation Protection, Department of Environmental Protection, Post Office Box 8469, Harrisburg, Pennsylvania 17105-8469; (717) 787-2480; www.dep.pa.gov.

CHAPTER 216. REGISTRATION OF RADIATION-PRODUCING MACHINES AND RADIATION-PRODUCING MACHINE SERVICE PROVIDERS

§ 216.1. Purpose and scope.

(a) This chapter establishes requirements for the registration of radiation-producing machines and radiation-producing machine service providers. A person who possesses a radiation-producing machine or provides services described in this chapter shall comply with this chapter.

(b) A person possessing an accelerator as defined in § 228.2 (relating to definitions) or a person performing electronic brachytherapy as defined in § 221.2 (relating to definitions) is exempt from the requirements of § 216.2 (relating to registration of radiation-producing machines).

(1) Accelerators are licensed under Chapter 228 (relating to radiation safety requirements for particle accelerators).

(2) Electronic brachytherapy operations are licensed under Chapter 221 (relating to X-rays in the healing arts) and must comply with §§ 221.71—221.76 (relating to therapeutic X-ray systems with energies less than 1 MeV).

(c) License fees are specified in § 218.11(d) (relating to registration, renewal of registration and license fees).

§ 216.2. Registration of radiation-producing machines.

(a) A person possessing a radiation-producing machine shall:

(1) Register with the Department within 30 days after acquisition. Registration shall be completed on forms furnished by the Department and shall contain information required on the form and accompanying instructions.

(2) Designate on the registration form an individual to be responsible for radiation protection.

(3) Notify the Department in writing within 30 days of a change in name, address, owner or the individual designated under paragraph (2) to be responsible for radiation protection.

(4) Maintain a written inventory to include, at a minimum, the type and location of all radiation-producing devices.

(5) For registrants offering mobile services, have a current schedule, including the date and location where services are to be performed, available for inspection by the Department.

(b) The registration becomes valid upon receipt of the properly completed registration form and the fee required under Chapter 218 (relating to fees).

* * * * *

§ 216.2a. Registration of radiation-producing machine service providers.

A person who engages in the business of assembling or installing radiation-producing machines or who offers to assemble or install radiation-producing machines or who is in the business of furnishing or offering to furnish radiation-producing machine servicing or services or who is in the business of selling, leasing or lending radiation-producing machines in this Commonwealth shall apply for registration of the activities with the Department prior to furnishing or offering to furnish those services.

(1) Registration is for 12 months and is renewable.

(2) An application for registration or renewal will not be accepted unless accompanied by the appropriate fee specified in § 218.11(k) (relating to registration, renewal of registration and license fees). Fees are not refundable after issuance of a registration.

(3) An application for registration shall be submitted on forms provided by the Department. The Department will issue a certificate of registration for radiation-producing machine services to the applicant when the application is complete, contains all the information required by the Department and when the appropriate fee specified in § 218.11(k) has been paid.

(4) X-ray registrants who employ in-house service providers are exempt from this section but are subject to the requirements of 21 CFR 1020.30 (relating to diagnostic X-ray systems and their major components).

§ 216.2b. Reporting and recordkeeping requirements for registered radiation-producing machine service providers.

* * * * *

(b) Services performed that do not involve replacement or refurbishing of major X-ray system components are exempt from the reporting requirements specified in this section except subsection (d).

* * * * *

(d) A radiation-producing machine service provider who services a radiation-producing machine in a radiation installation in this Commonwealth that is not registered shall report the service to the Department. The report shall be submitted in writing within 15 days after the services and contain the following information:

(1) The date service was provided.

(2) The name, address and telephone number of the client.

(3) The type of radiation-producing machine, the manufacturer's name, model number and control panel serial number of each radiation-producing machine or major X-ray system component.

(4) The name of the individual performing the service.

(e) A radiation-producing machine service provider shall comply with the requirements of Chapter 219 (relating to standards for protection against radiation).

§ 216.3. Exemptions.

The following radiation-producing machines or equipment are exempt from registration:

(1) Electrical equipment that produces radiation incidental to its operation for other purposes, if the dose equivalent rate averaged over an area of 10 square centimeters does not exceed 0.5 mrem (0.005 mSv) per hour at 5 centimeters from an accessible surface. The production, testing or factory servicing of the equipment are not exempt. Electron beam welders and electron microscopes are not exempt.

(2) Radiation-producing machines while in transit in the possession of a transport carrier.

(3) Radiation-producing machines in the possession of vendors, installers or persons engaged in the service or repair of the machines, if applicable persons who have these machines register their activities with the Department under § 216.6 (relating to transfer and disposal obligations).

(4) Accelerators, which are licensed under Chapter 228 (relating to radiation safety requirements for particle accelerators). Accelerator service providers are not exempt from registration of services under § 216.2a (relating to registration of radiation-producing machine service providers).

(5) Electronic brachytherapy operations, which are licensed under Chapter 221 (relating to X-rays in the healing arts) and comply with §§ 221.71—221.76 (relating to therapeutic X-ray systems with energies less than 1 MeV).

CHAPTER 217. LICENSING OF RADIOACTIVE MATERIAL

Subchapter A. GENERAL

§ 217.1. Purpose and scope.

* * * * *

(c) The use of radioactive material in this Commonwealth under a license issued by the NRC is exempt from the licensing requirements of this chapter.

Subchapter B. GENERAL PROVISIONS FOR RADIOACTIVE MATERIAL

§ 217.131. Incorporation by reference.

(a) Except as provided in this subchapter, the requirements of 10 CFR Part 30 (relating to rules of general applicability to domestic licensing of byproduct material) are incorporated by reference.

(b) Notwithstanding the requirements incorporated by reference, 10 CFR 30.5, 30.6, 30.8, 30.21(c), 30.34(d), (e)(1) and (3), 30.41(b)(6), 30.55, 30.63 and 30.64 are not incorporated by reference.

§ 217.132. Effect of incorporation of 10 CFR Part 30.

To reconcile differences between this subchapter and the incorporated sections of 10 CFR Part 30 (relating to rules of general applicability to domestic licensing of byproduct material), the following words and phrases shall be substituted for the language in 10 CFR Part 30 as follows:

* * * * *

(5) Notifications, reports and correspondence referenced in the incorporated parts of 10 CFR (relating to energy) shall be directed to the Department.

§ 217.133. (Reserved).

Subchapter C. GENERAL LICENSES FOR RADIOACTIVE MATERIAL

§ 217.142. Effect of incorporation of 10 CFR Part 31.

To reconcile differences between this subchapter and the incorporated sections of 10 CFR Part 31 (relating to general domestic licenses for byproduct material), the following words and phrases shall be substituted for the language in 10 CFR Part 31 as follows:

* * * * *

(5) Notifications, reports and correspondence referenced in the incorporated parts of 10 CFR (relating to energy) shall be directed to the Department.

§ 217.143. Certain measuring, gauging or controlling devices.

In addition to the parts of 10 CFR 31.5 (relating to certain detecting measuring, gauging, or controlling devices and certain devices for producing light or an ionized atmosphere) incorporated by reference, general licensees subject to registration under 10 CFR 31.5(c)(13)(i) or possessing general licensed devices containing 1 mCi (37 MBq) or more of cobalt-57, cadmium-109, iron-55 or accelerator-produced material, as determined on the date of manufacture, or 0.1 mCi (3.7 MBq) or more of radium-226 shall also comply with all of the following:

* * * * *

Subchapter D. SPECIFIC LICENSES TO MANUFACTURE OR TRANSFER CERTAIN ITEMS CONTAINING RADIOACTIVE MATERIAL

§ 217.152. Effect of incorporation of 10 CFR Part 32.

To reconcile differences between this subchapter and the incorporated sections of 10 CFR Part 32 (relating to specific domestic licenses to manufacture or transfer certain items containing byproduct material), the following words and phrases shall be substituted for the language in 10 CFR Part 32 as follows:

* * * * *

(5) Notifications, reports and correspondence referenced in the incorporated parts of 10 CFR (relating to energy) shall be directed to the Department.

Subchapter F. SPECIFIC DOMESTIC LICENSES OF BROAD SCOPE FOR RADIOACTIVE MATERIAL

§ 217.162. Effect of incorporation of 10 CFR Part 33.

To reconcile differences between this subchapter and the incorporated sections of 10 CFR Part 33 (relating to specific domestic licenses of broad scope for byproduct material), the following words and phrases shall be substituted for the language in 10 CFR Part 33 as follows:

* * * * *

(5) Notifications, reports and correspondence referenced in the incorporated parts of 10 CFR (relating to energy) shall be directed to the Department.

Subchapter G. LICENSING OF SOURCE MATERIAL

§ 217.172. Effect of incorporation of 10 CFR Part 40.

To reconcile differences between this subchapter and the incorporated sections of 10 CFR Part 40 (relating to domestic licensing of source material), the following words and phrases shall be substituted for the language in 10 CFR Part 40 as follows:

* * * * *

(5) Notifications, reports and correspondence referenced in the incorporated parts of 10 CFR (relating to energy) shall be directed to the Department.

Subchapter H. LICENSING OF SPECIAL NUCLEAR MATERIAL

§ 217.182. Effect of incorporation of 10 CFR Part 70.

To reconcile differences between this subchapter and the incorporated sections of 10 CFR Part 70 (relating to domestic licensing of special nuclear material), the following words and phrases shall be substituted for the language in 10 CFR Part 70 as follows:

* * * * *

(5) Notifications, reports and correspondence referenced in the incorporated parts of 10 CFR (relating to energy) shall be directed to the Department.

Subchapter J. RECIPROCITY

§ 217.202. Effect of incorporation of 10 CFR Part 150.

To reconcile differences between this subchapter and the incorporated sections of 10 CFR Part 150 (relating to exemptions and continued regulatory authority in agree-

ment states and in offshore waters under section 274), the following words and phrases shall be substituted for the language in 10 CFR Part 150:

* * * * *

(5) Notifications, reports and correspondence referenced in the incorporated parts of 10 CFR (relating to energy) shall be directed to the Department.

CHAPTER 218. FEES

GENERAL

§ 218.1. Purpose and scope.

(a) This chapter establishes fees for registration and licensing and provides for their payment. For the purpose of this chapter, radiation-producing machines under the same administrative control in a single building are registered or licensed as a single facility. Radiation-producing machines under the same administrative control at the same address or in a contiguous group of buildings may be registered or licensed as a single facility if the Department determines that it is appropriate.

(b) Except as otherwise specifically provided, this chapter applies to a person who:

(1) Is required to register or renew registration for radiation-producing machines or radiation-producing machine service providers under Chapter 216 (relating to registration of radiation-producing machines and radiation-producing machine service providers).

(2) Is an applicant for or holder of a radioactive material license issued under Chapter 217 (relating to licensing of radioactive material).

(3) Is an applicant for or holder of an accelerator license issued under Chapter 228 (relating to radiation safety requirements for particle accelerators).

(4) Is an applicant for or holder of an electronic brachytherapy license issued under Chapter 221 (relating to X-rays in the healing arts).

PAYMENT OF FEES

§ 218.11. Registration, renewal of registration and license fees.

(a) Annual registration fees for radiation-producing machines are the sum of an annual administrative fee and an annual fee for each X-ray tube or radiation generating device and shall be paid as follows:

* * * * *

(c) Annual license fees for radioactive material shall be paid as set forth in Appendix A (relating to fees for radioactive material licenses).

* * * * *

(e) An initial application for a license or reciprocity shall be accompanied by a payment to the Department in accordance with the fee schedules in subsections (c) and (d). Thereafter, the Department will issue an annual fee invoice in accordance with the appropriate fee schedule at least 2 months prior to the license expiration. Fees shall be paid by the last day of the license expiration month as shown on the license fee invoice. This provision is not applicable to full cost recovery licenses specified in Appendix A.

(f) The Department will not accept an initial application for a license prior to payment of the fees required by subsections (c) and (d).

(g) If the registration involves more than one of the facilities in subsection (a), or if a license involves more than one of the categories in subsection (c), the highest applicable fee applies.

(h) The fee schedule in subsection (a) is not applicable to accelerators, emerging technology devices or electronic brachytherapy.

(i) Electronic brachytherapy devices are licensed under Chapter 221 (relating to X-rays in the healing arts). The annual fee is \$1,000 for the first unit (controller) at the facility plus \$100 for each additional unit at that facility.

(j) Emerging technology devices require Department safety review and approval prior to use. The registrant shall pay a fee equal to the full cost of Department staff time, as specified in Appendix A, for the review and approval process.

(k) A radiation-producing machine service provider shall pay an annual registration fee of \$140.

(l) The Department will review the adequacy of the fees established in this section at least once every 3 years and provide a written report to the EQB. The report must identify any disparity between the amount of program income generated by the fees and the costs to administer these programs, and must contain recommendations to increase fees to eliminate the disparity, including recommendations for regulatory amendments to increase program fees.

§ 218.11a. (Reserved).

CHAPTER 219. STANDARDS FOR PROTECTION AGAINST RADIATION

Subchapter A. GENERAL PROVISIONS

§ 219.3. Definitions.

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

Medical reportable event for radiation-producing diagnostic or interventional X-ray procedures—The administration to a human being, except for an administration resulting from a direct intervention of a patient that could not have been reasonably prevented by the licensee or registrant, that results in one of the following:

(i) An unintended peak skin dose to the same area in a single procedure greater than 1500 rad (15 Gy).

(ii) An unintended dose, other than skin dose, in a single procedure exceeding five times the facility's established protocol and 50 rad (0.5 Gy) to any organ.

(iii) A dose to the wrong patient, or wrong site for the entire procedure, and exceeding 50 rad (0.5 Gy) to any organ.

Medical reportable event for radiation-producing machine therapy—The administration to a human being, except for an administration resulting from a direct intervention of a patient that could not have been reasonably prevented by the licensee or registrant, that results in one of the following:

(i) An administration of a therapeutic radiation dose to the wrong individual, wrong treatment site or using a treatment delivery intended for another individual.

(ii) An administration of a dose for therapy identified in a written directive that differs from the prescribed dose for the treatment site or any other organ from the intended prescribed dose, by one of the following:

- (A) More than 20% of the total prescribed dose.
- (B) Exceeds 30% of the weekly prescribed dose.
- (C) Exceeds 50% of a single fraction dose of a multifraction plan.

§ 219.6. Effect of incorporation of 10 CFR Part 20.

To reconcile differences between this chapter and the incorporated sections of 10 CFR Part 20 (relating to standards for protection against radiation), the following words and phrases shall be substituted for the language in 10 CFR Part 20 as follows:

* * * * *

(7) Notifications, reports and correspondence referenced in the incorporated parts of 10 CFR (relating to energy) shall be directed to the Department, except as required under 10 CFR 20.2206 (relating to reports of individual monitoring).

(8) 10 CFR Part 20, notwithstanding, exposures involving the use of X-rays may be weighted, in a manner specified by the Department, so that, with Department approval, the effective dose equivalent may be substituted for the deep dose equivalent in determining compliance with occupational exposure limits for specified groups of individuals.

Subchapter M. REPORTS

§ 219.229. Diagnostic or interventional procedure medical reports.

(a) Within 30 days of the determination by a physician of either actual or suspected acute or long-term functional damage to an organ or a physiological system of a patient exposed to radiation from a diagnostic or interventional procedure from a radiation-producing machine, the registrant or licensee shall document the finding and provide a report to the Department and provide a clinical summary to the prescribing physician and the patient. The report shall be retained for at least 5 years. Exempt from this reporting requirement are any events already reported under § 219.228 (relating to reports of medical reportable events for radiation-producing machine therapy) and any functional damage to a patient organ or a physiological system that was an expected outcome when the causative procedures were prescribed.

(b) Upon discovery of a medical reportable event, the registrant or licensee shall:

- (1) Notify the Department regarding the medical reportable event within 1 business day.
- (2) Provide a written report, including the analysis of the medical reportable event, by the qualified medical physicist, as defined in § 221.2 (relating to definitions), to the Department within 15 business days.
- (3) Provide a clinical summary to the prescribing physician and patient within 15 business days.
- (4) Maintain a record of the medical reportable event as part of the patient's permanent medical record.

CHAPTER 220. NOTICES, INSTRUCTIONS AND REPORTS TO WORKERS; INSPECTIONS AND INVESTIGATIONS

§ 220.2. Posting of notices to workers.

- (a) A licensee or registrant shall post current copies of the following documents:
 - (1) This chapter and Chapter 219 (relating to standards for protection against radiation).

(2) The license, certificate of registration, conditions or documents incorporated into the license by reference and amendments thereto.

(3) The operating procedures applicable to activities under the license or registration.

(4) A notice of violation involving radiological working conditions, proposed imposition of civil penalty or order issued under Chapter 215 (relating to general provisions) and response from the licensee or registrant.

(b) If posting of a document specified in subsection (a)(1), (2) or (3) is not practicable, the licensee or registrant may post a notice which describes the document and states where it may be examined.

(c) Department Form 2900-FM-BRP0003, "Notice to Employees," shall be posted by a licensee or registrant as required by this article.

* * * * *

§ 220.10. Effect of incorporation of 10 CFR Part 19.

To reconcile differences between this chapter and the incorporated sections of 10 CFR Part 19 (relating to notices, instructions and reports to workers; inspection and investigations), the following words and phrases shall be substituted for the language in 10 CFR Part 19 as follows:

* * * * *

(4) Notifications, reports and correspondence referenced in the incorporated parts of 10 CFR (relating to energy) shall be directed to the Department.

**CHAPTER 221. X-RAYS IN THE HEALING ARTS
GENERAL PROVISIONS**

§ 221.1. Purpose and scope.

This chapter establishes requirements for the use of X-ray equipment by or under the supervision of a licensed practitioner of the healing arts. A registrant or licensee who uses X-rays in the healing arts shall comply with this chapter. This chapter is in addition to, and not in substitution for, other applicable provisions of this article.

§ 221.2. Definitions.

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

AAPM—American Association of Physicists in Medicine.

Air kerma—Kerma in air.

Air kerma rate—Air kerma per unit time.

Aluminum equivalent—The thickness of type 1100 aluminum alloy—the nominal chemical composition of type 1100 aluminum alloy is 99% minimum aluminum, 0.12% copper—affording the same attenuation, under specified conditions, as the material in question.

Automatic exposure control—A device which automatically controls one or more technique factors to obtain at preselected locations a desired quantity of radiation.

Beam axis—A line from the source through the centers of the X-ray fields.

Beam-limiting device—A device providing a means to restrict the dimensions of the X-ray field.

CBCT—Cone beam computed tomography—A digital volume tomography method used in some imaging applications using two-dimensional digital detector arrays and a cone-shaped X-ray beam, instead of fan-shaped, that

rotates around to generate a high-resolution 3D image with high geometric accuracy. Reconstruction algorithms can be used to generate images of any desired plane.

CINE—Cineradiography—A motion picture record of successive images appearing on a fluoroscopic screen.

CR—Computed radiography—A digital X-ray imaging method in which a photo-stimulable phosphor is used to capture and store a latent image. The latent image is read out by stimulating the phosphor with a laser. CR systems may use cassettes to house the phosphor or it may be integrated into a DR system.

CT—Computed tomography—The production of a tomogram by the acquisition and computer processing of X-ray transmission data.

Cephalometric device—A device intended for the radiographic visualization and measurement of the dimensions of the human head.

* * * * *

Control panel—The part of the X-ray control upon which are mounted the switches, knobs, pushbuttons and other hardware necessary for manually setting the technique factors.

DDR—Direct digital radiography—An X-ray imaging method in which a digital sensor, usually incorporating a thin-film transistor, is used to capture an X-ray image. Some DDR systems use a scintillator to convert X-rays to light and a photodiode array to convert light to charge, while others use a photoconductor to convert X-rays directly to charge, which is stored on the thin-film transistor.

DR—Digital radiography—

- (i) An X-ray imaging method (or radiography) which produces a digital rather than film projection image.
- (ii) The term includes CR and DDR.

DRL—Diagnostic reference level—An investigational level, set as a standard by a recognized body (for example, the American College of Radiology, the American Association of Physicists in Medicine, the National Council on Radiation Protection and Measurements or similar), used to identify unusually high radiation doses for common diagnostic medical X-ray imaging procedures. DRLs are suggested action levels above which a facility should review its methods and determine if acceptable image quality can be achieved at lower doses. DRLs should not be applied to an individual patient.

Dead-man switch—A switch so constructed that a circuit closing contact can be maintained only by continuous pressure on the switch by the operator.

Dental panoramic system—A device intended to produce a radiographic image of both dental arches on one film.

Diagnostic source assembly—The tube housing assembly with a beam-limiting device attached.

Diagnostic X-ray system—An X-ray system designed for irradiation of a part of the human body for the purpose of diagnosis or visualization.

Direct supervision—A licensed practitioner of the healing arts who exercises general supervision and is present in the facility and immediately available to furnish assistance and direction throughout the performance of the procedure. The licensed practitioner does not have to be present in the room when the procedure is being performed.

Dose length product—The indicator of the integrated radiation dose from a complete CT examination. It addresses the total scan length by the following formula:

$$DLP \text{ (mGy - cm)} = CTDI_{vol} \text{ (mGy)} \times \text{scan length (cm)}$$

Electronic brachytherapy—A modality of radiation therapy where an electrically generated source of ionizing radiation is placed in or near the tumor or target tissue to deliver therapeutic radiation dosage. X-ray devices specifically designed and solely used to treat skin cancer lesions are not considered electronic brachytherapy devices under this definition and must meet the applicable parts of this title pertaining to registration and use.

Emerging technology—An innovative medical technology that uses an ionizing radiation source.

Entrance exposure rate—The exposure in air per unit time at the point where the center of the useful beam enters the patient.

FGI—Fluoroscopic-guided interventional procedures—An interventional diagnostic or therapeutic HIGH-RISK procedure performed by means of percutaneous or other access routes, usually with local anesthesia or intravenous sedation, which uses external ionizing radiation in the form of fluoroscopy to do all of the following:

- (i) Localize or characterize a lesion, diagnostic site or treatment site.
- (ii) Monitor the procedure.
- (iii) Control and document the procedure.

Field emission equipment—Equipment using an X-ray tube in which electrons are emitted from the cathode solely by the force between an electric field and the electrons.

Filter—Material placed in the useful beam to modify the spectral energy distribution and flux of the transmitted radiation and preferentially absorb selected radiation.

Filtration—The amount of material placed in the useful beam to modify the radiation's characteristics, typically expressed in terms of millimeters of aluminum or copper equivalent.

Fluoroscopic imaging assembly—A subsystem in which X-ray photons produce a fluoroscopic image. The term includes the image receptors such as the image intensifier and spot-film device, electrical interlocks, if any, and structural material providing linkage between the image receptor and diagnostic source assembly.

Fluoroscopic system—See fluoroscopic imaging assembly.

Focal spot—The area projected on the anode of the X-ray tube by the electrons accelerated from the cathode and from which the useful beam originates.

General supervision—The overall direction and control of a licensed practitioner of the healing arts. The licensed practitioner is not required to be present during the performance of the procedure.

HVL—Half-value layer—

- (i) The thickness of specified material which attenuates the exposure rate by 1/2 when introduced into the path of a given beam of radiation. In this definition, the contribution of all scattered radiation, other than any which might be present initially in the beam concerned, is deemed to be excluded.
- (ii) The term is used to describe the penetrating ability of the radiation.

Healing arts screening—The testing of human beings using X-ray machines for the detection or evaluation of health indications when the tests are not specifically and individually ordered for the purpose of diagnosis or treatment by a licensed practitioner of the healing arts legally authorized to prescribe the X-ray tests.

Health physics—An application of physics concerned with protection of people and the environment from the biological effects of radiation.

High-risk procedure—Any radiologic procedure that uses energies of less than 1 million electron volts that could exceed skin doses of 200 rad (2.0 Gy).

IORT—Intraoperative radiation therapy—A modality of therapy in which therapeutic levels of ionizing radiation are applied to a target area, such as a cancer tumor, while the area is exposed during surgery.

Image intensifier—An image receptor with electronic amplification, installed in its housing, which instantaneously converts an X-ray pattern into a corresponding light image of higher energy density.

Image receptor—A device, such as a fluorescent screen or radiographic film, which transforms incident X-ray photons either into a visible image or into another form which can be made into a visible image by further transformations.

Intensifying screen—A fluorescent screen which transforms incident X-ray photons into a visible image.

Intraoral dental radiography—A modality of dental radiography in which the image receptor is placed inside a patient's oral cavity.

kV—Kilovolts

kVp—Peak tube potential (see kilovolts peak).

Kerma—A measure of energy transferred from radiation to matter and means kinetic energy released per unit mass. It is related to, but not the same as, absorbed dose. Unit of measure is gray.

Kilovolts peak (kVp)—The maximum value of the potential difference across the X-ray tube during an exposure.

* * * * *

Line-voltage regulation—The difference between the no-load and the load line potentials expressed as a percent of the load line potential calculated using the following equation:

$$\text{Percent line-voltage regulation} = 100 (V_n - V_1)/V_1$$

where

V_n = No-load line potential and

V_1 = Load line potential.

Low-risk procedure—Any radiologic procedure that is not a high-risk procedure.

mA—Milliampere.

mAs—Milliampere second.

mR—Milliroentgen.

Maximum line current—The root-mean-square current in the supply line of an X-ray machine operating at its maximum rating.

Medical physics—An application of physics that addresses the needs of medicine or health care. Subfields of medical physics include the following:

- (i) Therapeutic medical physics.

- (ii) Diagnostic medical physics or imaging.

- (iii) Nuclear medical diagnostic or molecular imaging and therapy.

- (iv) Medical health physics or radiation protection.

Mobile X-ray system—See X-ray equipment.

Patient—An individual subjected to healing arts examination, diagnosis or treatment.

Peak tube potential—The maximum value of the potential difference across the X-ray tube during an exposure.

Performance phantom—A device specifically approved by the QMP or QE for evaluation of operational conformance with tolerances established by the QMP, QE or manufacturer.

Personal supervision—A licensed practitioner of the healing arts who exercises general supervision and is present in the room or adjacent control area during the performance of the procedure.

Phototimer—A method for controlling the radiation exposures to an image receptor by measuring the radiation which reaches a radiation monitoring device. The radiation monitoring device is part of an electronic circuit which controls the duration of time the tube is activated.

* * * * *

Protective barrier—A barrier of radiation absorbing material used to reduce radiation exposure. The term includes the following types:

- (i) *Primary protective barrier*—Material used to reduce radiation exposure from the useful beam.

- (ii) *Secondary protective barrier*—Material used to reduce exposure from stray, leakage or scattered radiation.

QE—Qualified expert—The term as defined in § 215.2 (relating to definitions).

QMP—Qualified medical physicist—An individual who is competent to independently provide clinical professional services and practices only in health or radiological physics, or in the subfields of medical physics.

- (i) A QMP meets all of the following credentials:

(A) Certified in the field of medical physics, radiological physics, medical health physics or health physics by an appropriate national certifying body recognized by the Department.

(B) Complies with the certifying body's requirements for continuing education and recertification.

(C) Provides clinical professional services and practices only in health/radiological physics or in one or more of the subfields of medical physics, consistent with the individual's training and experience, and in accordance with the individual's respective certifying body's code of ethics.

- (ii) An individual who does not meet the requirements of subparagraph (i) shall meet each of the following credentials to qualify as a QMP:

(A) Has earned a master's or doctoral degree, or both, in physics, medical physics, biophysics, radiological physics, health physics or equivalent disciplines from an accredited college or university.

(B) Has 3 years of documented relevant clinical training and experience in each of the subfields in the definition of "medical physics," under the supervision of a

QMP who is qualified to practice in the same subfield, for each of the areas in which the individual intends to practice.

(C) Completes the continuing education requirements of an applicable certifying body of health/radiological physics or in one or more of the subfields of medical physics in which the individual practices.

(iii) An individual who has been practicing as a QMP in health/radiological physics or in one or more of subfields of medical physics for at least 5 years prior to January 24, 2019, is exempt from the requirements of subparagraphs (i) and (ii). Documentation of at least 5 years of practicing as a QMP in health/radiological physics or in one or more of the subfields of medical physics must be maintained for each of the fields or subfields, or both, in which the individual practices. As of January 24, 2019, an individual who qualifies as a QMP under this subparagraph shall meet the continuing education requirements in subparagraph (ii)(C).

Radiation therapy simulation system—A radiographic or fluoroscopic X-ray system intended for localizing the volume to be exposed during radiation therapy and confirming the position and size of the therapeutic irradiation field.

Radiograph—An image receptor on which an image is created directly or indirectly by an X-ray pattern and results in a permanent record.

Radiographic imaging system—A system whereby an image is produced on an image receptor by the action of ionizing radiation.

Radiological physics—See health physics.

Rating—The operating limits specified by the component manufacturer.

Registrant—A person who is legally obligated to register with the Department under this article and the act.

Research—One of the following:

- (i) Theoretical analysis, exploration or experimentation.
- (ii) The extension of investigative findings and theories of a scientific or technical nature into practical application for experimental and demonstration purposes, including the experimental testing of models, devices, equipment, materials and processes. The term includes the external administration of X-ray radiation to human beings for diagnostic or therapeutic purposes or in an equivalent manner as a diagnostic or therapeutic procedure.

SID—Source-image receptor distance—The distance from the source to the center of the input surface of the image receptor.

SRDL—Substantial radiation dose level—An appropriately selected dose used to trigger additional dose-management actions during a procedure and medical follow-up for a radiation level that might produce a clinically relevant injury in an average patient.

SSD—The distance between the source and the skin of the patient.

Scattered radiation—Radiation that, during passage through matter, has been deviated in direction.

* * * * *

Tube housing assembly—The tube housing with the X-ray tube installed. The term includes high-voltage or filament transformers, or both, and other appropriate elements when contained within the tube housing.

Unintended dose—A radiation dose in diagnostic or interventional X-ray resulting from an error in procedure or equipment malfunction.

Useful beam—The radiation which passes through the tube housing port and the aperture of the beam-limiting device when the exposure switch or timer is activated.

* * * * *

ADMINISTRATIVE CONTROLS

§ 221.11. Registrant responsibilities.

(a) The registrant is responsible for directing the operation of X-ray systems under his administrative control and shall assure that the requirements of this article are met in the operation of the X-ray systems.

(b) An individual who operates an X-ray system shall be instructed adequately in the safe operating procedures and be competent in the safe use of the equipment. The instructions shall include items included in Appendix A (relating to determination of competence) and there shall be continuing education in radiation safety, biological effects of radiation, quality assurance and quality control.

(1) The operator or the individual who supervises the operation of a high-risk procedure shall have additional instruction, which may include certification or registration in the applicable specialty by a professional organization recognized by the Department. Continuing education for high-risk procedures shall occur, at a minimum, every 2 years.

(2) Continuing education for all other (low-risk) procedures shall occur, at a minimum, every 4 years.

(c) Protocol information, which specifies the techniques for examinations performed with the system, shall be provided in the vicinity of each diagnostic X-ray system's control panel. The protocol shall include information pertinent to the particular examination, such as:

- (1) The patient's body part and anatomical size, or body part thickness, or age (for pediatrics), versus technique factors to be utilized.
- (2) The type and size of the image receptor or film-screen combination.
- (3) The type of grid, if any.
- (4) The type and location of placement of patient shielding, for example, gonad, and the like.
- (5) For mammography, indication of kVp/target/filter combination.
- (6) Source to image receptor distance to be used, except for dental intraoral radiography.

* * * * *

(1) The registrant shall have a quality assurance program. This quality assurance program shall be documented and be in accordance with guidelines established by the Department or by another appropriate organization recognized by the Department. At a minimum, the quality assurance program shall address repeat rate, DRLs, image recording, processing and viewing, image quality and artifacts, and maintenance and modifications to the quality assurance program. For CT, each study shall be checked. If an artifact is present, the registrant shall take corrective action as appropriate. Records shall be maintained by the registrant for inspection by the Department for 5 years. The Department's guidelines and a list of recognized organizations will be maintained and made available on the Department's website and on request.

(m) Neither the X-ray tube housing nor the collimating device may be handheld during the exposure unless specifically designed to be handheld.

(n) Functional damage to a patient organ or a physiological system that results from a prescribed causative procedure shall be reported to the Department as outlined in § 219.229 (relating to diagnostic or interventional procedure medical reports).

(o) The registrant shall maintain records documenting the QMP's qualifications and compliance with continuing education requirements.

§ 221.16. Training, competency and continuing education.

(a) *Training and competency.* The registrant shall ensure that:

(1) An individual who operates X-ray equipment during diagnostic or interventional procedures or supervises the operation of X-ray equipment during a procedure is trained and competent in all of the following subject areas, as applicable to the procedures performed and the specific equipment utilized:

- (i) Basic properties of radiation.
- (ii) Units of measurement.
- (iii) Sources of radiation exposure.
- (iv) Methods of radiation protection for patients and others.
- (v) Biological effects of radiation exposure.
- (vi) Facility-specific and modality-specific X-ray equipment.
- (vii) Facility-specific and modality-specific image recording and processing.
- (viii) Patient exposure and positioning.
- (ix) Facility-specific and modality-specific procedures.
- (x) Facility-specific and modality-specific quality assurance.
- (xi) Facility-specific and modality-specific dose reduction, monitoring and recording procedures.
- (xii) Units of measurement and dose, such as dose-area product values, CT dose index and air kerma.
- (xiii) Factors affecting fluoroscopic outputs.
- (xiv) High-level control options.
- (xv) Dose management including dose reduction techniques, monitoring and recording.

(xvi) Principles and operation of the specific fluoroscopic X-ray system to be used.

(xvii) Fluoroscopic and fluorographic outputs of each mode of operation on the system to be used clinically.

(xviii) Applicable State and Federal regulations.

(2) An individual who operates X-ray equipment during potentially high-risk diagnostic or interventional procedures or supervises the operation of X-ray equipment during these procedures is registered or credentialed and privileged in the applicable specialty by a professional organization recognized by the Department.

(3) Documentation demonstrating compliance with this section is maintained for inspection by the Department.

(b) *Continuing education.*

(1) The registrant shall ensure that individuals who operate X-ray equipment during diagnostic or interventional procedures or supervise the operation of X-ray equipment during a procedure complete continuing education in biological effects of radiation, quality assurance and quality control, and radiation safety, including concepts for minimizing patient and occupational dose and emerging technologies.

(i) An individual who performs low-risk procedures shall complete continuing education every 4 years.

(ii) An individual who performs high-risk procedures shall complete continuing education every 2 years. In addition to the topics in this paragraph, the continuing education must include facility and X-ray unit-specific methods to manage patient dose.

(2) Documentation of continuing education must be maintained for inspection by the Department for 5 years.

DIAGNOSTIC INSTALLATIONS GENERAL REQUIREMENTS

§ 221.21. Diagnostic equipment requirements.

(a) Diagnostic systems incorporating one or more certified components shall comply with 21 CFR 1020.30—1020.33.

(b) Equipment registered after _____, (*Editor's Note:* The blank refers to the effective date of adoption of this final rulemaking.) must comply with 21 CFR 1010.2 (relating to certification).

§ 221.25. Beam quality.

(a) Diagnostic X-ray systems shall have filtration that satisfies the requirements of Table I. The requirements of this section shall be considered to have been met if it can be demonstrated that the half value layer of the primary beam is not less than that shown in Table II.

TABLE I

Filtration Required vs. Operating Voltage

<i>Operating Voltage (kVp)</i>	<i>Total Filtration (inherent plus added) (millimeters aluminum equivalent)</i>
Below 50	0.5 millimeters
50—70	1.5 millimeters
Above 70	2.5 millimeters

TABLE II
X-Ray Tube Voltage (kilovolt peak)

Design Operating Range	Measured Operating Potential	Minimum HVL (mm of Aluminum)		
		Specified Dental Systems ¹	Other X-Ray Systems ²	Other X-Ray Systems ³
Below 51	30	1.5	0.3	0.3
	40	1.5	0.4	0.4
	50	1.5	0.5	0.5
51 to 70	51	1.5	1.2	1.3
	60	1.5	1.3	1.5
	70	1.5	1.5	1.8
	Above 70	71	2.1	2.5
Above 70	80	2.3	2.3	2.9
	90	2.5	2.5	3.2
	100	2.7	2.7	3.6
	110	3.0	3.0	3.9
	120	3.2	3.2	4.3
	130	3.5	3.5	4.7
	140	3.8	3.8	5.0
	150	4.1	4.1	5.4

¹ Dental X-ray systems designed for use with intraoral image receptors and manufactured after December 1, 1980.

² Dental X-ray systems designed for use with intraoral image receptors and manufactured before or on December 1, 1980, and all other X-ray systems subject to this section and manufactured before June 10, 2006.

³ All X-ray systems, except dental X-ray systems designed for use with intraoral image receptors, subject to this section and manufactured on or after June 10, 2006.

Note: Half-value layers for kilovoltages not listed in Table II may be determined by interpolation or extrapolation.

(b) Beryllium window tubes shall have a minimum of 0.5 millimeter aluminum equivalent filtration permanently installed in the useful beam.

* * * * *

§ 221.35a. Fluoroscopic X-ray systems.

(a) *General requirements.* Fluoroscopic X-ray systems shall use an image intensifier and, in addition to the requirements of §§ 221.1—221.34a, shall meet the requirements of §§ 221.36a—221.38a (relating to limitation of useful beam of fluoroscopic equipment; activation of fluoroscopic tube; and entrance exposure rate).

(b) *Operator qualifications.* In addition to the applicable sections of these regulations, the operation of a fluoroscopic X-ray system for clinical purposes is limited to:

(1) A licensed practitioner working within his scope of practice.

(2) A Department-recognized radiologist assistant working within his scope of practice and under the direct supervision of a licensed practitioner working within his scope of practice.

(3) An individual who passed the American Registry of Radiologic Technologists exam or equivalent, holds a valid certification and is under the personal supervision of a licensed practitioner working within his scope of practice.

(4) A medical resident, radiologist assistant or radiologic technology student in training who is under the personal supervision of a licensed practitioner working within his scope of practice.

(c) *QMP evaluations.* Fluoroscopic equipment shall be evaluated by or under the direction of a QMP within 30 days after installation and after any maintenance of the system that may affect the exposure rate. Thereafter, evaluations shall be made at intervals not to exceed 14 months from the date of the prior evaluation by or under the direction of a QMP. At a minimum, evaluations shall include all of the following:

(1) A measurement of entrance exposure rates over a representative range of attenuating materials in all modes clinically used, including fluoroscopy, high-level control, acquisition and CINE, when available. Measurements shall be performed with a dosimetry system calibrated within 2 years preceding the measurements. Records of these output measurements shall be maintained for 5 years for inspection by the Department. Measurements shall be made as follows:

(i) For systems without automatic exposure control, by utilizing an mA and kVp typical of the clinical use of the fluoroscopic system.

(ii) For systems with automatic exposure control, by utilizing sufficient attenuating material in the useful beam to produce an mA and kVp typical of the clinical use of the fluoroscopic system.

(2) A measurement and verification of compliance with maximum air kerma rate for fluoroscopy and high-level control, if available.

(3) An evaluation of high-contrast resolution and low-contrast resolution in both fluoroscopic and spot-film or digital acquisition modes.

(4) An evaluation of the operation of the 5-minute timer, warning lights, interlocks and collision sensors.

(5) An evaluation of the beam quality.

(6) An evaluation of the collimation in the fluoroscopy and spot-film or digital acquisition modes.

(7) An evaluation of the availability and accuracy of technique indicators and integrated radiation dose displays.

(8) An evaluation of any changes that may impact patient and personnel exposure.

(d) *Additional requirements for facilities performing FGI.*

(1) The registrant utilizing FGI studies shall establish and implement written procedures, or procedures documented in an electronic reporting system, that include all of the following:

(i) Identification of individuals who are authorized to use fluoroscopic systems for interventional purposes.

(ii) A method to be used to monitor patient radiation dose during FGI.

(iii) Dose notification levels, as appropriate, at which the physician is notified for actions that may be taken for patient safety.

(iv) SRDL values referencing or consistent with nationally-recognized standards.

(v) Actions to be taken for cases when an SRDL is exceeded, which may include patient follow-up.

(vi) A review of the established procedures at an interval not to exceed 12 months.

(2) Records of policies and procedures shall be maintained for inspection by the Department. If the registrant revises a policy or procedure, documentation shall be maintained that includes the justification for the revision.

(3) A record of radiation output information shall be maintained so the radiation dose to the skin may be estimated in accordance with established protocols. The record must include all of the following:

(i) Patient identification.

(ii) Type and date of examination.

(iii) Identification of the fluoroscopic system used.

(iv) Peak skin dose, cumulative air kerma or dose area product used if the information is available on the fluoroscopic system.

(4) If the peak skin dose, cumulative air kerma or dose area product is not displayed on the fluoroscopic system, records must include other information necessary to estimate the radiation dose to the skin in accordance with established protocol or one or more of the following:

(i) Fluoroscopic mode, such as high-level or pulsed mode of operation.

(ii) Cumulative fluoroscopic exposure time.

(iii) Number of films or recorded exposures.

(5) The registrant shall maintain records for 5 years for inspection by the Department.

§ 221.50. Facilities using CR or DR.

(a) When exposure indicators are available, the facility shall establish, document and post an acceptable range for the exposure values for examinations routinely performed at the facility. The indicated exposure values for

each image shall be compared to the established range. Consistent deviations from established ranges shall be investigated, corrective actions taken as necessary and results documented.

(b) Facilities shall establish and follow an image QC program in accordance with the recommendations of a QMP, the system manufacturer or a nationally-recognized organization.

(c) Facilities other than dental, podiatric and veterinary shall complete phantom image evaluation using a phantom approved by a QMP, system manufacturer or the Department. The evaluation shall be completed on a quarterly basis and include, at a minimum, all of the following:

(1) Artifacts.

(2) Spatial resolution.

(3) Contrast/noise.

(4) Workstation monitors.

(5) Exposure indicator constancy.

(d) In addition to subsections (a)—(c), CR facilities shall erase all CR cassettes, at a minimum, on a weekly basis.

(e) Dental and podiatric facilities shall maintain and operate photostimulable storage phosphor and DDR systems in accordance with manufacturer specifications.

(f) The facility shall maintain records for 5 years for inspection by the Department.

OTHER SYSTEMS

§ 221.61. Radiation therapy simulation systems.

(a) Fluoroscopic systems used solely for radiation therapy simulations shall only comply with §§ 221.35a(a) and (b), 221.37a, 221.40a and 221.41a. The requirements in § 221.41a (relating to fluoroscopic timer) may also be satisfied if a means is provided to indicate the cumulative time that an individual patient has been exposed to X-rays. In this case, procedures shall require that the timer be reset between examinations.

(b) CT units used solely for therapy simulations shall comply with §§ 221.202(h)(1), (7) and (8) and 221.203 (relating to equipment requirements; and facility design requirements).

§ 221.63. Therapy imaging guidance systems.

(a) The QMP shall develop QC procedures and tolerances for therapy imaging guidance systems following nationally-recognized standards or those recommended by the manufacturer.

(b) If a system is a CBCT, it must conform to the requirements of § 221.64 (relating to CBCT).

§ 221.64. CBCT.

(a) The following radiation measurements shall be evaluated annually and as soon as practical after a component repair or change which, in the opinion of the QMP or QE, may affect the performance of the CBCT unit:

(1) *Beam alignment.* The X-ray field in the plane of the image receptor may not exceed beyond the edge of the image receptor by more than 2% of the SID, when the axis of the X-ray beam is perpendicular to the plane of the image receptor. In addition, the center of the X-ray field must be aligned with the center of the image receptor to within 2% of the SID.

(2) A performance evaluation shall be performed by or under the direct supervision of a QMP or QE. The evaluation shall follow nationally-recognized standards and tolerances or those recommended by the manufacturer. The evaluation shall be performed within 30 days of initial installation, at intervals not to exceed 14 months, and within 30 days after any change or replacement of components which could cause a change in the radiation output or image quality.

(3) The registrant shall document and implement QC guidelines in accordance with nationally-recognized guidelines.

(4) The registrant shall document and implement a policy addressing deviations from established protocols.

(5) In addition to the requirements of § 221.16 (relating to training, competency and continuing education), the CBCT X-ray system shall only be operated by an individual who has been specifically trained in its operation.

(6) The facility shall maintain documentation of the established standards and tolerances and testing results for 5 years for inspection by the Department.

(b) The CBCT operator shall have instructions on all of the following:

(1) Performing routine QC, including the use of the CBCT phantom.

(2) A schedule of routine QC appropriate for the system.

(3) Allowable variations set by the QMP, if required, for the indicated parameters.

(4) The results of at least the most recent routine QC completed on the system.

(c) CBCT systems are exempt from § 221.202(a) (relating to equipment requirements).

§ 221.65. X-ray attenuation systems.

CT systems solely used to calculate attenuation coefficients or for image registration in nuclear medicine studies must meet the requirements in §§ 221.202—221.205 unless otherwise exempted as follows:

(1) CT systems identified in this section are exempt from §§ 221.202(a) and 221.204(a)(4)(xi) (relating to equipment requirements; and performance evaluations, routine QC and surveys).

(2) Instead of § 221.204(a) (relating to performance evaluations, routine QC and surveys), the registrant shall complete a performance evaluation on the CT system following the recommendations of a QMP, the system manufacturer or a nationally-recognized organization at intervals not to exceed 14 months.

(3) Instead of § 221.204(b), checks shall be established and documented by the registrant following nationally-recognized guidelines or those recommended by the manufacturer.

THERAPEUTIC X-RAY SYSTEMS WITH ENERGIES LESS THAN 1 MEV

§ 221.71. Equipment requirements.

* * * * *

(m) Unless it is possible to bring the X-ray output to the prescribed exposure parameters within 5 seconds, the entire useful beam shall be automatically attenuated by a shutter having a lead equivalency not less than that of the tube housing assembly.

(1) After the unit is at operating parameters, the shutter shall be controlled electrically by the operator from the control panel.

(2) An indication of shutter position must appear at the control panel.

(n) Electronic brachytherapy devices are exempt from the requirements in subsections (k)—(m).

COMPUTED TOMOGRAPHY X-RAY SYSTEMS

§ 221.201. Definitions.

In addition to the definitions in §§ 215.2 and 221.2 (relating to definitions), the following words and terms, when used in this section and §§ 221.202—221.205, have the following meanings, unless the context clearly indicates otherwise:

Alert value—A dose index value (for example, $CTDI_{vol}$ (mGy) or of DLP (mGy-cm)) that is set by the registrant or licensee, or both, to trigger an alert to the operator prior to scanning within an ongoing examination. The alert value represents a value well above the registrant's or licensee's established range for the examination that warrants more stringent review and consideration before proceeding.

CS—Contrast scale—The change in the linear attenuation coefficient per CT number relative to water; that is:

$$CS = (U_x - U_w) / ((CT)_x - (CT)_w)$$

Where:

U_x = Linear attenuation coefficient of the material of interest

U_w = Linear attenuation coefficient of water

$(CT)_x$ = CT number of the material of interest

$(CT)_w$ = CT number of water

CT—Computed tomography—The production of a tomogram by the acquisition and computer processing of X-ray transmission data.

CT conditions of operation—The selectable parameters governing the operation of a CT X-ray system including, but not limited to, nominal tomographic section thickness, filtration and the technique factors as defined in this chapter.

CT dosimetry phantom—The phantom used for determination of the dose delivered by a CT X-ray system.

CT number—The number used to represent the X-ray attenuation associated with each elemental area of the CT image:

$$\overline{CTN} = \frac{k(\mu_x - \mu_w)}{\mu_w}$$

where:

k = A constant, a normal value of 1,000 when the Hounsfield scale of CTN is used.

μ_x = Linear attenuation coefficient of the material of interest.

μ_w = Linear attenuation coefficient of water.

CTDI—Computed tomography dose index—

(i) The integral of the dose profile along a line perpendicular to the tomographic plane divided by the product of

the nominal tomographic section thickness and the number of tomograms produced in a single scan.

$$CTDI = \frac{1}{NT} \int_{-\infty}^{\infty} D(z) dz ,$$

where:

z = Position along a line perpendicular to the tomographic plane.

D(z) = Dose at position z.

T = Nominal tomographic section thickness (cm).

N = Number of tomograms produced in a single scan.

(ii) This definition assumes that the dose profile is centered around z = 0 and that, for a multiple tomogram system, the scan increment between adjacent scans is NT.

CTDI₁₀₀—An accumulated multiple scan dose at the center of a 100-mm scan that requires integration of the radiation dose profile from a single axial scan over specific integration limits. In the case of CTDI₁₀₀, the integration limits are +50 mm, which corresponds to the 100-mm length of the commercially available “pencil” ionization chamber. CTDI₁₀₀ is acquired using a 100-mm long, 3-cc active volume CT “pencil” ionization chamber, one of the two standard CTDI acrylic phantoms (16 and 32 cm diameter) and a stationary patient table.

CTDI_{vol}—*Volume Computed Tomography Dose Index*—A radiation dose parameter derived from the CTDI_w (weighted or average CTDI given across the field of view), that is:

$$CTDI_{vol} = (N)(T)(CTDI_w)/I,$$

where:

N = number of simultaneous axial scans per X-ray source rotation,

T = thickness of one axial scan (mm), and

I = table increment per axial scan (mm).

Thus,

$$CTDI_{vol} = (1 / \text{pitch}) \times CTDI_w$$

CTDI_w—*Weighted Computed Tomography Dose Index*—The estimated average CTDI₁₀₀ across the field of view. The equation is:

$$CTDI_w = 1/3 CTDI_{100,center} + 2/3 CTDI_{100,edge}$$

Where 1/3 and 2/3 approximate the relative areas represented by the center and edge values derived using the 16 cm or 32 cm acrylic phantom. CTDI_w uses CTDI₁₀₀ and an f-factor for air (0.87 rad/R for exposure or 1.0 mGy/mGy for air kerma measurements).

Detector—A device that provides a signal or other indication suitable for measuring one or more quantities of incident radiation.

Dose profile—The dose as a function of position along a line.

Elemental area—The smallest area within a tomogram for which the X-ray attenuation properties of a body are depicted.

Gantry—The tube housing assemblies, beam-limiting devices, detectors, transformers, if applicable, and the supporting structures and frames which hold these components.

Lux—A unit illumination equivalent to 1 lumen per square centimeter or 0.0929 foot-candles.

Modulation transfer function—The modulus of the Fourier transform of the impulse response of the system.

Multiple tomogram system—A CT X-ray system which obtains X-ray transmission data simultaneously during a single scan to produce more than one tomogram.

Noise—The standard deviation of the fluctuations in the CT number expressed as a percentage of the attenuation coefficient of water. Its estimate (S_n) is calculated using the following expression:

$$S_n = 100 \times CS \times S/U_w$$

Where:

CS = Contrast scale

U_w = Linear attenuation coefficient of water.

S = Estimated standard deviation of the CT number of picture elements in a specified area of the CT image.

Nominal tomographic section thickness—The full-width at half-maximum of the sensitivity profile taken at the center of the cross-sectional volume over which X-ray transmission data are collected.

Notification value—A dose index value (for example, CTDI_{vol} (mGy) or DLP (mGy-cm)) that is set by the registrant to trigger a notification to the operator prior to scanning when the dose index exceeds the established range for the examination.

Performance phantom—A phantom which has a capability of providing an indication of CS, noise, nominal tomographic section thickness, the resolution capability of the CT system for low and high contrast objects, and measuring the mean CT number for water or other reference materials.

* * * * *

§ 221.202. Equipment requirements.

(a) **Accreditation.** All diagnostic CT X-ray systems must be accredited by an accrediting organization recognized by the Department within 1 year from first patient use.

(b) **Technical and safety information.** The technical and safety information relating to the conditions of operation, dose information and imaging performance provided by the CT manufacturer shall be maintained by the facility and readily accessible to the operators.

(c) **Termination of exposure.** The operator shall be able to terminate the X-ray exposure at any time during a scan, or series of scans under X-ray system control, of greater than 0.5 second duration. Termination of the X-ray exposure shall necessitate resetting of the conditions of operation prior to initiation of another scan.

(d) **Tomographic plane indication and alignment.**

(1) For any single tomogram system, a means shall be provided to permit visual determination of the tomographic plane or a reference plane offset from the tomographic plane.

(2) For any multiple tomogram system, a means shall be provided to permit visual determination of the location of a reference plane. This reference plane may be offset from the location of the tomographic plane.

(e) *Status indicators and control switches.*

(1) The CT X-ray control and gantry shall provide visual indication whenever X-rays are produced and, if applicable, whether the shutter is open or closed.

(2) The emergency buttons or switches shall be clearly labeled as to their function.

(3) Each individual scan or series of scans shall require initiation by the operator.

(f) *Indication of CT conditions of operation.* The CT X-ray system shall be designed so that the CT conditions of operation to be used during a scan or a scan sequence are indicated prior to the initiation of a scan or a scan sequence. On equipment having all or some of these conditions of operation at fixed values, this requirement may be met by permanent markings. Indication of CT conditions of operation shall be visible from any position from which scan initiation is possible.

(g) *Leakage radiation.* The leakage radiation from the diagnostic source assembly measured at a distance of 1 meter in any direction from the source may not exceed 100 milliroentgens (25.8 $\mu\text{C}/\text{kg}$) in 1 hour when the X-ray tube is operated at its leakage technique factors. Compliance shall be determined by measurements averaged over an area of 100 square centimeters with no linear dimension greater than 20 centimeters.

(h) *Additional requirements applicable to CT X-ray systems containing a gantry manufactured after September 3, 1985.*

(1) The total error in the indicated location of the tomographic plane or reference plane by the light field or laser indicator may not exceed 5 millimeters.

(2) If the X-ray production period is less than 0.5 second, the indication of X-ray production shall be actuated for at least 0.5 second. Beam-on and shutter status indicators at or near the gantry shall be discernible from any point external to the patient opening where insertion of any part of the human body into the primary beam is possible.

(3) The CT X-ray system shall be normalized to water.

(4) The CT number for water for a region of interest, not exceeding 100 square millimeters, shall be 0 ± 7.0 CT number units. The facility's performance phantom shall be utilized, with the technique factors specified by the QMP, to confirm compliance. In instances when a CTN of 0 for water is inappropriate, as in 3D treatment planning, the QMP may establish and maintain an equivalent value.

(5) With the performance phantom, the mean CT number of water of one group of pixels may not differ from the mean CT number of water of a second group of pixels equal size within the same image by more than the manufacturer's published specifications, or those established by the QMP.

(6) The noise, utilizing the facility's performance phantom, may not exceed the manufacturer's published specifications.

(7) The total error between the indicated and actual slice thickness may not exceed 2.0 millimeters.

(8) A distance of at least 100 millimeters measured in a CT image shall agree with the actual distance to within $\pm 5\%$.

(9) Premature termination of the X-ray exposure by the operator shall necessitate resetting the CT conditions of operation prior to the initiation of another scan.

§ 221.204. Performance evaluations, routine QC and surveys.(a) *Performance evaluations.*

(1) The performance evaluation of the CT X-ray system shall be performed by or under the direction of a QMP.

(2) Evaluation standards and tolerances shall be established by a QMP and maintained by the facility. These standards and tolerances must meet nationally-recognized standards and tolerances for the CT X-ray system.

(3) The performance evaluation of a CT X-ray system shall be performed after initial installation and before use on human patients. Thereafter, the evaluation shall be made at intervals not to exceed 14 months.

(4) The performance evaluation must include all of the following:

(i) Geometric factors and alignment, including alignment light accuracy and table incrementation accuracy.

(ii) Slice localization from scanned projection radiograph (localization image).

(iii) Slice thickness.

(iv) Image quality including high-contrast (spatial) resolution, low-contrast resolution, image uniformity, noise and artifact evaluation.

(v) CT number accuracy.

(vi) Image quality for acquisition workstation display devices (video and hard copy when applicable).

(vii) A review of the results of the routine QC required under subsection (b).

(viii) A safety evaluation of audible and visual signals and posting requirements.

(ix) A review of commonly used CT protocols along with the evaluation for appropriateness of dose and image quality, in comparison with the older protocols. The review should be by the QMP along with the radiologist and lead CT technologist.

(x) For dosimetry, a review of the protocols deemed appropriate by the QMP which could result in significant doses. This review must include acquisition and reconstruction parameters, and radiation dose. At a minimum, the QMP shall review the following clinical protocols, if performed, at intervals not to exceed 14 months:

(A) Pediatric head (1 year of age).

(B) Pediatric abdomen (5 years of age; 40—50 lbs. (about 20 kg)).

(C) Adult head.

(D) Adult abdomen (70 kg).

(E) Brain perfusion.

(xi) Review DRL, notification values and alert values for the procedures reviewed under subparagraph (x).

(xii) Review actions to be taken when a dose alert value is exceeded including patient follow-up.

(xiii) Review the process determining who has access and authority to make changes to the protocol management systems, including a policy or procedure to prevent inadvertent or unauthorized modifications to a CT protocol.

(5) A performance evaluation shall be made within 30 days after any change or replacement of components which, in the opinion of the QMP, could cause a change in the radiation output or image quality.

(6) Dose measurements of a CT unit shall be performed with a calibrated dosimetry system. The calibration of the system shall be traceable to a national standard. The dosimetry system must have been calibrated within the preceding 2 years.

(b) *Routine QC.*

(1) Written routine QC procedures shall be developed by a QMP. These procedures shall be available for review by the Department.

(2) The routine QC procedures must include, at a minimum, all of the following using the facility's performance phantom:

- (i) Noise.
- (ii) Mean CT number for water.
- (iii) Artifact evaluation.

(3) The routine QC shall be performed at intervals not to exceed 1 week.

(4) The QMP need not be present during the routine QC.

(5) Routine QC shall include acquisition of images obtained with the performance phantom using the same processing mode and CT conditions of operation as are used to perform the measurements required by subsection (a).

(c) *Radiation protection surveys.*

(1) CT X-ray systems shall have a survey performed at the time of installation by or under the direction of a QMP. In addition, a survey shall be performed after a change in the facility or equipment which might cause a significant increase in radiation hazard.

(2) The registrant shall obtain a written report of the survey from the QMP, and a copy of the report shall be made available to the Department upon request.

(d) *Records.* Records of the performance evaluations and surveys shall be maintained for inspection by the Department for at least 5 years. Routine QC records shall be maintained for at least 1 year.

§ 221.205. Operating procedures.

(a) In addition to the training requirements in § 221.16 (relating to training, competency and continuing education), a CT X-ray system shall be operated only by an individual who has been specifically trained in its operation.

(b) All of the following information must be readily available to the CT operator:

(1) Instructions on the use of the CT phantoms and a process for reporting deviations in protocols including a schedule of routine QC appropriate for the system, allowable variations for the indicated parameters and the results of at least the most recent performance evaluation conducted on the system.

(2) Current protocol information available at the control panel which specifies for each routine examination the CT conditions of operation.

(c) If the radiation measurements and performance evaluation of the CT X-ray system indicates that a system operating parameter has exceeded a tolerance established by the QMP, the use of the CT X-ray system on patients shall be limited to those uses permitted by established written instructions of the QMP.

CHAPTER 223. VETERINARY MEDICINE

GENERAL PROVISIONS

§ 223.1. Purpose and scope.

This chapter establishes radiation safety requirements for persons utilizing radiation sources in veterinary medicine. Persons who use radiation sources for veterinary medicine or research on animals shall comply with this chapter. The requirements of this chapter are in addition to and not in substitution for other applicable requirements of this article.

RADIOACTIVE MATERIAL

§ 223.22. Sealed and unsealed sources.

A veterinarian who uses sealed or unsealed sources for therapeutic treatment of animals shall comply with 10 CFR Parts 30 and 31.11 (relating to rules of general applicability to domestic licensing of byproduct material; and general license for use of byproduct material for certain in vitro clinical or laboratory testing).

ADMINISTRATIVE CONTROLS

§ 223.31. Registrant responsibilities.

(a) The registrant is responsible for directing the operation of X-ray systems under the registrant's administrative control and shall assure that the requirements of this article are met for the operation of the X-ray systems.

(b) A person who operates an X-ray system shall be instructed adequately about safe X-ray operating procedures and be competent in the safe use of X-ray equipment. The instructions must include the subjects listed in Chapter 221, Appendix A (relating to determination of competence). The person shall receive continuing education at least every 4 years in radiation safety, biological effects of radiation, species-specific positioning techniques, QA and QC.

(c) Written safety procedures and rules shall be available at the facility and include restrictions of the operating technique required for the safe operation of the particular X-ray system. The operator shall be able to demonstrate familiarity with these procedures and rules.

(d) Only the staff, ancillary facility personnel or other persons required for the medical procedure or training may be within 2 meters of the device during the radiographic exposure. All of the following requirements apply to persons involved with the examination:

(1) An individual or extremity may not be positioned in the useful beam unless required to conduct the procedure.

(2) Individuals shall be positioned so that no part of the body will be struck by the useful beam unless protected by at least 0.5 millimeter lead equivalent material. The lead equivalent of the material is to be determined at 60 kV.

(3) Each person shall be protected from stray radiation by protective aprons or whole protective barriers of at least 0.25 millimeter lead equivalent or shall be positioned so that no person is in the direct line of the useful beam and the nearest portion of the body is at least 2 meters from both the tube head and the nearest edge of the image receptor.

(e) If an animal or image receptor requires auxiliary support during a radiation exposure, all of the following requirements apply:

(1) Mechanical holding devices or chemical restraint shall be used when the technique permits.

(2) An individual may not be used routinely to hold image receptors or subjects. Procedures and auxiliary equipment designed to minimize personnel exposure commensurate with the needed diagnostic information shall be used.

(3) An individual who holds the animal or image receptor shall be protected as required under subsection (d).

(f) The registrant shall have a QA program. The QA program must be documented and be in accordance with guidelines established by the Department or by another appropriate organization recognized by the Department. At a minimum, the QA program must address radiation safety to personnel and modifications to the QA program.

(g) Neither the X-ray tube housing nor the collimating device may be handheld during the exposure unless specifically designed and shielded to be handheld.

(h) CT systems used solely for nonhuman imaging are exempt from §§ 221.202—221.205.

CHAPTER 224. MEDICAL USE OF RADIOACTIVE MATERIAL

Subchapter A. GENERAL

§ 224.11. Effect of incorporation of 10 CFR Part 35.

To reconcile differences between this chapter and the incorporated sections of 10 CFR Part 35 (relating to medical use of byproduct material), the following words and phrases shall be substituted for the language in 10 CFR Part 35 as follows:

(1) A reference to “NRC” or “Commission” means Department.

(2) A reference to “NRC or agreement state” means Department, NRC or agreement state.

(3) A reference to “byproduct material” includes NARM.

(4) The definition of “sealed source” includes NARM.

(5) A reference to the Advisory Committee on the Medical Uses of Isotopes is synonymous with the Department’s Radiation Protection Advisory Committee.

(6) Notifications, reports and correspondence referenced in the incorporated parts of 10 CFR shall be directed to the Department.

CHAPTER 225. RADIATION SAFETY REQUIREMENTS FOR INDUSTRIAL RADIOGRAPHIC OPERATIONS

Subchapter A. GENERAL PROVISIONS

§ 225.3a. Effect of incorporation of 10 CFR Part 34.

To reconcile differences between this chapter and the incorporated sections of 10 CFR Part 34 (relating to licenses for industrial radiography and radiation safety requirements for industrial radiographic operations), the following words and phrases shall be substituted for the language in 10 CFR Part 34 as follows:

* * * * *

(5) Notifications, reports and correspondence referenced in the incorporated parts of 10 CFR (relating to energy) shall be directed to the Department.

§ 225.4a. Radiation safety program.

(a) A person who intends to use radiation-producing machines for industrial radiography shall have a program for training personnel, written operating procedures and emergency procedures, individual monitoring reports required under 10 CFR 20.2206(a)(2) (relating to reports of

individual monitoring), an internal review system and an organizational structure for radiographic operations which includes specified delegations of authority and responsibility for operation of the program. This program shall be approved by the Department before beginning industrial radiographic operations.

(b) The registrant shall notify the Department of intended changes to the registrant’s radiation safety program and obtain Departmental approval.

Subchapter B. RADIATION-PRODUCING MACHINES

GENERAL TECHNICAL REQUIREMENTS

§ 225.81. Permanent radiographic installations.

