

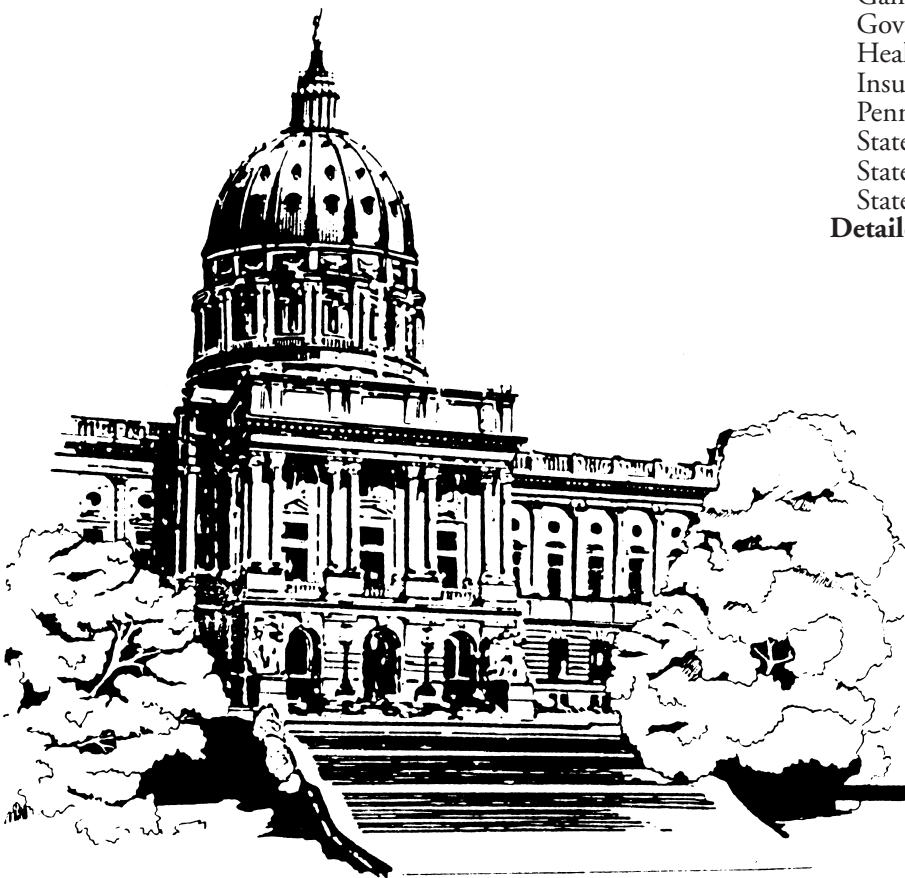
PENNSYLVANIA BULLETIN

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Agencies in this issue

The Courts
Department of Banking and Securities
Department of Environmental Protection
Department of Health
Department of State
Environmental Quality Board
Game Commission
Governor's Office
Health Care Cost Containment Council
Insurance Department
Pennsylvania Public Utility Commission
State Board of Dentistry
State Conservation Commission
State Employees' Retirement Board

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(Master Transmittal Sheet):**

No. 532, March 2019

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

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Rules and Regulations

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

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

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

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

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

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Printing Format

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

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

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

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

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

Court Rules in Titles 201—246 of the Pennsylvania Code

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

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

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

Fiscal Notes

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

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

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

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List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2019.

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603	1297
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25 Pa. Code (Environmental Protection)

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121	1146
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40 Pa. Code (Liquor)

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49 Pa. Code (Professional and Vocational Standards)

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52 Pa. Code (Public Utilities)

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204 Pa. Code (Judicial System General Provisions)

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210 Pa. Code (Appellate Procedure)

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225 Pa. Code (Rules of Evidence)

Proposed Rules

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Unclassified 12, 13, 14, 214, 215, 216, 274, 380, 445, 446, 453, 616, 619, 706, 707, 838, 917, 918, 919, 920, 1020, 1021, 1022, 1360	
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THE COURTS

Title 210—APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

[210 PA. CODE CH. 1]

Order Amending Rule 126 of the Pennsylvania Rules of Appellate Procedure; No. 278 Appellate Procedural Rules Doc.

Order

Per Curiam

And Now, this 4th day of March, 2019, upon the recommendation of the Appellate Court Procedural Rules Committee; the proposal having been published for public comment at 47 Pa.B. 7 (January 7, 2017):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 126 of the Pennsylvania Rules of Appellate Procedure is amended in the following form.

This Order shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective May 1, 2019.

Annex A

TITLE 210. APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

ARTICLE I. PRELIMINARY PROVISIONS

CHAPTER 1. GENERAL PROVISIONS

DOCUMENTS GENERALLY

Rule 126. Citations of Authorities.

[A party citing authority that is not readily available shall attach the authority as an appendix to its filing.] (a) When citing authority, a party should direct the court's attention to the specific part of the authority on which the party relies. A party citing authority that is not readily available shall attach the authority as an appendix to its filing. If a party cites a decision as authorized in paragraph (b), (c), or (d), the party shall indicate the value or basis for such citation in a parenthetical following the citation.

(b) *Non-Precedential Decisions.*

(1) As used in this rule, "non-precedential decision" refers to an unpublished non-precedential memorandum decision of the Superior Court filed after May 1, 2019 or an unreported memorandum opinion of the Commonwealth Court filed after January 15, 2008.

(2) Non-precedential decisions as defined in (b)(1) may be cited for their persuasive value.

(c) Single-Judge Opinions of the Commonwealth Court.

(1) A reported single-judge opinion in an election law matter filed after October 1, 2013, may be cited as binding precedent only in an election law matter.

(2) All other single-judge opinions, even if reported, shall be cited only for persuasive value and not as binding precedent.

(d) Law of the Case and Related Doctrines.—Any disposition may always be cited if relevant to the doctrine of law of the case, res judicata, or collateral estoppel, or if relevant to a criminal action or proceeding because it recites issues raised and reasons for a decision affecting the same defendant in a prior action or proceeding.

Official Note:

Paragraph (a)

Pa.R.A.P. 126 is intended to ensure that cited authority is readily available to the court and parties. [This rule is not intended to supersede any internal operating procedure of an appellate court regarding the citation to memorandum decisions or unreported opinions. See, e.g., Superior Court Internal Operating Procedure § 37, 210 Pa. Code § 65.37; Pa.R.A.P. 3716 and Commonwealth Court Internal Operating Procedure § 414, 210 Pa. Code § 69.414.] Paragraph (a) encourages parties to provide citations to the specific pages of cases and sections or subsections of statutes or rules that are relevant to the reason for the citation.

[The second sentence of the rule encourages parties to provide pinpoint citations for cases and section or subsection citations for statutes or rules.]

Although the rule does not establish rules for citation, the following guidelines regarding the citation of Pennsylvania cases and statutes are offered for parties' benefit:

Regarding cases, the rule does not require parallel citation to the National Reporter System and the official reports of the Pennsylvania appellate courts. Parties may cite to the National Reporter System alone.

Regarding statutes, Pennsylvania has officially consolidated only some of its statutes. Parties citing a statute enacted in the Pennsylvania Consolidated Statutes may use the format "1 Pa.C.S. § 1928." Parties citing an unconsolidated statute may refer to the Pamphlet Laws or other official collection of the Legislative Reference Bureau, with a parallel citation to *Purdon's Pennsylvania Statutes Annotated*, if available, using the format, "Act of February 14, 2008, P.L. 6, 65 P.S. §§ 67.101—67.3104" or "Section 3(a) of the Act of May 16, 1923, P.L. 207, as amended, 53 P.S. § 7106(a)." Parties are advised that *Purdon's* does not represent an official version of Pennsylvania statutes. *In re Appeal of Tenet HealthSystems Bucks Cnty., LLC*, 880 A.2d 721, 725-26 (Pa. Cmwlth. 2005), appeal denied, 897 A.2d 1185 (Pa. 2006).

Litigants are directed to provide, as far as practicable, citations to non-precedential decisions from electronic databases, such as LEXIS or Westlaw or any other readily available website. Opinions of the appellate courts are posted at <http://www.pacourts.us> and that website has searching and filtering capabilities. If another Rule of Appellate Procedure requires a paper copy, one should be provided.

Prior to Pa.R.A.P. 126, the format for citation was discussed only in Pa.R.A.P. 2119(b), a rule applicable to briefs. The format guidelines [**above**] are not mandatory, and a party does not waive an argument merely by failing to follow the format. The guidelines [**above**] do, however, provide assistance to parties looking for generally acceptable citation format in [**Pennsylvania**] **Pennsylvania's appellate courts.**

Paragraph (b)

Paragraph (b) defines non-precedential decisions and their value for citation purposes. The new term is intended to harmonize the designations of intermediate appellate court opinions. Thus, "non-precedential decision" encompasses what are referred to as unpublished non-precedential memorandum decisions of the Superior Court and unreported memorandum opinions of the Commonwealth Court.

[Pa.B. Doc. No. 19-416. Filed for public inspection March 22, 2019, 9:00 a.m.]

Title 225—RULES OF EVIDENCE

[225 PA. CODE ART. IX]

Proposed Amendment of Pa.R.E. 901 and 902

Proposed amendment of Pa.R.E. 901 and 902 governing authentication is being republished for the reasons set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. No. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

Any reports, notes, or comments in the proposal have been inserted by the Committee for the convenience of those using the rules. They neither will constitute a part of the rules nor will be officially adopted by the Supreme Court.

Additions to the text of the proposal are bolded and underlined; deletions to the text are bolded and bracketed.

The Committee invites all interested persons to submit comments, suggestions, or objections in writing to:

Daniel A. Durst, Counsel
Committee on Rules of Evidence
Supreme Court of Pennsylvania
Pennsylvania Judicial Center
PO Box 62635
Harrisburg, PA 17106-2635
FAX: 717.231.9536
evidencerules@pacourts.us

All communications in reference to the proposal should be received by May 17, 2019. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

*By the Committee on
Rules of Evidence*

JOHN P. KRILL, Jr.,
Chair

Annex A

TITLE 225. RULES OF EVIDENCE

ARTICLE IX. AUTHENTICATION AND IDENTIFICATION

Rule 901. Authenticating or Identifying Evidence.

(a) *In General.* [**To**] **Unless stipulated, to** satisfy the requirement of authenticating or identifying an item of evidence, the proponent must produce evidence sufficient to support a finding that the item is what the proponent claims it is.

(b) *Examples.* The following are examples only—not a complete list—of evidence that satisfies the requirement:

(1) *Testimony of a Witness with Knowledge.* Testimony that an item is what it is claimed to be.

(2) *Nonexpert Opinion about Handwriting.* A nonexpert's opinion that handwriting is genuine, based on a familiarity with it that was not acquired for the current litigation.

(3) *Comparison by an Expert Witness or the Trier of Fact.* A comparison with an authenticated specimen by an expert witness or the trier of fact.

(4) *Distinctive Characteristics and the Like.* The appearance, contents, substance, internal patterns, or other distinctive characteristics of the item, taken together with all the circumstances.

(5) *Opinion About a Voice.* An opinion identifying a person's voice—whether heard firsthand or through mechanical or electronic transmission or recording—based on hearing the voice at any time under circumstances that connect it with the alleged speaker.

(6) *Evidence About a Telephone Conversation.* For a telephone conversation, evidence that a call was made to the number assigned at the time to:

(A) a particular person, if circumstances, including self-identification, show that the person answering was the one called; or

(B) a particular business, if the call was made to a business and the call related to business reasonably transacted over the telephone.

(7) *Evidence About Public Records.* Evidence that:

(A) a document was recorded or filed in a public office as authorized by law; or

(B) a purported public record or statement is from the office where items of this kind are kept.

(8) *Evidence About Ancient Documents or Data Compilations.* For a document or data compilation, evidence that it:

(A) is in a condition that creates no suspicion about its authenticity;

(B) was in a place where, if authentic, it would likely be; and

(C) is at least 30 years old when offered.

(9) *Evidence About a Process or System.* Evidence describing a process or system and showing that it produces an accurate result.

(10) *Methods Provided by a Statute or a Rule.* Any method of authentication or identification allowed by a statute or a rule prescribed by the Supreme Court.

Comment

Pa.R.E. 901(a) is **substantively** identical to F.R.E. 901(a) and consistent with Pennsylvania law. The authentication or identification requirement may be expressed as follows: When a party offers evidence contending either expressly or impliedly that the evidence is connected with a person, place, thing, or event, the party must provide evidence sufficient to support a finding of the contended connection. See *Commonwealth v. Hudson*, [**489 Pa. 620**,] 414 A.2d 1381 (**Pa.** 1980); *Commonwealth v. Pollock*, [**414 Pa. Super. 66**,] 606 A.2d 500 (**Pa. Super.** 1992). **The proponent may be relieved of this burden when all parties have stipulated the authenticity or identification of the evidence. See, e.g., Pa.R.C.P. No. 212.3(a)(3) (Pre-trial Conference); Pa.R.C.P. No. 4014 (Request for Admission); Pa.R.Crim.P. 570(A)(2) and (3) (Pretrial Conference).**

In some cases, real evidence may not be relevant unless its condition at the time of trial is similar to its condition at the time of the incident in question. In such cases, the party offering the evidence must also introduce evidence sufficient to support a finding that the condition is similar. Pennsylvania law treats this requirement as an aspect of authentication. See *Commonwealth v. Hudson*, [**489 Pa. 620**,] 414 A.2d 1381 (**Pa.** 1980).

Demonstrative evidence such as photographs, motion pictures, diagrams and models must be authenticated by evidence sufficient to support a finding that the demonstrative evidence fairly and accurately represents that which it purports to depict. See *Nyce v. Muffley*, [**384 Pa. 107**,] 119 A.2d 530 (**Pa.** 1956).

Pa.R.E. 901(b) is identical to F.R.E. 901(b).

Pa.R.E. 901(b)(1) is identical to F.R.E. 901(b)(1). It is consistent with Pennsylvania law in that the testimony of a witness with personal knowledge may be sufficient to authenticate or identify the evidence. See *Commonwealth v. Hudson*, [**489 Pa. 620**,] 414 A.2d 1381 (**Pa.** 1980).

Pa.R.E. 901(b)(2) is identical to F.R.E. 901(b)(2). It is consistent with 42 Pa.C.S. § 6111, which also deals with the admissibility of handwriting.

Pa.R.E. 901(b)(3) is identical to F.R.E. 901(b)(3). It is consistent with Pennsylvania law. When there is a question as to the authenticity of an exhibit, the trier of fact will have to resolve the issue. This may be done by comparing the exhibit to authenticated specimens. See *Commonwealth v. Gipe*, [**169 Pa. Super. 623**,] 84 A.2d 366 (**Pa. Super.** 1951) (comparison of typewritten document with authenticated specimen). Under this rule, the court must decide whether the specimen used for comparison to the exhibit is authentic. If the court determines that there is sufficient evidence to support a finding that the specimen is authentic, the trier of fact is then permitted to compare the exhibit to the authenticated specimen. Under Pennsylvania law, lay or expert testimony is admissible to assist the jury in resolving the question. See, e.g., 42 Pa.C.S. § 6111.

Pa.R.E. 901(b)(4) is identical to F.R.E. 901(b)(4). Pennsylvania law has permitted evidence to be authenticated by circumstantial evidence similar to that discussed in this illustration. The evidence may take a variety of forms including: evidence establishing chain of custody, see *Commonwealth v. Melendez*, [**326 Pa. Super. 531**,] 474 A.2d 617 (**Pa. Super.** 1984); evidence that a letter is in reply to an earlier communication, see *Roe v. Dwelling House Ins. Co. of Boston*, [**149 Pa. 94**,] 23 A. 718 (**Pa.**

1892); testimony that an item of evidence was found in a place connected to a party, see *Commonwealth v. Bassi*, [**284 Pa. 81**,] 130 A. 311 (**Pa.** 1925); a phone call authenticated by evidence of party's conduct after the call, see *Commonwealth v. Gold*, [**123 Pa. Super. 128**,] 186 A. 208 (**Pa. Super.** 1936); and the identity of a speaker established by the content and circumstances of a conversation, see *Bonavitacola v. Cluver*, [**422 Pa. Super. 556**,] 619 A.2d 1363 (**Pa. Super.** 1993).

Pa.R.E. 901(b)(5) is identical to F.R.E. 901(b)(5). Pennsylvania law has permitted the identification of a voice to be made by a person familiar with the alleged speaker's voice. See *Commonwealth v. Carpenter*, [**472 Pa. 510**,] 372 A.2d 806 (**Pa.** 1977).

Pa.R.E. 901(b)(6) is identical to F.R.E. 901(b)(6). This paragraph appears to be consistent with Pennsylvania law. See *Smithers v. Light*, [**305 Pa. 141**,] 157 A. 489 (**Pa.** 1931); *Wahl v. State Workmen's Ins. Fund*, [**139 Pa. Super. 53**,] 11 A.2d 496 (**Pa. Super.** 1940).

Pa.R.E. 901(b)(7) is identical to F.R.E. 901(b)(7). This paragraph illustrates that public records and reports may be authenticated in the same manner as other writings. In addition, public records and reports may be self-authenticating as provided in Pa.R.E. 902. Public records and reports may also be authenticated as otherwise provided by statute. See Pa.R.E. 901(b)(10) and its Comment.

Pa.R.E. 901(b)(8) differs from F.R.E. 901(b)(8), in that the Pennsylvania Rule requires thirty years, while the Federal Rule requires twenty years. This change makes the rule consistent with Pennsylvania law. See *Commonwealth ex rel. Ferguson v. Ball*, [**277 Pa. 301**,] 121 A. 191 (**Pa.** 1923).

Pa.R.E. 901(b)(9) is identical to F.R.E. 901(b)(9). There is very little authority in Pennsylvania discussing authentication of evidence as provided in this illustration. The paragraph is consistent with the authority that exists. For example, in *Commonwealth v. Viscontio*, [**301 Pa. Super. 543**,] 448 A.2d 41 (**Pa. Super.** 1982), a computer print-out was held to be admissible. In *Appeal of Chartiers Valley School District*, [**67 Pa. Cmwlth. 121**,] 447 A.2d 317 (**Pa. Cmwlth.** 1982), computer studies were not admitted as business records, in part, because it was not established that the mode of preparing the evidence was reliable. The court used a similar approach in *Commonwealth v. Westwood*, [**324 Pa. 289**,] 188 A. 304 (**Pa.** 1936) (test for gun powder residue) and in other cases to admit various kinds of scientific evidence. See *Commonwealth v. Middleton*, [**379 Pa. Super. 502**,] 550 A.2d 561 (**Pa. Super.** 1988) (electrophoretic analysis of dried blood); *Commonwealth v. Rodgers*, [**413 Pa. Super. 498**,] 605 A.2d 1228 (**Pa. Super.** 1992) (results of DNA/RFLP testing).

Pa.R.E. 901(b)(10) differs from F.R.E. 901(b)(10) to eliminate the reference to Federal law and to make the paragraph conform to Pennsylvania law.

There are a number of statutes that provide for authentication or identification of various types of evidence. See, e.g., 42 Pa.C.S. § 6103 (official records within the Commonwealth); 42 Pa.C.S. § 5328 (domestic records outside the Commonwealth and foreign records); 35 P.S. § 450.810 (vital statistics); 42 Pa.C.S. § 6106 (documents filed in a public office); 42 Pa.C.S. § 6110 (certain registers of marriages, births and burials records);

75 Pa.C.S. § 1547(c) (chemical tests for alcohol and controlled substances); 75 Pa.C.S. § 3368 (speed timing devices); 75 Pa.C.S. § 1106(c) (certificates of title); 42 Pa.C.S. § 6151 (certified copies of medical records); 23 Pa.C.S. § 5104 (blood tests to determine paternity); 23 Pa.C.S. § 4343 (genetic tests to determine paternity).

Official Note: Adopted May 8, 1998, effective October 1, 1998; rescinded and replaced January 17, 2013, effective March 18, 2013; **adopted _____, 2019, effective _____, 2019.**

Committee Explanatory Reports:

Final Report explaining the January 17, 2013 rescission and replacement published with the Court's Order at 43 Pa.B. 651 (February 2, 2013).

Final Report explaining the _____, 2019 amendment of paragraph (1) published with the Court's Order at 49 Pa.B. (_____, 2019).

Rule 902. Evidence That is Self-Authenticating.

The following items of evidence are self-authenticating; they require no extrinsic evidence of authenticity in order to be admitted:

(1) *Domestic Public Documents That Are Sealed and Signed.* A document that bears:

(A) a seal purporting to be that of the United States; any state, district, commonwealth, territory, or insular possession of the United States; the former Panama Canal Zone; the Trust Territory of the Pacific Islands; a political subdivision of any of these entities; or a department, agency, or officer of any entity named above; and

(B) a signature purporting to be an execution or attestation.

(2) *Domestic Public Documents That Are Not Sealed But Are Signed and Certified.* A document that bears no seal if:

(A) it bears the signature of an officer or employee of an entity named in Rule 902(1)(A); and

(B) another public officer who has a seal and official duties within that same entity certifies under seal—or its equivalent—that the signer has the official capacity and that the signature is genuine.

(3) *Foreign Public Documents.* A document that purports to be signed or attested by a person who is authorized by a foreign country's law to do so. The document must be accompanied by a final certification that certifies the genuineness of the signature and official position of the signer or attester—or of any foreign official whose certificate of genuineness relates to the signature or attestation or is in a chain of certificates of genuineness relating to the signature or attestation. The certification may be made by a secretary of a United States embassy or legation; by a consul general, vice consul, or consular agent of the United States; or by a diplomatic or consular official of the foreign country assigned or accredited to the United States. If all parties have been given a reasonable opportunity to investigate the document's authenticity and accuracy, the court may for good cause, either:

(A) order that it be treated as presumptively authentic without final certification; or

(B) allow it to be evidenced by an attested summary with or without final certification.

(4) *Certified Copies of Public Records.* A copy of an official record—or a copy of a document that was recorded or filed in a public office as authorized by law—if the copy is certified as correct by:

(A) the custodian or another person authorized to make the certification; or

(B) a certificate that complies with Rule 902(1), (2), or (3), a statute, or a rule prescribed by the Supreme Court.

A certificate required by paragraph (4)(B) may include a handwritten signature, a copy of a handwritten signature, a computer generated signature, or a signature created, transmitted, received, or stored by electronic means, by the signer or by someone with the signer's authorization. A seal may, but need not, be raised.

(5) *Official Publications.* A book, pamphlet, or other publication purporting to be issued by a public authority.

(6) *Newspapers and Periodicals.* [**Printed material**] **Material** purporting to be a newspaper or periodical.

(7) *Trade Inscriptions and the Like.* An inscription, sign, tag, or label purporting to have been affixed in the course of business and indicating origin, ownership, or control.

(8) *Acknowledged Documents.* A document accompanied by a certificate of acknowledgment that is lawfully executed by a notary public or another officer who is authorized to take acknowledgments.

(9) *Commercial Paper and Related Documents.* Commercial paper, a signature on it, and related documents, to the extent allowed by general commercial law.

(10) *Presumptions Authorized by Statute.* A signature, document, or anything else that a statute declares to be presumptively or *prima facie* genuine or authentic.

(11) *Certified Domestic Records of a Regularly Conducted Activity.* The original or a copy of a domestic record that meets the requirements of Rule 803(6)(A)—(C), as shown by a certification of the custodian or another qualified person that complies with Pa.R.C.P. No. 76. Before the trial or hearing, the proponent must give an adverse party reasonable written notice of the intent to offer the record—and must make the record and certification available for inspection—so that the party has a fair opportunity to challenge them.

(12) *Certified Foreign Records of a Regularly Conducted Activity.* [**In a civil case, the**] **The** original or a copy of a foreign record that meets the requirements of Rule 902(11), modified as follows: the certification rather than complying with a statute or Supreme Court rule, must be signed in a manner that, if falsely made, would subject the maker to a criminal penalty in the country where the certification is signed. The proponent must also meet the notice requirements of Rule 902(11).

(13) *Certificate of Non-Existence of a Public Record.* A certificate that a document was not recorded or filed in a public office as authorized by law if certified by the custodian or another person authorized to make the certificate.

Comment

This rule permits some evidence to be authenticated without extrinsic evidence of authentication or identification. In other words, the requirement that a proponent must present authentication or identification evidence as a condition precedent to admissibility, as provided by Pa.R.E. 901(a), is inapplicable to the evidence discussed in Pa.R.E. 902. The rationale for the rule is that, for the types of evidence covered by Pa.R.E. 902, the risk of forgery or deception is so small, and the likelihood of discovery of forgery or deception is so great, that the cost

of presenting extrinsic evidence and the waste of court time is not justified. Of course, this rule does not preclude the opposing party from contesting the authenticity of the evidence. In that situation, authenticity is to be resolved by the finder of fact.

Pa.R.E. 902(1), (2), (3), and (4) deal with self-authentication of various kinds of public documents and records. They are identical to F.R.E. 902(1), (2), (3), and (4), except that Pa.R.E. 901(4) eliminates the reference to Federal law **and does not require the certificate to include a pen-and-ink signature or raised seal for the self-authentication of public documents.** These paragraphs are consistent with Pennsylvania statutory law. *See, e.g.* 42 Pa.C.S. § 6103 (official records within the Commonwealth); 42 Pa.C.S. § 5328 (domestic records outside the Commonwealth and foreign records); 35 P.S. § 450.810 (vital statistics); 42 Pa.C.S. § 6106 (documents filed in a public office).

The admission of a self-authenticating record of a prior conviction also requires sufficient evidence, either direct or circumstantial, to prove that the subject of the record is the same person for whom the record is offered in a proceeding. *See, e.g., Commonwealth v. Boyd*, 344 A.2d 864 (Pa. 1975).

Pa.R.E. 902(4) differs from F.R.E. 902(4) insofar as the rule does not require the certificate to include a pen-and-ink signature or raised seal for the self-authentication of public documents.

Pa.R.E. 902(5) [, (6) and (7) are] is identical to F.R.E. 902(5) [, (6) and (7)]. There [are] is no corresponding statutory provisions in Pennsylvania; however, 45 Pa.C.S. § 506 (judicial notice of the contents of the *Pennsylvania Code* and the *Pennsylvania Bulletin*) is similar to Pa.R.E. 902(5).

Pa.R.E. 902(6) differs from F.R.E. 902(6) insofar as it does not contain “print” in reference to newspapers or periodicals. Cf. F.R.E. 101(b)(6) (“[A] reference to any kind of written material or any other medium includes electronically stored information.”). A newspaper or periodical should be available to the public online, digitally, or in print, principally devoted to the dissemination of local or general news and other editorial content, adherent to journalistic ethics and standards, and updating its content on a regular basis. For online newspapers and periodicals, links to other web content may be included, but the core content must reside on a server or website.

Pa.R.E. 902(6) permits both printed and digital newspapers and periodicals to be self-authenticated. Evidence purported to be an article or item from a newspaper or periodical must contain sufficient indicia of its original publication, including, but not limited to, the publication’s title, the date of publication, page or volume of the article or item, and web address, if applicable, where the article or item was originally published.

Pa.R.E. 902(7) is identical to F.R.E. 902(7).

Pa.R.E. 902(8) is identical to F.R.E. 902(8). It is consistent with Pennsylvania law. *See Sheaffer v. Baeringer*, 29 A.2d 697 (Pa. 1943); *Williamson v. Barrett*, 24 A.2d 546 (Pa. Super. 1942); [21 P.S. §§ 291.1—291.13 (Uniform Acknowledgement Act);] 57 Pa.C.S. §§ 301—331 (Revised Uniform Law on Notarial Acts). An acknowledged

document is a type of official record and the treatment of acknowledged documents is consistent with Pa.R.E. 902(1), (2), (3), and (4).

Pa.R.E. 902(9) is identical to F.R.E. 902(9). Pennsylvania law treats various kinds of commercial paper and documents as self-authenticating. *See, e.g.*, 13 Pa.C.S. § 3505 (evidence of dishonor of negotiable instruments).

Pa.R.E. 902(10) differs from F.R.E. 902(10) to eliminate the reference to Federal law and to make the paragraph conform to Pennsylvania law. In some Pennsylvania statutes, the self-authenticating nature of a document is expressed by language creating a “presumption” of authenticity. *See, e.g.*, 13 Pa.C.S. § 3505.

Pa.R.E. 902(11) and (12) permit the authentication of domestic and foreign records of regularly conducted activity by verification or certification. Pa.R.E. 902(11) is similar to F.R.E. 902(11). The language of Pa.R.E. 902(11) differs from F.R.E. 902(11) in that it refers to Pa.R.C.P. No. 76 rather than to Federal law. Pa.R.E. 902(12) differs from F.R.E. 902(12) in that it requires compliance with a Pennsylvania statute rather than a Federal statute.

Pa.R.E. 902(13) has no counterpart in the Federal Rules. This rule provides for the self-authentication of a certificate of the non-existence of a public record, as provided in Pa.R.E. 803(10)(A).

Official Note: Adopted May 8, 1998, effective October 1, 1998; amended November 2, 2001, effective January 1, 2002; amended February 23, 2004, effective May 1, 2004; rescinded and replaced January 17, 2013, effective March 18, 2013; amended November 9, 2016, effective January 1, 2017; amended June 12, 2017, effective November 1, 2017; **amended** , **2019, effective** , **2019.**

Committee Explanatory Reports:

Final Report explaining the November 2, 2001 amendments adding paragraphs (11) and (12) published with Court’s Order at 31 Pa.B. 6384 (November 24, 2001).

Final Report explaining the February 23, 2004 amendment of paragraph (12) published with Court’s Order at 34 Pa.B. 1429 (March 13, 2004).

Final Report explaining the January 17, 2013 rescission and replacement published with the Court’s Order at 43 Pa.B. 651 (February 2, 2013).

Final Report explaining the November 9, 2016 addition of paragraph (13) published with the Court’s Order at 46 Pa.B. 7438 (November 26, 2016).

Final Report explaining the June 12, 2017 amendment of the Comment published with the Court’s Order at 47 Pa.B. 3491 (June 24, 2017).

Final Report explaining the , **2018 amendment of paragraphs (4), (6), and (12) published with the Court’s Order at 49 Pa.B.** (, **2019).**

REPORT

Proposed Amendment of Pa.R.E. 901 & 902

The Committee on Rules of Evidence is considering amendment of Pennsylvania Rules of Evidence 901 and 902 to facilitate the authentication of evidence. The Committee previously published proposed amendments of Rule 901(a), and Rule 902(4) and (6). *See* 47 Pa.B. 4658 (August 12, 2017). Upon further deliberations, the Committee herein republishes the proposed amendments of Rule 901(a), and Rule 902(4) and (6), together with amendment of Rule 902(12).

Pa.R.E. 901(a)

In the most general of descriptions, authentication is the requirement of proving what the evidence is purported to be. The purpose of this requirement is to reduce the risk of forgery or deception; yet, commentators have questioned whether this safeguard is justified by the time, expense, and inconvenience of authentication. *See* 2 McCormick on Evid. § 221 (7th ed.).

While authentication may serve a salutary purpose in evidence of questionable origin or dubious portrayal, the mechanical application of the requirements in every instance, especially when authentication is not reasonably contested, does not serve the purpose of the Rules in eliminating unjustifiable expense or delay. *See* Pa.R.E. 102. To that end, the Committee wishes to signal to readers that authentication of evidence can be stipulated by the parties and, therefore, relieve the proponent of introducing authentication evidence. Accordingly, the Committee recommends that Rule 901(a) be amended to include the phrase, “unless stipulated,” and corresponding Comment language.

Pa.R.E. 902(4)

The Committee undertook review of Rule 902(4) to consider whether copies of public records can be certified and transmitted electronically.¹ This question tested whether a certificate pursuant to Rule 902(4)(B) must be contain a pen-and-ink (a.k.a. “wet”) signature and whether a seal, if required, must be raised.

Informed by Pa.R.Crim.P. 103 (defining “signature”), the Committee concluded that a signature on a certification need not be pen-and-ink to serve its function. Additionally, technology has progressed to where wet signatures are no longer required as evidence for commerce and transactions. *See, e.g.*, Electronic Transactions Act, Act of December 16, 1999, P.L. 971, 73 P.S. § 2260.309 (“In a proceeding, evidence of a record or signature may not be excluded solely because it is in electronic form.”).

Concerning the necessity of a raised seal, its absence is not a foreign concept. Under the Protection From Abuse Act, a “certified copy” is defined as “a paper copy of the original order of the issuing court endorsed by the appropriate clerk of that court or an electronic copy of the original order of the issuing court endorsed with a digital signature of the judge or appropriate clerk of that court.” 23 Pa.C.S. § 6102. The definition goes further to state: “A raised seal on the copy of the order of the issuing court shall not be required.” *Id.* Further, Section 322 of the Judicial Code, insofar as it pertains to court seals, states: “A facsimile or preprinted seal may be used for all purposes in lieu of the original seal.” 42 Pa.C.S. § 322.

Accordingly, the Committee recommends amendment of Rule 902(4) to add:

A certificate required by paragraph (4)(B) may include a handwritten signature, a copy of a handwritten signature, a computer generated signature, or a signature created, transmitted, received, or stored by electronic means, by the signer or by someone with the signer’s authorization. A seal may, but need not, be raised.

¹ With the increasing availability of direct access to public records via the Internet, one might question the future necessity of authenticating public records as opposed to requesting judicial notice pursuant to Pa.R.E. 201(b)(2) that a record is authentic based upon its on-line repository.

This amendment is intended to facilitate the use of electronic forms of certification for copies of public records; it is not intended to prohibit the use of pen-and-ink signatures and raised seals.

The amendment is specifically limited to paragraph (B). It was drafted narrowly with the belief that copies of public records are being authenticated by certificate pursuant to 42 Pa.C.S. § 6103(a) rather than paragraph (A). Because the requirements of the certificate are governed by statute, it was believed that the certificate would fall under paragraph (B) (certificate that complies with a statute). Of course, this may be an esoteric point and practitioners are probably relying more on the appearance of a certification to satisfy the Rule rather than parsing out whether the record is certified pursuant to paragraph (A) or (B).

The absence of a raised seal and wet signature potentially raises an issue about whether the certification itself is an original or copy. Theoretically, a proponent might attempt to admit a copy of a certified copy of a public record without traditional indicators of an original certification. At that juncture, Rule 1003 permits the admissibility of a duplicate to the same extent as the original unless there is a question about the original’s authenticity. Therefore, a copy of a certified copy of a public record would be admissible unless there was a question concerning the authenticity of the certification. *See also* Pa.R.E. 1005 (admitting a copy of the public record itself to prove content). This construct would permit a copy of a public document to be certified at one location, imaged (*e.g.*, scanned into a .pdf), and electronically transmitted to another location for use in a legal proceeding subject to the Pennsylvania Rules of Evidence.

Pa.R.E. 902(6)

Upon reviewing Rule 902(6), the Committee originally proposed removing “printed” as a condition of material purporting to be a newspaper or periodical. The Committee believed that such a term has become antiquated in an era when digital media has largely replaced print media. The fact that a newspaper or periodical is printed (or not) does not appear to serve as a hallmark of authentication.

The proposed deletion raised additional concerns. First, “printed” operated to reduce the scope of what might constitute a newspaper or periodical. Eliminating the “printed” condition may expand what material may be considered a “newspaper” or “periodical,” and allow online publications to be included under Pa.R.E. 902(6). Additionally, purely digital media that might be considered a “newspaper” or “periodical” could be at greater risk of unauthorized alteration than print media.

As background, newspaper circulation in general has declined by 40% since 1991. On a per capita basis, the decline is even more pronounced. Volume of periodicals, as measured by the USPS, reached a peak in 1990 at 10.7 billion pieces. In 2017, households only received 4.9 billion periodicals. As readers migrate to digital newspapers and periodicals, the universe of print media continues to shrink. For example, U.S. News and World Report stopped printing in December 2010; it now exists entirely digitally. Six of Duke Law’s nine student-edited law journals have been published only in digital format since 2013. A Reuters, Bloomberg, Dow Jones or AP wire story may never appear in print. While “newspapers” and “periodicals” connote a degree of professional journalism, as opposed to citizen journalism, unprinted material may still be the product of professional journalism. For ex-

ample, the HuffPost (formerly Huffington Post) won a Pulitzer in 2012 in the category of national reporting and it is a digital format rather than print. Managed by Spirited Media, digital-only journalism now exists in Philadelphia with billypenn.com and in Pittsburgh with theincline.com.

Effective December 1, 2011, the Federal Rules of Evidence were restyled, adding F.R.E. 101(b)(6) as a definition to state “a reference to any kind of written material or any other medium includes electronically stored information.”

Under Rule 902(6) (*Newspapers and Periodicals*), “[p]rinted material purporting to be a newspaper or periodical” is self-authenticating. This includes online newspaper and periodicals, because Fed. R. Evid. 101(b)(6) provides that any reference in the Rules to printed material also includes comparable information in electronic form. Thus all newspaper and periodical material is self-authenticating whether or not it ever appeared in hard copy.

Hon. Paul W. Grimm *et al.*, *Authenticating Digital Evidence*, 69 Baylor L. Rev. 1, 28 (2017) (footnotes omitted). See also *White v. City of Birmingham, Ala.*, 96 F. Supp. 3d 1260, 1274 (N.D. Ala. 2015), *as amended* (website “news articles are analogous to traditional newspaper articles and could be found self-authenticating at trial.”). Based upon the federal approach, it could be concluded that printing no longer serves as a hallmark of authentication. While Pennsylvania did not adopt an analog to F.R.E. 101(b)(6) during its restyling, the proposal seeks to accomplish the same effect as F.R.E. 101(b)(6) albeit limited to Pa.R.E. 902(6).

Regarding the concern about a greater risk of undetected adulteration with non-printed material than with printed material, the concern appears to be multifold: 1) the source material could be maliciously altered by a third party unbeknownst to the author and parties; 2) the author could subsequently alter the source material unbeknownst to the parties; or 3) a party could retrieve the digital material, alter it, and then present the altered material in court.

Undetected third party alteration is a factor of the security of newspaper and periodical websites. The Committee lacks information about the frequency in which content has been altered on media websites. Intuitively, the Committee believes that if the websites are in the business of producing digital material (*i.e.*, a newspaper or periodical), then they have a significant interest in protecting the content against alteration.

With an author’s subsequent alteration, the Committee recognizes that an author may sometimes correct an article. It is expected that the author would follow the journalistic ethics and standards applicable to newspapers and periodicals. As discussed *infra*, the Committee proposes adding guidance that would require a newspaper or periodical to adhere to journalistic standards and ethics.

Regarding a party’s alteration, if someone were willing to alter digital material then that person would be similarly motivated to alter print material. Nonetheless, the Federal Rules of Evidence ostensibly did not view this risk as an obstacle when F.R.E. 101(b)(6) was promulgated.

Additionally, the detection of altered digital content is enhanced through the Internet Archive’s Wayback Machine. See <http://web.archive.org/>. The Internet Archive is a nonprofit corporation founded in 1996 as an online

library to provide access to historical collections in digital format and “to prevent the Internet—a new medium with major historical significance—and other ‘born-digital’ materials from disappearing into the past.” Deborah R. Eltgroth, *Best Evidence and the Wayback Machine: Toward A Workable Authentication Standard for Archived Internet Evidence*, 78 Fordham L. Rev. 181, 185-86 (2009). The Wayback Machine is a service available through the Internet Archive that allows parties to visit digitally archived webpages. Users can type in a URL and select a date range, permitting them to browse through older versions of the given site that were posted during the designated period.