(a) Permanent radiographic installations having high radiation area entrance controls of the types described in 10 CFR 20.1601 and 20.1902 (relating to control of access to high radiation areas; and posting requirements) shall also meet all of the following requirements:

(1) Each entrance that is used for personnel access to the high radiation area in a permanent radiographic installation shall have both visible and audible warning signals to warn of the presence of radiation. The visible signal shall be activated by radiation whenever the X-ray source is energized. The audible signal shall be actuated when an attempt is made to enter the installation while the X-ray source is energized.

(2) The entrance control device or alarm system shall be tested for proper function prior to beginning operations on each day of use.

(3) The radiographic exposure system may not be used if an entrance control device or alarm system is not operating properly. If an entrance control device or alarm system is not functioning properly, it shall be removed from service and repaired or replaced immediately. If no replacement is available, the facility may continue to be used provided that the registrant implements the continuous surveillance under 10 CFR 34.51 and 34.53 (relating to surveillance; and posting), § 225.83 (relating to records required at field radiography sites) and uses an alarming ratemeter. Before the entrance control device or alarm system is returned to service, the radiation safety officer or an individual designated by the radiation safety officer shall validate the repair.

(b) Records of the tests performed under subsection (a) shall be maintained for inspection by the Department for 5 years.

CHAPTER 226. LICENSES AND RADIATION SAFETY REQUIREMENTS FOR WELL LOGGING

GENERAL

§ 226.5. Effect of incorporation of 10 CFR Part 39.

To reconcile differences between this chapter and the incorporated sections of 10 CFR Part 39 (relating to licenses and radiation safety requirements for well logging), the following words and phrases shall be substituted for the language in 10 CFR Part 39 as follows:

(1) A reference to “NRC” or “Commission” means Department.

(2) A reference to “NRC or agreement state” means Department, NRC or agreement state.

(3) The definition of “sealed source” includes NARM.

(4) The definition of “licensed material” includes NARM.

(5) Notifications, reports and correspondence referenced in the incorporated parts of 10 CFR (relating to energy) shall be directed to the Department.

**CHAPTER 227. RADIATION SAFETY
REQUIREMENTS FOR ANALYTICAL X-RAY
EQUIPMENT, X-RAY GAUGING EQUIPMENT,
ELECTRON MICROSCOPES AND X-RAY
CALIBRATION SYSTEMS**

ANALYTICAL X-RAY EQUIPMENT

§ 227.11a. Equipment requirements.

* * * * *

(h) Equipment exclusively designed and exclusively used for vacuum spectroscopy where the tube housing and sample chamber is located behind all external surfaces of the unit shall be exempt from the requirements of this section, §§ 227.12a and 227.13a (relating to area requirements; and operating requirements), but shall meet the requirements of § 227.14 (relating to personnel requirements) and the following:

* * * * *

(6) A sign bearing the radiation symbol and the words "CAUTION—RADIATION," or words of similar intent shall be placed next to the opening of the sample chamber.

(i) Analytical X-ray equipment operating at less than or equal to 50 kV tube voltage and designed to be held by an operator during use are exempt from the requirements of this section and § 227.12a(b), but shall meet the requirements of subsection (f)(2) and §§ 227.13a(a) and 227.14(a).

**CHAPTER 228. RADIATION SAFETY
REQUIREMENTS FOR PARTICLE ACCELERATORS
ADMINISTRATIVE CONTROLS**

§ 228.11a. Licensee responsibilities.

(a) A person may not possess, operate or permit the operation of an accelerator unless the accelerator and installation meet the applicable requirements of this article.

(b) Written safety procedures and rules shall be available at a facility, including restrictions of the operating technique required for the safe operation of the particular accelerator. The operator shall be able to demonstrate familiarity with the rules. The operator of an accelerator used for healing arts shall have additional instruction, including certification in the applicable specialty by a professional organization recognized by the Department.

(c) An individual may not be exposed to the useful beam except for healing arts purposes. An exposure shall be authorized by a licensed practitioner of the healing arts.

NOTIFICATION AND LICENSING PROCEDURES

§ 228.21a. Notification and license requirements.

(a) A person who intends to purchase, construct or acquire an accelerator shall notify the Department of this intent by filing an application for a specific license within 90 days after the initial order is issued to obtain any or all parts of the accelerator.

(1) The application shall be filed in duplicate on a form prescribed by the Department and shall be accompanied by the required fee as described in § 218.11(d) (relating to registration, renewal of registration and license fees).

(2) The application shall contain pertinent information to permit the Department to evaluate the accelerator facility for compliance with the act and this article.

(b) In addition to the notification requirement in subsection (a), a person who intends to install an accelerator shall notify the Department within 30 days after the initial construction or installation begins.

(c) The Department may, after the filing of an original application, and before the expiration of the license, require further information to enable the Department to determine whether the application will be granted or denied or whether a license will be modified or revoked.

(d) The application shall be signed by the applicant or licensee, or an individual authorized by the applicant or licensee.

(e) A license issued under this chapter may not be transferred, assigned or in any manner disposed of, either voluntarily or involuntarily, to any person except through submission of a written request by the licensee to the Department for approval.

GENERAL RADIATION SAFETY REQUIREMENTS

§ 228.35. Operating procedures.

* * * * *

(c) Each safety and warning device, except interlocks, shall be checked at least every 3 months for proper functioning and shall be repaired as necessary. Interlocks shall be checked at least annually. Results of these checks and records of repairs shall be maintained for 5 years at the accelerator facility for inspection by the Department.

* * * * *

(g) For accelerators used in the healing arts, operating procedures shall meet the following requirements:

* * * * *

(h) An individual who operates an accelerator system shall be instructed adequately in the safe operating procedures and be competent in the safe use of the equipment. The instructions must include items included in Appendix A (relating to determination of competence) for medical accelerator operations, as well as basic radiation protection for nonmedical accelerator operations. There shall be continuing education in radiation safety, biological effects of radiation, quality assurance and quality control.

§ 228.36. Radiation monitoring requirements.

An independent radiation monitoring system shall be provided so that the individuals entering or present in a potential very high radiation area become aware of the existence of the hazard. Independent radiation monitors shall be tested for response daily and after each servicing or repair.

**RADIATION SAFETY REQUIREMENTS FOR
ACCELERATORS USED IN THE HEALING ARTS**

§ 228.61. Leakage radiation to the patient area.

(a) Equipment must meet all of the following requirements:

(1) For operating conditions producing maximum leakage radiation, the dose due to leakage radiation, including X-rays, electrons and neutrons, at any point on a circle of 2 meters radius centered on and perpendicular to the central axis of the beam at the isocenter or normal treatment distance and outside the maximum useful beam size, may not exceed 0.1% of the maximum dose of

the unattenuated useful beam measured at the point of intersection of the central axis of the beam and the plane surface. Measurements, excluding those for neutrons, shall be averaged over an area up to, but not exceeding, 100 square centimeters at the position specified. Measurements of the portion of the leakage radiation dose contributed by neutrons shall be averaged over an area up to, but not exceeding, 200 square centimeters.

(2) For each system, the licensee shall determine or obtain from the manufacturer the leakage radiation existing at the positions specified in paragraph (1) for the specified operating conditions. The licensee shall maintain records for 5 years on leakage radiation measurements for inspection by the Department.

(b) Equipment manufactured or installed prior to July 17, 2004, must meet all of the following requirements:

(1) For operating conditions producing maximum leakage radiation, the absorbed dose due to leakage radiation, including neutrons, at any point on a circle of 2 meters radius centered on and perpendicular to the central axis of the beam 1 meter from the virtual source, may not exceed 0.1% of the maximum absorbed dose of the unattenuated useful beam measured at the point of intersection of the central axis of the beam and the surface of the circular plane. Measurements shall be averaged over an area up to but not exceeding 100 square centimeters at the positions specified.

(2) For each system, the licensee shall have available the leakage radiation data existing at the positions specified in paragraph (1) for the specified operating conditions. The licensee shall maintain records on radiation leakage for 5 years for inspection by the Department.

§ 228.72. Selection of radiation type.

Equipment capable of X-ray therapy or electron therapy, or both, must meet all of the following additional requirements:

* * * * *

§ 228.73. Selection of stationary beam therapy or moving beam therapy.

Equipment capable of stationary beam therapy or moving beam therapy, or both, must meet all of the following additional requirements:

* * * * *

§ 228.75. Calibrations.

* * * * *

(e) The calibration of the therapy beam shall include, but is not limited to, the following determinations:

(1) Verification that the equipment is operating in compliance with the design specifications concerning the light localizer, the side light and back-pointer alignment with the isocenter when applicable, variation in the axis of rotation for the table, gantry and beam limiting device (collimator) system.

(2) The absorbed dose rate at various depths (depth dose) and beam profile measured in water and the beam flatness and symmetry for the range of field sizes used, for each beam energy, and if applicable, for each flattening filter free mode.

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CHAPTER 230. PACKAGING AND TRANSPORTATION OF RADIOACTIVE MATERIAL

Subchapter A. SCOPE AND DEFINITIONS

§ 230.4. Effect of incorporation of 10 CFR Part 71.

To reconcile differences between this chapter and the incorporated sections of 10 CFR Part 71 (relating to packaging and transportation of radioactive material), the following words and phrases shall be substituted for the language in 10 CFR Part 71 as follows:

(1) A reference to "NRC" or "Commission" means Department.

(2) A reference to "NRC or agreement state" means Department, NRC or agreement state.

(3) The definition of "sealed source" includes NARM.

(4) The definition of "licensed material" includes NARM.

(5) Notifications, reports and correspondence referenced in the incorporated parts of 10 CFR (relating to energy) shall be directed to the Department.

Subchapter B. GENERAL

§ 230.15. Packaging and transportation of unlicensed material.

Radioactive material not licensed by the Department or under the specific regulatory control of another state or Federal agency that meets the definition of radioactive material in 49 CFR 173.403 (relating to definitions) must be packaged and transported in compliance with the standards and requirements of 49 CFR 173.401—173.477 (relating to class 7 (radioactive) materials).

CHAPTER 232. LICENSES AND RADIATION SAFETY REQUIREMENTS FOR IRRADIATORS

§ 232.3. Effect of incorporation of 10 CFR Part 36.

To reconcile differences between this chapter and the incorporated sections of 10 CFR Part 36 (relating to licenses and radiation safety requirements for irradiators), the following words and phrases shall be substituted for the language in 10 CFR Part 36 as follows:

(1) A reference to "NRC" or "Commission" means Department.

(2) A reference to "NRC or agreement state" means Department, NRC or Agreement State.

(3) The definition of "sealed source" includes NARM.

(4) Notifications, reports and correspondence referenced in the incorporated parts of 10 CFR (relating to energy) shall be directed to the Department.

CHAPTER 240. RADON CERTIFICATION

Subchapter A. GENERAL PROVISIONS

GENERAL

§ 240.1. Description of regulatory structure.

* * * * *

(e) Subchapter E (relating to enforcement and decertification) contains the enforcement provisions, including inspection, decertification and assessment of civil penalties. Other enforcement actions are available under sections 308 and 309 of the Radiation Protection Act (35 P.S. §§ 7110.308 and 7110.309) and section 14 of the act (63 P.S. § 2014).

(f) This section is for descriptive purposes only. This section does not limit the authority of the Department under the acts or this chapter.

§ 240.2. Scope.

(a) This chapter applies to a person except when the person is:

(1) Testing for or mitigating against radon contamination in a building that the person owns or in which the person resides.

(2) Using measures designed to prevent radon contamination in newly constructed buildings. This exemption does not apply to radon testing or installation of radon mitigating devices in these buildings following occupancy.

(3) Performing testing or mitigation in the course of the person's normal duties as an employee or contractor of the Department or the Federal government.

(4) Performing scientific research if the person discloses the information obtained to the Department under § 240.303 (relating to reporting of information) and the person informs the owner or occupant of the affected building of all of the following:

(i) That the person is not certified by the Department to test for or mitigate against radon contamination.

(ii) That the test results are not valid.

(iii) That the mitigation methods are for experimental purposes and may be unsuccessful.

(5) Purveying secondary devices supplied by a certified laboratory, if radon concentrations determined by the laboratory are only reported directly to the owner or resident of the building tested.

(i) Test results may also be reported to the certified mitigator who installed a mitigation system at the property.

(ii) Purveying does not include the activities of either placing or retrieving activated charcoal, liquid scintillation, or alpha track radon testing devices.

(6) Employed by a local government or a school and performing testing for that local government or school if all of the following criteria are met:

(i) The practice is limited to the employee's official duties and no fee is charged for the testing except for the employee's salary.

(ii) Radon testing is limited to the buildings owned or occupied by the local government or school.

(iii) The radon testing is performed in accordance with the device manufacturer's instructions.

(b) This chapter is in addition to, and not in substitution for, other applicable provisions of this article.

§ 240.3. Definitions.

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

AC—Activated charcoal—A device used to measure radon by exposing activated charcoal to air in the area to be tested and analyzed by gamma ray spectroscopy.

AT—Alpha track—A device used to measure radon by recording alpha particle tracks on a plastic chip.

Act—The Radon Certification Act (63 P.S. §§ 2001—2014).

Active radon mitigation system—A radon mitigation system with an electric vent fan.

Acts—The Radon Certification Act and the Radiation Protection Act (35 P.S. §§ 7110.101—7110.703).

Alteration—A change to the original mitigation system design, including fan size, number or placement of suction points, or pipe diameter.

CRM—Continuous radon monitor—An active device used to measure radon with solid state silicon surface barrier detectors, scintillation cells or ion chambers, usually on an hourly basis.

CWLM—Continuous working level monitor—An active device used to measure radon decay products, usually on an hourly basis.

Calibration—The process of determining the response of an instrument (or measurement system) to a series of known values over the range of the instrument (or measurement system).

Certification year—Each 12-month period beginning with the most recent certification date of the certified individual.

Certified individual—An individual with a Department certification to perform radon testing, mitigation or laboratory analysis in this Commonwealth.

Client—A receiver of services that are regulated under the Act or this chapter.

Control limit—A QC value set at ± 3 sigma.

Diagnostic test—A test performed to determine specific radon entry points and sources, the result of which is not reported to the Department or in writing to the client.

Duplicate measurements—Two measurements made concurrently, for the same time period and in the same location, approximately 4 inches from one another.

Electret ion chamber—A radon measurement device that consists of a small plastic container with an electrostatically charged disk inside to serve as a detector.

Electret reader—A radon measurement device that consists of a voltmeter used to measure the voltage on the electrostatically charged disk of an electret ion chamber testing device at the beginning and end of a test period.

Electret voltage drift—A QC process which evaluates the voltage drift of each new batch of electrets received from the manufacturer of the electrets.

Field blank—A QC measurement made by analyzing unexposed (closed) detectors that have been maintained in a low-radon environment to assess radon exposure to the detector from a source other than the concentration in the environment to be measured.

Firm—A Department-certified entity that has at least one certified individual in responsible charge of the entity's testing, mitigation or laboratory radon activities. A business, such as a corporation or limited liability company, may contain more than one firm.

Firm employee—A Department-listed radon testing, mitigation or laboratory employee under the responsible charge of a certified individual.

Firm owner—A person or business entity which owns and is responsible for the radon firm.

LS—Liquid scintillation—A device used to measure radon by exposing a small amount of activated charcoal contained within a small vial and placed in the area to be sampled and analyzed in a liquid scintillation counter.

Laboratory—A Department-certified individual or firm.

Laboratory analysis—The act of analyzing a radon test device and calculating a radon concentration in air or water.

Lowest livable level—The lowest level of a building that may be used as a living space without requiring any major structural changes.

MV—Measured value—The radon concentration reported by the analyst, in units of picocuries per liter or WLs.

Measurement—A radon or radon decay product test result used for the performance of quality assurance, including a spike, blank, duplicate, intercomparison or cross check.

Mitigate—To repair or alter a building or building design for the purpose in whole or in part of reducing the concentration of radon in the indoor atmosphere.

Mitigator—A Department-certified individual or a Department-listed mitigation employee of a Department-certified mitigation firm.

Multifamily building—A building with more than three attached dwellings.

Nonreported test—A test conducted for reasons other than reporting valid, written results to the client, such as a diagnostic test.

pCi/L—Picocurie per liter—2.22 disintegrations per minute of radioactive material per liter of air.

Passive radon mitigation system—A radon mitigation system without an electric vent fan.

Person—An individual, corporation, partnership, business entity, association, trust, estate, public or private institution, group, agency or political subdivision of this Commonwealth, another state or political subdivision or agency thereof, and a legal successor, representative, agency or agency of the entities in this definition.

Primary device—Continuous monitors or electret ion chambers, or both, read or analyzed, or both, by a primary tester.

Primary tester—A tester who reads or analyzes, or both, a primary device that the tester places or retrieves, or both.

QA—Quality assurance—The activities required to provide the evidences needed to establish confidence that radon test data are of the required precision and accuracy.

QC—Quality control—The process through which a person measures performance, compares performance with standards and acts on any differences.

RPD—Relative percent difference—The absolute value of the difference between two measurements divided by their average, multiplied by 100. The equation is:

$$RPD = \frac{(|MV_1 - MV_2|)}{(MV_1 + MV_2)/2} \times 100.$$

RPE—Relative percent error—The measured value (pCi/L) minus the RV (pCi/L), divided by the RV, multiplied by 100. The equation is:

$$RPE = \frac{(MV - RV)}{RV} \times 100.$$

RV—Reference value—The known radon concentration value, in units of picocuries per liter or WL, to which a test device is exposed.

Radon—The radioactive noble gas radon-222 and the short-lived radionuclides which are products of radon-222 decay, including polonium-218, lead-214, bismuth-214 and polonium-214.

Secondary device—A radon test device that is analyzed by a Department-certified laboratory.

Secondary tester—A tester who places or retrieves, or both, a radon test device that is analyzed by a Department-certified laboratory.

Sigma level—A sample standard deviation around a mean, which is a measure of the scatter of data around a mean. The term is often described as 1, 2 or 3 sigma, corresponding to one, two or three standard deviations around the mean.

Spiked measurement or spike—A quality control measurement conducted in an approved chamber to evaluate accuracy by exposing the detector or device to a known concentration and submitted for analysis.

Test—The act of measuring for the presence of radon in a building's air or water supply.

Tester—A Department-certified individual or a Department-listed testing employee of a Department-certified testing firm.

WL—Working level—Any combination of short-lived radon progeny (for radon-222: polonium-218, lead-214, bismuth-214 and polonium-214; and for radon-220: polonium-216, lead-212, bismuth-212 and polonium-212) in 1 liter of air that will result in the ultimate emission of 1.3×10^5 MeV of alpha particle energy.

WLM—Working level month—The cumulative exposure from breathing in an atmosphere at a concentration of 1 WL for a working month of 170 hours.

WLM/yr—Working level month per year—The cumulative exposure incurred over 1 year (2,040 hours) from breathing in an atmosphere at a concentration of 1 WL for a working month of 170 hours.

Warning level—A QC value set at ± 2 sigma.

Subchapter B. CERTIFICATION

CERTIFICATION FOR RADON TESTING

§ 240.101. Requirements for radon testing certification.

(a) A person may not test for radon or represent or advertise that he may so test in a building in this Commonwealth unless the person has first applied for and obtained certification from the Department to test or is a firm employee of a certified testing firm.

(b) For a firm to perform radon testing it shall employ at least one individual certified to test who is in responsible charge of the firm's testing activities, and the firm shall submit an application for certification and receive certification from the Department.

(c) A certified primary tester does not also have to be certified in radon laboratory analysis to read or analyze continuous monitors or electret ion chambers that he places and retrieves.

(d) A person using secondary radon testing devices, such as AC, from a certified radon laboratory does not also have to be certified in radon laboratory analysis.

§ 240.102. Prerequisites for radon testing certification.

(a) *Individual certification for radon testing.* An individual will not be certified to test unless the individual has:

- (1) Completed a Department-approved course on radon.
- (2) Passed a Department-approved written exam on radon testing within 2 years before the postmark date of the individual's application submittal. The applicant shall forward a copy of exam results to the Department.

(3) Submitted a complete and accurate application to the Department, including applicable fees.

(b) *Firm certification for radon testing.* If the applicant for testing certification is a firm, it shall employ at least one individual who is certified to test and who is in responsible charge of the firm's testing activities.

(1) If the firm loses its certified individual, all of the following apply:

- (i) The firm owner shall notify the Department in writing within 5 business days of losing that individual.
- (ii) The firm's certification automatically lapses and is void until the Department approves in writing the firm owner's written and signed request for a certified individual to be in responsible charge of that firm's radon testing activities.

(2) If a testing firm employee is no longer under the responsible charge of the firm's certified individual, all of the following apply:

(i) The firm's certified individual shall notify the Department within 10 business days of this change.

(ii) The firm employee's Department listing becomes invalid.

(3) Each testing firm employee shall conduct activities in accordance with the signed testing firm employee application.

(4) Each testing firm employee applicant shall submit all of the following:

- (i) A nonrefundable fee as set forth in Appendix A (relating to radon certification fee schedule).
- (ii) A completed firm employee application as provided by the Department within 10 business days of performing radon testing activities.
- (iii) For firm employees hired after January 24, 2019, a certification that the firm employee received initial training pursuant to subsection (b)(6).

(iv) A document signed by the certified individual that the firm employee completed continuing education as required by subsection (b)(7), if applicable.

(v) The applicant's current photograph, in a format specified by the Department, to be used on the identification card as required under § 240.142 (relating to testing and mitigation identification cards).

(5) The firm's certified individual shall receive written approval from the Department of a testing firm employee.

(6) For firm employees hired after January 24, 2019, the firm's certified individual shall ensure that each firm employee receives initial training before participating in radon testing activities. Initial training may be given by the firm's certified individual or through a department-approved training program. The firm's certified individual

shall document that each firm employee has received initial training that includes, at a minimum, the following:

(i) General information regarding radon and the risks associated with radon exposure.

(ii) A tutorial on how to properly use the testing device(s) employed by the certified firm including:

- (A) The strengths and weaknesses of the specific device(s) including any limitations of the device(s).
- (B) Device handling precautions, if any.
- (C) Short-term versus long-term testing.
- (D) Device sampling times.
- (E) When to invalidate a measurement.

(iii) Information regarding the appropriate radon testing protocol(s) including:

- (A) Closed building conditions.
- (B) Heating and air conditioning system considerations.
- (C) Unusual weather conditions.
- (D) Tampering precautions.
- (E) Measurement documentation.
- (F) Brief QA/QC overview.
- (G) Real estate and non-real estate testing.
- (H) Device placement locations within the building.

(7) The firm's certified individual shall ensure that each firm employee receives continuing education every two years. Continuing education may be given by the firm's certified individual or through a Department-approved training program. The firm's certified individual shall document that each firm employee has received continuing education. Continuing education records shall be retained for 5 years. Continuing education shall include, at a minimum, the requirements set forth in subsection (b)(6)(ii) and (iii).

(c) *Additional requirements.* If the applicant for testing certification is a firm, or an individual performing testing and not working for a certified radon testing firm, the applicant shall also have a QA program and a continuing education program as required under §§ 240.306 and 240.604 (relating to continuing education program; and QA requirements for testing using primary devices). In addition, the applicant shall be successfully enrolled in a Department-approved radon measurement proficiency program as required under § 240.307 (relating to radon measurement proficiency program).

§ 240.103. Radon testing application contents.

(a) An application for radon testing certification, by an individual or a firm, shall be submitted to the Department in writing on forms provided by the Department and must contain all of the following:

- (1) Evidence that the applicant has the certification prerequisites in § 240.102 (relating to prerequisites for radon testing certification). The application must include the duties assigned to the certified individual in responsible charge of the testing activities.

(2) A nonrefundable fee as set forth in Appendix A (relating to radon certification fee schedule).

(3) The applicant's name, address, and telephone number. It must also indicate if the applicant is an individual, partnership, limited partnership, corporation or other entity. The application must include, when appropriate,

the name and address of every officer, general and limited partner, director, principal shareholder, parent corporation and certified person within the applicant's organization.

(4) Compliance information, including descriptions of notices of violation, administrative orders, civil penalty assessments and actions for violations of the act, this chapter or a term or condition of a certification.

(5) Copies of reporting forms, information distributed to potential clients and recent or proposed advertisements.

(6) The applicant's current photograph, in a format specified by the Department, to be used on the identification card as required under § 240.142 (relating to testing and mitigation identification cards).

(7) Other information the Department may require related to an applicant's qualifications or technical or administrative information related to radon testing.

(8) A verification by the applicant that the information contained in the application is correct to the best of the applicant's information and belief. This verification is subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

(9) If the applicant for testing certification is a firm, the application shall include a demonstration that the firm's certified individual will maintain adequate span of control over the firm's employees. This demonstration shall include, at a minimum, the following:

(i) Information regarding the initial training and continuing education given to firm employees that is required by § 240.102(b)(6) and (b)(7) (relating to prerequisites for radon testing certification).

(ii) The firm's protocol for ensuring that firm employees are adequately supervised by the firm's certified individual.

(b) Within 10 business days of a change to the information submitted in the certified individual application or firm certification application, the certified individual shall submit to the Department a written and signed notification listing each change. The change will not take effect until the Department provides written approval of the change.

§ 240.104. Application filing deadline.

(a) A person who expects to conduct radon testing shall file a complete application for certification a minimum of 30 days prior to the anticipated starting date of testing activity.

(b) A testing individual certification renewal application postmarked after the previous testing individual certification expiration date will be charged a late application fee as set forth in Appendix A (relating to radon certification fee schedule).

CERTIFICATION FOR RADON MITIGATION

§ 240.111. Requirements for radon mitigation certification.

(a) A person may not mitigate radon contamination in a building or represent or advertise that he may so mitigate in a building in this Commonwealth unless the person has first applied for and obtained certification from the Department to mitigate or is a firm employee of a certified mitigation firm.

(b) For a firm to perform radon mitigation it shall employ at least one individual certified to mitigate who is in responsible charge of the firm's mitigation activities, and the firm shall submit an application for certification and receive certification from the Department prior to performing mitigation of radon contamination.

§ 240.112. Prerequisites for radon mitigation certification.

(a) *Individual certification for radon mitigation.* An individual will not be certified to mitigate unless the individual has:

(1) Completed a Department-approved course on radon mitigation.

(2) Passed a Department-approved written exam on radon mitigation within 2 years before the postmark date of the individual's application submittal. The applicant shall forward a copy of exam results to the Department.

(3) Had 1 year professional experience in radon mitigation system installation or 3 years experience in architecture, engineering, electrical contracting, plumbing, carpentry, masonry or related trades.

(4) Submitted a complete and accurate application to the Department including applicable fees.

(b) *Firm certification for radon mitigation.* If the applicant for mitigation certification is a firm, it shall employ at least one individual who is certified to mitigate and who is in responsible charge of the firm's mitigation activities.

(1) If the firm loses its certified mitigation individual, all of the following apply:

(i) The mitigation firm owner shall notify the Department in writing within 5 business days of losing that individual.

(ii) The firm's certification automatically lapses and is void until the Department approves in writing the mitigation firm owner's written and signed request for a certified individual to be in responsible charge of that firm's radon mitigation activities.

(2) If the mitigation firm employee is no longer under the responsible charge of the firm's certified individual, all of the following apply:

(i) The firm's certified individual shall notify the Department within 10 business days of this change.

(ii) The firm employee's Department listing becomes invalid.

(3) The mitigation firm employee shall conduct activities in accordance with the signed mitigation firm employee application.

(4) Each mitigation firm employee applicant shall submit all of the following:

(i) A completed firm employee application as provided by the Department within 10 business days of performing radon mitigation activities.

(ii) The applicant's current photograph, in a format specified by the Department, to be used on the identification card as required under § 240.142 (relating to testing and mitigation identification cards).

(iii) For firm employees hired after January 24, 2019, a certification that the firm employee received initial training pursuant to subsection (b)(6).

(iv) A document signed by the certified individual that the firm employee completed continuing education as required by subsection (b)(7), if applicable.

(5) The firm's certified individual shall receive written approval from the Department of a mitigation firm employee.

(6) For firm employees hired after January 24, 2019, the firm's certified individual shall ensure that each firm employee receives initial training before participating in radon mitigation activities. Initial training may be given by the firm's certified individual or through a Department-approved training program. The firm's certified individual shall document that each firm employee has received initial training that includes, at a minimum, the following:

(i) Information regarding radon and the risks associated with radon exposure.

(ii) Information regarding radon mitigation health and safety topics such as fall protection, mold hazards, and ventilation.

(iii) Information regarding radon mitigation protocols and standards.

(iv) Information regarding electrical wiring and electrical issues as they relate to radon mitigation installations.

(7) The firm's certified individual shall ensure that each firm employee receives continuing education every two years. Continuing education may be given by the firm's certified individual or through a Department-approved training program. The firm's certified individual shall document that each firm employee has received continuing education. Continuing education records shall be retained for 5 years. Continuing education shall include at least the requirements set forth in subsection (b)(6)(ii)-(iv).

(c) *Additional requirements.* If the applicant for mitigation certification is a firm, or an individual performing mitigation and not working for a certified mitigation firm, he shall also have a health and safety program, and a continuing education program, as required in §§ 240.305 and 240.306 (relating to health and safety program; and continuing education program).

§ 240.113. Radon mitigation application contents.

(a) An application for radon mitigation certification, by an individual or a firm, shall be submitted to the Department in writing on forms provided by the Department and must contain all of the following:

(1) Evidence that the applicant has the certification prerequisites contained in § 240.112 (relating to prerequisites for radon mitigation certification). The application must include the duties assigned to the certified individual in responsible charge of the mitigation activities.

(2) A nonrefundable fee as set forth in Appendix A (relating to radon certification fee schedule).

(3) The applicant's name, address, and telephone number. It must also indicate if the applicant is an individual, partnership, limited partnership, corporation or other entity. The application must include, when appropriate, the name and address of every officer, general and limited partner, director, principal shareholder, parent corporation and certified person within the applicant's organization.

(4) Compliance information, including descriptions of notices of violation, administrative orders, civil penalty

assessments and actions for violations of the act, this chapter or a term or condition of a certification.

(5) Copies of reporting forms, information distributed to potential clients and recent or proposed advertisements.

(6) The applicant's current photograph, in a format specified by the Department, to be used on the identification card as required under § 240.142 (relating to testing and mitigation identification cards).

(7) Other information the Department may require related to an applicant's qualifications or technical or administrative information related to radon mitigation.

(8) A verification by the applicant that the information contained in the application is correct to the best of the applicant's information and belief. This verification is subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

(9) If the applicant for mitigation certification is a firm, the application shall include a demonstration that the firm's certified individual will maintain adequate span of control over the firm's employees. This demonstration shall at least include:

(i) Information regarding the initial training and continuing education given to firm employees that is required by § 240.112(b)(6) and (b)(7).

(ii) The firm's protocol for ensuring that firm employees are adequately supervised by the firm's certified individual.

(b) Within 10 business days of a change to the information submitted in the mitigation certification application, the certified individual shall submit to the Department a written and signed notification listing each change. The change will not take effect until the Department provides written approval of the change.

§ 240.114. Application filing deadline.

(a) A person who anticipates conducting radon mitigation services shall file a complete application for certification a minimum of 30 days prior to the anticipated starting date of mitigation activities.

(b) A certified individual renewal application post-marked after the previous certified individual certification expiration date will be charged a late application fee as set forth in Appendix A (relating to radon certification fee schedule).

CERTIFICATION FOR RADON LABORATORY

§ 240.121. Requirements for radon laboratory certification.

(a) A person in this Commonwealth or a person analyzing devices placed or retrieved in this Commonwealth may not perform laboratory analysis or represent or advertise that the person may perform laboratory analysis of radon testing devices supplied to the public or of samples or devices received from the public or from other certified persons, unless that person has first applied for and obtained radon laboratory analysis certification from the Department or is a firm employee of a certified laboratory firm.

(b) For a firm to perform radon laboratory analysis it shall employ at least one individual certified to perform laboratory analysis who is in responsible charge of the firm's laboratory radon analytical activities, and the firm shall submit an application for certification and receive certification from the Department.

§ 240.122. Prerequisites for radon laboratory certification.

(a) *Individual certification for laboratory analysis.* A person will not be certified to perform radon laboratory analysis unless the person has:

- (1) Completed a Department-approved course on radon.
- (2) Had 1 year professional experience in performing laboratory analysis of radon measurement devices or samples or is certified in Health Physics by the American Board of Health Physics, or equivalent certification or professional work experience, or both, as determined by the Department.
- (3) Received a bachelors degree in the physical sciences or engineering or related fields as approved by the Department, or the education or professional work experience equivalent to a degree, as determined by the Department.
- (4) Submitted a complete and accurate application to the Department, including applicable fees.

(b) *Firm certification for laboratory analysis.* If the applicant for radon laboratory certification is a firm, it shall employ at least one individual who is certified to perform radon laboratory analysis and who is in responsible charge of the laboratory radon analytical activities.

(1) If the firm loses its certified individual, all of the following apply:

- (i) The firm owner shall notify the Department in writing within 5 business days of losing its certified individual.
- (ii) The firm's certification automatically lapses and is void until the Department approves in writing the firm owner's written and signed request for a certified individual to be in responsible charge of that firm's radon laboratory activities.

(2) If a laboratory firm employee is no longer under the responsible charge of the firm's certified individual, the following apply:

- (i) The firm's certified individual shall notify the Department within 10 business days of this change.
- (ii) The firm employee's Department listing becomes invalid.
- (3) Activities of the laboratory firm employee shall be conducted in accordance with the signed laboratory firm employee application.

(4) Each laboratory firm employee applicant shall submit all of the following:

- (i) A completed and signed laboratory firm employee application as provided by the Department.
- (ii) For firm employees hired after January 24, 2019, a document signed by the certified individual that the firm employee received initial training pursuant to subsection (b)(6).

(5) Each laboratory firm employee shall receive written approval from the Department prior to conducting radon laboratory activities as a laboratory firm employee.

(6) For firm employees hired after January 24, 2019, the firm's certified individual shall ensure that each firm employee receives initial training before participating in radon laboratory activities. Initial training may be given by the firm's certified individual or through a Department-approved training program. The firm's certi-

fied individual shall document that each firm employee has received initial training that includes, at a minimum, the following:

- (i) General information regarding radon and the risks associated with radon exposure.
- (ii) Information regarding radon laboratory analysis methods, protocols and standards.
- (iii) Information regarding QA/QC for the laboratory device(s).
- (iv) Information regarding necessary record keeping.

(7) The firm's certified individual shall ensure that each firm employee receives continuing education every two years. Continuing education may be given by the firm's certified individual or through a Department-approved training program. The firm's certified individual shall document that each firm employee has received continuing education. Continuing education records shall be retained for 5 years and include, at a minimum, the requirements set forth in subsection (b)(6)(ii)–(iv).

(c) *Additional requirements.* If the applicant for radon laboratory certification is a firm, or an individual performing laboratory analysis and not working for a certified laboratory, the applicant shall also have a QA program and a continuing education program as required under §§ 240.306 and 240.604 (relating to continuing education program; and QA requirements for testing using primary devices). In addition, the applicant shall be successfully enrolled in a Department-approved radon measurement proficiency program as required under § 240.307 (relating to radon measurement proficiency program).

§ 240.123. Radon laboratory application contents.

(a) An application for radon laboratory certification, by an individual or a firm, shall be submitted to the Department in writing on forms provided by the Department and must contain all of the following:

(1) Evidence that the applicant has the certification prerequisites contained in § 240.122 (relating to prerequisites for radon laboratory certification). The application must include the duties assigned to the certified individual in responsible charge of the laboratory analysis activities.

(2) A nonrefundable fee as set forth in Appendix A (relating to radon certification fee schedule).

(3) The applicant's name, address, and telephone number. It must also indicate if the applicant is an individual, partnership, limited partnership, corporation or other entity. The application must include, when appropriate, the name and address of every officer, general and limited partner, director, principal shareholder, parent corporation and certified person within the applicant's organization.

(4) Compliance information, including descriptions of notices of violation, administrative orders, civil penalty assessments and actions for violations of the act, this chapter or a term or condition of a certification.

(5) Other information the Department may require related to an applicant's qualifications or technical or administrative information related to laboratory analysis of radon samples.

(6) A verification by the applicant that the information contained in the application is correct to the best of the applicant's information and belief. This verification is

subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

(7) If the applicant for laboratory certification is a firm, the application shall include a demonstration that the firm's certified individual will maintain adequate span of control over the firm's employees. This demonstration shall at least include:

(i) Information regarding the initial training and continuing education given to firm employees that is required by § 240.122(b)(6) and (b)(7) (relating to prerequisites for radon laboratory certification).

(ii) The firm's protocol for ensuring that firm employees are adequately supervised by the firm's certified individual.

(b) Within 10 business days of a change to the information submitted in the laboratory certification application, the laboratory certified individual shall submit to the Department a written and signed notification listing each change.

§ 240.124. Application filing deadline.

(a) A person who anticipates performing laboratory analysis of samples to determine radon concentrations shall file a complete application for laboratory analysis certification a minimum of 30 days prior to the anticipated starting date of laboratory analysis.

(b) A laboratory individual certification application postmarked after the previous laboratory individual certification expiration date will be charged a late application fee as set forth in Appendix A (relating to radon certification fee schedule).

CERTIFICATION FOR PERSONS CERTIFIED IN ANOTHER STATE

§ 240.132. Limited radon practice in this Commonwealth.

A person may test, mitigate or perform laboratory analysis without first obtaining certification from the Department if the person does all of the following:

(1) Obtains certification to do so from a state with which the Department has entered into a reciprocal agreement.

(2) Conducts that activity in this Commonwealth fewer than 90 days each calendar year.

§ 240.133. Certification application contents.

(a) A person who has a certification from a state with which the Department has entered into a reciprocal agreement, and who intends to conduct the radon-related activity in this Commonwealth for 90 days or more a year, shall first obtain certification from the Department. The application must be in writing and contain all of the following:

(1) A copy of the certification from the foreign state.

(2) A nonrefundable fee as set forth in Appendix A (relating to radon certification fee schedule).

(3) The applicant's name, address, and telephone number. It must also indicate if the applicant is an individual, partnership, limited partnership, corporation or other entity. The application must include, when appropriate, the name and address of every officer, general and limited partner, director, principal shareholder, parent corporation and certified person within the applicant's organization.

(4) Compliance information, including descriptions of notices of violation, administrative orders, civil penalty assessments and actions for violations of the act, this chapter or a term or condition of a certification.

(5) Other information the Department may require related to an applicant's qualifications, or technical or administrative information related to radon testing, mitigation of radon contamination or laboratory analysis of radon samples.

(6) A verification by the applicant that the information contained in the application is correct to the best of the applicant's information and belief.

(b) Within 10 business days of a change to the information submitted in the certification application, the certified individual shall submit to the Department a written and signed notification listing each change.

OTHER CERTIFICATION PROCEDURES

§ 240.141. Withdrawal of applications and certifications.

(a) *Withdrawal of applications.*

(1) An application may be withdrawn before Department approval is granted.

(2) Fees will not be refunded.

(3) After an application for certification is withdrawn, a person may request to have the application reinstated prior to expiration of current certification.

(4) The withdrawal is complete when all of the following conditions have been met:

(i) The request for an application withdrawal has been submitted to the Department in writing and signed by the applicant.

(ii) The Department has confirmed the withdrawal in writing.

(b) *Withdrawal of certifications.*

(1) A certified testing, mitigation or laboratory individual may request that the Department withdraw the individual's own certification or a firm certification. The withdrawal is complete when the request has been submitted in writing, signed by the certified individual and the Department has provided written confirmation of the withdrawal.

(2) A firm owner may request that the Department withdraw the firm's certification. The withdrawal is complete when the request has been submitted in writing, signed by the firm owner and the Department has provided written confirmation of the withdrawal.

(c) *Withdrawal of a testing or laboratory individual certification by the Department.*

(1) The Department may withdraw a testing or laboratory individual certification when that individual no longer has Department-listed testing devices.

(2) The Department will confirm the withdrawal in writing.

(d) *Reinstatement of withdrawn certifications.*

(1) The previously certified individual may submit a written, signed request to reinstate the individual's testing, mitigation or laboratory individual certification or the firm owner may request to reinstate the testing, mitigation or laboratory firm certification prior to the withdrawn certification's expiration date.

(2) The Department will approve or disapprove this request in writing.

(3) A person who wishes to reapply for certification after the expiration of the person's previous certification shall submit a new application along with appropriate fees as set forth in Appendix A.

§ 240.142. Testing and mitigation identification cards.

(a) All of the following persons shall obtain Department identification cards:

- (1) Individuals for testing certification.
- (2) Individuals for mitigation certification.
- (3) Each testing firm employee.
- (4) Each mitigation firm employee.

(b) Each applicant referenced in subsection (a) shall submit the applicant's current photograph, in a format specified by the Department, to the Department with the application.

(c) Each person listed in subsection (a) shall present the Department-issued identification card to a client upon request.

§ 240.143. Adding or removing devices from certification.

(a) To add or remove a device from laboratory or testing certification, the certified individual shall submit a written and signed request to the Department.

(b) The certified individual who analyzes each continuous monitor and electret reader shall provide in the request the specific serial number and proof of current calibration of each device to be added.

(c) The certified individual who analyzes each continuous monitor and electret reader shall provide in the request the specific serial number of each device to be removed.

(d) The device will be considered Department-listed or removed on the effective date stated in the Department's confirmation letter to the certified individual.

(e) After the effective removal date of the device, the device may no longer be used to conduct radon testing activities or laboratory analysis.

(f) The certified individual shall receive written approval from the Department to add a specific device prior to performing radon testing activities or laboratory analysis with the device.

Subchapter C. CERTIFICATION REVIEW PROCEDURES AND STANDARDS

§ 240.201. Criteria for issuance or denial of certifications or course provider applications.

(a) A certification or course provider application will not be approved unless the applicant affirmatively demonstrates to the Department's satisfaction that all of the following conditions are met:

(1) Neither the applicant nor a person identified in the application or involved with the course or its development is in violation of the act or this chapter or has been decertified under § 240.403 (relating to decertification).

(2) The application is accurate and complete and the applicant is in compliance with the requirements of the act and this chapter.

(3) The applicant has the qualifications required in this chapter and is capable of performing the activities for which he is seeking certification as required by the act and this chapter.

(b) The Department may deny the certification or course provider application of a person who has shown a lack of ability or intention to comply with the acts or this chapter, as indicated by past or continuous conduct. A certification lapse under § 240.203(b) (relating to conditions of certification) may be considered evidence of a lack of ability or intention to comply with the acts or this chapter.

§ 240.202. Terms of certification.

(a) A certification will be valid for 2 years following issuance.

(b) Testing, mitigating or laboratory analysis may not be conducted after the expiration of the term of certification.

§ 240.203. Conditions of certification.

(a) Persons certified under this chapter shall, at a minimum, comply with all of the following conditions:

(1) The certified person shall conduct all activities as described in the approved application.

(2) The certified person shall allow the Department, its agents and employees, without advance notice or a search warrant, upon presentation of appropriate credentials, and without delay, to have access to the person's facilities, offices and files for inspection and examination of records. The certified person shall also allow the Department, its agents and employees to accompany him while performing radon-related activities for the purpose of inspection of those activities.

(3) The certified person shall remain in compliance with the acts and this chapter.

(4) For certification of a firm, the certified individual shall remain in responsible charge of the radon-related activities. The certified individual shall have his duties and responsibilities listed in the firm's certification application.

(5) Certified testing and laboratory individuals shall pass blind studies conducted by the Department. The individual measurement results of the blind study must achieve an individual relative percent error of less than or equal to $\pm 25\%$ of the reference value. The blind study is conducted without the knowledge of the certified individual so that no special precaution is taken during the measurement device analysis. Blind studies are designed to assess the performance of the measurement device to ensure that clients are receiving accurate and precise results.

(b) The Department may suspend certification if a condition of certification is violated. The Department will publish notice of the suspension in the *Pennsylvania Bulletin*.

§ 240.204. Certification renewal.

(a) An application for certification renewal must contain the contents required in an initial certification application, except that the Department may permit an applicant to rely on information previously submitted if the information remains the same. A certification renewal application shall be issued or denied according to the criteria in § 240.201 (relating to criteria for issuance or denial of certifications or course provider applications).

(b) Prior to the expiration of radon certification, a person who intends to continue to provide radon-related services in this Commonwealth shall submit an application for certification renewal. To avoid a lapse in certification, an applicant for certification renewal shall file an application at least 30 days prior to the expiration of the current certification. Submitting a renewal application does not extend the previous certification period. The certified person is responsible to make a timely application for certification renewal.

(c) For an application from a radon service provider postmarked after the expiration of the certification, the following criteria will determine application requirements:

(1) An individual certification application postmarked prior to 1 year after the expiration of the certification is a renewal application subject to the late application fee in Appendix A (relating to radon certification fee schedule).

(2) An individual certification application postmarked 1 year or more after expiration of certification is an initial application subject to the initial application fee in Appendix A. The application is not subject to the late application fee set forth in Appendix A.

§ 240.205. Certification modification.

The terms and conditions of a certification are subject to amendment, revision or modification by the Department for a violation of the acts, this chapter or a term or condition of the certification, or for a false statement made to the Department by the certified party, or for a change of condition which would warrant the issuance or denial of a certification on the basis of an original application.

Subchapter D. OPERATION REQUIREMENTS

§ 240.301. Advertising.

A person may not advertise a radon-related service or product with false or misleading statements regarding the services or products offered, health effects or property value. A person required to obtain certification may not advertise a service or product unless the person currently holds a valid certification from the Department to perform that service or provide that product. Advertising for a radon-related service or product must include the valid Department certification number of the certified individual providing that service.

§ 240.302. Required client information.

(a) A person may not test, mitigate against radon or provide a radon-related service or product without first offering the potential client a price list of services offered, and providing evidence of certification and a notice that only persons certified under the act and this chapter may provide the services or products. For mitigators, a written estimate for services shall constitute a price list. The notice must read substantially as follows:

NOTICE TO CLIENTS:

Pennsylvania law requires that anyone who performs radon testing, mitigation or laboratory analysis activities must be currently certified by the Pennsylvania Department of Environmental Protection (DEP). Any person providing these radon services shall present to the client a current Department-issued photo identification card upon request. If you have questions, you may contact DEP at the Bureau of Radiation Protection, Department of Environmental Protection, P.O. Box 8469, Harrisburg, Pa. 17105-8469, (717) 783-3594.

(b) For a person performing mitigation, warranty information, if offered, and information on the proper method of checking and servicing of mitigation equipment to maintain its function shall be provided in writing to the client.

§ 240.303. Reporting of information.

This section specifies reporting requirements for testing, mitigation and other radon-related services.

(1) *Laboratory reporting and primary tester reporting.*

(i) A primary tester performing analyses or a certified individual performing laboratory analyses shall report test results to the Department within 45 days of the analysis date. If a radon-related analysis is not provided during a 45-day period, the certified individual shall inform the Department by the end of that 45-day period in a format approved by the Department. Radon tests used for diagnostic purposes must be identified as “diagnostic” when submitted to the laboratory. The information must include all of the following as available:

(A) The name and certification number of the person certified to provide the testing or laboratory analysis service.

(B) The address of the building tested, including street and number, post office, full zip code and county.

(C) The begin and end date of each measurement, measurement method and locations in the building.

(D) The type of house or building, the types of measurement devices used, the locations within the building of specific measurements and the results in picocuries per liter.

(E) The operational status of the mitigation system at the test site.

(F) The date the analysis was performed.

(G) The serial number of the CRM or electret reader.

(ii) The primary certified individual shall retain for 5 years the test result documentation identified in subparagraph (i).

(iii) The following test results should not be reported to the Department:

(A) An invalid test.

(B) A diagnostic test.

(C) A measurement performed only for QA.

(2) *Mitigation reporting.*

(i) A mitigation certified individual shall report the mitigation activity results to the Department within 45 days after the mitigation system initial fan activation or the alteration to an existing mitigation system. If mitigation activity is not performed during a 45-day period, the certified individual shall inform the Department by the end of that 45-day period in a format approved by the Department. The reported information must include all of the following:

(A) The name and certification number of the person providing the service.

(B) The address of the building involved, including street and number, post office, full zip code and county.

(C) The date of the initial fan activation or the alteration to an existing mitigation system.

(D) The type of house or building.

(E) The type of mitigation installation or alteration.

- (F) The cost to the client.
- (G) The postmitigation result.
- (ii) The mitigation certified individual shall retain for 5 years the mitigation activity result documentation identified in subparagraph (i).
- (3) *Reporting to client.* Within 10 business days after testing or laboratory analysis is provided, the person providing radon-related services shall report in writing to the client and to the owner or occupant the results in picocuries per liter and, when appropriate, in WLs of radon measurements taken in the building. If a certified tester provides the service through a certified laboratory, it is the responsibility of the certified laboratory to report the results to the client and to the owner or occupant of the building.
- (4) *Postmitigation testing and reporting.* For a person performing mitigation, each building shall be tested for radon levels after the mitigation is performed. Each test must be at least 48 hours in duration and follow Department-approved protocols in § 240.310 (relating to testing protocols). The postmitigation test shall be conducted no sooner than 24 hours after completion of the mitigation. The results of the postmitigation test shall be reported in accordance with this section unless the postmitigation test is performed by someone other than the mitigator and the client does not provide the postmitigation test results to the mitigator.

§ 240.304. (Reserved).

§ 240.305. Health and safety program.

A certified individual shall have a radon health and safety program to protect himself and firm employees from exposure to radon that, at a minimum, includes minimizing one's time in the building and providing fresh air intake from outside air, when appropriate. The program must include records of each mitigator's exposure to radon during the course of employment. The certified individual shall record the items on the form in Appendix C (relating to radon exposure tracking record) and retain the records for a period of 5 years. Testers and mitigators may not exceed 4 WLM/yr in radon exposure.

§ 240.306. Continuing education program.

Upon certification renewal, the certified individual shall submit to the Department proof of having satisfactorily completed 16 credit hours of Department-approved continuing education courses or Department-approved equivalent.

§ 240.307. Radon measurement proficiency program.

An initial laboratory individual applicant, initial primary testing individual applicant, or an applicant applying to add a new primary testing or laboratory device shall provide written evidence of successful participation in a Department-approved radon measurement proficiency program for each model type.

§ 240.308. Radon mitigation standards for detached and attached residential buildings three stories or less in height.

- (a) The certified individual shall conduct a thorough visual inspection of the building prior to initiating any radon mitigation work.
- (b) *Terminal discharge.* To prevent re-entrainment of radon, discharges of depressurization systems, whether fan-powered or passive, must meet all of the following requirements:

(1) The termination point shall be above the immediate edge of the roof for vent pipes attached to the side of the building.

(2) The termination point must be vertical, upward, outside the structure and discharging to the atmosphere. A 45-degree elbow is permitted. Rain caps may not be used.

(3) The termination point must be 10 feet or more above the ground level nearest to the point of discharge.

(4) The termination point must be 10 feet or more from an operable window unit, door or other opening into conditioned spaces unless it is 2 feet above the top of the openings. The 10-foot distance may be measured directly between the opening and the exhaust point or with a flexible tape following the shortest path possible around intervening solid objects. A chimney is not considered an opening into conditioned spaces.

(5) The termination point must be at least 5 feet horizontally from a vertical wall that extends above the roof or higher than the vertical wall.

(6) The termination point must be 10 feet or more from an opening into an adjacent structure and be:

- (i) At least 12 inches above the surface of the roof for vent pipes that penetrate the roof.
- (ii) At least 10 feet from any openings of conditioned spaces in the structure.

(c) *Fan location.* A radon fan used in active soil depressurization or a block wall depressurization system may not be installed:

- (1) Below grade, in a window well or egress window well, or in the conditioned space of a building.
- (2) In a basement, crawl space or other interior location directly beneath the heated or cooled spaces of a building.

(d) *Sealing.*

(1) When accessible, the following are required to be adequately sealed with urethane caulk or equivalent material using methods and materials that are permanent and durable when installing a mitigation system:

- (i) Perimeter channel drains.
- (ii) Cracks that exist where the slab meets the foundation wall (floor wall joint).
- (iii) Expansion or control joints.
- (iv) Openings around utility penetrations of the foundation walls.
- (v) Sump pits that allow entry of soil gas or that allow conditioned air to be drawn into a sub-slab depressurization system.

(2) When the opening or channel is greater than 1/2 inch in width, a foam backer rod or other equivalent filler material shall be inserted into the channel before application of the sealant. Materials inserted into the channel must leave adequate space below the filler material to allow subsurface drainage from the channel into the subslab material.

(3) If the mitigator and homeowner determine that the perimeter channel drain cannot be sealed for water control reasons, then the mitigator may leave those areas unsealed and shall provide the following written statements to the homeowner:

- (i) This technique may contribute to increased heating and cooling costs.

(ii) This technique may reduce the effectiveness of the radon mitigation system.

(iii) This technique may increase the potential for backdrafting natural draft combustion appliances.

(e) *Labeling.*

(1) If the mitigation system is accessible and visible, a system description label shall be prominently and permanently affixed to the mitigation system piping. If the mitigation system is concealed or not accessible, then the label shall be placed in another prominent location. The label must be legible from a distance of at least 3 feet and include all of the following information:

(i) "Radon Reduction System."

(ii) The name and certification number of the mitigation certified individual or firm.

(iii) The contact telephone number of the mitigation certified individual or firm.

(iv) The date of installation.

(v) "Building should be tested for radon at least every two years."

(2) Each exposed and visible interior radon mitigation system vent pipe section shall be identified with at least one label on each floor level. The label must read "Radon Reduction System."

(f) *Required client information.* Upon completion of the mitigation project, the mitigator shall attach an information package to the mitigation system in a secure and permanent manner, visible location and labeled "Radon Mitigation Information." The information package must include all of the following:

(1) A copy of contracts and warranties for the mitigation system.

(2) A description of the installed mitigation system and its basic operating principles.

(3) A description of the proper operating procedures of installed mechanical or electrical systems, including the manufacturer's operation and maintenance instructions, drain-filling instructions and warning device interpretations.

(4) A list of appropriate actions for the client to take if the system failure warning device indicates system degradation or failure.

(5) A recommendation to retest at least every 2 years.

(6) A recommendation to have an electrical inspection performed on the applicable components of the installed system.

(g) *Compliance.* A person conducting radon mitigation activities shall conduct the mitigation in accordance with Department-approved mitigation standards and shall comply with applicable statutes, regulations, ordinances and building codes. The following protocols, "Protocols for Radon and Radon Decay Product Measurements in Homes," "Indoor Radon and Radon Decay Product Measurement Device Protocols" and "Pennsylvania Radon Mitigation Standards" are available upon request from the following source:

Department of Environmental Protection
 Bureau of Radiation Protection
 Rachel Carson State Office Building, 13th Floor
 400 Market Street
 Post Office Box 8469
 Harrisburg, Pennsylvania 17105-8469

§ 240.310. **Testing protocols.**

(a) *Radon testing protocols.* The certified individual shall ensure that the requirements in this section are completed. For testing that is required to be reported to the Department under § 240.303 (relating to reporting of information), radon testing shall be performed in accordance with all of the following testing protocols:

(1) *Placement of testing devices.* Testing devices shall be placed as follows:

(i) At least 3 feet from exterior doors, windows or ventilation ducts.

(ii) Out of the direct flow of air.

(iii) At least 1 foot from ceilings and exterior walls.

(iv) At least 20 inches but not more than 6 feet from the floor.

(v) At least 4 inches from other objects horizontally or vertically above the detector.

(vi) At least 4 feet from heat sources including fireplaces, furnaces and direct sunlight.

(vii) At least 7 feet from sump pits.

(viii) Where the device will remain undisturbed during the test period.

(2) *Improper placement of testing devices.* Testing devices may not be placed in the following locations:

(i) Bathrooms.

(ii) Kitchens.

(iii) Within 10 feet of washer/dryer unit.

(iv) Spa rooms or other areas of high humidity.

(v) Closets.

(vi) Cupboards.

(vii) Sump pits.

(viii) Crawlspace or nooks within the foundation.

(3) *Short-term tests.* Short-term tests shall be taken in the lowest livable level of each structural zone that contacts the soil.

(4) *Conditions of testing.* Testing shall be conducted under the following conditions:

(i) Testing devices must remain undisturbed during the testing period.

(ii) A short-term test must range in duration from 48 hours to 90 days.

(iii) Short-term tests must be conducted under closed-building conditions.

(iv) Closed-building conditions must begin at least 12 hours prior to the beginning of the test period for tests lasting less than 96 hours.

(v) Closed-building conditions consist of all of the following criteria:

(A) All windows must be closed.

(B) All external doors must be closed except for normal entry and exit. Structural openings due to disrepair or structural defects shall be repaired to correct their condition prior to initiation of testing.

(C) Normal operation of permanently installed HVAC systems must continue during closed-building conditions.

(D) Fireplaces, wood stoves and coal stoves may not be operated unless they are normal sources of heat for the building.

(E) Air conditioning systems that recycle interior air may be operated during closed-building conditions.

(F) Whole-house fans may not be operated during the test period. Portable window fans shall be removed from windows or sealed in place. Window air conditioning units may only be operated in a recirculation mode. If the building contains an air handling system, the air handling system may not be set for continuous operation unless the air handling equipment is specifically used for radon control and is labeled accordingly.

(G) In buildings with permanently installed radon mitigation systems, the mitigation system must be functioning during the test period. If the system is not functioning, the client must be notified immediately.

(H) Operation of fans, portable dehumidifiers, portable humidifiers, portable air filters and window air conditioners may not create a direct flow of air on the radon testing device.

(vi) All closed-building conditions shall be inspected and documented at the time of placement and retrieval of the detectors.

(vii) Short-term tests of fewer than 96 hours may not be conducted during unusually severe storms or periods of high winds of 30 miles per hour or greater. Local weather forecasts shall be checked and documented prior to placing short-term test devices when the test period is less than 96 hours.

(viii) Instructions describing closed-building conditions required in this section shall be provided to the persons who control the building.

(ix) Only co-located duplicate tests may be averaged.

(5) *Minimum requirements for short-term testing.*

(i) *Simultaneous testing using short-term passive devices.*

(A) Simultaneous testing must comprise at least two short-term indoor radon tests conducted simultaneously with identical test devices.

(B) Simultaneous testing devices shall be:

(I) Co-located and the near edges spaced 4 to 5 inches apart.

(II) Exposed for the same test period.

(C) Both tests and the average of the simultaneous tests shall be reported to the client, except as indicated in subclause (II):

(I) If the RPD is greater than 67% for simultaneous test results that are both between 2.0 and 3.9 pCi/L, the tests shall be reported to the client and the cause investigated, documented and corrected.

(II) If the RPD is greater than 36% for simultaneous test results that are both equal to or greater than 4.0 pCi/L, the tests may not be reported to the client, and the cause shall be investigated, documented and corrected.

(D) If one test is equal to or greater than 4.0 pCi/L and one test is less than 4.0 pCi/L, and the higher test is more than twice the amount of the lower test, the tests may not be reported to the client.

(ii) *CRM testing.*

(A) A CRM must have the capability to integrate and record a new result at least hourly.

(B) The minimum test period is 48 hours, with 44 contiguous hours of usable data to produce a valid average. The first 4 hours of data from a CRM may be discarded.

(C) The contiguous results shall be averaged to produce a result that is reported to the client.

(D) A copy of the hourly printout shall be provided to the client as part of the test results.

(6) *Real estate testing.* Real estate testing shall be conducted using all of the following anti-tampering procedures:

(i) Anti-tampering devices shall be employed to indicate if a test device was moved during the testing period.

(ii) The buyer, seller, occupant, real estate professional or other individual in control of the property shall sign a Conditions for Short-Term Radon Testing Agreement, which must contain the information in Appendix B (relating to non-interference agreement for real estate radon testing).

(iii) If the Conditions for Short-Term Radon Testing Agreement cannot be signed by the buyer, seller, occupant, real estate professional or other individual in control of the property, the reason shall be documented on the completed agreement.

(iv) A Radon Testing in Progress Notice shall be posted and in a conspicuous indoor location. The notice shall be posted upon initiation of a radon test and include all of the following statements:

(A) "Radon Testing in Progress."

(B) "Keep all windows closed."

(C) "Keep all exterior doors closed, except for normal entry and exit."

(D) "Do not move or touch the radon testing device."

(7) *Multifamily building tests.* Multifamily building tests shall be performed in accordance with ANSI/AARST MAMF-2017, "Protocol for Conducting Radon and Radon Decay Product Measurements in Multifamily Buildings," or its equivalent as determined by the Department.

(8) *Multifamily building mitigation.* Multifamily building mitigation shall be performed in accordance with ANSI/AARST RMS-MF 2014, "Radon Mitigation Standards for Multifamily Buildings," or its equivalent as determined by the Department.

(9) *School and commercial building tests.* School and commercial building tests shall be performed in accordance with *Radon Measurement in Schools* (EPA 402-R-92-014) or its equivalent as determined by the Department.

(10) *New construction and buildings under renovation.* This paragraph provides the testing requirements for new construction and buildings under renovation. A newly constructed building or existing building under renovation may not be tested for radon or radon progeny unless all of the following items have been installed:

(i) Insulation.

(ii) Exterior doors with associated hardware.

(iii) Windows.

(iv) Fireplaces and fireplace dampers, if they are or will be installed.

(v) Heating, air conditioning and plumbing appliances.

(vi) Ceilings.

(vii) Interior trim and coverings for the exterior walls.

- (viii) Exterior siding, weatherproofing and caulking.
- (ix) Interior and exterior structural components.
- (x) Interior or exterior work that may adversely affect the test validity.

(11) *Postmitigation testing.*

(i) Testing conducted while temporary radon reduction systems are in use may not be used as the postmitigation test.

(ii) The mitigation system must be operated continuously during the entire test period. If the system is not functioning, the client must be notified immediately.

(iii) The postmitigation test may not be performed sooner than 24 hours or later than 30 days following the completion and activation of the mitigation system or an alteration to an existing system unless unforeseen circumstances prohibit the testing being performed within this timeframe, such as the owner or occupier refusing or ignoring requests to complete the postmitigation test.

(iv) Postmitigation testing shall be conducted in accordance with this subsection.

(b) *Result Report Form.*

(1) A tester shall have a Department-approved Result Report Form. Testers shall provide the client with a completed Result Report Form within 10 business days from the completion of the test or the receipt of the test results from the laboratory. The Result Report Form must contain all of the following as available:

(i) Each test result in pCi/L and rounded to one decimal place. Standard mathematical rules for rounding shall be followed.

(ii) Notification of an invalid radon test with an explanation and without a test result given.

(iii) The average of co-located test device results as well as the individual results.

(iv) The exact start and stop dates and times of the test period.

(v) The complete street address of the test location, including, when applicable, the apartment, suite or building number.

(vi) The test device used and its manufacturer, model and serial number.

(vii) The complete name, street address and telephone number of the tester.

(viii) The name and Department certification number of each tester placing and retrieving each testing device.

(ix) The name and certification number of the laboratory analyzing the testing device, if applicable.

(x) A statement whether a mitigation system was observed in the building during placement or retrieval of the testing device, including whether the mitigation system was operating.

(xi) A statement describing if tampering, interference or deviations from the required test conditions was observed.

(xii) A description of the condition (open, closed or not applicable) of permanent vents that allow outdoor air into the building, such as crawlspace vents or combustion air supply to combustible appliances.

(xiii) A description of unusually severe storms or periods of high winds during the test period.

(xiv) The location within the building of each testing device.

(xv) The Pennsylvania "Notice to Clients" statement as indicated in § 240.302 (relating to required client information).

(xvi) If using a CRM, a copy of the device printout.

(xvii) If using a CRM or electret reader, the calibration expiration date.

(xviii) If using a CRM or electret reader, the device serial number.

(xix) The following radon health risk information:

Radon is the second leading cause of lung cancer, after smoking. The U.S. Environmental Protection Agency (EPA) and the Surgeon General strongly recommend taking further action when the home's radon test results are 4.0 pCi/L or greater. The National average indoor radon level is about 1.3 pCi/L. The higher the home's radon level the greater the health risk to you and your family. Reducing your radon levels can be done easily, effectively and fairly inexpensively. Even homes with very high radon levels can be reduced below 4.0 pCi/L. For further information about reducing elevated radon levels, please refer to the "Pennsylvania Consumers Guide to Reduction."

(2) A laboratory shall use a Department-approved Result Report Form. Laboratories shall provide the client with a completed Result Report Form within 10 business days after completion of test analysis. The Result Report Form must contain all of the following as available:

(i) Each test result in pCi/L and rounded to one decimal place. Standard mathematical rules for rounding shall be followed.

(ii) Notification of invalid radon tests with an explanation and without a test result given.

(iii) The average of co-located testing devices as well as the individual results.

(iv) The exact start and stop dates and times of the test period.

(v) The complete street address of the test location, including, when applicable, the apartment, suite or building number, as available.

(vi) The test device used and its manufacturer, model and serial numbers.

(vii) The name and certification number of the laboratory analyzing the testing device.

(viii) The location within the building of each test device, as available.

(ix) The Pennsylvania "Notice to Clients" statement as indicated in § 240.302.

(x) If using a CRM, a copy of the device printout.

(xi) The calibration expiration date of the electret reader or continuous monitor.

(xii) The following radon health risk information:

Radon is the second leading cause of lung cancer, after smoking. The U.S. Environmental Protection Agency (EPA) and the Surgeon General strongly recommend taking further action when the home's radon test results are 4.0 pCi/L or greater. The national average indoor radon level is about 1.3 pCi/L. The higher the home's radon level the greater the health risk to you and your family. Reducing your radon levels can be done easily, effectively and fairly inexpensively. Even homes with very

high radon levels can be reduced below 4.0 pCi/L. For further information about reducing elevated radon levels, please refer to the "Pennsylvania Consumers Guide to Reduction."

Subchapter E. ENFORCEMENT AND DECERTIFICATION

§ 240.401. Inspection.

(a) The Department and its agents and employees will:

* * * * *

(b) The Department, its agents and employees may conduct inspections of a building, property, premises or place of business of a person who conducts radon-related activities if a person presents information to the Department or the Department has access to information which gives it reason to believe that one of the following exists:

* * * * *

(c) An agent or employee of the Department may not enter a private residence for the purpose of conducting an inspection under this section without a search warrant or without the consent of the occupant.

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Subchapter F. (Reserved)

§ 240.501. (Reserved).

§ 240.502. (Reserved).

Subchapter G. QA REQUIREMENTS

Sec.

- 240.601. Scope.
- 240.602. General requirements.
- 240.603. QA program.
- 240.604. QA requirements for testing using primary devices.
- 240.605. QA requirements for testing using secondary devices.
- 240.606. QA requirements for laboratories.

§ 240.601. Scope.

(a) This subchapter applies to QA requirements for:

(1) Persons conducting radon testing and radon laboratory analysis activities.

(2) Testing devices listed with the Department on the individual's certification.

(b) The subchapter does not apply to tests performed for the sole purpose of diagnostic testing.

§ 240.602. General requirements.

(a) The certified individual is responsible for all requirements in this subchapter, including when QA activities are performed by others.

(b) QA requirements and corrective actions in this section shall be documented and the records retained for a minimum of 5 years.

§ 240.603. QA program.

A person conducting radon testing or radon laboratory analysis activities shall have a QA program to ensure the measurements are accurate and errors are controlled. The program must ensure that testing devices are routinely and properly calibrated. The program shall provide the information related to all of the following activities:

- (1) Organization and responsibilities.
- (2) Sampling procedures.
- (3) Detector custody.
- (4) Analytical procedures.
- (5) Data reduction, validation and reporting.

(6) Corrective action.

(7) QA reports to management.

§ 240.604. QA requirements for testing using primary devices.

(a) *CRMs for primary testers.*

(1) *Calibration.* Each Department-listed CRM must have a current calibration. To have a current calibration, the CRM shall be calibrated in a Department-approved calibration facility within 1 year from the date of the previous calibration and when alterations or repairs are made to the CRM.

(2) *Background measurements.* Background measurements shall be performed and documented after every 1,000 hours of operation of scintillation cell-type CRM. These background measurements shall be checked by purging the unit with clean, aged air or nitrogen in accordance with the manufacturer's instructions. For all CRMs, the background shall be monitored in accordance with the manufacturer's instructions.

(3) *Check source counting.* For a CRM with a check source, check source counting shall be documented and completed with that check source prior to each test.

(4) *Routine instrument checks.* Before and after each measurement, the CRM shall be checked according to the manufacturer's instructions. For each check, all of the following shall be verified:

(i) The correct input parameters and the unit's clock or timer are set properly.

(ii) The pump's flow rates are within the range of the manufacturer's specifications.

(5) *Data collection log.*

(i) CRM data shall be tracked on a form that contains all of the following:

(A) The CRM serial number.

(B) The exposure dates and times.

(C) The test result.

(D) The address of the building tested.

(E) The test location in the building.

(F) The name of the tester who placed the CRM.

(G) The name of the tester who retrieved the CRM.

(H) The calibration, repair and Department listing dates.

(ii) For a CRM without a check source, the data collection log must also contain all of the following intercomparison measurement information:

(A) The intercomparison devices' serial numbers.

(B) The RPD value.

(C) The intercomparison measurements results.

(6) *Intercomparison measurements.* An intercomparison measurement shall be performed for each CRM without a check source.

(i) Intercomparison measurements shall be made at least every tenth test with another Department-listed passive device that is analyzed by a Department-certified laboratory or with another CRM with a hard copy printout. The intercomparison measurements shall be distributed systematically throughout the entire population of test locations. Original printouts or Department-certified laboratory results, or both, shall be kept for each

intercomparison. Each intercomparison measurement must be performed with the devices side by side for the measurement for at least 48 hours.

(ii) For intercomparison measurements, the RPD shall be used to track performance. The RPD value shall be tracked using control charts from "Protocols for Radon and Radon Decay Product Measurements in Homes," EPA 402-R-92-003, May 1993, Appendix B, Exhibits B-2 and B-3.

(iii) If the RPD value exceeds the control limit, the CRM may not be used for radon measurements until the problem is identified and corrected. If the RPD value exceeds the warning level, the criteria in "Protocols for Radon and Radon Decay Product Measurements in Homes," EPA 402-R-92-003, May 1993, Appendix B, Exhibit B-5, shall be followed.

(iv) In addition to the control charts, intercomparison measurements shall be documented on the CRM data collection log.

(b) *CWLMs for primary testers.*

(1) *Calibration.* Each Department-listed CWLM must have a current calibration. To have a current calibration, the CWLM shall be calibrated in a Department-approved calibration facility within 1 year from the date of the previous calibration and when alterations or repairs are made to the CWLM.

(2) *Background measurements.* CWLM background measurements shall be performed and documented at least every 168 hours of operation and when the unit is calibrated.

(3) *Routine instrument checks.* Routine instrument checks for each CWLM shall be documented and performed before and after each test by using an Am-241 or similar energy check source. Pumps and flow meters shall be checked in accordance with the manufacturer's instructions and documented. The pump and flow meter check shall be performed with a dry-gas meter or other flow measurement device of traceable accuracy.

(4) *Data collection log.*

(i) CWLM data shall be tracked on a form that contains all of the following:

- (A) The CWLM serial number.
- (B) The exposure dates and times.
- (C) The test result.
- (D) The address of the building tested.
- (E) The test location in the building.
- (F) The name of the tester who placed the CWLM.
- (G) The name of the tester who retrieved the CWLM.
- (H) The calibration, repair and Department listing dates.

(ii) For CWLMs without a check source, the data collection log must also contain all of the following intercomparison measurement information:

- (A) The intercomparison devices' serial numbers.
- (B) The RPE value or RPD value.
- (C) The intercomparison measurement results.

(5) *Intercomparison measurements.* An intercomparison measurement shall be performed for each CWLM monitor without a check source.

(i) A CWLM without check source capability must have an informal intercomparison measurement made with another CWLM with a hard copy printout at least every tenth test. This printout shall be retained for each intercomparison. The intercomparison measurements shall be distributed systematically throughout the entire population of test locations. Each intercomparison measurement must be performed with the devices side by side for the measurement for at least 48 hours.

(ii) Each intercomparison shall be documented on the data collection log.

(iii) For intercomparison measurements the RPD shall be used to track performance. The RPD value shall be tracked using control charts from "Protocols for Radon and Radon Decay Product Measurements in Homes," EPA 402-R-92-003, May 1993, Appendix B, Exhibits B-2 and B-3.

(iv) If the RPD value exceeds the control limit, the CWLM may not be used for radon measurements until the problem is identified and corrected. If the RPD value exceeds the warning level, the criteria in "Protocols for Radon and Radon Decay Product Measurements in Homes," EPA 402-R-92-003, May 1993, Appendix B, Exhibit B-5, shall be followed.

(c) *Electret ion chambers for primary testers.*

(1) *Calibration.* Each Department-listed electret reader must have a current calibration. To have a current calibration, the electret reader shall be calibrated in a Department-approved calibration facility within 1 year from the date of the previous calibration and when alterations or repairs are made to the electret reader. Each electret reader shall be calibrated simultaneously with its corresponding reference electret's recertification.

(2) *Data collection log.* Electret custody shall be tracked on a form that contains all of the following:

- (i) The electret serial number.
 - (ii) The initial voltage reading.
 - (iii) The final voltage reading.
 - (iv) The exposure dates and times.
 - (v) The test result.
 - (vi) The serial number of duplicate electret.
 - (vii) The RPD value.
 - (viii) The address of the building tested.
 - (ix) The test location in the building.
 - (x) The name of the tester who placed the electret.
 - (xi) The name of the tester who retrieved the electret.
- (3) *Known exposure measurements (spikes).*

(i) Spikes shall be conducted at a rate of 3 for each 100 test devices deployed, with a minimum of 3 spikes for each certification year when tests were conducted in the certification year, and with a maximum of 6 spikes each month.

(ii) Spikes shall be analyzed in the same manner as all other testing.

(iii) Spikes shall be monitored using a means control chart. The means control chart must be established as follows:

- (A) Using an RPE value of plus and minus 10%, which corresponds to the 1 sigma level.

(B) A warning level of the RPE of plus and minus 20%, which corresponds to the 2 sigma warning level.

(C) Control limits of the RPE of plus and minus 30%, which corresponds to the 3 sigma control level.

(iv) Each RPE value shall be plotted on the means control chart within 1 week of return of the device from the chamber. If the RPE value is outside the 3 sigma control level, all measurements shall cease until the problem is evaluated and corrected. All evaluations shall be documented.

(v) In addition to the means control chart, all spikes shall be documented on a form that contains all of the following:

- (A) The radon chamber name.
- (B) The electret serial numbers.
- (C) The RV from radon chamber.
- (D) The measured spike value or values.
- (E) The individual RPE results.
- (F) The certification year beginning date and end date.
- (G) The exposure dates.

(4) *Duplicate measurements.*

(i) Duplicates shall be made in at least 10% of the total number of test devices deployed each month, or 50 each month, whichever is smaller.

(ii) The RPD shall be calculated for all duplicate results with an average of greater than or equal to 2.0 pCi/L. Two control charts shall be constructed to monitor duplicate precision:

(A) One for duplicates when the average is greater than or equal to 4.0 pCi/L.

(B) One for duplicates when the average is greater than or equal to 2.0 pCi/L and less than 4.0 pCi/L.

(iii) Each RPD value shall be plotted on the control chart within 1 week of performing the duplicate measurement.

(iv) The RPD shall be tracked using control charts from "Protocols for Radon and Radon Decay Product Measurements in Homes," EPA 402-R-92-003, May 1993, Appendix B, Exhibits B-2 and B-3.

(v) For duplicates when the average is greater than or equal to 4.0 pCi/L, all of the following apply:

- (A) The control level shall be set at an RPD of 14%.
- (B) The warning level shall be set at an RPD of 28%.
- (C) The control limit shall be set at an RPD of 36%.

(vi) For duplicates when the average is greater than or equal to 2.0 pCi/L and less than 4.0 pCi/L, all of the following apply:

- (A) The control level shall be set at an RPD of 25%.
- (B) The warning level shall be set at an RPD of 50%.
- (C) The control limit shall be set at an RPD of 67%.

(vii) If the plotted RPD result falls outside of the control limit, the measurements shall cease until the problem is identified and corrected.

(viii) If the plotted RPD result falls outside of the warning level, "Protocols for Radon and Radon Decay Product Measurements in Homes," EPA 402-R-92-003, May 1993, Appendix B, Exhibit B-5, shall be used to determine the action to be taken.

(ix) Documentation of duplicates must include all of the following:

- (A) The device serial numbers.
- (B) The exposure dates.
- (C) Each duplicate measurement result.
- (D) The RPD results.
- (5) *Voltmeter routine instrument checks.*

(i) Proper operation of the surface voltmeter shall be monitored following the manufacturer's procedures for analyzing the reference electrets and zeroing the voltmeter.

(ii) A voltage reading of a reference electret difference of more than 2 volts from the reference electret specified value shall be considered a wrong reading. The second reference electret in the set shall be read to determine whether the wrong reading is in the first reference electret or in the reader. Corrective action shall be taken in consultation with the manufacturer.

(iii) When zeroing the reader, if the voltmeter displays more than (\pm) 3 volts, corrective action shall be taken in consultation with the manufacturer.

(iv) Voltmeter checks shall be conducted at least once each week while the voltmeter is in use and shall be documented. Documentation of routine instrument checks must include all of the following:

- (A) The reader serial number.
- (B) The date of analysis.
- (C) Zero value.
- (D) The reference electret values.
- (E) Corrective actions performed.

§ 240.605. QA requirements for testing using secondary devices.

(a) *CRMs for secondary testers.*

(1) *Calibration.* Each Department-listed CRM must have a current calibration. To have a current calibration, the CRM shall be calibrated in a Department-approved calibration facility within 1 year from the date of the previous calibration and when alterations or repairs are made to the CRM. A current calibration certificate shall be retained for each monitor.

(2) *Check source counting.* For a CRM with a check source, check source counting shall be documented and completed with that check source prior to each test.

(3) *Routine instrument checks.* Before and after each measurement, the CRM shall be checked according to the manufacturer's instructions. For each check, all of the following shall be verified:

- (i) The correct input parameters and the unit's clock or timer are set properly.
- (ii) The pump's flow rates are within the range of the manufacturer's specifications.

(4) *Data collection log.*

(i) CRM data shall be tracked on a form that contains all of the following:

- (A) The CRM serial number.
- (B) The exposure dates and times.
- (C) The test result.
- (D) The address of the building tested.

- (E) The test location in the building.
- (F) The name of the tester who placed the CRM.
- (G) The name of the tester who retrieved the CRM.
- (H) The calibration, repair and Department listing dates.
- (ii) For a CRM without a check source, the data collection log must also contain all of the following intercomparison measurement information:
 - (A) The intercomparison device serial number.
 - (B) The RPE value or RPD value.
 - (C) The intercomparison measurement result.
- (5) *Intercomparison measurements.* An intercomparison measurement shall be performed for each CRM without a check source.

(i) Intercomparison measurements shall be made at least every tenth test with another Department-listed passive device that is analyzed by a Department-certified laboratory or with another CRM with a hard copy printout. The intercomparison measurements shall be distributed systematically throughout the entire population of test locations. Original printouts or Department-certified laboratory results, or both, shall be kept for each intercomparison. Each intercomparison measurement must be performed with the devices side by side for the measurement for at least 48 hours.

(ii) When performing intercomparison measurements, the RPD shall be used to track performance. The RPD value shall be tracked using control charts from "Protocols for Radon and Radon Decay Product Measurements in Homes," EPA 402-R-92-003, May 1993, Appendix B, Exhibits B-2 and B-3.

(iii) If the RPD value exceeds the control limit, the CRM may not be used for radon measurements until the problem is identified and corrected. If the RPD value exceeds the warning level, the criteria in the "Protocols for Radon and Radon Decay Product Measurements in Homes," EPA 402-R-92-003, May 1993, Appendix B, Exhibit B-5, shall be followed.

(iv) In addition to the control charts, intercomparison measurements shall be documented on the CRM data collection log.

(b) *CWLM for secondary testers.*

(1) *Calibration.* Each Department-listed CWLM must have a current calibration. To have a current calibration, the CWLM shall be calibrated in a Department-approved calibration facility within 1 year from the date of the previous calibration and when alterations or repairs are made to the CWLM. A current calibration certificate shall be retained for each monitor.

(2) *Data collection log.*

- (i) CWLM data shall be tracked on a form that contains all of the following:
 - (A) The CWLM serial number.
 - (B) The exposure dates and times.
 - (C) The test result.
 - (D) The address of the building tested.
 - (E) The test location in the building.
 - (F) The name of the tester who placed the CWLM.
 - (G) The name of the tester who retrieved the CWLM.

(H) The calibration, repair and Department listing dates.

(ii) For CWLMs without a check source, the data collection log must also contain all of the following intercomparison measurement information:

- (A) The intercomparison device serial number.
- (B) The RPD value.
- (C) The intercomparison measurement result.

(3) *Intercomparison measurements.* An intercomparison measurement shall be performed for all CWLM monitors without a check source.

(i) A CWLM without check source capability shall have an informal intercomparison measurement made with another CWLM with a hard copy printout at least every tenth test. This printout shall be retained for each intercomparison. The intercomparison measurements shall be distributed systematically throughout the entire population of test locations. Each intercomparison measurement must be performed with the devices side by side for the measurement for at least 48 hours.

(ii) Each intercomparison shall be documented on the data collection log.

(iii) When performing intercomparison measurements, the RPD shall be used to track performance. The RPD value shall be tracked using control charts from "Protocols for Radon and Radon Decay product measurements in Homes," EPA 402-R-92-003, May 1993, Appendix B, Exhibits B-2 and B-3.

(iv) If the RPD value exceeds the control limit, the CWLM may not be used for radon measurements until the problem is identified and corrected. If the RPD value exceeds the warning level, the criteria in the "Protocols for Radon and Radon Decay Product Measurements in Homes," EPA 402-R-92-003, May 1993, Appendix B, Exhibit B-5, shall be followed.

(c) *Electret ion chambers for secondary testers.*

(1) *Data collection log.* Electret data shall be tracked on a form that contains all of the following:

- (i) The electret serial number.
- (ii) The initial voltage reading.
- (iii) The final voltage reading.
- (iv) The exposure dates and times.
- (v) The test results.
- (vi) The serial number of duplicate electret.
- (vii) The RPD value.
- (viii) The address of the building tested.
- (ix) The test location in the building.
- (x) The name of the tester who placed the electret.
- (xi) The name of the tester who retrieved the electret.

(2) *Known exposure measurements (spikes).*

(i) Spikes shall be conducted at a rate of 3 for each 100 test devices deployed, with a minimum of 3 spikes for each certification year when tests were conducted in the certification year, and with a maximum of 6 spikes each month.

(ii) Spikes shall be submitted to a Department-certified laboratory labeled as QA. The RV of the spiked device may not be revealed to the laboratory prior to analysis.

(iii) Spikes shall be monitored using a means control chart. The means control chart must be established as follows:

(A) Using an RPE value of plus and minus 10%, which corresponds to the 1 sigma level.

(B) A warning level of the RPE of plus and minus 20%, which corresponds to the 2 sigma warning level.

(C) Control limits of the RPE of plus and minus 30%, which correspond to the 3 sigma control level.

(iv) Each RPE value shall be plotted on the means control chart within 1 week of return of the device from the chamber. If the RPE value is outside the 3 sigma control level, all measurements shall cease until the problem is evaluated and corrected. All evaluations shall be documented.

(v) In addition to the means control chart, all spikes shall be documented on a form that contains all of the following:

- (A) The radon chamber name.
- (B) The electret serial numbers.
- (C) The RV from radon chamber.
- (D) The measured spike value or values.
- (E) The individual RPE results.
- (F) The certification year beginning date and end date.
- (G) The exposure dates.

(3) *Duplicate measurements.*

(i) Duplicates shall be made in at least 10% of the total number of test devices deployed each month, or 50 each month, whichever is smaller.

(ii) The RPD shall be calculated for all duplicate results with an average of greater than or equal to 2.0 pCi/L. Two control charts shall be constructed to monitor duplicate precision:

(A) One for duplicates when the average is greater than or equal to 4.0 pCi/L.

(B) One for duplicates when the average is greater than or equal to 2.0 pCi/L and less than 4.0 pCi/L.

(iii) Each RPD value shall be plotted on the control chart within 1 week of performing the duplicate measurement.

(iv) The RPD shall be tracked using control charts from "Protocols for Radon and Radon Decay Product Measurements in Homes," EPA 402-R-92-003, May 1993, Appendix B, Exhibits B-2 and B-3.

(v) For duplicates when the average is greater than or equal to 4.0 pCi/L, all of the following apply:

- (A) The control level shall be set at an RPD of 14%.
- (B) The warning level shall be set at an RPD of 28%.
- (C) The control limit shall be set at an RPD of 36%.

(vi) For duplicates when the average is greater than or equal to 2.0 pCi/L and less than 4.0 pCi/L, all of the following apply:

- (A) The control level shall be set at an RPD of 25%.
- (B) The warning level shall be set at an RPD of 50%.
- (C) The control limit shall be set at an RPD of 67%.

(vii) If the plotted RPD result falls outside of the control limit, the measurements shall cease until the problem is identified and corrected.

(viii) If the plotted RPD result falls outside of the warning level, "Protocols for Radon and Radon Decay Product Measurements in Homes," EPA 402-R-92-003, May 1993, Appendix B, Exhibit B-5, shall be used to determine the action to be taken.

(ix) Documentation of duplicates must include all of the following:

- (A) The device serial numbers.
- (B) The exposure dates.
- (C) Each duplicate measurement result.
- (D) The RPD results.

(d) *LS, AC and ATs for secondary testers.*

(1) *Data collection log.* Detector data shall be tracked on a form that contains all of the following:

- (i) The device serial number.
- (ii) The serial number of duplicate devices.
- (iii) The serial number of spiked devices.
- (iv) The exposure dates and times.
- (v) The test results.
- (vi) The RPE value or RPD value.
- (vii) The address of the building tested.
- (viii) The test location in the building.
- (ix) The name of the tester who placed the device.
- (x) The name of the tester who retrieved the device.
- (xi) The name of the laboratory to which device was sent.

(2) *Known exposure measurements (spikes).*

(i) Spikes shall be conducted at a rate of 3 for each 100 test devices deployed, with a minimum of 3 spikes for each certification year when tests were conducted in the certification year, and with a maximum of 6 spikes each month.

(ii) Spikes shall be submitted to a Department-certified laboratory labeled as QA. The RV of the spiked device may not be revealed to the laboratory prior to analysis.

(iii) Spikes shall be monitored using a means control chart. The means control chart must be established as follows:

(A) Using an RPE value of plus and minus 10%, which corresponds to the 1 sigma level.

(B) A warning level of the RPE of plus and minus 20%, which corresponds to the 2 sigma warning level.

(C) Control limits of the RPE of plus and minus 30%, which correspond to the 3 sigma control level.

(iv) Each RPE value shall be plotted on the means control chart within 1 week of receiving the result from the laboratory. If the RPE value is outside the 3 sigma control level, all measurements shall cease until the problem is evaluated and corrected. All evaluations shall be documented.

(v) In addition to the means control chart, all spikes shall be documented on a form that contains all of the following:

- (A) The radon chamber name.
- (B) The device serial numbers.
- (C) The RV from radon chamber.
- (D) The measured spike value or values.

- (E) The individual RPE results.
- (F) The certification year beginning date and end date.
- (G) The exposure dates.

(3) *Duplicate measurements.*

(i) Duplicates shall be made in at least 10% of the total number of test devices deployed each month, or 50 each month, whichever is smaller.

(ii) The RPD shall be calculated for all duplicate results with an average of greater than or equal to 2.0 pCi/L. Two control charts shall be constructed to monitor duplicate precision:

(A) One for duplicates when the average is greater than or equal to 4.0 pCi/L.

(B) One for duplicates when the average is greater than or equal to 2.0 pCi/L and less than 4.0 pCi/L.

(iii) Each RPD value shall be plotted on the control chart within 1 week of performing the duplicate measurement.

(iv) The RPD shall be tracked using control charts from "Protocols for Radon and Radon Decay Product Measurements in Homes," EPA 402-R-92-003, May 1993, Appendix B, Exhibits B-2 and B-3.

(v) For duplicates when the average is greater than or equal to 4.0 pCi/L, all of the following apply:

- (A) The control level shall be set at an RPD of 14%.
- (B) The warning level shall be set at an RPD of 28%.
- (C) The control limit shall be set at an RPD of 36%.

(vi) For duplicates when the average is greater than or equal to 2.0 pCi/L and less than 4.0 pCi/L, all of the following apply:

- (A) The control level shall be set at an RPD of 25%.
- (B) The warning level shall be set at an RPD of 50%.
- (C) The control limit shall be set at an RPD of 67%.

(vii) If the plotted RPD result falls outside of the control limit, the measurements shall cease until the problem is identified and corrected.

(viii) If the plotted RPD result falls outside of the warning level, "Protocols for Radon and Radon Decay Product Measurements in Homes," EPA 402-R-92-003, May 1993, Appendix B, shall be used to determine the action to be taken.

(ix) Documentation of duplicates must include all of the following:

- (A) The device serial numbers.
- (B) The exposure dates.
- (C) Each duplicate measurement result.
- (D) The RPD results.

(4) *Field blanks.*

(i) Field blank results shall be monitored and recorded. Field blanks shall be performed at a rate of 5% of the devices that are deployed each month, or 25 each month, whichever is smaller, or a minimum of 1 per certification year, unless tests are not performed. These devices shall be set aside, kept in a low-radon environment and labeled as QA when submitted to the laboratory.

(ii) If a field blank has a concentration greater than the lowest level of detection (LLD) as established by the laboratory, all of the following shall occur:

(A) The occurrence shall be documented and reported to the laboratory.

(B) The cause shall be investigated in conjunction with the laboratory and documented.

(iii) Documentation of field blanks must include all of the following:

- (A) The device serial numbers.
- (B) The date submitted to laboratory.
- (C) The measurement results.
- (D) The laboratory's reported LLD.

§ 240.606. **QA requirements for laboratories.**

(a) *CRMs for laboratories.*

(1) *Calibration.* Each Department-listed CRM must have a current calibration. To have a current calibration, the CRM shall be calibrated in a Department-approved calibration facility within 1 year from the date of the previous calibration and when alterations or repairs are made to the CRM. A current calibration certificate shall be retained for each monitor. Analysis may not be performed on a monitor that was not calibrated during any portion of the testing period.

(2) *Data collection log.* CRM data shall be tracked on a form that contains all of the following:

- (i) The CRM serial number.
- (ii) The exposure dates and times.
- (iii) The test result.
- (iv) The address of the building tested.
- (v) The test location in the building.
- (vi) The name of the tester who placed the CRM.
- (vii) The name of the tester who retrieved the CRM.
- (viii) The calibration, repair and Department listing dates.

(b) *CWLM for laboratories.*

(1) *Calibration.* Each Department-listed CWLM must have a current calibration. To have a current calibration, the CWLM shall be calibrated in a Department-approved calibration facility within 1 year from the date of the previous calibration and when alterations or repairs are made to the CWLM. A current calibration certificate shall be retained for each monitor. Analysis may not be performed on a monitor that was not calibrated during any portion of the testing period.

(2) *Data collection log.* CWLM data shall be tracked on a form that contains all of the following:

- (i) The CWLM serial number.
- (ii) The exposure dates and times.
- (iii) The test result.
- (iv) The address of the building tested.
- (v) The test location in the building.
- (vi) The name of the tester who placed the CWLM.
- (vii) The name of the tester who retrieved the CWLM.
- (viii) The calibration, repair and Department listing dates.

(c) *Electret ion chamber for laboratory analysis.*

(1) *Calibration.* Each Department-listed electret reader shall have a current calibration. To have a current calibration, the electret reader shall be calibrated in a

Department-approved calibration facility within 1 year from the date of the previous calibration and when alterations or repairs are made to the electret reader. Each electret reader shall be calibrated simultaneously with its corresponding reference electret's recertification.

(2) *Voltmeter routine instrument checks.*

(i) Proper operation of the surface voltmeter shall be monitored following the manufacturer's procedures for zeroing the voltmeter and analyzing the reference electrets.

(ii) A voltage reading of a reference electret difference of more than 2 volts from its specified value shall be considered a wrong reading and corrective action shall be taken.

(iii) If the voltmeter displays more than (\pm) 3 volts, corrective action shall be taken.

(iv) Voltmeter checks shall be conducted at least once each week while the voltmeter is in use and shall be documented. Documentation of routine instrument checks must include all of the following:

- (A) The reader serial number.
- (B) The date of analysis.
- (C) Zero value.
- (D) The reference electret values.
- (E) Corrective actions performed.

(3) *Known exposure measurements (spikes).*

(i) Spikes shall be conducted at a rate of 3 for each 100 test devices deployed, with a minimum of 3 spikes for each certification year when tests were conducted in the certification year, and with a maximum of 6 spikes each month.

(ii) Spikes shall be analyzed in the same manner as all other testing.

(iii) Spikes shall be monitored using a means control chart. The means control chart must be established as follows:

(A) Using an RPE value of plus and minus 10%, which corresponds to the 1 sigma level.

(B) A warning level of the RPE of plus and minus 20%, which corresponds to the 2 sigma warning level.

(C) Control limits of the RPE of plus and minus 30%, which correspond to the 3 sigma control level.

(iv) Each RPE value shall be plotted on the means control chart within 1 week of return of the device from the radon chamber. If the RPE value is outside the 3 sigma control level, all measurements shall cease until the problem is evaluated and corrected. All evaluations shall be documented.

(v) In addition to the means control chart, all spikes shall be documented on a form that contains all of the following:

- (A) The radon chamber name.
- (B) The electret serial numbers.
- (C) The RV from the radon chamber.
- (D) The measured spike value or values.
- (E) The individual RPE results.
- (F) The certification year beginning date and end date.
- (G) The exposure dates.

(4) *Duplicate measurements.*

(i) Duplicates shall be made in at least 10% of the total number of test devices deployed each month, or 50 each month, whichever is smaller.

(ii) The RPD shall be calculated for all duplicate results with an average of greater than or equal to 2.0 pCi/L. Two control charts shall be constructed to monitor duplicate precision:

(A) One for duplicates when the average is greater than or equal to 4.0 pCi/L.

(B) One for duplicates when the average is greater than or equal to 2.0 pCi/L and less than 4.0 pCi/L.

(iii) Each RPD value shall be plotted on the control chart within 1 week of performing the duplicate measurement.

(iv) The RPD shall be tracked using control charts from "Protocols for Radon and Radon Decay Product Measurements in Homes," EPA 402-R-92-003, May 1993, Appendix B, Exhibits B-2 and B-3.

(v) For duplicates when the average is greater than or equal to 4.0 pCi/L, all of the following apply:

- (A) The control level shall be set at an RPD of 14%.
- (B) The warning level shall be set at an RPD of 28%.
- (C) The control limit shall be set at an RPD of 36%.

(vi) For duplicates when the average is greater than or equal to 2.0 pCi/L and less than 4.0 pCi/L, all of the following apply:

- (A) The control level shall be set at an RPD of 25%.
- (B) The warning level shall be set at an RPD of 50%.
- (C) The control limit shall be set at an RPD of 67%.

(vii) If the plotted RPD result falls outside of the control limit, the measurements shall cease until the problem is identified and corrected.

(viii) If the plotted RPD result falls outside of the warning level, "Protocols for Radon and Radon Decay Product Measurements in Homes," EPA 402-R-92-003, May 1993, Appendix B, Exhibit B-5, shall be used to determine the action to be taken.

(ix) Documentation of duplicates must include all of the following:

- (A) The device serial numbers.
- (B) The exposure dates.
- (C) Each duplicate measurement result.
- (D) The RPD results.
- (d) *AC and LS.*

(1) *Calibration.* All AC or LS laboratory systems shall be calibrated at least once every 12 months, when alterations or repairs are made to the system, or when a new batch of charcoal is received. This requires a determination of calibration factors for AC and LS devices by the exposure of these devices to a known concentration of radon in a Department-approved radon chamber. Calibration factors shall be determined for a range of exposure times and humidity levels.

(2) *Laboratory control devices.* The laboratory background level for each batch of AC and LS devices shall be established by each laboratory. Laboratories shall measure the background of at least 5% of unexposed AC and LS devices that have been processed according to their standard operating procedures (laboratory blanks).

(3) *Routine counting system checks.* Daily counting of a reference source shall be performed and documented. The characteristics of the check source (geometry, type of radiation emitted, and the like) must be similar to the samples to be analyzed. The count rate of the check sources must be high enough to yield reliable counting statistics in a short period of time, such as 1,000 to 10,000 counts per minute, to provide a maximum random uncertainty of 5%.

(4) *Known exposure measurements (spikes).*

(i) Spikes shall be conducted at a rate of 3 for each 100 test devices deployed, with a minimum of 3 spikes for each certification year when tests were conducted in the certification year, and with a maximum of 6 spikes each month.

(ii) Spikes shall be analyzed in the same manner as all other testing.

(iii) Spikes shall be monitored using a means control chart. The means control chart must be established as follows:

(A) Using an RPE value of plus and minus 10%, which corresponds to the 1 sigma level.

(B) A warning level of the RPE of plus and minus 20%, which corresponds to the 2 sigma warning level.

(C) Control limits of the RPE of plus and minus 30%, which correspond to the 3 sigma control level.

(iv) Each RPE value shall be plotted on the means control chart within 1 week of receiving the result from the laboratory. If the RPE value is outside the 3 sigma control level, all measurements shall cease until the problem is evaluated and corrected. All evaluations shall be documented.

(v) In addition to the means control chart, all spikes shall be documented on a form that contains all of the following:

- (A) The radon chamber name.
- (B) The device serial numbers.
- (C) The RV from the radon chamber.
- (D) The measured spike value or values.
- (E) The individual RPE results.
- (F) The certification year beginning date and end date.
- (G) The exposure dates.

(5) *Duplicate measurements.*

(i) Duplicates shall be made in at least 10% of the total number of test devices deployed each month, or 50 each month, whichever is smaller.

(ii) The RPD shall be calculated for all duplicate results with an average of greater than or equal to 2.0 pCi/L. Two control charts shall be constructed to monitor duplicate precision:

(A) One for duplicates when the average is greater than or equal to 4.0 pCi/L.

(B) One for duplicates when the average is greater than or equal to 2.0 pCi/L and less than 4.0 pCi/L.

(iii) Each RPD value shall be plotted on the control chart within 1 week of performing the duplicate measurement.

(iv) The RPD shall be tracked using control charts from "Protocols for Radon and Radon Decay Product Measurements in Homes," EPA 402-R-92-003, May 1993, Appendix B, Exhibits B-2 and B-3.

(v) For duplicates when the average is greater than or equal to 4.0 pCi/L, all of the following apply:

(A) The control level shall be set at an RPD of 14%.

(B) The warning level shall be set at an RPD of 28%.

(C) The control limit shall be set at an RPD of 36%.

(vi) For duplicates when the average is greater than or equal to 2.0 pCi/L and less than 4.0 pCi/L, all of the following apply:

(A) The control level shall be set at an RPD of 25%.

(B) The warning level shall be set at an RPD of 50%.

(C) The control limit shall be set at an RPD of 67%.

(vii) If the plotted RPD result falls outside of the control limit, the measurements shall cease until the problem is identified and corrected.

(viii) If the plotted RPD result falls outside of the warning level, "Protocols for Radon and Radon Decay Product Measurements in Homes," EPA 402-R-92-003, May 1993, Appendix B, shall be used to determine the action to be taken.

(ix) Documentation of duplicates must include all of the following:

- (A) The device serial numbers.
- (B) The exposure dates.
- (C) Each duplicate measurement result.
- (D) The RPD results.
- (e) ATs.

(1) *Calibration.* All AT laboratory systems shall be calibrated at least once every 12 months, when alterations or repairs are made to the system, or when each new batch or sheet of detector material is received. This requires a determination of calibration factors for AT devices by the exposure of these devices to different concentrations of radon in a Department-approved radon chamber.

(2) *Laboratory control detectors.* Laboratory control detectors for each batch of ATs shall be established and documented. Each laboratory shall measure the background of a statistically significant number of unexposed ATs. The laboratory control background value shall be subtracted from the field readings to produce a final result.

(3) *Known exposure measurements (spikes).*

(i) Spikes shall be conducted at a rate of 3 for each 100 test devices deployed, with a minimum of 3 spikes for each certification year when tests were conducted in the certification year, and with a maximum of 6 spikes each month.

(ii) Spikes shall be analyzed in the same manner as all other testing. The RV of a spike may not be revealed to the laboratory prior to analysis.

(iii) Spikes shall be monitored using a means control chart. The means control chart must be established as follows:

(A) Using an RPE value of plus and minus 10%, which corresponds to the 1 sigma level.

(B) A warning level of the RPE of plus and minus 20%, which corresponds to the 2 sigma warning level.

(C) Control limits of the RPE of plus and minus 30%, which correspond to the 3 sigma control level.

(iv) Each RPE value shall be plotted on the means control chart within 1 week of receiving the result from the laboratory. If the RPE value is outside the 3 sigma control level, all measurements shall cease until the problem is evaluated and corrected. All evaluations shall be documented.

(v) In addition to the means control chart, all spikes shall be documented on a form that contains all of the following:

- (A) The radon chamber name.
- (B) The device serial numbers.
- (C) The RV from radon chamber.
- (D) The measured spike value or values.
- (E) The individual RPE results.
- (F) The certification year beginning date and end date.
- (G) The exposure dates.

(4) *Duplicate measurements.*

(i) Duplicates shall be made in at least 10% of the total number of test devices deployed each month, or 50 each month, whichever is smaller.

(ii) The RPD shall be calculated for all duplicate results with an average of greater than or equal to 2.0 pCi/L. Two control charts shall be constructed to monitor duplicate precision:

(A) One for duplicates when the average is greater than or equal to 4.0 pCi/L.

(B) One for duplicates when the average is greater than or equal to 2.0 pCi/L and less than 4.0 pCi/L.

(iii) Each RPD value shall be plotted on the control chart within 1 week of performing the duplicate measurement.

(iv) The RPD shall be tracked using control charts from "Protocols for Radon and Radon Decay Product Measurements in Homes," EPA 402-R-92-003, May 1993, Appendix B, Exhibits B-2 and B-3.

(v) For duplicates when the average is greater than or equal to 4.0 pCi/L, all of the following apply:

- (A) The control level shall be set at an RPD of 14%.
- (B) The warning level shall be set at an RPD of 28%.
- (C) The control limit shall be set at an RPD of 36%.

(vi) For duplicates when the average is greater than or equal to 2.0 pCi/L and less than 4.0 pCi/L, all of the following apply:

- (A) The control level shall be set at an RPD of 25%.
- (B) The warning level shall be set at an RPD of 50%.
- (C) The control limit shall be set at an RPD of 67%.

(vii) If the plotted RPD result falls outside of the control limit, the measurements shall cease until the problem is identified and corrected.

(viii) If the plotted RPD result falls outside of the warning level, "Protocols for Radon and Radon Decay Product Measurements in Homes," EPA 402-R-92-003, May 1993, Appendix B, Exhibit B-5, shall be used to determine the action to be taken.

(ix) Documentation of duplicates shall include all of the following:

- (A) The device serial numbers.
- (B) The exposure dates.
- (C) Each duplicate measurement result.
- (D) The RPD results.

(Editor's Note: Appendices B and C were added in the proposed rulemaking and are retained in this final-form rulemaking. They are printed in regular type to enhance readability.)

Appendix B. Non-interference Agreement for Real Estate Radon Testing

Property name:
 Property address:
 Property city, state, zip:
 Dates of test:

I hereby agree to abide by the following conditions to ensure a valid radon test result:

1) I will maintain closed-house conditions during the entire test period, and for 12 hours prior to any test of less than 96 hours, by doing the following:

- Continuing normal operation of permanently installed HVAC systems.
- Minimizing operation of dryers, range hoods, bathroom fans and other mechanical systems, understanding that drawing air out of the building may adversely affect the test results.
- In buildings having permanently installed radon mitigation systems, keeping the mitigation system functioning during the testing interval.
- Operating window air conditioning systems if set to recycle interior air.
- Keeping all windows closed.
- Keeping all external doors closed except for normal entry and exit.
- Not operating whole-house fans. Removing portable window fans from the window or covering and sealing the window fan.
- Not operating fireplaces, wood/coal stoves or combustion appliances, except water heaters and cooking appliances, unless they are the primary sources of heat for the building.

• Not operating ceiling fans, portable dehumidifiers, portable humidifiers, portable air filters and window air conditioners within 20 feet of the detector.

2) I will not interfere with or move the radon test device.

If the certified tester determines that these conditions were not maintained, this test will be deemed invalid.

Signature of Person in Control of Property Printed Name of Person in Control of Property Date

Appendix C. Radon Exposure Tracking Record

Name Company Name Employee ID Number Year

Table with columns: Date, Job Site, Radon Level (pCi/L), Working Level (WL), Hrs. of Exposure, Working Level Month (WLM), Cumulative Exposure (WLM), Method used to assess Exposure. Includes calculation rows: Radon Level / 200 = Working Level x Hrs. of Exposure = Working Level Month.

1. Based upon an annual recommended health and safety limit of 4 working level months (4 WLM)

2. Highest Premitigation Level (a) or On-site Measurement (b)

WL = (pCi/L)/200 (assuming 50% ER)

[Pa.B. Doc. No. 18-1666. Filed for public inspection October 26, 2018, 9:00 a.m.]

TITLE 67—TRANSPORTATION

DEPARTMENT OF TRANSPORTATION

[67 PA. CODE CH. 403]

Hazardous Material Transportation

The Department of Transportation (Department), under the authority in 75 Pa.C.S. §§ 6103 and 8302 (relating to promulgation of rules and regulations by department; and powers and duties of department), amends Chapter 403 (relating to hazardous material transportation) to read as set forth in Annex A.

Purpose

The Federal Motor Carrier Safety Assistance Program (MCSAP), administered by the Federal Motor Carrier Safety Administration (FMCSA), provides financial assistance to states to reduce the number and severity of crashes and hazardous materials incidents involving commercial motor vehicles. As a condition of participating in

MCSAP, each state must ensure that its laws and regulations are identical to or have the same effect as the Federal Motor Carrier Safety Regulations (FMCSR) and the Hazardous Materials Regulations. The purpose of this final-form rulemaking is to update existing regulations to match the FMCSR and Hazardous Materials Regulations by prescribing: the methods of packing, loading and unloading of hazardous materials; the specifications, marking, inspection, condition and equipment of vehicles transporting hazardous materials; the qualifications of drivers and other matters relating to operation of the vehicles; the routing and parking of the vehicles; and other factors affecting the nature and degree of risk involved in the transportation of hazardous materials.

Purpose and Explanation of this Final-Form Rulemaking

The Hazardous Materials Regulations are mandated by 49 CFR Part 350 (relating to Motor Carrier Safety Assistance Program and High Priority Program), generally, and 49 CFR 350.201 (relating to what conditions must a State meet to qualify for MCSAP Funds), specifically. The purpose of this final-form rulemaking is to

remove inconsistencies which currently exist between the Commonwealth's hazardous materials regulations and the Federal program requirements in 49 CFR 350.201.

Summary of Comments and Changes in this Final-Form Rulemaking

The Department published a proposed rulemaking at 46 Pa.B. 3957 (July 23, 2016). The proposed rulemaking was also submitted to the Independent Regulatory Review Commission (IRRC) and the House and Senate Transportation Committees.

No comments or objections were received from the public, the House and Senate Committees or IRRC. Consequently, no changes have been made in this final-form rulemaking as compared to how it was published in the *Pennsylvania Bulletin* as a proposed regulation.

Persons and Entities Affected

This final-form rulemaking directly affects anyone who is involved with the packaging, loading, unloading or transporting of hazardous materials.

Fiscal Impact

Implementation of this final-form rulemaking will likely not have a cost because carriers and drivers who transport hazardous materials are already complying with the Hazardous Materials Regulations.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on July 11, 2016, the Department submitted a copy of this final-form rulemaking, as proposed, to the Legislative Reference Bureau published at 46 Pa.B. 3957; to IRRC and the Chairpersons of the House and Senate Transportation Committees for review and comment. No comments were received from IRRC, the House and Senate Committees or the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on September 12, 2018, this final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on September 13, 2018, and this final-form rulemaking was deemed approved pursuant to Section 5(g) of the Regulatory Review Act.

Effective Date

This final-form regulation will be effective upon its publication in the *Pennsylvania Bulletin*.

Sunset Date

The Department is not establishing a sunset date for these regulations, as the regulations are needed to administer provisions under 75 Pa.C.S. (relating to Vehicle Code) and FMCSA regulations for participation in MCSAP. The Department will continue to closely monitor these regulations for their effectiveness and to ensure continued eligibility for participation in MCSAP.

Contact Person

The contact person for technical questions about this final-form rulemaking is Jonathan Fleming, Highway Safety and Traffic Operations Division, Bureau of Maintenance and Operations, Department of Transportation, Commonwealth Keystone Building, 400 North Street, 6th Floor, Harrisburg, PA 17120, jonfleming@pa.gov.

Findings

The Department finds that:

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

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

(3) These regulations do not enlarge the purpose of the proposed rulemaking published at 46 Pa.B. 3957.

Order

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

(a) This final-form rulemaking of the Department, 67 Pa. Code Ch. 403, are amended to read as set forth in Annex A.

(b) The Department shall submit this final-form rulemaking to the Office of General Counsel and Office of Attorney General, as required by law, for approval as to form and legality.

(c) The Department shall submit this final-form regulation to the IRRC and the Senate and House Transportation Committees as required by law.

(d) The Department shall certify this final-form rulemaking and deposit it with the Legislative Reference Bureau, as required by law.

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

LESLIE S. RICHARDS,
Secretary

Fiscal Note: Fiscal Note 18-469 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 67. TRANSPORTATION

PART I. DEPARTMENT OF TRANSPORTATION

Subpart B. NONVEHICLE CODE PROVISIONS

ARTICLE I. VEHICLE-RELATED

CHAPTER 403. HAZARDOUS MATERIAL TRANSPORTATION

§ 403.1. General information and requirements.

(a) *Purpose.* The purpose of this chapter is to prescribe the methods of packing, loading and unloading of hazardous materials; the specifications, marking, inspection, condition and equipment of vehicles transporting hazardous materials; the qualifications of drivers and other matters relating to operation of the vehicles; the routing and parking of the vehicles; and other factors affecting the nature and degree of risk involved in the transportation of hazardous materials.

(b) *Application.* Application shall include the following:

(1) Every shipper and motor carrier and its officers, drivers, agents, employees and representatives involved or related to the transportation of interstate or intrastate commerce, or both, shall comply with this chapter.

(2) Officers, agents, representatives, drivers and employees of shippers and carriers involved or concerned

with the management, maintenance, operation or driving of vehicles shall be conversant and knowledgeable with this chapter.

(c) *General rule.*

(1) Hazardous materials that do not comply with the requirements of this chapter may not be offered for transportation or transported.

(2) Hazardous materials which are manufactured, packaged, stored, loaded, unloaded or transported shall be open to inspection upon request by a Pennsylvania State Police Officer or qualified Commonwealth employee.

(3) No person may represent, by marking or otherwise, that a container or package for the transportation of hazardous materials is safe, certified or in compliance with the requirements of the Department unless the container or package meets the requirements of this chapter.

§ 403.2. (Reserved).

§ 403.4. Adoption of portions of 49 CFR by reference.

(a) The Department incorporates by reference the following portions of 49 CFR (relating to transportation):

* * * * *

(8) Part 397 (relating to transportation of hazardous materials; driving and parking rules).

(9) Part 107, Subparts F and G (relating to registration of cargo tank and cargo tank motor vehicle manufacturers, assemblers, repairers, inspectors, testers, and design certifying engineers; and registration of persons who offer or transport hazardous materials).

(b) Appropriate parts of 49 CFR may be obtained from the following:

* * * * *

(3) United States Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402, (202) 655-4000.

§ 403.5. Interpretations of Federal Motor Carrier Safety Regulations, Federal Motor Carrier Safety Administration, United States Department of Transportation and Hazardous Materials Regulations, Pipeline and Hazardous Materials Safety Administration, United States Department of Transportation.

The Department will be guided by interpretations of the Federal Motor Carrier Safety Regulations issued by the Federal Motor Carrier Safety Administration, United States Department of Transportation, available at http://www.fmcsa.dot.gov/rules-regulations/administration/fmcsr/fmcsrguide.aspx?section_type=G., and Hazardous Materials Regulations issued by the Pipeline and Hazardous Materials Safety Administration, United States Department of Transportation, available at <http://www.phmsa.dot.gov/hazmat/regs/interps>.

§ 403.6. Effect of incorporation of the Code of Federal Regulations.

To reconcile differences between this chapter and the incorporated sections of Federal regulations and to effectuate their joint enforcement, unless the context indicates otherwise, the following words and phrases shall be substituted for the language of the Federal regulations. A reference to an authorized representative or special agent of the United States Department of Transportation, the Federal Motor Carrier Safety Administration or the Pipe-

line and Hazardous Materials Safety Administration means a Pennsylvania State Police Officer or qualified Commonwealth employee as the term is defined in 75 Pa.C.S. § 4102 (relating to definitions).

§ 403.7. Supplemental rules and regulations.

(a) *Towing of vehicles.* A motor vehicle transporting hazardous materials in a quantity requiring the motor vehicle to display markings or placarding may not be towed on a highway except to remove the motor vehicle and cargo to the nearest place of safety, in the judgment of the carrier or its representative after consultation where possible with police, fire or other emergency personnel. The motor vehicle may not be moved until the hazardous materials are stable unless failure to do so would constitute a threat to persons or property. For requirements regarding accidents involving specific types of hazardous materials, see 49 CFR 177.854 (relating to disabled vehicles and broken or leaking packages; repairs).

(b) *The Vehicle Code.* Title 75 of the *Pennsylvania Consolidated Statutes* (relating to Vehicle Code), and provisions of this title not inconsistent with this chapter, apply to the transportation of hazardous materials.

(c) *Presentation of documents.* A driver of a vehicle transporting a hazardous material on a highway shall present upon request to a member of the State Police or qualified Commonwealth employee, as the term is defined in 75 Pa.C.S. § 4102 (relating to definitions), all documents required under this chapter to be in the driver's possession.

§ 403.8a. Out-of-service criteria.

(a) *Application.* In determining whether a vehicle or driver of a vehicle, or both, will be placed out-of-service under 75 Pa.C.S. § 4704(c) (relating to inspection by police or Commonwealth personnel), State Police and qualified Commonwealth employees will use the criteria in this chapter.

(b) *Adoption of standards.*

(1) *General.* The out-of-service criteria in the "North American Standard Out-of-Service Criteria" are incorporated by reference.

(2) *Obtaining criteria.* The "North American Standard Out-of-Service Criteria" may be obtained by contacting the Commercial Vehicle Safety Alliance, 1101 17th Street NW, Suite 803, Washington, D.C. 20036, (301) 830-6143.

§ 403.10. (Reserved).

[Pa.B. Doc. No. 18-1667. Filed for public inspection October 26, 2018, 9:00 a.m.]

Title 70—WEIGHTS, MEASURES AND STANDARDS

DEPARTMENT OF AGRICULTURE

[70 PA. CODE CH. 9]

Weighmasters

The Department of Agriculture (Department) amends §§ 9.10 and 9.24 (relating to weighmaster's certificate; and limitations of certificate for anthracite) to read as set forth in Annex A.

Effective Date

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

Authority

This final-form rulemaking is authorized under 3 Pa.C.S. §§ 4101—4194 (relating to Consolidated Weights and Measures Act) (act). Sections 4150 and 4190 of the act (relating to enforcement and regulations; and rules and regulations) authorize the Department to promulgate regulations as necessary to carry out the act and, more specifically, authorize the Department to promulgate regulations as necessary to carry out Subchapter C of the act (relating to public weighmasters).

Purpose

This final-form rulemaking deletes outdated and unnecessary regulatory requirements.

The Department issues licenses to public weighmasters under the act. A licensed public weighmaster is authorized to issue a weighmaster's certificate with respect to various commercial weighings he performs. The weight appearing on a weighmaster's certificate is used to determine a weight-based price in commerce. Licensed public weighmasters typically conduct commercial weighings using vehicle scales at quarries, landfills and the like.

As part of the process by which the Department renews or issues a license to a public weighmaster, the Department reviews the public weighmaster certificate forms the applicant plans to issue to ensure these forms meet basic content requirements. This final-form rulemaking is needed to delete outdated, burdensome provisions requiring that weighmaster's certificates and certificates of quality for anthracite coal be prepared in triplicate and bear additional language distinguishing the original certificate from the copies. These provisions are not required by statute, date from a time when multipage carbon copy forms were in extensive use and no longer serve a practical purpose.

The deletion of the previously described requirements will relieve licensed public weighmasters of an unnecessary regulatory burden and will help the Department make better use of its weights and measures enforcement staff. In a typical year the Department processes roughly 6,600 applications for renewals of weighmaster licenses. It requires that an applicant submit a sample of its weighmaster's certificate form as part of the application process. The Department finds problems or deficiencies in about 2,200 of these 6,600 applications. Approximately 1,650 (75%) of these 2,200 rejected applications are rejected for lack of compliance with one or more of the regulatory previously described requirements. The deletion of these outdated regulatory requirements will spare the Department the time, effort and expense of enforcement.

Section 9.24(a) imposes the same type of unnecessary regulatory burden as previously described, but pertains to the "certificate of quality" that must exist for certain weighings of anthracite coal. As previously described, the requirement of triplicate forms and notations distinguishing originals from copies no longer serves a practical purpose.

In summary, the Department is satisfied there is a need for this final-form rulemaking, and that it is otherwise consistent with Executive Order 1996-1, "Regulatory Review and Promulgation."

Comments and Responses

A notice of proposed rulemaking was published at 47 Pa.B. 5952 (September 23, 2017), affording the public, the Legislature and the Independent Regulatory Review Commission (IRRC) the opportunity to offer comments.

A single comment was received from the public. The commentator offered his comments on behalf of a company that utilizes licensed public weighmasters in its business. The commentator offered general support for the proposed regulation and estimated the regulatory change would save the commentator's business approximately \$1,200 each year. The comment did not necessitate any change to the text of this final-form rulemaking.

IRRC offered two comments with respect to the proposed rulemaking.

IRRC's first comment recommended the Department either delete language at § 9.24(a) requiring that a certificate of quality for anthracite coal be "sufficiently mutilated at the left end to permit it to be securely attached to the corresponding copies of the certificate of the weighmaster" or explain how this language is consistent with the purpose of the regulation. The Department agrees that the referenced language is outdated and serves no practical purpose, and has deleted it in this final-form rulemaking.

IRRC's second comment requested revisions to the timeline for this final-form rulemaking that was presented in Item No. 29 of the Regulatory Analysis Form that accompanied the regulatory package for the proposed regulation. The Department has made those revisions in the Regulatory Analysis Form for this final-form rulemaking.

Persons Likely to be Affected

This final-form rulemaking will have a positive impact on licensed public weighmasters and the Department.

*Fiscal Impact**Commonwealth*

This final-form rulemaking will have some positive fiscal impact upon the Commonwealth. The Department will save time and manpower costs associated with requiring compliance with the current outdated regulatory requirements. The Department estimates these annual savings at \$14,850.

Political Subdivisions

This final-form rulemaking will not have an appreciable fiscal impact on political subdivisions.

Private Sector

This final-form rulemaking will have some small positive fiscal impact upon the private sector in that licensed public weighmasters will no longer be required to obtain, produce or use triplicate forms for weighmaster's certificates and have forms that distinguish originals from copies. These savings cannot be readily quantified. In addition, the Department estimates that of the public weighmaster license applications that it receives each year and that are deficient and must be returned to applicants for corrections or additional information, approximately 1,650 of these are returned because the applicant has not complied with one or more of the provisions that are being deleted. The Department estimates this final-form rulemaking will save these applicants a total of \$18,150 each year in postage and personnel costs.

General Public

This final-form rulemaking will have no appreciable fiscal impact on the general public.

Paperwork Requirements

This final-form rulemaking will simplify paperwork requirements for licensed public weighmasters in that it will do away with outdated regulatory requirements requiring triplicate forms. It will slightly lessen the Department's paperwork load in that applicants for public weighmaster licenses will no longer be required to submit copies of triplicate paper forms and the Department will not be required to review and retain them as part of the application review process.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on September 11, 2017, the Department submitted a copy of the notice of proposed rulemaking, published at 47 Pa.B. 5952, to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House and Senate Committees on Agriculture and Rural Affairs for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on September 13, 2018, this final-form rulemaking was deemed approved by the House and Senate Committees on Agriculture and Rural Affairs. Under section 5.1(e) of the Regulatory Review Act, IRRC met on September 13, 2018, and approved this final-form rulemaking.

Additional Information

Additional information may be obtained from Walter Remmert, Director, Bureau of Ride and Measurement Standards, Pennsylvania Department of Agriculture, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 787-9089.

Findings

The Department finds that:

- (1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) and regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.
- (2) A public comment period was provided as required by law, and all comments were considered.
- (3) The amendments made to this final-form rulemaking do not enlarge the purpose of the proposed rulemaking published at 47 Pa.B. 5952.
- (4) The amendments to the regulations of the Department are necessary and appropriate for the administration of the authorizing statute.

Order

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

- (1) The regulations of the Department, 70 Pa. Code Chapter 9, are amended by amending §§ 9.10 and 9.24 to read as set forth in Annex A.
- (2) The Department shall submit this order and a copy of Annex A to the Office of the Attorney General and the Office of General Counsel for approval as required by law.
- (3) The Department shall submit this order and a copy of Annex A to IRRC and the House and Senate Agriculture and Rural Affairs Committees, as required by law.
- (4) The Department shall certify this order and Annex A and shall deposit them with the Legislative Reference Bureau as required by law.
- (5) This final-form rulemaking shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

RUSSELL C. REDDING,
Secretary

Fiscal Note: Fiscal Note 2-187 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 70. WEIGHTS, MEASURES AND STANDARDS

PART I. WEIGHMASTERS

CHAPTER 9. WEIGHMASTERS

GENERAL

§ 9.10. Weighmaster's certificate.

* * * * *

(b) *Contents.* A weighmaster's certificate must contain the following information:

* * * * *

(9) Other relevant information the licensed public weighmaster deems necessary.

(c) *Variations in format and size.* The form and size of a weighmaster's certificate may be such as to suit any system or accounting device, as long as the certificate otherwise meets the requirements of this chapter.

SOLID FUEL

§ 9.24. Limitations of certificate for anthracite.

(a) *Certificate of quality required.* If solid fuel is transported to a licensed public weighmaster under authority of a certificate of transport as described in § 9.23 (relating to certificate affecting weighing requirements), and the solid fuel is anthracite (excluding barley and smaller sizes), the weighmaster may not weigh the anthracite unless the certificate of transport is accompanied by a certificate of quality. A certificate of quality shall be made out in ink or indelible pencil. The format of the certificate of quality must be as follows:

* * * * *

[Pa.B. Doc. No. 18-1668. Filed for public inspection October 26, 2018, 9:00 a.m.]

PROPOSED RULEMAKING

Title 25—ENVIRONMENTAL PROTECTION

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CHS. 86—90]

Federal Office of Surface Mining Reclamation and Enforcement Program Consistency

The Environmental Quality Board (Board) proposes to amend Chapters 86—90 to read as set forth in Annex A. This proposed rulemaking would update requirements to comply with the Federal coal mining regulations at 30 CFR Parts 700 through 955 (relating to mineral resources), correct errors, adopt regulations consistent with statutory changes and provide for general mining program improvements.

This proposed rulemaking was adopted by the Board at its meeting on May 16, 2018.

A. Effective Date

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

B. Contact Persons

For further information, contact William Allen, Bureau of Mining Programs, Rachel Carson State Office Building, 5th Floor, 400 Market Street, P.O. Box 8461, Harrisburg, PA 17105-8461, (717) 787-5015, or Joseph Iole, Assistant Counsel, Bureau of Regulatory Counsel, P.O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 787-9376. Information regarding submitting comments on this proposed rulemaking appears in section J of this preamble. Persons with a disability may use the Pennsylvania AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This proposed rulemaking is available on the Department of Environmental Protection's (Department) web site at www.dep.state.pa.us (select "Public Participation Center," then "Environmental Quality Board (EQB)").

C. Statutory Authority

This proposed rulemaking is authorized under section 5 of The Clean Streams Law (35 P.S. § 691.5); sections 4(a) and 4.2 of the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.4(a) and 1396.4(b)); section 3.2 of the Coal Refuse Disposal Control Act (52 P.S. § 30.53b); section 7(b) of the Bituminous Mine Subsidence and Land Conservation Act (52 P.S. § 1406.7(b)); and section 1920-A of The Administrative Code of 1929 (71 P.S. § 510-20).

D. Background and Purpose

This proposed rulemaking primarily addresses inconsistencies between the Commonwealth's coal mining program and Federal requirements. The Board also includes in this proposed rulemaking additional revisions to reflect general program maintenance, such as correcting typographical errors and updating organization names, statutory citations, reminding requirements and the use of reference data for the sizing of stormwater control facilities.

Required Consistency of the Commonwealth's Mining Program with Federal Law

The Federal Surface Mining Control and Reclamation Act of 1977 (30 U.S.C.A. §§ 1201—1328) (SMCRA) established a "nationwide program to protect society and the

environment from the adverse effects of surface coal mining operations." See 30 U.S.C.A. § 1202(a). SMCRA authorizes the Secretary of the Interior, through the Office of Surface Mining Reclamation and Enforcement (OSM), to administer the programs for controlling surface coal mining operations, and to review and approve or disapprove State programs for controlling the same. See 30 U.S.C.A. § 1211(c)(1).

SMCRA allows a state to assume jurisdiction over the regulation of surface coal mining and reclamation operations if the state can administer that program according to Federal standards. See 30 U.S.C.A. § 1253. When a State program is approved by OSM, the State achieves "primacy" over the regulation of its surface coal mining program. The Commonwealth achieved primacy in 1982. See 47 FR 33,050, 33,076 (July 30, 1982). To maintain its jurisdiction over regulation of coal surface mining activities, the Commonwealth must maintain a State program in accordance with the requirements of SMCRA, and with "rules and regulations consistent with regulations issued by the Secretary." See 30 U.S.C.A. § 1253(a)(1) and (7). State laws must be consistent with the provisions of SMCRA, 30 U.S.C.A. § 1255(a), and any provision of state law that provides for more stringent land use and environmental controls and regulations shall not be construed to be inconsistent with SMCRA, 30 U.S.C.A. § 1255(b). In other words, a State program must be at least as effective as the requirements in SMCRA, but may be more stringent.

Required Program Amendments

OSM has identified several of the Commonwealth's regulations that are not as effective as the Federal requirements and therefore require revision. Therefore, the Department is required to revise existing regulations so that they are no less stringent than Federal standards. The formal process for OSM to disapprove of regulations under the Commonwealth's program and require the Commonwealth to subsequently submit amendments for approval is outlined under 30 CFR Part 938 (relating to Pennsylvania).

Augmented Seeding

In 1993, OSM disapproved of the use of the term "augmented" in the last sentence of 25 Pa. Code § 86.151(d) (relating to period of liability) because it found it to be less effective than the Federal requirement. 30 CFR 938.12(d). OSM had found that its presence created the inference that there could be instances when 'augmented' seeding would not necessitate restarting of the revegetation liability period. See 58 FR 18154. The Commonwealth's regulation refers to seeding that OSM considers non-augmentative normal husbandry practice that would not restart the period for which an operator is liable for revegetation of its site. According to OSM, "augmented" seeding by definition would restart the period for which an operator is liable. Therefore, this proposed rulemaking deletes the term "augmented" from 25 Pa. Code § 86.151(d) to match OSM's understanding of seeding that does not restart the period of liability.

Bonding

OSM required the Commonwealth to revise its regulations relating to the valuation of collateral bonds at 25 Pa. Code § 86.158(b) (relating to special terms and conditions for collateral bonds). OSM's requirements are as follows:

(m) By November 1, 1991, Pennsylvania shall amend its rules at § 86.158(b)(1) or otherwise amend its program to be no less effective than 30 CFR 800.21(a)(2) by requiring that the value of all government securities pledged as collateral bond shall be determined using the current market value. 30 CFR 938.16(m).

(n) By November 1, 1991, Pennsylvania shall amend § 86.158(b)(2) or otherwise amend its program to be no less effective than 30 CFR 800.21(e)(1) by requiring that the provisions related to valuation of collateral bonds be amended to be subject to a margin, which is the ratio of the bond value to the market value, and which accounts for legal and liquidation fees, as well as value depreciation, marketability, and fluctuations which might affect the net cash available to the regulatory authority in case of forfeiture. 30 CFR 938.16(n).