Regardless of whether the material exists in print or digitally, the proponent still has the burden of establishing that the material purports to be a “newspaper” or “periodical”—the proposal does not intend to alter that requirement. The Committee deliberated at length and concluded that “printed” is not determinative of an article’s authenticity; rather, authenticity pivots on whether the article was from a “newspaper” or “periodical.” With no definition of these terms in the Pennsylvania Rules of Evidence or Pennsylvania case law, the Committee consulted statutory definitions containing a “printed” requirement. See 45 Pa.C.S. § 101(a) (definitions for the “Newspaper Advertising Act” and “any other law relating to printing or newspaper advertising”). While those definitions are instructive, their advent in 1976 predates what is colloquially called the “Internet” where digital media currently exists. See Act of July 9, 1976, P.L. 877, 45 Pa.C.S. §§ 101 *et seq.* Further, the application of those definitions appears limited to advertising. See 45 Pa.C.S. § 101(a) and § 302. Commentary directed toward F.R.E. 902(6) appeared to focus on publication at regular intervals when construing “newspaper” and “periodical.” See § 9:35 *Newspapers and Periodicals*, 5 Federal Evidence § 9:35 (4th ed.).

Seeking a more modern approach to digital media, the Committee considered the Pennsylvania Newsmedia Association’s criteria for “online publications,” as set forth in its bylaws. See Article 4.1.2, PNA Bylaws (revised November 2016) at <http://panewsmedia.org/docs/default-source/about-us-documents/pna-bylaws.pdf> (last visited March 5, 2019). With modification, the Committee believed the criteria can serve as a guide to determining whether a source is a “newspaper” or “periodical” under Pa.R.E. 902(6). The proposed guidance would be contained in the Comment to Pa.R.E. 902(6), which states:

Pa.R.E. 902(6) differs from F.R.E. 902(6) insofar as it does not contain “print” in reference to newspapers or periodicals. *Cf.* F.R.E. 101(b)(6) (“[A] reference to any kind of written material or any other medium includes electronically stored information.”). A newspaper or periodical should be available to the public online, digitally, or in print, be principally devoted to the dissemination of local or general news and other editorial content, be adherent to journalistic ethics and standards, and contain regularly updated content. For online newspapers and periodicals, links to other web content may be included, but the core content must reside on a server or website.

However, a question arose whether this guidance would require extrinsic evidence, which then defeats the purpose of self-authentication. See Pa.R.E. 902 (evidence not requiring extrinsic evidence of authenticity in order to be admitted).

The Committee next considered whether the Comment to Pa.R.E. 902(6) should be further revised to provide

guidance for the authentication of digital newspapers and periodicals. Initially, the Committee thought that the absence of such guidance for printed newspapers and periodicals suggested that no additional guidance was warranted for digital newspapers and periodicals. However, federal case law applying F.R.E. 902(6) suggested that guidance may be helpful to readers. *See, e.g., Ciampi v. City of Palo Alto*, 790 F.Supp.2d 1077 (N.D. Cal. 2011); *United States Security and Exchange Commission v. Berrettini*, No. 10-CV-1614, 2015 WL 5159746 (N.D. Ill. 2015) (unreported).

After much deliberation, the Committee favored additional commentary addressing both print and digital newspapers and periodicals. The proposed Comment states:

Pa.R.E. 902(6) permits both printed and digital newspapers and periodicals to be self-authenticated. Evidence purported to be an article or item from a newspaper or periodical must contain sufficient indicia of its original publication, including, but not limited to, the publication's title, the date of publication, page or volume of the article or item, and web address, if applicable, where the article or item was originally published.

Pa.R.E. 902(12)

On November 2, 2001, the Court adopted Rule 902(12) addressing the self-authentication of certified foreign records of regularly conducted activity in civil cases. *See* 31 Pa.B. 6381 (November 24, 2001). On February 23, 2004, the Court amended Rule 902(12) to eliminate its civil case-specific application. *See* 34 Pa.B. 1429 (March 13, 2004). On January 17, 2013, the Court rescinded and replaced, *inter alia*, Rule 902(12) as part of a larger restyling of the Rules of Evidence. *See* 43 Pa.B. 620 (February 2, 2013).

While no substantive changes to the Rules were intended as a part of the restyling, 43 Pa.B. at 652, the replacement of Rule 902(12) erroneously removed the substance of the 2004 amendment. Accordingly, the Committee has proposed correction of the text to reflect the 2004 amendment.

* * * * *

The Committee invites all comments, suggestions, and concerns, especially with regard to the proposed amendment of Pa.R.E. 902(6).

[Pa.B. Doc. No. 19-417. Filed for public inspection March 22, 2019, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 1900]

Order Amending Rule 1905 of the Pennsylvania Rules of Civil Procedure; No. 690 Civil Procedural Rules Doc.

Order

Per Curiam

And Now, this 5th day of March, 2019, upon the recommendation of the Domestic Relations Procedural

Rules Committee; the proposal having been submitted without publication pursuant to Pa.R.J.A. No. 103(a)(3) in the interest of efficient administration:

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 1905 of the Pennsylvania Rules of Civil Procedure is amended in the following form.

This Order shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective on April 10, 2019.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1900. ACTIONS PURSUANT TO THE PROTECTION FROM ABUSE ACT

Rule 1905. Forms for Use in PFA Actions. Notice and Hearing. Petition. Temporary Protection Order. Final Protection Order.

(a) The Notice of Hearing and Order required by [Rule] Pa.R.C.P. No. 1901.3 shall be substantially in the following form:

(Caption)

NOTICE OF HEARING AND ORDER

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the following papers, you must appear at the hearing scheduled herein. If you fail to do so, the case may proceed against you and a FINAL order may be entered against you granting the relief requested in the petition. In particular, you may be evicted from your residence, [**be**] prohibited from possessing any firearm, other weapon, ammunition, or any firearm license, and lose other important rights, including custody of your children. [**Any**] A protection order granted by a court may be considered in subsequent proceedings under Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, including child custody proceedings under Chapter 53 (relating to custody) **and Child Protective Services Law proceedings under Chapter 63 (related to juvenile matters).**

A hearing on the matter is scheduled for the ____ day of _____, 20____, at ____ .m., in Courtroom _____ at _____ Courthouse, _____ Pennsylvania.

If an order of protection has been entered, you **MUST** obey the order until it is modified or terminated by the court after notice and hearing. If you disobey this order, the police or sheriff may arrest you. Violation of this order may subject you to a charge of indirect criminal contempt [**which is punishable by a fine of up to \$1,000 and/or up to six months in jail**] under 23 [Pa.C.S.A.] Pa.C.S. § 6114. Violation may also subject you to prosecution and criminal penalties under the Pennsylvania Crimes Code. Under federal law, 18 U.S.C. § 2265, this order is enforceable anywhere in the United States, tribal lands, U.S. Territories, and the Commonwealth of Puerto Rico. If you travel outside of the state and intentionally violate this order, you may be subject to federal criminal proceedings under the Violence Against Women Act, 18 U.S.C. §§ 2261-2262.

If this order directs you to relinquish any firearm, other weapon, ammunition, or any firearm license to the sheriff **or the appropriate law enforcement agency**, you may do so upon service of this order. As an alternative, you may relinquish any firearm, other weapon, or ammu-

dition listed herein to a third party provided you and the third party first comply with all requirements to obtain a safekeeping permit. 23 [Pa.C.S.A.] Pa.C.S. § 6108.3. You must relinquish any firearm, other weapon, ammunition, or any firearm license listed in the order no later than 24 hours after service of the order. If, due to their current location, firearms, other weapons, or ammunition cannot reasonably be retrieved within the time for relinquishment, you must provide an affidavit to the sheriff **or the appropriate law enforcement agency** listing the firearms, other weapons, or ammunition and their current location no later than 24 hours after service of the order. Failure to timely relinquish any firearm, other weapon, ammunition, or any firearm license shall result in a violation of this order and may result in criminal conviction under the Uniform Firearms Act, 18 [Pa.C.S.A.] Pa.C.S. § 6105.

NOTICE: Even if this order does not direct you to relinquish firearms, you may be subject to federal firearms prohibitions and federal criminal penalties under 18 U.S.C. § 922(g)(8) **or state firearms prohibitions and state criminal penalties under 18 Pa.C.S. § 6105.**

[YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE.] YOU HAVE THE RIGHT TO HAVE A LAWYER REPRESENT YOU AT THE HEAR-

ING[.], **HOWEVER,** THE COURT WILL NOT [, **HOWEVER,**] APPOINT A LAWYER FOR YOU. **YOU HAVE THE RIGHT TO PRESENT EVIDENCE AT THE HEARING, INCLUDING SUBPOENAING WITNESSES TO TESTIFY ON YOUR BEHALF.**

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE. IF YOU CANNOT FIND A LAWYER, YOU MAY HAVE TO PROCEED WITHOUT ONE.

County Lawyer Referral Service
 [Insert Street Address]
 [Insert City, State, Zip Code]
 [Insert Phone]

(b) The petition in an action filed pursuant to the Act shall be substantially in the following form, but the first page (paragraphs 1 through 4), following the Notice of Hearing and Order, shall be exactly as set forth in this rule:

PETITION FOR PROTECTION FROM ABUSE	IN THE COURT OF COMMON PLEAS OF _____ COUNTY, PENNSYLVANIA NO. _____
---	--

1. PLAINTIFF

--	--

First Middle Last Plaintiffs DOB

Plaintiff's Address:

Plaintiff's address is confidential or Plaintiff's address is: _____

V.

2. DEFENDANT

--

First Middle Last Suffix

Defendant's Address:

DEFENDANT IDENTIFIERS			
DOB		HEIGHT	
SEX		WEIGHT	
RACE		EYES	
HAIR			
SSN			
DRIVERS LICENSE #			
EXP DATE		STATE	

CAUTION:

- Weapon Involved**
- Weapon Present on the Property**
- Weapon Requested Relinquished**

Defendant's Place of employment is: _____

Check here if you have reason to believe that Defendant is a licensed firearms dealer, [is] employed by a licensed firearms dealer or manufacturer; [is] employed as a writer, researcher, or technician in the firearms or hunting industry, or is required to carry a firearm as a condition of employment.

3. I am filing this Petition on behalf of: Myself **[and/or] or** Another Person

If you checked "myself", please answer all questions referring to yourself as "Plaintiff". If you ONLY checked "another person", please answer all questions referring to that person as the "Plaintiff", and provide your name and address here, as filer, unless confidential.

Filer's Name:

--

First Middle Last Suffix

Filer's Address is Confidential or Filer's address is: _____

If you checked "Another Person", indicate your relationship with Plaintiff:

- parent of minor Plaintiff(s)
- applicant for appointment as guardian ad litem of minor Plaintiff(s)
- adult household member with minor Plaintiff(s)
- court appointed guardian of incompetent Plaintiff(s)

4. Name(s) of all persons, including minor child/ren, who seek protection from abuse:

5. Indicate the relationship between Plaintiff and Defendant[.]:

CHECK ALL THAT APPLY:

- spouse or former spouse of Defendant
- parent of a child with Defendant
- current or former sexual or intimate partner with Defendant
- child of Plaintiff
- child of Defendant
- family member related by blood (consanguinity) to Defendant
- family member related by marriage or affinity to Defendant
- sibling (person who shares parenthood) of Defendant
- Check here if Defendant is 17 years old or younger.

6. Have Plaintiff and Defendant been involved in any of the following court actions?

- Divorce Custody Support Protection from Abuse

If you checked any of the above, briefly indicate when and where the case was filed and the court number, if known:

7. Has Defendant been involved in any criminal court action? _____

If you answered Yes, is Defendant currently on probation? _____

Has Defendant been determined to be a perpetrator in a founded or indicated report under the Child Protective Services Law, 23 Pa.C.S. §§ 6301—6386?

If you answered Yes, what county's court or child protective services agency issued the founded or indicated report?

8. Plaintiff and Defendant are the parents of the following minor child/ren:

Name(s)	Age(s)	who reside at (list address unless confidential)
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

9. If Plaintiff and Defendant are parents of any minor child/ren together, is there an existing court order regarding their custody? _____

If you answered "Yes," describe the terms of the order (e.g., primary, shared, legal [**and/or**] or physical custody):

If you answered "yes", in what county and state was the order issued?

If you are now seeking an order of child custody as part of this petition, list the following information:

(a) Where has each child resided during the past five years?

Child's name	Person(s) child lived with	Address, unless confidential	When
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

(b) List any other persons who are known to have or claim a right to custody of each child listed above.

Name	Address	Basis of Claim
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

10. The following other minor child/ren presently live with Plaintiff:

Name(s)	Age(s)	Plaintiff's relationship to child/ren
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

11. The facts of the most recent incident of abuse are as follows:

Approximate Date: _____
 Approximate Time: _____
 Place: _____

Describe in detail what happened, including any physical or sexual abuse, threats, injury, incidents of stalking, medical treatment sought, [**and/or**] **or** calls to law enforcement. (attach additional sheets of paper if necessary):

12. If Defendant has committed prior acts of abuse against Plaintiff or the minor child/ren, describe these prior incidents, including any threats, injuries, or incidents of stalking, and indicate approximately when such acts of abuse occurred (attach additional sheets of paper if necessary):

13.(a) Has Defendant used or threatened to use any firearms or other weapons against Plaintiff or the minor child/ren? If so, please describe the use or threatened use below and list on Attachment A to Petition, which is incorporated by reference into this petition, any firearms, other weapons, or ammunition Defendant used or threatened to use against Plaintiff [**and/or**] **or** the minor child/ren: _____

(b) Other than the firearms, other weapons, or ammunition Defendant used or threatened to use against [**Petitioner**] **Plaintiff** or the minor child/ren, does Defendant, to the best of your knowledge or belief, own or possess any additional firearm, other weapon, ammunition, or any firearm license?

(c) If the answer to (b) above is "yes," list any additional firearm, other weapon, or ammunition owned by or in the possession of Defendant on Attachment A to Petition, which is incorporated by reference into this petition.

(d) Plaintiff (*check one*) DOES DOES NOT request that the court order Defendant to relinquish firearms, other weapons, or ammunition listed on Attachment A to Petition. If Plaintiff does seek relinquishment, identify on Attachment A to Petition the firearms, other weapons [**and**], **or** ammunition Plaintiff requests the court to order Defendant to relinquish.

14. Identify the sheriff, police department, or law enforcement agency in the area in which Plaintiff lives that should be provided with a copy of the protection order: _____

15. There is an immediate and present danger of further abuse from Defendant.

CHECK THE FOLLOWING BOXES ONLY IF THEY APPLY TO YOUR CASE AND PROVIDE THE REQUESTED INFORMATION

- Plaintiff is asking the court to evict and exclude Defendant from the following residence: _____
- owned by (list owners, if known): _____
- rented by (list all names, if known): _____
- Defendant owes a duty of support to Plaintiff [**and/or**] **or** the minor child/ren: _____
- Plaintiff has suffered out-of-pocket financial losses as a result of the abuse described above. Those losses are : _____

FOR THE REASONS SET FORTH ABOVE, I REQUEST THAT THE COURT ENTER A TEMPORARY ORDER, AND AFTER HEARING, A FINAL ORDER THAT WOULD DO THE FOLLOWING (CHECK ALL FORMS OF RELIEF REQUESTED):

A. Restrain Defendant from abusing, [**threatening, harassing, or stalking Plaintiff and/or**] **harassing, stalking, threatening, or attempting or threatening to use physical force against Plaintiff or** the minor child/ren in any place where Plaintiff [**and/or**] **or** the child/ren may be found.

B. Evict/exclude Defendant from Plaintiff's residence and prohibit Defendant from attempting to enter any temporary or permanent residence of Plaintiff.

C. Require Defendant to provide Plaintiff [**and/or**] **or** the minor child/ren with other suitable housing.

D. Award Plaintiff temporary custody of the minor child/ren and place the following restrictions on contact between Defendant and the child/ren: _____

E. Prohibit Defendant from having any contact with Plaintiff [**and/or**] **or** the minor child/ren, [**either**] in person, by telephone, or in writing, personally or through third persons, including but not limited to any contact at Plaintiff's school, business, or place of employment, except as the court may find necessary with respect to partial custody [**and/or visitation**] with the minor child/ren.

F. Prohibit Defendant from having any contact with Plaintiff's relatives and Plaintiff's children listed in this petition, except as the court may find necessary with respect to partial custody [**and/or visitation**] with the minor child/ren. The following persons are Plaintiff's relatives or family and household members that Plaintiff believes require protection from stalking and harassment by Defendant.

Name	Address (optional)	Relationship to Plaintiff

G. Order Defendant to temporarily relinquish [**some or all of**] the firearms, other weapons [**and/or**], **or** ammunition listed on Attachment A to Petition, [**and**] **under Defendant's control, or in Defendant's possession, or** any firearm license to the sheriff [**of this county and/or prohibit**] **or the appropriate law enforcement agency.**

H. Prohibit Defendant from [**transferring,**] acquiring or possessing [**some or all**] firearms for the duration of the order.

[**H**] **I.** Order Defendant to pay temporary support for Plaintiff [**and/or**] **or** the minor child/ren, including medical support and payment of the rent or mortgage on the residence.

[**I**] **J.** Direct Defendant to pay Plaintiff for the reasonable financial losses suffered as the result of the abuse, to be determined at the hearing.

[**J**] **K.** Order Defendant to pay the costs of this action, including filing and service fees.

[**K**] **L.** Order Defendant to pay Plaintiff's reasonable attorney's fees.

[**L**] **M.** Order the following additional relief, not listed above:

[**M**] **N.** Grant such other relief as Plaintiff requests [**and/or**] **or** the court deems appropriate.

[**N**] **O.** Order the police, sheriff, or other law enforcement agency to serve [**the**] Defendant with a copy of this petition, any order issued, and the order for hearing. Plaintiff will inform the designated authority of any addresses, other than Defendant's residence, where Defendant can be served.

P. Direct the Pennsylvania State Police, the municipal police, or the sheriff to accompany Plaintiff to his or her residence to retrieve personal belongings or accompany Plaintiff while the petition or order is served on Defendant, if Plaintiff has reason to believe his or her safety is at risk.

VERIFICATION

I verify that I am the petitioner as designated in the present action and that the facts and statements contained in the above Petition are true and correct to the best of my knowledge. I understand that any false statements are made subject to the penalties of 18 [**Pa.C.S.A.**] **Pa.C.S.** § 4904, relating to unsworn falsification to authorities

Signature

Date

THE COURTS

(Caption)

ATTACHMENT A TO PETITION

FIREARMS, OTHER WEAPONS, [AND] OR

AMMUNITION INVENTORY

I, _____, Plaintiff in this Protection From Abuse Action, hereby

(a) state that Defendant used or threatened to use the following firearms, other weapons, [and] or ammunition against Plaintiff [and/or] or the minor child/ren (include addresses or locations, if known, such as "front seat of blue truck," "gun cabinet," "bedroom closet," etc.):

Firearm/Other Weapon/Ammunition	Location
1.	
2.	
3.	
4.	
5.	

(b) state that Defendant, to the best of my knowledge or belief, owns or possesses the following firearms, other weapons, or ammunition not set forth in (a) above (include addresses or locations if, known):

Firearm/Other Weapon/Ammunition	Location
1.	
2.	
3.	
4.	
5.	

(c) request that the court order Defendant to relinquish the following firearms, other weapons, [and] or ammunition (include addresses or locations, if known):

Firearm/Other Weapon/Ammunition	Location
1.	
2.	
3.	
4.	
5.	

All firearms, other weapons [and], or ammunition owned or possessed by Defendant. If more space is needed, more sheets may be attached to this document.

Name _____

Date _____

Notice: This attachment will be withheld from public inspection in accordance with 23 [Pa.C.S.A.] Pa.C.S. § 6108(a)(7)(v).

Official Note: See Pa.R.C.P. No. 1930.1(b). This rule may require attorneys or unrepresented parties to file confidential documents and documents containing confidential information that are subject to the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania.

(c) The Temporary Order of Court, or any continued, amended, or modified Temporary Order of Court, entered pursuant to the Act shall be substantially in the following form, but the first page shall be exactly as set forth in this rule:

<p style="text-align: center;">TEMPORARY PROTECTION FROM ABUSE ORDER</p> <p><input type="checkbox"/> Amended Order <input type="checkbox"/> Continued Order</p>	<p style="text-align: center;">IN THE COURT OF COMMON PLEAS OF _____ COUNTY, PENNSYLVANIA</p> <p>NO. _____</p>
--	--

PLAINTIFF	
------------------	--

First Middle Last Plaintiff's DOB

Name(s) of all protected persons, including minor child/ren and DOB:

v.

DEFENDANT

First Middle Last Suffix

Defendant's Address:

DEFENDANT IDENTIFIERS			
DOB		HEIGHT	
SEX		WEIGHT	
RACE		EYES	
HAIR			
SSN			
DRIVERS LICENSE #			
EXP DATE		STATE	

CAUTION:

- Weapon Involved**
- Weapon Present on the Property**
- Weapon Ordered Relinquished**

The Court Hereby Finds: That it has jurisdiction over the parties and subject matter, and **[the]** Defendant will be provided with reasonable notice and opportunity to be heard.

The Court Hereby Orders:

- Defendant shall not abuse, harass, stalk **[or]**, threaten, **or attempt or threaten to use physical force against** any of the above persons in any place where they might be found.
- Except for such contact with the minor child/ren as may be permitted under **[paragraph] Paragraph 5** of this order, Defendant shall not contact Plaintiff, or any other person protected under this order, by telephone or by any other means, including through third persons.
- Additional findings of this order are set forth below.

Order Effective Date _____ **Order Expiration Date** _____

NOTICE TO [THE] DEFENDANT

Defendant is hereby notified that **[violation of] failure to obey** this order may result in arrest **[for] as set forth in 23 Pa.C.S. § 6113 and that violation of the order may result in a charge of** indirect criminal contempt, **which is punishable by a fine of up to \$1,000 and/or up to six months in jail.] as set forth in 23 [Pa.C.S.A.] Pa.C.S. § 6114.** Consent of Plaintiff to Defendant's return to the residence shall not invalidate this order, which can only be changed or modified through the filing of appropriate court papers for that purpose. 23 **[Pa.C.S.A.] Pa.C.S. § 6108 (g).** If Defendant is required to relinquish any firearms, other weapons **[or]**, ammunition, or any firearm license, those items must be relinquished to the sheriff **or the appropriate law enforcement agency** within 24 hours of the service of this order. As an alternative, Defendant may relinquish any firearm, other weapon, or ammunition listed herein to a third party provided Defendant and the third party first comply with all requirements to obtain a safekeeping permit. If, due to their current location, firearms, other weapons, or ammunition cannot reasonably be retrieved within the time for relinquishment, Defendant shall provide an affidavit to the sheriff **or the appropriate law enforcement agency** listing the firearms, other weapons, or ammunition and their current location no later than 24 hours after the service of this order. Defendant is further notified that violation of this order may subject him/her to state charges and penalties under the Pennsylvania Crimes Code **under 18 Pa.C.S. § 6105** and to federal **criminal** charges and penalties under **18 U.S.C. § 922(g)(8) and** the Violence Against Women Act, 18 U.S.C. §§ 2261-2262.

AND NOW, this ____ day of _____, 20 __, upon consideration of the attached Petition for Protection From Abuse, the court hereby enters the following Temporary Order:

- Plaintiff's request for a Temporary Protection Order is **denied**.
- Plaintiff's request for a Temporary Protection Order is **granted**.
- 1. Defendant shall not abuse, harass, stalk [or], threaten, **or attempt or threaten to use physical force against** any of the above persons in any place where they might be found.
- 2. Defendant is evicted and excluded from the residence at [NONCONFIDENTIAL ADDRESS FROM WHICH DEFENDANT IS EXCLUDED] or any other permanent or temporary residence where Plaintiff or any other person protected under this order may live. Plaintiff is granted exclusive possession of the residence. Defendant shall have no right or privilege to enter or be present on the premises of Plaintiff or any other person protected under this order.
- 3. Except for such contact with the minor child/ren as may be permitted under Paragraph 5 of this order, Defendant is prohibited from having ANY CONTACT with Plaintiff, or any other person protected under this order, either directly or indirectly, at any location, including but not limited to any contact at Plaintiff's school, business, or place of employment. Defendant is specifically ordered to stay away from the following locations for the duration of this order: _____

-
- 4. Except for such contact with the minor child/ren as may be permitted under Paragraph 5 of this order, Defendant shall not contact Plaintiff, or any other person protected under this order, by telephone or by any other means, including through third persons.
 - 5. CUSTODY.
 - There is a current custody order as to the child/ren of the parties:

(county court) _____ (docket number) _____

- THIS ORDER SHALL NOT SUPERSEDE THE CURRENT CUSTODY ORDER.
- THIS ORDER SUPERSEDES ANY PRIOR ORDER RELATING TO CHILD CUSTODY.
- Until the final hearing, all contact between Defendant and the child/ren shall be limited to the following:

Pending the outcome of the final hearing in this matter, Plaintiff is awarded temporary custody of the following minor child/ren:

The local law enforcement agency in the jurisdiction where the child/ren are located shall ensure that the child/ren are placed in the care and control of the Plaintiff in accordance with the terms of this order.

- 6. FIREARMS, OTHER WEAPONS [AND], **OR** AMMUNITION RESTRICTIONS.
- Check all that apply:
- Defendant is prohibited from possessing[, **transferring**] or acquiring any firearms for the duration of this order.
 - Defendant shall relinquish to the sheriff **or the appropriate law enforcement agency** the following [**firearms**] **firearm** licenses owned or possessed by Defendant: _____

Defendant is directed to relinquish to the sheriff **or the appropriate law enforcement agency** any firearm, other weapon, or ammunition listed in Attachment A to Temporary Order, which is incorporated herein by reference, **under Defendant's control or in Defendant's possession**.

Defendant may relinquish any firearms, other weapons, or ammunition to the sheriff **or the appropriate law enforcement agency**. As an alternative, Defendant may relinquish firearms, other weapons [and], **or** ammunition to a third party provided Defendant and the third party first comply with all the requirements to obtain a safekeeping permit. Defendant must relinquish any firearm, other weapon, ammunition, or firearm license ordered to be relinquished no later than 24 hours after service of this order. If, due to their current location, firearms, other weapons, or ammunition cannot reasonably be retrieved within the time for relinquishment, Defendant shall provide to the sheriff **or the appropriate law enforcement agency** an affidavit listing the firearms, other weapons, or ammunition and their current location no later than 24 hours after service of this order. Failure to timely relinquish any firearm, other weapon, ammunition, or any firearm license shall result in a violation of this order and may result in criminal conviction under the Uniform Firearms Act, 18 [Pa.C.S.A.] **Pa.C.S.** § 6105.

7. The following additional relief is granted:

Defendant is prohibited from stalking, as defined in 18 [Pa.C.S.A.] Pa.C.S. § 2709.1, or harassing, as defined in 18 [Pa.C.S.A.] Pa.C.S. § 2709, the following family and household members of Plaintiff:

Name	Address (optional)	Relationship to Plaintiff
_____	_____	_____
_____	_____	_____

Other relief: _____

8. The Pennsylvania State Police, the municipal police, or the sheriff shall accompany Plaintiff to his or her residence to retrieve personal belongings or accompany Plaintiff while the petition or order is served on Defendant.

[8] 9. A certified copy of this order shall be provided to the sheriff or police department where Plaintiff resides and any other agency specified hereafter: [insert name of agency]

[9] 10. THIS ORDER SUPERSEDES ANY PRIOR PROTECTION FROM ABUSE ORDER OBTAINED BY THE SAME PLAINTIFF AGAINST THE SAME DEFENDANT.

[10] 11. THIS ORDER APPLIES IMMEDIATELY TO DEFENDANT AND SHALL REMAIN IN EFFECT UNTIL [insert expiration date] OR UNTIL OTHERWISE MODIFIED OR TERMINATED BY THIS COURT AFTER NOTICE AND HEARING.

NOTICE TO [THE] DEFENDANT

Defendant is hereby notified that [violation of] failure to obey this order may result in arrest [for] as set forth in 23 Pa.C.S. § 6113 and that violation of the order may result in a charge of indirect criminal contempt[, which is punishable by a fine of up to \$1,000 and/or up to six months in jail.] as set forth in 23 [Pa.C.S.A.] Pa.C.S. § 6114. Consent of Plaintiff to Defendant's return to the residence shall not invalidate this order, which can only be changed or modified through the filing of appropriate court papers for that purpose. 23 [Pa.C.S.A.] Pa.C.S. § 6108(g). If Defendant is required to relinquish any firearms, other weapons [or], ammunition, or any firearm license, those items must be relinquished to the sheriff or the appropriate law enforcement agency within 24 hours of the service of this order. As an alternative, Defendant may relinquish any firearm, other weapon, or ammunition listed herein to a third party provided Defendant and the third party first comply with all requirements to obtain a safekeeping permit. If, due to their current location, firearms, other weapons, or ammunition cannot reasonably be retrieved within the time for relinquishment, Defendant shall provide an affidavit to the sheriff or the appropriate law enforcement agency listing the firearms, other weapons, or ammunition and their current location no later than 24 hours after the service of this order. Defendant is further notified that violation of this order may subject him/her to state charges and penalties under the Pennsylvania Crimes Code under 18 Pa.C.S. § 6105 and to federal criminal charges and penalties under 18 U.S.C. § 922(g)(8) and the Violence Against Women Act, 18 U.S.C. §§ 2261-2262.

NOTICE TO SHERIFF, POLICE AND LAW ENFORCEMENT OFFICIALS

This order shall be enforced by the police department or sheriff who has jurisdiction over Plaintiff's residence OR any location where a violation of this order occurs OR where Defendant may be located. If Defendant violates Paragraphs 1 through 6 of this order, Defendant shall be arrested on the charge of indirect criminal contempt. An arrest for violation of this order may be made without warrant, based solely on probable cause, whether or not the violation is committed in the presence of a police officer or sheriff.

Subsequent to an arrest, the law enforcement officer or sheriff shall seize all firearms, other weapons [and], or ammunition in Defendant's possession which were used or threatened to be used during the violation of the protection order or during prior incidents of abuse and any other firearms in Defendant's possession. Any firearm, other weapon, ammunition, or any firearm license must be delivered to the [sheriff's office of the county which issued this order] sheriff or the appropriate law enforcement agency, which [office] sheriff or agency shall maintain possession of the firearms, other weapons [and], or ammunition until further order of this court, unless the [weapon/s] weapon(s) are evidence of a crime, in which case, they shall remain with the law enforcement agency whose officer or sheriff made the arrest.

BY THE COURT:

Judge

Date

THE COURTS

(Caption)

ATTACHMENT A TO TEMPORARY ORDER
FIREARMS, OTHER WEAPONS [**AND**], **OR**
AMMUNITION INVENTORY

It is hereby ordered that Defendant relinquish the following firearms, other weapons, [**and**] **or** ammunition to the sheriff **or the appropriate law enforcement agency**:

Firearm/Other Weapon/Ammunition	Location
1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	

All firearms, other weapons [**and**], **or** ammunition owned or possessed by [**the**] Defendant.

BY THE COURT:

Judge _____ Date _____

Notice: This attachment will be withheld from public inspection in accordance with 23 [**Pa.C.S.A.**] **Pa.C.S.** § 6108(a)(7)(v).

* * * * *

(e) The Final Order of Court, or any amended, modified, or extended Final Order of Court, entered pursuant to the Act shall be substantially in the following form, but the first page must be exactly as set forth in this rule:

<p align="center">FINAL PROTECTION FROM ABUSE ORDER</p> <p><input type="checkbox"/> Extended Order <input type="checkbox"/> Amended Order</p>	<p align="center">IN THE COURT OF COMMON PLEAS OF _____ COUNTY, PENNSYLVANIA</p> <p>NO. _____</p>
--	---

PLAINTIFF

--	--

First Middle Last Plaintiff's DOB

Name(s) of all protected persons, including minor child/ren and DOB:

V.

DEFENDANT

--	--	--	--

First Middle Last Suffix

Defendant's Address:

DEFENDANT IDENTIFIERS			
DOB		HEIGHT	
SEX		WEIGHT	
RACE		EYES	
HAIR			
SSN			
DRIVERS LICENSE #			
EXP DATE		STATE	

CAUTION:

- Weapon Involved**
- Weapon Present on the Property**
- Weapon Ordered Relinquished**

The Court Hereby Finds: That it has jurisdiction over the parties and subject matter, and [the] Defendant has been provided with reasonable notice and opportunity to be heard.

The Court Hereby Orders:

- Defendant shall not abuse, harass, stalk [or], threaten, or attempt or threaten to use physical force against any of the above persons in any place where they might be found.
- Except as provided in [paragraph] Paragraph 5 of this order, Defendant shall not contact Plaintiff, or any other person protected under this order, by telephone or by any other means, including through third persons.
- Additional findings of this order are set forth below.

Order Effective Date _____ Order Expiration Date _____

NOTICE TO [THE] DEFENDANT

[Violation of this order may result in your arrest on the charge of indirect criminal contempt which is punishable by a fine of up to \$1,000 and/or a jail sentence of up to six months. 23 Pa.C.S.A. § 6114] Defendant is hereby notified that failure to obey this order may result in arrest as set forth in 23 Pa.C.S. § 6113 and that violation of the order may result in a charge of indirect criminal contempt as set forth in 23 Pa.C.S. § 6114. Violation may also subject you to prosecution and criminal penalties under the Pennsylvania Crimes Code. A violation of this order may result in the revocation of the safekeeping permit, which will require the immediate relinquishment of your firearms, other weapons [and], or ammunition to the sheriff or the appropriate law enforcement agency. Plaintiff's consent to contact by Defendant shall not invalidate this order which can only be modified by further order of court. 23 [Pa.C.S.A.] Pa.C.S. § 6108(g).

This order is enforceable in all fifty (50) States, the District of Columbia, Tribal Lands, U.S. Territories, and the Commonwealth of Puerto Rico under the Violence Against Women Act, 18 U.S.C. § 2265. If you travel outside of the state and intentionally violate this order, you may be subject to federal criminal proceedings under that act. 18 U.S.C. §§ 2261-2262. If you possess a firearm or any ammunition while this order is in effect, you may be charged with a federal criminal offense even if this Pennsylvania order does not expressly prohibit you from possessing firearms or ammunition[.] under 18 U.S.C. § 922(g)(8) or state criminal offenses and state criminal penalties under 18 Pa.C.S. § 6105.

CHECK ALL THAT APPLY:

Plaintiff or Protected Person(s) is/are:

- spouse or former spouse of Defendant
- parent of a child with Defendant
- current or former sexual or intimate partner with Defendant
- child of Plaintiff
- child of Defendant
- family member related by blood (consanguinity) to Defendant
- family member related by marriage or affinity to Defendant
- sibling (person who shares parenthood) of Defendant

Defendant was served in accordance with Pa.R.C.P. No. 1930.4 and provided notice of the time, date, and location of the hearing scheduled in this matter.

AND NOW, this ____ day of _____, 20 __, the court having jurisdiction over the parties and the subject-matter, it is ORDERED, ADJUDGED, and DECREED as follows:

This order is entered by (check one) by agreement by agreement without an admission after a hearing and decision by the court after a hearing at which Defendant was not present, despite proper service being made by default. Without regard as to how the order was entered, this is a final order of court subject to full enforcement pursuant to the Protection From Abuse Act.

Note: Space is provided to allow for 1) the court's general findings of abuse; 2) inclusion of the terms under which the order was entered (e.g., that the order was entered with the consent of the parties, or that [**the defendant**] **Defendant**, though properly served, failed to appear for the hearing, or the reasons why the plaintiff's request for a final PFA order was denied); or 3) [**and/or**] information that may be helpful to law enforcement (e.g., whether a firearm or other weapon was involved in the incident of abuse [**and/or**] or whether [**the defendant**] **Defendant** is believed to be armed and dangerous).

- Plaintiff's request for a final protection order is denied.

OR

- Plaintiff's request for a final protection order is granted.

1. Defendant shall not abuse, stalk, harass, threaten, or attempt or threaten to use physical force [**that would reasonably be expected to cause bodily injury to**] against Plaintiff or any other protected person in any place where they might be found.

2. Defendant is completely evicted and excluded from the residence at (NONCONFIDENTIAL ADDRESS FROM WHICH DEFENDANT IS EXCLUDED) or any other residence where Plaintiff or any other person protected under this order may live. Exclusive possession of the residence is granted to Plaintiff. Defendant shall have no right or privilege to enter or be present on the premises of Plaintiff or any other person protected under this order.

On [insert date and time], Defendant may enter the residence to retrieve his/her clothing and other personal effects, provided that Defendant is in the company of a law enforcement officer or sheriff when such retrieval is made and [insert any other conditions] _____

3. Except as provided in [**paragraph**] **Paragraph** 5 of this order, Defendant is prohibited from having ANY CONTACT with Plaintiff, either directly or indirectly, or any other person protected under this order, at any location, including but not limited to any contact at Plaintiff's school, business, or place of employment. Defendant is specifically ordered to stay away from the following locations for the duration of this order.

4. Except as provided in [**paragraph**] **Paragraph** 5 of this order, Defendant shall not contact Plaintiff, either directly or indirectly, or any other person protected under this order, by telephone or by any other means, including through third persons.

5. Temporary custody of the minor children, [NAMES OF THE CHILDREN SUBJECT TO THE PROVISION OF THIS PARAGRAPH] shall be as follows:

Check all that apply:

STATE TO WHOM PRIMARY PHYSICAL CUSTODY IS AWARDED, STATE TERMS OF PARTIAL CUSTODY, IF ANY.

There is a current custody order as to the children of the parties:

(county court)

(docket number)

A custody petition is pending.

A hearing is scheduled for

(date, time and location)

THIS ORDER SHALL NOT SUPERSEDE THE CURRENT CUSTODY ORDER.

THIS ORDER SUPERSEDES ANY PRIOR ORDER RELATING TO CHILD CUSTODY.

The custody provisions of [**paragraph**] **Paragraph** 5 of this order are temporary. Either party may initiate custody proceedings pursuant to the custody statute at 23 Pa.C.S. [§ 5321 et seq] §§ 5321—5340. Any valid custody order entered after the final Protection From Abuse order supersedes the custody provisions of this order.

6. FIREARMS, OTHER WEAPONS [**AND**], **OR** AMMUNITION RESTRICTIONS

Check all that apply:

Defendant is prohibited from possessing[, **transferring**] or acquiring any firearms for the duration of this order.

Defendant shall relinquish to the sheriff **or the appropriate law enforcement agency** the following [**firearms**] **firearm** licenses owned or possessed by Defendant:

Defendant is directed to relinquish to the sheriff **or the appropriate law enforcement agency** any firearm, other weapon, or ammunition listed in Attachment A to Final Order, which is incorporated herein by reference.

Defendant may relinquish any firearms, other weapons, or ammunition to the sheriff **or the appropriate law enforcement agency**. As an alternative, Defendant may either relinquish firearms, other weapons [**and**], **or** ammunition to a third party provided Defendant and the third party first comply with all the requirements to obtain a safekeeping permit, or relinquish firearms, other weapons [**and**], **or** ammunition to a licensed firearms dealer for consignment sale, lawful transfer, or safekeeping pursuant to 23 [**Pa.C.S.A.**] **Pa.C.S.** § 6108.2(e). Defendant must relinquish any firearm, other weapon, ammunition, or [**firearms**] **firearm** license ordered to be relinquished no later than 24 hours after service of this order. Failure to timely relinquish any firearm, other weapon, ammunition, or any firearm license ordered to be relinquished shall result in a violation of this order and may result in criminal conviction under the Uniform Firearms Act, 18 [**Pa.C.S.A.**] **Pa.C.S.** § 6105.