(o) By November 1, 1991, Pennsylvania shall amend § 86.158(b)(3) or otherwise amend its program to be no less effective than 30 CFR 800.21(e)(2) to ensure that the bond value of all collateral bonds be evaluated during the permit renewal process to ensure that the collateral bond is sufficient to satisfy the bond amount requirements. 30 CFR 938.16(o).

30 CFR 938.16(m)—(o).

To address these issues, this proposed rulemaking includes revisions to 25 Pa. Code § 86.158(b). In subsection (b)(1), “may” is changed to “will,” requiring the Department to determine current market value. This proposed rulemaking also adds “less any legal and liquidation costs” to subsection (b)(2), and revises subsection (b)(3) to require the posting of any needed additional bond amount with the permit renewal, which is at least every 5 years.

Haul Roads

OSM also required that the Commonwealth revise its regulations relating to the use of public roads as part of an anthracite mining operation:

(mmm) By October 5, 1993, Pennsylvania shall submit a proposed amendment to § 88.1 to require that the definition of haul road include all roads (including public roads) that are used as an integral part of the coal mining activity and to clarify that the area of the road includes the entire area within the right-of-way, including roadbeds, shoulders, parking and side areas, approaches, structures, and ditches.

30 CFR 938.16(mmm).

This proposed rulemaking adds the following to the definition of a haul road at 25 Pa. Code § 88.1 (relating to definitions):

The term includes public roads that are used as an integral part of the coal mining activity.

OSM’s requirement to clarify that the activity includes the right-of-way and other features of the road does not require an additional revision in this proposed rulemaking. The elements OSM requires are already included in the existing definition of “Road” at § 88.1, and the definition of “Road” includes a reference to “haul roads.”

Other consistency issues

Effluent Limitations for Bituminous Underground Mines

The Commonwealth lists effluent limitations for bituminous underground mines at 25 Pa. Code § 89.52 (relating to water quality standards, effluent limitations and best management practices). Subsection (f) includes alterna-

tive effluent limitations for discharges that can be adequately treated using passive treatment technology. The Federal effluent limit guidelines in 40 CFR Part 434 (relating to coal mining point source category BPT, BAT, BCT limitations and new source performance standards) include alternative limits for passive treatment systems applicable to surface mines, but not underground mines. When the Board revised the regulations to add subsection (f), this distinction was missed. During a recent evaluation comparing the Federal effluent limit guidelines with the requirements in 25 Pa. Code § 89.52, this discrepancy came to light.

Therefore, this proposed rulemaking deletes the portion of subsection (f), eliminating the alternative effluent limits for passive treatment systems for underground mines.

Temporary Cessation

The Commonwealth’s regulations regarding the temporary cessation of operations for bituminous surface mines include a 180-day upper limit on the amount of time that an operation can be in temporary cessation status. The Federal rules about temporary cessation in 30 CFR 816.131 (relating to cessation of operations: temporary) do not include an upper limit on the duration of temporary cessation status. Therefore, this proposed rulemaking includes revisions to 25 Pa. Code § 87.157 (relating to cessation of operations: temporary) removing the upper time limit.

Temporary cessation for anthracite coal mines is addressed at 25 Pa. Code §§ 88.131 (regarding anthracite surface mines), 88.219 (regarding anthracite bank removal), and 88.332 (regarding anthracite coal refuse disposal). Sections 88.131 and 88.219 do not include an upper time limit for temporary cessation status. Section 88.332, applicable to anthracite coal refuse disposal, includes a 1-year upper time limit. For consistency, this proposed rulemaking revises this section to remove the upper time limit from § 88.332.

This proposed rulemaking revises each of the above provisions to include the same suite of revised requirements related to temporary cessation status, including a requirement for operators to submit information to the Department, consistent with 30 CFR 816.131, and triggers for when the status ends because of reactivation, or terminates through the permittee’s failure to comply with the law, regulations or the permit. This proposed rulemaking also requires permittees to submit a timely renewal application when applicable. Amendments included in this proposed rulemaking do not lessen environmental protection related to surface mining because the performance standards in existing regulations focus on pollution prevention. The Department provides the same attention to sites in temporary cessation status as it does to active sites, through monthly inspections to ensure compliance with performance standards and updates to bond amounts, as appropriate.

Definition of Surface Mining Activities

In 2007, the Environmental Hearing Board issued an adjudication which concluded that “there is no surface mining unless coal is extracted or exposed and retrieved.” *Timothy A. Keck v. DEP*, EHB Docket No. 2005-280-L (June 26, 2007). In July 2010, OSM notified the Department that it had identified this conclusion as problematic because, under Federal requirements, the extraction of coal is not required to establish that surface mining is underway. See, e.g., *Amerikohl Mining Inc. v. OSMRE*, 191 IBLA 11 (August 30, 2017) (under certain circumstances, timbering on permit area amounted to surface

mining activities). In response, the Department indicated that it would undertake a rulemaking change to address this issue at the next opportunity to do so.

The Department has amended the definition of “surface mining activities” under Chapters 86 and 87 (relating to surface and underground coal mining general; and surface mining of coal) in this manner before to satisfy Federal concerns about the scope of the Commonwealth’s definition. For instance, in 1991, OSM disapproved of the the Commonwealth’s proposal to amend its definition of “surface mining activities” to meet Federal requirements because the proposed amendment did not make it “unambiguously clear” that any road or similar disturbance related to mining “shall be deemed a surface mining activity and will be regulated,” and therefore it was “less effective than the Federal definition of ‘surface coal mining operations’ at 30 CFR 700.5.” 56 FR 24687, 24689 (May 31, 1991). The Commonwealth subsequently corrected that inconsistency by amending the definition, 25 Pa.B. 5821 (December 15, 1995), and OSM approved the amendment, 62 FR 60619, 60170 (November 7, 1997).

As the decision by the United States Interior Board of Land Appeals (IBLA) in *Amerikohl* demonstrates, certain activities such as timbering may or may not be surface mining activities under particular circumstances. The Commonwealth derives no benefit from amending the definition to list specific activities that OSM determines may fall within the definition in a particular instance. Instead, it is important that the Department and operators ascertain how OSM and Federal tribunals interpret the scope of ‘surface coal mining operations’ in 30 CFR 700.5 (relating to definitions) and “surface mining activities” under 30 CFR 701.5 (relating to definitions) to determine whether a particular activity falls within the the Commonwealth’s definition, and is therefore a regulated activity. This proposed rulemaking addresses this issue by replacing the existing definition of “surface mining activities” at 25 Pa. Code §§ 86.1 and 87.1 (relating to definitions) and incorporates by reference the Federal definition of “surface mining activities” from 30 CFR 701.5 (which in turn refers to “surface coal mining operations” defined at 30 CFR 700.5). This will assure absolute consistency with the Federal requirements.

Civil Penalties

Section 86.193(b) (relating to assessment of penalty) requires the Department to assess a civil penalty if the penalty the Department calculates equals \$1,100 or more. Correspondingly, § 86.193(c) affords the Department discretion whether to assess a civil penalty that equals less than \$1,100. The Department derives the dollar figure based on the circumstances of the violation as described under § 86.194 (relating to system for assessment of penalties). The threshold dollar amount that triggers a mandatory assessment is based on the Federal civil penalty program found at 30 CFR 723 (relating to civil penalties). The Federal regulations rely on a point system reflecting the circumstances of the violation. Under the Federal system, a violation that amounts to 30 points or more under the Federal formula requires the assessment of a penalty, along with a table that equates the number of points to a dollar value. Periodically, the Federal government revises the dollar amounts on the table, while the point threshold that triggers a mandatory penalty assessment remains fixed. Therefore, rather than including the fluctuating dollar amount from the Federal table into § 86.193(b) and (c), this proposed rulemaking includes references to 30 CFR 723.12 and 723.14, so that when changes are made to the Federal table, the Commonwealth’s threshold for mandating the assessment of a

penalty will reflect the circumstances of the violation (that is, the Federal point trigger), not a specific dollar amount.

Administrative Requirements

Two differences between the Commonwealth’s requirements and the Federal requirements came to light during the recent development of the ePermitting application for new bituminous surface mines. First, 25 Pa. Code § 86.31 (relating to public notices of filing of permit applications) requires notification by registered mail to the municipality where mining is proposed. The requirement for registered mail is not in the Federal rules. Therefore, this proposed rulemaking revises 25 Pa. Code § 86.31(c)(1) to retain the notification, but to delete the registered mail requirement. In addition to consistency with the Federal regulations, this proposal will allow for electronic notice in cases where it is appropriate. This proposed rulemaking also includes changing “the city borough, incorporated town or township” to “the municipality.” Second, 25 Pa. Code § 86.62(a)(3) (relating to identification of interests) requires the date of issuance of the Mine Safety and Health Administration Identification Number to be provided in an application. This date of issuance is unnecessary and not required under the Federal rules. Therefore, this proposed rulemaking deletes the date of issuance from this subsection.

Employee Financial Interest Reporting Form

Section 86.238 (relating to what to report) lists an old OSM form number for reporting employee financial interests. The current form number is OSM Form 23. Therefore, this proposed rulemaking changes “Form 705-1” to “Form 23.”

Updates and Corrections

Recovery of Litigation costs for Water Supply Replacement Cases

The act of December 20, 2000 (P.L. 980, No. 2000-138) (27 Pa.C.S. Chapter 77 (relating to costs and fees)) introduced protections for citizens against Strategic Lawsuits Against Public Participation (SLAPP). This anti-SLAPP law also amended section 4.2(f)(5) of the Pennsylvania Surface Mining Conservation and Reclamation Act (PA SMCRA) (52 P.S. § 1396.4.2(f)(5)) to remove the ability of operators to recover litigation costs for water supply replacement cases. Section 88.107 (relating to hydrologic balance: water rights and replacement) of 25 Pa. Code still includes “attorney fees and expert witness fees” in the description of the items for which operators may recover costs. This proposed rulemaking deletes this phrase to reflect the 2000 amendment to the PA SMCRA.

Storm Events

Sections 87.103, 88.93, 88.188, 88.293 and 89.53 each include a table of data representing the amount of precipitation for a 10-year, 24-hour storm event on a county-by-county basis. Section 90.103 (relating to precipitation event exemption) includes tables of similar data representing the 1-year and 10-year rainfall events. The Department derived the data in these tables from the climatological data available in the early 1980s. At that time, data was available for a limited number of stations in each county. The regulations include the highest value in this data for each county. In subsequent years, additional data has been gathered and the National Oceanic and Atmospheric Administration (NOAA) has developed an online tool which provides the precipitation amount for various storm events for any location in this Commonwealth, currently available at <https://hdsc.nws.noaa.gov/hdsc/pfds/>.

Generally, the amount of precipitation for each storm event is lower than what is currently listed in the tables in the regulations. Therefore, in many cases, stormwater control facilities are over-designed and require unnecessary earth disturbance. This proposed rulemaking removes the tables and replaces them with a general reference to data available through NOAA or an equivalent resource. This will result in properly-sized stormwater controls and reduced costs for mine operators.

Remining Financial Guarantees

The Department identified and established best practices for managing accounts in the Remining Financial Guarantee (RFG) Program, similar to those established for the Land Reclamation Financial Guarantee Program. To provide stability to the RFG Program, the first best practice designates a monetary threshold and a reserve in the account. The designated threshold establishes the program limits. The reserve provides funds to pay for costs incurred when the financial guarantee program is used for land reclamation.

This proposed rulemaking includes an addition to § 86.281(b) (relating to financial guarantees to insure reclamation—general) to describe the process used to determine the amount of an individual remining financial guarantee. This proposed rulemaking also includes revisions to § 86.281(c) to clarify that the designated amount is maintained at the program level rather than on a permit-by-permit basis, § 86.281(d) to refer to the designated amount when describing the permit limit, the operator limit, and the program limit, and § 86.281(f) to describe the reserve.

An additional best practice targets risk management. For example, one method to manage risk includes limiting the participation of operators who previously failed to make the required payments on a timely basis. This proposed rulemaking revises § 86.282(a)(4) (relating to participation requirements) to add that to participate, the operator cannot have been previously issued a notice of violation relating to maintaining bonds, including a missing or late payment. The requirement includes a 3-year window so as not to permanently prohibit participation for an operator who submitted a missing or late payment.

The existing regulatory language at § 86.284(d) (relating to forfeiture) differs from the statutory language in section 4.12 of PA SMCRA, (52 P.S. § 1396.41(d)), which has resulted in confusion when interpreting the requirement. This proposed rulemaking revises § 86.284(d) to read the same as the PA SMCRA.

Natural Resources Conservation Service

The existing regulations include numerous references to the Soil Conservation Service. This agency changed its name to the Natural Resources Conservation Service. Therefore, this proposed rulemaking corrects these references.

Conservation District

Section 86.189(b)(4) (relating to reclamation of bond forfeiture sites) includes a reference to the Soil Conservation District. The current name of the agency to which this refers is the Conservation District. Therefore, this proposed rulemaking makes this revision.

Chapter 92a

The existing regulations include references to Chapter 92. In 2010, the Board reserved Chapter 92 and replaced it with Chapter 92a (relating to National Pollutant Discharge Elimination System permitting, monitoring

and compliance). This proposed rulemaking corrects these references throughout Chapters 86—90.

Department Reference

Section 86.232 (relating to definitions) includes a reference to the Department of Environmental Resources. This proposed rulemaking updates this reference to be the Department of Environmental Protection.

Chapter 96

In 2000, the Board finalized Chapter 96 (relating to water quality standards implementation). The mining regulations have not been updated to include reference to Chapter 96. This proposed rulemaking corrects this by including references to Chapter 96 in §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

Coal Ash and Biosolids

Section 86.54 (relating to public notice of permit revision) includes the terms “fly ash disposal” and “sewage sludge.” Section 87.100 (relating to topsoil: nutrients and soil amendments) also uses the terms “fly ash” and “sewage sludge.” The correct term instead of fly ash is “coal ash,” which is defined at 25 Pa. Code § 287.1 (relating to definitions). This definition of coal ash includes fly ash and other materials. In addition, disposal of coal ash is not allowed in the context of active mining sites. Coal ash may be beneficially used to enhance reclamation under Chapter 290 (relating to beneficial use of coal ash). Similarly, biosolids is a term which includes reference to sewage sludge, so it is more appropriate to use. Therefore, this proposed rulemaking revises §§ 86.54 and 87.100 to correct these terms to instead refer to “coal ash” and “biosolids.”

Anthracite Mine Operators Emergency Bond Fund

In 1992, section 4.7 of the PA SMCRA (52 P.S. § 1396.4g) was revised to allow anthracite surface mining operators to participate in the Anthracite Mine Operators Emergency Bond program. Prior to this, participation was limited to deep mine operators. This proposed rulemaking changes the references to “deep mine” to be “mine” in 25 Pa. Code § 86.162a (relating to anthracite mine operators emergency bond fund). This clarifies that not only deep mines are eligible to participate in the Anthracite Mine Operators Emergency Bond program.

Coal Refuse Disposal Site Selection

In 2010, section 4.1 of the Coal Refuse Disposal Control Act (52 P.S. § 30.54a) was amended to add to the list of preferred sites for siting coal refuse disposal facilities. The amendment added the following:

An area adjacent to or an expansion of an existing coal refuse disposal site.

This proposed rulemaking reflects this statutory change.

Corrections

Section 86.51

Section 86.51 (relating to reviews of active permits) includes the phrase “. . . a review of the permit shall be no less frequent than the permit midterm of every 5 years, whichever is more frequent.” The “of” underlined above should be “or.” This proposed rulemaking corrects this error.

Mine Safety and Health Administration

Section 86.84 (relating to applications for assistance) includes a reference to the Mining Enforcement and

Safety Administration. The reference should be the Mine Safety and Health Administration. This proposed rulemaking corrects this error.

Section 88.1

The definition of “road” at § 88.1 (relating to definitions) begins with “A surface right-of-way for purposes of travel by land vehicles used in coal exploration of surface coal mining and reclamation operations.” The “of” underlined above should be “or.” This proposed rulemaking corrects this error.

Remining Program

After the Board finalized remining regulations in October 2016, discrepancies in the citations were identified in Chapter 88. In § 88.502 (relating to definitions) subsection (ii), the citation to § 88.295(b)—(g) is incorrect. The correct citation is § 88.295(b)—(i). Similarly, in § 88.507(c) (relating to treatment of discharges) the citations are incomplete. The correct citations are §§ 88.95(b)—(g), 88.190(b)—(g) and 88.295(b)—(i). Finally, § 88.508 (relating to request for bond release) lists “Section 86.172(a), (b) and (d).” Section 90.308 also refers to § 87.172(d). There is no subsection 86.172(d). This proposed rulemaking includes revisions to address each of these errors.

Mining and Reclamation Advisory Board Collaboration

The Department collaborated with the Mining and Reclamation Advisory Board’s (MRAB) Regulation, Legislation and Technical (RLT) committee to develop this proposed rulemaking. This included discussion at several RLT committee meetings and with the full board.

The Department specifically solicited a recommendation from the MRAB about the revision to the definition of “surface mining activities” in §§ 86.1 and 87.1. Two alternatives were discussed. One alternative added elements of the definition in 30 CFR 701.5 to the existing definition (for example, excavation for the purpose of obtaining the coal) and added a reference to this definition. The other alternative was to delete the existing definition and replace it with the reference to the Federal definition. The MRAB recommended the second alternative be included in this proposed rulemaking. The MRAB requested clarification regarding activities related to timbering included in the Federal surface mining definition. The Department committed to collaborating with the MRAB RLT to develop guidance that details how this will be applied in this Commonwealth.

At its April 6, 2017, meeting, the MRAB voted to concur with the Department’s recommendation that this proposed rulemaking move forward in the regulatory process.

E. Summary of Proposed Regulatory Requirements

§ 86.1 Definitions

The proposed amendment replaces the definition of “Surface mining activities” and incorporates by reference the same term at 30 CFR 701.5.

§ 86.31 Public notices of filing of permit applications

The proposed amendments delete the requirement to notify the municipality by registered mail and to replace “the city, borough, incorporated town or township” with “municipality.”

§ 86.51 Reviews of active permits

The proposed amendment changes “of” to “or.”

§ 86.54 Public notice of permit revision

The proposed amendments change “fly ash disposal” to “beneficial use of coal ash” and to change “sewage sludge” to “biosolids.”

§ 86.62 Identification of interests

The proposed amendment deletes the requirement to provide the date of issuance of the MSHA identification number.

§ 86.84 Applications for assistance

The proposed amendment changes the “Mining Enforcement and Safety Administration” to the “Mine Safety and Health Administration.”

§ 86.151 Period of liability

The proposed amendment deletes the word “augmented” in subsection (d) as it modifies seeding.

§ 86.158 Special terms and conditions for collateral bonds

The proposed amendments change “may” to “will” under subsection (b)(1), add “less any legal and liquidation costs” to subsection (b)(2), and add “at a minimum, the Department shall require any additional amounts with each permit renewal” to subsection (b)(3).

§ 86.162a Anthracite Deep Mine Operators Emergency Bond Fund

The proposed amendments delete “Deep” from the title of this section, delete “deep” twice each from subsections (a) and (b), and corrects the name of the fund used to manage the program used in subsection (d).

§ 86.189 Reclamation of bond forfeiture sites

The proposed amendment revises subsection (b)(4) to change “Soil Conservation District” to “Conservation District.”

§ 86.193 Assessment of penalty

The proposed amendment revises subsections (b) and (c) to incorporate elements of the Federal rule at 30 CFR 723.12 and 723.14.

§ 86.232 Definitions

The proposed amendment changes “Department of Environmental Resources” to “Department of Environmental Protection.”

§ 86.238 What to report

The proposed amendment changes “Form 705-1” to “Form 23.”

§ 86.281 Financial guarantees to insure reclamation—general

The proposed amendment adds to subsection (b): “The amount will be the estimated cost for the Department to reclaim the remining area, subject to the limitations established in subsection (d).”; deletes from subsection (c): “For each approved permit of an eligible operator for a remining area” and “The specific amount designated will be the estimated cost for the Department to reclaim the remining area.”; adds to subsection (d) “designated” in three locations; and adds subsection (f) to identify the reserve in the Remining Financial Assurance Fund and to describe the use of the reserved funds.

§ 86.282 Participation requirements

The proposed amendment adds to subsection (a)(4) the eligibility requirements for remining financial guarantees the requirement to not have been cited for a violation under the regulations for maintaining proper bonds.

§ 86.284 *Forfeiture*

The proposed amendment revises subsection (d) to match the statutory language from the PA SMCRA relating to the discontinuance of the Remining Financial Guarantee program based on the number of forfeitures.

§ 87.1 *Definitions*

The proposed amendment replaces the definition of “Surface mining activities” and incorporates by reference the same term at 30 CFR 701.5.

§ 87.100 *Topsoil: nutrients and soil amendments*

The proposed amendment revises subsection (d) to change “fly ash” to “coal ash” and “sewage sludge” to “biosolids.”

§ 87.157, 88.131, 88.219 and 88.332 *Cessation of operations: temporary*

The proposed amendments delete from sections 87.157 and 88.332 the upper time limit on the length of temporary cessation status. The other sections do not currently have an upper time limit. The proposed amendments revise all sections to include the same requirements to qualify for, hold and terminate temporary cessation status, including the information required to be provided in the notice of cessation to the Department, a requirement to submit a timely renewal application as needed, a description of how cessation ends and specifications for when cessation terminates.

§ 88.1 *Definitions*

To comply with the program amendment required by OSM at 30 CFR 938.16(mmm), this proposed rulemaking adds to the definition of “Haul road”: “The term includes public roads that are used as an integral part of the coal mining activity.”; and revises the definition of “Road” to change “of” to “or.”

§ 88.107 *Hydrologic balance: water rights and replacement*

The proposed amendment deletes from section 88.107(g): “attorney and expert witness fees.”

§ 88.502 *Definitions*

The proposed amendment revises the definition of “Encountered discharge” to correct the citation to § 88.295(b)—(i).

§ 88.507 *Treatment of discharges*

The proposed amendment revises section 88.507 correct three citations.

§ 88.508 *Request for bond release*

The proposed amendment deletes from section 88.508 the reference to § 86.172(d).

§ 89.52 *Water quality standards, effluent limitations and best management practices*

The proposed amendments delete from section 89.52(f)(2) alternative effluent limitations for passive treatment systems, and delete paragraph (3) in its entirety. The proposed amendments merge passive treatment system performance standards in paragraph (4) into paragraph (2), renumber paragraph (5) as paragraph (3), and rephrase paragraph (5) accordingly.

§ 90.201 *Definitions*

The proposed amendment adds to the definition of “Preferred site” a sixth category: an area adjacent to or an expansion of an existing coal refuse disposal site.

§ 90.308 *Request for bond release*

The proposed amendment deletes from section 90.308 the reference to § 86.172(d).

Precipitation events

The proposed amendments delete the table of values for each county for the storm events and revise the regulations to include a reference to NOAA or equivalent data sources in the following sections:

- § 87.103 Precipitation event exemption
- § 88.93 Hydrologic balance: precipitation event exemption
- § 88.188 Hydrologic balance: precipitation event exemption
- § 88.293 Hydrologic balance: precipitation event exemption
- § 89.53 Precipitation event exemption
- § 90.103 Precipitation event exemption

Natural Resources Conservation Service

The proposed amendments to following sections include one or more corrections of “Soil” Conservation Service to “Natural Resources” Conservation Service:

- § 87.53 Prime farmland investigation
- § 87.112 Hydrologic balance: dams, ponds, embankments and impoundments—design, construction and maintenance
- § 87.155 Revegetation: standards for successful revegetation
- § 87.177 Prime farmland: special requirements
- § 87.181 Prime farmland: revegetation
- § 88.32 Prime farmland investigation
- § 88.102 Hydrologic balance: dams, ponds, embankments and impoundments—design, construction and maintenance
- § 88.103 Hydrologic balance: coal processing waste dams and embankments
- § 88.129 Revegetation: standards for successful revegetation
- § 88.193 Hydrologic balance: collection ponds within disturbed areas
- § 88.197 Hydrologic balance: dams, ponds, embankments and impoundments—design, construction and maintenance
- § 88.198 Hydrologic balance: coal processing waste dams and embankments
- § 88.217 Revegetation: standards for successful revegetation
- § 88.302 Hydrologic balance: dams, ponds, embankments and impoundments—design, construction and maintenance
- § 88.303 Hydrologic balance: coal processing waste dams and embankments
- § 88.330 Revegetation: standards for successful revegetation
- § 88.491 Minimum requirements for information on environmental resources
- § 88.493 Minimum environmental protection performance standards

- § 89.86 Revegetation
- § 89.112 Impoundments
- § 89.121 Prime farmland investigation
- § 89.122 Prime farmlands
- § 89.134 Revegetation
- § 90.22 Prime farmland investigation
- § 90.122 Hydrologic balance: dams, ponds, embankments and impoundments—design, construction and maintenance
- § 90.113 Hydrologic balance: coal processing waste dams and embankments
- § 90.159 Revegetation: standards for successful revegetation
- § 90.161 Prime farmland: special requirements
- § 90.165 Prime farmland: revegetation

Chapter 96 reference

The proposed amendments revise following sections to add references to Chapter 96:

- § 87.102 Hydrologic balance: effluent standards
- § 88.92 Hydrologic balance: effluent standards
- § 88.187 Hydrologic balance: effluent standards
- § 88.292 Hydrologic balance: effluent standards
- § 89.52 Water quality standards, effluent limitations and best management practices
- § 90.102 Hydrologic balance: water quality standards, effluent limitations and best management practices

Chapter 92a reference

The proposed amendments revise the following sections to update references to Chapter 92a:

- § 87.117 Hydrologic balance: surface water monitoring
- § 88.106 Hydrologic balance: surface water monitoring
- § 88.202 Hydrologic balance: surface water monitoring
- § 88.306 Hydrologic balance: surface water monitoring
- § 89.59 Surface water and groundwater monitoring
- § 90.116 Hydrologic balance: surface water monitoring

F. Benefits, Costs and Compliance

Benefits

The revisions in this proposed rulemaking will resolve inconsistencies with Federal requirements, allow the Commonwealth to maintain program primacy, provide clarity to mine operators regarding compliance standards and result in properly-sized stormwater facilities. In some cases, the latter benefit will result in reduced costs because current regulations may require larger facilities than necessary.

Compliance costs

This proposed rulemaking is likely to reduce costs. None of the new or revised requirements are likely to increase costs.

Compliance Assistance Plan

Compliance assistance for this proposed rulemaking will be provided through the Department's routine interaction with trade groups and individual applicants. There are about 400 licensed surface coal mining operators in

this Commonwealth, most of which are small businesses that will be subject to this proposed rulemaking.

Paperwork requirements

This proposed rulemaking does not require additional paperwork.

G. Pollution Prevention

The Pollution Prevention Act of 1990 (42 U.S.C.A. §§ 13101—13109) established a National policy that promotes pollution prevention as the preferred means for achieving state environmental protection goals. The Department encourages pollution prevention, which is the reduction or elimination of pollution at its source, through the substitution of environmentally friendly materials, more efficient use of raw materials and the incorporation of energy efficiency strategies. Pollution prevention practices can provide greater environmental protection with greater efficiency because they can result in significant cost savings to facilities that permanently achieve or move beyond compliance. This proposed rulemaking has minimal impact on pollution prevention since it is predominantly focused on updating regulations to reflect current Federal requirements, amendments to state statutes and references to citations, names and data sources.

H. Sunset Review

The Board is not proposing a sunset date for these regulations, since they are needed for the Department to carry out its statutory authority. The Department will continue to closely monitor these regulations for their effectiveness and recommend updates to the Board as necessary.

I. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on October 2, 2018, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Environmental Resources and Energy Committees. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to this proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b) which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Department, the General Assembly and the Governor.

J. Public Comments

Interested persons are invited to submit to the Board written comments, suggestions, support or objections regarding this proposed rulemaking. Comments, suggestions, support or objections must be received by the Board by November 26, 2018. Comments may be submitted to the Board online, by e-mail, by mail or express mail as follows.

Comments may be submitted to the Board by accessing eComment at <http://www.ahs.dep.pa.gov/eComment>.

Comments may be submitted to the Board by e-mail at RegComments@pa.gov. A subject heading of this proposed rulemaking and a return name and address must be included in each transmission.

If an acknowledgement of comments submitted online or by e-mail is not received by the sender within 2

working days, the comments should be retransmitted to the Board to ensure receipt. Comments submitted by facsimile will not be accepted.

Written comments should be mailed to the Environmental Quality Board, P.O. Box 8477, Harrisburg, PA 17105-8477. Express mail should be sent to the Environmental Quality Board, Rachel Carson State Office Building, 16th Floor, 400 Market Street, Harrisburg, PA 17101-2301.

PATRICK McDONNELL,
Chairperson

Fiscal Note: 7-532. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION

PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Subpart C. PROTECTION OF NATURAL RESOURCES

ARTICLE I. LAND RESOURCES

CHAPTER 86. SURFACE AND UNDERGROUND COAL MINING: GENERAL

Subchapter A. GENERAL PROVISIONS

§ 86.1. Definitions.

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

* * * * *

Surface mining activities—[**Activities whereby coal is extracted from the earth or from waste or stock piles or from pits or banks by removing the strata or material which overlies or is above or between the coal or otherwise exposing and retrieving the coal from the surface, including, but not limited to, strip, auger mining, dredging, quarrying and leaching, and surface activity connected with surface or underground mining, including, but not limited to, exploration, site preparation, entry, tunnel, slope, shaft, drift and borehole drilling and construction, and activities related thereto. The term does not include portions of mining operations carried out beneath the surface by means of shafts, tunnels or other underground mine openings. The term includes activities in which the land surface has been or is disturbed as a result of, or incidental to, surface mining operations of the operator, including, but not limited to, private ways and roads appurtenant to a surface mining operation, land excavations, workings, refuse banks, spoil banks, culm banks, tailings, repair areas, storage areas, processing areas, shipping areas and areas in which facilities, equipment, machines, tools or other materials or property which result from, or are used in, surface mining activities are situated. The term includes the construction of a road or similar disturbance for any purpose related to a surface mining activity, including that of moving or “walking” a dragline or other equipment, or for the assembly or disassembly or staging of equipment.] Any activities meeting the definition of “surface mining activities” as it is defined at 30 CFR 701.5, which is incorporated herein by reference.**

* * * * *

**Subchapter B. PERMITS
REVIEW, PUBLIC PARTICIPATION AND
APPROVAL, DISAPPROVAL OF PERMIT
APPLICATIONS AND PERMIT TERMS AND
CONDITIONS**

§ 86.31. Public notices of filing of permit applications.

* * * * *

(c) Upon receipt of a complete application, the Department will publish notice of the proposed activities in the *Pennsylvania Bulletin* and send notice to the following:

(1) [**By registered mail, the city, borough, incorporated town or township**] The municipality in which the activities are located.

* * * * *

PERMIT REVIEWS, RENEWALS, REVISIONS AND TRANSFERS

§ 86.51. Reviews of active permits.

(a) The Department will review each permit issued and outstanding during the term of the permit. This review shall occur at the discretion of the Department during the permit term except as required by § 87.175 (relating to variance to contouring). For permits of longer than 5-year terms, a review of the permit shall be no less frequent than the permit midterm [**of**] or every 5 years, whichever is more frequent.

* * * * *

§ 86.54. Public notice of permit revision.

A permit revision request shall be subject to the notice requirements of § 86.31 (relating to public notices of filing of permit applications) under the following circumstances:

(1) For surface mining activities:

* * * * *

(iii) The addition of coal refuse disposal, [**fly ash disposal or sewage sludge**] beneficial use of coal ash or biosolids for land reclamation to the operation.

* * * * *

**MINIMUM REQUIREMENTS FOR LEGAL
FINANCIAL COMPLIANCE AND RELATED
INFORMATION**

86.62. Identification of interests.

(a) *Application information.* An application shall contain the following information, except that the submission of a social security number is voluntary:

* * * * *

(3) The name of the proposed mine and the Mine Safety and Health Administration (MSHA) Identification Number[, **with the date of issuance,**] for the mine and all mine-associated structures that require MSHA approval.

* * * * *

Subchapter C. SMALL OPERATOR ASSISTANCE PROGRAM

§ 86.84. Applications for assistance.

(a) An application for assistance shall contain the following information:

* * * * *

(3) A schedule of the estimated total production of coal from the proposed permit area and all other locations from which production is attributed to the applicant under this section. For each location, the schedule shall include:

* * * * *

(ii) The permit number and [Mining Enforcement and Safety] Mine Safety and Health Administration identification number, if available.

* * * * *

Subchapter F. BONDING AND INSURANCE REQUIREMENTS

AMOUNT AND DURATION OF LIABILITY

§ 86.151. Period of liability.

* * * * *

(d) The extended period of liability which begins upon completion of augmenting seeding, fertilization, irrigation or other work necessary to achieve permanent revegetation of the permit area shall include additional time taken by the permittee to repeat augmented seeding, fertilization, irrigation or other work under a requirement by the Department but may not include selective husbandry practices approved by the Department, such as pest and vermin control, pruning, repair of rills and gullies or reseeding or transplanting, or both, which constitute normal conservation practices within the region for other land with similar land uses. [Augmented seeding] Seeding, fertilization, irrigation and repair of rills and gullies performed at levels or degrees of management which exceed those normally applied in maintaining use or productivity of comparable unmined land in the surrounding area, would necessitate extending the period of liability.

* * * * *

FORM, TERMS AND CONDITIONS OF BONDS AND INSURANCE

§ 86.158. Special terms and conditions for collateral bonds.

* * * * *

(b) Collateral bonds pledging negotiable government securities are subject to the following conditions:

(1) The Department [may] will determine the current market value of government securities for the purpose of establishing the value of the securities for bond deposit.

(2) The current market value, less any legal and liquidation costs, is at least equal to the amount of the required bond amount.

(3) The Department may periodically revalue the securities and may require additional amounts if the current market value is insufficient to satisfy the bond amount requirements for the facility. At a minimum, the Department shall require any necessary additional amounts with each permit renewal.

* * * * *

§ 86.162a. Anthracite [Deep] Mine Operators Emergency Bond Fund.

(a) For permitted anthracite [deep] mine operators required to post a bond under § 86.143 (relating to requirements to file a bond), and who can demonstrate to the Department that they are unable to post a conven-

tional surety or collateral bond as described in § 86.156 (relating to the form of the bond), and do not meet the requirements of § 86.161 (relating to phased deposits of collateral), may apply to the Department for an Anthracite [Deep] Mine Operator's Emergency Bond Loan. The purpose of this loan is to guarantee a collateral bond posted by the operator.

(b) Permitted anthracite [deep] mine operators who wish to use the anthracite [deep] mine emergency bond loan program shall demonstrate one of the following:

* * * * *

(c) The Department and the qualified operator shall enter into a written loan agreement, on forms provided by the Department, which shall contain at a minimum, the following provisions:

* * * * *

(d) The Department will deposit appropriations and moneys collected under this section into the Anthracite [Deep Mine Emergency Bond Loan Fund] Mine Operators Emergency Bond Fund.

* * * * *

BOND FORFEITURE

§ 86.189. Reclamation of bond forfeiture sites.

* * * * *

(b) The Department will provide for reclamation of bond forfeiture sites through one of the following:

* * * * *

(4) Under cooperative agreements among the Department, the State Conservation Commission and the County [Soil] Conservation District in which the bond forfeiture site is located, the District may enter into a contract with the landowner of the bond forfeiture site to reclaim the site.

* * * * *

Subchapter G. CIVIL PENALTIES FOR COAL MINING ACTIVITIES

GENERAL PROVISIONS

§ 86.193. Assessment of penalty.

* * * * *

(b) The Department will assess a civil penalty for each violation if the violation is assessable in an amount [of \$1,100 or more] consistent with 30 CFR 723.12(b) and 723.14 under the system for assessment described in § 86.194 (relating to system for assessment of penalties).

(c) The Department may assess a penalty for each violation which is assessable in an amount [less than \$1,100] consistent with 30 CFR 723.12(c) and 723.14 under the system for assessment described in § 86.194.

Subchapter I. EMPLOYEE CONFLICT OF INTEREST

§ 86.232. Definitions.

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

* * * * *

Department—The Department of Environmental [Resources] Protection.

* * * * *

§ 86.238. What to report.

(a) Each employe shall report information required on the statement of employment and financial interests of the employe, the employe spouse, minor children or other relatives who are full-time residents of the employe home. The report shall be on OSM Form [705-1] 23 as provided by the Department. The statement consists of three major parts:

* * * * *

Subchapter J. REMINING AND RECLAMATION INCENTIVES

BONDING INCENTIVES

§ 86.281. Financial guarantees to insure reclamation—general.

* * * * *

(b) The financial guarantee applies to a permit with remining areas approved by the Department. Operators who wish to participate in this program shall demonstrate, for each permit, their eligibility under §§ 86.253 and 86.282 (relating to operator and project qualification; and participation requirements). The amount will be the estimated cost for the Department to reclaim the remining area, subject to the limitations established in subsection (d).

(c) [For each approved permit of an eligible operator for a remining area, the] The Department will designate a specified amount of the financial guarantees special account in the Remining Financial Assurance Fund to financially assure reclamation obligations on the [permit] permits with an approved remining area. [The specific amount designated will be the estimated cost for the Department to reclaim the remining area.]

(d) The Department may not issue financial guarantees on a permit in excess of 10% of the then current designated amount in the special account in the Remining Financial Assurance Fund. The Department will not issue financial guarantees to a mine operator if the aggregate amount of financial guarantees on permits issued to the operator will exceed 30% of the then current designated amount in the special account in the Remining Financial Assurance Fund. The Department will not issue additional financial guarantees when the aggregate amount of outstanding financial guarantees exceeds that amount resulting from dividing the current designated amount in the special account in the Remining Financial Assurance Fund by the historical rate of bond forfeiture under § 86.181 (relating to general) with a margin of safety determined by the Department.

(e) Upon declaration of forfeiture, the specified amount of the financial guarantee from the financial guarantee special account will be used with other bonds forfeited on the permit by the Department to complete reclamation of the mine site in accordance with the procedures and criteria in §§ 86.187—86.190. If the actual cost of reclamation by the Department exceeds the specified amount of the financial guarantee, additional funds from the Remining Financial Assurance Fund may be used to complete reclamation.

(f) The Department will hold in reserve in the remining financial assurance fund funds that are not designated to underwrite remining financial guarantees. The Department will use funds held in reserve in the remining financial assurance fund to assure the availability of funds to cover reclama-

tion liabilities when there is a mine operator bond forfeiture under § 86.181 (relating to general).

§ 86.282. Participation requirements.

(a) Upon completion of the technical review of a permit application and receipt of a request for bond, an operator may apply to participate in the financial guarantees program for a remining area if the requirements of § 86.253 (relating to operator and project qualification) are met. To participate in this program, an operator shall demonstrate to the Department's satisfaction one of the following:

* * * * *

(4) The operator has previously participated in the remining financial guarantee program and met its reclamation obligations and made timely payments. An operator will be eligible under this subsection if it has not been cited through a notice of violation under § 86.165(a) (relating to failure to maintain proper bond) within the previous 3 years prior to the request for a remining financial guarantee.

* * * * *

§ 86.284. Forfeiture.

* * * * *

(d) The financial guarantees program [will] may be discontinued immediately and notice published in the *Pennsylvania Bulletin*, if 25% or greater of the total outstanding financial guarantees are [declared forfeit] subject to forfeiture. If the financial guarantees program is discontinued, no additional financial guarantees may be approved. Outstanding financial guarantees will remain in effect until released under §§ 86.170—86.175.

* * * * *

CHAPTER 87. SURFACE MINING OF COAL

Subchapter A. GENERAL PROVISIONS

§ 87.1. Definitions.

* * * * *

Surface mining activities—[Activities whereby coal is extracted from the earth or from waste or stock piles or from pits or banks by removing the strata or material which overlies or is above or between the coal or otherwise exposing and retrieving the coal from the surface, including, but not limited to, strip and auger mining, dredging, quarrying and leaching, and surface activity connected with surface or underground mining, including, but not limited to, exploration, site preparation, entry, tunnel, slope, shaft, drift and borehole drilling and construction and activities related thereto. The term does not include portions of mining operations carried out beneath the surface by means of shafts, tunnels or other underground mine openings. The term includes activities in which the land surface has been disturbed as a result of or incidental to surface mining operations of the operator, including, but not limited to, private ways and roads appurtenant to a surface mining operation, land excavations, workings, refuse banks, spoil banks, culm banks, tailings, repair areas, storage areas, processing areas, shipping areas and areas in which facilities, equipment, machines, tools or other materials or property which result from, or are used in, surface mining activities are situated in. The term includes the construction of a road or similar disturbance for any purpose related to a

surface mining activity, including that of moving or walking a dragline or other equipment, or for the assembly or disassembly or staging of equipment.] Any activities meeting the definition of "surface mining activities" as it is defined at 30 CFR 701.5, which is incorporated herein by reference.

* * * * *

Subchapter C. SURFACE COAL MINES: MINIMUM REQUIREMENTS FOR INFORMATION ON ENVIRONMENTAL RESOURCES

§ 87.53. Prime farmland investigation.

* * * * *

(b) Land will not be considered prime farmland if the applicant can demonstrate one of the following:

- (1) The land has not been historically used as cropland.
- (2) Other factors exist, such as a very rocky surface, or the land is frequently flooded during the growing season, more often than once in 2 years, and the flooding has reduced crop yields.
- (3) On the basis of a soil survey of lands within the permit area, there are no soil map units that have been designated prime farmland by the United States [**Soil**] **Natural Resources** Conservation Service.

(c) If the investigation establishes that the lands are not prime farmland, the applicant shall submit with the permit application a request for a negative determination which shows that the land for which the negative determination is sought meets one of the criteria of subsection (b).

(d) If the investigation indicates that lands within the proposed permit area may be prime farmlands, the applicant shall contact the United States [**Soil**] **Natural Resources** Conservation Service to determine if a soil survey exists for those lands and whether the applicable soil map units have been designated as prime farmlands. If no soil survey has been made for the lands within the proposed permit area, the applicant shall cause a survey to be made.

(1) When a soil survey, as required in this subsection, contains soil map units which have been designated as prime farmlands, the applicant shall submit a soil survey of the proposed permit area according to the standards of the National Cooperative Soil Survey and in accordance with the procedures in the *United States Department of Agriculture Handbooks* 436 (Soil Taxonomy, 1975) and 18 (Soil Survey Manual, 1951) as amended. The soil survey shall include a map unit and representative soil profile description as determined by the United States [**Soil**] **Natural Resources** Conservation Service for each prime farmland within the proposed permit area unless other representative descriptions from the locality, prepared in conjunction with the National Cooperative Soil Survey, are available and their use is approved by the State Conservationist, United States [**Soil**] **Natural Resources** Conservation Service.

(2) When a soil survey, as required in this subsection, contains soil map units which have not been designated as prime farmland after review by the United States [**Soil**] **Natural Resources** Conservation Service, the applicant shall submit a request for negative determination for nondesignated land with the permit soil survey establishing compliance with subsection (b).

Subchapter E. SURFACE COAL MINES: MINIMUM ENVIRONMENTAL PROTECTION PERFORMANCE STANDARDS

§ 87.100. Topsoil: nutrients and soil amendments.

* * * * *

(d) The use of [**fly ash and sewage sludge**] **coal ash, biosolids, and residential septage** as soil amendments may be approved by the Department if demonstrated to be a suitable soil amendment and the requirements of Subpart D, Articles VIII and IX (relating to municipal waste; and residual waste management) are met.

§ 87.102. Hydrologic balance: effluent standards.

* * * * *

(f) In addition to the requirements of subsections (a)—(e), the discharge of water from areas disturbed by mining activities shall comply with this title, including Chapters 91—93, 95, **96**, **97** (reserved) and 102.

§ 87.103. Precipitation event exemption.

* * * * *

(b) [**The 10-year, 24-hour precipitation event for specific areas in this Commonwealth are listed as follows:**

<i>County</i>	<i>Rainfall (inches)</i>
Allegheny	3.9
Armstrong	3.9
Beaver	3.8
Bedford	4.5
Blair	4.7
Bradford	4.2
Butler	3.8
Cambria	4.2
Cameron	4.0
Centre	4.3
Clarion	3.7
Clearfield	4.0
Clinton	4.2
Crawford	3.6
Elk	3.9
Fayette	4.1
Forest	3.8
Franklin	4.8
Fulton	4.6
Greene	3.9
Huntingdon	4.6
Indiana	4.0
Jefferson	3.9
Lawrence	3.7
Lycoming	4.3
McKean	3.9
Mercer	3.7
Potter	4.0

<i>County</i>	<i>Rainfall (inches)</i>
Somerset	4.3
Sullivan	4.2
Tioga	4.2
Venango	3.7
Warren	3.8
Washington	3.9
Westmoreland	4.0]

The 10-year, 24-hour precipitation event for specific areas in this Commonwealth shall be determined by reference to data provided by the National Oceanic Atmospheric Administration or equivalent resources.

(c) For the permittee to demonstrate that the **10-year, 24-hour precipitation** event [listed in subsection (b)] has for the permittee's mine area been exceeded or that dry weather flow conditions did not exist, the permittee shall do one of the following:

* * * * *

(3) Prepare an analysis identifying the runoff area tributary to the treatment facility, and compare the actual runoff as measured and depicted by the flow measuring device with the runoff expected from the 10-year, 24-hour precipitation event specified for the mine area [in subsection (b)].

* * * * *

§ 87.112. Hydrologic balance: dams, ponds, embankments and impoundments—design, construction and maintenance.

* * * * *

(b) The design, construction and maintenance of dams, ponds, embankments and impoundments shall achieve the minimum design criteria contained in the United States [Soil] **Natural Resources** Conservation Service's Pennsylvania Field Office Technical Guide, Section IV, Standards 350, "Sediment Basin," and 378, "Pond," as amended, or United States [Soil] **Natural Resources** Conservation Service's Technical Release No. 60, Earth Dams and Reservoirs, whichever is applicable. The standards contained therein are incorporated by reference. In addition to the requirements in "Sediment Basin," a minimum static safety factor of 1.3 is required. These structures shall also meet the following requirements:

* * * * *

§ 87.117. Hydrologic balance: surface water monitoring.

(a) In addition to the monitoring and reporting requirements established by the Department under Chapter [92] **92a** (relating to National Pollutant Discharge Elimination System permitting, monitoring and compliance), surface water shall be monitored to accurately measure and record the water quantity and quality of the discharges from the permit area and the effect of the discharge on the receiving waters. Surface water shall be monitored for parameters that relate to the suitability of the surface water for current and approved postmining land uses and to the objectives for protection of the hydrologic balance as set forth in § 87.69 (relating to protection of hydrologic balance). At a minimum, total dissolved solids or specific conductance corrected to 25°C, total suspended solids, pH, acidity, alkalinity, total iron,

total manganese, sulfates and flow shall be monitored and reported to the Department at least every 3 months for each monitoring location.

* * * * *

§ 87.155. Revegetation: standards for successful revegetation.

(a) When the approved postmining land use is cropland, or as provided in subsection (c):

(1) The standards for successful revegetation shall be based upon crop productivity or yield.

(2) The approved standards shall be the average yields per acre for the crop and soil type as specified in the Soil Surveys of the United States Department of Agriculture [Soil] **Natural Resources** Conservation Service.

* * * * *

§ 87.157. Cessation of operations: temporary.

[(a) As soon as it is known that the operation will temporarily cease for more than 30 days, the operator shall submit a notice of intention in writing to temporarily cease the operation. The notice shall include a statement of the exact number of acres that will have been affected in the permit area, the extent and kind of reclamation of the areas and identification of the backfilling, regrading, vegetation, monitoring and water treatment activities which will continue during the temporary cessation.

(b) Temporary cessation of an operation may not exceed 90 days unless the Department approves a longer period not to exceed 180 days or unless the Department approves a longer period for reasons of seasonal shutdown or labor strike.

(c) Temporary cessation does not relieve the operator of the obligations to comply with the permit.]

(a) Before temporary cessation status of operations for a period of 30 days or more, an operator shall submit to the Department a notice of intention to temporarily cease operations. The notice shall include a statement of the exact number of acres affected in the permit area, the extent and kind of reclamation of the areas and identification of the backfilling, regrading, revegetation, environmental monitoring, and water treatment activities that will continue during the temporary cessation status.

(b) Temporary cessation status of operations does not relieve the operator of the obligations to comply with the acts as defined in § 86.1, chapters 86—90, or the approved permit, including the obligation to submit an application for permit renewal at least 180 days before the expiration of the existing permit. The Department may enforce these obligations during the temporary cessation status of operations.

(c) Temporary cessation status will end with the resumption of coal extraction. Any subsequent notices of temporary cessation status must include updated information outlined in paragraph (a).

(d) Temporary cessation status will terminate where the Department finds a failure to comply with the acts as defined in § 86.1, chapters 86—90, or the approved permit. Termination of temporary cessation status due to failure to comply with the acts as defined in § 86.1, chapters 86—90, or the

approved permit will place the mining operation in permanent cessation status, subject to the provisions of § 87.158 (relating to cessation of operations: permanent).

§ 87.177. Prime farmland: special requirements.

(a) When the surface mining activities are being conducted on prime farmland historically used for cropland, a permit for the mining and reclamation operation may be granted by the Department if it first finds, in writing, and after consultation with the [Soil] Natural Resources Conservation Service, that the applicant has demonstrated that:

* * * * *

(b) If a permit is granted under this section, the permit shall be specifically conditioned as containing the plan submitted under § 87.83 (relating to prime farmlands), including any revisions to that plan suggested by the [Soil] Natural Resources Conservation Service.

* * * * *

§ 87.181. Prime farmland: revegetation.

* * * * *

(c) Standards for determining success of restoration on prime farmlands soils shall be based upon the soil surveys and soil interpretations and the latest yield data available from the United States Department of Agriculture [Soil] Natural Resources Conservation Service.

* * * * *

CHAPTER 88. ANTHRACITE COAL

Subchapter A. GENERAL PROVISIONS

PRELIMINARY PROVISIONS

§ 88.1. Definitions.

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

* * * * *

Haul road—Roads that are planned, designed, located, constructed, reconstructed or improved, utilized and maintained for the transportation of equipment, fuel, personnel, coal, spoil and other operating resources from a public road to points within the surface mine or between principal operations on the mine site or both, but not including roads within the pit or on unreclaimed spoil areas. The term includes public roads that are used as an integral part of the coal mining activity.

* * * * *

Road—A surface right-of-way for purposes of travel by land vehicles used in coal exploration [of] or surface coal mining and reclamation operations. A road consists of the entire area within the right-of-way, including the roadbed shoulders, parking and side area, approaches, structures, ditches, surface and such contiguous appendages as are necessary for the total structure. The term includes access and haul roads constructed, used, reconstructed, improved or maintained for use in coal exploration or surface coal mining activities, including use by coal-hauling vehicles leading to transfer, processing or storage areas.

* * * * *

ANTHRACITE COAL MINING ACTIVITIES: APPLICATION REQUIREMENTS AND PREMINING RESOURCES

§ 88.32. Prime farmland investigation.

* * * * *

(b) Land may not be considered prime farmland if the applicant can demonstrate one of the following:

(1) The land has not been historically used for cropland.

(2) The slope of the land is 10% or greater.

(3) There are no soil map units that have been designated prime farmland by the United States Department of Agriculture [Soil] Natural Resources Conservation Service, on the basis of a soil survey of lands within the permit area.

* * * * *

(d) If the investigation indicates that lands within the proposed permit area may be prime farmlands, the applicant shall contact the United States Department of Agriculture [Soil] Natural Resources Conservation Service to determine if a soil survey exists for those lands and whether the applicable soil map units have been designated as prime farmlands. If no soil survey has been made for the lands within the proposed permit area, the applicant shall cause a survey to be made.

(e) When a soil survey as required in subsection (d) includes soil map units that have been designated as prime farmlands, the applicant shall submit with the permit application a soil survey of the proposed permit area according to the standards of the National Cooperative Soil Survey and the procedures in the *United States Department of Agriculture Handbooks 436 (Soil Taxonomy, 1975) and 18 (Soil Survey Manual, 1951)*, as amended. The soil survey shall include a map unit and representative soil profile description as determined by the United States [Soil] Natural Resources Conservation Service for each prime farmland soil within the proposed permit area unless other representative descriptions from the locality, prepared in conjunction with the National Cooperative Soil Survey, are available and their use is approved by the State Conservationist, United States [Soil] Natural Resources Conservation Service.

(f) When a soil survey as required in subsection (d) includes map units that have not been designated as prime farmland after review by the United States Department of Agriculture [Soil] Natural Resources Conservation Service, the applicant shall submit with the permit application a request for negative determination for nondesignated land establishing compliance with subsection (b).

Subchapter B. SURFACE ANTHRACITE COAL MINES: MINIMUM ENVIRONMENTAL PROTECTION PERFORMANCE STANDARDS

§ 88.92. Hydrologic balance: effluent standards.

* * * * *

(f) In addition to the requirements of subsections (a)—(e), the discharge of water from areas disturbed by mining activities shall comply with Chapters 91—93, 95, 96, 97 (reserved) and 102.

§ 88.93. Hydrologic balance: precipitation event exemption.

* * * * *

(b) [**The 10-year, 24-hour precipitation event for specific areas in this Commonwealth are listed as follows:**

<i>County</i>	<i>Rainfall (inches) 10 Yr.</i>
Bradford	4.2
Carbon	4.8
Columbia	4.6
Dauphin	4.8
Lackawanna	4.7
Lebanon	4.8
Luzerne	4.7
Northumberland	4.6
Schuylkill	4.7]

The 10-year, 24-hour precipitation event for specific areas in this Commonwealth shall be determined by reference to data provided by the National Oceanic Atmospheric Administration or equivalent resources.

(c) For the permittee to demonstrate that the **10-year, 24-hour precipitation** event [**listed in subsection (b)]** has for his mine area been exceeded, or that dry weather flow conditions did not exist, the permittee shall do one of the following:

* * * * *

(3) Prepare an analysis identifying the runoff area tributary to the treatment facility, and compare the actual runoff as measured and depicted by the flow measuring device with the runoff expected from the 10-year, 24-hour precipitation event [**specified**] for the mine area [**in subsection (a)]**.

* * * * *

§ 88.102. Hydrologic balance: dams, ponds, embankments and impoundments—design, construction and maintenance.

* * * * *

(b) The design, construction and maintenance of dams, ponds, embankments and impoundments that are not of the class of subsection (a) shall achieve the minimum design criteria contained in United States [**Soil**] **Natural Resources** Conservation Service’s Pennsylvania Field Office Technical Guide, Section IV, Standards 350 “Sediment Basin” and 378, “Pond” as amended. In addition to the requirements in “Sediment Basin,” a minimum static safety factor of 1.3 is required.

§ 88.103. Hydrologic balance: coal processing waste dams and embankments.

A dam and embankment constructed of coal processing waste or intended to impound coal processing waste, shall meet the requirement criteria established by Chapter 105 (relating to dam safety and waterway management) and the United States [**Soil**] **Natural Resources** Service’s Pennsylvania Field Office Technical Guide, Section IV, Standard 378, “Pond” as applicable.

§ 88.106. Hydrologic balance: surface water monitoring.

(a) In addition to the monitoring and reporting requirements established by the Department under Chapter [**92**] **92a** (relating to National Pollutant Discharge

Elimination System permitting, monitoring and compliance), surface water shall be monitored to measure and record accurately the water quantity and quality of the discharges from the permit area and the effect of the discharge on the receiving waters. Surface water shall be monitored for parameters that relate to the suitability of the surface water for current and approved postmining land uses and to the objectives for protection of the hydrologic balance as set forth in 88.49 (relating to protection of hydrologic balance). At a minimum, total dissolved solids or specific conductance corrected to 25°C, total suspended solids, pH, acidity, alkalinity, total iron, total manganese, sulfates and flow shall be monitored and reported to the Department every 3 months for each monitoring location.

* * * * *

§ 88.107. Hydrologic balance: water rights and replacement.

* * * * *

(g) *Operator cost recovery.* A surface mine operator or mine owner who appeals a Department order, provides a successful defense during the appeal to the presumptions of liability and is not otherwise held responsible for the pollution or diminution is entitled to recovery of reasonable costs incurred, including, but not limited to, the costs of temporary water supply, design, construction, restoration or replacement costs [, **attorney fees and expert witness fees**] from the Department.

* * * * *

§ 88.129. Revegetation: standards for successful revegetation.

* * * * *

(e) When the approved postmining land use is cropland, the approved standard shall be the average yields per acre for the crop and soil type as specified in the Soil Surveys of the United States Department of Agriculture [**Soil**] **Natural Resources** Conservation Service. The productivity or yield of the mined area shall be equal to or greater than the approved standard for the last two consecutive growing seasons of the extended period of responsibility established in § 86.151 (relating to period of liability). Productivity or yield shall be considered equal if production or yield is at least 90% of the approved standard.

(f) Standards for determining success of restoration on prime farmlands soils shall be based upon the soil surveys and soil interpretations and the latest yield data available from the United States Department of Agriculture [**Soil**] **Natural Resources** Conservation Service.

* * * * *

§ 88.131. Cessation of operations: temporary.

[**(a) Operations that are temporarily ceased but are to be resumed under the permit, shall be effectively secured. Temporary abandonment, including such factors as equipment removal from the site for reasons of security or maintenance, does not relieve the operator of the obligations to comply with any provision of the permit. Temporary cessation of an operation may not exceed 90 days unless approved by the Department.**

(b) **As soon as it is known that the operation will temporarily cease for more than 30 days, the operator shall submit a notice of intention to temporarily cease the operation. The notice shall include a**

statement of the exact number of acres which will have been affected in the permit area, the extent and kind of reclamation of those areas, and identification of the backfilling, regrading, revegetation, monitoring and water treatment activities that will continue during the temporary cessation.]

(a) Before temporary cessation status of operations for a period of 30 days or more, an operator shall submit to the Department a notice of intention to temporarily cease operations. The notice shall include a statement of the exact number of acres affected in the permit area, the extent and kind of reclamation of the areas and identification of the backfilling, regrading, revegetation, environmental monitoring, and water treatment activities that will continue during the temporary cessation status.

(b) Temporary cessation status of operations does not relieve the operator of the obligations to comply with the acts as defined in § 86.1, chapters 86—90, or the approved permit, including the obligation to submit an application for permit renewal at least 180 days before the expiration of the existing permit. The Department may enforce these obligations during the temporary cessation status of operations.

(c) Temporary cessation status will end with the resumption of coal extraction. Any subsequent notices of temporary cessation status must include updated information outlined in paragraph (a).

(d) Temporary cessation status will terminate where the Department finds a failure to comply with the acts as defined in § 86.1, chapters 86—90, or the approved permit. Termination of temporary cessation status due to failure to comply with the acts as defined in § 86.1, chapters 86—90, or the approved permit will place the mining operation in permanent cessation status, subject to the provisions of § 88.132 (relating to cessation of operations: permanent).

Subchapter C. ANTHRACITE BANK REMOVAL AND RECLAMATION: MINIMUM ENVIRONMENTAL PROTECTION PERFORMANCE STANDARDS

§ 88.187. Hydrologic balance: effluent standards.

* * * * *

(f) In addition to the requirements of subsections (a)—(e), the discharge of water from areas disturbed by mining activities shall comply with Chapters 91—93, 95, 96, 97 (reserved) and 102.

§ 88.188. Hydrologic balance: precipitation event exemption.

* * * * *

(b) [The 10-year, 24-hour precipitation event for specific areas in this Commonwealth are listed as follows:

<i>County</i>	<i>Rainfall (inches) 10 Yr.</i>
Bradford	4.2
Carbon	4.8
Columbia	4.6
Dauphin	4.8
Lackawanna	4.7

<i>County</i>	<i>Rainfall (inches) 10 Yr.</i>
Lebanon	4.8
Luzerne	4.7
Northumberland	4.6
Schuylkill	4.7]

The 10-year, 24-hour precipitation event for specific areas in this Commonwealth shall be determined by reference to data provided by the National Oceanic Atmospheric Administration or equivalent resources.

(c) For the permittee to demonstrate that the **10-year, 24-hour precipitation** event [listed in subsection (b)] has for [his] the mine area been exceeded, or that dry weather flow conditions did not exist, the permittee shall do one of the following:

* * * * *

(4) Prepare an analysis identifying the runoff area tributary to the treatment facility and compare the actual runoff as measured and depicted by the flow measuring device with the runoff expected from the 10-year, 24-hour precipitation event specified for the mine area [in subsection (b)].

* * * * *

§ 88.193. Hydrologic balance: collection ponds within disturbed areas.

* * * * *

(b) The ponds or collection areas shall be capable of treating the runoff. Runoff shall be calculated using the [Soil] **Natural Resources** Conservation Service methods.

* * * * *

§ 88.197. Hydrologic balance: ponds, embankments and impoundments—design, construction and maintenance.

* * * * *

(b) The design, construction and maintenance of dams, ponds, embankments and impoundments that are not of the class of subsection (a) shall achieve the minimum design criteria contained in United States [Soil] **Natural Resources** Conservation Service's Pennsylvania Field Office Technical Guide, Section IV, Standards 350 "Sediment Basin" and Standard 378, "Pond," as amended. In addition to the requirements in "Sediment Basin," a minimum static safety factor of 1.3 is required.

§ 88.198. Hydrologic balance: coal processing waste dams and embankments.

A dam and embankment constructed of coal processing waste or intended to impound coal processing waste, shall meet the criteria established by Chapter 105 (relating to dam safety and waterway management) and the United States [Soil] **Natural Resources** Conservation Service's *Pennsylvania Field Office Technical Guide, Section IV, and Standard 378 "Pond,"* as applicable.

§ 88.202. Hydrologic balance: surface water monitoring.

(a) In addition to the monitoring and reporting requirements established by the Department under Chapter [92] **92a** (relating to National Pollutant Discharge Elimination System permitting, monitoring and compli-

ance), surface water shall be monitored to measure and record accurately the water quantity and quality of the discharges from the permit area and the effect of the discharge on the receiving waters. Surface water shall be monitored for parameters that relate to the suitability of the surface water for current and approved postmining land uses and to the objectives for protection of the hydrologic balance as set forth in § 88.49 (relating to protection of hydrologic balance). At a minimum, total dissolved solids or specific conductance corrected to 25°C, total suspended solids, pH, acidity, alkalinity, total iron, total manganese, sulfates and flow shall be monitored and reported to the Department every 3 months for each monitoring location.

* * * * *

§ 88.217. Vegetation: standards for successful vegetation.

* * * * *

(e) When the approved postmining land use is cropland, the approved standard shall be the average yields per acre for the crop and soil type as specified in the Soil Surveys of the United States Department of Agriculture [Soil] Natural Resources Conservation Service. The productivity or yield of the mined area shall be equal to or greater than the approved standard for the last two consecutive growing seasons of the extended period of responsibility established in § 86.151 (relating to period of liability). Productivity or yield shall be considered equal if production or yield is at least 90% of the approved standard.

(f) Standards for determining success of restoration on prime farmlands soils shall be based upon the soil surveys and soil interpretations and the latest yield data available from the United States Department of Agriculture [Soil] Natural Resources Conservation Service.

* * * * *

§ 88.219. Cessation of operations: temporary.

[(a) Operations that are temporarily ceased but are to be resumed under the permit, shall be effectively secured. Temporary abandonment, including factors such as equipment removal from the site for reasons of security or maintenance, does not relieve the operator of the obligations to comply with any provision of the permit. Temporary cessation of an operation may not exceed 90 days unless approved by the Department.

(b) As soon as it is known that the operation will temporarily cease for more than 30 days, the operator shall submit a notice of intention to temporarily cease the operation. The notice shall include a statement of the exact number of acres which will have been affected in the permit area; the extent and kind of reclamation of those areas; and identification of the backfilling, regrading, revegetation, monitoring and water treatment activities that will continue during the temporary cessation.]

(a) Before temporary cessation status of operations for a period of 30 days or more, an operator shall submit to the Department a notice of intention to temporarily cease operations. The notice shall include a statement of the exact number of acres affected in the permit area, the extent and kind of reclamation of the areas and identification of the backfilling, regrading, revegetation, environ-

mental monitoring, and water treatment activities that will continue during the temporary cessation status.