7. Any firearm delivered to the sheriff **or the appropriate law enforcement agency** or transferred to a licensed firearm dealer[,] or a qualified third party, who satisfies the procedural and substantive requirements to obtain a safekeeping permit issued under 23 [**Pa.C.S.A.**] **Pa.C.S.** § 6108.3 pursuant to this order or the temporary order, shall not be returned to Defendant until further order of court or as otherwise provided by law.

8. **The Pennsylvania State Police, the municipal police, or the sheriff shall accompany Plaintiff to his or her residence to retrieve personal belongings.**

9. The following additional relief is granted as authorized by § 6108 of the Act:

Defendant is prohibited from stalking, as defined in 18 [**Pa.C.S.A.**] **Pa.C.S.** § 2709.1, or harassing, as defined in 18 [**Pa.C.S.A.**] **Pa.C.S.** § 2709, the following family and household members of Plaintiff:

Name	Address (optional)	Relationship to Plaintiff
_____	_____	_____
_____	_____	_____

Other relief:

[9] 10. Defendant is directed to pay temporary support for: [INSERT THE NAMES OF THE PERSONS FOR WHOM SUPPORT IS TO BE PAID] as follows: [INSERT AMOUNT, FREQUENCY AND OTHER TERMS AND CONDITIONS OF THE SUPPORT ORDER]. This order for support shall remain in effect until a final support order is entered by this court. However, this order shall lapse automatically if Plaintiff does not file a complaint for support with the Domestic Relations Section of the court within two weeks of the date of this order. The amount of this temporary order does not necessarily reflect Defendant's correct support obligation, which shall be determined in accordance with the guidelines at the support hearing. Any adjustments in the final amount of support shall be credited, retroactive to this date, to the appropriate party.

[10] 11. (a) The costs of this action are imposed on Defendant.

(b) Because this order followed a contested proceeding, or a hearing at which Defendant was not present, despite being served with a copy of the petition, temporary order and notice of the date, time and place of the hearing, Defendant is ordered to pay an additional \$100 surcharge to the court, which shall be distributed in the manner set forth in 23 [Pa.C.S.A.] Pa.C.S. § 6106(d).

(c) Upon a showing of good cause or a finding that Defendant is unable to pay, the costs of this action are waived.

[11] 12. Defendant shall pay \$ _____ to Plaintiff by (insert date) as compensation for Plaintiff's out-of-pocket losses, which are as follows: _____

An installment schedule is ordered as follows: _____

OR

Plaintiff is granted leave to present a petition, with appropriate notice to Defendant, to [INSERT THE NAME OF THE JUDGE OR COURT TO WHICH THE PETITION SHOULD BE PRESENTED] requesting recovery of out-of-pocket losses. The petition shall include an exhibit itemizing all claimed out-of-pocket losses, copies of all bills and estimates of repair, and an order scheduling a hearing. No fee shall be required by the prothonotary's office for the filing of this petition.

[12] 13. THIS ORDER [SUPERCEDES] SUPERSEDES ANY PRIOR PROTECTION FROM ABUSE ORDER OBTAINED BY THE SAME PLAINTIFF AGAINST THE SAME DEFENDANT.

[13] 14. All provisions of this order shall expire:

Check one

in [INSERT DAYS, MONTHS OR YEARS] on [INSERT EXPIRATION DATE]

in three years, on [INSERT EXPIRATION DATE]

NOTICE TO [THE] DEFENDANT

[VIOLATION OF THIS ORDER MAY RESULT IN YOUR ARREST ON THE CHARGE OF INDIRECT CRIMINAL CONTEMPT WHICH IS PUNISHABLE BY A FINE OF UP TO \$1,000 AND/OR A JAIL SENTENCE OF UP TO SIX MONTHS. 23 PA.C.S.A. § 6114] DEFENDANT IS HEREBY NOTIFIED THAT FAILURE TO OBEY THIS ORDER MAY RESULT IN ARREST AS SET FORTH IN 23 PA.C.S. § 6113 AND THAT VIOLATION OF THE ORDER MAY RESULT IN A CHARGE OF INDIRECT CRIMINAL CONTEMPT AS SET FORTH IN 23 PA.C.S. § 6114. VIOLATION MAY ALSO SUBJECT YOU TO PROSECUTION AND CRIMINAL PENALTIES UNDER THE PENNSYLVANIA CRIMES CODE. A VIOLATION OF THIS ORDER MAY RESULT IN THE REVOCATION OF THE SAFEKEEPING PERMIT, WHICH WILL REQUIRE THE IMMEDIATE RELINQUISHMENT OF YOUR FIREARMS, OTHER WEAPONS, AND AMMUNITION TO THE SHERIFF OR THE APPROPRIATE LAW ENFORCEMENT AGENCY. PLAINTIFF'S CONSENT TO CONTACT BY DEFENDANT SHALL NOT INVALIDATE THIS ORDER, WHICH CAN ONLY BE MODIFIED BY FURTHER ORDER OF COURT. 23 [PA.C.S.A.] PA.C.S. § 6108(g).

THIS ORDER IS ENFORCEABLE IN ALL FIFTY (50) STATES, THE DISTRICT OF COLUMBIA, TRIBAL LANDS, U.S. TERRITORIES, AND THE COMMONWEALTH OF PUERTO RICO UNDER THE VIOLENCE AGAINST WOMEN ACT, 18 U.S.C. § 2265. IF YOU TRAVEL OUTSIDE OF THE STATE AND INTENTIONALLY VIOLATE THIS ORDER, YOU MAY BE SUBJECT TO FEDERAL CRIMINAL PROCEEDINGS UNDER THAT ACT. 18 U.S.C. §§ 2261-2262. IF YOU POSSESS A FIREARM OR ANY AMMUNITION WHILE THIS ORDER IS IN EFFECT, YOU MAY BE CHARGED WITH A FEDERAL **CRIMINAL** OFFENSE EVEN IF THIS PENNSYLVANIA ORDER DOES NOT EXPRESSLY PROHIBIT YOU FROM POSSESSING FIREARMS OR AMMUNITION[.] UNDER 18 U.S.C. § 922(g)(8)[.] **OR STATE CRIMINAL OFFENSES AND STATE CRIMINAL PENALTIES UNDER 18 PA.C.S. § 6105.**

NOTICE TO SHERIFF, POLICE, AND LAW ENFORCEMENT OFFICIALS

The police and sheriff who have jurisdiction over Plaintiff's residence OR any location where a violation of this order occurs OR where Defendant may be located, shall enforce this order. The court shall have jurisdiction over any indirect criminal contempt proceeding, either in the county where the violation occurred or where this protective order was entered. An arrest for violation of [paragraphs] Paragraphs 1 through 7 of this order may be without warrant, based solely on probable cause, whether or not the violation is committed in the presence of the police or any sheriff. 23 [Pa.C.S.A.] Pa.C.S. § 6113.

Subsequent to an arrest, and without the necessity of a warrant, the police officer or sheriff shall seize all firearms, other weapons, and ammunition in Defendant's possession that were used or threatened to be used during the violation of the protection order or during prior incidents of abuse and any other firearms in Defendant's possession. The [insert the appropriate name or title] shall maintain possession of the firearms, other weapons, or ammunition until further order of this court.

When Defendant is placed under arrest for violation of the order, Defendant shall be taken to the appropriate authority or authorities before whom Defendant is to be arraigned. A "Complaint for Indirect Criminal Contempt" shall then be completed and signed by the police officer, sheriff, OR Plaintiff. Plaintiff's presence and signature are not required to file the complaint.

If sufficient grounds for violation of this order are alleged, Defendant shall be arraigned, bond set, if appropriate, and both parties given notice of the date of the hearing.

BY THE COURT:

Judge

Date

[If] This order was entered pursuant to the consent of [plaintiff and defendant] Plaintiff and Defendant:

(Plaintiff's signature)

(Defendant's signature)

(Caption)

ATTACHMENT A TO FINAL ORDER
FIREARMS, OTHER WEAPONS AND
AMMUNITION INVENTORY

It is hereby ordered that Defendant relinquish the following firearms, other weapons, and ammunition to the sheriff or the appropriate law enforcement agency:

Firearm/Other Weapon/Ammunition	Location
1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	

All firearms, other weapons, and ammunition owned or possessed by Defendant.

BY THE COURT:

Judge _____

Date _____

Notice: This attachment will be withheld from public inspection in accordance with 23 [Pa.C.S.A.] Pa.C.S. § 6108(a)(7)(v).

* * * * *

[Pa.B. Doc. No. 19-418. Filed for public inspection March 22, 2019, 9:00 a.m.]

**Title 234—RULES OF
CRIMINAL PROCEDURE**

[234 PA. CODE CHS. 2 AND 5]

**Proposed Amendment of Pa.R.Crim.P. 201 and
Revision to the Comment to Pa.R.Crim.P. 515**

The Criminal Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the amendment of Rule 201 (Purpose of Warrant) and the

revision of the Comment to Rule 515 (Execution of Arrest Warrant) for the reasons set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. No. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

Any reports, notes, or comments in the proposal have been inserted by the Committee for the convenience of those using the rules. They neither will constitute a part of the rules nor will be officially adopted by the Supreme Court.

Additions to the text of the proposal are bolded and underlined; deletions to the text are bolded and bracketed.

The Committee invites all interested persons to submit comments, suggestions, or objections in writing to:

Jeffrey M. Wasileski, Counsel
 Supreme Court of Pennsylvania
 Criminal Procedural Rules Committee
 601 Commonwealth Avenue, Suite 6200
 Harrisburg, PA 17106-2635
 fax: (717) 231-9521
 e-mail: criminalrules@pacourts.us

All communications in reference to the proposal should be received by no later than Friday, May 3, 2019. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

*By the Criminal Procedural
 Rules Committee*

BRIAN W. PERRY,
Chair

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE

CHAPTER 2. INVESTIGATIONS

PART A. Search Warrant

Rule 201. Purpose of Warrant.

A search warrant may be issued to search for and to seize:

- (1) contraband, the fruits of a crime, or things otherwise criminally possessed; or
- (2) property that is or has been used as the means of committing a criminal offense; or
- (3) property that constitutes evidence of the commission of a criminal offense[.];

(4) a person for whom a bench or arrest warrant has been issued, or a person for whom there is probable cause to believe is a victim of a crime and for whom there is no other means of access.

Comment

Concerning the provisions of paragraph (1) see *United States v. Rabinowitz*, 339 U.S. 56 (1950), overruled as to other points, *Chimel v. California*, 395 U.S. 752, 786 (1969). Also compare, *Cooper v. California*, 386 U.S. 58 (1967), with *One 1958 Plymouth Sedan v. Pennsylvania*, 380 U.S. 693 (1964).

Warrants may not be issued unless the affidavit alleges a pre-existing crime. See *United States ex. rel. Campbell v. Rundle*, 327 F.2d 153, 161 (3rd Cir. 1964), followed *sub nom. Commonwealth ex rel. Ensor v. Cummings*, 207 A.2d 230 (Pa. 1965) and *Commonwealth ex rel. Campbell v. Russell*, 207 A.2d 232 (Pa. 1965). The Third Circuit's opinion cited with approval *Commonwealth v. Patrone*, 27 D&C 2d 343 (Philadelphia Co. 1962); *Commonwealth v. Rehmyer*, 29 D&C 2d 635 (York Co. 1962); and *Simmons v. Oklahoma*, 286 P.2d 296, 298 (Okla. Cr. 1955).

Concerning the provisions of paragraph (3), see *Warden v. Hayden*, 387 U.S. 294 (1967).

Paragraph (4) was added in 2019 to clarify that a person is a proper subject of a search warrant

when the person is also the subject of an arrest warrant. In such circumstances, the search warrant is to effectuate the arrest by permitting the search of a premises other than the residence of the subject of the arrest warrant. The search warrant does not take the place of the underlying arrest warrant. For the use of an arrest warrant to search the residence of the subject of the arrest warrant, see *Payton v. New York*, 445 U.S. 573 (1980); *Steagald v. United States*, 451 U.S. 204 (1981); and *Commonwealth v. Romero and Commonwealth v. Castro*, 183 A.3d 364 (Pa. 2018). Additionally, a search warrant may be utilized to obtain access to the victim of a crime, such as a victim of child or elderly abuse when exigent circumstances do not exist to perform a search without a warrant.

Official Note: Rule 2002 adopted March 28, 1973, effective 60 days hence; renumbered Rule 201 and amended March 1, 2000, effective April 1, 2001; **amended** , 2019, effective , 2019.

Committee Explanatory Reports:

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. 1478 (March 18, 2000).

Report explaining the proposed amendment regarding persons being subjects of search warrants published for comment 49 Pa.B. 1359 (March 23, 2019).

CHAPTER 5. PRETRIAL PROCEDURES IN COURT CASES

PART B(3). Arrest Procedures in Court Cases

(a) Arrest Warrants

Rule 515. Execution of Arrest Warrant.

(A) A warrant of arrest may be executed at any place within the Commonwealth.

(B) A warrant of arrest shall be executed by a police officer.

(C) When the warrant has been issued by a magisterial district judge, and the defendant cannot be found, the case shall remain in the magisterial district, and shall not be forwarded to the court of common pleas for further proceedings.

Comment

No substantive change in the law is intended by paragraph (A) of this rule; rather, it was adopted to carry on those provisions of the now repealed Criminal Procedure Act of 1860 that had extended the legal efficacy of an arrest warrant beyond the jurisdictional limits of the issuing authority. The Judicial Code now provides that the territorial scope of process shall be prescribed by the Supreme Court's procedural rules. 42 Pa.C.S. §§ 931(d), 1105(b), 1123(c), 1143(b), 1302(c), 1515(b).

For the definition of police officer, see Rule 103.

Section 8953 of the Judicial Code, 42 Pa.C.S. § 8953, provides for the execution of warrants of arrest beyond the territorial limits of the police officer's primary jurisdiction. See also *Commonwealth v. Mason*, 507 Pa. 396, 490 A.2d 421 (1985).

For the use of an arrest warrant to search the residence of the subject of the arrest warrant, see *Payton v. New York*, 445 U.S. 573 (1980); *Steagald v.*

United States, 451 U.S. 204 (1981); and Commonwealth v. Romero and Commonwealth v. Castro, 183 A.3d 364 (Pa. 2018).

Pursuant to Rule 540, the defendant is to receive a copy of the warrant and the supporting affidavit at the time of the preliminary arraignment.

For purposes of executing an arrest warrant under this rule, warrant information transmitted by using advanced communication technology has the same force and effect as an original arrest warrant. This rule does not require that the transmitted warrant information be an exact copy of the original warrant. Nothing in this rule, however, is intended to curtail the Rule 540(D) requirement that the issuing authority provide the defendant with an exact copy of the warrant. See Rule 513 (Requirements for Issuance).

Paragraph (C) abolishes the traditional practice known as “*NET*” or “*non est inventus*” as being no longer necessary.

Official Note: Formerly Rule 124, adopted January 28, 1983, effective July 1, 1983; amended July 12, 1985, effective January 1, 1986; January 1, 1986 effective date extended to July 1, 1986; renumbered Rule 122 and Comment revised August 9, 1994, effective January 1, 1995; renumbered Rule 515 and amended March 1, 2000, effective April 1, 2001; Comment revised May 10, 2002, effective September 1, 2002; amended February 12, 2010, effective April 1, 2010; Comment revised July 31, 2012, effective November 1, 2012; Comment revised September 21, 2012, effective immediately; **Comment revised , 2019, effective , 2019.**

Committee Explanatory Reports:

Report explaining the August 9, 1994 Comment revisions published at 22 Pa.B. 6 (January 4, 1992); Final Report published with the Court’s Order at 24 Pa.B. 4342 (August 27, 1994).

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court’s Order at 30 Pa.B. 1478 (March 18, 2000).

Final Report explaining the May 10, 2002 Comment revision concerning advanced communication technology published with the Court’s Order at 32 Pa.B. 2582 (May 25, 2002).

Final Report explaining the February 12, 2010 changes adding new paragraph (C) and the Comment revision published with the Court’s Order at 40 Pa.B. 1071 (February 27, 2010).

Final Report explaining the July 31, 2012 revision of the Comment changing the citation to Rule 540(C) to Rule 540(D) published with the Court’s Order at 42 Pa.B. 5340 (August 18, 2012).

Final Report explaining the September 21, 2012 revising the last paragraph of the Comment by correcting a typographical error published with the Court’s Order at 42 Pa.B. 6251 (October 6, 2012).

Report explaining the proposed Comment revision regarding searches conducted pursuant to an arrest warrant published for comment at 49 Pa.B. 1359 (March 23, 2019).

REPORT

Proposed Amendment of Pa.R.Crim.P. 201

Proposed Revision of the Comment to Pa.R.Crim.P. 515

Searches Pursuant to Arrest Warrant

The Committee has been examining the manner in which arrest warrants are used as the authority for searches of premises to apprehend the subjects of the arrest warrants. This examination was prompted by the Court’s opinion in the companion cases of *Commonwealth v. Romero* and *Commonwealth v. Castro*, 183 A.3d 364 (Pa. 2018). In *Romero*, a majority of the Court found that the defendants’ Fourth Amendment rights were violated by police officers’ search without a search warrant of their home while looking for the defendant’s brother-in-law who was the target of an arrest warrant. The Court held that entry into a home to execute an arrest warrant must be explicitly authorized by a magisterial determination of probable cause to search that home for the arrestee. In this case, it was not clear if the defendant’s home was the residence of the brother-in-law nor was it clear that the police had presented to the issuing authority the information they relied upon to believe the defendant’s home was the brother-in-law’s residence.

In reaching this position, the Court examined the U.S. Supreme Court cases of *Payton v. New York*, 445 U.S. 573 (1980) and *Steagald v. United States*, 451 U.S. 204 (1981). In *Payton*, the U.S. Supreme Court held that the Fourth Amendment prohibits law enforcement officers from making a warrantless and nonconsensual entry into a residence to conduct a routine felony arrest. The Court in *Payton* stated that a warrant requirement for arrests in the home placed no undue burden on law enforcement, and that “an arrest warrant founded on probable cause implicitly carries with it the limited authority to enter a dwelling in which the suspect lives when there is reason to believe the suspect is within.” Id. at 603. In *Steagald*, the U.S. Supreme Court held that a warrant for an individual’s arrest does not authorize an entry into the home of a third party not named in the arrest warrant. To protect third parties’ interests in the privacy of their homes, the *Steagald* Court held that the Fourth Amendment’s warrant requirement mandates a magistrate’s determination of probable cause before police may enter those homes in order to search the premises for the individual named in the arrest warrant. These cases suggest that an arrest warrant authorizes law enforcement to enter the home of the subject of an arrest warrant in order to effectuate his arrest, but that a separate search warrant is required to enter the home of a third party. There was not clear agreement among the Justices as to how that authorization must come.

The Committee concluded that the extent to which the police may search a residence pursuant to an arrest warrant is primarily a substantive issue. However, because it is likely that non-attorney police will be those initially seeking and executing search and arrest warrants, the Committee believes that the rules should provide some alert as to this issue. Therefore, citations to the key cases in this area, *Payton*, *Steagald*, and *Romero* would be added to the Comments to Rules 201 (Purpose of Warrant) and 515 (Execution of Arrest Warrant).

While studying Rule 201, the Committee also concluded that the rule text itself might cause some confusion by not including “persons” as a proper subject of a search warrant. The Committee considered the situations in

which a search warrant might be necessary to enter a residence to seek a person. The most obvious is the situation in which the police are seeking to execute an arrest warrant by searching a premise that is not the residence of the subject of the warrant. Additionally, the Committee concluded that a search warrant might be necessary in cases of elder or child abuse where access to a believed victim cannot be obtained absent a warrant, such as when exigent circumstances cannot be demonstrated at the time of entry to the premises. A new paragraph (4) would be added to Rule 201 to state that a person could be the subject of a search warrant in the above two circumstances.

The terminology used in the rule is that the warrant permits both “search” and “seizure.” The Committee was concerned that the term “seizure” would suggest that the search warrant could replace the need for an arrest warrant in the first circumstance. Therefore, the proposed language specifically states that an arrest warrant must be issued for the person to be the subject of a search warrant. An arrest warrant would not be needed if the person sought is believed to be the victim of a crime. This would be further clarified by language added to the Comment.

[Pa.B. Doc. No. 19-419. Filed for public inspection March 22, 2019, 9:00 a.m.]

Title 255—LOCAL COURT RULES

DAUPHIN COUNTY

Promulgation of Local Rules; No. 1793 S 1989

Order

And Now, this 7th day of March, 2019, Dauphin County Local Rules of Civil Procedure 208.3(a), 211 and 212.2 are amended as follows:

Rule 208.3(a). Motion Procedure.

(1) *General Procedure.*

(a) Motions are defined in Pa.R.C.P. 208.1. All motions not covered by **[subsection (a)(3)] Local Rule 208.3(a)(3)** shall be deemed uncontested motions.

(b) In addition to the requirements regarding the content of a motion found in Pa.R.C.P. 208.2, Dauphin County Local Rules 208.2(c) and 208.2(d) regarding **[uncontested motions] concurrence certification**, all motions shall contain the following information:

(i) whether a hearing or argument is requested and the estimated length of time needed for the hearing or argument; and

(ii) whether discovery is necessary.

(iii) a copy of the previous Court Order if the motion directly involves that previous Court Order.

(c) An original and one copy of a motion shall be filed with the Prothonotary and a copy served on all other parties.

(d) The Prothonotary shall forward the original motion to the Court Administrator’s Office and shall retain the copy in the file.

(e) All motions and answers or responses thereto shall be accompanied by a proposed order (or alternative orders). The proposed order(s) shall

contain a distribution legend which shall include the name(s) and mailing address(es), telephone number(s), facsimile number(s) and e-mail address(es), if any, of all attorneys and self-represented parties to be served. The distribution legend shall identify which party each person represents.

(2) *Uncontested Motions.*

(a) The **[Civil Calendar Judge] Court Administrator’s Office** shall determine whether the uncontested motion should be ruled upon by the Motion Judge or if it should be assigned to an individual judge for disposition, which decision shall be final. If the uncontested motion seeks to modify an order previously issued by the Court, the Court Administrator shall present it to the judge who signed the previous order, who may act upon the motion or forward it to the **[Civil Calendar Judge] Court Administrator’s Office** for **[assignment] re-assignment**.

(b) If the **[Civil Calendar Judge] Court Administrator’s Office** determines that the uncontested motion should be assigned to an individual judge, the Court Administrator’s Office shall assign the motion to a judge who has had prior significant involvement with the case or, if no judge has had prior significant involvement, to a judge on a rotating basis.

(c) The Court Administrator’s Office shall forward the uncontested motion to either the Motion Judge or the Assigned Judge for disposition as aforesaid.

(d) The Assigned Judge or Motion Judge, as the case may be, shall review the motion and issue an appropriate order pursuant to Pa.R.C.P. 208.4.

(e) If the Assigned Judge determines that argument is advisable to be heard before a three-judge panel, the Assigned Judge and the Court Administrator’s Office shall make the necessary scheduling arrangements for such panel argument.

[(f) Additional rules regarding discovery motions are found in Local Rule 4019, especially those relating to a Motion for Sanctions.]

(3) *Contested Motions.*

A party filing a contested motion or a motion deemed contested pursuant to Dauphin County Local Rule 208.3(b)(1) shall follow the procedure set forth in Dauphin County Local Rule 208.3(b).

(4) *Emergency Motions:*

(a) Motions that genuinely require an expedited disposition shall be designated as Emergency Motions by the filing party and clearly indicated as such in the title of the motion contained on the first page thereof.

(b) The attorney or **[pro se] self-represented** party shall promptly notify the Deputy Civil Court Administrator’s Office by telephone as soon as it is determined that an Emergency Motion will be filed, and shall give the Deputy Civil Court Administrator’s Office a realistic estimate of the date and time of the intended filing, a **[detailed]** description of the background of the motion, and the requested relief.

(c) An original and one copy of the Emergency Motion shall be filed with the Prothonotary.

(d) After filing, the original shall be hand-carried by counsel or the **[pro se] self-represented** party to the

Deputy Court Administrator's Office, and the Prothonotary shall retain the copy in the file. **When handing the emergency motion to the Deputy Court Administrator's Office, the filing party shall advise the Office that the filing is an emergency.**

(e) The Court Administrator's Office shall assign the Emergency Motion to a judge to be resolved as soon as practical.

(5) Except for motions seeking to modify previous orders, see Local Rule 208.3(a)(2)(a), all issues relating to the administration, filing, and processing of judicial assignments relating to motions shall be under the direction and supervision of the Civil Calendar Judge.

(6) Additional rules regarding discovery motions are found in Local Rule 4019, especially those relating to a Motion for Sanctions.

Comment: Rule 208.3(a) is amended to provide instructions regarding contested and uncontested motions.

Rule 211. Oral Argument.

[Any party has a right to argue any motion, and the Court may require oral argument.] **Any party may request oral argument on a motion, and the Court may require oral argument whether or not requested by a party. The court may dispose of any motion without oral argument.** If desired by any party involved in a motion, an oral argument request must be so noted on the Certificate of Readiness. If the party filing the Certificate of Readiness does not desire oral argument, counsel or that party if unrepresented shall inquire if any other party filing a brief wishes to present oral argument. **If no oral argument is requested by any party, it must be so noted on the Certificate of Readiness.** By filing a completed Certificate of Readiness, counsel or an unrepresented party certifies that said inquiry has been made and that the wishes of all interested parties are accurately reflected. **Failure to**

indicate whether or not oral argument is requested shall result in the rejection of the Certificate of Readiness.

Rule 212.2. Contents of Pre-Trial Statements.

In addition to requirements of Pa.R.C.P. 212.2, the pre-trial statement shall include:

(a) a brief narrative statement of the case and legal issues;

(b) a list of the types and amounts of all damages claimed;

[(a)] **(c)** the estimated length of trial;

[(b)] **(d)** any scheduling problems;

[(c)] **(e)** any special evidentiary issues;

[(d)] **(f)** a realistic settlement offer or demand;

[(e)] **(g)** a certification that counsel discussed mediation in good faith with his or her client(s) and with opposing counsel and with all unrepresented parties, if any, in accordance with Dauphin County Local Rule 1001.

(h) the names of all witnesses;

(i) copies of all expert reports;

(j) stipulations agreed and stipulations desired.

A courtesy copy shall be served on the judge's chambers.

The amendments to Rules of Civil Procedure 208.3(a), 211 and 212.2 shall be published in the *Pennsylvania Bulletin* and effective thirty (30) days from the date of publication.

By the Court

RICHARD A. LEWIS,
President Judge

[Pa.B. Doc. No. 19-420. Filed for public inspection March 22, 2019, 9:00 a.m.]

RULES AND REGULATIONS

Title 58—RECREATION

GAME COMMISSION

[58 PA. CODE CH. 133]

Wildlife Classification; Birds and Mammals

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its January 29, 2019, meeting, amended §§ 133.21 and 133.41 (relating to classification of birds; and classification of mammals) to adjust the Commonwealth's threatened and endangered species list for the Peregrine Falcon, Piping Plover, Red Knot, Northern long-eared bat, Little brown bat and Tri-colored bat.

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

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

Notice of proposed rulemaking was published at 48 Pa.B. 7218 (November 17, 2018).

1. *Purpose and Authority*

The Commission has a fiduciary duty to manage our wildlife and their habitat for present and future generations. With this trust comes tough decisions. Enhanced protection through listing of these species is the right decision for this Commonwealth's wildlife and the public that the Commission serves. Listing these species engages the Commission in roles and decisions that help avoid, minimize or mitigate impacts compounded by the primary causes of decline. The endangered/threatened classification recognizes the inherent value of each surviving member of the species. The Commission amended §§ 133.21 and 133.41 to adjust the Commonwealth's threatened and endangered species list for the following species:

Peregrine Falcon: Upgrading from "Endangered" to "Threatened" reflects steady Statewide population recovery as specified in the Commission-approved Peregrine Falcon Management Plan. The recovery metrics for upgrading species status to Threatened has been achieved.

Piping Plover: Upgrading from "Extirpated" to "Endangered" recognizes the return of a breeding bird to this Commonwealth and follows the regulatory process in § 133.4 (relation to definitions). The Commission is celebrating the return of a native bird species to this Commonwealth after more than 60 years absence, in which pairs have successfully nested at Presque Isle State Park in 2017 and 2018, with reasonable expectation that they will return in the future. Presque Isle is the only regular location in which this species occurs in this Commonwealth.

Red Knot: Red knot subspecies *rufa* was classified as Federally "Threatened" in 2014, with this Commonwealth listed in the historic migratory range. It was designated a Species of Greatest Conservation Need in the Pennsylvania Wildlife Action (Plan) because it is a rare migrant (found only at Presque Isle State Park and Conejohela Flats), due to its Federally protected status, and because the population is highly vulnerable to further declines (PGC-PFBC 2015). Averting adverse impacts to the species during migration contributes to the range-wide conservation of this species. This State listing follows § 133.4 in response to Federal listing.

Bats: All hibernating bat species are Species of Greatest Conservation Need in the Plan due to their catastrophic declines caused by White Nose Syndrome (PGC-PFBC 2015). State listing provides the best tool to protect the remaining maternity sites and hibernacula to thwart further declines and, hopefully, prevent Federal listing through the environmental review process. Tri-colored bat was recently petitioned to be protected under the United States Endangered Species Act (16 U.S.C.A §§ 1531—1544), with a 90-finding of "warranted." The United States Fish and Wildlife Service will evaluate all information as part of the status review process. State listing of the Northern long-eared bat follows Federal listing in 2016 by regulation. Declines in the Little brown bat and Tri-colored bat are more severe in this Commonwealth than that of the long-eared bat, and therefore call for State listing. Protection of the few remaining populations of these bats is critical to their potential recovery. State listing triggers protections, through environmental review, and proactive measures to encourage recovery. Only recent occurrence sites will be regulated.

Section 322(c)(8) of the code (relating to powers and duties of commission) specifically empowers the Commission to "Add to or change the classification of any wild bird or wild animal." Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendments to §§ 133.21 and 133.41 are adopted under this authority.

2. *Regulatory Requirements*

This final-form rulemaking amends §§ 133.21 and 133.41 to adjust the Commonwealth's threatened and endangered species list for the Peregrine Falcon, Piping Plover, Red Knot, Northern long-eared bat, Little brown bat and Tri-colored bat.

3. *Persons Affected*

Persons concerned with the protected status of the Peregrine Falcon, Piping Plover, Red Knot, Northern long-eared bat, Little brown bat and Tri-colored bat within this Commonwealth may be affected by the final-form rulemaking.

4. *Comment and Response Summary*

There were no official comments received regarding this final-form rulemaking.

5. *Cost and Paperwork Requirements*

This final-form rulemaking should not result in any additional cost or paperwork.

6. *Effective Date*

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

7. *Contact Person*

For further information regarding this final-form rulemaking, contact Randy L. Shoup, Director, Bureau of

Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

BRYAN J. BURHANS,
Executive Director

Fiscal Note: Fiscal Note 48-436 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 133. WILDLIFE CLASSIFICATION

Subchapter B. BIRDS

§ 133.21. Classification of birds.

The following birds are classified:

- (1) *Endangered.*
 - (i) King Rail (*Rallus elegans*)
 - (ii) Short-eared Owl (*Asio flammeus*)
 - (iii) Black Tern (*Chlidonias niger*)
 - (iv) Least Bittern (*Ixobrychus exilis*)
 - (v) Piping Plover (*Charadrius melodus*)
 - (vi) Loggerhead Shrike (*Lanius ludovicianus*)
 - (vii) American Bittern (*Botaurus lentiginosus*)
 - (viii) Great Egret (*Ardea alba*)
 - (ix) Yellow-crowned Night Heron (*Nycticorax violaceus*)
 - (x) Common Tern (*Sterna hirundo*)
 - (xi) Blackpoll Warbler (*Setophaga striata*)
 - (xii) Black-crowned Night-Heron (*Nycticorax nycticorax*)
 - (xiii) Dickcissel (*Spiza americana*)
 - (xiv) Sedge Wren (*Cistothorus platensis*)
 - (xv) Yellow-bellied Flycatcher (*Empidonax flaviventris*)
 - (xvi) Upland Sandpiper (*Batramia longicauda*)
- (2) *Threatened.*
 - (i) Northern Harrier (*Circus cyaneus*)
 - (ii) Long-eared Owl (*Asio otus*)
 - (iii) Peregrine Falcon (*Falco peregrinus anatum*)
 - (iv) Red Knot (*Calidris canutus rufa*)

Subchapter C. MAMMALS

§ 133.41. Classification of mammals.

The following mammals are classified:

- (1) *Endangered.*
 - (i) Indiana Bat (*Myotis sodalis*)
 - (ii) Least Shrew (*Cryptotis parva*)
 - (iii) Northern flying squirrel (*Glaucomys sabrinus macrotis*)
 - (iv) Northern long-eared bat (*Myotis septentrionalis*)
 - (v) Little brown bat (*Myotis lucifugus*)
 - (vi) Tri-colored bat (*Perimyotis subflavus*)
- (2) *Threatened.*
 - (i) Small-footed Myotis (*Myotis leibii*)
 - (ii) Allegheny Woodrat (*Neotoma magister*)

(iii) West Virginia Water Shrew (*Sorex palustris punctulatus*)

[Pa.B. Doc. No. 19-421. Filed for public inspection March 22, 2019, 9:00 a.m.]

Title 58—RECREATION

GAME COMMISSION

[58 PA. CODE CH. 135]

Lands and Buildings; Goose Hunting Areas

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its January 29, 2019, meeting, amended § 135.103 (relating to registration for controlled goose hunting areas) to authorize persons who possess a senior lifetime resident hunting license or senior lifetime resident combination hunting license and who can provide documentation evidencing their eligibility for the resident disabled veteran license or a reduced fee resident disabled veteran license to apply to participate in the Veterans with disabilities only day.

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

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

Notice of proposed rulemaking was published at 48 Pa.B. 7216 (November 17, 2018).

1. Purpose and Authority

Current regulations authorize the Commission to hold special disabled veteran goose hunts at both the Pymatuning and Middle Creek Wildlife Management Areas. Section 135.103 formerly identified those eligible to participate in these special hunts as only persons holding a resident disabled veterans license. However, the Commission identified that § 135.103 unintentionally restricted an otherwise qualifying disabled veteran from applying to participate in the controlled goose hunt if he or she purchases a senior lifetime license of either the regular or combination class. The Commission determined that this could easily be corrected through a minor regulatory change. The Commission amended § 135.103 to authorize persons who possess a senior lifetime resident hunting license or senior lifetime resident combination hunting license and who can provide documentation evidencing their eligibility for the resident disabled veteran license or a reduced fee resident disabled veteran license to apply to participate in the Veterans with disabilities only day.

Section 721(a) of the code (relating to control of property) provides “The administration of all lands and waters owned, leased or otherwise controlled by the commission shall be under the sole control of the Director, and the commission shall promulgate regulations...for its use and protection as necessary to properly manage these lands or waters.” The amendments to § 135.103 are adopted under this authority.

2. Regulatory Requirements

This final-form rulemaking amends § 135.103 to authorize persons who possess a senior lifetime resident hunting license or senior lifetime resident combination hunting license and who can provide documentation evidencing their eligibility for the resident disabled vet-

eran license or a reduced fee resident disabled veteran license as eligible to apply to participate in the Veterans with disabilities only day.

3. *Persons Affected*

Persons wishing to hunt waterfowl at the Middle Creek and Pymatuning Wildlife Management Areas may be affected by this final-form rulemaking.

4. *Comment and Response Summary*

There were no official comments received regarding this final-form rulemaking.

5. *Cost and Paperwork Requirements*

This final-form rulemaking should not result in any additional cost or paperwork.

6. *Effective Date*

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

7. *Contact Person*

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

BRYAN J. BURHANS,
Executive Director

Fiscal Note: Fiscal Note 48-437 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 135. LANDS AND BUILDINGS

Subchapter F. SPECIAL WILDLIFE MANAGEMENT AREAS

§ 135.103. Registration for controlled goose hunting areas.

The following apply to reservations for controlled goose hunting areas:

* * * * *

(4) The Director will establish the number of applications to be drawn no later than 20 days prior to the respective drawing of reservations for the Middle Creek and Pymatuning Wildlife Management Areas. Reservations will be awarded by the Commission to individuals selected during random public drawings from all eligible applications submitted for each management area. The drawings for each management area will occur on the date, time and at the location set by the Director or a designee. The Commission will hold separate drawings for the disabled access blinds for persons in possession of a disabled person permit issued under section 2923(a) of the act (relating to disabled person permits).

(i) *Youth only day.* The Director may designate 1 shooting day at the Middle Creek and Pymatuning Wildlife Management Areas as a youth-only day. Adults who accompany a junior hunter on this day may participate in the hunt by calling only. Applications received from junior hunters will be separated and drawn prior to the other applications on the established drawing date for the management area. Unsuccessful applicants for the youth shooting day will then be placed with all other applications and the drawing will proceed until all shooting days are filled.

(ii) *Veterans with disabilities only day.* The Director may designate 1 shooting day at the Middle Creek and Pymatuning Wildlife Management Areas as a veterans with disabilities only day. Only persons who possess a resident disabled veteran license, a reduced fee resident disabled veteran license or persons who possess a senior lifetime resident license or senior lifetime resident combination hunting license who can provide documentation evidencing their eligibility for the resident disabled veteran license or a reduced fee resident disabled veteran license are eligible to apply. Successful applicants may be accompanied by up to three properly licensed guests of any general or base hunting license classification. Applications received from veterans with disabilities will be separated and drawn prior to all other applications on the established drawing date for each wildlife management area.

* * * * *

[Pa.B. Doc. No. 19-422. Filed for public inspection March 22, 2019, 9:00 a.m.]

Title 58—RECREATION

GAME COMMISSION

[58 PA. CODE CH. 147]

Special Permits; Mentored Hunting Program Permit

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its January 29, 2019, meeting, amended §§ 147.802—147.804 (relating to definitions; application; and general) to: 1) expand the mentored youth program to include youth up to 16 years of age; 2) expand the mentored adult program to include persons 17 years of age or older; 3) limit participation in the mentored junior and mentored adult program to 3 years total; and 4) set mentored junior permit fees at \$5 for resident applicants and \$40 for nonresident applicants, plus any applicable transactional and issuing agent fees.

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

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

Notice of proposed rulemaking was published at 48 Pa.B. 7217 (November 17, 2018).

1. *Purpose and Authority*

The mentored youth program has been a very successful mechanism for introducing potential hunters to the sport. A recent survey showed that individuals who participate in the mentored youth program were more likely to purchase hunting licenses in the future, compared to individuals who had not participated in the program. Expanding upon the program to allow individuals 12 years of age or older, but under 17 years of age to participate, would allow the agency to recruit nontraditional potential hunters, who did not have access to someone who could take them hunting on a consistent basis, or shepherd them through hunter-trapper education, but yet have developed an interest in hunting and would like to participate before making the commitments necessary to become a license buyer.

Formerly, the regulations provided for a mentor program for only youth, defined as an individual under the

age of 12, and adults, defined as an individual over the age of 18. There was no provision in the regulations for mentoring individuals 12 years of age or older, but under 17 years of age. This amendment expands the mentored youth program to allow individuals 12 years of age or older, but under 17 years of age to be eligible, thereby allowing them to participate in hunting without taking hunter-trapper education or purchasing a hunting license.

The Commission amended §§ 147.802—147.804 to: 1) expand the mentored youth program to include youth up to 16 years of age; 2) expand the mentored adult program to include persons 17 years of age or older; 3) limit participation in the mentored junior and mentored adult program to 3 years total; and 4) set mentored junior permit fees at \$5 for resident applicants and \$40 for nonresident applicants, plus any applicable transactional and issuing agent fees.

Section 2701(a) of the code (relating to license requirements) states that “Except in defense of person or property or pursuant to exemptions authorized by the commission for implementing a mentored youth hunting program, every person, prior to engaging in any of the privileges granted by this title, shall first obtain the applicable license subject to any conditions or other requirements imposed by this title.” Section 2901(b) of the code (relating to authority to issue permits) provides “. . . the commission may, as deemed necessary to properly manage the game or wildlife resources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under authority of any permit issued.” The amendments to §§ 147.802—147.804 are adopted under this authority.

2. *Regulatory Requirements*

This final-form rulemaking amends §§ 147.802—147.804 to: 1) expand the mentored youth program to include youth up to 16 years of age; 2) expand the mentored adult program to include persons 17 years of age or older; 3) limit participation in the mentored junior and mentored adult program to 3 years total; and 4) set mentored junior permit fees at \$5 for resident applicants and \$40 for nonresident applicants, plus any applicable transactional and issuing agent fees.

3. *Persons Affected*

Persons over the age of 12 and under 18 years of age who wish to participate in the mentored hunting program may be affected by this final-form rulemaking.

4. *Comment and Response Summary*

There were no official comments received regarding this final-form rulemaking.

5. *Cost and Paperwork Requirements*

This final-form rulemaking should not result in any additional cost or paperwork.

6. *Effective Date*

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

7. *Contact Person*

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

BRYAN J. BURHANS,
Executive Director

Fiscal Note: Fiscal Note 48-438 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 147. SPECIAL PERMITS

Subchapter X. MENTORED HUNTING PROGRAM PERMIT

§ 147.802. Definitions.

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

Lawful hunting device—Any firearm or implement that is lawful to be possessed during the current season and used to harvest the particular species hunted.

Mentor—A licensed person, 21 years of age or older who is serving as a guide to a mentored youth or mentored adult while engaged in hunting or related activities.

Mentored adult—An unlicensed person, 17 years of age or older, who is accompanied by a mentor while engaged in hunting or related activities.

Mentored youth—An unlicensed person, under 17 years of age who is accompanied by a mentor while engaged in hunting or related activities.

Stationary—The state or condition where a person is still, fixed in place or static, indicated by a cessation of all forward, backward or lateral movement, whether in the standing, kneeling, sitting or prone position.

§ 147.803. Application.

(a) *Form and content.* Applications for mentored hunting permits issued under this subchapter shall be made through the Commission or any of its authorized license-issuing agents on the appropriate form designated by the Commission for this purpose. Each application must include the name, address, telephone number, date of birth, Social Security number of the applicant and any other information required by the Commission.

(b) *Eligibility.*

(1) Mentored youth hunting permits are available to youth applicants under 12 years of age or 12 years of age or older, but under 17 years of age, who have never held a prior hunting license within this Commonwealth or another state or nation. Mentored youth hunting permits are available to eligible youth applicants under 12 years of age for an unrestricted number of license years. Mentored youth hunting permits are available to eligible junior applicants 12 years of age or older, but under 17 years of age, except when the applicant has previously held a mentored youth permit for a total of 3 license years, including years when under 12 years of age. In these circumstances, an applicable junior hunting license is required.

(2) Mentored adult hunting permits are available to adult applicants 17 years of age or older who have never held a prior hunting license within this Commonwealth or another state or nation. Mentored adult hunting permits are available to eligible adult applicants for a total of 3 license years, including years when under 17 years of age. In these circumstances, an applicable adult hunting license is required.

(c) *Minors.* Applications may be submitted on behalf of an eligible mentored youth upon presentation of a written request executed by a parent or legally constituted guardian.

(d) *Fee.*

(1) The fee for a mentored youth hunting permit will be:

(i) \$1, plus any applicable transactional and issuing agent fees, for resident and nonresident applicants under 12 years of age.

(ii) \$5, plus any applicable transactional and issuing agent fees, for resident applicants 12 years of age or older, but under 17 years of age.

(iii) \$40, plus any applicable transactional and issuing agent fees, for nonresident applicants 12 years of age or older, but under 17 years of age.

(2) The fee for a mentored adult hunting permit will be:

(i) For residents, \$19, plus any applicable transactional and issuing agent fees.

(ii) For nonresidents, \$100, plus any applicable transactional and issuing agent fees.

§ 147.804. General.

(a) *License required.* A mentor shall possess a valid Pennsylvania hunting license or qualify for license and fee exemptions under section 2706 of the act (relating to resident license and fee exemptions) prior to engaging in any mentored hunting activities.

(b) *Permit required.* A mentored youth or mentored adult shall possess a valid applicable mentored hunting permit prior to engaging in any mentored hunting activities. Purchase of a hunting license by an eligible mentored youth or mentored adult shall automatically invalidate any mentored permit and associated harvest tags held by same.

* * * * *

[Pa.B. Doc. No. 19-423. Filed for public inspection March 22, 2019, 9:00 a.m.]

PROPOSED RULEMAKING

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CH. 93]

Water Quality Standards; Class A Stream Redesignations

The Environmental Quality Board (Board) proposes to amend 25 Pa. Code, Chapter 93 (relating to water quality standards). The amendments will modify the drainage lists at §§ 93.9d, 93.9f, 93.9j, 93.9k, 93.9l, 93.9m, 93.9p, 93.9q, 93.9r and 93.9t to read as set forth in Annex A. The purpose of this proposed rulemaking is to update the designated uses so that the surface waters of the Commonwealth are afforded the appropriate level of protection. This proposed rulemaking fulfills the Commonwealth's obligations under State and Federal law to review and revise, as necessary, water quality standards that are protective of surface waters.

This proposed rulemaking was adopted by the Board at its meeting of December 18, 2018.

A. Effective Date

These amendments will go into effect upon publication in the *Pennsylvania Bulletin* as a final rulemaking. Once approved by the United States Environmental Protection Agency (EPA), water quality standards are used to implement the Federal Clean Water Act (CWA) (33 U.S.C.A. §§ 1251—1388).

B. Contact Persons

For further information, contact Thomas Barron, Bureau of Clean Water, 11th Floor, Rachel Carson State Office Building, P.O. Box 8774, 400 Market Street, Harrisburg, PA 17105-8774, (717) 787-9637; or Michelle Moses, Assistant Counsel, Bureau of Regulatory Counsel, 9th Floor, Rachel Carson State Office Building, P.O. Box 8464, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the Pennsylvania AT&T Relay Service by calling (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.pa.gov (select "Public Participation," then "Environmental Quality Board (EQB)").

C. Statutory Authority

This proposed rulemaking is being made under the authority of sections 5(b)(1) and 402 of The Clean Streams Law (35 P.S. §§ 691.5(b)(1) and 691.402), which authorize the Board to develop and adopt rules and regulations to implement the provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.1001), and section 1920-A of The Administrative Code of 1929 (71 P.S. § 510-20), which grants to the Board the power and duty to formulate, adopt and promulgate rules and regulations for the proper performance of the work of the Department. In addition, section 303 of the CWA (33 U.S.C.A. § 1313) sets forth requirements for water quality standards.

D. Background and Purpose

The purpose of developing the water quality standards is to protect waters of the Commonwealth. Waters of the Commonwealth, through the water quality standards program, are protected for a variety of uses including: drinking water supplies for humans, livestock and wild-

life; fish consumption; irrigation for crops; aquatic life uses; recreation; and industrial water supplies. The purpose of this proposed rulemaking is to update the designated uses so that the surface waters of this Commonwealth are afforded the appropriate level of protection.

Section 5 of The Clean Streams Law, 35 P.S. § 691.5, instructs the Department to consider water quality management and pollution control in the watershed as a whole, and the present and possible future uses of waters when adopting rules and regulations. In addition to these requirements, the Commonwealth has responsibilities under the CWA that require water quality standards to be reviewed and approved by the EPA for consistency with the mandates under that act. Section 101(a)(2) of the CWA, (33 U.S.C.A. § 1251(a)(2)), establishes the National goal that, wherever attainable, water quality should provide for the protection and propagation of fish, shellfish and wildlife and for recreation in and on the water. Section 303(c)(2)(A), (33 U.S.C.A. § 1313(c)(2)(A)), requires water quality standards to include designated uses of waters, taking into consideration their use and value for public water supplies, propagation of fish and wildlife, recreational purposes, and agricultural, industrial and other purposes. Section 303(d)(4)(B), (33 U.S.C.A. § 1313(d)(4)(B)), establishes an antidegradation policy for waters where the quality of the water equals or exceeds levels necessary to protect the designated uses for such waters. The designated uses in this proposed rulemaking are consistent with these State and Federal statutory mandates.

Water quality standards are in-stream water quality goals that are implemented by imposing specific regulatory requirements (such as treatment requirements, effluent limits and best management practices (BMPs)) on individual sources of pollution. Section 303(c)(1) of the CWA, (33 U.S.C.A. § 1313(c)(1)), requires states to periodically review and revise, as necessary, water quality standards. Water quality standards include designated uses, numeric and narrative criteria, and antidegradation requirements for surface waters. These proposed amendments are the result of new information presented for stream evaluations of designated uses.

The Department may identify candidate streams for redesignation of uses during routine waterbody investigations. Requests for consideration may be initiated by other agencies, or members of the public may submit a rulemaking petition to the Board. These proposed amendments are the result of stream evaluations conducted by the Department in response to a submittal of data from the Pennsylvania Fish and Boat Commission (Commission) under § 93.4c (relating to implementation of antidegradation requirements).

In this proposed rulemaking, redesignations rely on § 93.4b(a)(2)(ii) (relating to qualifying as High Quality or Exceptional Value Waters) to qualify streams for High Quality (HQ) designations based upon their classifications as Class A wild trout streams. A surface water that has been classified a Class A wild trout stream by the Commission, based on species-specific biomass standards, and following public notice and comment, qualifies for HQ designation. The Commission published notice and requested comments on the Class A designation of these streams. The Commissioners of the Commission approved

these waters after public notice and comment. Department staff conducted an independent review of the trout biomass data in the Commission’s fisheries management reports for the streams proposed for redesignation. This review was conducted to ensure that the HQ criteria were met.

Prior to rulemaking, the Department has an obligation to provide existing uses protection when data indicates that a surface water attains or has attained an existing use. Section 93.1 (relating to definitions) defines “existing uses” as “those uses actually attained in the water body on or after November 28, 1975, whether or not they are included in the water quality standards.” Section 93.4c requires the Department to make a final determination of existing uses protection for the surface water as part of a final permit or approval action. During a review of a permit application and a draft permit, interested persons may provide the Department with additional information regarding existing uses protection for the surface water. The Department also presents available information in a draft report that is made available for public comment.

Where the existing uses are different than the designated uses for a surface water, the water body will immediately receive the best protection identified by either the attained uses or the designated uses. For example, if the designated use of a stream is listed as protecting Cold Water Fishes (CWF) but the Department’s evaluation of available existing use information indicates that the water attains the use of HQ-CWF, the stream would be protected for this HQ-CWF existing use, prior to a rulemaking. A stream redesignation proposal will then be initiated through the rulemaking process to match the existing uses with the designated uses in the drainage lists found in §§ 93.9a–93.9z. See Section E for a detailed explanation of the public participation process preceding the development of this proposed rulemaking.

By protecting the water uses, and the quality of the water necessary to maintain the uses, benefits may be gained in a variety of ways by all citizens of this Commonwealth. For example, clean water used for drinking water supplies benefits the consumers by lowering drinking water treatment costs and reducing medical costs associated with drinking-water illnesses. Clean surface waters also benefit the Commonwealth by providing for increased tourism and recreational use of the waters. Clean water provides for increased wildlife habitat and more productive fisheries. This proposed rulemaking benefits not only local residents but those from outside the area who come to enjoy the benefits and aesthetics of outdoor recreation.

E. Summary of Proposed Rulemaking

Proposed Redesignations of Class A Wild Trout Waters

As part of this stream redesignation process, the Department offered opportunities for the public to provide data and information during the review of the uses of the streams. First, the Department provided public notice of its intent to assess the Class A wild trout stream data. The Department’s notices requesting additional water quality data for the streams were published at 46 Pa.B. 503 (January 23, 2016); 46 Pa.B. 1287 (March 5, 2016); and 46 Pa.B. 3328 (June 25, 2016). Additionally, the notices were posted on the Department web site. No water quality data were received. The Department directly notified all affected municipalities, county planning commissions, conservation districts and Commonwealth agencies of these redesignation evaluations in letters dated January 5, May 27 and July 8, 2016. No data or comments were received in response to these notices.

Once the data solicitation was completed, the Department prepared a draft streams evaluation report and made it available to all affected municipalities, county planning commissions, county conservation districts and other Commonwealth agencies on April 26, 2017. This draft report was mailed to these same entities and posted on the Department’s web site, for a 45-day public comment period. Two letters of support were received. The Department considered these comments in drafting the final Class A Wild Trout Streams Evaluation Report.

Department staff delivered two separate presentations to the Agricultural Advisory Board (AAB). The first presentation was delivered at the August 16, 2018, joint meeting of the AAB and the Nutrient Management Advisory Board. That presentation was focused on this proposed rulemaking consisting of Class A stream redesignations. In response to a request from the AAB following the first presentation, a second presentation was delivered to the AAB on October 25, 2018, which included a broader scope of the stream redesignations rulemaking process and then more specifically how AAB is involved in the process.

A copy of the stream evaluation report for these waterbodies is available on the Department’s web site or from the contact persons listed in Section B of this preamble. Copies of the Commission fisheries management reports for these streams and the Commission’s sampling protocols for wadeable streams are available on the Department’s web site or from Thomas Barron, whose address and telephone number are listed in Section B of this preamble. The data and information collected on these waterbodies support the Board’s proposed rulemaking as set forth in Annex A. The Board’s proposed HQ redesignations associated with Class A wild trout waters is summarized in the following table.

Summary Table: Proposed Rulemaking Class A Stream Redesignations Package

<i>Stream Name</i>	<i>County</i>	<i>List</i>	<i>Zone</i>	<i>Current Designated Use</i>	<i>Recommended Designated Use</i>
Beaver Run	Carbon	D	Basin	CWF, MF	HQ-CWF, MF
Wash Creek	Schuylkill	D	Basin	CWF, MF	HQ-CWF, MF
UNT 04074 to Mahoning Creek	Schuylkill	D	Basin	CWF, MF	HQ-CWF, MF

<i>Stream Name</i>	<i>County</i>	<i>List</i>	<i>Zone</i>	<i>Current Designated Use</i>	<i>Recommended Designated Use</i>
UNT 04088 to Lehigh Canal (Weisport)	Carbon	D	Basin, Source to Phifer Ice Dam Inlet	CWF, MF	HQ-CWF, MF
UNT 03913 to Lehigh River	Carbon	D	Main Stem	CWF, MF	HQ-CWF, MF
Fireline Creek	Carbon	D	Main Stem, UNT 03907 to Mouth	CWF, MF	HQ-CWF, MF
UNT to Little Schuylkill River	Schuylkill	F	Basin	CWF, MF	HQ-CWF, MF
UNT 02248 to Little Schuylkill River "Rabbit Run"	Schuylkill	F	Basin	CWF, MF	HQ-CWF, MF
UNT 02204 to Little Schuylkill River	Schuylkill/Berks	F	Basin	CWF, MF	HQ-CWF, MF
Sixpenny Creek	Berks	F	Basin, UNT 64027 to Mouth	CWF, MF	HQ-CWF, MF
Aylesworth Creek	Lackawanna	J	Basin, Source to UNT 28567	CWF, MF	HQ-CWF, MF
Brace Brook	Susquehanna/Wayne	J	Basin	CWF, MF	HQ-CWF, MF
Glen Brook	Columbia	K	Main Stem, UNT 28087 to Foundryville Road	CWF, MF	HQ-CWF, MF
Douglas Run	Cambria/Indiana	L	Basin	CWF, MF	HQ-CWF, MF
Emeigh Run	Cambria	L	Basin	CWF, MF	HQ-CWF, MF
Beaver Run	Cambria/Clearfield	L	Basin, Source to and including UNT 27182	CWF, MF	HQ-CWF, MF
Patchin Run	Clearfield	L	Basin	CWF, MF	HQ-CWF, MF
North Run	Clearfield	L	Basin	CWF, MF	HQ-CWF, MF
UNT 26735 to West Branch Susquehanna River	Clearfield	L	Basin	CWF, MF	HQ-CWF, MF
Hogback Run	Clearfield	L	Basin	CWF, MF	HQ-CWF, MF
UNT 26562 to Bradley Run	Cambria	L	Basin	CWF, MF	HQ-CWF, MF
Little Dent Run	Cameron	L	Basin	CWF, MF	HQ-CWF, MF
Laurel Run	Centre	L	Basin, from a point at 40°49'3.5"N; 78°5'52.0"W to Mouth	CWF, MF	HQ-CWF, MF
Gap Run	Centre	L	Main Stem, Source to the sink hole located at 40°51'59"N; 77°44'4"W	CWF, MF	HQ-CWF, MF
Council Run	Centre	L	Main Stem	CWF, MF	HQ-CWF, MF
Salt Lick Run	Centre	L	Basin	CWF, MF	HQ-CWF, MF
Sand Run	Tioga	L	Basin	CWF, MF	HQ-CWF, MF
Rauchtown Creek	Lycoming/Clinton	L	Basin, Confluence of Rockey Run and Gottshall Run to Mouth	CWF, MF	HQ-CWF, MF
Mosquito Creek	Lycoming	L	Basin	CWF, MF	HQ-CWF, MF

<i>Stream Name</i>	<i>County</i>	<i>List</i>	<i>Zone</i>	<i>Current Designated Use</i>	<i>Recommended Designated Use</i>
Potter Run	Centre	M	Basin	CWF, MF	HQ-CWF, MF
Kettle Run	Centre	M	Basin	CWF, MF	HQ-CWF, MF
UNT 18312 to Penns Creek	Centre	M	Basin	CWF, MF	HQ-CWF, MF
Peet Brook	Potter	P	Basin	CWF	HQ-CWF
UNT 57738 to Blacksmith Run	McKean	P	Basin	CWF	HQ-CWF
UNT 54466 to Marsh Run	Crawford	Q	Basin	CWF	HQ-CWF
Spencer Creek	Erie	Q	Main Stem	CWF	HQ-CWF
Benson Run	Erie	Q	Main Stem	TSF	HQ-CWF
Water Tank Run	Elk	R	Basin	CWF	HQ-CWF
UNT 45591 to Stonycreek River	Somerset	T	Basin	CWF	HQ-CWF
UNT 46054 to Trout Run	Cambria	T	Basin	CWF	HQ-CWF
UNT 46033 to North Branch Little Conemaugh River	Cambria	T	Basin	CWF	HQ-CWF

CWF = cold water fishes HQ = high quality
 TSF = trout stocking MF = migratory fishes
 UNT = unnamed tributary

Proposed Corrections to Drainage Lists

In addition to the recommended changes to stream designations, the Board is proposing other amendments to the drainage lists in §§ 93.9d, 93.9f, 93.9j, 93.9k, 93.9l, 93.9m, 93.9p, 93.9q, 93.9r and 93.9t to clarify stream names and segment boundaries and to reformat portions of drainage lists. In addition, the Board is recommending changes consistent with the National Hydrography Dataset (NHD) flowline. These additional changes are nonsubstantive in nature, because they do not change any current water quality designations to the drainage lists.

The NHD flowline forms the basis of the Department's Designated and Existing Use Geographic Information System (GIS) layers. The NHD flowline is established using the United States Geological Survey (USGS) Geographic Names Information System (GNIS), which is the Federal and National standard for geographic nomenclature. The Department strives to maintain consistency with the GNIS database and the NHD flowline.

The Department routinely receives internal and external communications concerning streams that appear to be missing from Chapter 93. Often, these streams were considered unnamed at the time the drainage list was established and therefore were captured under unnamed tributaries entries. These streams currently have a designated use even though they do not appear as named entries in Chapter 93. In contrast, there are a number of named tributaries in Chapter 93 that are not currently recognized by the USGS and are not represented by the

NHD flowline. These may be unofficial local names. Consolidation within drainage lists will greatly reduce these issues.

In many parts of the drainage lists, the current format consists of a main stem entry for a stream, followed by unnamed tributaries to that stream, and then individually named tributaries within the basin. Often, most of the tributaries, both named and unnamed, have the same designated use. In some cases, an entire basin is the same designated use except for a few streams. Large stream basins may take up several pages within a drainage list and can be difficult for individuals to navigate and understand. Reformatting large basins to consolidate portions of Chapter 93 that have the same designated use enables readers to view that entire basin within a page or two. In addition, a condensed drainage list reduces the likelihood that errors will occur in transcription of Chapter 93 during rulemaking procedures. The Department currently has several GIS mapping tools available (e.g. eMapPA) to assist staff, members of the public and the regulated community in locating streams in this Commonwealth, and they should be used in conjunction with the *Pennsylvania Code* to determine designated uses. The Board proposes to reformat § 93.9j (relating to Drainage List J) and the Stonycreek River basin in § 93.9t (relating to Drainage List T) as described in this paragraph.

Furthermore, all river mile indexes (RMI) proposed to be added in this proposed rulemaking—§§ 93.9d, 93.9f, 93.9j, 93.9k, 93.9l, 93.9m, 93.9p, 93.9q, 93.9r and 93.9t—

will be converted to (x,y) coordinates for latitude and longitude. Going forward, whenever changes are proposed to Chapter 93, associated locational information will be inserted as latitude and longitude. Eventually, all reference to RMI in §§ 93.9a—93.9z will be converted to latitude and longitude.

Additionally, all “unnamed tributaries” included in this proposed rulemaking will be abbreviated to UNTs. Going forward, the abbreviation UNTs will eventually replace “unnamed tributaries” in the *Pennsylvania Code*.

Section 93.9d. Drainage List D

Additional changes to § 93.9d (relating to Drainage List D) were proposed at 47 Pa.B. 6609 (October 21, 2017), including a stream name correction from “Beaverdam Run to Beaver Run.” Beaver Run is a candidate for redesignation in this Class A stream package. The Board recommends making this change.

Section 93.9k. Drainage List K

The Board recommends correcting the spelling for Huntington Creek in § 93.9k (relating to Drainage List K) to be consistent with the NHD flowline.

Section 93.9t. Drainage List T

Additional changes to § 93.9t were proposed at 47 Pa.B. 6609, including a proposed correction to the hydrological order because Trout Run is a tributary to Kane Run. According to the GNIS database and the NHD flowline, Trout Run is not a direct tributary to the Little Conemaugh River. It is a tributary to Kane Run, which is a tributary to the Little Conemaugh River. An unnamed tributary to Trout Run (UNT 46054) is a candidate for redesignation in this proposed rulemaking. The Board recommends making this change.

F. Benefits, Costs and Compliance

Benefits

Overall, this Commonwealth, its citizens and natural resources will benefit from this proposed rulemaking because it provides the appropriate level of protection to preserve the integrity of existing and designated uses of surface waters in this Commonwealth. Protecting water quality provides economic value to present and future generations in the form of a clean water supply. Water uses in the Commonwealth include water supplies for human consumption, wildlife, irrigation and industrial use; recreational opportunities such as fishing (also for consumption); water contact sports and boating; and aquatic life and special protection. It is important to realize these benefits and to ensure opportunities and activities continue in a manner that is environmentally, socially and economically sound. Maintenance of water quality ensures its future availability for all uses.

Increased property values are an economic and social benefit of clean water protected by this proposed regulation.

A reduction in toxics found in the Commonwealth’s waterways may lead to increased property values for properties located near rivers or lakes. The study, “The Effect of Water Quality on Rural Nonfarm Residential Property Values,” (Epp and Al-Ani, *American Journal of Agricultural Economics*, Vol. 61, No. 3 (Aug. 1979), pp. 529—534 (<https://www.jstor.org/stable/1239441>)), used real estate prices to determine the value of improvements in water quality in small rivers and streams in this Commonwealth. Water quality, whether measured in pH or by the owner’s perception, has a significant effect on the price of adjacent property. Their analysis showed a

positive correlation between water quality and housing values. They concluded that buyers are aware of the environmental setting of a home and that differences in the quality of nearby waters affect the price paid for a residential property.

A 2006 study from the Great Lakes region estimated that property values were significantly depressed in two regions associated with toxic contaminants (polyaromatic hydrocarbons (PAHs), polychlorinated biphenyls (PCBs), and heavy metals). The study showed that a portion of the Buffalo River region (approximately 6 miles long) had depressed property values of between \$83 million and \$118 million for single-family homes, and between \$57 million and \$80 million for multifamily homes as a result of toxic sediments. The same study estimated that a portion of the Sheboygan River (approximately 14 miles long) had depressed property values of between \$80 million and \$120 million as the result of toxics. *Economic Benefits of Sediment Remediation in the Buffalo River AOC and Sheboygan Rice AOC: Final Project Report*, (<http://www.nemw.org/Econ>). While this study related to the economic effect of contaminated sediment in other waters in the Great Lakes region, the idea that toxic pollution depresses property values applies in this Commonwealth. A reduction in toxic pollution in this Commonwealth’s waters has a substantial economic benefit to property values in close proximity to waterways.

Maintenance of abundant and healthy fish and wildlife populations and support for outdoor recreation are social and economic benefits of clean water protected by this proposed rulemaking.

Businesses in the recreation industry will be positively affected by these proposed regulations. The maintenance and protection of the water quality will ensure the long-term availability of Class A wild trout fisheries. Because the focus of this proposal relates directly to the protection of fisheries, sportsmen in this Commonwealth will benefit by the preservation of the existing Class A fisheries. Class A wild trout streams should be protected so that they can continue to be a self-sustaining angling opportunity as compared to the cost-intensive alternative of raising and stocking fish. The purpose of these proposed stream redesignations is to preserve this resource for current and future sportsmen so that the social and economic benefits are maintained in the local area. As recreation demands increase in the future, the preservation of unique resources such as Class A wild trout waters will no doubt add economic value to the local areas and, importantly, provide a valuable social function for outdoor recreation. Specific revenue-related benefits associated with outdoor trout fishing in this Commonwealth are outlined as follows.

The Center for Rural Pennsylvania prepared a report titled “Economic Values and Impacts of Sport Fishing, Hunting and Trapping Activities in Pennsylvania,” (<http://www.rural.palegislature.us/documents/reports/hunting.pdf>) that examined such economic values and impacts between the years 1995 to 1997. The report provides a snapshot of how much money these sporting activities bring to the State and how they affect employment in rural areas. A major finding of that report is the total annual value of \$3.7 billion for sport fishing was almost three times the \$1.26 billion spent in travel costs to use fishing resources during the same 12-month period of time. The total net annual benefit to anglers was \$2.49 billion.

According to the “Angler Use, Harvest and Economic Assessment on Wild Trout Streams in Pennsylvania,”

(R. Greene, et al. 2005) (<http://www.fishandboat.com/Fish/Fisheries/TroutPlan/Documents/WildTroutStreamAnglerUseCatchEconomicContribution.pdf>), the Commission collected information to assess the economic impact of wild trout angling in this Commonwealth, during the 2004 regular trout season, April 17 through September 3, 2004. The Commission found, based on the results of this study, that angling on wild trout streams contributed over \$ 7.16 million to this Commonwealth's economy during the regular trout season in 2004.

According to the "2011 National Survey of Fishing, Hunting and Wildlife-Associated Recreation" (<https://www.census.gov/prod/2012pubs/fhw11-nat.pdf>) for this Commonwealth, prepared by the United States Fish and Wildlife Service, approximately 1,101,000 anglers participated in fishing and 3,598,000 persons participated in wildlife watching in the year 2011. In addition, all fishing-related expenditures in this Commonwealth totaled \$485 million in 2011. The expenditures include food and lodging, transportation and other expenses (equipment rental, bait and cooking fuel). In 2011, wildlife watchers spent \$1.3 billion on activities in this Commonwealth. Expenditures include trips-related costs and equipment.

According to the Outdoor Recreation Industry Association, this Commonwealth's outdoor recreation generates 251,000 direct jobs in this Commonwealth, \$8.6 billion in wages and salaries, and \$1.9 billion in State and local tax revenue. These figures include both tourism and outdoor recreation product manufacturing. The association reports that 56% of residents in this Commonwealth participate in outdoor recreation each year. (See Outdoor Industry Association (2017), "The Outdoor Economy: Take it Outside for American Jobs and a Strong Economy," (<https://outdoorindustry.org/resource/pennsylvania-outdoor-recreation-economy-report/>)).

Savings in water filtration for downstream communities that rely on surface waters for water supplies and availability of unpolluted water for domestic, agricultural and industrial uses are benefits of clean water protected by this proposed rulemaking.

The Department identified 11 public water supply facilities with raw water intakes that are no further downstream than 30 stream miles of the candidate stream sections for redesignation in this proposed rulemaking package. These 11 public water suppliers, which serve over 175,000 citizens, will benefit from this proposed rulemaking because their raw source water will be afforded a higher level of protection. This is an economic benefit because the source water treatment costs for the drinking water may be less costly to customers if less treatment is needed due to the high quality of the water in the stream. By maintaining cleaner water, public water suppliers will incur the benefits of lower water treatment costs. In addition, cleaner intake water will reduce consumer costs for purchasing clean drinking water.

Compliance Costs

This proposed rulemaking is necessary to maintain the existing water quality and effectively control discharges of pollutants into the stream segments. These amendments to Chapter 93 will not impose any new compliance costs on persons engaged in regulated activities under existing permits or approvals from the Department. Additional compliance costs may arise when permits or approvals are necessary for new or expanded regulated activities. The Department will implement the proposed stream redesignations through permit and approval actions.

Persons adding or expanding a discharge to a stream may need to provide a higher level of treatment or additional BMPs to meet the designated and existing uses of the stream, which could result in higher engineering, construction or operating costs. Treatment costs and BMPs are site-specific and depend upon the size of the discharge in relation to the size of the stream and many other factors. The Department cannot accurately estimate such costs because of the variability associated with each discharge.

Any person proposing a new, additional or increased point source discharge would need to satisfy the antidegradation requirements found at 25 Pa. Code § 93.4c(b)(1). An applicant for any new, additional or increased point source discharge to special protection waters must evaluate nondischarge alternatives and the applicant must use an alternative that is environmentally sound and cost-effective when compared with the cost of the proposed discharge. If a nondischarge alternative is not environmentally sound and cost-effective, an applicant for a new, additional or increased discharge must use the best available combination of cost-effective treatment, land disposal, pollution prevention and wastewater reuse technologies.

The permit applicant must demonstrate in the permit application that their new or expanded activities will not lower the existing water quality of special protection streams. If an applicant cannot meet these nondegrading discharge requirements, a person who proposes a new, additional or increased discharge to HQ waters is given an opportunity to demonstrate a social and economic justification (SEJ) for allowing lower water quality. The demonstration must show that the discharge is necessary to accommodate important economic or social development in the area in which the waters are located and that other water uses will be supported. Discharge activities to special protection streams do not qualify for National Pollutant Discharge Elimination System (NPDES) general permits, based on 25 Pa. Code § 92a.54(a)(8) (relating to general permits), and therefore, will require individual permits.

There are approximately 10,300 facilities across this Commonwealth that hold permits issued under Chapter 92a (relating to National Pollutant Discharge Elimination System permitting, monitoring and compliance). This Statewide number of approximately 10,300 includes NPDES permits for concentrated animal feeding operations, industrial waste, municipal separate storm sewer systems (MS4), sewage and industrial storm water. Out of this Statewide total of approximately 10,300 permits, only 19 facilities are known to hold NPDES permits within the boundaries of the watersheds of the stream segments being considered for redesignation in this proposed rulemaking.

The types of NPDES discharges identified that have watershed involvement in this proposed rulemaking include industrial waste, sewage, MS4 and industrial stormwater. Discharges in existence at the time of the stream survey have been considered in the evaluation of the existing water quality of the stream and the recommendation for redesignation to special protection. Since the presence of such discharge activities did not preclude the attainment of special protection status, the discharges may continue as long as the discharge characteristics (both quality and quantity) remain the same. Thus, redesignation to special protection does not impose any additional special treatment requirements on the existing discharges from these 19 NPDES permitted entities.

However, discharge activities to special protection streams do not qualify for NPDES general permits and, therefore, will require individual permits. The individual permits are necessary to track any additional or increased discharges to a special protection water.

There are thousands of general and individual NPDES permits for Stormwater Discharges Associated with Construction Activities issued under 25 Pa. Code Chapter 102 (relating to erosion and sediment control) that were not included in the Statewide total of NPDES permits. These construction permits were not included in the permit counts because of their temporary nature. However, if the construction permit was issued as a general permit, and if the permitted activity is not completed by the expiration date on the permit and the permittee seeks to renew the permit, then it must be renewed as an individual permit. Additionally, when earth disturbance activities occur within the basins of the stream segments redesignated in this proposed rulemaking, additional BMPs may be necessary to protect water quality under Chapter 102.

Local governments will most likely have additional costs associated with MS4 permitting requirements. Any permittees that discharge to an HQ water will be required to obtain an individual permit when the permit is up for renewal. Any new first-time MS4 permits in these waters will be required to obtain individual permits. The cost of a new first-time individual permit is \$5,000 compared to \$500 for a general permit. There is a difference in cost between the initial issuance of an individual permit and a general permit due to increased staff time needed to review permit applications and implementation oversight that is associated with individual permits. An individual permit allows for the tailoring of a municipality's stormwater management program and its implementation of the minimum control measures.

If there is an existing permit (whether it is currently a general permit or an individual permit) on a water that has been redesignated to special protection, the fee to renew it to an individual permit is \$2,500. The annual fee is the same for a general permit and an individual permit. Individual permits will require an application and general permits will no longer be required to submit a Notice of Intent (NOI) as the annual report submittal and annual fee payment will serve the purpose of past NOIs. In general, there are no special consulting services fees that are needed for a new permittee when applying for the individual permit.

Where onlot sewage systems are planned, compliance with the sewage facilities planning and permitting regulations in 25 Pa. Code Chapters 71, 72 and 73 (relating to administration of sewage facilities planning program; administration of sewage facilities permitting program; and standards for onlot sewage treatment facilities) will continue to satisfy § 93.4c in these redesignated HQ waters. Permit applicants for sewage facilities in HQ waters who demonstrate SEJ at the sewage facilities planning stage need not re-demonstrate SEJ at the discharge permitting stage. The SEJ demonstration process is available to sewage and nonsewage discharge applicants.

Compliance Assistance Plan

This proposed rulemaking will not impose any new compliance requirements on persons engaged in regulated activities under existing permits or approvals from the Department. When applying for permits or approvals for new, additional or increased discharges, the Department will provide compliance assistance.

Paperwork Requirements

This proposed rulemaking will not impose any new paperwork requirements on persons engaged in regulated activities under existing permits or approvals from the Department. When applying for permits or approvals for new, additional or increased discharges, additional information may need to be submitted to the Department as part of the permit application or approval request. As previously discussed, the permit applicant will complete an antidegradation analysis. The applicant will describe how the proposed activity will be conducted to maintain existing water quality. If water quality cannot be maintained, the applicant will describe an SEJ for the proposed activity. NPDES general permits are not available for discharges to these streams. Thus, an individual permit, and its associated paperwork, would be required.

G. Pollution Prevention

The Federal 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 incorporated the following pollution prevention incentives.

The water quality standards and antidegradation program are major pollution prevention tools because the objective is to prevent degradation by maintaining and protecting existing water quality and existing uses. Although the antidegradation program does not prohibit new or expanding wastewater discharges, nondischarge alternatives must be evaluated and are required to be used when environmentally sound and cost effective. Nondischarge alternatives, when implemented, remove impacts to surface water and may reduce the overall level of pollution to the environment by remediation of the effluent through the soil. In addition, if no environmentally sound and cost-effective alternatives are available, discharges must be nondegrading except as provided in § 93.4c(b)(1)(iii).

H. Sunset Review

These regulations will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulations effectively fulfill the goals for which they were intended.

I. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on March 4, 2019, 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 May 7, 2019.

Comments including the submission of a one-page summary of 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.

K. Public Hearings

The Board will hold one public hearing for the purpose of accepting comments on this proposal. The hearing will be held at 1 p.m. on the following date:

April 26, 2019 Department of Environmental Protection
Southcentral Regional Office
Susquehanna Room A
909 Elmerton Avenue
Harrisburg, PA 17110

Persons wishing to present testimony at a hearing are requested to contact the Environmental Quality Board, P.O. Box 8477, Harrisburg, PA 17105-8477, (717) 787-4526 at least 1 week in advance of the hearing to reserve a time to present testimony. Verbal testimony is limited to 5 minutes for each witness. Witnesses are requested to submit three written copies of their oral testimony to the hearing chairperson at the hearing. Organizations are limited to designating one witness to present testimony on their behalf at each hearing.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Board at (717) 787-4526 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) or (800) 654-5988 (voice users) to discuss how the Board may accommodate their needs.

PATRICK McDONNELL,
Chairperson

Fiscal Note: 7-548. 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 II. WATER RESOURCES
CHAPTER 93. WATER QUALITY STANDARDS
DESIGNATED WATER USES AND WATER QUALITY CRITERIA**

(Editor's Note: Additional changes to drainage list 93.9d were proposed at 47 Pa.B. 6609 (October 21, 2017), including a stream name correction from "Beaverdam Run" to "Beaver Run.")

§ 93.9d. Drainage List D.