(b) Temporary cessation status of operations does not relieve the operator of the obligations to comply with the acts as defined in § 86.1, chapters 86—90, or the approved permit, including the obligation to submit an application for permit renewal at least 180 days before the expiration of the existing permit. The Department may enforce these obligations during the temporary cessation status of operations.

(c) Temporary cessation status will end with the resumption of coal extraction. Any subsequent notices of temporary cessation status must include updated information outlined in paragraph (a).

(d) Temporary cessation status will terminate where the Department finds a failure to comply with the acts as defined in § 86.1, chapters 86—90, or the approved permit. Termination of temporary cessation status due to failure to comply with the acts as defined in § 86.1, chapters 86—90, or the approved permit will place the mining operation in permanent cessation status, subject to the provisions of § 88.220 (relating to cessation of operations: permanent).

Subchapter D. ANTHRACITE REFUSAL DISPOSAL: MINIMUM ENVIRONMENTAL PROTECTION PERFORMANCE STANDARDS

§ 88.292. Hydrologic balance: effluent standards.

* * * * *

(f) In addition to the requirements of subsections (a)—(e), the discharge of water from areas disturbed by mining activities shall comply with this title, including Chapters 91—93, 95, 96, 97 (reserved) and 102.

§ 88.293. Hydrologic balance: precipitation event exemption.

* * * * *

(b) [The 1-year and 10-year; 24-hour precipitation events for specific areas in this Commonwealth are listed as follows:

<i>County</i>	<i>Rainfall (inches)</i>	
	<i>1-Year</i>	<i>10 Year</i>
Bradford	2.3	4.2
Carbon	2.5	4.8
Columbia	2.4	4.6
Dauphin	2.5	4.8
Lackawanna	2.4	4.7
Lebanon	2.5	4.8
Luzerne	2.4	4.7
Northumberland	2.4	4.6
Schuylkill	2.5	4.7]

The 1-year and 10-year; 24-hour precipitation events for specific areas in this Commonwealth shall be determined by reference to data provided by the National Oceanic Atmospheric Administration or equivalent resources.

(c) For the permittee to demonstrate that the [10-year, 24-hour precipitation] event [listed in subsection (b)] has for [his] the mine area been exceeded, or

that dry weather flow conditions did not exist, the permittee shall comply with one of the following:

(1) Collect 24-hour rainfall information from official United States Weather Bureau Stations within a 25-mile distance—radius—of the site.

(2) Calculate the estimated rainfall event for the site, by appropriate interpolation of the data collected under paragraph (1). Appropriate interpolation shall be accomplished by the following:

(i) Preparing a verified copy of the chart or readout from a Department approved flow measuring device which continuously records the influent to the permitted treatment facility. The device shall be approved by the Department in writing prior to the rainfall event for which the exemption is sought and shall be secured to prevent tampering and acts of third parties.

(ii) Preparing an analysis identifying the runoff area tributary to the treatment facility, and compare the actual runoff as measured and depicted by the flow measuring device with the runoff expected from the 1-year or 10-year, 24-hour rainfall event specified for the mine area [in subsection (b)].

* * * * *

(4) Prepare an analysis identifying the runoff area tributary to the treatment facility, and compare the actual runoff as measured and depicted by the flow measuring device with the runoff expected from the 1-year or 10-year, 24-hour rainfall event specified for the mine area [in subsection (b)].

* * * * *

§ 88.302. Hydrologic balance: dams, ponds, embankments and impoundments—design, construction and maintenance.

* * * * *

(b) The design, construction and maintenance of dams, ponds, embankments and impoundments that are not of the class of subsection (a) shall achieve the minimum design criteria contained in United States [Soil] Natural Resources Conservation Service's Pennsylvania Field Office Technical Guide, Section IV, Standards 350 "Sediment Basin" and 378, "Pond," as amended. In addition to the requirements in "Sediment Basin," a minimum static safety factor of 1.3 is required.

§ 88.303. Hydrologic balance: coal processing waste dams and embankments.

A dam and embankment constructed of coal processing waste or intended to impound coal processing waste, shall meet the requirement criteria established under Chapter 105 (relating to dam safety and waterway management) and the United States [Soil] Natural Resources Conservation Service's *Pennsylvania Field Office Technical Guide, Section IV, Standard 378, "Pond"*, as applicable.

§ 88.306. Hydrologic balance: surface water monitoring.

(a) In addition to the monitoring and reporting requirements established by the Department under Chapter [92] **92a** (relating to National Pollutant Discharge Elimination System permitting, monitoring and compliance), surface water shall be monitored to measure and record accurately the water quantity and quality of the discharges from the permit area and the effect of the discharge on the receiving waters. Surface water shall be monitored for parameters that relate to the suitability of the surface water for current and approved postmining

land uses and to the objectives for protection of the hydrologic balance as set forth in § 88.49 (relating to protection of hydrologic balance). At a minimum, total dissolved solids or specific conductance corrected to 25°C, total suspended solids, pH, acidity, alkalinity, total iron, total manganese, sulfates and flow shall be monitored and reported to the Department every 3 months for each monitoring location.

* * * * *

§ 88.330. Revegetation: standards for successful revegetation.

* * * * *

(e) When the approved postmining land use is cropland, the approved standard shall be the average yields per acre for the crop and soil type as specified in the Soil Surveys of the United States Department of Agriculture, [Soil] Natural Resources Conservation Service. The productivity or yield of the mined area shall be equal to or greater than the approved standard for the last two consecutive growing seasons of the extended period of responsibility established in § 86.151 (relating to period of liability). Productivity or yield shall be considered equal if production or yield is at least 90% of the approved standard.

(f) Standards for determining success of restoration on prime farmlands soils shall be based upon the soil surveys and soil interpretations and the latest yield data available from the United States Department of Agriculture [Soil] Natural Resources Conservation Service.

* * * * *

§ 88.332. Cessation of operations: temporary.

[(a) As soon as it is known that the operation will temporarily cease for more than 30 days, the operator shall submit a notice of intention, in writing, to temporarily cease the operation. The notice shall include a statement of the exact number of acres which will have been affected in the permit area, the extent and kind of reclamation of those areas, and identification of the backfilling, regrading, revegetation, monitoring and water treatment activities that will continue during the temporary cessation. The system for preventing precipitation from contacting the coal refuse shall be installed when the temporary cessation exceeds 90 days. The Department may approve a longer period, not to exceed 1 year, under subsection (b).

(b) Temporary cessation of an operation may not exceed 90 days unless the Department approves a longer period for reasons of seasonal shutdown or labor strike.

(c) Temporary cessation does not relieve the operator of the obligation to comply with any provisions of the permit.]

(a) Before temporary cessation status of operations for a period of 30 days or more, an operator shall submit to the Department a notice of intention to temporarily cease operations. The notice shall include a statement of the exact number of acres affected in the permit area, the extent and kind of reclamation of the areas and identification of the backfilling, regrading, revegetation, environmental monitoring, and water treatment activities that will continue during the temporary cessation status.

(b) Temporary cessation status of operations does not relieve the operator of the obligations to comply with the acts as defined in § 86.1, chapters 86—90, or the approved permit, including the obligation to submit an application for permit renewal at least 180 days before the expiration of the existing permit. The Department may enforce these obligations during the temporary cessation status of operations.

(c) Temporary cessation status will end with the resumption of coal extraction. Any subsequent notices of temporary cessation status must include updated information outlined in paragraph (a).

(d) Temporary cessation status will terminate where the Department finds a failure to comply with the acts as defined in § 86.1, chapters 86—90, or the approved permit. Termination of temporary cessation status due to failure to comply with the acts as defined in § 86.1, chapters 86—90, or the approved permit will place the mining operation in permanent cessation status, subject to the provisions of § 88.333 (relating to cessation of operations: permanent).

Subchapter F. ANTHRACITE UNDERGROUND MINES

§ 88.491. Minimum requirements for information on environmental resources.

* * * * *

(k) *Preapplication investigation.* The applicant shall conduct a preapplication investigation of the proposed permit area to determine whether lands within the area may be prime farmland.

(1) Land will not be considered prime farmland if the applicant can demonstrate one of the following:

- (i) The land has not been historically used for cropland.
- (ii) The slope of the land is 10% or greater.

(iii) There are no soil map units that have been designated prime farmland by the United States Department of Agriculture [**Soil**] **Natural Resources** Conservation Service, on the basis of a soil survey of lands within the permit area.

(iv) The area of prime farmland is minimal in size—less than 5 acres—and has been or will be in use for an extended period of time—more than 10 years.

(2) If the applicant determines after investigation that all or part of the lands in the proposed permit area are not prime farmland, the applicant shall submit with the permit application a request for a negative determination showing that the lands meet one of the criteria of paragraph (1).

(3) If the investigation indicates that lands within the proposed permit area may be prime farmlands, the applicant shall contact the United States Department of Agriculture [**Soil**] **Natural Resources** Conservation Service to determine if a soil survey exists for those lands and whether the applicable soil map units have been designated as prime farmlands. If no soil survey has been made for the lands within the proposed area, the applicant shall cause a survey to be made.

(4) When a soil survey as required in paragraph (3) includes soil map units that have been designated as prime farmlands, the applicant shall submit with the permit application a soil survey of the proposed permit area according to the standards of the National Coopera-

tive Soil Survey and in accordance with the procedures set forth in the United States Department of Agriculture Handbooks 436 (Soil Taxonomy, 1975) and 18 (Soil Survey Manual, 1951) as amended. The soil survey shall include a map unit and representative soil profile description as determined by the United States [**Soil**] **Natural Resources** Conservation Service for each prime farmland soil within the proposed permit area unless other representative descriptions from the locality, prepared in conjunction with the National Cooperative Soil Survey are available and their use is approved by the State Conservationist, United States [**Soil**] **Natural Resources** Conservation Service.

(5) When a soil survey as required in paragraph (3) includes soil map units that have not been designated as prime farmland after review by the United States Department of Agriculture [**Soil**] **Natural Resources** Conservation Service, the applicant shall submit with the permit application a request for negative determination for nondesignated land establishing compliance with paragraph (1).

§ 88.493. Minimum environmental protection performance standards.

A person who conducts underground mining activities shall comply with the performance standards and design requirements of this section. The following performance standards shall be met:

* * * * *

(8) Standards for determining success of restoration on prime farmland soils shall be based upon the soil surveys and soil interpretations and the latest yield data available from the United States Department of Agriculture [**Soil**] **Natural Resources** Conservation Service. Soil productivity for prime farmland shall be returned to equivalent levels of yield as nonmined land of the same soil type in the surrounding area under equivalent management practices as determined from the soil survey performed under § 88.491(k) (relating to minimum requirements for information on environmental resources).

* * * * *

Subchapter G. ANTHRACITE SURFACE MINING ACTIVITIES AND ANTHRACITE BANK REMOVAL AND RECLAMATION ACTIVITIES: MINIMUM REQUIREMENTS FOR REMINING AREAS WITH POLLUTION DISCAHRGES

§ 88.502. Definitions.

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

* * * * *

Encountered discharge—

(i) A pre-existing discharge intercepted in the course of active surface mining activities, including, but not limited to, overburden removal, coal extraction and backfilling, or that occurs in the pit, any mining-related conveyance, sedimentation pond or treatment pond.

(ii) The term does not include diversions of surface water and shallow groundwater flow from areas undisturbed by the implementation of the pollution abatement plan which would otherwise drain into the affected area so long as they are designed, operated and maintained in accordance with § 88.95(b)—(g), § 88.190(b)—(g) or [**§ 88.295(b)—(g)**] **§ 88.295(b)—(i)** (relating to hydro-

logic balance: diversions; hydrologic balance: diversions; and hydrologic balance: diversions and conveyances), as applicable.

* * * * *

§ 88.507. Treatment of discharges.

* * * * *

(c) For purposes of subsections (a) and (b), the term “encountered” may not be construed to mean diversions of surface water and shallow groundwater flow from areas undisturbed by the implementation of the pollution abatement plan which would otherwise drain into the affected area, so long as the diversions are designed, operated and maintained under [§§ 88.95(b), 88.190(b) and 88.295(b)] §§ 88.95(b)—(g), 88.190(b)—(g) and 88.295(b)—(i) (relating to hydrologic balance: diversions; hydrologic balance: diversions; and hydrologic balance: diversions and conveyances).

* * * * *

§ 88.508. Request for bond release.

Sections 86.172(c) and 88.509 (relating to criteria for release of bond; and criteria and schedule for release of bonds on pollution abatement areas) apply to the release of bonds for pollutional abatement areas authorized by this subchapter. Section [86.172(a), (b) and (d)] 86.172(a) and (b) shall be inapplicable to the release of bonds.

CHAPTER 89. UNDERGROUND MINING OF COAL AND COAL PREPARATION FACILITIES

Subchapter B. OPERATIONS PERFORMANCE STANDARDS

§ 89.52. Water quality standards, effluent limitations and best management practices.

* * * * *

(f) *Postmining pollutional discharges.*

(1) If a postmining pollutional discharge occurs, the discharger shall immediately provide interim treatment to comply with the Group A effluent requirements in subsection (a), including modifications authorized or required under subsection (e), (g) or (h). The discharger shall also take whatever measures are necessary and available to abate the discharge, including modifying the operation and reclamation plan for the mining activity.

(2) If the discharge continues to exist, after implementation of the abatement measures required under paragraph (1), the discharger shall make provisions for sound future treatment of the discharge to achieve the Group A effluent requirements in subsection (c), including modifications authorized or required under subsection (e) or (h). If the untreated discharge can be adequately treated using a passive treatment system, [paragraph (3) applies in lieu of the Group A effluent requirements of subsection (a). Discharges which can be adequately treated using a passive treatment system include, but are not limited to:

(i) Discharges with a pH which is always greater than 6.0 and an alkalinity which always exceeds the acidity.

(ii) Discharges with an acidity which is always less than 100 milligrams per liter, an iron content which is always less than 10 milligrams per liter, a manganese content which is always less than 18 milligrams per liter and a flow rate which is always less than 3 gallons per minute.

(iii) Discharges with a net acidity always less than 300 milligrams per liter which is calculated by subtracting the alkalinity of the discharge from its acidity.

(3) A passive treatment system authorized under paragraph (2) shall comply with the following effluent requirements:

(i) The system shall reduce the iron concentration by at least 90% or by that percentage necessary to achieve the Group A effluent requirements in subsection (c), whichever percentage is less.

(ii) The system shall produce an effluent alkalinity which exceeds effluent acidity.

(4) In [in] addition to achieving the effluent requirements [of paragraphs (2) and (3)], the passive treatment system shall be designed and constructed to accomplish the following:

(i) Prevent discharge of mine drainage into the groundwater.

(ii) Prevent extraneous sources of groundwater and surface water runoff from entering the treatment system.

(iii) Hydraulically handle the highest average monthly flow rate which occurs during a 12-month period.

(iv) Have inlet and outlet structures which will allow for flow measurement and water sampling.

(v) Prevent to the maximum extent practicable physical damage, and associated loss of effectiveness, due to wildlife and vandalism.

(vi) Be of a capacity so that it will operate effectively and achieve the required effluent quality for 15 to 25 years before needing to be replaced.

[(5)] (3) [The] Any passive treatment system shall be designed by, and constructed under the supervision of, a qualified professional knowledgeable in the subject of passive treatment of mine drainage.

* * * * *

(h) *Additional requirements.* In addition to the requirements of subsections (c)—(g), the discharge of water from the permit area shall comply with this title, including Chapters 91—93, 95, 96, 97 (reserved) and 102.

* * * * *

§ 89.53. Precipitation event exemption.

* * * * *

(b) [The 10-year, 24-hour rainfall events for specific areas in this Commonwealth are as follows, in inches:

County	Inches 10 yr
Allegheny	3.9
Armstrong	3.9
Beaver	3.8
Bedford	4.5
Blair	4.7
Bradford	4.2
Butler	3.8
Cambria	4.21
Cameron	4.0
Centre	4.3

<i>County</i>	<i>Inches 10 yr</i>
Clarion	3.7
Clearfield	4.0
Clinton	4.2
Crawford	3.6
Elk	3.9
Fayette	4.1
Forest	3.8
Franklin	4.8
Fulton	4.6
Greene	3.9
Huntingdon	4.6
Indiana	4.0
Jefferson	3.9
Lawrence	3.7
Lycoming	4.3
McKean	3.9
Mercer	3.7
Potter	4.0
Somerset	4.3
Tioga	4.2
Venango	3.7
Warren	3.8
Washington	3.9
Westmoreland	4.0
Bradford	4.2
Carbon	4.8
Columbia	4.6
Dauphin	4.8
Lackawanna	4.7
Lebanon	4.8
Luzerne	4.7
Northumberland	4.6
Schuylkill	4.7
Sullivan	4.2]

The 10-year, 24-hour rainfall events for specific areas in this Commonwealth shall be determined by reference to data provided by the National Oceanic Atmospheric Administration or equivalent resources.

(c) For the permittee to demonstrate that the **10-year, 24-hour** event [listed in subsection (b)] has for [his] the mine area been exceeded, or that dry weather flow conditions did not exist, the permittee shall comply with one of the following:

* * * * *

(2) The permittee shall comply with the following:

(i) Prepare a verified copy of the chart or readout from a Department-approved flow measuring device which continuously records the influent to the permitted treatment facility. The device shall be approved by the Department in writing prior to the rainfall event for which the

exemption is sought and shall be secured to prevent tampering and acts of third parties.

(ii) Prepare an analysis identifying the runoff area tributary to the treatment facility, and compare the actual runoff as measured and depicted by the flow measuring device with the runoff expected from the 10-year, 24-hour rainfall event specified for the mine area [in subsection (b)].

* * * * *

§ 89.59. Surface water and groundwater monitoring.

(a) Surface water and groundwater monitoring shall be conducted under § 89.34 (relating to hydrology) and with the monitoring plan contained in the permit. At a minimum, surface water and groundwater monitoring shall include the following conditions:

* * * * *

(3) In addition to the monitoring and reporting requirements in Chapter [92] **92a** (relating to National Pollutant Discharge Elimination System permitting, monitoring and compliance), surface water shall be monitored accurately to measure and record the water quantity and quality of discharges from the permit area and the effect of the discharges on the receiving waters. Surface water shall be monitored for parameters that relate to the suitability of the surface water for current and approved postmining land uses and to the objectives for protection of the hydrologic balance as set forth in § 89.36 (relating to protection of hydrologic balance). At a minimum, total dissolved solids or specific conductance corrected to 25°C, total suspended solids, total iron, total manganese, acidity, alkalinity, pH, sulfates and flow shall be monitored and reported to the Department at least every 3 months for each monitoring location.

* * * * *

**Subchapter C. RECLAMATION
PERFORMANCE STANDARDS**

§ 89.86. Revegetation.

* * * * *

(e) Standards for successful revegetation shall be as follows:

(1) When the approved postmining land use is cropland:

(i) The standards for successful revegetation shall be based upon crop productivity, yield or soil tests.

(ii) The approved standard shall be the average yield per acre for the crop and soil type as specified in the Soil Surveys of the United States Department of Agriculture [Soil] **Natural Resources** Conservation Service.

(iii) The productivity or yield of the mined area shall be equal to or greater than the approved standard for the last 2 consecutive growing seasons of the 5-year responsibility period established in this section. Productivity or yield shall be considered equal if production or yield is at least 90% of the approved standard.

* * * * *

**Subchapter D. STRUCTURAL REQUIREMENTS
FOR IMPOUNDMENTS**

PERFORMANCE STANDARDS

§ 89.112. Impoundments.

An impoundment shall be designed in accordance with the United States [Soil] **Natural Resources** Conserva-

tion Service’s Pennsylvania Field Office Technical Guide, Section IV, Standards 350, “Sediment Basin,” and 378, “Pond,” or United States [Soil] Natural Resources Conservation Service Technical Release No. 60, “Earth Dams and Reservoirs,” whichever is applicable. The standards are incorporated by reference. In addition to the requirements in “Sediment Basin,” a minimum static safety factor of 1.3 is required. Each impoundment shall be certified that it has been constructed and is being maintained as designed and in accordance with the approved plan and all applicable performance standards. These structures shall also meet the following requirements:

* * * * *

**Subchapter E. PRIME FARMLANDS
INFORMATION REQUIREMENTS**

§ 89.121. Prime farmland investigation.

(a) The applicant shall contact the county office of the [Soil] Natural Resources Conservation Service to determine whether lands within the area may be prime farmland.

(b) Land shall not be considered prime farmland when the applicant can demonstrate one or more of the following:

* * * * *

(5) On the basis of a soil survey of the lands proposed to be affected by surface operations or facilities, there are no soil map units that have been designated prime farmland by the United States [Soil] Natural Resources Conservation Service; or

* * * * *

(d) The applicant shall submit the results of the investigation along with certification by the [Soil] Natural Resources Conservation Service that the conclusions are correct.

* * * * *

§ 89.122. Prime farmlands.

* * * * *

(b) A person who conducts or intends to conduct underground mining activities on prime farmlands historically used for cropland, except those persons exempted under subsection (a), shall submit a plan as part of the permit application for the mining and restoration of the land. A plan shall contain, at a minimum, the following:

(1) A soil survey of the permit area according to the standards of the National Cooperative Soil Survey and in accordance with the procedures in *United States Department of Agriculture Handbooks 436 (Soil Taxonomy, 1975) and 18 (Soil Survey Manual, 1951)*. The soil survey shall include a map unit and representative soil profile description as determined by the United States [Soil] Natural Resources Conservation Service for each prime farmland soil within the permit area unless other representative descriptions from the locality, prepared in conjunction with the National Cooperative Soil Survey, are available and their use is approved by the State Conservationist, United States [Soil] Natural Resources Conservation Service. The soil profile description shall include, but not be limited to, soil horizon depths, pH and range of soil densities for each prime farmland soil unit within the proposed permit area. The Department may require the applicant to provide information on other physical and chemical soil properties as needed to make a determina-

tion that the operator has the technological capability to restore the prime farmland within the permit area to the soil reconstruction standards of §§ 89.131—89.133 (relating to soil removal; soil stockpiling; and soil replacement).

* * * * *

(8) Standards for determining success of revegetation on prime farmland soils shall be based upon the soil surveys and soil interpretations and the latest yield data available from the United States Department of Agriculture [Soil] Natural Resources Conservation Service. The current estimated yields under equivalent levels of management for each soil map unit and for each crop shall be used by the Department as the predetermined target level for determining success of revegetation. The target yields may be adjusted by the Department in consultation with the Secretary of Agriculture before approval of the permit application.

(c) Before a permit is issued for areas that include prime farmlands, the Department will consult the [Soil] Natural Resources Conservation Service. The [Soil] Natural Resources Conservation Service shall have the opportunity for review and comment of the proposed method of soil reconstruction in the plan submitted under subsection (b).

(d) When the underground mining activities are being conducted on prime farmland, a permit for the mining and reclamation operation may be granted by the Department, if it first finds, in writing, that:

* * * * *

(4) The permit incorporates as specific conditions the contents of the plan submitted under subsection (b), after consideration of any revisions to the plan suggested by the [Soil] Natural Resources Conservation Service under subsection (c).

* * * * *

PERFORMANCE STANDARDS

§ 89.134. Revegetation.

* * * * *

(c) Standards for determining success of restoration on prime farmlands soils shall be based upon the soil surveys and soil interpretations and the latest yield data available from the United States Department of Agriculture [Soil] Natural Resources Conservation Service.

* * * * *

CHAPTER 90. COAL REFUSE DISPOSAL

**Subchapter B. MINIMUM ENVIRONMENTAL
RESOURCES INFORMATION REQUIRED IN
PERMIT APPLICATIONS FOR COAL REFUSE
DISPOSAL**

§ 90.22. Prime farmland investigation.

* * * * *

(b) Land will not be considered prime farmland when the applicant can demonstrate one or more of the following:

* * * * *

(5) There are no soil map units that have been designated prime farmland by the United States [Soil] Natural Resources Conservation Service, on the basis of a soil survey of the lands proposed to be affected by coal refuse disposal activities.

* * * * *

(d) If the investigation indicates that lands within the proposed area to be affected by coal refuse disposal activities may be prime farmlands, the applicant shall contact the United States [Soil] Natural Resources Conservation Service to determine if these lands have a soil survey and whether the applicable soil map units have been designated prime farmlands. If a soil survey has not been made for these lands, the applicant shall cause a survey to be made.

(1) When a soil survey as required in this subsection contains soil map units which have been designated as prime farmlands, the applicant shall submit a soil survey of the proposed permit area according to the standards of the National Cooperative Soil Survey and in accordance with the procedures in the *United States Department of Agriculture Handbooks 436 (Soil Taxonomy, 1975) and 18 (Soil Survey Manual, 1951)*. The soil survey shall include a map unit and representative soil profile description as determined by the United States [Soil] Natural Resources Conservation Service for each prime farmland soil within the proposed permit area, unless other representative descriptions from the locality, prepared in conjunction with the National Cooperative Soil Survey, are available and their use is approved by the State Conservationist, United States [Soil] Natural Resources Conservation Service.

(2) When a soil survey as required in this subsection contains soil map units which have not been designated, after review by the United States [Soil] Natural Resources Conservation Service, as prime farmland, the applicant shall submit a request for negative determination for nondesignated land with the permit application establishing compliance with subsection (b).

Subchapter D. PERFORMANCE STANDARD FOR COAL REFUSE DISPOSAL

§ 90.102. Hydrologic balance: water quality standards, effluent limitations and best management practices.

* * * * *

(f) *Additional requirements.* In addition to the requirements of subsections (a)—(e), the discharge of water from coal refuse disposal activities shall comply with this title, including Chapters 91—93, 95, 96, 97 (reserved) and 102.

* * * * *

§ 90.103. Precipitation event exemption.

* * * * *

(b) [**The 1-year and 10-year 24-hour rainfall events for specific areas in this Commonwealth are listed as follows:**

County	Rainfall (inches)	
	1-Year	10 Year
Allegheny	2.3	3.9
Armstrong	2.3	3.9
Beaver	2.3	3.8
Bedford	2.4	4.5
Blair	2.4	4.7
Bradford	2.3	4.2
Butler	2.3	3.8
Cambria	2.4	4.2

	Rainfall (inches)	
Cameron	2.3	4.0
Centre	2.3	4.3
Clarion	2.2	3.7
Clearfield	2.3	4.0
Clinton	2.3	4.2
Crawford	2.2	3.6
Elk	2.3	3.9
Fayette	2.4	4.1
Forest	2.2	3.8
Franklin	2.4	4.8
Fulton	2.4	4.6
Greene	2.3	3.9
Huntingdon	2.4	4.6
Indiana	2.3	4.0
Jefferson	2.3	3.9
Lawrence	2.2	3.7
Lycoming	2.4	4.3
McKean	2.2	3.9
Mercer	2.2	3.7
Potter	2.3	4.0
Somerset	2.4	4.3
Sullivan	2.4	4.2
Tioga	2.3	4.2
Venango	2.2	3.7
Warren	2.2	3.8
Washington	2.3	3.9
Westmoreland	2.3	4.0]

The 1-year and 10-year 24-hour rainfall events for specific areas in this Commonwealth shall be determined by reference to data provided by the National Oceanic Atmospheric Administration or equivalent resources.

(c) For the coal refuse disposal permittee to demonstrate that the event [**listed in subsection (b)**] has for [**his**] the mine area been exceeded, or that dry weather flow conditions did not exist, the permittee shall comply with paragraph (1), (2) or (3).

* * * * *

(2) Complying with the following:

(i) Prepare a verified copy of the chart or readout from a Department-approved flow measuring device which continuously records the influent to the permitted treatment facility. The device shall be approved by the Department in writing prior to the event for which the exemption is sought and shall be secure to prevent tampering and acts of third parties.

(ii) Prepare an analysis identifying the runoff area tributary to the treatment facility, and compare the actual runoff as measured and depicted by the flow measuring device with the runoff expected from the 1-year or 10-year, 24-hour precipitation event specified for the mine area [**in subsection (b)**].

* * * * *

§ 90.112. Hydrologic balance: dams, ponds, embankments and impoundments—design, construction and maintenance.

* * * * *

(b) The design, construction and maintenance of dams, ponds, embankments and impoundments shall achieve the minimum design criteria contained in the United States [Soil] Natural Resources Conservation Service's Pennsylvania Field Office Technical Guide, Section IV, Standards 350 "Sediment Basin" and 378, "Pond," or United States [Soil] Natural Resources Conservation Service's Technical Release No. 60, Earth Dams and Reservoirs, whichever is applicable. The standards are incorporated by reference. In addition to the requirements in "Sediment Basin," a minimum static safety factor of 1.3 is required. These structures shall meet the following requirements:

* * * * *

§ 90.113. Hydrologic balance: coal processing waste dams and embankments.

* * * * *

(c) The design freeboard between the lowest point on the embankment crest and the maximum water elevation shall be at least 3 feet. The maximum water elevation shall be that determined by the freeboard hydrograph criteria contained in the United States [Soil] Natural Resources Conservation Service's Technical Release No. 60, "Earth Dams and Reservoirs." The standards contained therein are hereby incorporated by reference.

* * * * *

§ 90.116. Hydrologic balance: surface water monitoring.

(a) In addition to the monitoring and reporting requirements established by the Department under Chapter [92] 92a (relating to National Pollutant Discharge Elimination System permitting, monitoring and compliance), surface water shall be monitored to accurately measure and record the water quantity and quality of the discharges from the permit area and the effect of the discharge on the receiving waters. Surface water shall be monitored for parameters that relate to the suitability of the surface water for current and approved postmining land uses and to the objectives for protection of the hydrologic balance as set forth in § 90.35 (relating to protection of hydrologic balance). At a minimum, total dissolved solids or specific conductance corrected to 25°C, total suspended solids, pH, acidity, alkalinity, total iron, total manganese, sulfates and flow shall be monitored and reported to the Department at least every 3 months for each monitoring location.

* * * * *

§ 90.159. Revegetation: standards for successful revegetation.

(a) When the approved postdisposal land use is cropland or as provided in subsection (c), the following apply:

* * * * *

(2) The approved standard shall be the average yields per acre for the crop and soil type as specified in the soil surveys of the United States Department of Agriculture [Soil] Natural Resources Conservation Service.

* * * * *

§ 90.161. Prime farmland: special requirements.

(a) When the coal refuse disposal activities are being conducted on prime farmland historically used for cropland, a permit for the mining and reclamation operation may be granted by the Department if it first finds, in writing and after consultation with the [Soil] Natural Resources Conservation Service, that the applicant has demonstrated that:

* * * * *

(b) If a permit is granted under this section, the permit shall be specifically conditioned as containing the plan submitted under § 90.33 (relating to reclamation plan), including any revisions to that plan suggested by the United States [Soil] Natural Resources Conservation Service.

* * * * *

§ 90.165. Prime farmland: revegetation.

* * * * *

(c) Standards for determining success of restoration on prime farmland soils shall be based upon the soil surveys and soil interpretations and the latest yield data available from the United States Department of Agriculture [Soil] Natural Resources Conservation Service.

* * * * *

Subchapter E. SITE SELECTION

§ 90.201. Definitions.

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

Preferred site—A watershed polluted by acid mine drainage; a watershed containing an unreclaimed surface mine but which has no mining discharge; a watershed containing an unreclaimed surface mine with discharges that could be improved by the proposed coal refuse disposal operation; unreclaimed coal refuse disposal piles that could be improved by the proposed coal refuse disposal operation; [or] other unreclaimed areas previously affected by mining activities; or an area adjacent to or an expansion of an existing coal refuse disposal site.

* * * * *

Subchapter F. COAL REFUSE DISPOSAL ACTIVITIES ON AREAS WITH PRE-EXISTING POLLUTIONAL DISCHARGES

§ 90.308. Request for bond release.

Sections 86.172(c) and 90.309 (relating to criteria for release of bond; and criteria and schedule for release of bonds on pollution abatement areas) apply to the release of bonds for pollutional abatement areas authorized by this subchapter. Section [86.172(a), (b) and (d)] 86.172(a) and (b) shall be inapplicable to the release of bonds.

[Pa.B. Doc. No. 18-1669. Filed for public inspection October 26, 2018, 9:00 a.m.]

NOTICES

DEPARTMENT OF BANKING AND SECURITIES

Actions on Applications

The Department of Banking and Securities (Department), under the authority in the Banking Code of 1965 (7 P.S. §§ 101—2204), the Department of Banking and Securities Code (71 P.S. §§ 733-1—733-1203) and 17 Pa.C.S. (relating to Credit Union Code), has taken the following actions on applications received for the week ending October 16, 2018.

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

BANKING INSTITUTIONS

Branch Applications

Branch Relocations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
8-21-2018	Jersey Shore State Bank Williamsport Lycoming County	<i>To:</i> 2774 Earlstown Road Centre Hall Centre County <i>From:</i> 2842 Earlstown Road Centre Hall Centre County	Surrender Authorization

Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
09-28-2018	Sharon Bank Darby Delaware County	25 South Morton Avenue Morton Delaware County	Closed

Articles of Amendment

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
10-10-2018	Stonebridge Bank West Chester Chester County Amendment to Section 1 of the institution's Articles of Incorporation provides for a change in the bank's name to LinkBank.	Filed
10-16-2018	Noah Bank Elkins Park Montgomery County Amendment to Article Fifth of the institution's Articles of Incorporation provides for a 1-for-10 reverse stock split of the Bank's common stock and sets the number of authorized shares of common stock at 20 million.	Effective

CREDIT UNIONS

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
10-8-2018	Diamond Credit Union Pottstown Montgomery County	22 Anchor Parkway Royersford Montgomery County	Opened

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. 18-1670. Filed for public inspection October 26, 2018, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Snowmobile and ATV Advisory Committee Meeting

A meeting of the Snowmobile and ATV Advisory Committee to the Department of Conservation and Natural Resources (Department) will be held on Wednesday, October 31, 2018, from 10 a.m. to 1 p.m. in Room 105, Lobby Level, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this meeting or agenda items can be directed to Jacob Newton at (717) 783-3349. Those wishing to participate during the public comment section are encouraged to submit their comments in writing to Jacob Newton, Advisor, Snowmobile and ATV Advisory Committee, 400 Market Street, Harrisburg, PA 17101.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Susanna Gyger directly at (717) 787-2362 to discuss how the Department may accommodate their needs.

CINDY ADAMS DUNN,
Secretary

[Pa.B. Doc. No. 18-1671. Filed for public inspection October 26, 2018, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Designation of School Districts to Receive Duquesne City School District's Junior and Senior High School Students

The Duquesne City School District (Duquesne) eliminated its senior high school program in 2007. Section 14 of the act of July 20, 2007 (P.L. 278, No. 45) (Act 45) governed the reassignment of Duquesne's senior high school students until Act 45 was struck down by the Commonwealth Court in 2010. In part, Act 45 authorized the Secretary of Education to designate two or more school districts to accept Duquesne's high school students. Under Act 45, then-Secretary of Education Gerald Zahorchak designated the East Allegheny School District (East Allegheny) and the West Mifflin Area School District (West Mifflin) to accept Duquesne's senior high school students on a tuition basis.

Shortly after Act 45 was struck down, the act of November 23, 2010 (P.L. 1350, No. 123) (Act 123) was

enacted. The enactment of Act 123 resulted in significant amendments to section 1607 of the Public School Code of 1949 (School Code) (24 P.S. § 16-1607). Section 1607 of the School Code authorizes the Secretary of Education to designate two or more school districts to accept Duquesne's high school students. When Act 123 was enacted, East Allegheny and West Mifflin were designated to continue to accept Duquesne's senior high school students.

In 2012, Duquesne sought and received the approval of the Department of Education (Department) to alter/curtail its junior high school program (grades 7 and 8). Accordingly, on July 9, 2012, East Allegheny and West Mifflin were designated to also accept Duquesne's junior high school students under section 1607 of the School Code. The designation of East Allegheny and West Mifflin to accept Duquesne's junior and senior high school students remained unchanged.

As required under section 1607(d) of the School Code, the Department provides the following information regarding the assignment of Duquesne's 7–12 grade students to East Allegheny and West Mifflin.

Assignment of Students

- Students entering grades 8, 9, 10, 11 or 12 shall be assigned to the same district to which they were assigned during the previous school year.

- Students entering grades 7 have the opportunity to select the district—East Allegheny or West Mifflin—they wish to attend. Students entering grades 7 shall be assigned to the district that they select.

- Private, religious or charter school students who are residents of Duquesne and who wish to enroll in Duquesne and attend East Allegheny or West Mifflin must register as Duquesne students at the Duquesne Education Center to be assigned to either East Allegheny or West Mifflin.

- Students transferring into Duquesne will be given a choice between East Allegheny and West Mifflin and will be assigned to the district they choose.

Per Pupil Tuition Rate

The per pupil tuition rate that the designated districts shall receive for the 2018-2019 school year is \$13,214.24.

PEDRO RIVERA,
Secretary

[Pa.B. Doc. No. 18-1672. Filed for public inspection October 26, 2018, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

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

This notice provides information about persons who have applied for a new, amended or renewed NPDES or WQM permit, a permit waiver for certain stormwater discharges or submitted a Notice of Intent (NOI) for coverage under a General Permit. The applications concern, but are not limited to, discharges regarding industrial, animal or sewage waste, discharges to groundwater, discharges associated with municipal separate storm sewer systems (MS4), stormwater

associated with construction activities or concentrated animal feeding operations (CAFO). This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

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

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

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

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

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

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

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

I. NPDES Renewal Applications.

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0065188 (Sewage)	Sterling Business Park 32 Commercial Street Suite 1 Honesdale, PA 18431	Wayne County Sterling Township	West Branch Wallenpaupack Creek (1-C)	Yes
PAS802217 (Storm Water)	UPS Freight Bethlehem Facility 1000 Semmes Avenue Richmond, VA 23224-2246	Northampton County Bethlehem City	Unnamed Tributary to Monocacy Creek (2-C)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0246654—Sew	Centre Twp Muni Auth Hillcrest STP 449 Bucks Hill Rd Mohrsville, PA 19541	Berks County/ Centre Township	Maidencreek—3B	Y
PA0087581—Sew	Centre Twp Muni Auth Jordan Crossing STP 449 Bucks Hill Rd Mohrsville, PA 19541	Berks County/ Centre Township	UNT Irish Creek—3B	Y

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0086771—Sew	Centre Twp Muni Auth Dauberville STP 449 Bucks Hill Rd Mohrsville, PA 19541	Berks County/ Centre Township	Irish Creek—3B	Y
PA0083721—Sew	JAM 1124, LP Paradise Homes Community 1045 Lake Road Spring Grove, PA 17326	York County/ Paradise Township	Beaver Creek—7F	Y
PA0261254—Sew	Timothy F. Logue 3256 Beans Cove Road Clearville, PA 15535	Bedford County/ Southampton Township	Wildcat Run—13A	Y
PA0082007—Sew	Kimberly A. Browell 6827 Bedford Valley Road Bedford, PA 15522	Bedford County/ Cumberland Valley Twp	Sand Spring Run—13A	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0218316 (Sewage)	Dunbar Township Municipal Authority STP P.O. Box 815 Connellsville, PA 15425-0815	Fayette County Dunbar Township	Youghiogheny River (19-D)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0035513 (Sewage)	PA DOT Rest Area E P.O. Box 3060 Harrisburg, PA 17105-3060	Mercer County Shenango Township	Unnamed Tributary to Shenango River (20-A)	Yes
PA0103861 (Sewage)	Zoccoli MHP 2575 Ben Franklin Highway Edinburg, PA 16116	Lawrence County Mahoning Township	Unnamed Tributary to the Shenango River (20-A)	Yes
PA0028941 (Sewage)	Evans City Borough STP 216 Wahl Avenue Evans City, PA 16033	Butler County Evans City Borough	Breakneck Creek (20-C)	Yes
PA0221503 (Sewage)	Crab Apple Ridge Golf Course 10234 Sharp Road Waterford, PA 16441-3954	Erie County Waterford Township	Unnamed Tributary to LeBoeuf Creek (16-A)	Yes

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

Southeast Regional Office: Regional Clean Water Program Manager, 2 E Main Street, Norristown, PA 19401, Telephone: 484.250.5970.

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

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

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

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min 4.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	Inst Min XXX	0.5	XXX	1.2
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)						
Nov 1 - Apr 30	1,434	2,180	XXX	25.0	38.0	50
May 1 - Oct 31	1,033	1,549	XXX	18.0	Wkly Avg 27.0	36
Biochemical Oxygen Demand (BOD ₅)					Wkly Avg	
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	1,721	2,582	XXX	30.0	45.0	60
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	1,000
Total Nitrogen	Report	XXX	XXX	Geo Mean Report	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	1,033	XXX	XXX	18.0	XXX	36
May 1 - Oct 31	344	XXX	XXX	6.0	XXX	12
Total Phosphorus	Report	XXX	XXX	Report	XXX	XXX
PCBs Dry Weather Analysis (pg/L)	XXX	XXX	XXX	XXX	Report	XXX
PCBs Wet Weather Analysis (pg/L)	XXX	XXX	XXX	XXX	Report	XXX
Total Dissolved Solids	Report	XXX	XXX	Report	XXX	XXX
	Avg Qrtly			Avg Qrtly		
Total Copper						
(thru year 3)	Report	XXX	XXX	Report	XXX	XXX
(after 3 years)	3.2	6.4	XXX	0.056	0.11	0.14
Sulfate, Total	Report	XXX	XXX	Report	XXX	XXX
	Avg Qrtly			Avg Qrtly		
Chloride	Report	XXX	XXX	Report	XXX	XXX
	Avg Qrtly			Avg Qrtly		
Bromide	Report	XXX	XXX	Report	XXX	XXX
	Avg Qrtly			Avg Qrtly		
Toxicity, Chronic - Ceriodaphnia						
Survival (TUc)	XXX	XXX	XXX	XXX	Report	XXX
Reproduction (TUc)	XXX	XXX	XXX	XXX	Report	XXX
Toxicity, Chronic - Pimephales						
Survival (TUc)	XXX	XXX	XXX	XXX	Report	XXX
Growth (TUc)	XXX	XXX	XXX	XXX	Report	XXX

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	Report	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	Report	XXX	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	XXX
Oil and Grease	XXX	XXX	XXX	Report	XXX	XXX
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
Iron, Dissolved	XXX	XXX	XXX	Report	XXX	XXX

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

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

0. No Stormwater in Sewers
1. Obtain Necessary Property Rights
2. Proper Sludge Disposal
3. Chlorine Minimization
4. Notification of Responsible Operator
5. O&M Plan
6. Fecal Limits
7. Pretreatment Program
8. Whole Effluent Toxicity Monitoring
9. PCB Pollution Minimization Plan and Monitoring
10. Copper TRE

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

The EPA Waiver is not in effect.

PA0044776, Sewage, SIC Code 4952, **Northwestern Chester County Municipal Authority**, P.O. Box 308, Honey Brook, PA 19344. Facility Name: Honey Brook Township STP. This existing facility is located in Honey Brook Township, **Chester County**.

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

The receiving stream(s), West Branch Brandywine Creek, is located in State Water Plan watershed 3-H and is classified for Mi and 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 .6 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Concentrations (mg/L)</i>			<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Average Monthly</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	6.0 Inst Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.7
Color (Pt-Co Units) (Pt-Co Units)	XXX	XXX	XXX	XXX	XXX	75
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)						
Nov 1 - Apr 30	125	187	XXX	25.0	38.0	50
May 1 - Oct 31	68	102	XXX	14.0	21.0	28
Biochemical Oxygen Demand (BOD ₅)						
Raw Sewage Influent	Report	XXX	Report	XXX	XXX	XXX
Total Suspended Solids	150	225	XXX	30.0	45.0	60
Total Suspended Solids						
Raw Sewage Influent	Report	XXX	Report	XXX	XXX	XXX
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Total Nitrogen	144.1	XXX	XXX	28.8	XXX	57.6
Ammonia-Nitrogen						
Nov 1 - Apr 30	40.5	XXX	XXX	8.1	XXX	16.2
May 1 - Oct 31	13.5	XXX	XXX	2.7	XXX	5.4
Instream Monitoring	XXX	XXX	XXX	XXX	XXX	0.5
Total Phosphorus						
Nov 1 - Mar 31	10.0	XXX	XXX	2.0	XXX	4
Apr 1 - Oct 31	9.0	XXX	XXX	1.8	XXX	3.6
Stream Flow, Minimum (MGD)						
Instream Monitoring	Report	Report	XXX	XXX	XXX	XXX

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

- 0. Notification of the designation of responsible operator
- 1. TRC minimization in effluent
- 2. Operation and Maintenance (O&M) Plan

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

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

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated sewage from Matsunk Water Pollution Control Center located at 600 McCoys Lane, Swedeland, PA 19406. The receiving stream(s), Frog Run Tributary to Schuylkill River, is located in State Water Plan watershed 3-F and is classified for Warm Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The point of first use is the Schuylkill River. The nearest public water supply intake is for the City of Philadelphia-Queen Lane Intake located on the Schuylkill River.

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

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Weekly Average		Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min 4.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	Inst Min XXX	0.5	XXX	1.2
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)						
Nov 1 - Apr 30	1,434	2,180	XXX	25.0	38.0	50
May 1 - Oct 31	1,033	1,549	XXX	18.0	27.0	36
Biochemical Oxygen Demand (BOD ₅)					Wkly Avg	
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	1,721	2,582	XXX	30.0	45.0	60
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	Wkly Avg XXX	1,000
Total Nitrogen	Report	XXX	XXX	Geo Mean Report	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	1,033	XXX	XXX	18.0	XXX	36
May 1 - Oct 31	344	XXX	XXX	6.0	XXX	12
Total Phosphorus	Report	XXX	XXX	Report	XXX	XXX
PCBs Dry Weather Analysis (pg/L)	XXX	XXX	XXX	XXX	Report	XXX
PCBs Wet Weather Analysis (pg/L)	XXX	XXX	XXX	XXX	Report	XXX
Total Dissolved Solids	Report	XXX	XXX	Report	XXX	XXX
Total Copper	Avg Qrtly			Avg Qrtly		
(thru year 3)	Report	XXX	XXX	Report	XXX	XXX
(after 3 years)	3.2	6.4	XXX	0.056	0.11	0.14
Sulfate, Total	Report	XXX	XXX	Report	XXX	XXX
Chloride	Avg Qrtly			Avg Qrtly		
Bromide	Report	XXX	XXX	Report	XXX	XXX
	Avg Qrtly			Avg Qrtly		

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

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	Report	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	Report	XXX	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	XXX
Oil and Grease	XXX	XXX	XXX	Report	XXX	XXX
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
Iron, Dissolved	XXX	XXX	XXX	Report	XXX	XXX

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

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

1. No Stormwater in Sewers
2. Obtain Necessary Property Rights
3. Proper Sludge Disposal
4. Chlorine Minimization
5. Notification of Responsible Operator
6. O&M Plan
7. Fecal Limits
8. Pretreatment Program
9. Whole Effluent Toxicity Monitoring
10. PCB Pollution Minimization Plan and Monitoring
11. Copper TRE

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

The EPA Waiver is not in effect.

PA0054526, Industrial, SIC Code 7218, **Unitech Services Group Inc.**, 401 North 3rd Avenue, Royersford, PA 19468-1950. Facility Name: Unitech Services Group. This existing facility is located in Royersford Borough, **Montgomery 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, Schuylkill River, is located in State Water Plan watershed 3-D and is classified for Migratory Fishes and Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .1 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Color (Pt-Co Units)	XXX	XXX	Inst Min XXX	100	200	250

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	Report	Report	XXX	Report	Report	XXX
Industrial Influent	Report	Report	XXX	Report	Report	XXX
CBOD ₅ Minimum % Removal (%)	85	XXX	XXX	XXX	XXX	XXX
	Min Mo Avg					
Total Suspended Solids	13.8	24.8	XXX	25	45	50
Total Dissolved Solids	834	1,668	XXX	1,000.0	2,000.0	2,500
Oil and Grease	12.5	XXX	XXX	15.0	XXX	30
Ammonia-Nitrogen	8.3	XXX	XXX	10.0	XXX	20
Total Phosphorus	1.7	XXX	XXX	2.0	XXX	4

The proposed effluent limits for Outfall 001 are based on a design flow of .1 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
PCBs Dry Weather Analysis (pg/L)	XXX	XXX	XXX	XXX	Report	XXX
Toxicity, Acute - Ceriodaphnia Survival (TUa)	XXX	XXX	XXX	XXX	Report	XXX
Toxicity, Acute - Pimephales Survival (TUa)	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of .1 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Copper, Total	Report Avg Qrtly	Report	XXX	Report Avg Qrtly	Report	XXX

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

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

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

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

No monitoring is required for the stormwater Outfall 003.

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

- A. Acquire Necessary Property Rights
- B. Proper Sludge Disposal
- C. WQM Permit Requirement
- D. BAT/ELG Reopener
- E. Chlorine Optimization
- F. No Discharge of PCBs
- G. Compliance with Radioactive Material License
- H. CBOD₅ Percentage Reduction
- I. TMDL/WLA Analysis
- J. WET Requirement
- K. Chemical Additives Requirement
- L. Stormwater Outfall Requirement
- M. PCB PMP and Monitoring

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

The EPA Waiver is in effect.

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

PA0021709, Sewage, SIC Code 4952, **Birdsboro Municipal Authority Berks County**, 202 E Main Street, Birdsboro, PA 19508-2025. Facility Name: Birdsboro STP. This existing facility is located in Birdsboro Borough, **Berks County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage with the impact from a new significant industrial user incorporated.

The receiving stream(s), Hay Creek, is located in State Water Plan watershed 3-C and is classified for Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.35 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Instant. Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Weekly Average		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
Dissolved Oxygen	XXX	XXX	5.0 Inst Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.16	XXX	0.55
Temperature (deg F) (°F)	XXX	XXX	XXX	Report	Report	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	281	450	XXX	25.0	40.0	50
Biochemical Oxygen Demand (BOD ₅)					Wkly Avg	
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	337	506	XXX	30.0	45.0	60
					Wkly Avg	
Total Suspended Solids Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Dissolved Solids	XXX	XXX	XXX	1,000.0	2,000.0	2,500
Oil and Grease	XXX	XXX	XXX	15.0	XXX	30.0
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000.0 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200.0 Geo Mean	XXX	1,000
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	159	XXX	XXX	14.1	XXX	28.2
May 1 - Oct 31	53	XXX	XXX	4.7	XXX	9.4
Total Phosphorus	Report	XXX	XXX	Report	XXX	XXX
Arsenic, Total	0.3	XXX	XXX	0.023	0.036	0.058
Cadmium, Total	0.01	XXX	XXX	0.001	0.0015	0.0025
Chromium, Hexavalent	0.3	XXX	XXX	0.024	0.038	0.06
Copper, Total	0.4	XXX	XXX	0.037	0.057	0.09
Cyanide, Free	0.14	XXX	XXX	0.012	0.019	0.03
Lead, Total	0.2	XXX	XXX	0.016	0.025	0.04
Mercury, Total	0.0014	XXX	XXX	0.0001	0.0002	0.0003
Nickel, Total	2.2	XXX	XXX	0.20	0.32	0.5
Silver, Total	0.2	XXX	XXX	0.016	0.026	0.04
Zinc, Total	3.4	XXX	XXX	0.30	0.47	0.75

Sludge use and disposal description and location(s): Off-site disposal.

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

1. A compliance schedule to achieve the new permit limits for the nine metals and Free Cyanide;
2. Discharge at outfall 001 cannot increase temperature of receiving stream by more than 5°F or result in stream temperature exceeding 87°F, except within an allowed heat dissipation area;
3. Whole Effluent Toxicity testing is required to be conducted annually at a minimum and test failures investigated;
4. Best Management Practices and a Preparedness, Prevention and Contingency (PPC) Plan are required to prevent contamination of on-site stormwater.

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

The EPA Waiver is not in effect.

NPDES Permit No. PA0246603 A-1, CAFO, **Hoffman Chris**, 201 S Homestead Road, McAlisterville, PA 17049-8332.

This existing facility is located in Fayette Township, **Juniata County**.

Description of size and scope of existing operation/activity: Swine (Gestating Sows, Sows with Litters, Boars, Grow—Finish, and Nursery): 839.40 AEU's.

The receiving stream, Unnamed Tributary of Cocolamus Creek, is in watershed 12-B and classified for: Trout Stocking.

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

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

PA0253359, Amendment No. 1, Industrial, SIC Code 4941, Permittee: **Cambria Somerset Authority**, 110 Franklin Street, Suite 200, Johnstown, PA 15901-1829; Co-permittee: CPV Fairview, LLC, 50 Braintree Hill Office Park, Suite 300, Braintree, MA 02184. Facility Names: Cambria Somerset Authority and CPV Fairview Energy Center. The existing and proposed facilities are located in Quemahoning Township, **Somerset County** and Jackson Township, **Cambria County**, respectively.

Description of Existing Activity: The application is for an NPDES permit amendment for existing and proposed discharges of untreated excess reservoir supply water and discharges of treated industrial waste.

The receiving streams, Hinckston Run, Conemaugh River, and Peggys Run, are located in State Water Plan watershed 18-E and 18-D and are classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharges are not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 2.4 MGD.—Interim Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Quarterly	Daily Maximum	
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	60.0	XXX
Aluminum, Total	XXX	XXX	XXX	0.75	0.75	0.75
Iron, Total	XXX	XXX	XXX	1.5	3.0	3.8
Manganese, Total	XXX	XXX	XXX	1.0	2.0	2.5

The proposed effluent limits for Outfall 001 are based on a design flow of 3.9 MGD.—Final Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Daily Maximum	Instant. Minimum	Average Monthly	Daily Maximum	
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	60.0	XXX
Total Dissolved Solids	XXX	XXX	XXX	Report	Report	XXX
Aluminum, Total	Report	Report	XXX	0.75	0.75	0.75
Copper, Total (ug/L)	XXX	XXX	XXX	33.6	52.3	84
Iron, Total	Report	Report	XXX	1.5	3.0	3.8
Manganese, Total	Report	Report	XXX	1.0	2.0	2.5
Sulfate, Total	XXX	XXX	XXX	Report	Report	XXX
Chloride	XXX	XXX	XXX	Report	Report	XXX
Bromide	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 002 are based on a design flow of 2.6 MGD.—Interim Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Daily Maximum	Instant. Minimum	Average Quarterly	Daily Maximum	
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	60.0	XXX
Aluminum, Total	XXX	XXX	XXX	0.75	0.75	0.75

<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 Quarterly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron, Total	XXX	XXX	XXX	1.5	3.0	3.8
Manganese, Total	XXX	XXX	XXX	1.0	2.0	2.5

The proposed effluent limits for Outfall 002 are based on a design flow of 4.1 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	60.0	XXX
Total Dissolved Solids	XXX	XXX	XXX	Report	Report	XXX
Aluminum, Total	Report	Report	XXX	0.75	0.75	0.75
Copper, Total (ug/L)	XXX	XXX	XXX	32.8	51.1	82
Iron, Total	Report	Report	XXX	1.5	3.0	3.8
Manganese, Total	Report	Report	XXX	1.0	2.0	2.5
Sulfate, Total	XXX	XXX	XXX	Report	Report	XXX
Chloride	XXX	XXX	XXX	Report	Report	XXX
Bromide	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 003 are based on a design flow of 3.0 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 Quarterly</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	60.0	XXX
Aluminum, Total	XXX	XXX	XXX	0.75	0.75	0.75
Iron, Total	XXX	XXX	XXX	1.5	3.0	3.8
Manganese, Total	XXX	XXX	XXX	1.0	2.0	2.5

Effluent limits and monitoring requirements for Internal Monitoring Points 101, 201 and 301 are not modified as part of this permit amendment.

In addition, the permit contains the following new special condition: requirements pertaining to Cooling Water Intake Structures pursuant to Section 316(b) of the Clean Water Act, including interim Best Technology Available.

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

The EPA Waiver is not in effect.

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

PA0021504, Sewage, SIC Code 4952, **Western Butler County Authority**, 607 Market Street, Zelienople, PA 16063-1830. Facility Name: Western Butler County Authority STP. This existing facility is located in Zelienople Borough, **Butler County**.

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

The receiving stream, Connoquenessing Creek, is located in State Water Plan watershed 20-C 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 2.2 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min 4.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)			Inst Min			
Interim	XXX	XXX	XXX	0.36	XXX	1.2
Final	XXX	XXX	XXX	0.17	XXX	0.55

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)						
Nov 1 - Apr 30	459	734	XXX	25	40	50
May 1 - Oct 31	275	367	XXX	15	20	30
Biochemical Oxygen Demand (BOD ₅)						
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	550	826	XXX	30	45	60
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Ammonia-Nitrogen						
Nov 1 - Apr 30	330	XXX	XXX	18	XXX	36
May 1 - Oct 31	110	XXX	XXX	6	XXX	12
Total Phosphorus	37	XXX	XXX	2	XXX	4
Total Nitrogen	XXX	XXX	XXX	Report Avg Qrtly	XXX	XXX
Lead, Total	XXX	XXX	XXX	Report Avg Qrtly	XXX	XXX

The proposed effluent limits for Outfalls 005, 006 & 007 are based on a design flow of N/A MGD.

The discharge(s) shall consist of uncontaminated stormwater from the treatment plant site.

Sludge use and disposal description and location: Aerobic digestion, sludge holding, sludge pressing and disposal in an approved landfill.

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

1. Chlorine Minimization
2. Solids Handling
3. Annual Whole Effluent Toxicity Testing requirement
4. Stormwater Best Management Practices
5. Hauled-In Waste (receiving) restrictions
6. Option to conduct a TRC Demand Study and a compliance schedule

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 not in effect.

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

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

WQM Permit No. 2318402, Sewage, **Central Delaware County Authority**, 212 B Unity Terrace, Rutledge, PA 19070.

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

Description of Action/Activity: Construction and operation of a new pumping station and demolish existing pumping station.

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

WQM Permit No. 6505411 A-2, Sewage, **Greater Greensburg Sewerage Authority**, P.O. Box 248, Greensburg, PA 15601-0248.

This existing facility is located in the City of Greensburg, **Westmoreland County**.

Description of Proposed Action/Activity: The Authority proposes to relocate approximately 600 LF of 8" sewer line along a UNT to Jacks Run as part of a flood protection project.

IV. NPDES Individual Permit Applications for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4s).

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

PAI136128, MS4, **O'Hara Township**, 325 Fox Chapel Road, Pittsburgh, PA 15238-2301. 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 O'Hara Township, **Allegheny County**. The receiving streams, Squaw Run, Little Pine Creek, Gayasuta Run, Glade Run, Powers Run and Allegheny River, are located in State Water Plan watershed 18-A and is classified for Warm Water Fishes, High Quality Waters—Warm Water Fishes, Trout Stock Fishes, aquatic life, water supply and recreation. The applicant is classified as a small MS4.

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

- A Pollutant Reduction Plan (PRP)

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

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD510033	Department of the Navy Public Works Department Pennsylvania 4921 South Broad Street Philadelphia, PA 19112-1303	Philadelphia	City of Philadelphia	Schuylkill River CWF-MF Delaware Estuary WWF-MF
PAD150101	East Goshen Township 1580 Paoli Pike West Chester, PA 19380-6199	Chester	East Goshen Township	East Branch Chester Creek TSF-MF Unnamed Tributary to Ridley Creek HQ-TSF-MF Ridley Creek HQ-TSF-MF

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>
PAD450062	Gardner Gas Inc 500 N Poplar St Berwick, PA 18603	Monroe	Chestnuthill Twp	Poplar Creek (EV, 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>
PAD380003	Craig and Kayla Lowrie 2120 Cornwall Road Suite 3 Lebanon, PA 17042	Lebanon	South Lebanon Township	UNT Hammer Creek (HQ-CWF, MF)

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

Clinton County Conservation District: 45 Cooperation Lane, Mill Hall, PA 17751, (570) 726-3798.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD180015	Wag-Myr Woodlands, Inc. 1340 South Village Square Vero Beach, FL 32966	Clinton	Greene Township	UNT to Fishing Creek HQ-EV

Potter County Conservation District: 107 Market Street, Coudersport, PA 16915, (814) 274-8411, X4.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD 530006	Big Level Wind, LLC C/O TransAlta Corp. 110-12th Ave. SW P.O. Box 1900 Station M Calgary, Alberta Canada, T2P2M1	Potter	Harrison Township, Hector Township	Baldwin Hollow, HQ-CWF, MF & Dodge Hollow, CWF, MF

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>
PAD650114	Westmoreland County Transit Authority 41 Bell Way Greensburg, PA 15601	Westmoreland County	North Huntingdon Township	UNT to Jacks Run (HQ-TSF); UNT to Brush Creek (TSF)

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

PAG-12 CAFOs

MS4 PAG-13 Notices of Intent Received.

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Waiver Application Submitted (Y/N)</i>	<i>Pollutant Reduction Plan Submitted (Y/N)</i>
PAG130184	Atglen Borough P.O. Box 250 Atglen, PA 19310-0250	Atglen Borough Chester County	Y	Y
PAG130179	Montgomery County P.O. Box 311 Norristown, PA 19404-0311	Norristown Borough Montgomery County	Y	N
PAG130063	Pennsburg Borough 76 W. 6th Street Pennsburg, PA 18073	Pennsburg Borough Montgomery County	N	Y
PAG130172	West Vincent Township 729 St. Matthews Road Chester Springs, PA 19425	West Vincent Township Chester County	Y	N
PAG130112	Penn State Abington College 1600 Woodland Road Abington, PA 19001	Abington Township Montgomery County	Y	N

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Waiver Application Submitted (Y/N)</i>	<i>Pollutant Reduction Plan Submitted (Y/N)</i>
PAG136349	Middle Taylor Township 504 Waterfall Drive Johnstown, PA 15906-3818	Middle Taylor Township, Cambria County	Y	N

STATE CONSERVATION COMMISSION

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

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

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

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

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

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

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>AEU's</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>New or Renewal</i>
McMichael Farm (Tim McMichael) 791 Street Road Oxford, PA 19363	Chester	48.3	473.42	Swine	NA	Renewal
Heisler's Egg Farm, Inc. 757 Valley Road Tamaqua, PA 18252	Schuylkill	158.4	1,522.90	Poultry (Layers)	HQ	Renewal

**PUBLIC WATER SUPPLY (PWS)
PERMITS**

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

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

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

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

Persons with a disability that require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office

listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

SAFE DRINKING WATER

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

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

Permit No. 3618516 , Public Water Supply.	
Applicant	Mechanic Grove Church of the Brethren
Municipality	East Drumore Township
County	Lancaster
Responsible Official	David F. Nichols, Moderator 1392 Robert Fulton Highway Quarryville, PA 17566
Type of Facility	Public Water Supply
Consulting Engineer	Charles A. Kehew II, P.E. James R. Holley & Associates, Inc. 18 South George Street York, PA 17401
Application Received:	9/20/2018
Description of Action	New noncommunity water system consisting of one (1) groundwater well, cartridge filtration, cation exchange, anion exchange, and pH adjustment with sodium carbonate.

Permit No. 3618517, Public Water Supply.

Applicant **VNF, LLC**
 Municipality Ephrata Township
 County **Lancaster**
 Responsible Official Vincenzo DiMaria, Owner
 1278 Division Highway
 Ephrata, PA 17522

Type of Facility Public Water Supply
 Consulting Engineer Charles A. Kehew II, P.E.
 James R. Holley & Associates,
 Inc.
 18 South George Street
 York, PA 17401

Application Received: 10/3/2018
 Description of Action Installation of 30-micron
 cartridge filtration and nitrate
 removal system.

Permit No. 3618518, Public Water Supply.

Applicant **Conestoga Wood Specialties
 Corporation**
 Municipality East Earl Township
 County **Lancaster**
 Responsible Official Chris Riportella, Plant Manager
 245 Reading Road
 P.O. Box 158
 East Earl, PA 17519-0158

Type of Facility Public Water Supply
 Consulting Engineer Charles A. Kehew II, P.E.
 James R. Holley & Associates,
 Inc.
 18 South George Street
 York, PA 17401

Application Received: 10/9/2018
 Description of Action Installation of cation exchange
 system for radium removal.

Permit No. 5018503, Public Water Supply.

Applicant **Miller Group Holdings, LP**
 Municipality Penn Township
 County **Perry**
 Responsible Official Dan McMahon, Project Manager
 950 East Main Street
 Suite 107
 Schuylkill Haven, PA 17972

Type of Facility Public Water Supply
 Consulting Engineer Kevin L. Little, P.E.
 Barton & Loguidice DPC
 3901 Hartzdale Drive
 Suite 107
 Camp Hill, PA 17013

Application Received: 10/10/2018
 Description of Action Installation of iron and
 manganese treatment at Well
 No. 1.