**Delaware River Basin in Pennsylvania
*Lehigh River***

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
	* * * * *			
2—Lehigh River	Main Stem, PA 903 Bridge to Allentown Dam	Lehigh	TSF, MF	None
3—[Unnamed Tributaries] <u>UNTs</u> to Lehigh River	Basins, PA 903 Bridge to [Allentown Dam] UNT 03913 at 40°48'11.1"N; 75°40'20.6"W	Carbon [- Lehigh]	CWF, MF	None
3—Silkmill Run	Basin	Carbon	CWF, MF	None
3—Mauch Chunk Creek	Basin, Source to SR 902 Bridge	Carbon	EV, MF	None
3—Mauch Chunk Creek	Basin, SR 902 Bridge to Mouth	Carbon	CWF, MF	None
3—Beaverdam Run	Basin	Carbon	<u>HQ</u> -CWF, MF	None
3—Long Run	Basin	Carbon	CWF, MF	None

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
3—Mahoning Creek	Basin, <u>Source to Wash Creek</u>	[Carbon] <u>Schuylkill</u>	CWF, MF	None
<u>4—Wash Creek</u>	<u>Basin</u>	<u>Schuylkill</u>	<u>HQ-CWF, MF</u>	<u>None</u>
3—Mahoning Creek	Basin, <u>Wash Creek to UNT 04074 at 40°46'43.4"N; 75°50'35.2"W</u>	<u>Schuylkill</u>	<u>CWF, MF</u>	<u>None</u>
<u>4—UNT 04074</u>	<u>Basin</u>	<u>Schuylkill</u>	<u>HQ-CWF, MF</u>	<u>None</u>
3—Mahoning Creek	Basin, <u>UNT 04074 to Mouth</u>	<u>Carbon</u>	<u>CWF, MF</u>	<u>None</u>
3—Pohopoco Creek	Basin, Source to SR 3016 Bridge at Merwinsburg	Monroe	CWF, MF	None
3—Pohopoco Creek	Main Stem, SR 3016 Bridge to US 209 Bridge at Kresgeville at 40°53'51.0"N; 75°30'8.8"W	Monroe	HQ-CWF, MF	None
4—[<u>Unnamed Tributaries</u>] <u>UNTs to Pohopoco Creek</u>	Basins, SR 3016 Bridge to US 209 Bridge at Kresgeville	Monroe	CWF, MF	None
4—Sugar Hollow Creek	Basin	Monroe	CWF, MF	None
4—Weir Creek	Basin	Monroe	CWF, MF	None
4—Middle Creek	Basin, Source to T 444 Bridge	Monroe	CWF, MF	None
4—Middle Creek	Basin, T 444 Bridge to Mouth	Monroe	HQ-CWF, MF	None
3—Pohopoco Creek	Basin, US 209 Bridge at Kresgeville to Wild Creek	Carbon	CWF, MF	None
4—Wild Creek	Basin	Carbon	EV, MF	None
3—Pohopoco Creek	Basin, Wild Creek to <u>UNT 64089 at 40°48'55.7"N; 75°40'21"W</u> [Mouth]	Carbon	CWF, MF	None
<u>4—UNT 64089 (locally known as Lehigh Canal)</u>	<u>Basin, Source to UNT 04088 at 40°49'47.3"N; 75°41'58.9"W</u>	<u>Carbon</u>	<u>CWF, MF</u>	<u>None</u>
<u>5—UNT 04088</u>	<u>Basin, Source to Phifer Ice Dam inlet at 40°50'27.7"N; 75°41'21"W</u>	<u>Carbon</u>	<u>HQ-CWF, MF</u>	<u>None</u>
<u>5—UNT 04088</u>	<u>Basin, Phifer Ice Dam inlet to Mouth</u>	<u>Carbon</u>	<u>CWF, MF</u>	<u>None</u>
<u>4—UNT 64089</u>	<u>Basin, UNT 04088 to Mouth</u>	<u>Carbon</u>	<u>CWF, MF</u>	<u>None</u>
3—Pohopoco Creek	Basin, <u>UNT 64089 to Mouth</u>	<u>Carbon</u>	<u>CWF, MF</u>	<u>None</u>
3— <u>UNT 03913 (locally known as Nis Hollow)</u>	<u>Main Stem</u>	<u>Carbon</u>	<u>HQ-CWF, MF</u>	<u>None</u>
4— <u>Tributaries to UNT 03913</u>	<u>Basins</u>	<u>Carbon</u>	<u>CWF, MF</u>	<u>None</u>
3— <u>UNTs to Lehigh River</u>	<u>Basins, UNT 03913 to Allentown Dam</u>	<u>Carbon-Lehigh-Northampton</u>	<u>CWF, MF</u>	<u>None</u>
3—Fireline Creek	Basin, <u>Source to UNT 03907 at 40°49'1.0"N; 75°38'5.2"W</u>	Carbon	CWF, MF	None
<u>4—UNT 03907</u>	<u>Basin</u>	<u>Carbon</u>	<u>CWF, MF</u>	<u>None</u>
3—Fireline Creek	<u>Main Stem, UNT 03907 to Mouth</u>	<u>Carbon</u>	<u>HQ-CWF, MF</u>	<u>None</u>
4— <u>Tributaries to Fireline Creek</u>	<u>Basins, UNT 03907 to Mouth</u>	<u>Carbon</u>	<u>CWF, MF</u>	<u>None</u>
3—Lizard Creek	Basin, Source to T-922 Bridge	Schuylkill	CWF, MF	None
	* * * * *			

(Editor's Note: Additional changes to drainage list 93.9f were proposed at 47 Pa.B. 6609 (October 21, 2017).)

§ 93.9f. Drainage List F.

Delaware River Basin in Pennsylvania
Schuylkill River

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
* * * * *				
4—Still Creek	Basin, Tamaqua Water Supply Dam to Mouth	Schuylkill	CWF, MF	None
3—Little Schuylkill River	Basin, Still Creek to [Owl Creek] UNT at 40°48'48.5"N; 75°58'45.0"W	Schuylkill	CWF, MF	None
4—UNT at 40°48'48.5"N; 75°58'45.0"W	Basin	Schuylkill	HQ-CWF, MF	None
3—Little Schuylkill River	Basin, UNT at 40°48'48.5"N; 75°58'45.0"W to Owl Creek	Schuylkill	CWF, MF	None
4—Owl Creek	Basin	Schuylkill	HQ-CWF, MF	None
3—Little Schuylkill River	Basin, Owl Creek to [Cold Run] UNT 02248 at 40°46'46.8"N; 75°57'39.6"W	Schuylkill	CWF, MF	None
4—UNT 02248 to Little Schuylkill River	Basin	Schuylkill	HQ-CWF, MF	None
3—Little Schuylkill River	Basin, UNT 02248 to Cold Run	Schuylkill	CWF, MF	None
4—Cold Run	Basin, Source to Beaver Creek	Schuylkill	HQ-CWF, MF	None
5—Beaver Creek	Basin, Source to [Church Lane] Tabernacle Drive at [RM 1.5] 40°44'18.7"N; 76°1'26.9"W	Schuylkill	HQ-CWF, MF	None
5—Beaver Creek	Basin, [RM 1.5] 40°44'18.7"N; 76°1'26.9"W to Mouth	Schuylkill	CWF, MF	None
4—Cold Run	Basin, Beaver Creek to Mouth	Schuylkill	CWF, MF	None
3—Little Schuylkill River	Basin, Cold Run to UNT 02206 at [RM 4.3] 40°37'40.8"N; 76°0'53.8"W	Schuylkill	CWF, MF	None
4—[Unnamed Tributary] UNT 02206 to Little Schuylkill River	Basin	Schuylkill	HQ-CWF, MF	None
3—Little Schuylkill River	Basin, UNT 02206 to [Rattling Run] UNT 02204 at 40°36'41.4"N; 76°1'6.3"W	Schuylkill	CWF, MF	None
4—UNT 02204 to Little Schuylkill River	Basin	Schuylkill	HQ-CWF, MF	None
3—Little Schuylkill River	Basin, UNT 02204 to Rattling Run	Schuylkill	CWF, MF	None
4—Rattling Run	Basin, Source to [PA] SR 61	Schuylkill	EV, MF	None
4—Rattling Run	Basin, [PA] SR 61 to Mouth	Schuylkill	CWF, MF	None
3—Little Schuylkill River	Basin, Rattling Run to Mouth	Schuylkill	CWF, MF	None
* * * * *				
3—Hay Creek	Basin, Birdsboro Boundary to Mouth	Berks	CWF, MF	None
3—Sixpenny Creek	Basin[, Source to UNT 64027 at 40°14'37.2"N; 75°46'40.3"W]	Berks	HQ-CWF, MF	None
[4—UNT 64027 to Sixpenny Creek	Basin	Berks	HQ-CWF, MF	None
3—Sixpenny Creek	Basin, UNT 64027 to Mouth	Berks	CWF, MF	None]

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
3—Monocacy Creek	Basin, Source to UNT 01762 at 40°22'1.3"N; 75°48'35.3"W	Berks	WWF, MF	None
* * * * *				

(Editor's Note: Additional changes to drainage list 93.9j were proposed at 47 Pa.B. 6609 (October 21, 2017).)

§ 93.9j. Drainage List J.

**Susquehanna River Basin in Pennsylvania
Lackawanna River**

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
1—Susquehanna River				
2—Lackawanna River	Basin, Source to East Branch Lackawanna River	Susquehanna	CWF, MF	None
[3—West Branch Lackawanna River	Basin, Source to Confluence with East Branch	Susquehanna	CWF, MF	None]
3—East Branch Lackawanna River	Basin[, Source to Confluence with West Branch]	Susquehanna	HQ-CWF, MF	None
2—Lackawanna River	Main Stem, [Confluence of East and West Branches] East Branch Lackawanna River to SR 0347 Bridge at Dickson City	Lackawanna	HQ-CWF, MF	None
3—[UNTs] Tributaries to Lackawanna River	Basins, [Confluence of East and West Branches] East Branch Lackawanna River to [Clarks Creek] Brace Brook	Susquehanna[—Wayne]	CWF, MF	None
3—Brace Brook	Basin	Susquehanna	HQ-CWF, MF	None
3—Tributaries to Lackawanna River	Basins, Brace Brook to Clarks Creek	Wayne	CWF, MF	None
3—Clarks Creek	Basin	Wayne	EV, MF	None
3—[UNTs] Tributaries to Lackawanna River	Basins, Clarks Creek to [SR 0347 Bridge at Dickson City] Aylesworth Creek	Wayne—Lackawanna	CWF, MF	None
[3—Wilson Creek	Basin	Lackawanna	CWF, MF	None
3—Coal Brook	Basin	Lackawanna	CWF, MF	None
3—Racket Brook	Basin	Lackawanna	CWF, MF	None
3—Fall Brook	Basin	Lackawanna	CWF, MF	None
3—Lees Creek	Basin	Lackawanna	CWF, MF	None
3—Powderly Creek	Basin	Lackawanna	CWF, MF	None
3—Rush Brook	Basin	Lackawanna	CWF, MF	None]
3—Aylesworth Creek	Basin, Source to UNT 28567 at 41°31'18.6"N; 75°31'23.5"W	Lackawanna	HQ-CWF, MF	None
4—UNT 28567	Basin	Lackawanna	CWF, MF	None
3—Aylesworth Creek	Basin, UNT 28567 to Mouth	Lackawanna	CWF, MF	None
3—Tributaries to Lackawanna River	Basins, Aylesworth Creek to Grassey Island Creek	Lackawanna	CWF, MF	None
[3—White Oak Run	Basin	Lackawanna	CWF, MF	None
3—Laurel Run	Basin	Lackawanna	CWF, MF	None]
3—Grassey Island Creek	Basin, Source to [1100 ft Contour Line (Olyphant 7 1/2' Quadrangle)] US Hwy 6	Lackawanna	HQ-CWF, MF	None
3—Grassey Island Creek	Basin, [1100 ft Contour Line] US Hwy 6 to Mouth	Lackawanna	CWF, MF	None

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
3—Tributaries to Lackawanna River	Basins, Grasse Island Creek to SR 0347 Bridge	Lackawanna	CWF, MF	None
[3—Sterry Creek	Basin	Lackawanna	CWF, MF	None
3—Wildcat Creek	Basin	Lackawanna	CWF, MF	None
3—Hull Creek	Basin	Lackawanna	CWF, MF	None
2—Lackawanna River	Main Stem, SR 0347 Bridge to Mouth	Luzerne	CWF, MF	None
3—Unnamed Tributaries to Lackawanna River	Basins, SR 0347 Bridge to Mouth	Luzerne	CWF, MF	None]
2—Lackawanna River	Basin, SR 0347 Bridge to Eddy Creek	Lackawanna	CWF, MF	None
3—Eddy Creek	Basin	Lackawanna	WWF, MF	None
2—Lackawanna River	Basin, Eddy Creek to Leggetts Creek	Lackawanna	CWF, MF	None
3—Leggetts Creek	Basin, Source to Summit Lake Creek	Lackawanna	CWF, MF	None
4—Summit Lake Creek	Basin	Lackawanna	TSF, MF	None
3—Leggetts Creek	Basin, Summit Lake Creek to Mouth	Lackawanna	TSF, MF	None
[3—Meadow Brook	Basin	Lackawanna	CWF, MF	None]
2—Lackawanna River	Basin, Leggetts Creek to Roaring Brook	Lackawanna	CWF, MF	None
3—Roaring Brook	Basin, Source to Elmhurst Reservoir	Lackawanna	HQ-CWF, MF	None
3—Roaring Brook	Basin, Elmhurst Reservoir to Mouth	Lackawanna	CWF, MF	None
2—Lackawanna River	Basin, Roaring Brook to Stafford Meadow Brook	Lackawanna	CWF, MF	None
3—Stafford Meadow Brook	Basin, Source to Farthest Downstream Crossing of Scranton-Moosic Corporate Boundary	Lackawanna	HQ-CWF, MF	None
3—Stafford Meadow Brook	Basin, Farthest Downstream Crossing of Scranton-Moosic Corporate Boundary to Mouth	Lackawanna	WWF, MF	None
[3—Keyser Creek	Basin	Lackawanna	CWF, MF	None]
2—Lackawanna River	Basin, Stafford Meadow Brook to Spring Brook	Lackawanna	CWF, MF	None
3—Spring Brook	Basin, Source to N. E. Ext. PA Turnpike	Lackawanna	HQ-CWF, MF	None
3—Spring Brook	Basin, N. E. Ext. PA Turnpike to Mouth	Lackawanna	CWF, MF	None
[3—Mill Creek	Basin	Lackawanna	CWF, MF	None
3—St. Johns Creek	Basin	Luzerne	CWF, MF	None
3—Red Spring Run	Basin	Luzerne	CWF, MF	None]
2—Lackawanna River	Basin, Spring Brook to Mouth	Lackawanna	CWF, MF	None

(Editor's Note: Additional changes to drainage list 93.9k were proposed at 47 Pa.B. 6609 (October 21, 2017).)

§ 93.9k. Drainage List K.

Susquehanna River Basin in Pennsylvania
Susquehanna River

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
* * * * *				
3—Tributaries to Nescopeck Creek	Basins, Kester Creek to Mouth	Luzerne	CWF, MF	None

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
2—Briar Creek	Basin, Source to East Branch Briar Creek	Columbia	CWF, MF	None
3—East Branch Briar Creek	Basin, Source to Glen Brook	Columbia	CWF, MF	None
4—Glen Brook	Basin, Source to UNT 28087 at 41°5'39.1"N; 76°13'56.5"W	Columbia	CWF, MF	None
5—UNT 28087 to Glen Brook	Basin	Columbia	CWF, MF	None
4—Glen Brook	Main Stem, UNT 28087 to Foundryville Road at 41°4'43.3"N; 76°14'8.7"W	Columbia	HQ-CWF, MF	None
5—Tributaries to Glen Brook	Basins, UNT 28087 to Foundryville Road	Columbia	CWF, MF	None
4—Glen Brook	Basin, Foundryville Road to Mouth	Columbia	CWF, MF	None
3—East Branch Briar Creek	Basin, Glen Brook to Mouth	Columbia	CWF, MF	None
2—Briar Creek	Basin, East Branch Briar Creek to Mouth	Columbia	CWF, MF	None
2—Tenmile Run	Basin, Source to UNT 28081 at [RM 2.49] 41°0'5"N; 76°19'9.5"W	Columbia	HQ-CWF, MF	None
3—[Unnamed Tributary] UNT 28081 to Tenmile Run	Basin	Columbia	CWF, MF	None
2—Tenmile Run	Basin, UNT 28081 to Mouth	Columbia	CWF, MF	None
* * * * *				
3—Coles Creek	Basin, UNT 27963 to Mouth	Columbia	CWF, MF	None
2—Fishing Creek	Basin, Coles Creek to [Huntingdon] Huntingdon Creek	Columbia	CWF, MF	None
3—[Huntingdon] Huntingdon Creek	Basin, Source to Kitchen Creek	Luzerne	HQ-CWF, MF	None
4—Kitchen Creek	Basin	Luzerne	HQ-CWF, MF	None
3—[Huntingdon] Huntingdon Creek	Main Stem, Kitchen Creek to Mouth	Columbia	TSF, MF	None
4—Tributaries to [Huntingdon] Huntingdon Creek	Basins, Kitchen Creek to Pine Creek	Luzerne-Columbia	CWF, MF	None
4—Pine Creek	Basin, Source to Wasp Branch	Luzerne	CWF, MF	None
5—Wasp Branch	Basin	Luzerne	HQ-CWF, MF	None
4—Pine Creek	Basin, Wasp Branch to Mouth	Columbia	CWF, MF	None
4—Tributaries to [Huntingdon] Huntingdon Creek	Basins, Pine Creek to Mouth	Columbia	CWF, MF	None
2—Fishing Creek	Basin, Huntington Creek to Green Creek	Columbia	TSF, MF	None
* * * * *				

(Editor's Note: Additional changes to drainage list 93.9l were proposed at 47 Pa.B. 6609 (October 21, 2017).)

§ 93.9l. Drainage List L.

**Susquehanna River Basin in Pennsylvania
West Branch Susquehanna River**

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
* * * * *				
3—Moss Creek	Basin	Cambria	CWF, MF	None

PROPOSED RULEMAKING

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
3—Douglas Run	Basin	Cambria	<u>HQ-CWF, MF</u>	None
3—Emeigh Run	Basin	Cambria	<u>HQ-CWF, MF</u>	None
3—Peg Run	Basin	Cambria	CWF, MF	None
3—Cush Cushion Creek	Basin	Indiana	HQ-CWF, MF	None
3—Kilns Run	Basin	Clearfield	CWF, MF	None
3—Kings Run	Basin	Clearfield	CWF, MF	None
3—Shyrock Run	Basin	Clearfield	CWF, MF	None
3—Boiling Spring Run	Basin	Clearfield	CWF, MF	None
<u>3—Beaver Run</u>	<u>Basin, Source to UNT 27182 at 40°44'7.3"N; 78°45'43.6"W</u>	<u>Clearfield</u>	<u>HQ-CWF, MF</u>	<u>None</u>
<u>4—UNT 27182 to Beaver Run</u>	<u>Basin</u>	<u>Clearfield</u>	<u>HQ-CWF, MF</u>	<u>None</u>
<u>3—Beaver Run</u>	<u>Basin, UNT 27182 to Mouth</u>	<u>Clearfield</u>	<u>CWF, MF</u>	<u>None</u>
<u>3—Patchin Run</u>	<u>Basin</u>	<u>Clearfield</u>	<u>HQ-CWF, MF</u>	<u>None</u>
3—Sawmill Run	Basin	Clearfield	CWF, MF	None
3—Rock Run	Basin	Clearfield	CWF, MF	None
3—Cush Creek	Basin	Clearfield	CWF, MF	None
3—Martin Run	Basin	Clearfield	CWF, MF	None
3—North Run	Basin	Clearfield	<u>HQ-CWF, MF</u>	None
3—Deer Run	Basin	Clearfield	CWF, MF	None
* * * * *				
3—Bell Run	Basin	Clearfield	CWF, MF	None
<u>3—UNT 26735 to West Branch Susquehanna River</u>	<u>Basin</u>	<u>Clearfield</u>	<u>HQ-CWF, MF</u>	<u>None</u>
3—Hiles Run	Basin	Clearfield	CWF, MF	None
* * * * *				
3—Anderson Creek	Basin, Bear Run to Mouth	Clearfield	CWF, MF	None
3—Hogback Run	Basin	Clearfield	<u>HQ-CWF, MF</u>	None
3—Hartshorn Run	Basin	Clearfield	CWF, MF	None
3—Montgomery Creek	Basin, Source to Montgomery Dam	Clearfield	HQ-CWF, MF	None
3—Montgomery Creek	Basin, Montgomery Dam to Mouth	Clearfield	CWF, MF	None
3—Moose Creek	Basin, Source to Dam	Clearfield	HQ-CWF, MF	None
3—Moose Creek	Basin, Dam to Mouth	Clearfield	CWF, MF	None
3—Wolf Run	Basin	Clearfield	CWF, MF	None
3—Clearfield Creek	Main Stem	Clearfield	WWF, MF	None
4—Unnamed Tributaries to Clearfield Creek	Basins	Cambria-Clearfield	CWF, MF	None
4—Bradley Run	<u>Basin, Source to UNT 26562 at 40°30'3.1"N; 78°34'21.9"W</u>	Cambria	CWF, MF	None
<u>5—UNT 26562 to Bradley Run</u>	<u>Basin</u>	<u>Cambria</u>	<u>HQ-CWF, MF</u>	<u>None</u>
<u>4—Bradley Run</u>	<u>Basin, UNT 26562 to Mouth</u>	<u>Cambria</u>	<u>CWF, MF</u>	<u>None</u>
4—Beaverdam Run	Basin	Cambria	CWF, MF	None
* * * * *				
5—Water Plug Hollow	Basin	Cameron	CWF, MF	None
5—Mix Run	Basin, Source to <u>UNT 24542 at 41°18'15.2"N; 78°18'11.7"W (locally English Draft Run)</u>	Elk	EV, MF	None

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
6—[English Draft Run] UNT 24542	Basin	Elk	HQ-CWF, MF	None
5—Mix Run	Basin, [English Draft Run] UNT 24542 to Mouth	Cameron	HQ-CWF, MF	None
5—Little Dent Run	Basin	Cameron	<u>HQ</u> -CWF, MF	None
5—Nanny Run	Basin	Cameron	CWF, MF	None
* * * * *				
3—Bald Eagle Creek	Basin, Source to Laurel Run (at Port Matilda)	Centre	CWF, MF	None
4—Laurel Run (at Port Matilda)	Basin[, Source to a point at 40°49'3.5"N; 78°5'52"W]	Centre	HQ-CWF, MF	None
[4—Laurel Run	Basin, from the point at 40°49'3.5"N; 78°5'52"W to Mouth	Centre	CWF, MF	None]
3—Bald Eagle Creek	Main Stem, Laurel Run (at Port Matilda) to Nittany Creek	Centre	TSF, MF	None
4—Unnamed Tributaries to Bald Eagle Creek	Basins, Laurel Run to Nittany Creek	Centre	CWF, MF	None
* * * * *				
4—Moose Run	Basin	Centre	CWF, MF	None
4—Spring Creek	Main Stem[, Source to PA 550 Bridge]	Centre	HQ-CWF, MF	None
5—[Unnamed] Tributaries to Spring Creek	Basins, Source to [PA 550 Bridge] Galbraith Gap Run	Centre	CWF, MF	None
5—Galbraith Gap Run	Basin	Centre	HQ-CWF, MF	None
5—Tributaries to Spring Creek	Basins, Galbraith Gap Run to Cedar Run	Centre	CWF, MF	None
5—Cedar Run	Main Stem	Centre	HQ-CWF, MF	None
6—Tributaries to Cedar Run	Basins	Centre	CWF, MF	None
5—Tributaries to Spring Creek	Basins, Cedar Run to UNT 23057	Centre	CWF, MF	None
5—UNT 23057 to Spring Creek at 40°47'41.2"N; 77°48'16.6"W (locally Markles Gap Run)	Basin	Centre	HQ-CWF, MF	None
5—Tributaries to Spring Creek	Basins, UNT 23057 to Slab Cabin Run	Centre	CWF, MF	None
5—Slab Cabin Run	Basin, Source to SR 26 at [40°43'46"N] 40°43'46.0"N; 77°52'42.4"W	Centre	HQ-CWF, MF	None
5—Slab Cabin Run	Basin, SR 26 to UNT 23037 at [40°48'50"N] 40°48'50.0"N; 77°50'8.9"W	Centre	CWF, MF	None
6—[Unnamed Tributary] UNT 23037 (locally Thompson Run)	Basin	Centre	HQ-CWF, MF	None
5—Slab Cabin Run	Basin, UNT 23037 to Mouth	Centre	CWF, MF	None
[4—Spring Creek	Main Stem, PA 550 Bridge to Mouth	Centre	HQ-CWF, MF	None
5—UNTs to Spring Creek	Basins, PA 550 Bridge to Mouth	Centre	CWF, MF	None]
5—Tributaries to Spring Creek	Basins, Slab Cabin Run to Logan Branch	Centre	CWF, MF	None
5—Logan Branch	Basin, Source to UNT 23007 at RM 7.16	Centre	CWF, MF	None

PROPOSED RULEMAKING

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
* * * * *				
5—Logan Branch	Main Stem, T-371 Bridge to Mouth	Centre	HQ-CWF, MF	None
6—Unnamed Tributaries to Logan Branch	Basins, T-371 Bridge to [Mouth] Gap Run	Centre	CWF, MF	None
6—Gap Run	Main Stem, Source to the sink hole located at 40°51'59.0"N; 77°44'4.0"W	Centre	HQ-CWF, MF	None
7—Tributaries to Gap Run	Basins, Source to the sink hole	Centre	CWF, MF	None
6—Gap Run	Basin, sink hole to Mouth	Centre	CWF, MF	None
6—Tributaries to Logan Branch	Basins, Gap Run to Mouth	Centre	CWF, MF	None
5—Tributaries to Spring Creek	Basins, Logan Branch to Buffalo Run	Centre	CWF, MF	None
5—Buffalo Run	Basin, Source to T 942 Bridge at RM 0.66 (near Coleville)	Centre	HQ-CWF, MF	None
5—Buffalo Run	Basin, T 942 Bridge to Mouth	Centre	CWF, MF	None
5—Tributaries to Spring Creek	Basins, Buffalo Run to Mouth	Centre	CWF, MF	None
4—Antis Run	Basin	Centre	CWF, MF	None
* * * * *				
5—Logway Run	Basin	Centre	CWF, MF	None
5—Council Run	[Basin] Main Stem	Centre	HQ-CWF, MF	None
6—Tributaries to Council Run	Basins	Centre	CWF, MF	None
5—Two Rock Run	Basin	Centre	EV, MF	None
* * * * *				
6—West Branch Big Run	Basin	Clinton	EV, MF	None
5—Salt Lick Run	Basin	Centre	HQ-CWF, MF	None
5—Monument Run	Basin	Clinton	HQ-CWF, MF	None
* * * * *				
5—Long Run	Basin, Custard Run to Mouth	Tioga	CWF, MF	None
5—Wilson Creek	Basin, Source to Sand Run	Tioga	CWF, MF	None
6—Sand Run	Basin	Tioga	HQ-CWF, MF	None
5—Wilson Creek	Basin, Sand Run to Mouth	Tioga	CWF, MF	None
5—Harrison Run	Basin	Tioga	CWF, MF	None
* * * * *				
4—UNT 21134	Basin, Source to Raughtown Creek	Lycoming	CWF, MF	None
5—Raughtown Creek	Basin	Lycoming	HQ-CWF, MF	None
[6—Rockey Run	Basin	Clinton	HQ-CWF, MF	None
6—Gottshall Run	Basin	Clinton	HQ-CWF, MF	None
5—Raughtown Creek	Basin, Confluence of Rockey Run and Gottshall Run to Mouth	Lycoming	CWF, MF	None]
4—UNT 21134	Basin, Raughtown Creek to Confluence with UNT 21135	Lycoming	CWF, MF	None
* * * * *				
3—Daugherty Run	Basin	Lycoming	WWF, MF	None
3—Mosquito Creek	Basin	Lycoming	HQ-CWF, MF	None
3—Lycoming Creek	Main Stem, Source to Long Run	Tioga-Lycoming	CWF, MF	None
* * * * *				

(Editor's Note: Additional changes to drainage list 93.9m were proposed at 47 Pa.B. 6609 (October 21, 2017).)

§ 93.9m. Drainage List M.

Susquehanna River Basin in Pennsylvania
Susquehanna River

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
	* * * *	*		
2—Boile Run	Basin	Northumberland	WWF, MF	None
2—Penns Creek	Basin, Source to [Muddy] Sinking Creek	Centre	CWF, MF	None
3—Sinking Creek	Basin, Source to Potter Run	Centre	CWF, MF	None
4—Potter Run	Basin	Centre	HQ-CWF, MF	None
3—Sinking Creek	Basin, Potter Run to Mouth	Centre	CWF, MF	None
2—Penns Creek	Basin, Sinking Creek to Muddy Creek	Centre	CWF, MF	None
3—Muddy Creek	Basin	Centre	HQ-CWF, MF	None
2—Penns Creek	Basin, Muddy Creek to [Pine Creek] Kettle Run	Centre	CWF, MF	None
3—Kettle Run	Basin	Centre	HQ-CWF, MF	None
2—Penns Creek	Basin, Kettle Run to UNT 18312 at 40°51'11.6"N; 77°29'49.0"W	Centre	CWF, MF	None
3—UNT 18312	Basin	Centre	HQ-CWF, MF	None
2—Penns Creek	Basin, UNT 18312 to Pine Creek	Centre	CWF, MF	None
3—Pine Creek	Basin, Source to Downstream Boundary of Hook Natural Area	Centre	EV, MF	None
	* * * *	*		

(Editor's Note: Additional changes to drainage list 93.9p were proposed at 47 Pa.B. 6609 (October 21, 2017).)

§ 93.9p. Drainage List P.

Ohio River Basin in Pennsylvania
Allegheny River

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
	* * * *	*		
3—Dwight Creek	Basin	Potter	HQ-CWF	None
3—Peet Brook	Basin	Potter	HQ-CWF	None
3—Lent Hollow	Basin	Potter	CWF	None
	* * * *	*		
5—Blacksmith Run	Basin from Source to Smethport Water Intake	McKean	HQ-CWF	None
5—Blacksmith Run	Basin From Smethport Water Intake to [Mouth] UNT 57738 at 41°48'50.7"N; 78°28'18.1"W	McKean	CWF	None
6—UNT 57738	Basin	McKean	HQ-CWF	None
5—Blacksmith Run	Basin, UNT 57738 to Mouth	McKean	CWF	None
4—Cole Creek	Basin, Source to South Branch Cole Creek	McKean	CWF	None
	* * * *	*		

(Editor's Note: Additional changes to drainage list 93.9q were proposed at 47 Pa.B. 6609 (October 21, 2017).)

§ 93.9q. Drainage List Q.

Ohio River Basin in Pennsylvania
Allegheny River

Stream	Zone	County	Water Uses Protected	Exceptions To Specific Criteria
* * * * *				
4—East Branch Oil Creek	Basin	Crawford	CWF	None
4—Marsh Run	Basin, Source to UNT 54466 at 41°41'5.0"N; 79°47'24.9"W	Crawford	CWF	None
5—UNT 54466	Basin	Crawford	HQ-CWF	None
4—Marsh Run	Basin, UNT 54466 to Mouth	Crawford	CWF	None
3—Oil Creek	Basin, Marsh Run to Thompson Creek	Venango	CWF	None
4—Thompson Creek	Basin, Source to Shirley Run	Crawford	CWF	None
* * * * *				
4—Alder Run	Basin	Erie	CWF	None
4—South Branch French Creek	Basin, Source to [Beaver Run] Spencer Creek	Erie	CWF	None
5—Spencer Creek	Main Stem	Erie	HQ-CWF	None
6—Tributaries to Spencer Creek	Basins	Erie	CWF	None
4—South Branch French Creek	Basin, Spencer Creek to Beaver Run	Erie	CWF	None
5—Beaver Run	Basin	Erie	EV	None
4—South Branch French Creek	Basin, Beaver Run to Mouth	Erie	CWF	None
4—Wheeler Creek	Basin	Erie	WWF	None
4—Le Boeuf Creek	Basin, Source to [Trout Run] Benson Run	Erie	TSF	None
5—Benson Run	Main Stem	Erie	HQ-CWF	None
6—Tributaries to Benson Run	Basins	Erie	TSF	None
4—Le Boeuf Creek	Basin, Benson Run to Trout Run	Erie	TSF	None
5—Trout Run	Basin	Erie	HQ-CWF	None
4—LeBoeuf Creek	Basin, Trout Run to Mouth	Erie	TSF	None
* * * * *				

(Editor's Note: Additional changes to drainage list 93.9r were proposed at 47 Pa.B. 6609 (October 21, 2017).)

§ 93.9r. Drainage List R.

Ohio River Basin in Pennsylvania
Clarion River

Stream	Zone	County	Water Uses Protected	Exceptions To Specific Criteria
* * * * *				
4—Mason Creek	Basin	Elk	CWF	None
4—Elk Creek	Basin, Source to Water Tank Run	Elk	CWF	None
5—Water Tank Run	Basin	Elk	HQ-CWF	None
4—Elk Creek	Basin, Water Tank Run to Mouth	Elk	CWF	None
4—Island Run	Basin	Elk	CWF	None
* * * * *				

(Editor's Note: Additional changes to drainage list 93.9t were proposed at 47 Pa.B. 6609 (October 21, 2017), including a proposed correction to the hydrological order because Trout Run is a tributary to Kane Run.)

§ 93.9t. Drainage List T.

**Ohio River Basin in Pennsylvania
Kiskiminetas River**

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
1—Ohio River				
2—Allegheny River				
3—Kiskiminetas River				
4—Conemaugh River				
5—[Stony Creek] Stonycreek River	Basin, Source to Beaverdam Creek	Somerset	CWF	None
6—Beaverdam Creek	Basin	Somerset	HQ-CWF	None
5—[Stony Creek] Stonycreek River	Main Stem, Beaverdam Creek to Quemahoning Creek	Somerset	TSF	None
6—[Unnamed] Tributaries to [Stony Creek] Stonycreek River	Basins, Beaverdam Creek to [Quemahoning Creek] UNT 45591 at 40°10'16.7"N; 78°54'30.1"W	Somerset	CWF	None
6—UNT 45591	Basin	Somerset	HQ-CWF	None
[6—Oven Run	Basin	Somerset	CWF	None
6—Fallen Timber Run	Basin	Somerset	CWF	None]
6—Tributaries to Stonycreek River	Basins, UNT 45591 to Quemahoning Creek	Somerset	CWF	None
6—Quemahoning Creek	[Main Stem] Basin, Source to North Branch Quemahoning Creek	Somerset	CWF	None
[7—Unnamed Tributaries to Quemahoning Creek	Basins	Somerset	CWF	None]
7—North Branch Quemahoning Creek	[Main Stem] Basin, Source to Spruce Run	Somerset	CWF	None
[8—Unnamed Tributaries to North Branch Quemahoning Creek	Basins	Somerset	CWF	None
8—Horner Run	Basin	Somerset	CWF	None
8—Beams Run	Basin	Somerset	CWF	None]
8—Spruce Run	Basin	Somerset	HQ-CWF	None
7—North Branch Quemahoning Creek	Basin, Spruce Run to Mouth	Somerset	CWF	None
6—Quemahoning Creek	Basin, North Branch Quemahoning Creek to Beaverdam Creek	Somerset	CWF	None
[8—Beaverdam Run	Basin	Somerset	CWF	None]
7—Beaverdam Creek	Basin	Somerset	HQ-CWF	None
6—Quemahoning Creek	Beaverdam Creek to Roaring Run	Somerset	CWF	None
7—Roaring Run	Basin, Source to Boswell Municipal Authority Dam	Somerset	EV	None
7—Roaring Run	Basin, Boswell Municipal Authority Dam to Mouth	Somerset	CWF	None
6—Quemahoning Creek	Basin, Roaring Run to Higgins Run (including Twomile Run)	Somerset	CWF	None
[7—Twomile Run	Basin	Somerset	CWF	None]

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
7—Higgins Run	Basin, Source to UNT 45416 at 40°6'45.9"N; 78°59'50.6"W	Somerset	CWF	None
8—UNT 45416 to Higgins Run	Basin	Somerset	CWF	None
7—Higgins Run	Main Stem, UNT 45416 to Mouth	Somerset	HQ-CWF	None
8—Tributaries to Higgins Run	Basins, from UNT 45416 to Mouth (including UNTs 45406 and 45405)	Somerset	CWF	None
<u>6—Quemahoning Creek</u>	<u>Basin, Higgins Run to Mouth</u>	<u>Somerset</u>	<u>CWF</u>	<u>None</u>
5—[<u>Stony Creek</u>] <u>Stonycreek River</u>	Main Stem, Quemahoning Creek to Confluence with Little Conemaugh River	Cambria	WWF	None
6—[<u>Unnamed Tributaries</u>] <u>UNT</u> s to [<u>Stony Creek</u>] <u>Stonycreek River</u>	Basins, Quemahoning Creek to Confluence with Little Conemaugh River	Somerset-Cambria	CWF	None
6—Shade Creek	Main Stem	Somerset	CWF	None
* * * * *				
6—Spring Run	Basin	Cambria	CWF	None
6—Trout Run	Basin, <u>Source to UNT 46054 at 40°22'17.8"N; 78°39'34.5"W</u>	Cambria	CWF	None
<u>7—UNT 46054 to Trout Run</u>	<u>Basin</u>	<u>Cambria</u>	<u>HQ-CWF</u>	<u>None</u>
<u>6—Trout Run</u>	<u>Basin, UNT 46054 to Mouth</u>	<u>Cambria</u>	<u>CWF</u>	<u>None</u>
6—North Branch Little Conemaugh River	Basin, <u>Source to UNT 46033 at 40°27'53.2"N; 78°40'35.9"W</u>	Cambria	CWF	None
<u>7—UNT 46033 to North Branch Little Conemaugh River</u>	<u>Basin</u>	<u>Cambria</u>	<u>HQ-CWF</u>	<u>None</u>
<u>6—North Branch Little Conemaugh River</u>	<u>Basin, UNT 46033 to Mouth</u>	<u>Cambria</u>	<u>CWF</u>	<u>None</u>
5—Little Conemaugh River	Main Stem, North Branch Little Conemaugh River to Confluence with [<u>Stony Creek</u>] <u>Stonycreek River</u>	Cambria	WWF	None
6—[<u>Unnamed Tributaries</u>] <u>UNT</u> s to Little Conemaugh River	Basins, North Branch Little Conemaugh River to Confluence with [<u>Stony Creek</u>] <u>Stonycreek River</u>	Cambria	CWF	None
6—Laurel Run	Basin	Cambria	CWF	None
* * * * *				

[Pa.B. Doc. No. 19-424. Filed for public inspection March 22, 2019, 9:00 a.m.]

GAME COMMISSION

[58 PA. CODE CH. 141]

Hunting and Trapping; General

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its January 29, 2019, meeting to amend § 141.20 (relating to protective material required) to eliminate requirements for the wearing of fluorescent orange protective material for archery deer seasons, archery bear seasons and fall turkey seasons, including where these seasons overlap with other firearms seasons.

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

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

This proposed rulemaking was made public at the January 29, 2019, meeting of the Commission. Comments can be sent until April 3, 2019, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. Purpose and Authority

Requirements for the wearing of fluorescent orange protective material within this Commonwealth are com-

plex and make up a significant number of violations detected each year by State Game Wardens. On a National scale, the requirements for fluorescent orange protective material vary from state-to-state. Those regulations include 11 states, such as Texas and New York, which do not require any fluorescent orange protective material to be worn; 10 states only requiring it to be worn while hunting big game; 20 states only requiring it to be worn when hunting big game with a firearm; and 9 states, including this Commonwealth, having a mixture of instances in which the wearing of fluorescent orange is required. The Commission is proposing to amend § 141.20 to eliminate the requirements for the wearing of fluorescent orange protective material for archery deer seasons, archery bear seasons and fall turkey seasons, including where these seasons overlap with other firearms seasons. While representing a significant reduction to the current requirements for fluorescent orange protective material requirements, the proposed changes will still maintain Commonwealth's position as one of the more restrictive states in the nation.

Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendments to § 141.20 are proposed under this authority.

2. Regulatory Requirements

This proposed rulemaking will amend § 141.20 by eliminating requirements for the wearing of fluorescent orange protective material for archery deer seasons, archery bear seasons and fall turkey seasons, including where these seasons overlap with other firearms seasons.

3. Persons Affected

Persons wishing to hunt or take wildlife during applicable archery deer seasons, archery bear seasons and fall turkey seasons within each Wildlife Management Unit may be affected by this proposed rulemaking.

4. Cost and Paperwork Requirements

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

5. Effective Date

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

6. Contact Person

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

BRYAN J. BURHANS,
Executive Director

Fiscal Note: 48-441. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 141. HUNTING AND TRAPPING

Subchapter A. GENERAL

§ 141.20. Protective material required.