Permit No. 3618519, Public Water Supply.

Applicant **Cherry Crest Farm**
 Municipality Paradise Township
 County **Lancaster**

Responsible Official Jack Coleman, Owner
 150 Cherry Hill Road
 Ronks, PA 17572

Type of Facility Public Water Supply
 Consulting Engineer Charles A. Kehew II, P.E.
 James R. Holley & Associates,
 Inc.
 18 South George Street
 York, PA 17401

Application Received: 10/12/2018
 Description of Action Addition of anion exchange
 treatment system for removal of
 nitrates.

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

Application No. 5618507, Public Water Supply.

Applicant **Hooversville Borough**
 50 Main Street
 P.O. Box 176
 Hooversville, PA 15936

[Township or Borough] Hooversville Borough
 Responsible Official Kenneth Karashowsky, Council
 President
 Hooversville Borough
 50 Main Street
 P.O. Box 176
 Hooversville, PA 15936

Type of Facility Water system
 Consulting Engineer The EADS Group, Inc.
 450 Aberdeen Drive
 Somerset, PA 15501

Application Received
 Date September 4, 2018

Description of Action Addition of DelPAC 2020,
 potassium permanganate and a
 lime slurry.

Application No. 0218530, Public Water Supply.

Applicant **Fox Chapel Authority**
 255 Alpha Drive
 Pittsburgh, PA 15238

[Township or Borough] Fox Chapel Borough
 Responsible Official Mark E. Niceley, P.E., Manager
 Fox Chapel Authority
 255 Alpha Drive
 Pittsburgh, PA 15238

Type of Facility Water system
 Consulting Engineer Bankson Engineers, Inc.
 267 Blue Run Road
 Suite 200
 Cheswick, PA 15024

Application Received
 Date October 2, 2018

Description of Action Fox Chapel Road booster pump
 station upgrade project.

Application No. 5020957, Public Water Supply.

Applicant **West Penn Allegheny Health
 System, Inc.**
 4800 Friendship Avenue
 Pittsburgh, PA 15224

[Township or Borough] City of Pittsburgh
 Responsible Official Robin Zernich, Vice President,
 Operations and Medical Services
 West Penn Allegheny Health
 System, Inc.
 4800 Friendship Avenue
 Pittsburgh, PA 15224

Type of Facility AHN West Penn Hospital
 Consulting Engineer Wayne F. Jacobs, P.E.
 1914 Mt. Royal Boulevard
 Glenshaw, PA 15116

Application Received September 7, 2018
 Date

Description of Action Addition of secondary
 disinfection (monochloramine).

Application No. 5020958, Public Water Supply.

Applicant **West Penn Allegheny Health
 System, Inc.**
 1301 Carlisle Street
 Natrona Heights, PA 15065

[Township or Borough] Harrison Township
 Responsible Official Janice Wirth, Vice President,
 Operations
 West Penn Allegheny Health
 System, Inc.
 1301 Carlisle Street
 Natrona Heights, PA 15065

Type of Facility AHN Allegheny Valley Hospital
 Consulting Engineer Wayne F. Jacobs, P.E.
 1914 Mt. Royal Boulevard
 Glenshaw, PA 15116

Application Received October 2, 2018
 Date

Description of Action Addition of secondary
 disinfection (monochloramine).

Application No. 5040437, Public Water Supply.

Applicant **Heritage Valley Health
 System, Inc.**
 1000 Dutch Ridge Road
 Beaver, PA 15009

[Township or Borough] City of Beaver
 Responsible Official Norman F. Mitry, President and
 CEO
 Heritage Valley Health System,
 Inc.
 1000 Dutch Ridge Road
 Beaver, PA 15009

Type of Facility Heritage Valley Health System:
 Beaver
 Consulting Engineer Wayne F. Jacobs, P.E.
 1914 Mt. Royal Boulevard
 Glenshaw, PA 15116

Application Received September 7, 2018
 Date

Description of Action Addition of secondary
 disinfection (monochloramine).

Application No. 5020959, Public Water Supply.

Applicant **Heritage Valley Health
 System, Inc.**
 740 Blackburn Road
 Sewickley, PA 15143

[Township or Borough] City of Beaver
 Responsible Official Norman F. Mitry, President and
 CEO
 Heritage Valley Health System,
 Inc.
 740 Blackburn Road
 Sewickley, PA 15143

Type of Facility Heritage Valley Health System:
 Sewickley
 Consulting Engineer Wayne F. Jacobs, P.E.
 1914 Mt. Royal Boulevard
 Glenshaw, PA 15116

Application Received September 7, 2018
 Date

Description of Action Addition of secondary
 disinfection (monochloramine).

SAFE DRINKING WATER MINOR AMENDMENT

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

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

Application No. 1118505, Minor Amendment.

Applicant **Highland Sewer and Water
 Authority**
 120 Tank Drive
 Johnstown, PA 15904

[Township or Borough] Summerhill Township
 Responsible Official Jeremy Horvath, Manager
 Highland Sewer and Water
 Authority
 120 Tank Drive
 Johnstown, PA 15904

Type of Facility Water system
 Consulting Engineer The EADS Group, Inc.
 450 Aberdeen Drive
 Somerset, PA 15501

Application Received October 4, 2018
 Date

Description of Action Replacement of zinc
 orthophosphate with Aqua Smart
 Sequest for corrosion control.

Application No. 3018517MA, Minor Amendment.

Applicant **Southwestern Pennsylvania
 Water Authority**
 1442 Jefferson Road
 Jefferson, PA 15344

[Township or Borough] Wayne Township
 Responsible Official Timothy Faddis, Manager
 Southwestern Pennsylvania
 Water Authority
 1442 Jefferson Road
 Jefferson, PA 15344

Type of Facility Water system

Consulting Engineer Bankson Engineers, Inc.
267 Blue Run Road
Suite 200
Cheswick, PA 15024

Application Received October 4, 2018
Date

Description of Action Installation of approximately
9,362 feet of 8-inch diameter
waterline (Yeager Road waterline
extension project).

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

Linney Residence, 600 Apple Street, Hellertown Borough, **Northampton County**. The Vertex Companies, 400 Libbey Parkway, Weymouth, MA 02189, on behalf of Dieter Brothers Fuel Company, 1226 Stefko Boulevard, Bethlehem, PA 18017, submitted a Notice of Intent to Remediate. Soil was contaminated by a release of heating oil from an aboveground storage tank. Future use of the site will be residential. Statewide Health remediation standards are planned for this site. The Notice of Intent to Remediate was published in *The Times News* on August 8, 2018.

Northwest Region: Environmental Cleanup & Brownfields Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Vertical Seal Company, 162 Chapman Road, Harmony Township, **Forest County**. SE Technologies, LLC, 98 Vanadium Road, Bridgeville, PA 15017, on behalf of Ampco—Pittsburgh Corporation, 726 Bell Avenue, # 301, Carnegie, PA 15106, submitted a Notice of Intent to Remediate. The site is being used as a manufacturing facility. Site groundwater has been shown to be impacted by metals. The selected remediation standard is Statewide Health and future use of the property will be non-residential. The Notice of Intent to Remediate was published in *The Titusville Herald* on August 29, 2018.

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

EQT—Blue Mile Facility, 896 East National Pike (S.R. 40), Amwell Township, **Washington County**. SE Technologies, LLC, 98 Vanadium Road, Building D, 2nd Floor, Bridgeville, PA 15017 on behalf of EQT Corporation, 625 Liberty Avenue, Pittsburgh, PA 15222 has submitted a Notice of Intent to Remediate. The site is the former Thermal Clean/Black Top Paving facility. Prior land use was non-commercial/agricultural. Two phases of soil and groundwater environmental investigations demonstrate limited potential impacts from historic site development and/or operations. Suspected contaminants include metals and organics. The site is an active equipment storage yard and operations support facility serving the natural gas industry. The proposed future use of the property will be non-residential. The proposed cleanup standards for the site are Non-Residential Statewide Health and Site Specific. The Notice of Intent to Remediate was published in the *Observer-Reporter* on September 28, 2018.

EQT—Rough Hollow Well Pad, 470 Garner Run Road, Washington Township, **Greene County**. SE Technologies, LLC, 98 Vanadium Road, Building D, 2nd Floor, Bridgeville, PA 15017 on behalf of EQT Corporation, 625 Liberty Avenue, Pittsburgh, PA 15222 has submitted a Notice of Intent to Remediate. Produced water was released on the well pad from natural gas drilling

operations on September 4, 2018. Primary constituents of concern are chloride and metals in soil. The proposed future use of the property will be residential. The proposed cleanup standards for the site are Residential Statewide Health and Site Specific. The Notice of Intent to Remediate was published in the *Greene County Messenger* on September 28, 2018.

EQT—Olczak Well Pad, 186 Ingram Hill Road, Center Township, **Greene County**. SE Technologies, LLC, 98 Vanadium Road, Building D, 2nd Floor, Bridgeville, PA 15017 on behalf of EQT Corporation, 625 Liberty Avenue, Pittsburgh, PA 15222 has submitted a Notice of Intent to Remediate. Production water was released on the well pad from natural gas drilling operations on April 8, 2018. Primary constituents of concern are chloride and metals in soil. The proposed future use of the property will be residential. The proposed cleanup standards for the site are Residential Statewide Health and Site Specific. The Notice of Intent to Remediate was published in the *Greene County Messenger* on September 28, 2018.

EQT—River Well Pad, 1356 North Eighty-Eight Road, Jefferson Township, **Greene County**. SE Technologies, LLC, 98 Vanadium Road, Building D, 2nd Floor, Bridgeville, PA 15017 on behalf of EQT Corporation, 625 Liberty Avenue, Pittsburgh, PA 15222 has submitted a Notice of Intent to Remediate. Production water was released on the well pad from natural gas drilling operations on August 28, 2018. Primary constituents of concern are metals and chloride in soil. The proposed future use of the property will be residential. The proposed cleanup standards for the site are Residential Statewide Health and Site Specific. The Notice of Intent to Remediate was published in the *Greene County Messenger* on September 28, 2018.

EQT—Beta Cameron Well Pad, 111 Behm Road, Richhill Township, **Greene County**. SE Technologies, LLC, 98 Vanadium Road, Building D, 2nd Floor, Bridgeville, PA 15017 on behalf of EQT Corporation, 625 Liberty Avenue, Pittsburgh, PA 15222 has submitted a Notice of Intent to Remediate. Drilling mud was released on the well pad from natural gas drilling operations on May 27, 2018. Primary constituents of concern are inorganics and organics in soil. The proposed future use of the property will be residential. The proposed cleanup standards for the site are Residential Statewide Health and Site Specific. The Notice of Intent to Remediate was published in the *Greene County Messenger* on September 28, 2018.

MUNICIPAL WASTE GENERAL PERMITS

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

Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

General Permit Application No. WMGM038SC002. Gypsum Agri-Cycle, Inc. has submitted a general permit renewal application for its facility located at 280 Ore Mine Road, Mount Joy, PA 17552 in East Donegal Township, **Lancaster County**. This general permit authorizes the processing of untreated and unpainted gypsum wallboard products generated at residential homes and commercial construction sites, or manufacturing facil-

ities. The resultant materials, may be beneficially used as: (i) a component of mushroom growing media, (ii) a soil additive material, (iii) a soil amendment, (iv) a component or ingredient in a manufacturing process, (v) an animal bedding material, (vi) an ingredient in the production of mulch, (vii) a bulking agent, and (viii) an ingredient in cement, concrete, grout, asphalt or flowable backfill mixtures for construction purposes. The application for renewal was determined to be complete on October 12, 2018.

Persons interested in obtaining more information about this general permit renewal 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.

REGISTRATION FOR RESIDUAL WASTE GENERAL PERMITS

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

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

General Permit Application No. WMGR123SW032. EQT Production Company, 2400 Ansys Drive, Suite 200, Canonsburg, PA 15317. A request for registration for coverage under General Permit WMGR123 to construct and operate the Haywood Tank Pad for storage and reuse of oil and gas liquid waste at a facility located in Carroll Township, **Washington County**. The application was received by the Department on October 1, 2018.

DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

Application 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.

Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401.

General Permit Application No. WMGR081SE007. Owl Electronic Recycling, Inc., 668 Gravel Pike, East Greenville, PA 18041. This application is for the determination of applicability (DOA) under General Permit No. WMGR08SE007 to process waste electronics at the East Greenville Facility located at 668 Gravel Pike in Upper Hanover Township, **Montgomery County**. The application for determination of applicability was accepted as administratively complete by the Southeast Regional Office on October 11, 2018.

Comments concerning the application should be directed to the Pennsylvania Department of Environmental Protection (“DEP”) Waste Management Program Manager,

Southeast Regional Office, 2 East Main Street, Norristown, PA 19401-4915. Persons interested in obtaining more information about the general permit application may contact the Southeast Regional Office by telephone at 484.250.5960. TDD users may contact the DEP through the Pennsylvania AT&T Relay Service, (800) 654.5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Applications deemed administratively complete under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200.

Permit No. 400592, Lancaster County Solid Waste Management Authority Resource Recovery Facility, 1911 River Road, Bainbridge, PA 17502.

An application for a permit renewal was submitted by the Lancaster County Solid Waste Management Authority for continued operation of the Resource Recovery Facility located in Conoy Township, **Lancaster County**. The current permit expires March 30, 2019. This application was deemed administratively complete by the Southcentral Regional Office on September 11, 2018. The Department will accept comments from the general public recommending revisions to, and approval or denial of, the application during the entire time the Department is reviewing the permit application.

Comments concerning the application should be directed to John Oren, Permits Chief, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200. Persons interested in obtaining more information about this permit application may contact the Southcentral Regional Office at (717) 705-4706. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

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

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

Copies of the application, the Department’s analysis, all pertinent documents used in the evaluation of the application and subsequently prepared proposed plan approvals/operating permits are available for public review during normal business hours at the appropriate

Department Regional Office. Appointments for scheduling a review must be made by calling the appropriate Department Regional Office. The address and phone number of the Regional Office is listed before the application notices.

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

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

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

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

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

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

Contact: James A. Beach, New Source Review Chief—Telephone: 484-250-5920.

15-0077A: Hanson Aggregates (Downingtown Quarry) (499 Quarry Road, Downingtown, PA 19335) for the installation of a wet suppression system on the existing tertiary crusher, downstream screen and associated transfer points in East Caln Township, **Chester County**. The plan approval includes the removal of the

existing Aeropulse fabric filter on the tertiary crusher as it is approaching the end of its useful life. The pollutant of concern is Particulate Matter (PM). The wet suppression system will help control PM emissions. The Plan Approval will contain monitoring, recordkeeping and operating restrictions designed to minimize emissions and keep the facility operating within all applicable air quality requirements.

15-0081B: Johnson Matthey Inc. (1401 King Rd., West Chester, PA 19380) for the modification of an existing wet scrubber control device to ensure that emissions of hydrochloric acid (HCl) and nitric acid (HNO₃) are within the permitted limits at their precious metals processing facility in West Whiteland Township, **Chester County**. As a result of potential emissions of NO_x and VOC, the facility is a State-Only facility. The Plan Approval will contain recordkeeping requirements and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

15-0157: USSC Acquisition Corp. (101 Gordon Drive, Exton, PA 19341) for a relocation of its operations to a new facility located in Uwchlan Township, **Chester County**. The company is currently permitted under the State-Only Operating Permit No. 15-00155. The permitted sources at the plant are four (4) glue booths used to glue foam to fabric, two (2) paint booths and two (2) cold-cleaning immersion part washers. USSC manufactures seating for first responder transit vehicles, and extreme duty military vehicles, as well as water mist fire suppression systems for vehicles. USSC uses paints, solvents, and glues in the manufacturing process that contain volatile organic compounds (VOCs) and hazardous air pollutant (HAP) compounds. Based on the usage of glues and paints, the facility has the potential-to-emit (PTE) VOCs and HAPs in quantities greater than the major source thresholds.

The Plan Approval will contain recordkeeping requirements and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

Contact: Ed Orris, P.E., New Source Review Chief—Telephone: 412-442-4168.

63-00538: Dynamet, Inc. (195 Museum Road, Washington, PA 15301) Notice is hereby given in accordance with 25 Pa. Code §§ 127.44—127.46 that the Pennsylvania Department of Environmental Protection (Department) intends to issue Air Quality Plan Approval: PA-63-00538 for the re-build and initial temporary operation of a chemical mill for pickling of titanium products controlled by two (2) scrubbers at the Arden Facility located in Chartiers Township, **Washington County**.

Emissions from the sources covered under this plan approval are 0.044 tons of total particulate matter (PM), 0.00035 tons of chromium, 0.88 ton of nitric acid (HNO₃), and 0.088 ton of hydrofluoric acid (HF). The authorization is subject to State regulations including 25 Pa. Code §§ 123.1, 123.2, 123.13, 123.21, 123.31, and 123.41. Plan Approval has been conditioned to ensure compliance with all applicable rules. This includes visible emission limits, work practice, testing, monitoring, recordkeeping, and reporting conditions. Once compliance with the Plan Approval is demonstrated, the applicant will subsequently submit a revision to the pending State Only Operating Permit (SOOP), or a new SOOP application, as appropriate, for this Facility.

The Plan Approval application, the Department's Air Quality Review Memorandum, and the Proposed Air Quality Plan Approval for this project are available for review by any interested party at the Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. To request a review of the Plan Approval Application, to receive an electronic copy of the Department's Air Quality Review Memorandum, or to receive an electronic copy of the Department's proposed air Quality Plan Approval for this project, a person may contact the Department at 412-442-4000.

A person may oppose the proposed plan approval by filing a written protest with the Department through Alexander Sandy, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222; asandy@pa.gov; or fax 412-442-4194. Each protest or set of written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Plan Approval (PA-63-00538) and a concise statement of the objections to the plan approval and the relevant facts upon which the objections are based. All comments must be received prior to the close of business 30 days after the date of this publication. For additional information, you may contact Alexander Sandy at 412-442-4028.

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

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

25-987G: Hanes Erie, Inc. (7601 Klier Drive, Fairview, PA 16415). The Department intends to issue a plan approval to Hanes Erie, Inc. for the installation and operation of two additional paint booths. Their facility is located at 7601 Klier Drive (Fairview Business Park) in Fairview Township, **Erie County**. This facility operates with authority granted through synthetic minor operating permit 25-00987.

Operation of the proposed sources will generate primarily VOC and PM emissions. This project will result in an increase of the facility's actual emissions. The facility's VOC and HAP emission limits will not be changed; therefore, the facility's PTE will not increase. This project will not alter the applicability of any Federal or State regulations currently cited in the facility's operating permit. No new Federal NSPS or NESHAP regulations will become applicable to this facility as a result of the proposed project. This facility will remain a non-TV facility after its' completion.

This application was reviewed to evaluate the project's incorporation of Best Available Technology. Paint will be applied using High Volume Low Pressure (HVL) paint guns to minimize overspray and to reduce emissions. PM emissions caused from overspray (Sources 111A, Booth and 111B, Booth) will be collected into a stack and reduced via a three stage filtration system. It is anticipated that the filtration systems (C111A and C11B) will achieve an overall PM control efficiency of approximately 98%. This high efficiency filtration systems meets or exceeds the BAT (particulate matter) requirements for this source.

Public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44.

The Plan Approval will contain testing, recordkeeping, emission restriction, reporting, and work practice require-

ments designed to keep the facility operating within all applicable air quality requirements.

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

In accordance with 25 Pa. Code § 127.44(e)(2), a 30-day comment period, from the date of publication, will exist for the submission of comments. Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to Regional Air Quality Program Manager, Pennsylvania Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335-3494 and must contain the name, address and telephone number of the person submitting the comments, identification of the proposed plan approval [25-987G: Hanes Erie, Inc.] and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to the New Source Review Section Chief, 230 Chestnut St., Meadville, PA 16335; Phone # (814) 332-6328.

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

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.

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.

22-05014: Ames True Temper, Inc. (1500 South Cameron Street, Harrisburg, PA 17104) for their wheelbarrow manufacturing facility in Harrisburg City, **Dauphin County**. Actual emissions from the facility in 2017 were reported to be 1.16 ton CO, 1.38 ton NO_x, 0.11 ton PM₁₀, 0.11 ton PM_{2.5}, 0.01 ton SO_x, 37.21 tons VOC, 0.18 ton of a single HAP (hexane), and 0.47 ton of combined HAPs. The Title V 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 §§ 123.11, 123.22, 129.52d and 129.63.

05-05006: Columbia Gas Transmission, LLC/Artemas Compressor Station (455 Racetrack Road, Washington, PA 15301) for operation of three natural gas turbines, two natural gas-fired compressor engines, an

emergency engine, three dehydration units, three storage heaters, and numerous insignificant heaters and tanks in Mann Township, **Bedford County**. The facility 2017 actual air emissions were 81.14 tons of CO, 49.81 tons of NO_x, 3.27 tons of PM₁₀, 0.1 ton of SO_x, 27.50 tons of VOC, and 3.27 tons of total HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include 40 CFR Part 60, Subpart GG—Standards of Performance for Stationary Gas Turbines, 40 CFR Part 60 Subpart Dc—Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units, and 40 CFR Part 63 Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.

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

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

43-00272: Tennessee Gas Pipeline Co., Compressor Station 219 (1211 Greenville Mercer Rd, Mercer, PA 16137). In accordance with 25 Pa. Code §§ 129.96—129.100, the Pennsylvania Department of Environmental Protection (the Department) has made a preliminary determination to approve an alternate Reasonably Available Control Technology (RACT II) plan and seeks approval of an amendment to the State Implementation Plan (SIP) for the Tennessee Gas Pipeline Co., Compressor Station 219 in Jefferson Township, **Mercer County**. And in accordance with 25 Pa. Code § 127.521, the Department intends to re-issue a Title V Operating Permit for the facility. The facility is located at 1211 Greenville Mercer Rd, Mercer, PA 16137. The facility's representative to contact concerning this application is Tameca Holmes, Air Permitting and Compliance Specialist. Her phone number is 713-420-5854.

The proposed SIP revision does not adopt any new regulations. It incorporates the provisions and requirements contained in the amended RACT II approval for the facility, which are intended to satisfy the requirements for the 1997 National Ambient Air Quality Standard (NAAQS) and the 2008 NAAQS for ozone.

The proposed amendments to the RACT II determination, if finally approved, will be incorporated into the revised operating permit (43-00272) for the facility. The relevant RACT II requirements will be submitted to the U.S. Environmental Protection Agency (EPA) as a revision to Pennsylvania's SIP and will remain in effect until replaced pursuant to 40 CFR 51 and approval by the EPA. Requirements that are not part of the RACT II determination will be excluded from the SIP submittal; this includes the provisions of the Department's presumptive RACT II requirements in accordance with 25 Pa. Code § 129.97, as they apply to existing sources at the facility.

The facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments due to its potential to emit NO_x, VOC, CO, and HAPs. The facility is therefore subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapter G.

Permitted sources at the facility include fourteen (14) compressor engines, three (3) emergency electric generators, an emergency air compressor, two (2) water jacket

heaters, parts washers, and miscellaneous fugitive emissions. The compressor engines and emergency electric generators have been subject to the original RACT (RACT I) requirements. The emergency electric generators are also subject to 40 CFR 63 Subpart ZZZZ pertaining to NESHAP for stationary RICE. The water jacket heaters are subject to 40 CFR 63 Subpart DDDDD pertaining to NESHAP for industrial, commercial, and institutional boilers and process heaters at major HAP sources. In the

renewal permit, the emergency air compressor is added as a permitted source. Conditions pursuant to 40 CFR 63 Subpart ZZZZ are revised to reflect provisions for emergency engines. Both the alternative, which is part of RACT II determination, and presumptive requirements of RACT II are incorporated into the permit.

The following is a summary of the proposed amendments to the RACT II determination for this operation that will be submitted to the EPA as a SIP revision:

<i>Source</i>	<i>RACT II Requirement</i>
Six (6) 1,100 hp-rated natural gas compressor engines, Sources 131, 132, 133, 134, 135, 136:	<ul style="list-style-type: none"> • NO_x limits of 9.3 g/bhp-hr (22.6 lbs./hr) and 98.7 tons per 12-month for each engine. • Semi-annual NO_x tests for engines that operate more than 219 hours during the semi-annual period. • Ignition timing setting of 4° to 8° before top dead center.
Two (2) 1,350 hp-rated natural gas compressor engines, Sources 137, 138:	<ul style="list-style-type: none"> • NO_x limits of 4.0 g/bhp-hr (11.9 lbs./hr) and 52.1 tons per 12-month for each engine. • Semi-annual NO_x tests for engines that operate more than 219 hours during the semi-annual period.
Five (5) 1,350 hp-rated natural gas compressor engines, Sources 139, 140, 141, 142, 143:	<ul style="list-style-type: none"> • NO_x limits of 8.8 g/bhp-hr (26.2 lbs./hr) and 114.6 tons per 12-month for each engine. • Semi-annual NO_x tests for engines that operate more than 219 hours during the semi-annual period. • Ignition timing setting of 6° to 10° before top dead center.

Public hearing. A public hearing will be held if requested by November 26, 2018 to accept oral comments on the proposed operating permit revision and the proposed SIP revision. The hearing will be held, if requested, on December 5, 2018 at 10 a.m. at the DEP Northwest Regional Office, 230 Chestnut St., Meadville, PA 16335. To request a hearing, to register to speak at a hearing, or to inquire if a hearing will be held, please contact Melanie Williams, Regional Community Relations Coordinator, at 814-332-6615. The last day to pre-register to speak at a hearing, if one is held, will be November 26, 2018. If the Department does not receive any pre-registered speakers by this date, the hearing will be cancelled.

Please note that any updates made to any aspect of the hearing, including whether or not a hearing will be held, will be posted online at <http://www.dep.pa.gov/About/Regional/NorthwestRegion/Community-Information/Pages/RACT-II.aspx>. Contact Melanie Williams at 814-332-6615 or monitor the Department's web site to determine if a hearing will be held.

Persons wishing to present testimony at the hearing should contact Melanie Williams at 814-332-6615 at least one week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to a maximum of 10 minutes per individual and two written copies of the oral testimony are requested. Each organization is requested to designate one witness to present testimony on its behalf. Persons unable to attend the hearing, if it is held, may submit three (3) copies of a written statement and exhibits within 10 days thereafter to Eric A. Gustafson, Environmental Program Manager, DEP Northwest Regional Office, 230 Chestnut St., Meadville, PA 16335.

Persons wishing to file a written protest or provide comments or additional information, which they believe should be considered prior to the issuance of a permit, may submit the information to Eric A. Gustafson, Environmental Program Manager, DEP Northwest Regional

Office, 230 Chestnut St., Meadville, PA 16335. A 30-day comment period from the October 27, 2018 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 permit 43-00272 and a concise statement regarding the relevancy of the information or objections to issuance of the permit or the proposed RACT II Plan.

All pertinent documents are available for public review between 8 a.m. and 4 p.m. at the DEP Northwest Regional Office, 230 Chestnut St., Meadville, PA 16335. Appointments for scheduling a review may be made by calling the Department at 814-332-6078.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should contact Melanie Williams at 814-332-6615 or the Pennsylvania AT&T Relay Service at 1-800-654-5984 (TDD) to discuss how the Department may accommodate your needs.

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

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

OP16-000036: Philadelphia Department Prisons (8001 State Road, Philadelphia, PA 19136) for the operation of a correctional institution including 5 contiguous facilities (House of Correction (HOC), Detention Center (DC), Philadelphia Institutional Correctional Center (PICC), Curran-Fromhold Correctional Facility (CFCF), and Riverside Correctional Facility (RCF)) in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include fifty-eight (58) boilers and hot water heaters firing natural gas or No. 2 fuel oil each rated equal to or less than 14.7 MMBtu/hr, ten (10) emergency generators firing diesel fuel each rated equal to or less than 2,681 horsepower, one (1) spray booth for

applying finishes to wooden case goods, and one (1) chiller with non-selective catalytic reduction device firing natural gas and rated 365 horsepower.

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 Ave., Philadelphia, PA 19104. For further information, contact Edward Wiener (215) 685-9426.

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

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.

23-00027: 3M Company (50 Milton Dr, Aston, PA 19014-2217), for a renewal of a State Only, Synthetic Minor Operating Permit in Chester Township, **Delaware County** as well as a minor operating permit modification. The facility operates a Free Flow System, a Central Vacuum/Milling System and a Plastic Processing System. The site's primary manufacturing consists of custom compounding of purchased resins. This proposed renewal of the Operating Permit does not authorize any increase in air emissions of regulated pollutants above previously approved levels. The facility will maintain its VOC facility wide limit of 10 tons per year. The minor modifications made to this permit include: 1) the removal for testing to demonstrate compliance with the PM removal efficiency and 2) a modification of the allowable pressure drop range across the baghouse filters for Source ID 104. The permit includes 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.

06-03055: Oley Valley Animal Clinic, Ltd. (P.O. Box 109, 900 Blandon Road, Blandon, PA 19547-0109) to issue a State-Only Operating Permit for the operation of an animal crematory in Ruscombmanor Township, **Berks County**. Potential emissions from the crematory are estimated to be 0.1 tpy of PM₁₀, 0.7 tpy of CO, 1.2 tpy of NO_x, and 0.1 tpy of VOCs. The Operating Permit will include emission limits and work practice standards along with monitoring and recordkeeping requirements to ensure the facility complies with the applicable air quality regulations.

67-05141: IWM International LLC (500 East Middle Street, Hanover, PA 17331) for the operation of a metal mesh manufacturing facility in Hanover Borough, **York County**. This is for renewal of the existing State-only permit. Potential air emissions are limited to less than 100 tpy PM, 100 tpy NO_x, 100 tpy CO, 50 tpy VOC, and 100 tpy SO₂. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

67-03043: Envirite of PA, Inc. (730 Vogelsong Road, York, PA 17404) for the operation of a waste treatment facility in City of York, **York County**. This is for renewal of the existing State-only permit. Potential air emissions from the facility are estimated at 9.12 tpy PM, 1.57 tpy VOC, 6.8 tpy HAP (acids), 1.6 tpy HAP (metals), and less than 1 tpy each of NO_x, SO₂, and CO. 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.

67-03151: Kenworthy Roth Funeral Home, Inc. (269 Frederick Street, Hanover, PA 17331) for a human crematory at the facility in Hanover Borough, **York County**. The facility has the following potential air emissions: 1.7 ton per year of CO, 2.1 tons per year of NO_x, 1.6 ton per year of PM, 0.7 ton per year of SO₂, and 0.15 ton per year 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.

67-05015: Topflight Corp. (277 Commerce Drive, Glen Rock, PA 17327) for the operation of a commercial printing facility in Springfield Township, **York County**. This is for renewal of the existing State-only permit. Potential air emissions from the facility are estimated at 0.1 tpy PM, 1.4 tpy NO_x, 1.2 tpy CO, 10.4 tpy total HAPs and less than 50 tpy VOC, 1 tpy SO₂ and 10 tpy any individual HAP. 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.

01-05043: Tucker Liquid Industrial Coating, Inc. (407 North Avenue, East Berlin, PA 17316) to issue a State Only Operating Permit for two (2) conveyor painting lines, one (1) overhead carry painting lines, two (2) spray booths, a cure oven, and one (1) enclosed truck booth at their facility in East Berlin Borough, **Adams County**. The actual annual emissions based on 2017 data were approximately 9.1 tons of VOC and 1.7 ton of HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

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

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

20-00130: Meadville Forging Company, (P.O. Box 459, 15309 Baldwin Street Extension, Meadville, PA 16335-0459), the Department intends to issue the renewal of the Natural Minor State-Only Operating Permit to a

facility which manufactures closed-die forged products. The company provides engineering and design services, die making and forging, as well as heat treating and machining, located in the City of Meadville, **Crawford County**. The primary sources at the facility are natural gas fueled space heating, an endo generator, forging presses, heat treating equipment, die rooms, parts washers, parts preheaters, shot blasters, facility roads, emergency generators and steel yard production saws. Potential emissions for the site are below Title V permitting thresholds for all criteria pollutants and have been estimated as follows: SO_x, 0.022 ton per year (tpy); PM₁₀, 0.994 tpy; NO_x, 1.632 tpy, VOC, 20.999 tpy. The permit contains emission restrictions, along with monitoring, recordkeeping, reporting, work practice and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

42-00147: W.R. Case & Sons Cutlery Company, (50 Owens Way, P.O. Box 4000, Bradford, PA 16701-3749), the Department intends to issue the renewal of the Natural Minor State-Only Operating Permit to a facility which manufactures knife blades and handles, located in Bradford Township, **McKean County**. The primary sources at the facility are miscellaneous natural gas fueled space heating units, a hafting department, finishing and repair departments, a cover line department, an emergency generator, parts cleaners, a manual cover line and CNC Cover Department and an ultrasonic cleaning line. Potential emissions for the site are below Title V permitting thresholds for all criteria pollutants. The permit contains emission and operating hour restrictions, along with monitoring, recordkeeping, work practice and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

42-00223: Tennessee Gas Pipeline Company Station 310 (1001 Louisiana Street, Suite 1000, Houston, TX 77002-5089). The Department intends to issue a renewal of the Natural Minor Operating Permit for a natural gas transmission station located in Sergeant Township, **McKean County**. The facility's primary emission sources include a 16,000 hp combustion turbine, a 570 hp emergency natural gas engine, miscellaneous natural gas fired sources and minor fugitive emissions. The turbine is subject to 40 CFR 60 Subpart KKKK pertaining to the NSPS for Stationary Combustion Turbines. The emergency engine is subject to 40 CFR 60 Subpart JJJJ pertaining to the Standards of Performance for Stationary Spark Ignition Internal Combustion Engines. The potential emissions from the facility are 31 TPY NO_x; 67 TPY CO; 5 TPY VOC; 2 TPY SO_x; 4 TPY PM₁₀; 2 TPY formaldehyde; 2 TPY HAPs; and 73,167 TPY GHG CO₂e.

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

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

OP17-000028: Jefferson Torresdale Hospital, Previously known as ARIA Torresdal Hospital, located at 10800 Knights Road, Philadelphia, PA 19114. The facility's air emission source includes two boilers each 10.5 MMBtu/hr firing natural gas and No. 2 fuel oil, two boilers each 8.4 MMBtu/hr firing natural gas and No. 2 fuel oil, eight small boilers each less than 2.5 MMBtu/hr firing natural gas, one 1,000 Kw diesel emergency generator, one 889 Kw diesel emergency generator, one 400 Kw diesel emergency generator, one Combined Heat and Power (CHP) with Oxidation Catalyst rated 1573 HP firing natural gas, and a small Ethylene Oxide Sterilizer.

The facility also submitted a change of ownership application and AMS will administratively amend the facility's operating permit to incorporate a change of ownership from ARIA Torresdale Hospital to Jefferson Torresdale Hospital.

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.

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

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

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

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

A request for an informal conference or a public hearing, as applicable, on a mining permit application, as

provided by 25 Pa. Code § 77.123 or § 86.34, must contain the name, address and telephone number of the requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

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

Coal Applications Received

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

17941601 and NPDES No. PA0215708. Forcey Coal, Inc., (475 Banion Road, Madera, PA 16661). To revise the permit for the Tipple Operation in Bigler Township, **Clearfield County** and related NPDES permit for final bond release. No additional discharges. The application was considered administratively complete on October 4, 2018. Application received: October 4, 2018.

30921601 and NPDES No. PA0214060. Contura Freeport, LLC, (158 Portal Road, P.O. Box 1020, Waynesburg, PA 15370). To renew the permit for the Freeport Surface Facilities in Jefferson Township, **Greene County** and related NPDES permit. No additional discharges. The application was considered administratively complete on October 12, 2018. Application received March 28, 2018.

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

03030102 and NPDES Permit No. PA0250350. Bedrock Mines, LP (111 Freeport Road, Pittsburgh, PA 15215). Renewal application for continued mining to an existing bituminous surface mine, located in Sugarcreek and East Franklin Townships, **Armstrong County**, affecting 256.5 acres. Receiving streams: unnamed tribu-

tary to Long Run, to Long Run, to Patterson Creek, to Buffalo Creek, and to the Allegheny River, classified for the following use: TSF. Creekside Mushroom, Ltd. is the potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: October 11, 2018.

Noncoal Applications Returned

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

32164-37180402-E-1. Shenango Limestone & Storage Co., LLC (10900 South Avenue, P.O. Box 217, North Lima, OH 44452). Application for a stream encroachment to conduct mining activities within 100 feet of McKee Run in Shenango Township, **Lawrence County**. Receiving streams: Unnamed tributary to McKee Run, McKee Run, and Beaver River, both classified for the following uses: WWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: June 21, 2018. Application withdrawn: October 4, 2018.

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

On or about December 13, 2017, the Department issued Non-Coal Surface Mining Permit No. 16150302 to Amerikohl Aggregates, Inc. That permit included a Non-Coal Authorization to Mine, Number 22807-16150302-01; an NPDES Permit No. PA0259691; and Blasting Approval. The Permits were appealed to the Environmental Hearing Board by LeRoy Best. On or about September 20, 2018, Amerikohl Aggregates, Inc. withdrew its Permits. The Department acknowledged that withdrawal by letter of September 26, 2018, stating the Permits in question were void as a result of the withdrawal. On or about October 2, 2018, Mr. Best withdrew his appeal from the Environmental Hearing Board.

Noncoal Applications Received

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

Table 2

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

* The parameter is applicable at all times.

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

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

Permit No. 11130301 and NPDES No. PA0269255, New Enterprise Stone & Lime Co., Inc., P.O. Box 77, New Enterprise, PA 16664, transfer of an existing large noncoal (industrial minerals) mine from Laurel Sand & Stone, Inc., P.O. Box 556, Ligonier, PA 15658, located in Jackson Township, **Cambria County**, affecting 57.0 acres. Receiving stream: unnamed tributary to Bracken Run classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: October 4, 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

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

NPDES No. PA0023370 (Mining Permit No. 02733702), Consol Mining Company, LLC, (CNX Center, 1000 Consol Energy Drive, Canonsburg, PA 14317). A renewal to the NPDES permit for the Renton Refuse Area in Plum Township, **Allegheny County**. Outfall 002 is being deleted. Receiving stream: Little Plum Creek, classified for the following use: WWF. Plumcreek Watershed TMDL. The application was considered administratively complete on July 29, 2015. Application received: May 29, 2014.

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

Outfall 001 discharges to: Little Plum Creek

The proposed effluent limits for Outfall 001 (Lat: 40° 30' 25" Long: -79° 43' 42") are:

Parameter		Minimum	30-Day Average	Daily Maximum	Instant. Maximum
Flow	(mgd)	-	-	-	Report
Iron	(mg/l)	-	3.0	6.0	7.0
Suspended Solids	(mg/l)	-	35	70	90
Manganese	(mg/l)	-	2.0	4.0	5.0
Aluminum	(mg/l)	-	-	-	Report
Sulfate	(mg/l)	-	-	-	Report
Total Dissolved Solids	(mg/l)	-	-	-	Report
Chloride	(mg/l)	-	-	-	Report
Bromide	(mg/l)	-	-	-	Report
pH	(mg/l)	6.0	-	-	9.0
Alkalinity, Total as CaCO ₃	(mg/l)	-	-	-	Report
Acidity, Total as CaCO	(mg/l)	-	-	-	Report
Alkalinity, Net	(mg/l)	0.0	-	-	-
Osmotic Pressure	(mOs/kg)	-	-	-	Report

EPA Waiver is not in effect.

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

NPDES No. PA0258555 (Permit No. 24080101). RES Coal, LLC (224 Grange Hall Road, P.O. Box 228, Armagh, PA 15920) Renewal of an existing NPDES permit for a bituminous surface mine in Fox Township, **Elk County**, affecting 225.0 acres. Receiving streams: Unnamed tributaries to Kyler Run and Kyler Run, classified for the following uses: CWF. TMDL: Little Toby Creek. Application received: August 27, 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 unnamed tributary to Kyler Run and Kyler Run:

Outfall No.	New Outfall (Y/N)
E	N
F	N
G	N
H	N

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
Alkalinity greater than acidity ¹				
¹ The parameter is applicable at all times.				
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		2.0	4.0	5.0
Aluminum (mg/l)		0.75	0.75	0.75
Total Suspended Solids (mg/l)		35.0	70.0	90.0
Osmotic Pressure (milliosmoles/kg)				50.0

The following outfall(s) discharge to unnamed tributary to Kyler Run and Kyler Run:

Outfall No.	New Outfall (Y/N)
SPA	N
SPB	N
SPC	N
SPD	N

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Alkalinity greater than acidity ¹				
¹ The parameter is applicable at all times.				
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		2.0	4.0	5.0
Aluminum (mg/l)		0.75	0.75	0.75
Total Suspended Solids (mg/l)		35.0	70.0	90.0
Osmotic Pressure (milliosmoles/kg)				50.0

Noncoal NPDES Draft Permits

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

NPDES No. PA0280607 (Permit No. 37180402). Shenango Limestone & Storage Co., LLC (10900 South Avenue, P.O. Box 217, North Lima, OH 44452) New NPDES permit for a large industrial minerals deep mine in Shenango Township, **Lawrence County**, affecting 212.0 acres. Receiving streams: Unnamed tributary to McKee Run, classified for the following uses: WWF. TMDL: None. Application received: June 21, 2018.

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

The following outfall(s) discharge to unnamed tributary to McKee Run:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TP1	Y

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Alkalinity greater than acidity ¹				
¹ The parameter is applicable at all times.				
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		2.0	4.0	5.0
Total Suspended Solids (mg/l)		35.0	70.0	90.0

The following outfall(s) discharge to unnamed tributary to McKee Run:

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

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Alkalinity greater than acidity ¹				
¹ The parameter is applicable at all times.				
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		2.0	4.0	5.0
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, draw-

ings 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.

E02-1772, Pennsylvania Department of Transportation, Engineering District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017, Wilkins Township, **Allegheny County**; Pittsburgh ACOE District.

The applicant proposes to:

Remove the existing 31.5' wide SR2152 bridge with a minimum underclearance of 9'8" carrying Chalfant Run (WWF) having a drainage area of 3.8 square miles; construct and maintain a replacement 80' long 18' by 9' box culvert in the same location. In addition, temporarily impact 175' of Chalfant Run for the purpose of constructing these encroachments. Mitigation will occur onsite.

This project is located on SR 2152 (Rodi Road), just south of Business Route 22 (William Penn Highway) (Braddock, PA Quadrangle; Latitude: 40° 25' 59.38"; Longitude: -79° 49' 14.94"; Sub-basin 19A; USACE Pittsburgh District) in Wilkins Township, Allegheny County.

E04-374, Borough of Rochester, 305 Adams Street, Rochester, PA 15074, Rochester Borough, **Beaver County**; Pittsburgh ACOE District.

The applicant proposes to:

Place fill in 0.60-acre of floodplain in accordance with 25 Pa. Code Chapter 106 for the purposes of building a maintenance building. The project is located off Water Street in Rochester, PA (Beaver, PA USGS topographic quadrangle; N: 40°, 41', 55"; W: -80°, 17', 02"; Sub-basin 20G; USACE Pittsburgh District), in Rochester Borough, Beaver County. Due to the project nature, mitigation is not proposed.

ENVIRONMENTAL ASSESSMENTS

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

EA43-050, City of Hermitage, 800 North Hermitage Road, Hermitage, PA 16148. Bobby Run Stream Restoration Project, in Hermitage City, **Mercer County**, ACOE Pittsburgh District (Sharon East, PA Quadrangle N: 41°, 12', 9"; W: -80°, 27', 28").

The City of Hermitage is proposing to complete approximately 1,900 linear feet of Stream Restoration to Bobby Run. The project will consist of stabilizing eroding banks, creating additional floodplain areas, and construction and installation of rock, wood, and soil bank protection structures to manage flow energy and prevent scour within the stream channel. The project will be covered under a waiver 16.

ACTIONS

THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

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

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

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

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to

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

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

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

I. NPDES Renewal Permit Actions.

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0036765 (Sewage)	Tunkhannock Hospital Co. Tyler Memorial 5950 State Route 6 Tunkhannock, PA 18657-7905	Wyoming County Tunkhannock Township	Unnamed Tributary to Tagues Creek (4-G)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0246654 SEW	Centre Twp Muni Auth Hillcrest STP 449 Bucks Hill Road Mohrsville, PA 19541	Berks County Centre Township	Maidencreek—3B	Y
PA0087581 SEW	Centre Twp Muni Auth Jordan Crossing STP 449 Bucks Hill Road Mohrsville, PA 19541	Berks County Centre Township	UNT Irish Creek—3B	Y
PA0086771 SEW	Centre Twp Muni Auth Dauberville STP 449 Bucks Hill Road Mohrsville, PA 19541	Berks County Centre Township	Irish Creek—3B	Y
PA0083721 SEW	JAM 1124, LP Paradise Homes Community 1045 Lake Road Spring Grove, PA 17326	York County Paradise Township	Beaver Creek—7F	Y
PA0261254 SEW	Timothy F. Logue 3256 Beans Cove Road Clearville, PA 15535	Bedford County Southampton Township	Wildcat Run—13A	Y
PA0082007 SEW	Kimberly A. Browell 6827 Bedford Valley Road Bedford, PA 15522	Bedford County Cumberland Valley Township	Sand Spring Run—13A	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0228966 (Sewage)	Lake Bonin 1703 Bonin Road Rome, PA 18837-7728	Bradford County Orwell Township	Unnamed Tributary to Jerome Creek (4-D)	Yes
PAS224801 (Storm Water)	Patterson Lumber Manufacturing 34 Fellows Avenue P.O. Box 57 Wellsboro, PA 16901-1222	Potter County West Branch Township	West Branch Pine Creek and Unnamed Tributary to West Branch Pine Creek (9-A)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address County &</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0103713 Industrial Waste	Scrubgrass Generating Company L.P. 2151 Lisbon Road Kennerdell, PA 16374	Venango County Scrubgrass Township	Falling Spring Run, Unnamed tributary to the Allegheny River and Allegheny River (16-G)	Y
PA0035513 Sewage	PA DOT Rest Area E P.O. Box 3060 Harrisburg, PA 17105-3060	Mercer County Shenango Township	Unnamed Tributary to Shenango River (20-A)	Y
PA0103861 Sewage	Zoccoli MHP 2575 Ben Franklin Highway Edinburg, PA 16116	Lawrence County Mahoning Township	Unnamed Tributary to Shenango River (20-A)	Y

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

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

WQM Permit No. 4618409, Sewage, **Berks Montgomery Municipal Authority**, 136 Municipal Drive, P.O. Box 370, Gilbertville, PA 19525-9463.

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

Description of Action/Activity: Increasing the size of sewer main from 8 inches to 12 inches.

WQM Permit No. WQG02231809, Sewage, **Marple Township**, 227 S. Sproul Road, Broomall, PA 19083.

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

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

WQM Permit No. 4602408, Sewage, Amendment, **Towamencin Municipal Authority**, 2225 Kriebel Road, Lansdale, PA 19446.

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

Description of Action/Activity: Phosphorus removal and chemical treatment us PACL 300.

WQM Permit No. 4618407, Sewage, **Pottstown Borough Authority**, 100 East High Street, Pottstown, PA 17464.

This proposed facility is located in Pottstown Borough, **Montgomery County**.

Description of Action/Activity: Construction of 2 mechanical fine screen, 1 by-pass with manual bar screen and removal of the existing communitors & manual bar screen.

WQM Permit No. 1517404, Sewage, **Northwestern Chester County Municipal Authority**, 5277 Horseshoe Pike, P.O. Box 308, Honey Brook, PA 19344-0308.

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

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

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. 4796402 A-1, Sewage, SIC Code 4952, **Liberty Township Montour County**, 123 Mooresburg Road, Danville, PA 17821-7038.

This existing facility is located in Liberty Township, **Montour County**.

Description of Proposed Action/Activity: Installation of a chemical addition feed system for phosphorus removal.

IV. NPDES Stormwater Discharges from MS4 Permit Actions.

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

<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>
PAI130506	Solebury Township P.O. Box 139 Solebury, PA 18963-0139	Solebury Township, Bucks County	Lahaska Creek, Unnamed Tributary to Paunacussing Creek, and Aquetong Creek/CWF, HQ-CWF, and MF	N	N

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD150070	LLCP Paoli Station, LLC c/o Linden Lane Capital Partners 121 South Broad Street Philadelphia, PA 19107	Chester	Tredyffrin Township	Little Valley Creek EV-MF
PAD150023	Executive Land Holdings, L.P. 721 Old State Road Berwyn, PA 19312	Chester	Upper Uwchlan Township	Pickering Creek HQ-TSF-MF
PAD510010	Department of Planning and Environmental Stewardship City of Philadelphia, Division of Aviation (DOA) Philadelphia International Airport Terminal D, Third Floor Philadelphia, PA 19153	Philadelphia	City of Philadelphia	Poquessing Creek WWF-MF
PAD090019	MacIntosh Homes, LLC 602 East Broad Street Souderton, PA 18964	Bucks	Milford Township	Unnamed Tributary to Unami Creek HQ-TSF-MF

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>
PAD350009	Exeter 100 First, LLC 101 West Elm Street Suite 600 Conshohocken, PA 19428	Lackawanna	Covington Township	Tamarack Creek (EV, MF) Meadow Brook (EV, 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>
PAD390086	Realty World—Breisch 4205 West Tilghman Street Allentown, PA 18104	Lehigh	Macungie Borough	Little Lehigh Creek—HQ-CWF, MF
PAD390045	Jaindl Land Company 3150 Coffeetown Road Orefield, PA 18069	Lehigh	Upper Macungie Township	Hassen Creek (HQ-CWF, MF) UNT to Hassen Creek (HQ-CWF, MF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD450017	Brodhead Creek Regional Authority 410 Mill Creek Road East Stroudsburg, PA 18301	Monroe	Pocono Township	Pocono Creek (HQ-CWF, MF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD060020 Issued	Mid-Atlantic Interstate Transmission (MAIT) 2800 Pottsville Pike P.O. Box 16001 Reading, PA 19612	Berks	Brecknock & Cumru Townships	Little Muddy Creek (TSF, MF) Wyomissing Creek (HQ-CWF, MF) Angelica Creek (CWF, MF) Allegheny Creek (CWF, MF) Schuylkill River (WWF, MF)
PAD210020 Issued	Versus Partners, LLC 100 South Wacker Drive Suite 850 Chicago, IL 60606	Cumberland	West Pennsboro Township	Mount Rock Spring Creek (WWF, MF) Conodoguinet Creek (WWF, MF)

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

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

List of NPDES and/or Other General Permit Types.

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

General Permit Type—PAG-02

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

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Lower Southampton Township Bucks County	PAC090163	Pike Road, LLC 18 Lawson Drive Huntingdon Valley, PA 19006-1607	Unnamed Tributary to Poquessing Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Tinicum Township Bucks County	PAC090193	Diane Smith 5750 Lower Mountain Road New Hope, PA 18938-9471	Swamp Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Warminster Township Bucks County	PAC090189	Patagon Storage, LLC 786 Redford Drive Provo, UT 84604	Unnamed Tributary to Blair Mill Run TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAC510080	The School District of Philadelphia 440 North Broad Street Philadelphia, PA 19130	Schuylkill River WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAC510082	Red Lion MZL, LP 7200 Wisconsin Avenue Bethesda, MD 20814-4811	Poquessing Creek WW-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAC510078	3501 Island Ave Acquisition, LLC 100 Bayview Place No. 3500 Newport Beach, CA 92660-2900	Schuylkill River WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Middletown Township Delaware County	PAC230078	Walsh Construction Company II 300 South Pernell Road Suite 610 Media, PA 19063	Chester Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Darby Township Delaware County	PAC230070	BET Investments, Inc. 200 Dryden Road Suite 2000 Dresher, PA 19025-1048	Muckinipattis Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

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

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

NPDES

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
PAC400091	Municipality of Kingston Paul Keating 500 Wyoming Ave Kingston, PA 18704-3681	Luzerne	Kingston Boro	Susquehanna River (WWF, MF)

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

NPDES

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
PAC540037	William Willard Schuylkill County Airport Auth 240 Airport Rd Pottsville, PA 17901	Schuylkill	Barry Twp Foster Twp	Deep Creek (CWF, MF) Hans Yost 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>
PAC060151	Steven Davidson Reading Behavioral Healthcare LLC 6100 Tower Circle # 1000 Franklin, TN 37067	Tulpehocken Creek (WWF, MF)	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 610.372.4657
PAC060168	Jay Tornetta 422 Properties LP 910 Germantown Pike Plymouth Meeting, PA 19462	Leaf Creek (WWF)	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 610.372.4657

NOTICES

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<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
North Middleton Township Cumberland County Issued	PAC210101	Gettys Ventures Family Limited Partnership 1950 Chestnut Court Camp Hill, PA 17011	Wertz Run (WWF)	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013-9101 717.240.7812
Monroe Township Cumberland County Issued	PAC210070	Williams Grove Historical Steam Engine Association 1 Steam Engine Hill Road Mechanicsburg, PA 17055	Yellow Breeches Creek (CWF)	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013-9101 717.240.7812
Mechanicsburg Borough Cumberland County Issued	PAC210088	Mechanicsburg Borough 36 West Allen Street Mechanicsburg, PA 17055	Trindle Spring Run (CWF, MF)	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013-9101 717.240.7812
Silver Spring Township Cumberland County Issued	PAC210098	Flynn Group 5006 Trindle Road Suite 100 Mechanicsburg, PA 17050	UNT Conodoguinet Creek (WWF)	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013-9101 717.240.7812
Derry Township Dauphin County Issued	PAC220052	PA State University Office of Physical Plant 106 Physical Plant Building University Park, PA 16802-1118	UNTs Swatara Creek (WWF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
Susquehanna Township Dauphin County Issued	PAC220115	Cherry Orchard Place, LLC 501 Mohn Street Harrisburg, PA 17113 and Vartan Group 3605 Vartan Way Suite 301 Harrisburg, PA 17110	Paxton Creek (WWF, MF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
West Hempfield Township Lancaster County Issued	PAC360301	JNJM Properties LLC 1820 Franklin Road Columbia, PA 17512	North Branch of Strickler Run (WWF, MF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
Ephrata Township Lancaster County Issued	PAC360182	Property Investing & Management Inc. 341 Clay School Road Ephrata, PA 17522	UNT Conestoga River (WWF, MF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
East Hempfield Township Lancaster County Issued	PAC360319	Lititz Pike Associates LP 1254 Lititz Pike Lancaster, PA 17601	Brubaker Run (WWF, MF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
Upper Leacock Township Lancaster County Issued	PAC360303	Horseshoe Real Estate LP 2548 Horseshoe Road Lancaster, PA 17601	UNT Mill Creek (CWF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
West Cocalico Township Lancaster County Issued	PAC360235	James Ulrich 244 Pine View Drive Denver, PA 17517	Trib 07723 Little Cocalico Creek (TSF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
Millersville Borough Lancaster County Issued	PAC360287	Penn Manor School District P.O. Box 1001 Millersville, PA 17551	Conestoga River (WWF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
Ephrata Township Lancaster County Issued	PAC360307	501 Alexander Drive, LLC 501 Alexander Drive Ephrata, PA 17522	Cocalico Creek (WWF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
Leacock Township Lancaster County Issued	PAC360262	Smucker Associates, LP 2727 Old Philadelphia Pike Bird-In-Hand, PA 17505	Mill Creek (WWF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
Rapho Township Lancaster County Issued	PAC360314	KRM Ventures LP 1831 Auction Road Manheim, PA 17545	Chickies Creek (WWF, MF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
West Lampeter Township Lancaster County Issued	PAC360264	West Lampeter Township 852 Village Road Lampeter, PA 17537	UNT Big Spring Run (WWF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
South Lebanon Township Lebanon County Issued	PAC380086	Jeffrey Zuck 135 Fox Road Lebanon, PA 17042	Quittapahilla Creek (TSF, MF)	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 717.277.5275
Millcreek Township Lebanon County Issued	PAC380084	H. Wayne Klekamp II 905 16th Place, Unit A Vero Beach, FL 32960	Furnace Creek (CWF)	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 717.277.5275
York Township York County Issued	PAC670214	Jeffrey L Henry Inc. 2845 Springwood Road Red Lion, PA 17356	Mill Creek (WWF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717.840.7430
Manheim Township York County Issued	PAC670192	David F. & Elsie K. Stoltzfus 65 Hess Road Quarryville, PA 17566	Gunpowder Falls (WWF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717.840.7430
York Township York County Issued	PAC670204	Thomas Weaver 45912 Patuxent Lane California, MD 20619	Barshinger Creek (CWF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717.840.7430

*Facility Location:
Municipality &
County**Permit No.**Applicant Name &
Address**Receiving
Water/Use**Contact Office &
Phone No.*Newberry Township
York County
Issued

PAC670208

Hopewell Management
LP
200 Bailey Drive
Suite 202
Stewartstown, PA 17363Susquehanna River
(WWF)York County
Conservation District
118 Pleasant Acres Road
York, PA 17402
717.840.7430*Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701.**Facility Location &
Municipality**Permit No.**Applicant Name &
Address**Receiving
Water/Use**Contact Office &
Phone No.*Muncy Township
279 US Hwy. 220
Muncy, PA 17756

PAC410032

Amy E. Phillips
279 US Hwy. 220
Muncy, PA 17756Carpenters Run
WWFLycoming County
Conservation District
542 County Farm Rd
Ste 202
Montoursville, PA 17754
(570) 433-3003City of Williamsport
245 West 4th Street
Williamsport, PA
17701

PAC410030

City of Williamsport
245 West 4th Street
Williamsport, PA 17701West Branch
Susquehanna River
WWFLycoming County
Conservation District
542 County Farm Rd
Ste 202
Montoursville, PA 17754
(570) 433-3003*Southwest Region: Waterways & Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222, Dana Drake,
Waterways and Wetlands Program Manager, 412-442-4000.**Facility Location
and Municipality**Permit No.**Applicant Name and
Address**Receiving
Water/Use**Contact Office and
Phone No.*

Leetsdale Borough

PAC020149

Chapman Business
Properties, LP
100 Leetsdale Industrial
Drive
Leetsdale, PA 15056

Ohio River (WWF)

Allegheny County
Conservation District
River Walk Corporate
Centre
33 Terminal Way
Suite 325b
Pittsburgh, PA 15219
(412) 241-7645

Elizabeth Township

PAC020313

Elizabeth Township
522 Rock Run Road
Elizabeth, PA 15037Youghiogheny River
(WWF)Allegheny County
Conservation District
River Walk Corporate
Centre
33 Terminal Way
Suite 325b
Pittsburgh, PA 15219
(412) 241-7645North Fayette
Township

PAC020281

Pittsburgh Botanic
Garden
799 Pinkerton Run Road
Oakdale, PA 15071Robinson Run
(WWF)Allegheny County
Conservation District
River Walk Corporate
Centre
33 Terminal Way
Suite 325b
Pittsburgh, PA 15219
(412) 241-7645

Brentwood Borough

PAC020300

Trammell Crow Company
2800 Post Oak Boulevard
Suite 2300
Houston, TX 77004UNT to Sawmill Run
(WWF)Allegheny County
Conservation District
River Walk Corporate
Centre
33 Terminal Way
Suite 325b
Pittsburgh, PA 15219
(412) 241-7645

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office and Phone No.</i>
City of Pittsburgh	PAC020312	Lore PPA BKSQ3 Parcel D, LLC 5500 Walnut Street Suite 300 Pittsburgh, PA 15232	Allegheny River (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 (412) 241-7645
Stowe Township	PAC020057	Brooktrout Development, LLC 906 Grandview Avenue Pittsburgh, PA 15211	Ohio River (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 (412) 241-7645
Pine Township	PAC020298	BHI Land, LLC; Barrington Homes, LLC 514 Ridge Court Wexford, PA 15090	UNT to North Fork Pine Creek (CWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 (412) 241-7645
McCandless Township	PAC020304	Direct Supply Aptura 6767 North Industrial Road Milwaukee, WI 53223	Little Pine Creek (TSF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 (412) 241-7645
Pine Township	PAC020287	Trinity Place, LLC 109 Gateway Avenue Suite 202 Wexford, PA 15090	North Fork Pine Creek (CWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 (412) 241-7645
McCandless Township	PAC020307	Trammel Crow Company 2800 Post Oak Boulevard Suite 400 Houston, TX 77004	Little Pine Creek (TSF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 (412) 241-7645
Harmar Township	PAC020301	Trammel Crow Company 2800 Post Oak Boulevard Suite 2300 Houston, TX 77004	Guys Run (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 (412) 241-7645
South Park Township	PAC020217	Montour Trail Council 304 Hickman Street Suite 3 Bridgeville, PA 15017	Piney Fork Creek (TSF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 (412) 241-7645

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<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Phone No.</i>
Robinson Township	PAC020323	Providence Presbyterian Church 77 Phillips Lane McKeesport, PA 15136	Montour Run (TSF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 (412) 241-7645
South Fayette Township	PAC020098	Bursca Frontgate, LP 3109 Washington Pike Bridgeville, PA 15017	Coal Run (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 (412) 241-7645
Findlay Township	PAC020270	Burgettstown Road Associates, LLC 100 Leetsdale Industrial Drive Leetsdale, PA 15056	St. Patrick Run (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 (412) 241-7645
Hampton Township	PAC020277	2330 Wildwood Road, LLC 11 Stanwix Street Suite 1202 Pittsburgh, PA 15222	Pine Creek (TSF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 (412) 241-7645
Robinson Township	PAC020296	Al. Neyer, Inc. 302 West Third Street Suite 800 Cincinnati, OH 45202	Chartiers Creek (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 (412) 241-7645
Plum Borough	PAC020322	Plum Property Associates, Inc. 375 Golfside Drive Wexford, PA 15090	Blacks Run (WWF); UNT to Plum Creek (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 (412) 241-7645
Neville Township	PAC020320	Neville Commons, LLC 6104 Grand Avenue Suite A Neville Township, PA 15225	Ohio River (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 (412) 241-7645
Ben Ayon Heights Borough	PAC020207	Shannopin Country Club 1 Windmere Road Pittsburgh, PA 15202	UNT to Spruce Run (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 (412) 241-7645

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Phone No.</i>
O'Hara Township	PAC020316	Howard Hanna 119 Gamma Drive Pittsburgh, PA 15238	UNT to Powers Run (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 (412) 241-7645
Jefferson Hills Borough	PAC020271	Maronda Homes, Inc. 11 Timberglen Drive Imperial, PA 15126	Lick Run (TSF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 (412) 241-7645
City of McKeesport	PAC020327	Auberle 2513 Fifth Avenue Pittsburgh, PA 15132	Lower Monongahela River (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 (412) 241-7645
Wilkins Township	PAC020317	BRP3, LLC 234 Riechold Road Wexford, PA 15090	Chalfant Run (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 (412) 241-7645
Big Beaver Borough	PAC040046	Tower Access Group 108 Forbes Court Suite 1 Richmond, KY 40475	Stockman Run (WWF)	Beaver County Conservation District 156 Cowpath Road Aliquippa, PA 15001 (724) 378-1701
Gallitzin Borough	PAC110044	Borough of Gallitzin 411 Convent Street Suite 10 Gallitzin, PA 16641	UNT to Bradley Run (CWF)	Cambria County Conservation District 401 Candlelight Drive Suite 229 Ebensburg, PA 15931 (814) 472-2120
Blacklick Township; Cambria Township; Nanty Glo Borough	PAC110045	Cambria County Conservation and Recreation Authority 401 Candlelight Drive Suite 240 Ebensburg, PA 15931	South Branch Blacklick Creek (CWF)	Cambria County Conservation District 401 Candlelight Drive Suite 229 Ebensburg, PA 15931 (814) 472-2120

General Permit Type—PAG-8

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
Philadelphia Biosolids Recycling Center 7800 Penrose Ferry Road Philadelphia, PA 19153	PAG080004	Philadelphia Water Department 1101 Market Street Suite 4 Philadelphia, PA 19107	Biosolids Recycling Center 7800 Penrose Ferry Road Philadelphia, PA 19153	Southeast Region Clean Water 484.250.5970

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
Cooper Township, Clearfield County	PAG084834	Cooper Township Municipal Authority P.O. Box 446 Winburne, PA 16879	Cooper Township Grassflat Wastewater Treatment Plant, Cooper Township, Clearfield County	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101 Williamsport, PA 17701-6448 570.327.0530
Cooper Township, Clearfield County	PAG084835	Cooper Township Municipal Authority P.O. Box 446 Winburne, PA 16879	Cooper Township Winburne Wastewater Treatment Plant, Cooper Township, Clearfield County	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101 Williamsport, PA 17701-6448 570.327.0530

General Permit Type—PAG-12

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Washington Township, York County	PAG123716	Laverne H Rohrer 118 Bentz Mill Road East Berlin, PA 17316	Watershed(s) 7-F	DEP—SCRO—CW 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707

General Permit Type—PAG-13

<i>Facility Location Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
East Lansdowne Borough Delaware County	PAG130124	East Lansdowne Borough Delaware County 155 Lexington Avenue East Lansdowne, PA 19050-2616	Cobbs Creek—3-G	DEP Southeast Regional Office Clean Water Program 2 E Main Street Norristown, PA 19401 484.250.5970
Red Hill Borough Montgomery County	PAG130164	Red Hill Borough Montgomery County 56 W. 4th Street Red Hill, PA 18076-1240	Perkiomen Creek— 3-E	DEP Southeast Regional Office Clean Water Program 2 E Main Street Norristown, PA 19401 484.250.5970
Kennedy Township Allegheny County	PAG136110	Kennedy Township 340 Forest Grove Road Coraopolis, PA 15108-3749	Unnamed Tributaries to Chartiers Creek Moon Run, and Ohio River 20-G and 20-F	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000
City of Uniontown Fayette County	PAG136305	City of Uniontown 20 North Gallatin Avenue Uniontown, PA 15401-3545	Redstone Creek Coal Lick Run 19-C	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 sec-

tion 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. 4618515, Public Water Supply.

Applicant	PA American Water Company 800 West Hershey Park Drive Hershey, PA 17033
Township	Norristown
County	Montgomery
Type of Facility	PWS
Consulting Engineer	PA American Water Company 800 West Hershey Park Drive Hershey, PA 17033
Permit to Construct Issued	October 9, 2018

Permit No. 1518517, Public Water Supply.

Applicant	Tel Hai Retirement Community 1200 Tel Hai Circle P.O. Box 190 Honey Brook, PA 19344
Township	Honey Brook
County	Chester
Type of Facility	PWS
Consulting Engineer	Whitehill Consulting Engineers 763 Conowingo Road Quarryville, PA 17566
Permit to Construct Issued	October 16, 2018

Operations Permit # 1517528 issued to: **Aqua Pennsylvania, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010, **PWS ID # 1150089**, West Bradford Township, **Chester County** on October 10, 2018 for the operation of two 50-gallon booster pumps and one 339-gallon booster pump at the Embreeville Booster Pumping Station facilities approved under construction permit # 1517528.

Operations Permit # 4618511 issued to **Aqua Pennsylvania, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010, **PWS ID # 1460073**, Multiple Municipalities, **Bucks, Chester, Delaware, and Montgomery County**

on October 11, 2018 for the operations of bulk water hauling trucks approved under construction permit # 4618511.

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

Permit No. 2580023-E1, Operation Permit, Public Water Supply.

Applicant	Pennsylvania-American Water Company (Montrose Water System) 800 West Hershey Park Drive Hershey, PA 17033
Municipality	Bridgewater Township
County	Susquehanna
Type of Facility	Public Water Supply
Consulting Engineer	Bruce A. Brubaker, P.E. Pennsylvania American Water 852 Wesley Drive Mechanicsburg, PA 17055
Permit to Operate Issued	September 12, 2018

Permit No. 2640032, Operation Permit, Public Water Supply.

Applicant	Aqua Pennsylvania, Inc. (Waymart Water System) 1775 Main Street Honesdale, PA 18431
Municipality	Waymart Borough
County	Wayne
Type of Facility	Public Water Supply
Consulting Engineer	Michael E. Bisignani, P.E. GHD 326 East 2nd Street Bloomsburg, PA 17815
Permit to Operate Issued	October 2, 2018

Permit No. 5418506MA, Minor Amendment, Public Water Supply.

Applicant	UMH Properties, Inc. (Frieden Manor MHC) 150 Clay Street Suite 450 Morgantown, WV 26501
Municipality	Wayne Township
County	Schuylkill
Type of Facility	Public Water Supply
Consulting Engineer	Jeffrey V. Yorick, P.E. UMH Properties, Inc. 150 Clay Street Suite 450 Morgantown, WV 26501
Permit to Construct Issued	October 2, 2018

Permit No. 5218506MA, Minor Amendment, Public Water Supply.

Applicant	Pennsylvania American Water Company (Saw Creek Water System) 800 West Hershey Park Drive Hershey, PA 17033
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Municipality Lehman Township
 County **Pike**
 Type of Facility Public Water Supply
 Consulting Engineer Jeremy A. Nelson, P.E.
 Pennsylvania American Water
 Company
 2699 Stafford Avenue
 Scranton, PA 18505
 Permit to Construct October 4, 2018
 Issued

Permit No. 4018522MA, Minor Amendment, Public Water Supply.

Applicant **SUEZ Water Pennsylvania**
 (Dallas Water System)
 4211 East Park Circle
 Harrisburg, PA 17111

Municipality Dallas Township
 County **Luzerne**
 Type of Facility Public Water Supply
 Consulting Engineer Steven M. Metzler, P.E.
 SUEZ Water Pennsylvania
 4211 East Park Circle
 Harrisburg, PA 17111

Permit to Construct October 4, 2018
 Issued

Permit No. 4818502, Public Water Supply.

Applicant **Hickory Hills MHC, LLC**
 121 Hickory Hills Drive
 Bath, PA 18014

Municipality Moore Township
 County **Northampton**
 Type of Facility Public Water Supply
 Consulting Engineer Charles L. Myers, P.E.
 Barry Isett Associates
 84 South Route 100
 Allentown, PA 18106

Permit to Construct October 9, 2018
 Issued

Permit No. 4018517, PWS Construction Permit, Public Water Supply.

Applicant **Hazle Water Depot LLC**
 3 N Cedar Street
 Hazelton, PA 18201

Municipality City of Hazleton
 County **Luzerne County**
 Responsible Official Mr. Robert Silfa
 Hazle Water Depot LLC
 3 N Cedar Street
 Hazelton, PA 18201

Type of Facility BVRB
 Consulting Engineer Mr. David L. Horst, P.E.
 Alfred Benesch & Co.
 One South Church St.
 Suite 300
 Hazelton, PA 18201

Permit Issued Date 10/01/2018

Permit No. 2409002, Public Water Supply.
 Applicant **PA American Water Company**
 800 W. Hershey Park Drive
 Hershey, PA 17033

[Township or Borough] Mocanaqua Borough,
Luzerne County
 Responsible Official Mr. David Kaufman
 Vice President-Engineering
 800 W. Hershey Park Drive
 Hershey, PA 17033

Type of Facility Public Water Supply
 Consulting Engineer Jeremy Nelson, P.E.,
 PA-American Water Co.
 852 Wesley Drive
 Mechanicsburg, PA 17055

Permit Issued 08/30/2018

Permit No. 3390065, Public Water Supply.

Applicant **South Whitehall Township Authority**
 444 Walbert Avenue
 Allentown, PA 18104

[Township or Borough] South Whitehall Township,
Lehigh County
 Responsible Official Pineda Peter, Authority Manager
 444 Walbert Avenue
 Allentown, PA 18104

Type of Facility PWS
 Consulting Engineer Darryl A. Jenkins, PE,
 Spotts, Stevens and McCoy
 1047 North Park Road
 Reading, PA 19610

Construction Permit 08/24/2018
 Issued

Permit No. 2400054, Public Water Supply.

Applicant **Borough of Freeland Municipal Authority**
 711 Birkbeck Street
 Freeland, PA 18224

[Township or Borough] Borough of Freeland,
Luzerne County
 Responsible Official Gerald Feissner, Chairman
 Borough of Freeland Municipal
 Authority
 711 Birkbeck Street
 Freeland, PA 18224

Type of Facility PWS
 Consulting Engineer Samantha Albert, PE
 Barton-Lawson Engineering
 613 Baltimore Drive
 Wilkes-Barre, PA 18702

Permit Issued Date 09/17/2018

Permit No. 3918503, Public Water Supply.

Applicant **City of Allentown**
 LCA Allentown Division
 641 S. 10th Street, 3rd Floor
 Allentown, PA 18103

[Borough or Township] City of Allentown
 County **Lehigh**

Type of Facility PWS

Consulting Engineer Craig Murray, PE
D'Huy Engineering, Inc.
One East Broad St.
Suite 300
Bethlehem, PA 18018

Permit to Construct 9/19/2018
Issued

Permit No. 3130054, Operations Permit, Public Water Supply.

Applicant **Aqua Pennsylvania, Inc.**
1 Aqua Way
White Haven, PA 18661

[Borough or Township] Kidder Twp.

County **Carbon**

Type of Facility PWS

Consulting Engineer Jonathan Morris, PE
GHD Inc.
320 E. Second St.
Bloomsburg, PA 17815

Permit to Operate 9/19/2018
Issued

Permit No. 3130044, Operations Permit, Public Water Supply.

Applicant **Jim Thorpe Borough**
101 East 10th Street
Jim Thorpe, PA 18229-2528

[Borough or Township] Jim Thorpe Borough

County **Carbon**

Type of Facility PWS

Consulting Engineer Mr. Donnell Duncan, PE
Utility Service Co Inc
1230 Peachtree St
Atlanta, GA 30309

Permit to Operate 9/20/2018
Issued

Permit No. 2451428, Operations Permit, Public Water Supply.

Applicant **RPM Realty Company**
Ray Price Motors Snyder'sville
505 Fawn Road
East Stroudsburg, PA 18301

[Borough or Township] Hamilton Township

County **Monroe**

Type of Facility PWS

Consulting Engineer Mr. Brick T. Linder, PE
Linder Engineering Inc.
2603 Route 390
Canadensis, PA 18325

Permit to Operate 9/20/2018
Issued

Permit No. 2400149-E1, Operations Permit, Public Water Supply.

Applicant **Aqua Pennsylvania, Inc.**
1 Aqua Way
White Haven, PA 18661

[Borough or Township] Dallas Township

County **Luzerne**

Type of Facility PWS

Consulting Engineer Mr. Peter Lusardi, PE
GHD
1240 N. Mountain Rd.
Harrisburg, PA 17112

Permit to Operate October 2, 2018
Issued

Permit No. 2400114, Operations Permit, Public Water Supply.

Applicant **Aqua Pennsylvania, Inc.**
1 Aqua Way
White Haven, PA 18661

[Borough or Township] Butler Township

County **Luzerne**

Type of Facility PWS

Consulting Engineer Mr. Jonathan Morris, PE
GHD, Inc.
326 East Second St.
Bloomsburg, PA 17815

Permit to Operate 9/12/2018
Issued

Permit No. 2580024, Operations Permit, Public Water Supply.

Applicant **Pennsylvania American Water Company**
800 W. Hershey Park Dr.
Hershey, PA 17033

[Borough or Township] Harmony Township

County **Susquehanna**

Type of Facility PWS

Consulting Engineer Mr. Richard C. Dudek, PE
Pennsylvania American Water Co
2699 Stafford Ave
Scranton, PA 18505

Permit to Operate October 1, 2018
Issued

Permit No. 4018519MA, Public Water Supply.

Applicant **PA American Water Company**
800 W. Hershey Park Drive
Hershey, PA 17033

[Township or Borough] West Wyoming Borough,
Luzerne County

Responsible Official Mr. David Kaufman
Vice President-Engineering
800 W. Hershey Park Drive
Hershey, PA 17033

Type of Facility Public Water Supply

Consulting Engineer Richard Dudek, P.E.
PA-American Water Co.
852 Wesley Drive
Mechanicsburg, PA 17055

Permit Issued 10/09/2018

Permit No. 2640018, Operation Permit, Public Water Supply.

Applicant **Aqua Pennsylvania, Inc.**
(Honesdale Water System)
1775 Main Street
Honesdale, PA 18431

Municipality Honesdale Borough and Texas Township

County **Wayne**

Type of Facility Public Water Supply

Consulting Engineer Michael E. Bisignani, P.E.
GHD
326 East 2nd Street
Bloomsburg, PA 17815

Permit to Operate Issued October 11, 2018

Permit No. 4518516MA, Minor Amendment, Public Water Supply.

Applicant **Exeter Blakeslee Lot 100 Land, LLC**
101 West Elm Street
Suite 600
Conshohocken, PA 19428

Municipality Tobyhanna Township

County **Monroe**

Type of Facility Public Water Supply

Consulting Engineer Christopher P. McDermott, P.E.
Reilly Associates
P.O. Box 667
411 Main Street
Suite 102 D
Stroudsburg, PA 18360

Permit to Construct Issued October 9, 2018

Permit No. 3518504, Public Water Supply.

Applicant **Mr. Terry Fitzsimmons, Owner**
Benton Springs, LLC
241 Brian Lane
Dalton, PA 18414

[Borough or Township] Benton Township

County **Lackawanna**

Type of Facility PWS

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

Permit to Construct Issued September 25, 2018

Permit No. 3130837, Operations Permit, Public Water Supply.

Applicant **Greater Hazleton Can Do, Inc.**
1 South Church Street
Suite 200
Hazleton, PA 18201

[Borough or Township] Banks Twp.

County **Carbon**

Type of Facility PWS

Consulting Engineer N/A

Permit to Operate Issued 10/10/2018

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

Permit No. 3618505, Minor Amendment, Public Water Supply.

Applicant **TKC CCXXXIV LLC**

Municipality Elizabeth Township

County **Lancaster**

Responsible Official Kenneth R. Beuley, Authorized Member
4500 Cameron Parkway
Suite 400
Charlotte, NC 28211

Type of Facility New Transient Noncommunity Water System consisting of one (1) groundwater well rated for 10 gpm, greensand filtration for Fe/Mn removal, anion exchange for nitrate treatment, GAC for MTBE removal as required by existing environmental covenant for the property, sodium hypochlorite disinfection with 4-log virus treatment capability.

Consulting Engineer Daniel S. Hershey, P.E.
Hershey Engineering, Inc
703 Woodcrest Avenue
Lititz, PA 17543

Permit to Construct Issued 10/5/2018

Operation Permit No. 2817505 issued to: **New Guilford Brethren in Christ Church (NGBIC) (PWS ID No. 7280302)**, Guilford Township, **Franklin County** on 10/15/2018 for facilities approved under Construction Permit No. 2817505.

Operation Permit No. 2817507 MA issued to: **Shipensburg Borough Authority (PWS ID No. 7210043)**, Southampton Township, **Franklin County** on 10/12/2018 for facilities approved under Construction Permit No. 2817507 MA.

Operation Permit No. 2117510 MA issued to: **Pennsylvania American Water Company (PWS ID No. 7210029)**, Silver Spring Township, **Cumberland County** on 10/15/2018 for facilities approved under Construction Permit No. 2117510 MA.

Operation Permit No. 0618504 issued to: **Borough of Kutztown (PWS ID No. 3060041)**, Kutztown Borough, **Berks County** on 10/15/2018 for facilities approved under Construction Permit No. 0618504.

Comprehensive Operation Permit No. 7220377 issued to: **Lower Dauphin School District (PWS ID No. 7220377)**, Conewago Township, **Dauphin County** on 10/11/2018 for the operation of facilities at Conewago Elementary School approved under Construction Permit No. 2218504 MA.

Comprehensive Operation Permit No. 7220015 issued to: **SUEZ Water Pennsylvania (PWS ID No.**

7220015), Susquehanna Township, **Dauphin County** on 10/15/2018 for the operation of facilities approved under Construction Permit No. 2218505 MA.

Comprehensive Operation Permit No. 7010019 issued to: **Gettysburg Municipal Authority (PWS ID No. 7010019)**, Gettysburg Borough, **Adams County** on 10/15/2018 for the operation of facilities approved under Construction Permit No. 0118502 MA.

Operation Permit No. 2118507 MA issued to: **Suez Water Pennsylvania Inc (PWS ID No. 7210027)**, Upper Allen Township, **Cumberland County** on 10/15/2018 for facilities approved under Construction Permit No. 2118507 MA.

Transferred Comprehensive Operation Permit No. 7360005 issued to: **Weaverland Valley Authority (PWS ID No. 7360005)**, East Earl Township, **Lancaster County** on 10/5/2018. Action is for a Change in Ownership for Weaverland Valley Authority—Blue Ball, Lancaster County for the operation of facilities previously issued to Blue Ball Water Authority.

Transferred Comprehensive Operation Permit No. 7360119 issued to: **Weaverland Valley Authority (PWS ID No. 7360119)**, Terre Hill Borough, **Lancaster County** on 10/5/2018. Action is for Weaverland Valley Authority—Terre Hill, Lancaster County for the operation of facilities previously issued to Terre Hill Borough.

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

Permit No. 0418527-E, Public Water Supply.

Applicant	Center Township Water Authority 224 Center Grange Road Aliquippa, PA 15001
[Borough or Township]	Center Township
County	Beaver
Type of Facility	Beaver Valley Mall Development waterline project
Consulting Engineer	Lennon Smith Souleret Engineering Inc. 846 Fourth Avenue Coraopolis, PA 15108
Permit to Construct Issued	October 2, 2018

Permit No. 3217514-A1, Public Water Supply.

Applicant	Indiana County Municipal Services Authority 602 Kolter Drive Indiana, PA 15701
[Borough or Township]	Armstrong Township
County	Indiana
Type of Facility	Earnest pump station
Consulting Engineer	Gibson-Thomas Engineering Co., Inc. 1004 Ligonier Street P.O. Box 853 Latrobe, PA 15650
Permit to Construct Issued	September 28, 2018

Permit No. 3218502, Public Water Supply.

Applicant	Pennsylvania American Water Company 800 West Hersheypark Drive Hershey, PA 17033
[Borough or Township]	White Township
County	Indiana
Type of Facility	PAC and polymer feed systems
Consulting Engineer	Pennsylvania American Water Company 800 West Hersheypark Drive Hershey, PA 17033
Permit to Construct Issued	September 28, 2018

Permit No. 0218514, Public Water Supply.

Applicant	Pennsylvania American Water Company 800 West Hersheypark Drive Hershey, PA 17033
[Borough or Township]	Lincoln Borough
County	Allegheny
Type of Facility	Lincoln Borough booster pump station
Consulting Engineer	Pennsylvania American Water Company 800 West Hersheypark Drive Hershey, PA 17033
Permit to Construct Issued	October 4, 2018

Operations Permit issued to: **Pittsburgh Water & Sewer Authority**, 1200 Penn Avenue, Pittsburgh, PA 15222, (**PWSID # 5020038**) City of Pittsburgh, **Allegheny County** on October 11, 2018 for the operation of facilities approved under Construction Permit # 0218505MA.

Operations Permit issued to: **Center Township Water**, 224 Center Grange Road, Aliquippa, PA 15001, (**PWSID # 5040007**) Potter Township, **Beaver County** on October 4, 2018 for the operation of facilities approved under Construction Permit # 0415504.

Operations Permit issued to: **Southwestern Pennsylvania Water Authority**, 1442 Jefferson Road, P.O. Box 187, Jefferson, PA 15344, (**PWSID # 5300017**) Morgan and Jefferson Townships, **Greene County** on October 4, 2018 for the operation of facilities approved under Construction Permit # 3015504MA.

Permit No. 0218529MA-E, Minor Amendment, Public Water Supply.

Applicant	Pennsylvania American Water Company 800 West Hersheypark Drive Hershey, PA 17033
[Borough or Township]	Union Township
County	Washington
Type of Facility	Aldrich Purification Unit # 8
Consulting Engineer	Pennsylvania American Water Company 800 West Hersheypark Drive Hershey, PA 17033
Permit to Construct Issued	October 11, 2018

Permit No. 3018512MA, Minor Amendment, Public Water Supply.

Applicant **Southwestern Pennsylvania Water Authority**
P.O. Box 187
1442 Jefferson Road
Jefferson, PA 15344

[Borough or Township] Morris Township

County **Greene**

Type of Facility Nineveh water transmission main

Consulting Engineer Bankson Engineers, Inc.
267 Blue Run Road
Suite 200
Cheswick, PA 15024

Permit to Construct Issued October 10, 2018

Permit No. 3018508MA, Minor Amendment, Public Water Supply.

Applicant **Southwestern Pennsylvania Water Authority**
P.O. Box 187
1442 Jefferson Road
Jefferson, PA 15344

[Borough or Township] Morris Township

County **Greene**

Type of Facility Olczak meter vault

Consulting Engineer Bankson Engineers, Inc.
267 Blue Run Road
Suite 200
Cheswick, PA 15024

Permit to Construct Issued October 1, 2018

Permit No. 3018513MA, Minor Amendment, Public Water Supply.

Applicant **Southwestern Pennsylvania Water Authority**
P.O. Box 187
1442 Jefferson Road
Jefferson, PA 15344

[Borough or Township] Morris Township

County **Greene**

Type of Facility Nineveh meter vault

Consulting Engineer Bankson Engineers, Inc.
267 Blue Run Road
Suite 200
Cheswick, PA 15024

Permit to Construct Issued October 1, 2018

Permit No. 3013501WMP18, Minor Amendment, Public Water Supply.

Applicant **Southwestern Pennsylvania Water Authority**
P.O. Box 187
1442 Jefferson Road
Jefferson, PA 15344

[Borough or Township] Morris Township

County **Greene**

Type of Facility Olczak vault bulk water load-out station

Consulting Engineer Bankson Engineers, Inc.
267 Blue Run Road
Suite 200
Cheswick, PA 15024

Permit to Construct Issued October 1, 2018

Permit No. 3013501WMP19, Minor Amendment, Public Water Supply.

Applicant **Southwestern Pennsylvania Water Authority**
P.O. Box 187
1442 Jefferson Road
Jefferson, PA 15344

[Borough or Township] Morris Township

County **Greene**

Type of Facility Nineveh vault bulk water load-out station

Consulting Engineer Bankson Engineers, Inc.
267 Blue Run Road
Suite 200
Cheswick, PA 15024

Permit to Construct Issued October 1, 2018

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

Permit No. 4218501, Public Water Supply.

Applicant **Clermont Water Association Inc.**

Township or Borough Sergeant Township

County **McKean County**

Type of Facility Public Water Supply

Consulting Engineer Christopher Finton
ARM Group Inc.
2548 Park Center Boulevard
State College, PA 16801

Permit to Construct Issued October 11, 2018

Operation Permit issued to **Conneaut Lake Park, PWSID No. 6200018**, Summit Township, **Crawford County**. Permit Number 2084504-T2-MA2 issued October 11, 2018 for the operation of the 75,000 gal water storage tank. This permit is issued in response to an operation inspection conducted by the Department of Environmental Protection personnel on September 26, 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 06-1011B, Water Allocations. **Pennsylvania-American Water Company (PWS ID No. 3060088), Berks County**. The Pennsylvania-American Water Company has submitted a water allocation application for the right to purchase up to 1.5 million gallons per day, based on a 30-day average, from Reading Area Water Authority.

Permittee Contact: David R. Kaufman, Vice President—Engineering, Pennsylvania American Water, 852 Wesley Drive, Mechanicsburg, PA 17055. Consulting Engineer: Craig B. Dorash, P.E., Pennsylvania-American Water Company, 800 West Hershey Park Drive, Hershey, PA 17033. Permit Issued: 10/10/2018.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 2

The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P.S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

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

The Department has received the following plans and reports:

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

Silberline Manufacturing Company Inc., 201 East Dock Street, Lansford Borough, **Carbon County**. Leidos, Inc, 6310 Allentown Boulevard, Harrisburg, PA on behalf of Silberline Manufacturing Company, 201 East Dock Street, Lansford, PA 18232, submitted a Cleanup Plan concerning remediation of site soil and groundwater contaminated due to releases of # 6 fuel oil and volatile

organic compounds at the site. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Woosman Range Unit 24 Well Pad, 2620 State Route 492, New Milford Township, **Susquehanna County**. Woodward & Curran, 12 Frear Hill Road, Tunkhannock, PA 18657 on behalf of SWN Production Company, LLC, 917 State Route 92 North, Tunkhannock, PA 18657, has resubmitted a Final Report concerning remediation of site soils contaminated with hydraulic fracturing fluid and brine. The report is intended to document remediation of the site to meet Statewide Health Standards.

J. Reynen Pad 1, 221 Beaver Meadow Road, Harford Township, **Susquehanna County**. Resource Environmental Management, 50 Maple Street, Montrose, PA 18801, on behalf of Cabot Oil & Gas Corporation, 2000 Park Lane, Suite 300, Pittsburgh, PA 15275, submitted a Final Report concerning remediation of a release of brine to the soil. The report is intended to document remediation of the site to meet a combination of Background and Statewide Health Standards.

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

Nolt's Auto Parts, 827 South Spruce Street, Elizabethtown, PA 17022, Elizabethtown Borough, **Lancaster County**. Reliance Environmental, Inc., 235 North Duke Street, Lancaster, PA 17602, on behalf of Wild Credit Shelter Trust, 58 Hollow Road, New Providence, PA 17560, submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

Northwest Region: Environmental Cleanup & Brownfields Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Erie Speed Check, 209 East 6th Street, City of Erie, **Erie County**. Environmental Remediation & Recovery, Inc., 4250 Route 6N, Edinboro, PA 16412, on behalf of Sunny Simran, LLC, 1725 Parade Street, Erie, PA 16503 submitted a Final Report concerning the remediation of site soil contaminated with benzene, toluene, ethyl benzene, naphthalene, cumene (isopropylbenzene), meth tert-butyl ether (MTBE), 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, and xylenes. The report is intended to document remediation of the site to meet the Statewide Health Standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 3

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

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environ-

mental 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.

Former FL Smithe Machine Company, Inc., 899 Plank Road, Duncansville, PA 16635, Allegheny Township and Duncansville Borough, **Blair County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16601, on behalf of, Barry-Wehmiller Companies, Inc., 8020 Forsyth Boulevard, St. Louis, MO 63105 submitted a Remedial Investigation Report concerning remediation of site soil and groundwater contaminated with chlorinated solvents. The Report was approved by the Department on October 12, 2018.

Nolt's Auto Parts, 827 South Spruce Street, Elizabethtown, PA 17022, Elizabethtown Borough, **Lancaster County**. Reliance Environmental, Inc., 235 North Duke Street, Lancaster, PA 17602, on behalf of Wild Credit Shelter Trust, 58 Hollow Road, New Providence, PA 17560, submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The Report was approved by the Department on October 15, 2018.

Yorgey's Fine Cleaners, 1598 Columbia Avenue, Lancaster, PA 17603, Manor Township, **Lancaster County**. ARM Group, Inc., 1129 West Governor Road, P.O. Box 797, Hershey, PA 17033, on behalf of BRIPE,

LLC, 1330 Longfellow Street, NW, Washington, DC, 20011, submitted a Final Report concerning remediation of site soil contaminated with PCE from a dry-cleaners. The Final Report demonstrated attainment of the Non-residential Statewide Health Standard, and was approved by the Department on October 15, 2018.

Fairfield Auto Service/former Hiner's Garage, 207 West Main Street, Fairfield, PA 17320, Fairfield Borough, **Adams County**. Blackrock Environmental, LLC, P.O. Box 288, Nazareth, PA 18064, on behalf of Fairfield Auto Service, 207 West Main Street, Fairfield, PA 17320, submitted a Remedial Investigation and Final Report concerning remediation of site soil and groundwater contaminated with gasoline. The Final Report did not demonstrate attainment of the Site-Specific Standard, and was disapproved by the Department on October 15, 2018.

Northwest Region: Environmental Cleanup & Brownfields Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

Crompton Petrolia, 100 Sonneborn Lane, Fairview Township, **Butler County**. Environmental Resources Management, Inc., 800 Cranberry Woods Drive, Suite 290, Cranberry Township, PA 16056, on behalf of Sonneborn, LLC, 100 Sonneborn Lane, Petrolia, PA 16050, submitted a Cleanup Plan concerning the remediation of soil contaminated with p-isopropyltoluene, acenaphthylene, benzo-[g,h,i]perylene, carbazole, phenanthrene, benzene sulfonic acid (BSA), meta-benzene sulfonic acid (m-BDSA), arsenic, lead, mercury, para-phenol sulfonic acid (p-PSA), aluminum, beryllium, cobalt, iron, manganese, thallium, 1,2-dibromo-3-chloropropane, n-nitrosodi-n-propylamine and site groundwater contaminated with acetone, BSA, benzene, m-BDSA, 1,2-dichloroethane, p-PSA, 1,2-dichloropropane, aluminum, ethylbenzene, antimony, 2-hexanone, arsenic, p-isopropyltoluene, barium, naphthalene, beryllium, 1,2,3-trichlorobenzene, boron, 1,2,4-trichlorobenzene, cadmium, 1,2,4-trimethylbenzene, chromium, 1,3,5-trimethylbenzene, cobalt, 2,4-dinitrotoluene, copper, di-n-octyl phthalate, iron, phenanthrene, lead, manganese, mercury, nickel, selenium, silver, thallium, vanadium, zinc, bromodichloromethane, bromoform, bromomethane, carbon tetrachloride, chlorobenzene, chloroform, 1,2-dibromo-3-chloropropane, 1,2-dibromoethane, 1,4-dichlorobenzene, 1,1-dichloroethene, cis-1,3-dichloropropene, trans-1,3-dichloropropene, hexachlorobutadiene, methylene chloride, 1,1,1,2-tetrachloroethane, 1,1,2,2-tetrachloroethane, 1,1,2-trichloroethane, trichloroethene, 1,2,3-trichloropropane, vinyl chloride, benzo[a]anthracene, benzo[a]pyrene, benzo[b]fluoranthene, bis[2-chloroethyl]ether, carbazole, 2-chlorophenol, chrysene, dibenz[a,h]anthracene, 3,3-dichlorobenzidine, 2,4-dichlorophenol, 2,4-dinitrophenol, hexachlorobenzene, hexachlorobutadiene, hexachlorocyclopentadiene, hexachloroethane, indeno[1,2,3-cd]pyrene, isophorone, 3-nitroaniline, 4-nitroaniline, nitrobenzene, 4-nitrophenol, n-nitrosodi-n-propylamine, n-nitrosodiphenylamine, pyrene, and resorcinol. The Report was disapproved by the Department on October 15, 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.

New Applications Received

Medxwaste-NY LLC dba Redbags, 1014 Grand Blvd Unit 6, Deer Park, NY 11729. License No. PA-AH 0875. Effective Oct 10, 2018.

Renewal Applications Received

Northridge Group, Inc., 254 Reitz Avenue, Winfield, PA 17889. License No. PA-AH 0878. Effective Oct 15, 2018.

Resource Environmental Management, Inc., 50 Maple Street, Montrose, PA 18801. License No. PA-AH 0879. Effective Oct 15, 2018.

Hazardous Waste Transporter License Issued

Northridge Group, Inc., 254 Reitz Avenue, Winfield, PA 17889. License No. PA-AH 0878. Effective Oct 15, 2018.

Resource Environmental Management, Inc., 50 Maple Street, Montrose, PA 18801. License No. PA-AH 0875. Effective Oct 15, 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.

Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701.

Permit ID No. 100963. Lycoming County Resource Management Service, P.O. Box 187, Montgomery, PA 17752. This permit modification is for removal and replacement of the cap system for Fields 1 through 4 with a geosynthetic cap at Lycoming County Landfill. The permit was issued by Northcentral Regional Office on September 26, 2018.

Persons interested in reviewing the permit may contact Lisa D. Houser, P.E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3740. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

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.

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

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

GP1-49-00025C: Pennsylvania Department of Corrections (1 Kelly Drive, Coal Township, PA 17866) on October 2, 2018, authorized the construction and operation of a 19.41 million Btu per hour, Superior model 4WG-200-500-160HW natural gas/# 2 fuel oil-fired boiler pursuant to the General Plan Approval and General Operating Permit for Small Gas and No. 2 Oil Fired

Combustion Units (BAQ-GPA/GP-1) located in Coal Township, **Northumberland County**.

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

Contact: Ed Orris, P.E., New Source Review Chief—Telephone: 412-442-4168.

GP11-63-00995: W. G. Tomko, Inc. (2559 State Route 88, Finleyville, PA 15332) on October 11, 2018, to allow the installation and operation of three (3) nonroad diesel-fired engines of various capacities in conjunction with a portable nonmetallic mineral processing plant located in Union Township, **Washington County**.

GP3-63-00995B: W. G. Tomko, Inc. (2559 State Route 88, Finleyville, PA 15332) on October 11, 2018, to authorize and allow the installation and operation of a portable nonmetallic mineral processing plant consisting of one (1) crusher with one (1) integrated screen and associated conveyor located in Union Township, **Washington 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.

54-00090A: Riverside Cremation Services, LLC (25 East Main Street, Schuylkill Haven, PA 17972) issued on October 15, 2018 for the modification & operation of a crematory at the facility located in South Schuylkill Haven Borough, **Schuylkill County**.

54-00066C: Silberline Manufacturing Co. Inc. (130 Lincoln Drive, Tamaqua, PA 18252) issued on October 15, 2018 for the modification of their existing aluminum pigment manufacturing process to add additional equipment with controls at their facility located in Rush Twp., **Schuylkill 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.

07-05024A: Zenith Energy Terminals PA Holdings, LLC (3000 Research Forest Drive, Suite 250, The Woodlands, TX 77381-4385) on October 9, 2018, for an existing bulk gasoline terminal tank, loading rack, and control located in Allegheny Township, **Blair County**. Plan Approval will authorize to install a loading arm to Source 108, Loading Rack, modify Source 110, Tank 106 from fixed roof to internal floating roof (IFR), and construct a vapor combustion unit (VCU) to replace VRU on the Loading Rack.

34-05002A: Texas Eastern Transmission, LP (P.O. Box 1642, Houston, TX 77251) on October 9, 2018, for an engine project at the Perulack Compressor Station located in Lack Township, **Juniata County**. The Plan Approval will authorize the following items: 1.) Retrofit the existing natural gas-fired Cooper Bessemer GMVA-8 engine

(Source 031), as clean burn spark ignition engine (SI RICE), without increasing its rated 1,100 hp, 2.) Install Control ID C031, Oxygen Catalyst on Source 031.

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

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

10-037H: Sonneborn, LLC (100 Sonneborn Ln., Petrolia, PA 16050), on September 5, 2018 issued a Plan Approval to include proposed restrictions, corrections to the Title V permit, and a RACT II applicability analysis for all appropriate sources in Fairview Township, **Butler County**. This is a Title V facility.

Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

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

Contact: James A. Beach, New Source Review Chief—Telephone: 484-250-5920.

15-0151: Pacer Industries, Inc. (200 Red Road, Coatesville, PA 19320-2765) On October 15, 2018 an extension for an increase in the production of depolymerized natural rubber (DPR) at an existing grinding wheel manufacturing facility located in Valley Township, **Ches-ter 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.

67-05005H: Brunner Island, LLC (P.O. Box 221, York Haven, PA 17370) on October 11, 2018, for the addition of natural gas as a fuel firing option for the three existing utility boilers (Source IDs 031A, 032 and 033A) and their associated coal mill heaters that will involve the tying in of a natural gas pipeline (Source ID 301), as well as the construction of two natural gas-fired pipeline heaters (Source ID 050) at the Brunner Island Steam Electric Station in East Manchester Township, **York County**. The plan approval was extended.

36-05136E: Energy Developments Honeybrook LLC (481 South Churchtown Road, Narvon, PA 17555) on October 3, 2018, to replace a landfill gas-fired engine generator set at the landfill gas treatment plant at the Lanchester Landfill in Caernarvon Township, **Lancaster County**. The plan approval was extended.

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

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

08-00001A: Tennessee Gas Pipeline Company LLC (1001 Louisiana Street, Houston, TX 77002) extended the authorization an additional 180 days from September 24, 2018 to March 23, 2019, for continued operation of the emergency generator engine pending issuance of an operating permit. This Plan Approval extension also incorporated the request for a change in Responsible Official and other administrative revisions submitted to the Depart-

ment for the Wyalusing 319 Station facility in Wyalusing Township, **Bradford County**. The generator engine is in operation at the facility, above.

17-00063A: Pennsylvania Grain Processing, LLC (250 Technology Drive, Clearfield, PA 16830) on September 21, 2018, to extend the authorization an additional 180 days from September 22, 2018 to March 21, 2019, in order to continue the compliance evaluation and permit operation pending issuance of an operating permit for the sources. The extension authorization allows continued operation of the ethanol production plant located in Clearfield Borough, **Clearfield County**. The plan approval has been extended.

17-00063B: Pennsylvania Grain Processing, LLC (250 Technology Drive, Clearfield, PA 16830) on September 21, 2018, to extend the authorization an additional 180 days from September 22, 2018 to March 21, 2019, in order to continue the compliance evaluation and permit operation pending issuance of an operating permit for the sources. The extension authorization allows continued operation of the ethanol production plant located in Clearfield Borough, **Clearfield County**. The plan approval has been extended.

17-00063C: Pennsylvania Grain Processing, LLC (250 Technology Drive, Clearfield, PA 16830) on September 21, 2018, to extend the authorization an additional 180 days from September 22, 2018 to March 21, 2019, in order to continue the compliance evaluation and permit operation pending issuance of an operating permit for the sources. The extension authorization allows continued operation of the ethanol production plant located in Clearfield Borough, **Clearfield County**. The plan approval has been extended.

55-00001F: Panda Hummel Station LLC (5001 Spring Valley Road, Suite 1150 West, Dallas, TX 75244) on September 14, 2018, to extend the authorization an additional 180 days from September 13, 2018 to March 12, 2019, in order to continue the compliance evaluation and permit operation pending issuance of an operating permit for the sources. The extension authorization allows continued operation of the cooling tower located in Shamokin Dam Borough, **Snyder County**. The plan approval has been extended.

19-00028A: White Pines Corp. (515 State Route 442, Millville, PA 17846) on September 4, 2018, to extend the authorization an additional 180 days until March 8, 2019, in order to continue the compliance evaluation and permit operation pending issuance of an operating permit for the facility in Pine Township, **Columbia County**. The extension authorization allows continued leachate pretreatment operation at the facility. The plan approval has been extended.

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

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

42-246A: National Fuel Gas Supply Corporation (6363 Main Street, Williamsville, NY 14221) on October 9, 2018, effective October 31, 2018, has issued a plan approval extension for the construction and operation of the Keelor Compressor Station in Wetmore Township, **McKean County**. Proposed sources include but are not limited to 4 natural gas fired internal combustion engines, 3 micro-turbines, and one triethylene glycol dehydration unit. This will expire on April 30, 2019.

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

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

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

23-00084: FPL Energy MH50, L.P. (100 Green Street, Marcus Hook, PA 19061-0426) On October 10, 2018 for a renewal of the Title V Operating Permit for a natural gas fired combustion turbine primarily used for the production of electricity for the grid and steam for the processes at the Sunoco Refinery in the Borough of Marcus Hook, **Delaware 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.

22-05010: Texas Eastern Transmission LP (5400 Westheimer Court, Houston, TX 77056-5353) on October 2, 2018, for the natural gas transmission station located in East Hanover Township, **Dauphin County**. The Title V permit was renewed.

38-05019: Helix Ironwood LLC (305 Prescott Road, Lebanon, PA 17042-9178) on September 24, 2018, for the Ironwood electrical generating facility in South Lebanon Township, **Lebanon County**. The Title V Operating Permit was renewed, including an approval of a Reasonably Available Control Technology 2 (RACT 2) plan. The RACT changes will be submitted to US EPA for approval and incorporation into Pennsylvania's State Implementation Plan (SIP). Requirements that are not part of the RACT approval will be excluded from the SIP submittal.

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

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

33-00055: Glen-Gery Corporation, Hanley Plant (12637 Harrison St., Summerville, PA 15864) On October 15, 2018, the Department issued the renewal of the Title V Operating Permit of a brick manufacturing facility located in Summerville Borough, **Jefferson County**. Permitted sources at the facility are the tunnel kiln, two dryers, two crushers, miscellaneous natural gas usage, raw material stockpiles, access roadways, and grinding, screening and storage operations. Meeting the criteria pursuant to 40 CFR 64.2(a)(1) to (3), the tunnel kiln and the grinding, screening and storage operations have been subject to Compliance Assurance Monitoring (CAM) requirements. The tunnel kiln is also required to perform emission stack test every 5 years or upon permit renewal to demonstrate compliance with emission limits established through previous plan approvals. In this renewal, facility-wide HAP restrictions are added to clearly state that the facility is an area HAP source for MACT purposes and therefore exempt from 40 CFR 63 Subpart JJJJJ, referred to as Brick MACT, promulgated in 2015. A new recordkeeping requirement is also incorporated to demonstrate compliance with existing emission limits applicable to the tunnel kiln. Considering the new limitations added, the facility has potential-to-emit of 245 TPY

SO_x, 194 TPY CO, 185 TPY PM₁₀, 34 TPY NO_x, 28 TPY VOC, 25 TPY multiple HAPs, and 10 TPY any single HAP.

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.

67-05096: Blockhouse Co., Inc. (3285 Farmtrail Road, York, PA 17406-5602) on September 25, 2018, for the wood furniture manufacturing facility located in Manchester Township, **York County**. The State-only permit was renewed.

36-05109: Omnimax International, Inc. (450 Richardson Drive, Lancaster, PA 17603-4036) on October 9, 2018 for the aluminum spouting manufacturing facility in East Hempfield Township, **Lancaster County**. The State-only permit was renewed.

06-03079: Interstate Container LLC (100 Grace Street, Reading, PA 19611-1977) on October 9, 2018, for the paperboard manufacturing facility in Reading City, **Berks County**. The State-only permit was renewed.

38-03035: V&S Lebanon Galvanizing LLC (987 Buckeye Park Road, Columbus, OH 43207-2509) on October 2, 2018, for the hot dip galvanizing facility in Union Township, **Lebanon County**. The State-only permit was renewed.

06-03095: Directlink Technologies Corp. (2561 Bernville Road, Reading, PA 19605-9611) on October 4, 2018 for their emergency generators at the data processing facility in Bern Township, **Berks County**. The State-only permit was renewed.

38-03022: Murry's Inc. (1501 Willow Street, Lebanon, PA 17046-4578) on October 4, 2018 for their meat-derived foodstuff processing facility in Lebanon City, **Lebanon County**. The State-only permit was renewed.

36-05115: MGS, Inc. (178 Muddy Creek Church Road, Denver, PA 17517-9328) on October 11, 2018, for their trailer chassis manufacturing operations located in East Cocalico Township, **Lancaster County**. The State-only permit was renewed.

36-05099: Pennsy Supply, Inc. (1001 Paxton Street, P.O. Box 3331, Harrisburg, PA 17105) on October 12, 2018, for the hot mix asphalt plant located in East Hempfield Township, **Lancaster County**. The State-only permit was renewed.

36-05086: Donsco, Inc. (P.O. Box 2001, Wrightsville, PA 17368-0040) on October 11, 2018, for the iron foundry located in Mount Joy Borough, **Lancaster County**. The State-only permit was renewed.

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

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

41-00054: P-Stone, Inc. (P.O. Box 254, Jersey Shore, PA 17740) was issued on October 4, 2018, a State Only

operating permit for their stone quarry located in the Limestone Township, **Lycoming County**. All applicable Federal and State regulatory requirements including testing, monitoring, recordkeeping, reporting, and work practice conditions to assure compliance with the applicable requirements have been included in the permit.

08-00042: Northeast Bradford School District (526 Panther Lane, Rome, PA 18837) was issued on October 4, 2018, a State Only operating permit for their campus located in the Orwell Township, **Bradford County**. All applicable Federal and State regulatory requirements including testing, monitoring, recordkeeping, reporting, and work practice conditions to assure compliance with the applicable requirements have been included in the permit.

19-00015: HRI, Inc. (1750 West College Avenue, State College, PA 16801) was issued on October 4, 2018, a State Only operating permit for their Bloomsburg asphalt plant located in the Hemlock Township, **Columbia County**. All applicable Federal and State regulatory requirements including testing, monitoring, recordkeeping, reporting, and work practice conditions to assure compliance with the applicable requirements have been included in the permit.

41-00073: Penn Recycling Inc. (2525 Trenton Avenue, Williamsport, PA 17701) on October 9, 2018, was issued a renewal State-only operating permit for their facility located in the City of Williamsport, **Lycoming County**. The facility's main sources include a shredding operation and a shredded material handling system. The renewal State-only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

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

11-00289: North American Höganäs (101 Bridge Street, Johnstown, PA 15902) on October 11, 2018 a State-Only Operating Permit (SOOP) to North American Höganäs authorize the manufacturing operations of high purity copper and stainless-steel powders and some non-ferrous and ferrous products at their facility located in Johnstown Municipality, **Cambria County**.

65-00932: C-K Composites Co. LLC (361 Bridgeport Road, Mount Pleasant, PA 15666) on October 5, 2018 a State-Only Operating Permit (SOOP) renewal to C-K Composites to authorize the continued operation of their filament-wound plastic tubes, cast and molded epoxy resin and laminated densified resin-impregnated wood manufacturing facility located in Mount Pleasant Township, **Westmoreland County**.

63-00899: Pleiger Plastic Company (498 Circle Road, Washington, PA 15301) on October 4, 2018 a State-Only Operating Permit (SOOP) renewal to Pleiger Plastic Company to authorize the production of polyurethane parts including wheels, sheets and other specialty moldings. The facility is located in South Strabane, **Washington County**.

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

Contact: Matt Williams, Facilities Permitting Chief—Telephone: 814-332-6940.

33-00108: Penn Highlands Brookville Hospital (100 Hospital Rd., Brookville, PA 15825), on October 9, 2018, the Department issued the renewal of the State-Only Operating Permit of a healthcare institution located in Brookville Borough, **Jefferson County**. With five (5) natural gas-fired boilers, with four (4) capable of running on No. 2 fuel oil, and two (2) diesel-fueled emergency generators, the healthcare institution has PTEs of 11.01 TPY for NO_x, 4.94 TPY for CO, 0.47 TPY for PM, 0.50 TPY for SO_x, and 0.79 TPY for VOC and therefore is Natural Minor for permitting purposes. In this renewal, provisions of 25 Pa. Code § 123.22 applicable to the boilers are updated to reflect the amendments made in 2013. Operating hours restrictions and a recordkeeping requirement are also added to ensure the boilers' exemption from 40 CFR 63 Subpart JJJJJJ pertaining to NESHAP for Industrial, Commercial and Institutional Boilers Area Sources. For the emergency generators, implementation of 40 CFR 63 Subpart ZZZZ, which pertains to NESHAP for Stationary Reciprocating Internal Combustion Engines, is revised and a recordkeeping requirement is added to ensure the units' status as emergency stationary engines under this subpart. With a grandfathered natural gas-fired boiler added into the permit, the source designated for boilers now consists of five (5) units.

Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

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

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

46-00175: Hatfield Township Municipal Authority (3200 Advance Lane, Colmar, PA 18915) On October 10, 2018, for an administrative amendment to address an appeal from Hatfield Township Municipal Authority, by revising certain conditions and requirements of their Title V Operating Permit, 46-00175. Hatfield Township Municipal Authority operates a wastewater treatment facility located in Hatfield Township, **Montgomery County**. The amended Title V Operating Permit contains monitoring, recordkeeping, reporting and work practice standards to keep the facility operating within all applicable air quality requirements. The Administrative Amendment of the Title V Operating Permit for this facility is issued in accordance with the Air Pollution Control Act (35 §§ 4001—4015) and 25 Pa. Code § 127.450.

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

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

10-00356: Linde LLC Butler Plant (P.O. Box 397 Lyndora, PA 16045). The Department on September 9, 2018, issued an administrative amendment of the State Operating Permit for the facility to incorporate the change in responsible official and the change of permit contact. The facility is located in Butler City, **Butler County**.

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., New Source Review Chief—Telephone: 412-442-4168.

04-061: OMNOVA Solutions, Inc. (1001 Chambers Ave., Jeannette, PA 15644) Per 25 Pa. Code § 127.449(i), this notice is for the following de minimis emission increase at the OMNOVA Solutions Plant located in Jeannette City, **Westmoreland County**: installation of a 22,000acfm baghouse. The list of de minimis increases for this facility includes only this project.

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.

30081601 and NPDES No. PA0235792. Coresco, LLC, (966 Crafts Run Road, Maidsville, WV 26541). To renew the permit for the Overland Conveyor in Dunkard Township, **Greene County**. No additional discharges. The application was considered administratively complete on August 9, 2016. Application received: February 1, 2016. Permit issued: October 3, 2018.

02733702 and NPDES No. PA0023370. Consol Mining Company LLC, (CNX Center, 1000 Consol Energy Drive, Canonsburg, PA 15317). To renew the permit for the Renton Refuse Area in Plum Borough, **Allegheny County**. No additional discharges. The application was considered administratively complete on July 29, 2015. Application received: May 29, 2014. Permit issued: October 9, 2018.

56950702 and NPDES No. PA0214914. PBS Coals, Inc., (1576 Stoystown Road, P.O. Box 260, Friedens, PA 15541). To renew the permit for the Cambria Refuse Disposal Area in Stonycreek Township, **Somerset County** for reclamation only. No additional discharges. The application was considered administratively complete on January 19, 2018. Application received: July 7, 2017. Permit issued: October 9, 2018.

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

Permit No. 32040106 and NPDES No. PA0249653. Neiswonger Construction Inc., 17592 Route 322,

Strattanville, PA 16258, transfer of an existing surface and auger mine from Ridge Limestone, Inc., located in Young Township, **Indiana County**, affecting 339 acres. Receiving streams: unnamed tributaries to/and Whiskey Run and Nesbit Run, classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: May 21, 2018. Permit issued: October 5, 2018.

Permit No. 32950202 and NPDES No. PA0213039 and General Permit GP-12-32950202. Cambria Reclamation Corporation, 243 Rubisch Road, Ebensburg, PA 15931, renewal of an existing bituminous coal refuse site to obtain coverage for coal refuse reprocessing under air quality general permit GP-12 in Center Township, **Indiana County**, affecting 287.3 acres. Receiving streams: unnamed tributary to/and Yellow Creek classified for the following uses: cold water fishes; trout stocked fishes. There are no potable water supply intakes within 10 miles downstream. Application received: June 29, 2018. Permit issued: October 9, 2018.

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

63080102 and NPDES Permit No. PA0251429. Neiswonger Construction, Inc. (17592 Route 322, Strattanville, PA 16258). Revision application for land use change for a portion of the permit from forestland to pasture/land occasionally cut for hay to an existing bituminous surface mine, located in Somerset Township, **Washington County**, affecting 187.8 acres. Receiving streams: unnamed tributaries to Center Branch Pigeon Creek, classified for the following use: WWF. Ellsworth Borough Water Department is a potable water supply intake within 10 miles downstream from the point of discharge. Application received: June 4, 2018. Permit revision issued: October 12, 2018.

Noncoal Permits Issued

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

Permit No. PAM112019R. Robert A. Coleman. (P.O. Box 3, LeRaysville, PA 18829), renewal of General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 58122506 in Lanesboro Borough, **Susquehanna County**, receiving stream: Starrucca Creek. Application received: May 21, 2018. Renewal issued: October 9, 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

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

Permit No. 14184112. Douglas Explosives, Inc. (2052 Philipsburg Bigler Highway, Philipsburg, PA 16866). Blasting for residential development in Ferguson Township, **Centre County** with an expiration date of December 30, 2019. Permit issued: October 15, 2018.

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

Permit No. 15184116. Brubacher Excavating, Inc., (825 Reading Road, Bowmansville, PA 17507), construction blasting for Buck Hill Farms in Downingtown Borough, **Chester County** with an expiration date of September 27, 2019. Permit issued: October 15, 2018.

Permit No. 15184117. Valley Rock Solutions, LLC, (P.O. Box 246, Macungie, PA 18062), construction blasting for Woodlands at Greystone in West Goshen Township, **Chester County** with an expiration date of September 28, 2019.

Permit No. 52184102. Holbert Explosives, Inc., (237 Mast Hope Plank Road, Suite A, Lackawaxen, PA 18435), construction blasting for Camp Speers sewage treatment plant in Delaware Township, **Pike County** with an expiration date of October 10, 2019. Permit issued: October 15, 2018.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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

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

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

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

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

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

Permits, Environmental Assessments and 401 Water Quality Certifications Issued:

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E15-899. Pennsylvania Department of Transportation Engineering District 6-0, 7000 Geerdes Boulevard, King of Prussia, PA 19406, Newlin Township, **Chester County**, ACOE Philadelphia District.

The Pennsylvania Department of Transportation (PennDOT) is proposing to perform the below listed water obstruction and encroachment activities associated with the SR 3095, Section BCR Brandywine Creek Road Slope Stabilization Project:

1. To place and maintain riprap rock channels in three (3) locations along the West Branch of the Brandy Wine Creek (WWF) associated with the construction of three (3) roadway drainage outfalls resulting in a total of 433 square feet of permanent floodway impact and 448 square feet of temporary floodway impacts. Stream impacts associated with this activity also include 30.2 linear feet (286 square feet) of permanent stream impact and 16 linear feet (274 square feet) of temporary stream impact.

2. To stabilize, protect and maintain rock slope stream bank protection and a series of rock vanes along and within the West Branch of the Brandy Wine Creek (WWF) resulting in 9,900 square feet of permanent floodway impacts and 16,053 square feet of temporary floodway impacts. Stream impacts associated with this activity include 345.35 linear feet (6,427 square feet) of permanent stream impacts and 471.15 linear feet (11,803 square feet) of temporary stream impacts.

This project lies within the Lower Brandywine Creek Scenic River Corridor System and is located on Brandywine Creek Road south of Harvey Bridge Road in Newlin, **Chester County** (USGS PA Coatesville; Unionville Quadrangle—Latitude: 39.931968 N, Longitude: 75.747761 W).

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.

E39-559. The Waterfront Redevelopment Partners, LP, 1519 W. Hamilton Street, Allentown, PA 18701, City of Allentown, **Lehigh County**, U.S. Army Corps of Engineers, Philadelphia District.

To remove an existing stormwater outfall structure and to construct and maintain a stormwater outfall within the floodway of the Lehigh River (WWF, MF) consisting of a 42-inch diameter reinforced concrete pipe and concrete endwall. The project is located along the western bank of

the Lehigh River, approximately 0.1 mile east of the intersection of W. Chew Street and N. Front Street (Allentown East, PA Quadrangle Latitude: 40° 36' 40" Longitude: -75° 27' 20.0").

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.

D06-012EA. Timothy Krall, Utilities Manager, City of Reading, 503 North Sixth Street, Reading, PA 19601, Ontelaunee Township, **Berks County**, USACOE Philadelphia District.

Project proposes to remove the Willow Creek Dam to eliminate a threat to public safety and to restore approximately 900 feet of stream channel to a free-flowing condition. The dam is located across Willow Creek (CWF, MF) (Temple, PA Quadrangle, Latitude: 40.4271; Longitude: -75.9393).

EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

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

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

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

Southwest District: Oil & Gas Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222.

ESCGP-2 # ESX18-059-0014

Applicant Name CNX Midstream Operating Company, LLC

Contact Person Carol Phillips
Address 1000 Consol Energy Drive
City, State, Zip Canonsburg, PA 15317
County Greene County
Township(s) Richhill Township

Receiving Stream(s) and Classification(s) Unts To Stone Coal Run and Stone Coal Run (WWF), Unts To Dunkard Fork (WWF), and Unts To Enlow Fork (TSF)/

Wheeling Creek Watershed;
Secondary Receiving Water—Dunkard Fork (WWF),
Enlow Fork (TSF)

ESCGP-2 # ESX18-051-0007

Applicant Name Laurel Mountain Midstream Operating, LLC

Contact Person Kristy Grigas
Address Park Place Corporate Center 2; 2000 Commerce Drive
City, State, Zip Pittsburgh, PA 15275
County Fayette County

Township(s) Luzerne Township
Receiving Stream(s) and Classification(s) Rush Run (WWF), Unt to Meadow Run (WWF), and Meadow Run (WWF)/Monongahela River Watershed (WWF).
Secondary Receiving Water—Monongahela River (WWF)

ESCGP-2 # ESG18-059-0018

Applicant Name CNX Midstream Operating Company, LLC

Contact Person Carol Phillips
Address 1000 Consol Energy Drive
City, State, Zip Canonsburg, PA 15317
County Greene County
Township(s) Center Township

Receiving Stream(s) and Classification(s) UNTs to Lightner Run (HQ-WWF), UNTs to West Run (HQ-WWF), West Run (HQ-WWF), UNT to Scott Run (HQ-WWF), UNTs to Patterson Creek (HQ-WWF)/South Fork Tenmile Creek Watershed (HQ-WWF)
Secondary Receiving Water—South Fork Tenmile Creek (HQ-WWF)

Northwest Region: Oil and Gas Program Manager, 230 Chestnut St., Meadville, PA 16335.

ESCGP-2 # ESX18-085-0001

Applicant SWEPI LP

Contact Jason Shoemaker
Address 150 N Dairy Ashford E196-E
City Houston State TX Zip Code 77079
County Mercer Township(s) Lake

Receiving Stream(s) and Classification(s) UNT to Little Shenango (TSF, WWF)

ESCGP-2 # ESX18-019-0019

Applicant R.E. Gas Development LLC

Contact Michael Endler
Address 600 Cranberry Woods Dr
City Cranberry Township State PA Zip Code 16066
County Butler Township(s) Middlesex

Receiving Stream(s) and Classification(s) UNT to Glade Run (WWF)

ESCGP-2 # ESG18-019-0020—Croll Well Pad

Applicant R E Gas Development LLC

Contact Michael Endler
Address 600 Cranberry Woods Drive
City Cranberry Township State PA Zip Code 16066
County Butler Township Center

Receiving Stream(s) and Classification(s) unnamed tributary to Tributary 35274 to Connoquenessing Creek and Tributary 35274 to Connoquenessing Creek (WWF)

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

ESCGP-2 # ESG29-081-18-0042

Applicant Name ARD Operating, LLC

Contact Person Stephen Barondeau
Address 33 West Third Street, Suite 300
City, State, Zip Williamsport, PA 17701

County Lycoming
Township(s) Cascade Twp.
Receiving Stream(s) and Classification(s) UNT to Slacks Run (HQ-CWF, MF), UNT to West Branch Wallis Run (EV-CWF)
Secondary: Slacks Run and West Branch Wallis Run

ESCGP-2 # ESG29-081-18-0039
Applicant Name Seneca Resources Corporation
Contact Person Doug Kepler
Address 5800 Corporate Drive, Suite 300
City, State, Zip Pittsburgh, PA 15237
County Lycoming
Township(s) Hepburn Twp.
Receiving Stream(s) and Classification(s) Primary Watershed(s): UNTs to Mill Creek (WWF).
Secondary Watershed(s): Mill Creek (WWF)

ESCGP-2 # ESX29-015-18-0045
Applicant Name Repsol Oil & Gas USA, LLC
Contact Person Lance Ridall
Address 337 Daniel Zenker Drive
City, State, Zip Horseheads, NY 14845
County Bradford
Township(s) Pike Twp.
Receiving Stream(s) and Classification(s) Ford Street Creek (WWF, MF) UNT to Mill Creek (WWF, MF)
Secondary: Ross Creek and Rockwell Creek

ESCGP-2 # ESG29-015-18-0042
Applicant Name EOG Resources, Inc.
Contact Person Greg Shaffer

Address 2039 South Sixth Street
City, State, Zip Indiana, PA 15701
County Bradford
Township(s) Ridgebury Twp.
Receiving Stream(s) and Classification(s) Bentley Creek (WWF)
Secondary: Chemung River

ESCGP-2 # ESX13-033-0005(01)
Applicant Name Campbell Oil & Gas, Inc.
Contact Person David S. Miller
Address 280 Indian Springs Road, Suite 222A
City, State, Zip Indiana, PA 15701
County Clearfield
Township(s) Bigler Twp.
Receiving Stream(s) and Classification(s) Primary Watershed(s): (1) UNT to Clearfield Creek (CWF), and (2) UNTs to Upper Morgan Run (CWF).
Secondary Watershed(s): (1) and (2) Clearfield Creek (WWF).

ESCGP-2 # ESG29-015-18-0038
Applicant Name Chief Oil & Gas LLC
Contact Person Jeffrey Deegan
Address 1720 Sycamore Road
City, State, Zip Montoursville, PA 17754
County Bradford
Township(s) Overton Twp.
Receiving Stream(s) and Classification(s) UNT Sugar Run (EV, MF), Sugar Run (EV, MF)
Secondary: Schrader Creek

STORAGE TANKS SITE-SPECIFIC INSTALLATION PERMITS

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

SSIP

Permit No.	Applicant Name & Address	County	Municipality	Tank Type	Tank Capacity
18-43-008	Right Pointe, LLC 115 East High Street Sharpsville, PA 16150 Attn: Tony Flynn	Mercer	Sharpsville Borough	1 AST storing used motor oil	27,000 gallons

SPECIAL NOTICES

AIR QUALITY

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

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

Notice of Proposed Revision to the State Implementation Plan for Oxides of Nitrogen, Renewal of the Title V Operating Permit, and Notice of Public Hearing for the Revised Air Quality Operating Permit 43-00272.

Approval of a Reasonably Available Control Technology (RACT II) plan for **Tennessee Gas Pipeline Co., Compressor Station 219** located in Jefferson Township, **Mercer County**.

In accordance with 25 Pa. Code §§ 129.96—129.100, the Department of Environmental Protection (Department) has made a preliminary determination to approve an alternate Reasonably Available Control Technology (RACT II) plan and seeks approval of an amendment to the State Implementation Plan (SIP) for the Tennessee Gas Pipeline Co., Compressor Station 219 in Jefferson Township, Mercer County. And in accordance with 25 Pa. Code § 127.521, the Department intends to re-issue a Title V Operating Permit for the facility. The facility is located at 1211 Greenville Mercer Rd, Mercer, PA 16137. The facility's representative to contact concerning this application is Tameca Holmes, Air Permitting and Compliance Specialist. Her phone number is 713-420-5854.

The proposed SIP revision does not adopt any new regulations. It incorporates the provisions and requirements contained in the amended RACT II approval for the facility, which are intended to satisfy the requirements for the 1997 National Ambient Air Quality Standard (NAAQS) and the 2008 NAAQS for ozone.

The proposed amendments to the RACT II determination, if finally approved, will be incorporated into the revised operating permit (43-00272) for the facility. The relevant RACT II requirements will be submitted to the U.S. Environmental Protection Agency (EPA) as a revision to Pennsylvania's SIP and will remain in effect until replaced pursuant to 40 CFR 51 and approval by the EPA. Requirements that are not part of the RACT II determination will be excluded from the SIP submittal; this includes the provisions of the Department's presumptive RACT II requirements in accordance with 25 Pa. Code § 129.97, as they apply to existing sources at the facility.

The facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments due to its potential to emit NO_x, VOC, CO, and HAPs. The facility is therefore subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapter G.

Permitted sources at the facility include fourteen (14) compressor engines, three (3) emergency electric generators, an emergency air compressor, two (2) water jacket heaters, parts washers, and miscellaneous fugitive emissions. The compressor engines and emergency electric generators have been subject to the original RACT (RACT I) requirements. The emergency electric generators are also subject to 40 CFR 63 Subpart ZZZZ pertaining to NESHAP for stationary RICE. The water jacket heaters are subject to 40 CFR 63 Subpart DDDDD pertaining to NESHAP for industrial, commercial, and institutional boilers and process heaters at major HAP sources. In the renewal permit, the emergency air compressor is added as a permitted source. Conditions pursuant to 40 CFR 63 Subpart ZZZZ are revised to reflect provisions for emergency engines. Both the alternative, which is part of RACT II determination, and presumptive requirements of RACT II are incorporated into the permit.

The following is a summary of the proposed amendments to the RACT II determination for this operation that will be submitted to the EPA as a SIP revision:

Source

Six (6) 1,100 hp-rated natural gas compressor engines, Sources 131, 132, 133, 134, 135, 136:

Ignition timing setting of 4° to 8° before top dead center. Two (2) 1,350 hp-rated natural gas compressor engines, Sources 137, 138:

Five (5) 1,350 hp-rated natural gas compressor engines, Sources 139, 140, 141, 142, 143:

RACT II Requirement

- NO_x limits of 9.3 g/bhp-hr (22.6 lbs/hr) and 98.7 tons per 12-month for each engine.
- Semi-annual NO_x tests for engines that operate more than 219 hours during the semi-annual period.
- NO_x limits of 4.0 g/bhp-hr (11.9 lbs/hr) and 52.1 tons per 12-month for each engine.
- Semi-annual NO_x tests for engines that operate more than 219 hours during the semi-annual period.
- NO_x limits of 8.8 g/bhp-hr (26.2 lbs/hr) and 114.6 tons per 12-month for each engine.
- Semi-annual NO_x tests for engines that operate more than 219 hours during the semi-annual period.
- Ignition timing setting of 6° to 10° before top dead center.