(a) The following requirements apply:

(1) *General rule.* Except as otherwise provided in subsection (b), it is unlawful to hunt or assist to hunt game or wildlife or move to or from a hunting location, from 1 hour before legal hunting hours to 1 hour after legal hunting hours outside of a motorized vehicle, at any time without wearing a minimum of 250 square inches of daylight fluorescent orange-colored material on the head, chest and back combined so that it is visible in a 360° arc. This shall include going to or from a hunting location before or after legal shooting hours. Except as provided in subsection (b)(2) [**and (3)**], camouflage orange clothing is lawful provided it contains the minimum amount of fluorescent orange-colored material.

(2) *Additional requirements.* It is unlawful to hunt during any firearms season for deer, elk or bear from any blind meeting the requirements in section 2308(b)(3) of the act (relating to unlawful devices and methods) without placing a minimum of 100 square inches of daylight fluorescent orange-colored material within 15 feet from the blind so it is visible in a 360° arc.

(b) *Permitted acts.* It is lawful to:

(1) Hunt without wearing daylight fluorescent orange-colored material for applicable wildlife during the following seasons:

(i) All crow seasons.

(ii) All dove seasons.

(iii) All waterfowl seasons.

(iv) All falconry small game seasons.

(v) All flintlock muzzleloading deer seasons.

(vi) All archery deer seasons [, **except as otherwise provided in paragraphs (3)(ii) and (4)(ii)**].

(vii) All archery bear seasons [, **except as otherwise provided in paragraph (3)(iii)**].

(viii) All furbearer seasons, except coyote seasons.

(ix) All coyote seasons, except during the respective portion of any coyote season that runs concurrent with the legal hunting hours of any [**special firearms deer season, regular firearms deer season, regular firearms bear season or extended firearms bear season**] **special firearms or regular firearms seasons for deer, bear or elk** within each wildlife management unit, when the requirements of subsection (a) remain applicable.

(x) All [**spring**] turkey seasons.

(2) Hunt for woodchucks during any woodchuck season while wearing a hat made of solid daylight fluorescent orange-colored material on the head only.

[**(3) Move about or relocate while wearing a hat containing a minimum of 100 square inches of a solid daylight fluorescent orange-colored material on the head only and be stationary without wear-**

ing the required orange-colored material when hunting for applicable game or wildlife during the following seasons:

(i) All fall turkey seasons in wildlife management units 2B, 5B, 5C and 5D.

(ii) The respective portions of any archery deer season that runs concurrent with any fall turkey season within each wildlife management unit.

(iii) The respective portions of any archery bear season that runs concurrent with any fall turkey season within each wildlife management unit.

(4) Move about or relocate while in compliance with subsection (a) and while stationary place a minimum of 100 square inches of daylight fluorescent orange-colored material within 15 feet of the hunter's location so it is visible in a 360° arc when hunting for applicable game or wildlife during the following seasons:

(i) All fall turkey seasons in wildlife management units 1A, 1B, 2A, 2C, 2D, 2E, 2F, 2G, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 4E and 5A.

(ii) The respective portions of any archery deer season that runs concurrent with any early muzzleloading deer season or any special firearms deer season within each wildlife management unit.]

(c) A person who violates this section shall be subject to the penalties as provided in the act.

[Pa.B. Doc. No. 19-425. Filed for public inspection March 22, 2019, 9:00 a.m.]

GAME COMMISSION

[58 PA. CODE CH. 141]

Hunting and Trapping; Hunting Hours

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its January 29, 2019, meeting to amend § 141.4, Appendix G (relating to hunting hours) to replace the current hunting hours table and migratory bird hunting hours table to accurately reflect the dates and hours of legal hunting for the 2019-2020 hunting/furtaking license year.

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

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

This proposed rulemaking was made public at the January 29, 2019, meeting of the Commission. Comments can be sent until April 3, 2019, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. Purpose and Authority

The Commission is proposing to amend § 141.4, Appendix G to replace the current hunting hours table and migratory bird hunting hours table to accurately reflect the dates and hours of legal hunting for the 2019-2020 hunting/furtaking license year.

Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such

regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendments to § 141.4, Appendix G are proposed under this authority.

2. Regulatory Requirements

This proposed rulemaking will amend § 141.4 to replace the current hunting hours table and migratory bird hunting hours table to accurately reflect the dates and hours of legal hunting for the 2019-2020 hunting/furtaking license year.

3. Persons Affected

Persons wishing to hunt or trap game or wildlife within this Commonwealth during the 2019-2020 hunting/furtaking license year will be affected by this proposed rulemaking.

4. Cost and Paperwork Requirements

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

5. Effective Date

The effective dates of the proposed rulemaking are July 1, 2019, to June 30, 2020.

6. Contact Person

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

BRYAN J. BURHANS,
Executive Director

Fiscal Note: 48-440. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 141. HUNTING AND TRAPPING

Subchapter A. GENERAL

§ 141.4. Hunting hours.

Except as otherwise provided, wild birds and mammals may be hunted 1/2 hour before sunrise to 1/2 hour after sunset.

* * * * *

Appendix G. HUNTING HOURS

(Editor's Note: As part of this proposed rulemaking, the Commission is proposing to replace the tables which appear in Appendix G, 58 Pa. Code pages 141-37—141-39, serial pages (392111)—(392113), with the following tables.)

**HUNTING HOURS TABLE
FOR JUNE 30, 2019, THROUGH JULY 4, 2020**

<i>Dates</i>	<i>Begin A.M.</i>	<i>End P.M.</i>
June 30—July 6	5:08	9:02
July 7—13	5:13	8:59
July 14—20	5:18	8:55
July 21—27	5:24	8:49
July 28—Aug. 3	5:31	8:42
Aug. 4—10	5:37	8:34
Aug. 11—17	5:44	8:25
Aug. 18—24	5:51	8:15
Aug. 25—31	5:57	8:04
Sept. 1—7	6:04	7:53
Sept. 8—14	6:10	7:41
Sept. 15—21	6:17	7:30
Sept. 22—28	6:24	7:18
Sept. 29—Oct. 5	6:31	7:07
Oct. 6—12	6:38	6:56
Oct. 13—19	6:45	6:46
Oct. 20—26	6:53	6:36
Oct. 27—Nov. 2	7:00	6:27
Nov. 3—9 **Ends	6:08	5:20
Nov. 10—16	6:16	5:14
Nov. 17—23	6:24	5:09
Nov. 24—30	6:32	5:06
Dec. 1—7	6:39	5:05
Dec. 8—14	6:44	5:05
Dec. 15—21	6:49	5:06
Dec. 22—28	6:51	5:09
Dec. 29—Jan. 4	6:53	5:19
Jan. 5—11	6:53	5:25
Jan. 12—18	6:52	5:26
Jan. 19—25	6:49	5:34
Jan. 26—Feb. 1	6:44	5:42
Feb. 2—8	6:38	5:51
Feb. 9—15	6:31	5:59
Feb. 16—22	6:23	6:07
Feb. 23—29	6:13	6:15
Mar. 1—Mar. 7	6:03	6:23
Mar. 8—14 *Begins	6:52	7:31
Mar. 15—21	6:41	7:38
Mar. 22—28	6:30	7:45
Mar. 29—Apr. 4	6:19	7:52
Apr. 5—11	6:07	7:59
Apr. 12—18	5:57	8:07
Apr. 19—25	5:46	8:14
Apr. 26—May 2	5:37	8:21
May 3—May 9	5:28	8:28
May 10—16	5:20	8:35

<i>Dates</i>	<i>Begin A.M.</i>	<i>End P.M.</i>
May 17—23	5:13	8:41
May 24—30	5:08	8:47
May 31—June 6	5:04	8:53
June 7—13	5:02	8:57
June 14—20	5:02	9:01
June 21—27	5:04	9:03
June 28—July 4	5:08	9:03

*Daylight Saving Time Begins

**Ends

**MIGRATORY GAME BIRD HUNTING
HOURS TABLE
2019-2020**

<i>Dates</i>	<i>Begin A.M.</i>	<i>End P.M.</i>
Sept. 1—7	6:04	7:23
Sept. 8—14	6:10	7:11
Sept. 15—21	6:17	7:00
Sept. 22—28	6:24	6:48
Sept. 29—Oct. 5	6:31	6:37
Oct. 6—12	6:38	6:26
Oct. 13—19	6:45	6:16
Oct. 20—26	6:53	6:06
Oct. 27—Nov. 2	7:00	5:57
Nov. 3—9 **Ends	6:08	4:50
Nov. 10—16	6:16	4:44
Nov. 17—23	6:24	4:39
Nov. 24—30	6:32	4:36
Dec. 1—7	6:39	4:35
Dec. 8—14	6:44	4:35
Dec. 15—21	6:49	4:36
Dec. 22—28	6:51	4:39
Dec. 29—Jan. 4	6:53	4:49
Jan. 5—Jan. 11	6:53	4:55
Jan. 12—18	6:52	4:56
Jan. 19—25	6:49	5:04
Jan. 26—Feb. 1	6:44	5:12
Feb. 2—8	6:38	5:21
Feb. 9—15	6:31	5:29
Feb. 16—22	6:23	5:37
Feb. 23—29	6:13	5:45
Mar. 1—7	6:03	5:53
Mar. 8—14 *Begins	6:52	7:01
Mar. 15—21	6:41	7:08
Mar. 22—28	6:30	7:15
Mar. 29—April 4	6:19	7:22
Apr. 5—11	6:07	7:29
Apr. 12—18	5:57	7:37

*Daylight Saving Time Begins

**Ends

[Pa.B. Doc. No. 19-426. Filed for public inspection March 22, 2019, 9:00 a.m.]

GAME COMMISSION

[58 PA. CODE CH. 139]

Seasons and Bag Limits

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its January 29, 2019, meeting to amend § 139.4 (relating to seasons and bag limits for the license year) to provide updated seasons and bag limits for the 2019-2020 hunting/furtaking license year.

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

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

This proposed rulemaking was made public at the January 29, 2019, meeting of the Commission. Comments can be sent until April 3, 2019, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. *Purpose and Authority*

To effectively manage the wildlife resources and provide hunting and trapping opportunities in this Commonwealth during the upcoming license year, the Commission is proposing to amend § 139.4 to provide updated seasons and bag limits for the 2019-2020 hunting/furtaking license year. The 2019-2020 seasons and bag limits have been amended to reflect current available scientific data, population and harvest records, field surveys and professional staff observations, as well as recommendations received from staff, organized sporting groups, members of the agricultural community and others interested in the management of the wildlife resources of this Commonwealth.

To provide an overall increase in black bear hunting opportunity and harvest, and to better align open seasons with dates when agricultural producers are experiencing bear damage, the Commission is proposing to shift the archery bear season to mid-October and expand the October muzzleloader and special firearms seasons (previously limited to wildlife management units (WMU) on the periphery of the bear range) Statewide. Also, the Commission is proposing to increase the length of the extended firearms bear season in several WMUs from 4 to 6 days to increase bear harvest and reduce regulations complexity.

For elk, the Commission is proposing the addition of a September archery season and a January antlerless season to address hunter crowding issues during the regular season while simultaneously reducing elk habituation toward humans and residential areas, and improving the agency's ability to respond to elk-human conflicts and to potential future chronic wasting disease infection.

Expansions of bobcat hunting and trapping opportunity to WMU 4B, and of fisher trapping opportunity to WMU 4A, are recommended in light of population indices in

these units that are comparable to those in other WMUs where harvest is occurring sustainably. For beaver, an increase in the season bag limit from 20 to 40 is recommended for WMUs 2A and 2B in response to increasing nuisance complaints in these units. For porcupine, a reduction in season length is proposed to ensure population sustainability given significant uncertainty about the impacts of harvest on this species.

To increase hunting opportunities for younger deer hunters, a Saturday opener for rifle deer season is being proposed. Changing the historic opening day from the Monday following Thanksgiving to the Saturday following Thanksgiving represents a significant change in tradition. However, retaining our younger hunters is important to preserving our hunting heritage. By shifting the opening day to a Saturday this change will create more hunting opportunity by selecting a day which better fits the working/school schedule of youth and young adults. Minor changes are also proposed for small game and turkey season closing dates to accommodate the 1-day shift in the opening of deer rifle season.

Section 322(c)(1) of the code (relating to powers and duties of commission) specifically empowers the commission to "fix seasons, daily shooting or taking hours, and any modification thereof, and daily, season and possession limits for any species of game or wildlife." Section 2102(b)(1) of the code (relating to regulations) authorizes the Commission to "promulgate regulations relating to seasons and bag limits for hunting or furtaking. . ." The amendments to § 139.4 are proposed under this authority.

2. *Regulatory Requirements*

This proposed rulemaking will amend § 139.4 to provide updated seasons and bag limits for the 2019-2020 hunting/furtaking license year.

3. *Persons Affected*

Persons wishing to hunt or trap game or wildlife within this Commonwealth during the 2019-2020 hunting/furtaking license year will be affected by this proposed rulemaking.

4. *Cost and Paperwork Requirements*

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

5. *Effective Date*

The effective dates of the proposed rulemaking are July 1, 2019, to June 30, 2020.

6. *Contact Person*

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

BRYAN J. BURHANS,
Executive Director

Fiscal Note: 48-439. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 139. SEASONS AND BAG LIMITS

(*Editor's Note:* As part of this proposed rulemaking, the Commission is proposing to replace the table which appears in § 139.4, 58 Pa. Code pages 139-3—139-13, serial pages (392073)—(392083), with the following table.)

§ 139.4. Seasons and bag limits for the license year.

**2019-2020 OPEN HUNTING AND FURTAKING SEASONS, DAILY LIMIT,
FIELD POSSESSION LIMIT AND SEASON LIMIT
OPEN SEASON INCLUDES FIRST AND LAST DATES LISTED**

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After Second Day</i>
Squirrel—(Combined species) Eligible Junior Hunters only, with or without the required junior license	Oct. 5		Oct. 19	6	18
Squirrel—(Combined species)	Oct. 19		Nov. 29	6	18
	Dec. 16	and	Dec. 24		
	Dec. 26	and	Feb. 29, 2020		
Ruffed Grouse	Oct. 19		Nov. 29	2	6
	Dec. 16	and	Dec. 24		
Rabbit, Cottontail— Eligible Junior Hunters only, with or without the required junior license	Oct. 5		Oct. 19	4	12
Rabbit, Cottontail	Oct. 19		Nov. 29	4	12
	Dec. 16	and	Dec. 24		
	Dec. 26	and	Feb. 29, 2020		
Ring-necked Pheasant—There is no open season for the taking of pheasants in the Hegins-Gratz or Franklin County wild pheasant recovery areas.					
Ring-necked Pheasant Eligible Junior Hunters only, with or without the required junior license WMUs 4E and 5A—Male only WMUs 1A, 1B, 2A, 2B, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 5B, 5C and 5D—Male or female	Oct. 12		Oct. 19	2	6
Central Susquehanna Wild Pheasant Recovery Area—Male only	As authorized by the Executive Order				
Ring-necked Pheasant	Oct. 26		Nov. 29	2	6
WMUs 4E and 5A—Male only	Dec. 16	and	Dec. 24		
WMUs 1A, 1B, 2A, 2B, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 5B, 5C and 5D—Male or female	Dec. 26	and	Feb. 29, 2020		

PROPOSED RULEMAKING

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After Second Day</i>
Bobwhite Quail	Oct. 19 Dec. 16 Dec. 26	and and	Nov. 29 Dec. 24 Feb. 29, 2020	8	24
Hare (Snowshoe Rabbits) or Varying Hare	Dec. 26		Jan. 1, 2020	1	3
Woodchuck (Groundhog)	No closed season except during the regular firearms deer season(s). Hunting on Sundays is prohibited.			Unlimited	

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
Turkey, Fall—Male or Female WMU 2B (Shotgun, Bow and Arrow only) WMU 1B WMUs 1A, 2A, 4A and 4B WMUs 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4C, 4D and 4E WMU 2C WMU 5A WMU 5B WMUs 5C and 5D	Nov. 2 Nov. 28 Nov. 2 Nov. 2 Nov. 28 Nov. 2 Nov. 28 Nov. 2 Nov. 28 Nov. 7 Nov. 5	and and and and and	Nov. 22 Nov. 29 Nov. 9 Nov. 9 Nov. 29 Nov. 16 Nov. 29 Nov. 22 Nov. 29 Nov. 9 Nov. 7	1	1
Turkey, Spring ¹ Bearded Bird only, Eligible Junior Hunters only, with the required junior license	Apr. 25, 2020		Apr. 25, 2020	1	1
Turkey, Spring ¹ Bearded Bird only	May 2, 2020 May 18, 2020	and	May 16, 2020 May 30, 2020	1 May be hunted 1/2 hour before sunrise to 12 noon	2 May be hunted 1/2 hour before sunrise to 1/2 hour after sunset
Closed to fall turkey hunting					

MIGRATORY GAME BIRDS

Except as further restricted by this chapter, the seasons, bag limits, hunting hours and hunting regulations for migratory game birds shall conform to regulations adopted by the United States Secretary of the Interior under authority of the Migratory Bird Treaty Act (16 U.S.C.A. §§ 703—712) as published in the *Federal Register* on or about February 28 of each year.

Exceptions:

- (a) Hunting hours in § 141.4 (relating to hunting hours).
- (b) Nontoxic shot as approved by the Director of the United States Fish and Wildlife Service is required for use Statewide in hunting and taking of migratory waterfowl.

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After Second Day</i>
Crow (Hunting permitted on Friday, Saturday and Sunday only)	July 5		Apr. 12, 2020	Unlimited	
Starling and English Sparrow	No closed season except during the regular firearms deer seasons.			Unlimited	

FALCONRY

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After Second Day</i>
Squirrel—(Combined species)	Sept. 2		Mar. 31, 2020	6	18
Quail	Sept. 2		Mar. 31, 2020	8	24
Ruffed Grouse	Sept. 2		Mar. 31, 2020	2	6
Cottontail Rabbits	Sept. 2		Mar. 31, 2020	4	12
Snowshoe or Varying Hare	Sept. 2		Mar. 31, 2020	1	3
Ring-necked Pheasant—Male and Female—(Combined)	Sept. 2		Mar. 31, 2020	2	6
Migratory Game Bird—Seasons and bag limits shall be in accordance with Federal regulations.					

WHITE-TAILED DEER

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Season Limit</i>
Deer, Archery (Antlered and Antlerless) ² With the required archery license WMUs 2B, 5C and 5D	Sept. 21 Dec. 26	and	Nov. 29 Jan. 25, 2020	One antlered deer, and an antlerless deer with each required antlerless license.
Deer, Archery (Antlered and Antlerless) ² With the required archery license WMUs 1A, 1B, 2A, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 4E, 5A and 5B	Oct. 5 Dec. 26	and	Nov. 16 Jan. 11, 2020	One antlered deer, and an antlerless deer with each required antlerless license.
Deer, Muzzleloading (Antlerless only) With the required muzzleloading license	Oct. 19		Oct. 26	An antlerless deer with each required antlerless license.
Deer, Special firearms (Antlerless only) Only Junior and Senior License Holders, ³ Commission Disabled Person Permit Holders (to use a vehicle as a blind), and Residents serving on active duty in the United States Armed Forces or United States Coast Guard	Oct. 24		Oct. 26	An antlerless deer with each required antlerless license.
Deer, Regular firearms (Antlered and Antlerless) ² WMUs 2B, 5C and 5D	Nov. 30		Dec. 14	One antlered deer, and an antlerless deer with each required antlerless license.
Deer, Regular firearms (Antlered only) ² WMUs 1A, 1B, 2A, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 4E, 5A and 5B	Nov. 30		Dec. 6	One antlered deer.
Deer, Regular firearms (Antlered and Antlerless) ² WMUs 1A, 1B, 2A, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 4E, 5A and 5B	Dec. 7		Dec. 14	One antlered deer, and an antlerless deer with each required antlerless license.
Deer, Flintlock (Antlered or Antlerless) ² With the required muzzleloading license WMUs 1A, 1B, 2A, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 4E, 5A and 5B	Dec. 26		Jan. 11, 2020	One antlered or one antlerless deer, plus an additional antlerless deer with each required antlerless license.

PROPOSED RULEMAKING

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Season Limit</i>
Deer, Flintlock (Antlered or Antlerless) ² With the required muzzleloading license WMUs 2B, 5C and 5D	Dec. 26		Jan. 25, 2020	One antlered or one antlerless deer, plus an additional antlerless deer with each required antlerless license.
Deer, Extended Regular firearms (Antlerless) Allegheny, Bucks, Chester, Delaware, Montgomery and Philadelphia Counties	Dec. 26		Jan. 25, 2020	An antlerless deer with each required antlerless license.
Deer, Antlerless (Letterkenny Army Depot, Franklin County and New Cumberland Army Depot, York County and Fort Detrick, Raven Rock Site, Adams County)	Hunting is permitted on days established by the United States Department of the Army.			An antlerless deer with each required antlerless license.

BLACK BEAR

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>		<i>Season Limit</i>
Bear, Archery ⁴ WMUs 2B, 5C and 5D	Sept. 21		Nov. 29		1
Bear, Archery ⁴ WMU 5B	Oct. 5		Nov. 16		1
Bear, Archery ⁴ WMUs 1A, 1B, 2A, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 4E and 5A	Oct. 28		Nov. 9		1
Bear, Muzzleloader ⁴ (Statewide)	Oct. 19		Oct. 26		1
Bear, Special firearms ⁴ Only Junior and Senior License Holders ³ , Commission Disabled Person Permit Holders (to use a vehicle as a blind), and Residents serving on active duty in the United States Armed Forces, or in the United States Coast Guard (Statewide)	Oct. 24		Oct. 26		1
Bear, Regular Firearms ⁴ (Statewide)	Nov. 23		Nov. 27		1
Bear, Extended firearms ⁴ WMUs 2B, 5B, 5C and 5D	Nov. 30		Dec. 14		1
Bear, Extended firearms ⁴ WMUs 1B, 2C, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 4E and 5A	Nov. 30		Dec. 7		1

ELK

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>		<i>Season Limit</i>
Elk, Special Conservation Tag ⁵ and Special-License Tag ⁵ (Antlered and Antlerless)	Sept. 2		Nov. 9		1
Elk, Archery ⁵	Sept. 14		Sept. 28		1
Elk, Regular ⁵ (Antlered and Antlerless)	Nov. 4		Nov. 9		1
Elk, Extended ⁵ (Antlered and Antlerless)	Nov. 11		Nov. 16		1
Elk, Late ⁵ (Antlerless only)	Jan. 4, 2020		Jan. 11, 2020		1

FURTAKING—TRAPPING

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
Mink and Muskrat	Nov. 23		Jan. 12, 2020	Unlimited	
Beaver WMUs 1A, 1B, 2A, 2B and 3C (Combined)	Dec. 26		Mar. 31, 2020	20	40
WMUs 2C, 2D, 2E, 2F, 3A, 3B, 3D, 5C and 5D (Combined)				20	20
WMUs 2G, 2H, 4A, 4B, 4C, 4D, 4E, 5A and 5B (Combined)				5	5
Coyote, Fox, Opossum, Raccoon, Striped Skunk and Weasel	Oct. 27		Feb. 23, 2020	Unlimited	
Coyote and Fox Use of cable restraint devices authorized with required certification	Dec. 26		Feb. 23, 2020	Unlimited	
Bobcat, with required bobcat permit WMUs 2A, 2C, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D and 4E	Dec. 21		Jan. 12, 2020	1	1
Fisher, with required fisher permit WMUs 1B, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D and 4E	Dec. 21		Jan. 2, 2020	1	1
River Otter, with required otter permit WMUs 3C and 3D	Feb. 15, 2020		Feb. 22, 2020	1	1

FURTAKING—HUNTING

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
Coyote—(Outside of any big game season)	May be taken with a hunting license or a furtaker's license.			Unlimited	
Coyote—(During any big game season)	May be taken while lawfully hunting big game or with a furtaker's license.			Unlimited	
Opossum, Striped Skunk, Weasel	No closed season.				
Raccoon and Fox	Oct. 26		Feb. 22, 2020	Unlimited	
Bobcat, with required bobcat permit WMUs 2A, 2C, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D and 4E	Jan. 11, 2020		Feb. 5, 2020	1	1
Porcupine	Oct. 12		Feb. 1, 2020	3	10

No open seasons on other wild birds or wild mammals.

¹ Only persons who possess a special wild turkey license as provided for in section 2709 of the act (relating to license costs and fees) may take a second spring gobbler during the hunting license year; all other persons, including mentored youth hunters, may take only one spring gobbler. A maximum of 2 spring gobblers per license year may be taken by any combination of licenses or exceptions for mentored youth.

² Only one antlered deer (buck) may be taken during the hunting license year.

³ Includes residents and nonresident license holders who have reached or will reach their 65th birthday in the year of the application for the license and hold a valid adult license or qualify for license and fee exemptions under section 2706 of the act (relating to resident license and fee exemptions).

⁴ Only one bear may be taken during the hunting license year with the required bear license.

⁵ Only one elk may be taken during the hunting license year with the required elk license.

[Pa.B. Doc. No. 19-427. Filed for public inspection March 22, 2019, 9:00 a.m.]

STATE BOARD OF DENTISTRY

[49 PA. CODE CH. 33]

Public Health Dental Hygiene Practitioner Practice Sites

The State Board of Dentistry (Board) proposes to amend § 33.205b (relating to practice as a public health dental hygiene practitioner) to read as set forth in Annex A.

Effective Date

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

Statutory Authority

Section 3(o) of the Dental Law (act) (63 P.S. § 122(o)) authorizes the Board to adopt, promulgate and enforce these rules and regulations as may be deemed necessary by the Board to carry out the provisions of the act. Section 11.9(b)(10) of the act (63 P.S. § 130j(b)(10)) authorizes the Board to determine other locations at which public health dental hygiene practitioners may practice.

Background and Purpose

On January 4, 2016, the act of November 4, 2015 (P.L. 225, No. 60) (Act 60 of 2015) became effective, amending § 11.9 of the act to allow the Board to add other “locations” it deems appropriate for practice by public health dental hygiene practitioners in addition to those enumerated by the General Assembly. Prior to this amendment, subsection (b)(10) permitted the Board to add other “institutions” it deemed appropriate. After the amendment became effective, the Board undertook a review of the existing locations at which a public health dental hygiene practitioner may practice and found them to be acceptable. The enumerated locations limited the practice of a public health dental hygiene practitioner to nine types of locations. The common thread between these locations is that they are all licensed, operated or otherwise regulated by State or Federal agencies. At that time, the Board did not believe the change from the term “institutions” to the term “locations” necessitated a revision to the regulations.

On March 3, 2016, the Pennsylvania Dental Hygienists’ Association (PDHA) petitioned the Board seeking amendments to the regulations to include additional practice sites for public health dental hygiene practitioners. Specifically, the PDHA asked the Board to consider adding the following locations: private settings of hospice and home-bound patients; primary care settings, especially pediatric settings; and childcare settings. The PDHA pointed out that the intent of the change in language in the act was to provide an opportunity for those home-bound or in hospice care to be able to receive preventive dental hygiene care in their homes or hospice settings. The PDHA also pointed out that as this Commonwealth moves to shift more care from institutional to community settings, the need for home-bound patients to receive services will significantly increase and that transportation for home-bound patients is difficult to arrange and expensive. They argue that allowing public health dental hygiene practitioners with portable equipment to serve home-bound patients will provide a more affordable option and help to improve their oral health outcomes. Finally, the PDHA pointed out that inter-professional care is now becoming a standard. Pediatric medical offices and

other primary care settings see populations that need the most preventive oral health care on a regular basis for well-child visits. The PDHA argues that medical offices are “a perfect setting to deliver safe and effective oral hygiene education and services,” and that day care centers that provide child care to low-income individuals are taking care of the neediest populations. The PDHA believes the inclusion of these locations would improve access to oral health care in this Commonwealth and would improve the oral health of citizens of this Commonwealth. For all of these reasons, the PDHA requested the Board consider the expansion of locations at which public health dental hygiene practitioners may practice.

The Board discussed the PDHA’s proposal at meetings throughout 2016, and ultimately assigned the issue to the Board’s Legislative/Regulatory Review Committee (Committee), which met on January 20, 2017, with the PDHA and other interested parties. The Committee developed this proposed rulemaking which was presented to the Board at its meeting on May 19, 2017. At that meeting, the Board authorized the release of the proposal as an “exposure draft” to interested parties and stakeholders. The exposure draft was sent out to over 140 individuals and entities on June 7, 2017. The Board received numerous comments both in support and in opposition to the proposal, which were discussed at meetings on July 28, 2017, and September 15, 2017. Ultimately, at the September 15, 2017, meeting, the Board voted to proceed with promulgating this proposed rulemaking as drafted.

The purpose of this proposed rulemaking is threefold: (1) to clarify, by way of example, some of the acceptable practice sites included within the definition of “health care facility” under section 802.1 of the Health Care Facilities Act (35 P.S. § 448.802a); (2) to expand the locations at which a public health dental hygiene practitioner may practice beyond just “personal care homes” to include other “facilities” regulated by the Department of Human Services as defined in section 1001 of the Human Services Code (62 P.S. § 1001); and (3) to add “an office or clinic of a physician who is licensed by the State Board of Medicine or the State Board of Osteopathic Medicine” as an acceptable location for the practice of public health dental hygiene practitioners. These additional sites are meant to expand access to dental hygiene services, oral health education and referrals to dentists.

Description of the Proposed Amendments

The Board proposes to amend § 33.205b(c)(3) to clarify, by way of example, those types of health care facilities that are regulated by the Department of Health under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b). It appeared to the Board that there had been some confusion among the regulated community on this issue. Further, the Board proposes to add a provision which would allow public health dental hygiene practitioners employed by health care facilities to provide services to patients of the health care facility in their place of residence or other independent living environment. Permitting the provision of services in these locations is consistent with the language provided in the definitions of “home care agency,” “home health care agency” and “hospice” in section 802.1 of the Health Care Facilities Act, which include services provided by these health care facilities to patients in their homes or other independent living environments.

The Board also proposes to amend § 33.205b(c)(4) by deleting the term “personal care homes” and replacing it with “a facility” as defined in section 1001 of the Human Services Code. The Board intends this replacement to

expand access to the services provided by public health dental hygiene practitioners to additional facilities that are regulated by the Department of Human Services, not only personal care homes. The Board is adding, by way of example, adult day care centers; child day care centers; family child care homes; boarding homes for children; mental health establishments; assisted living residences; nursing homes; hospitals; maternity homes and any other facility licensed and regulated by the Department of Human Services or a successor agency.

The Board is also proposing an amendment to § 33.205b(c)(6) to correct the citation to section 2 of the Older Adults Daily Living Centers Licensing Act (62 P.S. § 1511.2).

Finally, the Board proposes to add a new paragraph (c)(11) to add an additional acceptable location for public health dental hygiene practitioners to provide dental hygiene services to include “an office or clinic of a physician licensed by the State Board of Medicine or the State Board of Osteopathic Medicine.” The Board believes that this additional site will expand access to oral health care and education by public health dental hygiene practitioners and will assist patients, particularly pediatric patients, find a “dental home” by way of the annual referral to a dentist as required by § 33.205b(b).

Fiscal Impact and Paperwork Requirements

The Board does not anticipate any fiscal impact relating to these amendments. Because public health dental hygiene practitioners will not be required to submit any additional paperwork based on their practice locations, these amendments will not require any further paperwork.

Sunset Date

The Board continuously monitors the effectiveness of its regulations on a fiscal year and biennial basis. Therefore, no sunset date has been assigned.

Regulatory Review

Under Section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on March 12, 2019, the Board submitted a copy of this proposed rulemaking and a copy of a regulatory analysis form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate Consumer Protection and Professional Licensure Committee and the House Professional Licensure Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey 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 shall specify the regulatory review criteria that have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Board, the General Assembly, and the Governor of comments, recommendations or objections raised.

Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to Regulatory Counsel, Department of State, P.O. Box 69523, Harrisburg, PA 17106-9523, RA-STRegulatoryCounsel@pa.gov within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Comments should be identified as pertaining to rulemaking 16A-4633 (Public Health Dental Hygiene Practitioner Practice Sites).

JOHN F. ERHARD, III, DDS,
Chairperson

Fiscal Note: 16A-4633. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 33. STATE BOARD OF DENTISTRY

Subchapter C. MINIMUM STANDARDS OF CONDUCT AND PRACTICE

§ 33.205b. Practice as a public health dental hygiene practitioner.

(a) *Scope of professional practice.* A public health dental hygiene practitioner may perform the dental hygiene services set forth in § 33.205(a)(2)—(6) (relating to practice as a dental hygienist) in the practice settings identified in subsection (c) without the authorization, assignment or examination by a dentist. A public health dental hygiene practitioner may perform the dental hygiene services set forth in § 33.205(a)(1) and (7) in accordance with § 33.205(d).

(b) *Requirement of referral.* A public health dental hygiene practitioner shall refer each patient to a licensed dentist on an annual basis. Documentation of the referral must be maintained in the patient’s dental record. The failure of the patient to see a dentist as referred will not prevent the public health dental hygiene practitioner from continuing to provide dental hygiene services to the patient within the scope of professional practice set forth in subsection (a).

(c) *Practice settings.* A public health dental hygiene practitioner may perform dental hygiene services without the supervision of a dentist in the following practice settings:

(1) Public and private educational institutions that provide elementary and secondary instruction to school aged children under the jurisdiction of the State Board of Education, and in accordance with all applicable provisions of the Public School Code of 1949 (24 P.S. §§ 1-101—27-2702), the regulations relating to the certification of professional personnel in 22 Pa. Code Chapter 49 (relating to certification of professional personnel), and the regulations of the Department of Health in 28 Pa. Code § 23.35 (relating to dental hygienists).

(2) Correctional facilities. For purposes of this section, correctional facilities include Federal prisons and other institutions under the jurisdiction of the United States Department of Justice, Bureau of Prisons which are located within this Commonwealth; institutions, motivational boot camps and community corrections centers operated or contracted by the Department of Corrections; and jails, prisons, detention facilities or correctional institutions operated or contracted by local, county or regional prison authorities within this Commonwealth.

[(3)] (3)(i) Health care facilities, as defined in section 802.1 of the Health Care Facilities Act (35 P.S. § 448.802a).

(ii) **By way of example, a health care facility includes, but is not limited to, a general, chronic disease or other type of hospital; a home health**

care agency; a home care agency; a hospice; a long-term care nursing facility; a cancer treatment center; an ambulatory surgical facility or any other facility licensed and regulated by the Department of Health or a successor agency.

(iii) For purposes of this section, services provided by a health care facility to patients in their places of residence or other independent living environment are included as acceptable practice locations for public health dental hygiene practitioners.

[(4) Personal care homes] (4)(i) A “facility,” as defined in section 1001 of the [Public Welfare] Human Services Code (62 P.S. § 1001).

(ii) By way of example, a facility includes, but is not limited to, an adult day care center; child day care center; family child care home; boarding home for children; mental health establishment; personal care home; assisted living residence; nursing home, hospital or maternity home or any other facility licensed and regulated by the Department of Human Services or a successor agency.

(5) Domiciliary care facilities, as defined in section 2202-A of The Administrative Code of 1929 (71 P.S. § 581-2).

(6) Older adult daily living centers, as defined in section 2 of the Older Adult Daily Living Centers Licensing Act [(62 P.S. § 10225.102)] (62 P.S. § 1511.2).

(7) Continuing-care provider facilities, as defined in section 3 of the Continuing-Care Provider Registration and Disclosure Act (40 P.S. § 3203).

(8) *Federally-qualified health centers*, as defined in section 1905(1)(2)(B) of the Social Security Act (42 U.S.C.A. § 1369(1)(2)(B)). For purposes of this section, the term includes Federally-qualified health center lookalikes that do not receive grant funds under section 330 of the Public Health Service Act (42 U.S.C.A. § 254b).

(9) Public or private institutions under the jurisdiction of a Federal, State or local agency.

(10) Free and reduced-fee nonprofit health clinics.

(11) An office or clinic of a physician who is licensed by the State Board of Medicine or the State Board of Osteopathic Medicine.

(d) *Recordkeeping.* A public health dental hygiene practitioner shall maintain a dental record which accurately, legibly and completely reflects the dental hygiene services provided to the patient. The dental record must be retained for at least 5 years from the date of the last treatment entry. The dental record must include, at a minimum, the following:

(1) The name and address of the patient and, if the patient is a minor, the name of the patient’s parents or legal guardian.

(2) The date dental hygiene services are provided.

(3) A description of the treatment or services rendered at each visit.

(4) The date and type of radiographs taken, if any, and documentation demonstrating the necessity or justification for taking radiographs, as well as the radiographs themselves.

(5) Documentation of the annual referral to a dentist.

[Pa.B. Doc. No. 19-428. Filed for public inspection March 22, 2019, 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 March 12, 2019.

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

Holding Company Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
03-8-2019	Northwest Bancshares, Inc. Warren Warren County Application for approval to acquire 100% of Donegal Financial Services Corporation, Marietta, and thereby indirectly acquire 100% of Union Community Bank, Mount Joy.	Effective

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
03-8-2019	Northwest Bank Warren Warren County Merger of Union Community Bank, Mount Joy, with and into Northwest Bank, Warren. All branch offices of Union Community Bank will become branch offices of Northwest Bank including the former main office of Union Community Bank located at: 101 East Main Street Mount Joy Lancaster County	Effective

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
01-22-2019	New Tripoli Bank New Tripoli Lehigh County	4892 Buckeye Road Emmaus Lehigh County	Opened
03-04-2019	Covenant Bank Doylestown Bucks County	1500 East Lancaster Avenue Paoli Chester County	Opened
03-04-2019	S&T Bank Indiana Indiana County	4599 Cemetery Road Hilliard Franklin County, OH	Opened

CREDIT UNIONS

No activity.

The Department's web site at www.dobs.pa.gov includes public notices for more recently filed applications.