Public hearing. A public hearing will be held if requested by November 26, 2018 to accept oral comments on the proposed operating permit revision and the proposed SIP revision. The hearing will be held, if requested, on December 5, 2018 at 10 a.m. at the Department Northwest Regional Office, 230 Chestnut St., Meadville, PA 16335. To request a hearing, to register to speak at a hearing, or to inquire if a hearing will be held, contact Melanie Williams, Regional Community Relations Coordinator, at 814-332-6615. The last day to pre-register to speak at a hearing, if one is held, will be November 26, 2018. If the Department does not receive any pre-registered speakers by this date, the hearing will be cancelled.

Note that any updates made to any aspect of the hearing, including whether or not a hearing will be held, will be posted online at <http://www.dep.pa.gov/About/Regional/NorthwestRegion/Community-Information/Pages/RACT-II.aspx>. Contact Melanie Williams at 814-332-6615 or monitor the Department's web site to determine if a hearing will be held.

Persons wishing to present testimony at the hearing should contact Melanie Williams at 814-332-6615 at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to a maximum of 10 minutes per individual and two written copies of the oral testimony are requested. Each organization is requested to designate one witness to present testimony on its behalf. Persons unable to attend the hearing, if it is held, may submit three (3) copies of a

written statement and exhibits within 10 days thereafter to Eric A. Gustafson, Environmental Program Manager, Department of Environmental Protection Northwest Regional Office, 230 Chestnut St., Meadville, PA 16335.

Persons wishing to file a written protest or provide comments or additional information, which they believe should be considered prior to the issuance of a permit, may submit the information to Eric A. Gustafson, Environmental Program Manager, Department of Environmental Protection Northwest Regional Office, 230 Chestnut St., Meadville, PA 16335. A 30-day comment period from the October 27, 2018 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 permit 43-00272 and a concise statement regarding the relevancy of the information or objections to issuance of the permit or the proposed RACT II Plan.

All pertinent documents are available for public review between 8 a.m. and 4 p.m. at the Department of Environmental Protection Northwest Regional Office, 230 Chestnut St., Meadville, PA 16335. Appointments for scheduling a review may be made by calling the Department at 814-332-6078.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should contact Melanie Williams at 814-332-6615 or the Pennsylvania AT&T Relay Service at 1-800-654-5984 (TDD) to discuss how the Department may accommodate their needs.

Public Hearing on Intent to Issue NPDES Permit to FirstEnergy Generation, LLC

Southwest Regional Office: Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222. Phone: 412-442-4000.

Notice is hereby given pursuant to 25 Pa. Code § 92a.83 that the Pennsylvania Department of Environmental Protection (Department) will hold a public hearing on Wednesday, November 28, 2018 starting at 6 PM at the Southside Area School District Middle/High School Auditorium located at 4949 PA State Route 151, Hookstown, PA 15050.

The purpose of the public hearing is to take testimony concerning the Department's intent to issue NPDES Permit No. PA0027481 to FirstEnergy Generation LLC, 341 White Pond Drive, Akron, OH 44320 for the discharge of treated industrial wastewater, impacted groundwater, treated sanitary wastewater, and storm water from the Bruce Mansfield Power Plant and Little Blue Run Impoundment to the Ohio River, Haden Run, Mill Creek, Little Blue Run, and an unnamed tributary to Mill Creek located in Shippingport Borough and Greene Township, Beaver County.

In accordance with 25 Pa. Code § 92a.82, the Department published notice of the draft NPDES permit in the *Pennsylvania Bulletin* on August 11, 2018 to allow for public comment regarding this proposal. The draft NPDES permit and fact sheet is available on the Department's web site at <https://www.dep.pa.gov/About/Regional/SouthwestRegion/Community%20Information/Pages/Coal-Power-Plant-NPDES.aspx>. Appointments may be made to review the Department files on this case by calling the File Review Coordinator at 412-442-4000.

The Department will accept and record testimony concerning FirstEnergy's application and the draft NPDES permit. Persons wishing to present testimony at the hearing should contact the Department's Community Relations Coordinator, Lauren Fraley at 412-442-4203 or lfraley@pa.gov before noon on November 27, 2018. Organizations are encouraged to designate one witness to present testimony on behalf of the organization. Persons unable to attend the hearing may submit three copies of a written statement and exhibits within 10 days thereafter to the Department of Environmental Protection, Clean Water Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745 or to RA-EPCW-SWRO@pa.gov. Written submittals must contain the name, address and telephone

number of the person submitting the comments, identification of the proposed draft NPDES Permit No. (PA0027481) and concise statements regarding the relevancy of the information or objections to issuance of the NPDES Permit.

Individuals in need of an accommodation as provided for in the Americans with Disabilities Act of 1990 should contact the Pennsylvania AT&T Relay Service at 1-800-654-5984 (TDD) to discuss how the Department may accommodate their needs.

[Pa.B. Doc. No. 18-1673. Filed for public inspection October 26, 2018, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Bid Opportunity

OSM 63(0618)104.1, Abandoned Mine Reclamation Project, Black Dog Hollow, East Bethlehem Township, Washington County. The principal items of work and approximate quantities include: road agreements, lump sum; excavation and hauling, 173,000 cubic yards; grading, 608,800 cubic yards; soil cover, 45.1 acres; tied concrete block mat, 5,990 square yards; and seeding, 51.0 acres.

This bid issues on October 19, 2018, and bids will be opened on November 15, 2018, at 2 p.m. Bid documents, including drawings in PDF format and AutoCAD Map 3D format, may be downloaded for free beginning on the issue date from the Department of Environmental Protection by going to www.BidExpress.com. This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A §§ 1201—1328) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or RA-ConstructionContr@pa.gov for more information on this bid.

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 18-1674. Filed for public inspection October 26, 2018, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Household Hazardous Waste Education Grant Awards under Section 901 of the Municipal Waste Planning, Recycling and Waste Reduction Act, Act 101 of 1988

The Department of Environmental Protection hereby announces the following grants to Luzerne County, Northampton County and Venango 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 offerings should be directed to Mark Vottero, Department of Environmental Protection, Bureau of Waste Management, Division of Waste Minimization and Planning, P.O. Box 8472, Harrisburg, PA 17105-8472 at mvottero@pa.gov or (717) 772-5719.

Act 101, Section 901 Planning and HHW Grant

<i>Region</i>	<i>County</i>	<i>Applicant</i>	<i>Project</i>	<i>Grant</i>
Northeast	Luzerne	Luzerne County	HHW Education	\$13,950
Northeast	Northampton	Northampton County	HHW Education	\$24,532
Northwest	Venango	Venango County	HHW Education	\$5,970

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 18-1675. Filed for public inspection October 26, 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; Correction

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). This award was previously published at 48 Pa.B. 6626 (October 13, 2018), but contained the incorrect grant award. The following award indicates the final, corrected award amount.

Act 101, Section 901 Planning and Household Hazardous Waste (HHW) Grant

<i>Region</i>	<i>County</i>	<i>Applicant</i>	<i>Project</i>	<i>Grant</i>
Northeast	Lackawanna	Lackawanna County	HHW Education	\$13,832

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 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.

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 18-1676. Filed for public inspection October 26, 2018, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Opening of New Grant Round for Recycling Program Development and Implementation Grants under Section 902 of Act 101, Municipal Waste Planning, Recycling and Waste Reduction Act of 1988

The Department of Environmental Protection (Department) announces the opening of a new section 902 grant round to support the development of municipal recycling programs under section 902 of the Municipal Waste Planning, Recycling and Waste Reduction Act (Act 101) (53 P.S. § 4000.902). Municipalities eligible for recycling grants include counties, cities, boroughs, incorporated towns, townships, home rule municipalities, councils of

governments, consortiums or similar entities established by two or more municipalities under 53 Pa.C.S. Chapter 23, Subchapter A (relating to intergovernmental cooperation). The application deadline is March 22, 2019.

Application Requirements

Municipalities who received a 902 grant award in 2018 are not eligible to apply for funding during this solicitation period. Applicants must be in compliance with the provisions of Act 101 and the implementing regulations, the Department's Guidelines for Proper Management of Recyclable Materials, and any previous grant contract provisions to be eligible to receive grant funding. County applicants should be in compliance with planning and other county-related provisions of Act 101. Applicants who are not in compliance with Act 101 and annual reporting requirements or the program performance recycling grant requirements of the act of November 9, 2006 (P.L. 1347, No. 140) will not be considered. Programs must operate in

compliance with their municipality's land use plan where applicable.

Municipalities are eligible for 90% funding of approved recycling program costs. Municipalities considered financially distressed by the Department of Community and Economic Development under the Financially Distressed Communities Act are eligible for 100% of approved costs. No application requesting more than \$350,000 in grant funding will be accepted.

All applicants are required to complete the Sustainability Plan portion of the application that includes definitive actions and strategies for optimizing program self-sufficiency. The plan shall include, at a minimum, strategies for reducing costs and generating revenues, provisions for establishing incentives associated with waste reduction and recycling, mechanisms for public outreach and stakeholder input, and tracking mechanisms to document progress toward sustainability milestones until optimum sustainability is realized. The Department's technical report on Building Financially Sustainable Recycling Programs can provide assistance in developing the methods and strategies. The technical report can be found on the Department's web site at http://files.dep.state.pa.us/Waste/Recycling/lib/landrec_waste/recycling/documents/fin_sust_rec.pdf. Applicants that fail to complete the Sustainability Plan portion of the application will not be considered for funding.

The following elements will receive priority for funding:

- Development and implementation of incentive-based pricing and collection programs designed to increase the quantities and types of recyclable materials and reduce the quantity of waste collected.
- Development and implementation of multimunicipal collection, processing and/or a materials marketing program where capital costs are reduced and/or recycling marketability is enhanced due to intergovernmental cooperation.
- Development and implementation of collection methods that will provide greater marketability and value to collected recyclable materials.
- New and innovative recycling educational programs that support the applicants' recycling collection efforts.

In addition, communities whose existing recycling programs contain the following components will receive additional consideration:

- Publicly provided or municipally contracted waste and recycling services.
- The collection of six or more of the following materials: newsprint, office paper, corrugated paper, other marketable grades of paper, aluminum cans, steel or bimetallic cans, colored glass containers, clear glass containers and plastics.
- Incentive-based pricing and collection programs designed to increase the quantities and types of recyclable materials and reduce the quantity of waste collected.

Eligibility Requirements

Only those projects involving municipalities that have a mandatory trash collection program or projects seeking support for a residential recycling program that have a corresponding commercial recycling program will be considered for funding. Applicants seeking funds to replace curbside collection containers or collection vehicles, or both, will need to demonstrate that the new equipment will increase collection efficiencies and tonnage of materials.

Eligibility Costs

Eligible recycling program development costs include: recycling program design costs; recycling market investigations; development of recycling market commitments; development of recycling program ordinances; development of recycling public education programs; and the costs of developing contracts for procuring equipment or services necessary for the operation of the recycling program.

Eligible recycling program implementation costs include: purchasing or leasing vehicles used to collect recyclables (including automated and single-stream collection vehicles), transporting recyclables to processing facilities or markets, and vehicles used in the operation of a materials recovery facility; reusable containers for the collection or storage of recyclable materials; acquiring or renovating buildings, or both, for the processing or storage of recovered materials; equipment used to process or manufacture recyclable materials into usable products; improvements to land needed to operate a recycling facility or yard waste composting facility authorized under 25 Pa. Code § 271.103(h) (relating to permit-by-rule for municipal waste processing facilities other than for regulated medical or chemotherapeutic waste; qualifying facilities; general requirements); and the costs associated with educating the public on recycling program requirements.

Under this grant solicitation, the following will not be eligible for funding: promotional items; glass crushing equipment (unless specific marketing arrangements have been identified); vehicles equipped with compaction units (except for the sole collection of yard waste, paper fiber or single-stream collection, or both, where a facility equipped to process the material has been identified); and backyard composting units and public recycling containers for parks and streetscapes.

Other eligible and noneligible costs are listed in the grant application packet. Composting projects and programs will be considered to be recycling projects or programs accordingly.

A municipality must retain sole ownership of equipment or facilities funded by the grant. Funding for equipment or facilities purchased for the recycling program used for recycling and other purposes will be prorated according to its recycling use (no equipment used for recycling less than 50% of the time will be eligible for funding). Funding for certain leaf and yard waste collection equipment may be limited according to its seasonal use. Funding for wood chipping equipment will be approved only when the equipment is part of an approved yard waste composting facility operating under the Department's guidelines and where the material is collected curbside from residents. Funding of street sweepers for the purpose of leaf collection will not be considered.

Funding may be restricted in situations where equipment or services requested through a grant application may be available from the public or private sector within the county of the applicant. Public notices may be required before the grant application may be submitted depending upon the nature of the funding request. When the municipality submits the recycling grant application to the Department, it must include proof of compliance with the notification requirements, a description of any responses received to the notice and an explanation of why the municipality has concluded that the mechanical processing equipment is not available to the program from the private sector.

Requirement for Preapplication Conference

Potential applicants must contact the appropriate Department regional planning and recycling coordinator to schedule a preapplication conference to discuss application requirements and program particulars. A list of these individuals is included in this notice. Applications will be returned to municipalities that fail to schedule a preapplication conference. Grant application forms are available from the Department's regional offices and on the Department's web site at www.dep.pa.gov (search term: "Recycling Grants").

Application Deadline

Grant applications must be received or postmarked by March 22, 2019. Applications received by the Department after that date will not be considered. Applications must be on forms provided by the Department, with two copies submitted to the Department's Central Office, Rachel Carson State Office Building, Harrisburg, PA and one copy submitted to the appropriate county recycling coordinator. Grant awards will be based on the funds available in the Recycling Fund.

Contact Information

Inquiries concerning this notice should be directed to Mark Vottero, Recycling Grants Coordinator, Department of Environmental Protection, Rachel Carson State Office Building, 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.

*Regional Planning and Recycling Coordinators**Southeast Region*

Bucks, Chester, Delaware, Montgomery and Philadelphia Counties

Department of Environmental Protection, Waste Management Program

2 East Main Street
Norristown, PA 19401
(484) 250-5900

Mary Alice Reisse, mreisse@pa.gov
Ann Ryan, aryan@pa.gov

Northeast Region

Carbon, Lackawanna, Lehigh, Luzerne, Monroe, Northampton, Pike, Schuylkill, Susquehanna, Wayne and Wyoming Counties

Department of Environmental Protection, Waste Management Program

2 Public Square
Wilkes-Barre, PA 18711-0790
(570) 826-2108
[Berit Case, bcase@pa.gov](mailto:bcase@pa.gov)

Southcentral Region

Adams, Bedford, Berks, Blair, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lancaster, Lebanon, Mifflin, Perry and York Counties

Department of Environmental Protection, Waste Management Program

909 Elmerton Avenue
Harrisburg, PA 17110-8200
(717) 705-4927

Christopher Bosnyak, cbosnyak@pa.gov

Northcentral Region

Bradford, Cameron, Centre, Clearfield, Clinton, Columbia, Lycoming, Montour, Northumberland, Potter, Snyder, Sullivan, Tioga and Union Counties

Department of Environmental Protection, Waste Management Program

208 West 3rd Street, Suite 101
Williamsport, PA 17701
(570) 321-6533

Joseph Delgrippe, jdelgrippe@pa.gov

Southwest Region

Allegheny, Armstrong, Beaver, Cambria, Fayette, Greene, Indiana, Somerset, Washington and Westmoreland Counties

Department of Environmental Protection, Waste Management Program

400 Waterfront Drive
Pittsburgh, PA 15222-4745
(412) 442-4000

Sharon Svitek, ssvitek@pa.gov
Bradley Cunningham, bcunningham@pa.gov
Bill Jester, wjester@pa.gov

Northwest Region

Butler, Clarion, Crawford, Elk, Erie, Forest, Jefferson, Lawrence, McKean, Mercer, Venango and Warren Counties

Department of Environmental Protection, Waste Management Program

230 Chestnut Street
Meadville, PA 16335-3481
(814) 332-6981

Regina Schweinsberg, rschweinsb@pa.gov

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 18-1677. Filed for public inspection October 26, 2018, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Recycling Grant Awards under the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988, Act 101

The Department of Environmental Protection (Department) announces the following grants to municipalities for recycling programs under section 902 of the Municipal Waste Planning, Recycling and Waste Reduction Act (act) (53 P.S. § 4000.902). Over \$37.2 million in grants was awarded to 195 municipalities as follows.

Grant funds are used to develop and implement recycling programs. Municipalities and counties are eligible for up to 90% funding of approved recycling program costs. Municipalities considered financially distressed by the Department of Community and Economic Development under the Municipalities Financial Recovery Act (53 P.S. §§ 11701.101—11701.712), also known as the Financially Distressed Municipalities Act, are eligible for 100% of approved costs. All grant awards are predicated on the receipt of recycling fees required by sections 701 and 702 of the act (53 P.S. §§ 4000.701 and 4000.702) and the availability of moneys in the Recycling Fund.

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Inquiries regarding the grant offerings should be directed to Mark Vottero, Recycling Grants Coordinator, Department of Environmental Protection, Bureau of Waste Management, Division of Waste Minimization and Planning, Rachel Carson State Office Building, P.O. Box 8472, Harrisburg, PA 17105-8472.

<i>Municipality/County</i>		<i>Project</i>	<i>Award</i>
<i>Southeast Region</i>			
1	Chester County SWA Chester County	Leaf Waste Processing Program	\$279,000
2	Coatesville City Chester County	Leaf Waste and Recycling	\$8,587
3	East Pikeland Township Chester County	Leaf Waste Processing Program	\$31,816
4	Phoenixville Borough Chester County	Recycling Collection Program	\$148,733
5	South Coatesville Borough Chester County	Recycling Collection and Education Programs	\$23,132
6	Southeastern Chester Co. RA Chester County	Recycling Facility	\$350,000
7	Valley Township Chester County	Recycling Collection Program	\$290,488
8	West Bradford Township Chester County	Recycling Collection Program	\$270,266
9	Aston Township Delaware County	Recycling Collection Program	\$244,808
10	Brookhaven Borough Delaware County	Recycling Collection Program	\$37,962
11	Cowlyn Borough Delaware County	Recycling Collection and Education Programs	\$51,600
12	Haverford Township Delaware County	Leaf Waste and Recycling Programs	\$284,691
13	Landsdowne Borough Delaware County	Recycling Collection and Education Programs	\$313,011
14	Marple Township Delaware County	Leaf Waste Processing and Education Programs	\$296,871
15	Milbourne Borough Delaware County	Recycling Collection Program	\$4,378
16	Morton Borough Delaware County	Recycling Collection and Education Programs	\$8,206
17	Nether Providence Township Delaware County	Leaf Waste Collection Program	\$292,149
18	Prospect Park Borough Delaware County	Leaf Waste Collection and Recycling Education Programs	\$136,213
19	Ridley Township Delaware County	Leaf Waste and Recycling Collection Programs	\$163,018
20	Springfield Township Delaware County	Leaf Waste and Recycling Collection Programs	\$142,797
21	Swarthmore Borough Delaware County	Leaf Waste and Recycling Collection Programs	\$192,182
22	Upper Chichester Township Delaware County	Recycling Collection Program	\$31,774
23	Abington Township Montgomery County	Recycling Collection and Education Programs	\$350,000
24	Cheltenham Township Montgomery County	Recycling Collection and Leaf Waste Programs	\$348,422
25	Conshohocken Borough Montgomery County	Leaf Waste Collection and Processing Programs	\$212,363
26	Douglass Township Montgomery County	Recycling and Compost Center	\$99,807

<i>Municipality/County</i>		<i>Project</i>	<i>Award</i>
27	East Norriton Township Montgomery County	Leaf Waste Collection and Processing Programs	\$199,961
28	Hatboro Borough Montgomery County	Leaf Waste and Recycling Collection Programs	\$236,123
29	Jenkintown Borough Montgomery County	Leaf Waste Collection Program	\$170,100
30	Lower Merion Township Montgomery County	Leaf Waste and Recycling Programs	\$314,987
31	Plymouth Township Montgomery County	Leaf Waste Collection Program	\$172,629
32	Upper Dublin Township Montgomery County	Leaf Waste Processing Program	\$328,849
33	Upper Moreland Township Montgomery County	Recycling Collection Program	\$350,000
34	West Norriton Township Montgomery County	Leaf Waste Collection and Processing	\$93,492
35	Whitemarsh Township Montgomery County	Leaf Waste Collection Program	\$94,057
36	Philadelphia City Philadelphia County	Recycling Collection Program	\$350,000
<i>Northeast Region</i>			
37	Carbondale City Lackawanna County	Recycling Collection Program	\$45,571
38	Covington Township Lackawanna County	Recycling Drop-off Program	\$103,763
39	Jermyn Borough Lackawanna County	Leaf Waste Collection Program	\$48,803
40	Jessup Borough Lackawanna County	Recycling Collection Program	\$55,208
41	Mayfield Borough Lackawanna County	Leaf Waste Processing Program	\$20,955
42	Scranton City Lackawanna County	Recycling Collection and Education Programs	\$237,213
43	Throop Borough Lackawanna County	Recycling Collection Program	\$269,201
44	Allentown City Lehigh County	Recycling and Leaf Waste Programs	\$350,000
45	Fountainhill Borough Lehigh County	Recycling Processing Program	\$60,999
46	Lower Macungie Township Lehigh County	Recycling Collection Program	\$168,597
47	Salisbury Township Lehigh County	Leaf Waste Collection Program	\$221,499
48	Whitehall Township Lehigh County	Recycling and Leaf Waste Programs	\$299,827
49	Dallas Area Municipal Authority Luzerne County	Leaf Waste Processing and Recycling Education Programs	\$207,855
50	Dupont Borough Luzerne County	Recycling Collection and Education Programs	\$25,481
51	Hanover Township Luzerne County	Recycling Collection Program	\$159,791
52	Kingston Municipality Luzerne County	Leaf Waste Processing Program	\$238,050
53	Kingston Township Luzerne County	Leaf Waste Programs	\$185,565

<i>Municipality/County</i>		<i>Project</i>	<i>Award</i>
54	Pittston City Luzerne County	Recycling Collection Program	\$223,340
55	Plains Township Luzerne County	Recycling Programs	\$287,093
56	Wilkes-Barre City Luzerne County	Recycling and Leaf Waste Collection Programs	\$350,000
57	Chestnuthill Township Monroe County	Leaf Waste Processing Program	\$313,707
58	Coolbaugh Township Monroe County	Leaf Waste Collection Program	\$301,707
59	Monroe County Municipal WMA Monroe County	Recycling Drop-off and Processing Programs	\$349,205
60	Middle Smithfield Township Monroe County	Leaf Waste Recycling Program	\$33,262
61	Oak Grove Multi-Municipal CFB Monroe County	Leaf Waste Processing Program	\$200,815
62	Polk Township Monroe County	Recycling Processing Facility and Collection Program	\$154,433
63	Smithfield Township Monroe County	Leaf Waste Collection Program	\$290,512
64	Stroud Township Monroe County	Leaf Waste Processing Program	\$350,000
65	Bethlehem City Northampton County	Leaf Waste Collection Program	\$342,508
66	Bethlehem Township Northampton County	Leaf Waste Collection Program	\$41,978
67	Easton City Northampton County	Leaf Waste Processing Program	\$55,215
68	First Regional Compost Facility Northampton County	Leaf Waste Processing Program	\$350,000
69	Forks Township Northampton County	Leaf Waste Collection and Processing Programs	\$324,617
70	Lower Nazareth Township Northampton County	Leaf Waste Collection, Processing and Facility Programs	\$268,673
71	Nazareth Borough Northampton County	Recycling Collection and Leaf Waste Programs	\$263,252
72	Palmer Township Northampton County	Leaf Waste and Recycling Center	\$350,000
73	Upper Nazareth Township Northampton County	Leaf Waste Collection Program	\$178,394
74	Walnutport Borough Northampton County	Leaf Waste Collection Program	\$61,038
75	West Easton Borough Northampton County	Recycling Collection Program	\$11,625
76	Wilson Borough Northampton County	Leaf Waste Collection Program	\$110,614
77	Lehman Township Pike County	Leaf Waste Collection Program	\$191,032
78	Minersville Borough Schuylkill County	Recycling Collection Program	\$118,318
79	Schuylkill Haven Borough Schuylkill County	Recycling Complex Center and Leaf Waste Processing Program	\$229,398
80	Susquehanna County Susquehanna County	Recycling Center	\$105,076

<i>Municipality/County</i>		<i>Project</i>	<i>Award</i>
81	Wayne County Wayne County	Recycling Center	\$151,110
82	Wyoming County Wyoming County	Recycling Center and Education Programs	\$28,572
<i>Southcentral Region</i>			
83	Amity Township Berks County	Leaf Waste Programs	\$203,487
84	Berks County SWA Berks County	Drop-off Recycling and Processing Programs	\$85,545
85	Bern Township Berks County	Leaf Waste Collection	\$239,292
86	Cumru Township Berks County	Leaf Waste Collection and Recycling Education Programs	\$47,152
87	Exeter Township Berks County	Leaf Waste and Recycling Collection Programs	\$248,074
88	Kenhorst Borough Berks County	Leaf Waste and Recycling Collection Programs	\$25,974
89	Lower Alsace Township Berks County	Leaf Waste and Recycling Collection Programs	\$283,249
90	Lower Heidelberg Township Berks County	Leaf Waste and Recycling Collection Programs	\$98,581
91	Maidencreek Township Berks County	Leaf Waste and Recycling Collection Programs	\$112,082
92	Maxatamy Township Berks County	Compost Processing Facility and Education	\$32,538
93	Muhlenberg Township Berks County	Leaf Waste Collection and Compost Processing Facility	\$335,619
94	Reading City Berks County	Recycling Collection and Education Programs	\$349,992
95	South Heidelberg Township Berks County	Leaf Waste Collection and Recycling Education Programs	\$283,089
96	Wernersville Borough Berks County	Drop-off Recycling and Compost Processing Facility	\$264,767
97	West Reading Borough Berks County	Leaf Waste Collection and Drop-off Site	\$141,772
98	Wyomissing Borough Berks County	Leaf Waste and Recycling Collection Programs	\$122,715
99	Intermunicipal Relations Committee Blair County	Leaf Waste Processing Program	\$350,000
100	Camp Hill Borough Cumberland County	Leaf Waste Collection Program	\$106,735
101	Carlisle Borough Cumberland County	Leaf Waste Collection and Processing Programs	\$169,682
102	Cumberland County Cumberland County	Leaf Waste Processing Program	\$350,000
103	East Pennsboro Township Cumberland County	Leaf Waste Collection Program	\$161,711
104	Hampden Township Cumberland County	Leaf Waste Collection and Compost Processing Facility	\$240,118
105	Silver Spring Township Cumberland County	Leaf Waste Collection Program	\$159,412
106	Dauphin County Dauphin County	Drop-off Recycling Program	\$350,000
107	Derry Township Dauphin County	Leaf Waste Collection Program	\$114,613

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<i>Municipality/County</i>		<i>Project</i>	<i>Award</i>
108	Harrisburg City Dauphin County	Recycling Collection and Leaf Waste Processing Programs	\$347,725
109	Penbrook Borough Dauphin County	Leaf Waste Collection Program	\$55,171
110	Susquehanna Township Dauphin County	Leaf Waste Collection and Education Programs	\$279,113
111	Huntingdon County Huntingdon County	Drop-off Recycling Program	\$64,633
112	Columbia Borough Lancaster County	Leaf Waste Collection and Processing Programs	\$350,000
113	East Petersburg Borough Lancaster County	Recycling Education Program	\$1,574
114	Lancaster City Lancaster County	Recycling Collection and Education Programs	\$206,257
115	Salisbury Township Lancaster County	Leaf Waste Processing Program	\$136,876
116	West Earl Township Lancaster County	Leaf Waste Collection and Processing Programs	\$350,000
117	Annaville Township Lebanon County	Drop-off and Leaf Waste Recycling Programs	\$75,083
118	Greater Lebanon Refuse Authority Lebanon County	Recycling Collection and Leaf Waste Processing Programs	\$200,717
119	Lebanon City Lebanon County	Drop-off Recycling and Leaf Waste Collection Programs	\$269,070
120	North Lebanon Township Lebanon County	Drop-off Recycling and Leaf Waste Collection Programs	\$122,169
121	South Lebanon Township Lebanon County	Leaf Waste Compost Facility	\$350,000
122	Mifflin County SWA Mifflin County	Leaf Waste Processing Program	\$324,846
123	Carroll Township York County	Leaf Waste and Recycling Programs	\$215,875
124	Fairview Township York County	Leaf Waste Collection and Recycling Education Programs	\$50,863
125	Hanover Borough York County	Recycling and Leaf Waste Programs	\$349,027
126	Penn Township York County	Leaf Waste and Drop-off Recycling Facility	\$349,999
127	Red Lion Borough York County	Recycling Collection Program	\$4,083
128	West Manchester Township York County	Leaf Waste Collection and Recycling Education Programs	\$46,612
129	Windsor Township York County	Leaf Waste Collection Programs	\$158,697
<i>Northcentral Region</i>			
130	Northern Tier Solid Waste Authority Bradford County	Recycling Collection Program	\$350,000
131	Sayre Borough Bradford County	Drop-off and Leaf Waste Recycling Programs	\$345,215
132	Cameron County Cameron County	Drop-off and Leaf Waste Recycling Programs	\$318,520
133	Bellefonte Borough Centre County	Leaf Waste Programs	\$349,307

<i>Municipality/County</i>		<i>Project</i>	<i>Award</i>
134	Centre County RRA. Centre County	Community Event and Recycling Collection Programs	\$350,000
135	Centre Region COG Centre County	Food and Leaf Waste Collection Programs	\$350,000
136	College Township Centre County	Leaf Waste Collection Program	\$185,978
137	Ferguson Township Centre County	Leaf Waste Collection and Processing Programs	\$233,132
138	State College Borough Centre County	Leaf Waste Processing Program	\$350,000
139	Clearfield Borough Clearfield County	Leaf Waste Collection Program	\$76,545
140	Clearfield County SWA Clearfield County	Recycling Education Program	\$30,600
141	Lawrence Township Clearfield County	Leaf Waste Collection Program	\$153,255
142	Clinton County SWA Clinton County	Recycling Collection Program and Processing Facility	\$349,869
143	Lock Haven City Clinton County	Recycling Education Program	\$15,300
144	Bloomsburg Town Columbia County	Recycling Collection Program and Processing Facility	\$117,568
145	Scott Township Columbia County	Leaf Waste Collection and Processing Programs	\$93,749
146	Loyalsock Township Lycoming County	Leaf Waste Collection Program and Compost Facility	\$179,318
147	Lycoming County Lycoming County	Drop-off Recycling Program and Recycling Processing Facility	\$349,666
148	Danville Borough Montour County	Recycling Education Program	\$1,400
149	Kulpmont Borough Northumberland County	Drop-off Recycling Program	\$143,845
150	Shamokin City Northumberland County	Leaf Waste Collection Program	\$51,820
151	Sunbury Municipal Authority Northumberland County	Recycling Drop-off and Processing Facility	\$60,500
152	Potter County SWA Potter County	Drop-off Recycling Program	\$79,155
153	Union County Union County	Drop-off Recycling Program and Recycling Education	\$56,943
<i>Southwest Region</i>			
154	Allegheny County Allegheny County	Leaf Waste Collection Program	\$198,000
155	Baldwin Borough Allegheny County	Recycling Collection Program	\$264,681
156	Fox Chapel Borough Allegheny County	Leaf Waste Collection Program	\$350,000
157	Green Tree Borough Allegheny County	Recycling Collection Program	\$77,958
158	Oakmont Borough Allegheny County	Leaf Waste Collection Program	\$112,140
159	Penn Hills Municipality Allegheny County	Leaf Waste and Recycling Collection Programs	\$288,000
160	Pittsburgh City Allegheny County	Recycling Collection and Education Programs	\$350,000

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<i>Municipality/County</i>		<i>Project</i>	<i>Award</i>
161	Robinson Township Allegheny County	Leaf Waste Collection and Processing Programs	\$244,726
162	West Homestead Borough Allegheny County	Recycling Collection Program	\$277,110
163	Wilkins Township Allegheny County	Leaf Waste Collection and Processing Programs	\$24,570
164	Aliquippa City Beaver County	Leaf Waste Collection Program	\$53,700
165	Beaver Borough Beaver County	Leaf Waste Collection and Processing Programs	\$234,000
166	Beaver County Beaver County	Drop-off Recycling and Leaf Waste Programs	\$350,000
167	Brighton Township Beaver County	Leaf Waste Processing and Compost Facility	\$18,000
168	Chippewa Township Beaver County	Leaf Waste Collection and Processing Programs	\$108,000
169	Monaca Borough Beaver County	Recycling and Leaf Waste Collection Programs	\$198,000
170	New Sewickley Township Beaver County	Recycling Drop-off and Leaf Waste Programs	\$166,500
171	Patterson Township Beaver County	Leaf Waste Collection Program	\$49,500
172	Vanport Township Beaver County	Recycling Drop-off and Leaf Waste Programs	\$130,500
173	Cambria County SWA Cambria County	Drop-off Recycling Program	\$350,000
174	Fayette County Fayette County	Drop-off Program and Recycling Center	\$245,000
175	German Township Fayette County	Leaf Waste and Recycling Programs	\$81,000
176	Greene County Greene County	Recycling Center	\$145,000
177	Indiana County SWA Indiana County	Recycling Center	\$337,930
178	Somerset County Somerset County	Recycling Center	\$94,275
179	Peters Township Washington County	Leaf Waste Processing Program	\$122,400
180	Jeannette City Westmoreland County	Recycling Collection Program	\$39,375
181	Latrobe City Westmoreland County	Leaf Waste Programs	\$95,843
182	New Kensington City Westmoreland County	Leaf Waste and Recycling Collection Programs	\$98,716
<i>Northwest Region</i>			
183	Butler City Butler County	Leaf Waste Collection Program	\$66,661
184	Meadville City Crawford County	Leaf Waste and Recycling Collection Programs	\$170,094
185	Elk County Elk County	Recycling Processing Center	\$337,698
186	Erie City Erie County	Leaf Waste Collection and Processing Programs	\$350,000
187	Fairview Township Erie County	Leaf Waste and Recycling Programs	\$247,052

<i>Municipality/County</i>		<i>Project</i>	<i>Award</i>
188	Millcreek Township Erie County	Leaf Waste Processing and Education Programs	\$325,450
189	Wesleyville Borough Erie County	Leaf Waste and Recycling Programs	\$109,217
190	Jefferson County SWA Jefferson County	Drop-off Recycling and Education Programs	\$96,026
191	Lawrence County Lawrence County	Drop-off Recycling and Education Programs	\$289,399
192	McKean County McKean County	Drop-off Recycling and Education Programs	\$81,647
193	Grove City Borough Mercer County	Leaf Waste Collection Programs	\$85,000
194	Venango County Venango County	Recycling Center	\$345,502
195	Warren City Warren County	Leaf Waste Processing Program	\$180,877

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 18-1678. Filed for public inspection October 26, 2018, 9:00 a.m.]

DEPARTMENT OF HEALTH

Long-Term Care Nursing Facilities; Requests for Exception

The following long-term nursing care facilities are seeking exceptions to 28 Pa. Code § 201.22(d) and (e) (relating to prevention, control and surveillance of tuberculosis (TB)):

Sharon Regional Medical Center Transitional Care Unit
740 East State Street
Sharon, PA 16146
FAC ID # 196602

Southwestern Nursing Care Center
500 Lewis Run Road
Pittsburgh, PA 15122
FAC ID # 452302

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Nursing Care Facil-

ities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed address.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing-impaired persons, call the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

RACHEL L. LEVINE, MD,
Secretary

[Pa.B. Doc. No. 18-1679. Filed for public inspection October 26, 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>
Alan Wilcox	Rickard's Pond Upper 41 32.724 N -75 17.128 W	Cherry Ridge Township, Wayne County	12.94-acre lake discharges to Rickard's Pond Lower	<i>Coontail</i>
Alan Wilcox	Rickard's Pond Lower 41 32.619 N -75 16.875 W	Cherry Ridge Township, Wayne County	7.92-acre lake discharges to Lake Wanoka	<i>Coontail</i>

JOHN A. ARWAY,
Executive Director

[Pa.B. Doc. No. 18-1680. Filed for public inspection October 26, 2018, 9:00 a.m.]

INSURANCE DEPARTMENT

Application for Renewal of Designation as a Certified Reinsurer

Swiss Reinsurance Company, Ltd. has applied for renewal of its designation as a certified reinsurer in this Commonwealth. The application was received on September 25, 2018, and was made under section 319.1(a) of The Insurance Company Law of 1921 (40 P.S. § 442.1(a)) and 31 Pa. Code § 161.3a (relating to requirements for certified reinsurers).

Persons who wish to comment on the application are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Kimberly A. Rankin, Director, Bureau of Company Licensing and Financial Analysis, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, krankin@pa.gov. Comments received will be forwarded to the applicant for appropriate response.

JESSICA K. ALTMAN,
Insurance Commissioner

[Pa.B. Doc. No. 18-1681. Filed for public inspection October 26, 2018, 9:00 a.m.]

INSURANCE DEPARTMENT

Medical Care Availability and Reduction of Error Fund; Notice of and Amount of Assessment Action; Notice 2018-09

The Insurance Department's Medical Care Availability and Reduction of Error Fund (MCARE), by Theodore G. Otto, III, Executive Director, under section 712 of the Medical Care Availability and Reduction of Error (MCARE) Act (40 P.S. § 1303.712) and the Settlement Agreement between MCARE and the Pennsylvania Medical Society, the Hospital and Healthsystem Association of Pennsylvania and the Pennsylvania Podiatric Medical Association, notifies all basic insurance coverage insurers and self-insured participating health care providers that

the annual assessment to be levied for calendar year 2019 shall be 19% applied to the prevailing primary premium for each participating health care provider.

This action is subject to 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure).

THEODORE G. OTTO, III,
Executive Director

[Pa.B. Doc. No. 18-1682. Filed for public inspection October 26, 2018, 9:00 a.m.]

INSURANCE DEPARTMENT

Review Procedure Hearings under the Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (act) (40 P.S. § 1171.8) in connection with the company's termination of the homeowners' policy. The hearing will be held in accordance with the requirements of the act; 2 Pa.C.S. §§ 501—508, 561—588 and 701—704 (relating to Administrative Agency Law); 1 Pa. Code Part II (relating to Administrative Rules of Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). This administrative hearing will be held as follows. Failure by the appellants to appear at the scheduled hearing may result in dismissal with prejudice.

The hearing will be held at the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of John S. and Frances Gergle, Jr.; Lititz Mutual Insurance Company; File No. 18-118-227587; Doc. No. P18-10-004: November 20, 2018, 10 a.m.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require

an auxiliary aid, service or other accommodation to participate in the hearing, should contact Joseph Korman, (717) 787-4429, jkorman@pa.gov.

JESSICA K. ALTMAN,
Insurance Commissioner

[Pa.B. Doc. No. 18-1683. Filed for public inspection October 26, 2018, 9:00 a.m.]

LEGISLATIVE REFERENCE BUREAU

Pamphlet Laws, Slip Laws and Pennsylvania Consolidated Statutes; Printing, Binding, Storage and Distribution; Notice to Bidders

Sealed proposals will be received by the Legislative Reference Bureau (Bureau) for the following contracts:

- (1) A contract for printing, binding, storage and distribution of the *Pamphlet Laws* (Laws of Pennsylvania).
- (2) A contract for printing, binding, storage and distribution of the *Slip Laws*.
- (3) A contract for printing, binding, storage and distribution of the *Pennsylvania Consolidated Statutes*.

The contract period for each contract begins January 1, 2019, and ends December 31, 2020, with provision for optional renewal for two additional 1-year periods.

Proposals will be received at 641 Main Capitol Building, Harrisburg, PA 17120-0033, until 10 a.m., Wednesday, November 21, 2018, and will be publicly opened and read at 10 a.m., Friday, November 30, 2018.

Facilities for offset printing and pamphlet binding are required. The *Pamphlet Law* contract requires case binding by Smyth or equivalent sewing. At the discretion of the Bureau, subcontracting by bidders will be considered.

Bids must be accompanied by a certified or bank cashier's check in the sum of \$1,000. The Bureau reserves the right to reject any or all parts of bids and to waive technical defects in bids. Blanks and information may be obtained upon application to Kristin Kayer, (717) 787-4816 at the previously listed address.

VINCENT C. DeLIBERATO, Jr.,
Director

[Pa.B. Doc. No. 18-1684. Filed for public inspection October 26, 2018, 9:00 a.m.]

OFFICE OF OPEN RECORDS

Right-to-Know Law and Sunshine Law Annual Training

The Office of Open Records (OOR) is conducting its annual training on the Right-to-Know Law (RTKL) (65 P.S. §§ 67.101—67.3104) and 65 Pa.C.S. §§ 701—716

(relating to Sunshine Act). This year's training will consist of three sessions followed by a question and answer period.

The first session will provide an overview of important OOR resources available on the OOR web site for both agencies and requesters to help with the RTKL practice.

The second session will consist of a review on ethical issues in both the RTKL and the Sunshine Act. This session will discuss the ethical components of both laws and provide practice tips to ensure compliance.

The third session will examine relevant RTKL case law and notable OOR decisions from the past year. This session will also look at upcoming legal trends as well as proposed OOR regulations and the possible effect both could have on the RTKL practice.

The OOR's annual training is free and open to everyone to attend in person or online by means of webinar. Attendees will have ample opportunity to ask questions. (While anyone is welcome to attend, those most likely to benefit include elected and appointed public officials, agency open records officers, and attorneys who regularly deal with the RTKL or the Sunshine Act, or both. The OOR is scheduling separate sessions to focus on issues more of interest to requesters and more information can be found on its web site.)

This program is pending approval for CLE credit.

ERIK ARNESON,
Executive Director

[Pa.B. Doc. No. 18-1685. Filed for public inspection October 26, 2018, 9:00 a.m.]

PENNSYLVANIA INTERGOVERNMENTAL COOPERATION AUTHORITY

Financial Statement

Under section 207 of the Pennsylvania Intergovernmental Cooperation Authority Act for Cities of the First Class (52 P.S. § 12720.207) the Pennsylvania Intergovernmental Cooperation Authority (Authority) is required to publish a "concise financial statement" annually in the *Pennsylvania Bulletin*. The Authority has issued its annual report for its fiscal year ended June 30, 2018, which includes an audit for this period performed in accordance with generally accepted auditing standards by an independent firm of certified public accountants. The complete annual report of the Authority may be obtained from the Authority's web site at www.picapa.org or from the Pennsylvania Intergovernmental Cooperation Authority, 1500 Walnut Street, Suite 1600, Philadelphia, PA 19102, (215) 561-9160.

HARVEY M. RICE,
Executive Director

[Pa.B. Doc. No. 18-1686. Filed for public inspection October 26, 2018, 9:00 a.m.]

**PENNSYLVANIA INTERGOVERNMENTAL
COOPERATION AUTHORITY**

(A Component Unit of the City of Philadelphia)

STATEMENT OF NET POSITION - GOVERNMENTAL ACTIVITIES

JUNE 30, 2018

Assets	
Cash and cash equivalents:	
Held by Trustee	\$ 21,273,393
Other	19,483,412
Investments	46,604,947
PICA taxes receivable	3,003,005
Fair value of derivative instruments	1,545,187
Accrued interest receivable	59,256
Prepaid expenses	39,450
Equipment, net	3,579
Total Assets	92,012,229
Deferred Outflows of Resources	
Deferred outflows related to pension	404,302
Contributions subsequent to measurement date:	
Other post-employment benefits	32,829
Pension	80,868
Total Deferred Outflows of Resources	517,999
Liabilities	
Accounts payable and accrued expenses	126,284
Due to City of Philadelphia	3,003,005
Current portion of bonds payable	38,760,000
Current portion of net other post-employment benefit liability	32,829
Net pension liability	1,383,379
Noncurrent portion of net other post-employment benefit liability	1,044,664
Noncurrent portion of bonds payable	147,217,805
Total Liabilities	191,567,966
Deferred Inflows of Resources	
Deferred inflows related to pension	508,745
Deferred inflows related to other post-employment benefits	96,639
Total Deferred Inflows of Resources	605,384
Net Position	
Net investment in capital assets	3,579
Restricted for:	
Debt service	61,823,513
Benefit of the City of Philadelphia	5,514,017
Unrestricted	(166,984,231)
Total Net Position	\$ (99,643,122)

The accompanying notes are an integral part of these financial statements.

**PENNSYLVANIA INTERGOVERNMENTAL
COOPERATION AUTHORITY**

(A Component Unit of the City of Philadelphia)

STATEMENT OF ACTIVITIES - GOVERNMENTAL ACTIVITIES

YEAR ENDED JUNE 30, 2018

Expenses:	
Grants to City of Philadelphia	\$ 454,213,607
General management and support - general operations	1,584,845
Interest on long-term debt	10,655,100
Investment expenses	139,293
Total Expenses	<u>466,592,845</u>
Revenues:	
PICA taxes	498,713,153
Amortization of bond premium	3,912,712
Investment income	2,286,657
Other income	593,181
Total Revenues	<u>505,505,703</u>
Change in Net Position	38,912,858
Net Position:	
Beginning of year - as originally stated	(137,427,785)
Effect of implementation of GASB Statement No. 75	<u>(1,128,195)</u>
End of year	<u>\$ (99,643,122)</u>

The accompanying notes are an integral part of these financial statements.

**PENNSYLVANIA INTERGOVERNMENTAL
COOPERATION AUTHORITY**

(A Component Unit of the City of Philadelphia)

BALANCE SHEET - GOVERNMENTAL FUNDS

JUNE 30, 2018

ASSETS	General	PICA Tax Revenue	Debt Service Reserve Fund	Other Governmental Funds	Total Governmental Funds
ASSETS					
Assets:					
Cash and cash equivalents	\$ 19,483,412	\$ -	\$ 9,812,801	\$ 11,460,592	\$ 40,756,805
Investments	-	-	46,604,947	-	46,604,947
PICA taxes receivable	-	3,003,005	-	-	3,003,005
Accrued interest receivable	66	-	12,702	46,488	59,256
Prepaid expenses	39,450	-	-	-	39,450
Total Assets	\$ 19,522,928	\$ 3,003,005	\$ 56,430,450	\$ 11,507,080	\$ 90,463,463
LIABILITIES AND FUND BALANCE					
Liabilities:					
Accounts payable	\$ 63,767	\$ -	\$ -	\$ -	\$ 63,767
Due to the City of Philadelphia	-	3,003,005	-	-	3,003,005
Accrued payroll and taxes	62,517	-	-	-	62,517
Total Liabilities	126,284	3,003,005	-	-	3,129,289
Fund Balance:					
Restricted:					
For debt service	-	-	55,830,450	5,993,063	61,823,513
For benefit of City of Philadelphia	-	-	-	5,514,017	5,514,017
Committed:					
For subsequent PICA administration	-	-	600,000	-	600,000
For future swaption activity	14,184,868	-	-	-	14,184,868
Unassigned	5,211,776	-	-	-	5,211,776
Total fund balance	19,396,644	-	56,430,450	11,507,080	87,334,174
Total Liabilities and Fund Balance	\$ 19,522,928	\$ 3,003,005	\$ 56,430,450	\$ 11,507,080	\$ 90,463,463

Amounts reported for governmental activities in the statement of net position are different due to:

Long-term liabilities are not due and payable in the current period and, therefore, are not reported in the governmental funds	\$ (168,505,000)
Fair value of derivative instruments is not reported in the governmental funds	1,545,187
Capital assets are not financial resources and, therefore, are not reported in the governmental funds	3,579
Net pension liability and related deferred inflows and outflows of resources are not reported in the governmental funds	(1,406,954)
Net OPEB liability and related deferred inflows and outflows of resources are not reported in the governmental funds	(1,141,303)
Premium on bonds is reported in the government-wide statements	(17,472,805)
Net position - governmental activities	<u>\$ (99,643,122)</u>

The accompanying notes are an integral part of these financial statements.

**PENNSYLVANIA INTERGOVERNMENTAL
COOPERATION AUTHORITY**

(A Component Unit of the City of Philadelphia)

**STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE -
GOVERNMENTAL FUNDS**

YEAR ENDED JUNE 30, 2018

	General	PICA Tax Revenue	Debt Service Reserve Fund	Other Governmental Funds	Total Governmental Funds
Revenues:					
PICA taxes	\$ -	\$ 498,713,153	\$ -	\$ -	\$ 498,713,153
Investment income	238,023	202,821	1,665,252	460,905	2,567,001
Other	573,171	20,010	-	-	593,181
Total revenues	<u>811,194</u>	<u>498,935,984</u>	<u>1,665,252</u>	<u>460,905</u>	<u>501,873,335</u>
Expenditures:					
Grants to the City of Philadelphia	-	454,213,607	-	-	454,213,607
Debt service:					
Principal	-	-	-	45,440,000	45,440,000
Interest	-	-	-	10,655,100	10,655,100
Administration:					
Investment expenses	-	-	139,293	-	139,293
Operations	1,250,328	-	-	-	1,250,328
Total expenditures	<u>1,250,328</u>	<u>454,213,607</u>	<u>139,293</u>	<u>56,095,100</u>	<u>511,698,328</u>
Excess (Deficiency) of Revenues Over (Under) Expenditures	(439,134)	44,722,377	1,525,959	(55,634,195)	(9,824,993)
Other Financing Sources (Uses):					
Transfers in (out)	89,583	(44,722,377)	(10,362,225)	54,995,019	-
Net Change in Fund Balance	(349,551)	-	(8,836,266)	(639,176)	(9,824,993)
Fund Balance:					
Beginning of year	19,746,195	-	65,266,716	12,146,256	97,159,167
End of year	<u>\$ 19,396,644</u>	<u>\$ -</u>	<u>\$ 56,430,450</u>	<u>\$ 11,507,080</u>	<u>\$ 87,334,174</u>

<u>Reconciliation of change in fund balance to change in net position:</u>	
Change in fund balance	\$ (9,824,993)
Repayment of bond principal is an expenditure in the governmental funds, but the repayment reduces the long-term liabilities in the government-wide statements	45,440,000
Bond premium is amortized over the life of the bonds in the government-wide statements	3,912,712
Cost of capital outlays is allocated over their estimated useful lives as depreciation in the government-wide statements	(2,140)
Pension expense difference between governmental funds and government-wide statements	(319,269)
Other post-employment benefit expense difference between governmental funds and government-wide statements	(13,108)
Derivative valuation adjustment is recognized as an asset and revenue/expense in the government-wide statements	(280,344)
Change in net position	<u>\$ 38,912,858</u>

The accompanying notes are an integral part of these financial statements.

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 November 13, 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-2018-3005188. Awais Farooq (334 Taylors Mill Road, West Chester, Chester County, PA 19380) in call or demand service, between points in West Chester Borough, Chester County.

A-2018-3005243. Compassionate Caretakers Homecare Agency, LLC (2439 North College Avenue, Suite # 5, Philadelphia, PA 19121) in nonemergency paratransit service, from points in the Counties of Bucks, Chester, Delaware, Montgomery and Philadelphia, to points in Pennsylvania, and return.

A-2018-3005265. Compassionate Provider Care Agency Limited Liability Company, t/a Compassionate Provider Care Agency (306 Roberta Avenue, Collingdale, Delaware County, PA 19023) in paratransit service from points in the Counties of Bucks, Chester, Delaware, Montgomery and Philadelphia, to points in Pennsylvania, and return.

Applications of the following for approval of the *additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under each application.*

A-2018-3004968. G & B's Tour, LLC (532 Seneca Street, Harrisburg, Dauphin County, PA 17110) in group and party service, in vehicles with a seating capacity of 11 to 15 passengers, including the driver, from points in Cumberland and Dauphin Counties, to points in Pennsylvania, and return; excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

A-2018-3005318. City & County Services, LLC (10871 Bustleton Avenue, # 226, Philadelphia, Philadelphia County, PA 19116) in paratransit service, from points in the City and County of Philadelphia, to points in

Pennsylvania, and return. *Attorney:* David Temple, Esquire, 1600 Market Street, Suite 1320, Philadelphia, Pennsylvania 19103.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 18-1687. Filed for public inspection October 26, 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 November 13, 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. Medic Transit, Inc., t/a Medic Transit; Docket No. C-2018-3004459

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 Medic Transit, Inc., t/a Medic Transit, (respondent) is under suspension effective August 25, 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 552, Lititz, PA 17543.

3. That respondent was issued a Certificate of Public Convenience by this Commission on August 21, 2017, at A-6419602.

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-6419602 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: 9/4/2018

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current

insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility Services
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 18-1688. Filed for public inspection October 26, 2018, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Water and Wastewater Services

A-2018-3005430, A-2018-3005431, A-2018-3005432 and A-2018-3005433. Community Utilities of Pennsylvania, Inc. and Pennsylvania Utility Company. Joint application of Community Utilities of Pennsylvania, Inc. and Pennsylvania Utility Company for approval of: 1) the transfer of the rights, service obligations, sale of water and wastewater systems and assets of Pennsylvania Utility Company to Community Utilities of Pennsylvania, Inc.; 2) the commencement of water and wastewater service by Community Utilities of Pennsylvania, Inc.;

and 3) the abandonment of water and wastewater service by Pennsylvania Utility Company.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before November 13, 2018. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at www.puc.pa.gov and at the applicant's business address.

Applicants: Community Utilities of Pennsylvania, Inc.; Pennsylvania Utility Company

Through and By Counsel: Thomas J. Sniscak, Esquire, Whitney E. Snyder, Esquire, Hawke, McKeon & Sniscak, LLP, 100 North Tenth Street, Harrisburg, PA 17101; Steven T. Hanford, Esquire, Silverang, Donohoe, Rosenzweig & Haltzman, LLC, 595 East Lancaster Avenue, Suite 203, Saint Davids, PA 19087

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 18-1689. Filed for public inspection October 26, 2018, 9:00 a.m.]

PHILADELPHIA PARKING AUTHORITY

Service of Notice of Motor Carrier Applications in the City of Philadelphia

The following permanent authority applications to render service as a common carrier in the City of Philadelphia have been filed with the Philadelphia Parking Authority's (PPA) Taxicab and Limousine Division (TLD). Formal protests must be filed in accordance with 52 Pa. Code Part II (relating to Philadelphia Parking Authority) with the TLD's Office of the Clerk, 2415 South Swanson Street, Philadelphia, PA 19148, no later than November 13, 2018. The nonrefundable protest filing fee is \$5,000 payable to the PPA by certified check or money order. The applications are available for inspection at the TLD between 9 a.m. and 4 p.m., Monday through Friday (contact TLD Director Christine Kirlin, Esq. at (215) 683-9653 to make an appointment) or may be inspected at the business addresses of the respective applicants or attorneys, or both.

Doc. No. A-18-10-03. Tam & Tas Taxi, LLC (161 Long Lane, Upper Darby, PA 19082): An application for a medallion taxicab certificate of public convenience (CPC) to transport, as a common carrier, persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return. *Attorney for Applicant:* Danielle Friedman, Esq., 2301 Church Street, Philadelphia, PA 19124.

Doc. No. A-18-10-04. Dream Medallions, Inc. (1914 Chandler Street, Philadelphia, PA 19111): An application for a medallion taxicab CPC to transport, as a common carrier, persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return. *Attor-*

ney for Applicant: Danielle Friedman, Esq., 2301 Church Street, Philadelphia, PA 19124.

Doc. No. A-18-10-05. Tabassum Trans, Inc. (148 North Fairview Avenue, Upper Darby, PA 19082): An application for a medallion taxicab CPC to transport, as a common carrier, persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return. *Attorney for Applicant:* Danielle Friedman, Esq., 2301 Church Street, Philadelphia, PA 19124.

Doc. No. A-18-10-06. MSM Trans, Inc. (116 Marlboro Road, Upper Darby, PA 19082): An application for a medallion taxicab CPC to transport, as a common carrier, persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return. *Attorney for Applicant:* Danielle Friedman, Esq., 2301 Church Street, Philadelphia, PA 19124.

SCOTT PETRI,
Executive Director

[Pa.B. Doc. No. 18-1690. Filed for public inspection October 26, 2018, 9:00 a.m.]

PHILADELPHIA PARKING AUTHORITY

Service of Notice of Taxicab and Limousine Division Formal Complaint

Philadelphia Parking Authority, Taxicab and Limousine Division v. Gotry Cab Co.; Doc. No. C-18-09-066

Attention Gotry Cab Co., last known address of 2351 South Swanson Street, Philadelphia, PA 19148: Citation T-25007 has been issued to you by first-class proof-of-mail on September 24, 2018, by the Enforcement Department of the Philadelphia Parking Authority's Taxicab and Limousine Division (TLD) citing you have committed a violation of 52 Code § 1011.3 for "failure to report interruption of service," which carries a recommended penalty of \$100 along with cancellation of your certificate of public convenience (CPC) No. 1000265-01 as it relates to Philadelphia taxicab medallion P-1036. Pursuant to 52 Pa. Code § 1005.13(b) (relating to answer to citations), an answer to the Citation was due no later than October 12, 2018.

However, the Citation was mailed to you at your last known address referenced above but has been returned to the TLD by the United States Postal Service marked as "return to sender, attempted, moved, unable to forward." Therefore, this notice is being published pursuant to 52 Pa. Code § 1001.51(e) (relating to alternative service). To avoid a default order being entered against you, and the above penalties being levied including cancellation of your CPC as it relates to medallion P-1036, within 15 days after the date of this publication, you shall answer the Citation by doing one of the following:

(1) Plead liable to the violation, cancellation of your CPC and remit payment of the full penalty amount identified in the Citation as referenced above and in a form as provided in 52 Pa. Code § 1001.42 (relating to mode of payment), payable to the Philadelphia Parking Authority; or

(2) Plead not liable by filing a hearing request as provided in 52 Pa. Code § 1005.13(b).

The payments and/or hearing request shall be filed with the TLD Clerk at: Philadelphia Parking Authority, Taxicab and Limousine Division, Attn: Office of the Clerk, 2415 S. Swanson Street, Philadelphia, PA 19148-4113.

SCOTT PETRI,
Executive Director

[Pa.B. Doc. No. 18-1691. Filed for public inspection October 26, 2018, 9:00 a.m.]

STATE BOARD OF NURSING

**Bureau of Professional and Occupational Affairs v.
Mary Rudick Paolucci, LPN; Case No. 17-51-
03562**

On March 12, 2018, the State Board of Nursing (Board) issued a Memorandum Order indefinitely suspending the license to practice practical nursing of Mary Rudick

Paolucci, LPN, license No. PN075521L, last known of Sturges, Lackawanna County, 20 days from the publication of this notice, unless an answer and request for hearing is filed within that time frame, based upon her failure to attend a Board ordered evaluation.

Individuals may obtain a copy of the Memorandum Opinion and Order by writing to Judith Pachter Schulder, Board Counsel, State Board of Nursing, P.O. Box 2649, Harrisburg, PA 17105-2649.

Individuals may file a request for a hearing to challenge the validity of the order compelling the examination or to contest the allegations of the motion to deem facts admitted along with an answer within 20 days of publication of this notice. If a request for hearing and answer are not filed within the time period previously listed, a final adjudication and order indefinitely suspending the license will be issued by the Board.

LINDA L. KMETZ, PhD, RN,
Chairperson

[Pa.B. Doc. No. 18-1692. Filed for public inspection October 26, 2018, 9:00 a.m.]

STATE CONSERVATION COMMISSION

Action on Odor Management Plans for Concentrated Animal Operations and Concentrated Animal Feeding Operations and Volunteers Complying with the Commonwealth's Facility Odor Management Program

The State Conservation Commission has taken the following actions on previously received applications for Odor Management Plans under 3 Pa.C.S. §§ 501—522 (relating to nutrient management and odor management).

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

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

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

Odor Management Plan—Public Notice Spreadsheet—Actions

<i>Ag Operation Name, Address</i>	<i>County/Township</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>New, Amended or Existing</i>	<i>Action Taken</i>
JM Hatchery, LLC Joel Martin 178 Lowry Road New Holland, PA 17557	Lancaster County/ Earl Township	22.04	Pullets	Amended	Approved
Jacob Light—Erdis Farm 177 Blue Mountain Road Fredericksburg, PA 17026	Lebanon County/ Bethel Township	246.85	Broilers	New	Approved

PATRICK McDONNELL,
Chairperson

[Pa.B. Doc. No. 18-1693. Filed for public inspection October 26, 2018, 9:00 a.m.]

SUSQUEHANNA RIVER BASIN COMMISSION

Projects Approved for Consumptive Uses of Water

The Susquehanna River Basin Commission (Commission) approved by rule the following lists of projects from September 1, 2018, through September 30, 2018.

For further information contact Jason E. Oyler, General Counsel, (717) 238-0423, Ext. 1312, fax (717) 238-2436, joyler@srbc.net. Regular mail inquiries may be sent to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

Supplementary Information

This notice lists the projects, described as follows, receiving approval for the consumptive use of water under the Commission's approval by rule process in 18 CFR 806.22(e) and (f) (relating to standards for consumptive uses of water) for the time period previously specified:

Approvals by Rule Issued Under 18 CFR 806.22(f)

1. Repsol Oil & Gas USA, LLC, Pad ID: MURPHY (07 075) D, ABR-201309002.R1; Apolacon Township, Susquehanna County, PA; Consumptive Use of Up to 6.0000 mgd; Approval Date: September 10, 2018.
2. Repsol Oil & Gas USA, LLC, Pad ID: BUTLER (07 086) J, ABR-201309003.R1; Apolacon Township, Susquehanna County, PA; Consumptive Use of Up to 6.0000 mgd; Approval Date: September 10, 2018.
3. Repsol Oil & Gas USA, LLC, Pad ID: OLYMPIC LAKE ESTATES (07 083), ABR-201309005.R1; Apolacon Township, Susquehanna County, PA; Consumptive Use of Up to 6.0000 mgd; Approval Date: September 10, 2018.
4. SWN Production Company, LLC, Pad ID: Salt Lick Hunting Club-Range-Pad59, ABR-201310002.R1; New Milford Township, Susquehanna County, PA; Consumptive Use of Up to 4.9990 mgd; Approval Date: September 10, 2018.
5. SWEPI, LP, Pad ID: Bradford 481, ABR-201309008.R1; Sullivan Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: September 21, 2018.
6. Cabot Oil & Gas Corporation, Pad ID: StoddardT P1, ABR-201309012.R1; Lenox Township, Susquehanna County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: September 24, 2018.

Authority: Pub.L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808

Dated: October 15, 2018

ANDREW D. DEHOFF,
Executive Director

[Pa.B. Doc. No. 18-1694. Filed for public inspection October 26, 2018, 9:00 a.m.]

SUSQUEHANNA RIVER BASIN COMMISSION

Projects Rescinded for Consumptive Uses of Water

The Susquehanna River Basin Commission (Commission) has rescinded the following projects from September 1, 2018, through September 30, 2018.

For further information contact Jason E. Oyler, General Counsel, (717) 238-0423, Ext. 1312, fax (717) 238-2436, joyler@srbc.net. Regular mail inquiries may be sent to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

Supplementary Information

This notice lists the projects, described as follows, being rescinded for the consumptive use of water under the Commission's approval by rule process in 18 CFR 806.22(e) and (f) (relating to standards for consumptive uses of water) for the time period previously specified:

Rescinded ABR Issued

1. ARD Operating, LLC, Pad ID: COP Tr 343 Pad B, ABR-201007053.R1; Noyes Township, Clinton County, PA; Approval Rescinded: September 13, 2018.
2. XTO Energy, Inc., Pad ID: Houseweart 8527H, ABR-201009028.R1; Pine Township, Columbia County, PA; Approval Rescinded: September 14, 2018.

Authority: Pub.L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808

Dated: October 15, 2018

ANDREW D. DEHOFF,
Executive Director

[Pa.B. Doc. No. 18-1695. Filed for public inspection October 26, 2018, 9:00 a.m.]