ROBIN L. WIESSMANN,
Secretary

[Pa.B. Doc. No. 19-429. Filed for public inspection March 22, 2019, 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>
PA0060976 (Sewage)	Moyers Grove Campground WWTP 309 Moyers Grove Road Wapwallopen, PA 18660-2053	Luzerne County Hollenback Township	Balliet Run (5-B)	Yes

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<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>
PA0046353 (Sewage)	Waymart Area Authority P.O. Box 3300 66 Railroad Street Waymart, PA 18472-3300	Wayne County Waymart Borough	Van Auken Creek (1-B)	Yes
PA0062529 (Industrial)	Broad Mountain WTP 1371 SR61 HWY-17N Pottsville, PA 17901	Schuylkill County Blythe Township	Wolf Creek (3-A)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0259934 (SEW)	Mark & Cynthia Perez 945 Swopes Valley Road Pine Grove, PA 17963	Lebanon County/ Bethel Township	Bear Hole Run/7-D	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>
PA0209520 (Sewage)	Leraysville Borough WWTP P.O. Box 142 LeRaysville, PA 18829-0142	Bradford County LeRaysville Borough	Rockwell Creek (4-D)	Yes
PA0228681 (Sewage)	Penn Township Village of Coburn STP Sanitary Sewer P.O. Box 125 Coburn, PA 16832-0125	Centre County Penn Township	Penns Creek (6-A)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0217727 (Sewage)	Rices Landing Borough STP 137 Main Street Rices Landing, PA 15357	Greene County Rices Landing Borough	Monongahela River (19-B)	Yes
PA0205087 (Sewage)	Scottyland Camping Resort STP 3033 PA-653 Rockwood, PA 15557	Somerset County Middlecreek Township	Lost Creek (19-E)	Yes
PA0092894 (Sewage)	Bailey Mine 1000 Consol Energy Drive Canonsburg, PA 15317	Greene County Richhill Township	Enlow Fork (20-E)	Yes
PA0215856 (Industrial)	Blairsville Municipal Authority— Well Number 2 203 East Market Street Blairsville, PA 15717-1120	Westmoreland County Derry Township	Trout Run (18-D)	Yes
PA0254479 (Sewage)	Elgin SRSTP 1581 Fleming Road Indiana, PA 15701	Indiana County Armstrong Township	Cheese Run (17-E)	Yes
PA0093050 (Sewage)	Black Lick STP P.O. Box 454 Black Lick, PA 15716-0454	Indiana County Burrell Township	Blacklick Creek (18-D)	Yes
PA0096121 (Sewage)	McGuffey School District 90 McGuffey Drive Claysville, PA 15323-2304	Washington County South Franklin Township	UNT of Chartiers Creek (20-F)	Yes
PA0091138 (Sewage)	Cecil Twp. MA 375 Southpointe Boulevard Suite 350 Canonsburg, PA 15317	Washington County Cecil Township	Chartiers Creek (20-F)	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>
PA0103551 (Sewage)	Drake Well Museum 202 Museum Lane Titusville, PA 16354-7658	Venango County Cherrytree Township	Oil Creek (16-E)	Yes
PA0210617 (Sewage)	Evergreen MHP P.O. Box 51 New Springfield, OH 44443-0051	Lawrence County Mahoning Township	Unnamed Tributary to Shenango River (20-A)	Yes
PA0101923 (Sewage)	(Redraft—2nd draft) Saegertown Area STP P.O. Box 334 180 Park Avenue Ext Saegertown, PA 16433-0334	Crawford County Saegertown Borough	French Creek (16-A)	No
PA0238601 (Sewage)	Sutton MHP 129 Elgie Drive Butler, PA 16001-9691	Butler County Clay Township	Unnamed Tributary to Glade Run (20-C)	Yes

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

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

PA0011428, Storm Water, SIC Code 5171, **Pbf Logistics Products Terminal LLC**, 3rd Street and Billingsport Road, Paulsboro, NJ 08066. Facility Name: Pbf Logistics Products Terminals LLC. This existing facility is located in Philadelphia City, **Philadelphia County**.

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

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

The proposed effluent limits for Outfall 001 are based on stormwater.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
Total Recoverable Petroleum Hydrocarbons	XXX	XXX	XXX	15	XXX	30
Benzene	XXX	XXX	XXX	XXX	XXX	Report
MTBE	XXX	XXX	XXX	XXX	XXX	Report
TSS	XXX	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0 IMAX

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

- I.
 - A. Property Rights
 - B. Sludge Disposal
 - C. BAT/BCT
- II. Stormwater Requirements
- III. Petroleum Marketing Terminal

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.

PA0244228, Storm Water, SIC Code 3272, 3273, **Rahns Construction Material Company**, 430 Bridge Road, Collegeville, PA 19426. Facility Name: Rahns Concrete Batch Plant. This existing facility is located in Skippack Township, **Montgomery County**.

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

The receiving stream(s), Perkiomen Creek, is located in State Water Plan watershed 3-E and is classified for Migratory Fishes and Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Semi-Annual Average</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	50.0	100.0	100
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Semi-Annual Average</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	50.0	100.0	100
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Semi-Annual Average</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	50.0	100.0	100
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX

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

- I. Stormwater Outfalls and Authorized Non-Stormwater Discharges
- II. Best Management Practices (BMPs)
- III. Routine Inspections
- IV. Preparedness, Prevention and Contingency (PPC) Plan
- V. Stormwater Monitoring Requirements
 - A. Acquire Necessary Property Rights
 - B. Sludge Disposal Requirement
 - C. BMPs to Control TSS and pH
 - D. Remedial Measures if Public Nuisance
 - E. 10-year, 24-Hour Rainfall Event Definition

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.

PA0057274, Sewage, SIC Code 8811, **Antionette and Michael Hughes**, 305 Auburn Drive, Downingtown, PA 19335-4420. Facility Name: Hughes SRSTP. This existing facility is located in Upper Uwchlan Township, **Chester County**.

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

The receiving stream(s), Unnamed Tributary to Marsh Creek, is located in State Water Plan watershed 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 500 gpd.

<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>Daily Maximum</i>	
Flow (GPD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	Annl Avg	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min 6.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report	XXX	Report
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	10.0	20.0	40
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	1,000
Total Nitrogen	XXX	XXX	XXX	40.0	XXX	80
Ammonia-Nitrogen	XXX	XXX	XXX	1.5	XXX	3
Total Phosphorus	XXX	XXX	XXX	10.0	XXX	20

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

- A. No Stormwater
- B. Acquire Necessary Property Rights
- C. Proper Sludge Disposal
- D. Abandon STP when Municipal Sewers Available
- E. AMR Submittal to DEP
- F. Total Residual Chlorine Requirement
- G. Public Nuisance
- H. Change of Ownership
- I. Fecal Coliform Imax Reporting

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

The EPA Waiver is in effect.

PA0245101, Sewage, SIC Code 8811, **Price Jeffery P**, 709 Forest Grove Road, Wycombe, PA 18980-0003. Facility Name: Price SRSTP. This proposed facility is located in Buckingham Township, **Bucks County**.

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

The receiving stream(s), Mill Creek, is located in State Water Plan watershed 2-F and is classified for Migratory Fishes and Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .0004 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	Annl Avg	XXX	6.0	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	Inst Min XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	1,000

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.

PA0053929, Sewage, SIC Code 4952, **Bubba's Pot Belly Stove Restaurant**, 1485 N West End Boulevard, Quakertown, PA 18951. Facility Name: Bubba's Pot Belly Stove Restaurant STP. This existing facility is located in Springfield Township, **Bucks County**.

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

The receiving stream(s), Unnamed Tributary to Tohickon Creek, is located in State Water Plan watershed 2-D and is classified for Migratory Fishes and Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0075 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>Average Weekly</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Maximum</i>	
Flow (GPD)	Report	XXX	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	XXX	0.15	XXX	0.4
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Oil and Grease	XXX	XXX	XXX	15	XXX	30
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	200	XXX	1,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	XXX	XXX	XXX	6.0	XXX	12
May 1 - Oct 31	XXX	XXX	XXX	2.0	XXX	4
Total Phosphorus	0.031	XXX	XXX	0.5	XXX	1

Sludge use and disposal description and location(s): sent off-site for treatment and disposal.

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

- Proper disposal of sludge and other solids
- No stormwater into sewage
- TRC minimization in effluent

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

The EPA Waiver is in effect.

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

PA0053147, Sewage, SIC Code 4952, **Upper Saucon Sewage Treatment Authority**, 5500 Camp Meeting Road, Center Valley, PA 18034-9444. Facility Name: Upper Saucon Township Municipal Authority STP. This existing facility is located in Upper Saucon Township, **Lehigh County**.

Description of Existing Activity: The application is for NPDES permit amendment to change interim/final Compliance dates and monitoring frequency for Bis(2-Ethylhexyl) Phthalate. The Department is moving the Final Compliance Date to February 1, 2021. Interim Minimum Monitoring frequency is being changed to “upon request” to allow for greater flexibility. Standard permit condition language has been updated to reflect current requirements. No change in permit limit is being granted at this time.

The interim effluent limits for Outfall 001 are based on a design flow of 2.5 MGD.—Interim Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Bis(2-Ethylhexyl)Phthalate	Report	XXX	XXX	Report	Report	XXX

The final effluent limits for Outfall 001 are based on a design flow of 2.5 MGD.—Final Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Instantaneous Minimum</i>	<i>Average Weekly</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Bis(2-Ethylhexyl)Phthalate	Report	XXX	XXX	0.0082	Report	0.0164

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

The EPA Waiver is not in effect.

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

PA0266792, Sewage, SIC Code 8811, **Patty L Leamer**, 179 Atlas Drive, Hollidaysburg, PA 16648. Facility Name: Leamer Residence. This proposed facility is located in Frankstown Township, **Blair County**.

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

The receiving stream(s), Unnamed Tributary to Bigger Run, is located in State Water Plan watershed 8-A and is classified for High Quality—Cold Water and Migratory Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .0005 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Annual Average	Maximum	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
Biochemical Oxygen Demand (BOD ₅)	Annl Avg	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	1,000

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

The EPA Waiver is in effect.

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

PA0234028, Sewage, SIC Code 4952, **University Area Joint Authority**, 1576 Spring Valley Road, State College, PA 16801-8499. Facility Name: Advanced Water Treatment Building. This existing facility is located in College Township, **Centre County**.

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

The receiving stream(s), Unnamed Tributary to Spring Creek, Unnamed Tributary to Slab Cabin Run, and Slab Cabin Run, is located in State Water Plan watershed 9-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 and monitoring requirements for Outfall 001 are based on a design flow of 1.05 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Maximum Daily		Average Monthly	Maximum Daily	
Flow (MGD)	XXX	1.05	XXX	XXX	XXX	XXX
Temperature (deg F) (°F)	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits and monitoring requirements for Outfall 002 are based on a design flow of 1.05 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Maximum Daily		Average Monthly	Maximum Daily	
Flow (MGD)	XXX	1.05	XXX	XXX	XXX	XXX
Temperature (deg F) (°F)	XXX	XXX	XXX	XXX	Report	XXX

The proposed monitoring requirements for Outfall 004 are based on a design flow of 0.03 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Maximum Daily		Average Monthly	Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX

The proposed monitoring requirements for Outfall 005 are based on a design flow of 0.03 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Maximum Daily		Average Monthly	Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX

The proposed monitoring requirements for Outfall 006 are based on a design flow of 0.03 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>Maximum Daily</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX

The proposed monitoring requirements for Outfall 007 are based on a design flow of 0.03 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>Maximum Daily</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX

The proposed effluent limits and monitoring requirements for IMP 101 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>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Maximum</i>	
pH (S.U.)	XXX	XXX	6.0 Daily Min	XXX	XXX	9.0
Temperature (deg F) (°F)	XXX	XXX	XXX	XXX	Report Daily Max	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	Report	XXX	XXX	10.0	XXX	25.0
Turbidity (NTU)	XXX	XXX	XXX	2.0	XXX	5.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	2.2	XXX	23
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Nitrogen	Report	XXX	XXX	10.0	XXX	25.0
Total Nitrogen (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Ammonia-Nitrogen	Report	XXX	XXX	3.0	XXX	7.5
Ammonia-Nitrogen (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Organic Halogens (TOX)	Report	XXX	XXX	0.2	XXX	0.5
Total Organic Carbon	Report	XXX	XXX	10	XXX	25

The proposed monitoring requirements for IMP 201 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>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Maximum</i>	
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.27	XXX	0.88

The proposed monitoring requirements for IMP 301 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>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX

The proposed monitoring requirements and effluent limits for implementation of Pennsylvania's Chesapeake Bay Watershed Implementation Plan are as follows for IMP 101.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Monthly</i>	<i>Annual</i>	<i>Monthly</i>	<i>Monthly Average</i>	<i>Maximum</i>	
Total Nitrogen (Total Load, lbs) (lbs) Effluent Net	XXX	0.0 Total Annual	XXX	XXX	XXX	XXX
Total Nitrogen (Total Load, lbs) (lbs)	XXX	Report Total Annual	XXX	XXX	XXX	XXX
Ammonia-Nitrogen (Total Load, lbs) (lbs)	XXX	Report Total Annual	XXX	XXX	XXX	XXX

Parameters	Mass Units (lbs/day)		Monthly	Concentrations (mg/L)		Instant. Maximum
	Monthly	Annual		Monthly Average	Maximum	
Total Phosphorus (Total Load, lbs) (lbs)	XXX	0.0	XXX	XXX	XXX	XXX
Effluent Net		Total Annual				
	XXX	Report	XXX	XXX	XXX	XXX
Total Phosphorus (Total Load, lbs) (lbs)		Total Annual				

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

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

The EPA Waiver is not in effect.

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

PA0271969, Sewage, SIC Code 8800, **Steven Bugajski**, 2277 Lindale Court, North Huntingdon, PA 15642-8728. Facility Name: Steven Bugajski SRSTP. This proposed facility is located in Deerfield Township, **Warren County**.

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

The receiving stream, the Allegheny River, is located in State Water Plan watershed 16-F and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0005 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Annual Average	Maximum	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
	Annl Avg					
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

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

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

The EPA Waiver is in effect.

PA0272035, Sewage, SIC Code 4952, 8800, **Donald Kienholz**, 8089 Edinboro Road, Erie, PA 16509-4466. Facility Name: Donald Kienholz SRSTP. This proposed facility is located in Summit Township, **Erie County**.

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

The receiving stream is an unnamed tributary to Walnut Creek, located in State Water Plan watershed 15-A and classified for HQ—Cold Water and Migratory Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0005 MGD.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Annual Average	Maximum	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
	Annl Avg					
pH (S.U.)	XXX	XXX	6.0 Daily Min	XXX	9.0 Daily Max	XXX
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	1,000

Sewage sludge is temporarily stored in the proposed treatment unit for later off-site disposal.

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

The EPA Waiver is in effect.

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

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

QWM Permit No. 4818406, Sewage, **Wind Gap Borough Municipal Authority Northampton County**, 578 Abel Colony Road, Wind Gap, PA 18091-9506.

This proposed facility is located in Plainfield Township, **Northampton County**.

Description of Proposed Action/Activity: Proposed Green Knight pump station (593 Male Road) to service the proposed Green Knight Industrial Park II Subdivision gravity collection system and pump flow via force main to the Wind Gap Municipal Authority collection system and Sewage Treatment Plant (NPDES Permit No. PA0052167).

QWM Permit No. 3519401, Sewage, **PA American Water Co.**, 800 West Hershey Park Drive, Hershey, PA 17033.

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

Description of Proposed Action/Activity: A permit application for the construction of a 710,000 gallon equalization tank to control the sewer authorities rain event overflows at their existing Combined Sewer Overflow (CSO # 22). It will be located within Norfolk Southern's right away adjacent to South Seventh Avenue and McHale Court.

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

QWM Permit No. 6709402 A-2, Sewerage, **York City Sewer Authority Wastewater Treatment Plant**, 1701 Black Bridge Road, York, PA 17402.

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

Description of Proposed Action/Activity:

The applicant is applying to amend the existing Water Quality Management Permit for York City Sewer Authority's Wastewater Treatment Plant. The facility is applying to replace the existing effluent filters with new ones.

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

QWM Permit No. 6570406 A-1, Sewage, **Avonmore Borough Municipal Authority Westmoreland County**, P.O. Box 730, Greensburg, PA 15601-0730.

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

Description of Proposed Action/Activity: Avonmore STP upgrade.

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

QWM Permit No. 2019401, Sewage, **David R Pierce**, 11307 West Brookdale Drive, Meadville, PA 16335.

This proposed facility is located in Woodcock Township, **Crawford County**.

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

QWM Permit No. 2092404 A-2, Sewage, **Perseus House Inc.**, 1511 Peach Street, Erie, PA 16501-2104.

This existing facility is located in Bloomfield Township, **Crawford County**.

Description of Proposed Action/Activity: Modification to allow installation of a dechlorination tablet feeder to be used at the existing wastewater treatment plant.

IV. NPDES Individual Permit Applications for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4s).

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

PAI132214, MS4, **Bethlehem Township Northampton County**, 4225 Easton Avenue, Bethlehem, PA 18020. 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 Bethlehem Township, **Northampton County**. The receiving stream(s), Unnamed Tributary to Monocacy Creek, Lehigh Coal and Navigation Canal, Unnamed Tributary to Nancy Run, Nancy Run, Unnamed Tributary to Lehigh Coal and Navigation Canal, Monocacy Creek, Lehigh River, Unnamed Tributary to Lehigh River, Bushkill Creek and Monocacy Creek, are located in State Water Plan watershed 2-C and are classified for Cold Water Fishes, Migratory Fishes, High Quality—Cold Water, and Migratory Fish, aquatic life, water supply and recreation. The applicant is classified as a small MS4.

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

- A Pollutant Reduction Plan (PRP)

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

extended at the discretion of DEP for one additional 15-day period. You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472.

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

PAI132204, MS4, Upper Milford Township Lehigh County, P.O. Box 210, Old Zionsville, PA 18068-0210. 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 Upper Milford Township, **Lehigh County**. The receiving streams, Unnamed Tributary to Hosensack Creek, Unnamed Tributary to Leibert Creek, Unnamed Tributary to Swabia Creek, Unnamed Tributary to Little Lehigh Creek, unnamed Tributary to Saucon Creek, Indian Creek and Leibert Creek, is located in State Water Plan watershed 3-E and 2-C and is classified for Cold Water Fishes, Migratory Fishes, High Quality—Cold Water, and Migratory Fish, aquatic life, water supply and recreation. The applicant is classified as a small MS4.

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

- A Pollutant Reduction Plan (PRP)

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

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

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

PAI136152, MS4, Washington Township Westmoreland County, 285 Pine Run Church Road, Apollo, PA 15613-8809. 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 Washington Township, **Westmoreland County**. The receiving stream(s), Beaver Run, Pucketa Creek, and Unnamed Tributary of Pine Run, are located in State Water Plan watersheds 18-B and 18-A and are classified for High Quality—Cold Water Fishes, Warm Water Fishes and Trout Stocking, aquatic life, water supply and recreation. The applicant is classified as a small MS4.

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

- A Pollutant Reduction Plan (PRP)

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

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

V. Applications for NPDES Waiver Stormwater Discharges from MS4.

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

<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>
PAG133646	Rye Township Perry County 1775 New Valley Road Marysville, PA 17053-9419	Rye Township Perry County	Y	N

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD390117	Cedar Crest Chestnut Development LP 201 S Maple Ave Ste 100 Ambler, PA 19002	Lehigh	Emmaus Boro	UNT to Leibert Creek (HQ-CWF, MF)

NOTICES

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

NPDES

Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAD480083	Bath Boro Authority George Gasper 160 Mill St Bath, PA 18014	Northampton	Bath Boro	Monocacy Creek (HQ-CWF, MF)

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

NPDES

Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAD520017	Blue Heron Woods POA P.O. Box 606 Hawley, PA 18428	Pike	Blooming Grove Twp Lackawaxen Twp Palmyra Twp	UNT to Decker Creek (HQ-CWF, MF) UNT to Blooming Grove Creek (HQ-CWF, MF) EV Wetlands
PAD520020	Aqua Pennsylvania Inc 1 Aqua Way White Haven, PA 18661	Pike	Lackawaxen	Westcolang Creek (HQ-CWF, MF)

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

NPDES

Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use	DEP Protocol (Y/N)
PAS603508 (Storm Water)	Cumberland Scrap Metal Recyclers P.O. Box 307 Carlisle, PA 17013-0307	Cumberland	Middlesex Twp.	Unnamed Tributary to Letort Spring Run	Y

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

Indiana County Conservation District, 350 North 4th Street, Indiana, PA 15701, 724-471-4751.

McKean County Conservation District, 17137 Route 6, Smethport, PA 16749, 814-887-4001.

NPDES

Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAD320003	PTV 1033 LLC 400 Penn Center Blvd Building 4 Suite 1000 Pittsburgh, PA 15235	Indiana	Montgomery Township	Painters Run HQ-CWF
PAD420005	Bradford City Water Authority Stephen Disney 28 Kennedy Street Bradford, PA 16701	McKean	Bradford Township Bradford City	Kissem Run HQ-CWF, UNTs West Branch Tunungwant Creek HQ-CWF, West Branch Tunungwant Creek HQ-CWF, Langmade Brook HQ-CWF, Marilla Brook CWF, UNTs West Branch Tunungwant Creek CWF, Gates Hollow CWF, Bennett Brook CWF, UNTs Bennett Brook CWF

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

PAG-12 CAFOs

MS4 PAG-13 Notices of Intent Received.

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

<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>
PAG136324	West Elizabeth Borough 800 Fourth Street West Elizabeth, PA 15088-0716	West Elizabeth Borough Allegheny County	Y	N
PAG136246	Greensburg Joint Client 210 West Otterman Street Greensburg, PA 15601-2225	South Greensburg Borough Westmoreland County	N	Y

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>
Windy Ridge Breeder Farm 166 Dugan Lane Lock Haven, PA 17745	Clinton	134.2 (17.9 available for manure)	275.86	Poultry	HQ-CWF	Renewal
Virgil Gutshall Jr Beaver Ridge Farm Inc 1400 Fowler Hollow Rd Blain, PA 17006	Perry	209.2	437.78	Swine Grow Finish	Sherman's Creek-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. 2119501, Public Water Supply.

Applicant	Jaymee Lee's Quick Stop, LLC
Municipality	Lower Mifflin Township
County	Cumberland
Responsible Official	Richard N. Walker Sr, Owner 348 Doubling Gap Road Newville, PA PA 17241
Type of Facility	Public Water Supply
Consulting Engineer	Craig J. Zack, P.E. KPI Technology 143 Carlisle Street Gettysburg, PA 17325
Application Returned:	2/26/2019
Description of Action	The installation of greensand filtration for Fe & Mn removal treatment, softening and UV disinfection.

Permit No. 5019504, Public Water Supply.

Applicant	Duncannon Borough
Municipality	Duncannon Borough

County	Perry
Responsible Official	Jeffrey Kirkhoff, Vice President Borough Council 428 North High Street Duncannon, PA 17020
Type of Facility	Public Water Supply
Consulting Engineer	Greg Rogalski, P.E. Pennoni 5072 Ritter Road Mechanicsburg, PA 17055
Application Received:	3/7/2019
Description of Action	Installation and operation of new Well No. 7, Well No. 5 pump replacement, and construction of a new booster station.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 1

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

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

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

the person identified as the remediator of the site develop and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

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

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

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

Chestnut Ridge at Rodale (former Rodale Corporate HQ), 400 South 10th Street, Emmaus Borough, **Lehigh County**. Barry Isett & Associates, 85 South Route 100, Allentown, PA 18106, on behalf of Phoebe Richland Health Care Center, 1925 Turner Street, Allentown, PA 18104, submitted a Notice of Intent to Remediate. Soil and groundwater at this site were contaminated with Arsenic, Beryllium, Cadmium, Lead, Thallium, and Benzo(a)pyrene from a historic iron mine that was later used as the Emmaus Borough dump. Future use of the site will be residential and non-residential. Site-Specific remediation standards are planned for this site. The Notice of Intent to Remediate was published in the *Morning Call* on February 4, 2019.

L. Aldrich Well Pad 1, 2758 Great Bend Turnpike, Gibson 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 Notice of Intent to Remediate. Soil and groundwater were contaminated by a release of brine at a natural gas well pad. Future use of the site will be for natural gas production operations, but the site will be remediated to permit residential use. A combination of Background and Statewide Health remediation standards is planned for this site. The Notice of Intent to Remediate was published in *The Susquehanna County Transcript* on December 19, 2018.

RESIDUAL WASTE GENERAL PERMITS

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

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

General Permit No. WMGR123SW019. Hydro Recovery, LP, 238 Main Street, Lobby # 2, Blossburg, PA 16912; **Hydro Recovery, LP**, Washington Water Treatment Facility Site, 572 Route 18, Burgettstown, PA 15021. A minor registration modification authorizing the installation of a temporary pipeline to support completion of a nearby O&G well, at the facility located in Hanover Township, **Washington County** for processing and ben-

eficial use of oil and gas liquid waste to be used as a water supply to develop or hydraulically fracture an oil or gas well, was approved by the Southwest Regional Office on March 12, 2019.

DETERMINATION OF APPLICABILITY FOR MUNICIPAL WASTE GENERAL PERMITS

Application(s) for Determination of Applicability for General Permit 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/or the Beneficial Use of Municipal Waste.

Northeast Region: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

General Permit Application No. WMGM044-NE004. American Container & Disposal, LLC, 1438 Willowbrook Road, Northampton, PA 18067. A General Permit Determination of Applicability for the processing of wood and construction/demolition material for beneficial use as mulch, soil erosion control material, aggregate material in construction, animal bedding, and alternative fuel at a site located in Allen Township, **Northampton County**. The application for determination of applicability was received on January 25, 2019, additional information was received on March 7, 2019 and the application was deemed administratively complete by the Regional Office on March 8, 2019.

Comments concerning the application should be directed to Roger Bellas, Environmental Program Manager, Waste Management Program, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915 at 570-826-2511. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

Determination of Applicability for General Permit(s) Issued under the Solid Waste Management Act (35 P.S. §§ 6018.101–6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101–4000.1904); and 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 No. WMGR029SW001. Ernie's Waste Oil, LLC, 155-C Swiontek Road, Aliquippa, PA 15001-5825. Ten year renewal of coverage under residual waste general permit WMGR029 for the processing of waste oil, commercial fuel products exempt from regulation as hazardous waste, spent antifreeze, used oil filters and waste oil/water mixtures via operation of a transfer facility at Ernie's Waste Oil, LLC, 155-C Swiontek Road, Aliquippa, PA 15001-5825 in Independence Township, **Beaver County**, was approved by the Southwest Regional Office on March 11, 2019. (Previously assigned permit ID number was WMGR029D002.)

Persons interested in reviewing the general permit or the application may contact the Department of Environ-

mental Protection, Regional Files, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

AIR QUALITY

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 Chap-

ters 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.

PLAN APPROVALS

Plan Approval Applications Received under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B that may have special public interest. These applications are in review and no decision on disposition has been reached.

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

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

39-00004E: Mack Trucks, Inc. (700 Alburts Road, Macungie, PA 18062) for their facility in Lower Macungie Township, **Lehigh County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received a Plan Approval for Mack Trucks, Inc. (700 Alburts Road, Macungie, PA 18062) for their facility in Lower Macungie Township, Lehigh County. This Plan Approval No. 39-00004E will be incorporated into a Title V Permit through an administrative amendment at a later date.

Plan Approval No. 39-00004E is for the installation and operation of one (1) paint curing oven using a non-lo-NO_x burner with a fuel restriction. The main emissions from this source is NO_x. The new source will be required to address 25 Pa. Code § 127.12(a)(5) Best Available Technology. The NO_x emissions from the burner are less than 1.0 ton per year. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711.

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 the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No. 39-00004E 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 Ray Kempa,

Environmental Group Manager, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711, Phone 570-826-2511 within 30 days after publication date.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481.

Contact: David Balog, New Source Review Chief—Telephone: 814-332-6328.

37-331D: RWE Holding Company (535 Rundle Road, New Castle, PA 16101), for the proposed increase in production of anti-skid to 100,000 tpy (Source 102); increase processing rate of Coke Screening Operation (Source 104) to 50 tph; increase hours of operation and throughput for Source 107 to 3,000 hr/yr and 15,000 tpy; and the removal of Source 109 (Cummins Engine—305 hp) in Taylor Township, **Lawrence County**. This is a State Only facility.

43-036D: Hodge Foundry (42 Leech Road, P.O. Box 550, Greenville, PA 16125), application received for the installation and operation of replacement media blasting equipment and a replacement baghouse at their Greenville Facility located in Hempfield Township, **Mercer County**. This is a non-Title V facility.

Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.

Southcentral Region: Air Quality Program, 909 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.

06-05007R: Carpenter Technology Corp. (101 Bern Street, Reading, PA 19601) for the installation of a hot rolling mill and associated equipment in the specialty steel alloy manufacturing facility located in the City of Reading, **Berks County**. The potential emission increases are 11.78 tpy of NO_x, 9.90 tpy of CO, 0.90 tpy of PM, 0.66 tpy of VOC and 0.07 tpy of SO₂. The facility is a Title V facility. DEP's review of the information submitted by the applicant indicates that the air contamination sources as constructed or modified will comply with all regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12, and 40 CFR 60 Subpart JJJJ. Based on these findings, the Department proposes to issue a plan approval for the proposed construction. If, after the project has been implemented, the Department determines that the sources are constructed and operated in compliance with the plan approval conditions and the specification of the application for plan approval, the requirements established in the plan approval will be incorporated into an Operating Permit pursuant to the administrative amendment provisions of 25 Pa. Code § 127.450.

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.

PA-26-00588B: Laurel Mountain Midstream, LLC ("LMM") (1550 Coraopolis Heights Road, Suite 140, Moon

Township, PA 15108) Notice is hereby given in accordance with 25 Pa. Code §§ 127.44—127.46 that the Department of Environmental Protection (DEP) intends to issue Air Quality Plan Approval: PA-26-00588B to LMM for the Shamrock Compressor Station located in German Township, **Fayette County** to authorize for the construction, modification, and temporary operation of the following air contamination sources, controls, and/or activities at a synthetic minor facility:

- One (1) existing, CAT G3516B (CE-06) 1,380 bhp natural gas-fired compressor engine equipped with a Miratech SP-XESO-36X31-14-XH2B1 or equivalent oxidation catalyst and an air to fuel ratio controller in which the hours of operation will be increased to 8,760 hours per consecutive 12-month period.
- Two (2) new, CAT G3516J (CE-03 and CE-04), 1,380 bhp natural gas fired compressor engines equipped with a Miratech SP-XESO-36X31-14-XH2B1 or equivalent oxidation catalyst and an air to fuel ratio controller.
- One (1) new Solar Titan 130-23502S (CT-02) rated at 22,248 bhp with SoLoNO_x technology
- One (1) existing Glycol Purification Unit (GPU-ENG, GPU-HTR) with Cimarron Tank Pacer time on site will be increased to 8,760 hours per consecutive 12-month period
- One (1) new Produced Water Storage Tank (TK-03) with a capacity of 476 bbl

Modified Facility Wide Potential to Emit

<i>Air Contaminant</i>	<i>Emission Rate (tpy)</i>
Nitrogen Oxides (NO _x)	84.39
Carbon Monoxide (CO)	76.52
Total Particulate Matter (PM)	15.24
Particulate Matter Less Than 10 Microns In Diameter (PM ₁₀)	15.24
Particulate Matter Less Than 2.5 Microns In Diameter (PM _{2.5})	15.24
Sulfur Oxides (SO _x)	4.57
Volatile Organic Compounds (VOC)	32.26
Hazardous Air Pollutants (HAP)	9.65
Carbon Dioxide Equivalents (CO ₂ e)	183,497

This authorization is subject to State regulations including 25 Pa. Code Chapters 123—Standards for Contaminants; 124—National Emission Standards for Hazardous Air Pollutants, 127—Construction, Modification, Reactivation, and Operation of Sources; 129—Standards for Sources; 135—Reporting of Sources; and 139—Sampling and Testing. State standards for contaminants and sources are superseded in most cases by more stringent Best Available Technology (BAT) determinations in accordance with 25 Pa. Code § 127.12(a)(5) requirements. This authorization is also subject to Federal New Source Performance Standards (NSPS) including 40 CFR Part 60 Subparts A, JJJJ, KKKK, OOOOa, and National Emission Standards for Hazardous Air Pollutants (NESHAP) including 40 CFR Part 63 Subparts A, HH, and ZZZZ, and 40 CFR Part 98 Mandatory Greenhouse Gas Reporting.

Plan approval conditions will include source specific and facility-wide emission limitation, operational restrictions, compliance testing and monitoring requirements, work practice standards, and associated recordkeeping and reporting requirements. The Department has deter-

mined that the proposed facility satisfies the Department's Best Available Technology (BAT) requirements. Once compliance with the Plan Approval is demonstrated, the applicant will be required to submit a State Only Operating Permit (SOOP) application in accordance with 25 Pa. Code Subchapter F.

A person may oppose the proposed plan approval by filing a written protest with the Department through Sheri Guerrieri via the U.S. Postal Service to Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222; email to shguerrier@pa.gov; or fax to 412.442.4194. Additional written comments may also be submitted. 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-26-00588B) and a concise statement of the objections to the plan approval issuance and the relevant facts upon which the objections are based.

LMM's 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 LMM 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 Sheri Guerrieri at shguerrier@pa.gov or 412.442.4069.

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

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing in writing or by publication in the newspaper and the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481.

Contact: David Balog, New Source Review Chief—Telephone: 814-332-6328.

24-188A: Allegheny Coatings (349 Servidea Drive, Ridgway, PA 15853), The Department intends to issue a plan approval to Allegheny Coatings for the construction and initial operation of painting and drying equipment at their site in Ridgway Township, **Elk County**. This plan approval will be the site's first Air Quality authorization. The site will be considered a natural minor facility.

Public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44. This plan approval application proposes the installation of one paint booth, one natural gas fired curing oven, and one natural gas fired evaporator. Paint will be applied with HVLP spray guns. All coatings will comply with State and Federal regulations

This application was reviewed to evaluate the project's incorporation of Best Available Technology. The sources' emission rates of VOC and PM will be limited to the minimum achievable through BAT. PM emissions from the paint booth will be reduced through the use of a panel PM filter. VOC emission will be reduced through the use of HVLP technology and water based paints.

The plan approval will contain testing, recordkeeping, emission restriction, reporting, and work practice requirements designed to keep the facility operating within all applicable air quality requirements. The control device will be operated and maintained as prescribed by the manufacturer. The manufacturer's maintenance and operation literature will be kept onsite. All maintenance will be recorded in a log. Emissions will be restricted to 0.04 gr/dscf. The pressure drop across the filters media will be monitored and recorded. The VOC content and quantity of materials consumed will be tracked.

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 [24-188A: Allegheny Coatings] 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.

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

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

IP18-000484: Philadelphia West Transflo Terminal (13600 Moore Street, Philadelphia, PA 19142) for operation of various solid material transloading equipment; source includes; 3 enclosed conveyers with dust collector, 2 pneumatic blower pack with dust collector, 1 master vac with dust collector.

There will be a potential emission increase of 4.5 tons of particulate matter (PM) per year for the facility. The plan approval will contain operating, monitoring and recordkeeping requirements to ensure operation within all applicable requirements

OP19-000003: S.D. Richman Sons, Inc. (2435 Wheatsheaf Lane, Philadelphia, PA 19137) for the operation of a scrap materials shredding facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources are the shredder and the associated

units, including an infeed conveyor, a magnet feed conveyor, two vibratory feeders, a non-ferrous stockpile conveyor, a ferrous conveyor, a sorting conveyor, and a radial conveyor. The shredder and the associated units are operated using electricity. The plant can process 15–40 tons per hour of scrap materials, including ferrous and non-ferrous materials.

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

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

OPERATING PERMITS

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

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

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

15-00043: Sunoco Partners Marketing & Terminals L.P.—Malvern Terminal (41 Malin Road, Malvern, PA 19355) located in East Whiteland Township, **Chester County**. This action is a renewal of the Title V Operating Permit, the current permit expires April 30, 2019. As a result of potential emissions of VOCs, the facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments, and is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. This facility is an area source for HAP emissions. There are no new applicable regulations and no new sources since the permit was last issued in April 2014. The renewal contains monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

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

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

46-00206: DRG Pennbrook, LLC (1180 Church Road, Lansdale, PA 19446), for the renewal of a Natural Minor Operating Permit. The facility is located in Lansdale Borough, **Montgomery County**. The initial operating permit was issued on November 12, 2002. The facility property is owned by DRG Pennbrook, LLC. Part of the facility is leased by Merck Sharp & Dohme Corporation

while the remaining part of the facility is currently unleased. This location has been deemed a commercial site. The only significant sources of emissions are two natural gas fired emergency generators. The total potential emissions of NO_x from the generators is 14.0 tons per year and the total potential emissions of CO from the generators is 1.3 ton per year. Potential emissions from all other criteria pollutants is less than 1.0 ton per year. It has been determined that the generators are exempt from 40 CFR Part 63, Subpart ZZZZ. No increase in emissions from the facility is allowed under this permit renewal. No new sources are being added under this renewal. The operating permit contains requirements to keep the facility operating within all applicable air quality requirements for this facility.

15-00121: Delaware Valley Custom Marble, Inc. (doing business as Glenmar Manufacturing) (4 Briar Drive, West Grove, PA 19390) for operations at the cast polymer manufacturing facility located in Penn Township, **Chester County**. The renewal permit is for a non-Title V (State Only) facility. The facility elects to cap Volatile Organic Compound (VOC) and Hazardous Air Pollutant (HAP) emissions less than major thresholds; the facility is categorized as a Synthetic Minor. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

09-00178: KVK Tech, Inc. (110 Terry Drive, Newtown, PA 18940) for renewal of a Synthetic Minor Operating Permit in Newtown Township, **Bucks County**. The proposed permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

46-00191: Merck & Co, Inc. (351 North Summeytown Pike, North Wales, PA 19454) for operation of their office complex in Upper Gwynedd Township, **Montgomery County**. The permit is for a non-Title V (State only) facility. The sources of air emissions include: numerous boilers, four (4) generators (two natural gas and two diesel), and other miscellaneous combustion sources. The renewal permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

46-00253: Valley Forge, Inc. (450 E. Valley Forge Road, King of Prussia, PA 19406) located in Upper Merion Township, **Montgomery County**, for a renewal of State Only Operating Permit (SOOP) No. 46-00253. Since the SOOP was last renewed in 2018, the only major physical change that has occurred at the facility is the removal of a trommel screen (former Source ID 104A) with associated engine.

While the potential to emit nitrogen oxides (NO_x) from the engines/facility exceeds 25 tons per year, Valley Forge, Inc., has elected to restrict the hours of operation for the engines to ensure that the NO_x emissions from the facility will not exceed this level. Therefore, the status of the facility is Synthetic Minor.

Based on a reinterpretation of the definition of the term “nonroad engine” in 40 CFR 1068.30, DEP no longer considers the engines associated with the tub grinder (Source ID 103) and soil screener (Source ID 105) at the facility to be stationary engines subject or potentially subject to the provisions of 40 CFR Part 60, Subpart IIII, or 40 CFR Part 63, Subpart ZZZZ. Accordingly, DEP will remove all references and requirements to these regula-

tions from the renewal SOOP for the engines associated with the tub grinder and soil screener.

The renewal SOOP will continue to include monitoring, recordkeeping, reporting, and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

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

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

39-00035: Allentown City/STP (112 W Union Street, Allentown, PA 18102-4912) The Department intends to issue a State-Only (Natural Minor) Operating Permit renewal for operation of sources at a wastewater treatment facility in Allentown City, **Lehigh County**. The sources include boilers, grit chambers, belt presses, settling tanks, digesters, headworks, heaters, trickling filters, and sludge thickening tanks. Control devices include quad scrubbers. The proposed permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

45-00021: Lehigh Valley Health Network (206 East Brown Street, East Stroudsburg, PA 18301-3094) The Department intends to issue a State-Only (Natural Minor) Operating Permit renewal for operation of sources at a hospital in East Stroudsburg Borough, **Monroe County**. The sources include boilers and emergency generators. The proposed permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

66-00013: UGI Energy Services, LLC (1 Meridian Boulevard, Suite 2C01, Wyomissing, PA 19610) The Department intends to issue a State-Only (Natural Minor) Operating Permit for operation of sources at aggregate natural gas transmission and LNG processing facilities in Washington Township, **Wyoming County**. The sources include eight engines controlled by oxidation catalysts, heaters/reboilers, a turbine, emergency generators, a condensate storage tank, a dehydration unit, and associated pneumatic devices, venting, and pigging operations. The proposed permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

54-00047: Pennsy Supply, Inc., (P.O. Box 3331, Harrisburg, PA 17105-3331). The Department intends to issue a renewal State-Only Natural Minor Permit for the Pennsy Supply Summit Quarry located in Wayne Township, **Schuylkill County**. This facility operates a stationary stone crushing plant. The sources are considered minor emission sources of nitrogen oxide (NO_x), sulfur oxides (SO_x), carbon monoxide (CO), total suspended particulate (TSP) and VOC's. The proposed permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110.

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Thomas Bianca, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.

36-03048: Hubbard Feeds, Inc. (3349 Hempland Road, Lancaster, PA 17601) for their animal feed mill located in East Hempfield Township, **Lancaster County**. The potential emissions from the facility are estimated at 31 tons of PM₁₀, 4 tons of nitrogen oxides (NO_x) and 3 tons of carbon monoxide (CO). This is for renewal of the existing State-only permit. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR 63 Subpart DDDDDDD and from 25 Pa. Code § 129.63.

07-03034: Alpha Assembly Solutions (4100 6th Avenue, Altoona, PA 16602) for the operation of a secondary lead smelting and reclamation facility in the City of Altoona, **Blair County**. This is for renewal of the existing State-only permit. Potential air emissions from the facility are estimated at 6.72 tpy PM, 26.3 tpy NO_x, 22.1 tpy CO, 1.45 tpy VOC, less than 1 tpy SO₂, 9.64 tpy Hydrogen Fluoride and 0.91 tpy Lead. 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.

06-05157: Hamburg Center (3560 Old Route 22, Hamburg, PA 19526) to issue a State Only Operating Permit for the facility located in Windsor Township, **Berks County**. The Hamburg Center is licensed as an intermediate care facility for people with mental retardation. The actual emissions from the facility in 2017 year are estimated at 0.91 ton of CO, 4.84 tons of NO_x, 0.25 ton of PM₁₀, 2.12 tons of SO_x and 0.06 ton of VOC. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR 63 Subpart JJJJJJ, 40 CFR 60 Subpart Dc and 25 Pa. Code § 129.63.

36-03182: Charles F. Snyder Funeral Home & Crematory, Inc. (3110 Lititz Pike, Lititz, PA 17543) to issue a Natural Minor Operating Permit for the operation of a Matthews model No. IE43-PPII human cremation unit in Manheim Township, **Lancaster County**. The crematory is controlled by an afterburner. The subject facility has estimated potential emissions of 2 or less tpy of each of the criteria pollutants. This is for renewal of the existing State-only permit. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

21-03021: Amsted Rail Company, Inc. (3420 Simpson Ferry Road, Camp Hill, PA 17011) for the operation of a railway equipment manufacturing facility in Lower Allen Township, **Cumberland County**. This is for renewal of the existing State-only permit. Potential air emissions from the facility are estimated at 7.79 tpy VOC and less than 1 tpy PM and 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.

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

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

65-00871: OPCO, Inc. (205 W Harrison Ave, Latrobe, PA 15650) Synthetic Minor State-Only Operating Permit is for a facility that manufactures expandable polystyrene (EPS) and is located in the City of Latrobe, **Westmoreland County**. In accordance with 25 Pa. Code § 127.424 and § 127.425, the Department of Environmental Protection (DEP) has received an application and is providing notice that it intends to issue an Air Quality Operating Permit for the previously-mentioned facility. Sources of emissions consist of two 8.4 MMBtu/hr boilers (each) and an EPS molding process. The facility is an insignificant source of criteria pollutants with the exception of VOC. Actual emissions at the facility are projected to be 21.5 tons per year (TPY) VOC, 0.47 TPY NO_x, 0.39 TPY CO, 0.0087 TPY HAP, 0.0084 TPY single HAP for hexane from natural gas combustion, 0.014 TPY PM₁₀/PM_{2.5}, 0.003 TPY SO_x, and 561.3 TPY CO_{2e}. The facility is limited to a 49.9 TPY VOC limit and associated recordkeeping requirements to remain under Title V permitting thresholds. At a minimum, the facility is required to conduct daily surveys of the site to ensure compliance with visible, fugitive, and malodor emission requirements and maintain records of those surveys.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the State-Only Operating Permit may submit the information to Bradley Spayd, Air Quality Engineering Specialist, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. Written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Operating Permit (65-00871) and concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit.

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

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

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481.

Contact: David Balog, New Source Review Chief—Telephone: 814-332-6328.

37-00162: Precision Plating Co., Inc., (407 Summit View Drive, New Castle, PA 16105), to renew a State Only Operating Permit for the facility located in Neshan-

nock Township, **Lawrence County**. The facility is a Natural Minor. The primary sources at the facility include Chrome electroplating tanks controlled by composite mesh pad system scrubbers, natural gas combustion for building heat, and hand wipe solvent usage. The potential emissions from the facility are as follows: NO_x less than 1 tpy; CO less than 1 tpy; PM₁₀ less than 1 tpy; SO_x less than 1 tpy; VOC's less than 1 tpy. Potential HAP emissions are 0.45 tpy of Toluene and 3.4 tpy of Chromium Compounds. The facility is subject to 40 CFR Part 63 Subpart N, National Emission Standards for Chromium Emissions from Hard and Decorative Electroplating and Chromium Anodizing Tanks. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

OPERATING PERMITS

PUBLIC HEARINGS

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

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

TV-32-00065: Specialty Tires of America, Inc. (1600 Washington Street, Indiana, PA 15701-2893) Notice of Proposed Revision to the State Implementation Plan for Oxides of Nitrogen, Volatile Organic Compounds, and Notice of Public Hearing for Air Quality Operating Permit TV-32-00065.

Approval of a Reasonably Available Control Technology (RACT II) plan for Specialty Tires of America, Inc. located in the Borough of Indiana and White Township, **Indiana County**.

In accordance with 25 Pa. Code §§ 129.96—129.100, the Pennsylvania Department of Environmental Protection has made a determination for an alternative Reasonably Available Control Technology (RACT II) plan and seeks approval of the amendment to the State Implementation Plan (SIP) for the specialty rubber tire manufacturing facility owned and operated by Specialty Tires of America, Inc. in the Borough of Indiana and White Township, Indiana County.

The 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 amendments to the RACT II determination have been incorporated into this revised operating permit TV-32-00065 for the facility. After the public participation requirements of 40 CFR 51.102 are met, including that public hearings to be held on the dates and at the location advertised as follows, the relevant RACT II requirements will be submitted to the U.S. Environmental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan and will remain in effect until replaced pursuant to 40 CFR 51 and approval by the EPA. Requirements that are not part of the RACT II determination will be excluded from the SIP submittal.

The following is a summary of the amendments to the RACT II determination for this operation that will be submitted to the EPA as a SIP revision:

Source	VOC RACT	TVOP No. 32-00065 Condition No.
Facility-Wide	VOC emission limit of 147.8 tons between June 30, 2018 and June 30, 2019; 125.9 tons between May 30, 2019 and May 30, 2020; 115.2 tons between August 31, 2019 and August 31, 2020; 115.2 tons/12 consecutive months after August 31, 2020	Section C, Condition # 008
103—Green Tire Building	VOC emission limit of 48.8 tons between June 30, 2018 and June 30, 2019; 26.9 tons between May 30, 2019 and May 30, 2020; 16.2 tons between August 31, 2019 and August 31, 2020; 16.2 tons/12 consecutive months after August 31, 2020	Section C, Condition # 007 Section D, Condition # 001

Public hearing. A public hearing will be held on May 14, 2019, from 9:00—9:30 a.m. at the Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. To register to speak at a hearing, or to inquire if a hearing will be held, contact Thomas Joseph at 412-442-4336. The last day to pre-register to speak at the hearing will be April 23, 2019. 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 at <https://www.dep.pa.gov/About/Regional/SouthwestRegion/Community%20Information/Pages/default.aspx>. The Department asks that individuals contact Thomas Joseph at 412-442-4336 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 Thomas Joseph at 412-442-4336 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 Mark Gorog, Environmental Program Manager, Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222.

Persons wishing to file a written protest or provide comments or additional information may submit the information to Mark Gorog, Environmental Program Manager, Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. A 30-day comment period from March 23, 2019 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 RACT II Operating Permit including the permit number and a concise statement regarding the relevancy of the information or objections to the RACT II Plan.

All pertinent documents are available for public review between 8 a.m. and 4 p.m. at the Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. Ap-

pointments for scheduling a review may be made at <https://www.dep.pa.gov/Citizens/PublicRecords/Pages/Informal-File-Review.aspx> or by calling the Department at 412-442-4000.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should contact Lauren Fraley at 412-442-4203 or the Pennsylvania AT&T Relay Service at 1-800-654-5984 (TDD) to discuss how the Department may accommodate their needs.

**Notice of Proposed Revision to the State
Implementation Plan for Oxides of Nitrogen,
Volatile Organic Compounds, and Notice of Public
Hearing for Air Quality Operating Permit
TV-11-00258**

Approval of a Reasonably Available Control Technology (RACT II) plan for **Texas Eastern Transmission, LP** located in Cresson Township, **Cambria County**.

In accordance with 25 Pa. Code §§ 129.96—129.100, the Pennsylvania Department of Environmental Protection has made a determination for an alternative Reasonably Available Control Technology (RACT II) plan and seeks approval of the amendment to the State Implementation Plan (SIP) for the Lilly Compressor Station owned and operated by Texas Eastern Transmission, LP in Cresson Township, Cambria County.

The 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 amendments to the RACT II determination have been incorporated into the revised operating permit TV-11-00258 for the facility. After the public participation requirements of 40 CFR 51.102 are met, including that public hearings to be held on the dates and at the location advertised as follows, the relevant RACT II requirements will be submitted to the U.S. Environmental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan and will remain in effect until replaced pursuant to 40 CFR 51 and approval by the EPA. Requirements that are not part of the RACT II determination will be excluded from the SIP submittal.

The following is a summary of the amendments to the RACT II determination for this operation that will be submitted to the EPA as a SIP revision:

Source	NO _x and VOC RACT	TVOP No. 11-00258 Condition No.
Facility-Wide	VOC emission limit ≤ 45.7 tons per any 12-month period	Section C, Condition # 006
102—Westinghouse Turbine	NO _x emission limit ≤ 116 ppmvd	Section D, Condition # 001
	Stack test for NO _x and NMVOC emissions once every 5 years	Section D, Condition # 002 Section E, Condition # 011
	Natural gas consumption ≤ 491.3 MMScf per any 12-month period	Section D, Condition # 003
	Limit of 8,000 hours of operation per any 12-month period	Section D, Condition # 004
	Monitoring and Recordkeeping	Section D, Condition # 005
103—Westinghouse Turbine	NO _x emission limit ≤ 116 ppmvd	Section D, Condition # 001
	Emission limits as follows: 116 ppmvd NO _x ; 107.0 tpy NO _x ; and 25 ppmvd NMVOC	Section D, Condition # 002
	Natural gas consumption ≤ 491.3 MMScf per any 12-month period	Section D, Condition # 003
	Limit of 8,000 hours of operation per any 12-month period	Section D, Condition # 004
	Stack test for NO _x and NMVOC emissions once every 5 years	Section D, Condition # 005 Section E, Condition # 011
	Monitoring and Recordkeeping	Section D, Condition # 006
104—GE Frame 5 Gas Turbine	Emission limits as follows: 120 ppmvd NO _x ; 292.0 tpy NO _x ; and 25 ppmvd NMVOC	Section D, Condition # 001
	NO _x emission limit ≤ 120 ppmvd	Section D, Condition # 002
	Limit of 8,000 hours of operation per any 12-month period	Section D, Condition # 003
	Stack test for NO _x and NMVOC emissions once every 5 years	Section D, Condition # 004 Section E, Condition # 011
	Monitoring and Recordkeeping	Section D, Condition # 005
	GE Frame 5 Gas Turbine shall be permanently shut down no later than January 1, 2024	Section D, Condition # 006 Section E, Condition # 012
Group SG01	Recordkeeping	Section E, Condition # 010

Public hearing. A public hearing will be held on May 14, 2019, from 9:30—10:00 a.m. at the Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. To register to speak at a hearing, or to inquire if a hearing will be held, please contact Thomas Joseph at 412-442-4336. The last day to pre-register to speak at the hearing will be April 23, 2019. 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 at <https://www.dep.pa.gov/About/Regional/SouthwestRegion/Community%20Information/Pages/default.aspx>. The Department asks that individuals contact Thomas Joseph at 412-442-4336 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 Thomas Joseph at 412-442-4336 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 copies of a written statement and exhibits within 10 days thereafter to Mark Gorog, Environmental Program Manager, Pennsylvania

Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222.

Persons wishing to file a written protest or provide comments or additional information may submit the information to Mark Gorog, Environmental Program Manager, Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. A 30-day comment period from March 23, 2019 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 RACT II Operating Permit including the permit number and a concise statement regarding the relevancy of the information or objections to the RACT II Plan.

All pertinent documents are available for public review between 8 a.m. and 4 p.m. at the Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. Appointments for scheduling a review may be made at <https://www.dep.pa.gov/Citizens/PublicRecords/Pages/Informal-File-Review.aspx> or by calling the Department at 412-442-4000.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should contact Lauren Fraley at 412-442-4203 or the Pennsylvania AT&T Relay Service at 1-800-654-5984 (TDD) to discuss how the Department may accommodate their needs.

PLAN APPROVALS

Receipt of Plan Approval Applications and Intent to Issue Plan Approvals, and Intent to Issue Amended Operating Permits under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B And Subchapter F. These actions may include the administrative amendments of an associated operating permit.

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

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

48-00054A: Praxair Distribution Inc. (145 Shimersville Road, Bethlehem, PA 18015) for their facility in the City of Bethlehem, **Northampton County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to Praxair Distribution Inc. (145 Shimersville Road, Bethlehem, PA 18015) for their facility in the City of Bethlehem, Northampton County. This Plan Approval No. 48-00054A will be incorporated into a Natural Minor Permit at a later date.

Plan Approval No. 48-00054A is for the reactivation and operation of two (2) process scrubbers. The company shall be subject to and comply with 25 Pa. Code § 123.31 for malodorous emissions. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711.

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 the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No.: 48-00054A 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 Ray Kempa, Environmental Group Manager, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711, Phone 570-826-2511 within 30 days after publication date.

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.

30031301 and NPDES No. PA0235610. Dana Mining Company of Pennsylvania, LLC, (966 Crafts Run Road, Maudsville, WV 26541). To revise the permit for the 4-West Mine in Dunkard, Perry, and Whiteley Townships, **Greene County** and related NPDES permit for a land use change from the existing forestland and land occasionally cut for hay to commercial, light industrial. No additional discharges. The application was considered administratively complete on March 1, 2019. Application received: November 13, 2018.

30831303 and NPDES No. PA0013511. Cumberland Contura, LLC, (158 Portal Road, P.O. Box 1020, Waynesburg, PA 15370). To revise the permit for the Cumberland Mine in Whiteley and Center Townships, **Greene County** and related NPDES permit for installa-

tion of one (1) degas borehole. Surface Acre Proposed 0.15. No additional discharges. The application was considered administratively complete on March 4, 2019. Application received: November 30, 2018.

30831303 and NPDES No. PA0013511. Cumberland Contura, LLC, (158 Portal Road, P.O. Box 1020, Waynesburg, PA 15370). To revise the permit for the Cumberland Mine in Whiteley and Center Townships, **Greene County** and related NPDES permit to revise the previously permitted No. 11 Airshaft Facility passive ventilation system to a fan ventilation system. No additional discharges. The application was considered administratively complete on March 5, 2019. Application received: November 13, 2018.

30841312 and NPDES No. PA0013790. The Monongalia County Coal Company, (46226 National Road, St. Clairsville, OH 43950). To revise the permit for the Monongalia County Mine in Jackson, Gilmore, and Wayne Townships, **Greene County** and related NPDES permit for an additional access road at the 5 South # 3 Airshaft. Surface Acre Proposed 1.7. No additional discharges. The application was considered administratively complete on March 11, 2019. Application received: December 24, 2018.

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

Permit No. 32020105. Forcey Coal, Inc., 475 Banion Road, Madera, PA 16661, permit renewal for reclamation only of a bituminous surface and auger mine in Grant Township, **Indiana County**, affecting 126 acres. Receiving streams: unnamed tributary to/and Little Mahoning Creek, classified for the following use: High Quality—Cold Water Fishes. There are no potable water supply intakes within 10 miles downstream. Application received: March 1, 2019.

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

3378BC21 and NPDES Permit No. PA0251348. Milrock Mining, Inc. (960 Penn Avenue, Suite 400, Pittsburgh, PA 15222). Renewal application for continued treatment to an existing bituminous surface mine, located in Wharton and Henry Clay Townships, **Fayette County**, affecting 11.4 acres. Receiving streams: unnamed tributary to Fike Run, classified for the following use: HQ-CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: March 7, 2019.

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. 21950301 and NPDES No. PA0279536. Maurer & Scott Sales, Inc., 122 E Thomas St., Coopersburg, PA 18036-2100, transfer of an existing large noncoal (industrial minerals) mine from New Enterprise Stone & Lime Co., Inc., dba Valley Quarries, Inc., P.O. Box 77, New Enterprise, PA 16664-0077, located in Southampton Township, **Cumberland County**, affecting 106 acres. Receiving streams: Yellow Breeches Creek, classified for the following use: High Quality—Cold Water Fishes. There are no potable water supply intakes within 10 miles downstream. Application received: March 6, 2019.

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

Permit No. 45880301C8 and NPDES Permit No. PA0225983. Tarheel Quarry, LLC, (P.O. Box 900, Blakeslee, PA 18610), correction to include an NPDES Permit for discharge of treated mine drainage from a quarry operation in Tobyhanna Township, **Monroe County** affecting 406.0 acres, receiving stream: unnamed tributary to Lehigh River, classified for the following uses: HQ—cold water and migratory fishes. Application received: January 28, 2019.

Permit No. 7174SM1C9. Hempt Brothers, Inc., (205 Creek Road, Camp Hill, PA 17011), correction to an existing quarry operation to update the post-mining land use from water impoundment and unmanaged wildlife habitat to unmanaged wildlife habitat and also for the importing of reclamation fill material in Steelton Borough and Swatara Township, **Dauphin County** affecting 213.3 acres, receiving stream: Susquehanna River, classified for the following uses: warm water and migratory fishes. Application received: February 15, 2019.

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. PA0235890 (Mining Permit No. 32141301), Consol Mining Company LLC, (CNX Center, 1000 Consol Energy Drive, Canonsburg, PA 15317). A renewal to the NPDES and mining activity permit for the O'Donnell No. 4/Manor No. 8 Treatment System in Washington Township, **Indiana County**. The discharge is the result of treatment of a seep associated with a closed deep mine. Surface Acres Affected 2.01. Receiving stream: Unnamed Tributary 46559 to Sugarcamp Run, classified for the following use CWF: Crooked Creek Watershed TMDL. The application was considered administratively complete on September 22, 2016. Application received: June 3, 2015.

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

Outfall 001 discharges to: Unnamed Tributary 46559 to Sugarcamp Run. The proposed effluent limits for Outfall 001 (Lat: 40° 44' 12" Long: -79° 13' 15") are:

<i>Parameter</i>	<i>Load Limit (lb/year)</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (mgd)	-	-	-	-	Report
Iron	-	-	1.56	3.12	3.9
Total Suspended Solids	1,534	-	35	70	90
Manganese	-	-	1.11	2.22	2.78
Aluminum	-	-	0.75	0.75	0.75
Sulfate	-	-	-	-	Report
Total Dissolved Solids	-	-	-	-	Report
pH (S.U.)	-	6.0	-	-	9.0
Alkalinity, Total as CaCO ₃	-	-	-	-	Report
Acidity, Total as CaCO ₃	-	-	-	-	Report
Alkalinity, Net	-	0.0	-	-	-

EPA waiver is not in effect.

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

NPDES No. PA0262692 (Mining Permit No. 56080108), PBS Coals, Inc., P.O. Box 260, Friedens, PA 15541, renewal of an NPDES permit for bituminous surface mine in Brothersvalley Township, **Somerset County**, affecting 377.7 acres. Receiving streams: unnamed tributary to swamp creek and unnamed tributaries to Blue Lick Creek, classified for the following use: cold water fishes. This receiving stream is included in the Casselman River TMDL. Application received: February 11, 2019.

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

The following treated wastewater outfall discharges to unnamed tributary to Blue Lick Creek.

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

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

<i>Outfalls: Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	1.6	3.2	4.0
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	1.5	1.8
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			
Alkalinity must exceed acidity at all times.			

The following stormwater outfalls discharge to unnamed tributary to Blue Lick Creek and unnamed tributary to Swamp Creek.

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
005	N
006	N
007	N
008	N
008A	N
009	N
012	N

NPDES No. PA0119954 (Mining Permit No. 56753048), Gray Mining Company, Inc., 1134 Stoystown Road, Friedens, PA 15541, renewal of an NPDES permit for discharge to surface water resulting from surface coal mining, coal refuse reprocessing, and coal refuse disposal in Quemahoning and Stonycreek Townships, **Somerset County**, affecting 296.0 acres. Receiving stream: Stonycreek River, classified for the following use: cold water fishes. This receiving stream is included in the Kiski-Conemaugh TMDL. Application received: January 29, 2019.

The following outfalls discharge to Stonycreek River:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001 (Treatment Pond)	N
004 (Sediment Pond)	N
005 (Treatment Pond)	N

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

<i>Outfalls: 001 (All Discharges)</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Iron (mg/l)	1.5	3.0	3.7
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	0.75	1.5	1.8
Total Suspended Solids (mg/l)	35.0	70.0	90.0

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

<i>Outfalls: 005 (All Discharges)</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	3.7	7.4	9.2
Total Suspended Solids (mg/l)	35.0	70.0	90.0

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

<i>Outfalls: 004 (All Discharges)</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Iron (mg/l)	1.5	3.0	3.7
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	1.5	1.8
Total Suspended Solids (mg/l)	35.0	70.0	90.0

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

Alternate discharge limitations and monitoring requirements for sediment ponds during precipitation events are not applicable to this permit due to the requirements of the Kiski-Conemaugh TMDL.

NPDES No. PA0279684 (Mining Permit No. 11190101), Amerikohl Mining, Inc., 202 Sunset Drive, Butler, PA 16001, new NPDES permit for bituminous surface mining in Washington Township, **Cambria County**, affecting 161.0 acres. Receiving streams: unnamed tributaries to Bens Creek, Little Conemaugh River, and Bear Rock Run, classified for the following use: cold water fishes. This receiving stream is included in the Kiski-Conemaugh TMDL. Application received: February 4, 2019.

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

The following treated waste water outfalls discharge to unnamed tributaries to Bens Creek, Little Conemaugh River and Bear Rock Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
007 (TF-1)	Y
008 (TF-2)	Y
009 (TF-3)	Y

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

<i>Outfalls: (All Weather Conditions)</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Iron (mg/l)	1.5	3.0	3.7
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	0.75	0.75
Total Suspended Solids (mg/l)	35.0	70.0	90.0

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

The following stormwater outfalls discharge to unnamed tributaries to Bens Creek, Little Conemaugh River and Bear Rock Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001 (SP-1)	Y
002 (SP-2)	Y
003 (SP-3)	Y
004 (SP-4)	Y
005 (SP-5)	Y
006 (SP-6)	Y

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

<i>Outfalls: (All Weather Conditions) Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	1.5	3.0	3.7
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	0.75	0.75
Total Suspended Solids (mg/l)	35.0	70.0	90.0

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

NPDES No. PA0249513 (Mining Permit No. 56030106), Heritage Coal & Natural Resources, LLC, 550 Beagle Road, Rockwood, PA 15557, renewal of an NPDES permit for discharge of water resulting from surface coal mining in Summit Township, **Somerset County**, affecting 353 acres. Receiving streams: unnamed tributaries to Casselman River and Elk Lick Creek, classified for the following use: cold water fishes. This receiving stream is included in the Casselman River TMDL. Application received: February 12, 2019.

The following outfalls discharge to unnamed tributaries to Casselman River and Elk Lick Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001 (Treatment Facility 1)	N
002 (Treatment Facility 2)	N
003 (Treatment Facility 3)	N
004 (Treatment Facility 4)	N
005 (Sediment Pond 1)	N
006 (Sediment Pond 2)	N
007 (Sediment Pond 3)	N
008 (Sediment Pond 4)	N
009 (Sediment Pond 5)	N

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

<i>Outfalls: 001—004 (All Weather Conditions) Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	1.5	3.0	3.7
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	1.5	1.8
Total Suspended Solids (mg/l)	35.0	70.0	90.0
Sulfate (mg/L)		Monitor & Report	
Flow (gpm)		Monitor & Report	
Temperature (°C)		Monitor & Report	
Specific Conductivity (µmhos/cm)		Monitor & Report	

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

<i>Outfalls: 005—009 (Dry Weather) Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
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
Aluminum (mg/l)		Monitor & Report	
Sulfate (mg/L)		Monitor & Report	
Flow (gpm)		Monitor & Report	
Temperature (°C)		Monitor & Report	
Specific Conductivity (µmhos/cm)		Monitor & Report	

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

<i>Outfalls: 005—009 (≤10-yr/24-hr Precip. Event) Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	N/A	N/A	7.0
Total Settleable Solids (ml/l)	N/A	N/A	0.5
Sulfate (mg/L)		Monitor & Report	
Flow (gpm)		Monitor & Report	
Temperature (°C)		Monitor & Report	
Specific Conductivity (µmhos/cm)		Monitor & Report	

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

Outfalls: 005—009 (>10-yr/24-hr Precip. Event)

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

This proposed mine site also contains or is hydrologically connected to substandard discharges for which there is no responsible party. Pursuant to 25 Pa. Code Chapter 87, Subchapter F, effluent limits for those discharges will be based upon the existing baseline pollution load, or the standards found at 25 Pa. Code § 87.102(a) Group A, whichever is least stringent.

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

NPDES No. PA0256366 (Mining Permit No. 12060101), Allegheny Enterprises, Inc., 3885 Roller Coaster Road, Corsica, PA 15829, renewal for reclamation only of NPDES permit for bituminous coal surface mine in Lumber Township, **Cameron County** affecting 293.8 acres. Receiving stream(s): Finley Run, Reed Hollow, and Portable Run, classified for the following use(s): CWF. [West Branch Susquehanna River TMDL] Application received: October 9, 2018.

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

The following outfalls discharge to Reed Hollow to Portable Run to Finley Run:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>	<i>Location</i>
004	No	SPA
005	No	SPB

Noncoal NPDES Draft Permits

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

NPDES No. PA0234991 (Mining Permit No. 56980301), Keystone Lime Company, P.O. Box 278, Springs, PA 15562, renewal of an NPDES permit for a noncoal mine site in Addison and Elk Lick Townships, **Somerset County**, affecting 223.2 acres. Receiving streams: Christner Run and Zehner Run, classified for the following use: High Quality—Cold Water Fishes. This receiving stream is included in the Casselman River TMDL. Application received: February 8, 2019.

The following outfalls discharge to Christner Run and Zehner Run:

*The following outfall (007) uses non-discharge alternative technology.

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
001—Sediment Pond D/Mine Drainage	N
002—Sediment Pond A	N
003—Sediment Pond E	N
004—Sediment Trap T1	N
005—Sediment Pond F/Mine Drainage	N
006—Sediment Pond G/Mine Drainage	N
*007—Sediment Pond H/Infiltration Gallery (Non-Discharge Alternative)	N

The following proposed limits apply to the mine drainage treatment facility outfalls:

<i>Outfalls: 001, 005 and 006</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Total Iron (mg/l)	3.0	6.0	7.0
Total Manganese (mg/l)	2.0	4.0	5.0
Total Suspended Solids (mg/l)	35.0	70.0	90.0
Total Aluminum (mg/l)	2.0	4.0	5.0
Total Lead (µg/l)			Monitor and Report
Total Copper (µg/l)			Monitor and Report
Total Zinc (µg/l)			Monitor and Report
Sulfate (mg/l)			Monitor and Report
Osmotic Pressure (mOsm/kg)			50.0

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

The following proposed limits apply to dry weather discharges from stormwater facility outfalls:

<i>Outfalls: 002, 003 and 004</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Total Iron (mg/l)	3.0	6.0	7.0
Total Manganese (mg/l)	2.0	4.0	5.0
Total Suspended Solids (mg/l)	35.0	70.0	90.0
Total Aluminum (mg/l)	2.0	4.0	5.0
Total Lead (µg/l)			Monitor and Report
Total Copper (µg/l)			Monitor and Report
Total Zinc (µg/l)			Monitor and Report

<i>Outfalls: 002, 003 and 004</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Sulfate (mg/l)			Monitor and Report
Osmotic Pressure (mOsm/kg)			50.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			
Alkalinity must exceed acidity at all times.			

The following proposed limits apply to discharges from stormwater facilities during precipitation events up to and including the 10 year/24 hour events:

<i>Outfalls: 002, 003 and 004</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Total Iron (mg/l)			Monitor and Report
Total Settleable Solids (ml/l)			0.5
Total Aluminum (mg/l)			Monitor and Report
Total Manganese (mg/l)			Monitor and Report
Total Lead (µg/l)			Monitor and Report
Total Copper (µg/l)			Monitor and Report
Total Zinc (µg/l)			Monitor and Report
Sulfate (mg/l)			Monitor and Report
Osmotic Pressure (mOsm/kg)			50.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			
Alkalinity must exceed acidity at all times.			

Waters entering the infiltration system service facility 007 must meet the following instantaneous limitations:

<i>Discharge</i> <i>Parameter</i>	<i>Limit (mg/l)</i>	<i>Measurement</i> <i>Frequency</i>	<i>Type</i>
Total Suspended Solids (mg/l)	90.0	2/Month	Grab
Oil and Grease	Monitor Only	Once/Year	Grab

The following proposed alternate discharge limitations apply to discharges from stormwater facilities during precipitation events greater than or equal to the 10 year/24 hour events:

<i>Outfalls: 002, 003 and 004</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Total Iron (mg/l)			Monitor and Report
Total Suspended Solids (mg/l)			Monitor and Report
Total Aluminum (mg/l)			Monitor and Report
Total Manganese (mg/l)			Monitor and Report
Total Lead (µg/l)			Monitor and Report
Total Copper (µg/l)			Monitor and Report
Total Zinc (µg/l)			Monitor and Report
Sulfate (mg/l)			Monitor and Report
Osmotic Pressure (mOsm/kg)			Monitor and Report
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			
Alkalinity must exceed acidity at all times.			

Section B alternate discharge limitations and monitoring requirements are subject to demonstration by the permittee that the discharge occurred only as a result of a precipitation event in accordance with 25 Pa. Code §§ 87.103, 88.93, 88.188, 88.293, 89.53 or 90.103.

[25 Pa. Code §§ 87.102, 88.92, 88.197, 88.292, 89.52, 90.102]. This section is not applicable due to water quality requirements for Christner Run and Zehner Run, a High-Quality Stream.

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

NPDES Permit No. PA0224791 on Surface Mining Permit No. 52090301. Dingmans Ferry Stone, Inc., (P.O. Box 686, Dingmans Ferry, PA 18328), renewal of an NPDES Permit for a sandstone quarry operation in Delaware Township, **Pike County**, affecting 68.2 acres. Receiving stream: Hornbeck Creek, classified for the following uses: HQ—cold water and migratory fishes. Application received: October 12, 2018.

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

The following outfalls discharge to Hornbeck Creek:

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
SP01	N	Stormwater
SP02	N	Stormwater
SP03	N	Stormwater

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
SW01	N	Stormwater
SW02	N	Stormwater
SW03	N	Stormwater

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Total Suspended Solids		35.0	70.0	90.0
Total Settleable Solids				0.5
Turbidity (NTU)				40.0

pH¹ (S.U.) Must be between 6.0 and 9.0 at all times.
Alkalinity must exceed acidity at all times.

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

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

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

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, Telephone 570-826-2511.

E4002219-001. Fellowship Church, 45 Hildebrandt Road, Dallas, PA 18612, in Dallas Twp., **Luzerne County**, U.S. Army Corps of Engineers, Baltimore District.

To construct and maintain 3—1.5" PVC sewer lines crossing approximately 300 linear feet of exceptional value (EV) wetland via directional drill within the Toby Creek (CWF, MF) watershed for the purpose of constructing an on lot wastewater disposal system for the Fellowship Church.

The project is located on the southeast side of Hildebrandt Road, approximately 0.5 mile north of the intersection of S.R. 309 and Hildebrandt Road (Kingston, PA Quadrangle, Latitude: 41° 20' 50.99"; Longitude: -75° 56' 56.72"). Subbasin 5B.

E5202219-001. Craig Williams, 838 Route 6, Shohola, PA 18458, in Dingman Twp., **Pike County**, U.S. Army Corps of Engineers, Philadelphia District. To fill a de minimis area of wetlands equal to 0.05 acre within the Twin Lakes Creek (HQ-CWF, MF) watershed for the purpose of constructing a permanent access road.

The project is located on the south side of U.S. Route 6 (U.S. 6), approximately 0.1 mile north of the intersection of U.S. 6 and Frenchtown Road (S.R. 1009) (Edgemere, PA Quadrangle, Latitude: 41° 22' 4.76"; Longitude: -74° 55' 26.96"). Subbasin 1D.

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

E02-1798, Sheetz, Inc., 5700 Sixth Avenue, Altoona, PA 16602, Shaler Township, **Allegheny County**, Pittsburgh ACOE District.

The applicant is proposing:

To demolish and remove an existing structure, pavement and utilities, and to place and maintain 10,890 square feet of fill within and along the floodway, along 330 feet of the left bank of Pine Creek (TSF), for the purpose of constructing a convenience store, service station, parking and pavement areas, underground detention system, utilities, and associated grading and earthwork activities and associated appurtenances. The project is located on the west side of William Flynn Highway, just southwest from the intersection of William Flynn Highway and East Pennview Street (Glenshaw, PA Quadrangle; N: 2.5 inches; W: 10.6 inches; Latitude: 40° 30' 51.47"; Longitude: -79° 57' 10.21") in Shaler Township, Allegheny County.

E02052-1810, Sharpsburg Borough, 1611 Main Street, Pittsburgh, PA 15215, Sharpsburg Borough, **Allegheny County**; Pittsburgh ACOE District.

The applicant is proposing to:

1. Construct and maintain a new jack-and-bore 48" diameter steel pipe outfall within the Allegheny River (WWF).

2. The project will permanently impact 10 LF of stream and 0.004 acre of floodway. The project will temporarily impact 10 LF of stream.

3. Due to the nature of the project, mitigation is not required.

The project site is located along 7th Street and Ravine Street (Glenshaw & Pittsburgh East, PA USGS topographic quadrangle; N: 40° 29' 41"; W: -79° 56' 06"; Sub-basin 18A; USACE Pittsburgh District), in Sharpsburg Borough, Allegheny County.

E11-352-A1, Sunoco Pipeline, L.P., 525 Fritztown Road, Sinking Spring, PA 19608, Jackson Township, **Cambria County**; Pittsburgh ACOE District.

The applicant is proposing to:

Amend the existing permit, E11-352, which authorized installation and maintenance of approximately 23.3 miles of a 20-inch and 16-inch diameter pipeline and appurtenant structures within Cambria County to convey natural gas liquid. This amendment is seeking authorization for a proposed route change, which proposes to:

1. Construct and maintain one (1) 16" natural gas pipe crossing under Hinckston Run (CWF) and nine (9) 16" natural gas pipe crossings under unnamed tributaries (UNT) to Hinckston Run (CWF).

2. Construct and maintain nine (9) natural gas crossings under unnamed wetlands.

For the purpose of constructing approximately 1 mile of the previously approved natural gas pipeline along an alternate route, to interconnect with the existing SPLP Mariner East pipelines, over a 306-mile, 50-foot-wide right-of-way (ROW), from Houston, Washington County, Pennsylvania to Sunoco Pipeline, L.P.'s (SPLP) Marcus Hook facility in Delaware County, Pennsylvania. The route change will cumulatively result in 623 LF of permanent impacts to various watercourses, 60 LF of temporary impacts to various watercourses, 0.02 acre of temporary impacts to PEM wetlands, 0.31 acre of permanent impacts to PEM wetlands and 0.23 acre of permanent impact to PSS wetlands. This route change begins approximately 1,030 feet southwest of the crossing of Benschoff Hill Road and Goldfinch Lane (Quadrangle: Nanty Glo, PA Latitude 40° 25' 0.51"; Longitude: -78° 52' 29.71"), and ends approximately 490 feet southeast of the crossing of Benschoff Hill Road and William Penn Avenue (State Route 271) (Quadrangle: Nanty Glo, PA Latitude 40° 24' 56.23"; Longitude: -78° 51' 33.47"). This amendment is located in Jackson Township, Cambria County.

E11-361, Jackson East Taylor Sewer Authority, 2603 William Penn Avenue, Johnstown, PA 15909, Jackson Township, **Cambria County**, Pittsburgh ACOE District.

The applicant is proposing to:

Construct and maintain two (2) pump stations and approximately 21,500 linear feet of 8-inch diameter and 6-inch diameter gravity mains, 4,400 linear feet of a 2-inch diameter pressure sewer line and 2,750 linear feet of a 4-inch diameter force main under the bed and across the channel to Hinckston Run and Unnamed Tributary to Hinckston Run (CWF) and across several wetland areas totaling approximately 0.23 acre for the purpose of connecting private residences along Ford's Corner Road,

Garrison Road, and Whitetail Road into the public sanitary sewer system. Watercourse impacts include 540 square feet of permanent impact to Hinckston Run, 880 square feet of permanent impact to a UNT to Hinckston Run (UNT 1), 400 square feet of permanent impact to a UNT to Hinckston Run (UNT 2), and 40 square feet of permanent impact to a UNT to Hinckston Run (UNT 3). Wetland impacts include 0.06 acre of permanent impact to PSS Wetlands, and 0.17 acre of permanent impact to PEM Wetlands. Additional impacts include 0.55 acre of permanent disturbance to the floodway of Hinckston Run, and 0.22 acre of permanent disturbance to UNT # 2 of Hinckston Run for the purpose of constructing new pump stations. To mitigate for these proposed impacts, the affected aquatic resources will be restored to existing conditions.

The project site is located at Fords Corner Road, Jackson Township, Nanty Glo, PA USGS topographic quadrangle; N: 40°, 27', 03"; W: -78°, 51', 46"; Sub-basin 18D; USACE Pittsburgh District), in Jackson Township, Cambria County.

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

E5929-085: HEP Tioga Gathering, LLC, 22024 Route 14, Troy, PA 16947, Liberty Township, **Tioga County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) A temporary road crossing using timber mats, a 16 inch diameter waterline, and a 20 inch diameter steel natural gas pipeline impacting 1,048 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Liberty, PA Quadrangle 41° 36' 09"N, 77° 06' 23"W);

2) A temporary road crossing using timber mats, a 16 inch diameter waterline, and a 20 inch diameter steel natural gas pipeline impacting 53 linear feet of an unnamed tributary to Blacks Creek (CWF) (Liberty, PA Quadrangle 41° 36' 06"N, 77° 06' 20"W);

3) A temporary road crossing using timber mats, a 16 inch diameter waterline, and a 20 inch diameter steel natural gas pipeline impacting 1,109 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Liberty, PA Quadrangle 41° 36' 05"N, 77° 06' 19"W);

4) A temporary road crossing using timber mats, a 16 inch diameter waterline, and a 20 inch diameter steel natural gas pipeline impacting 206 square feet of an exceptional value palustrine forested (EV-PFO) wetland (Liberty, PA Quadrangle 41° 35' 59"N, 77° 05' 23"W);

5) A temporary road crossing using timber mats, a 16 inch diameter waterline, and a 20 inch diameter steel natural gas pipeline impacting 4,148 square feet of an exceptional value palustrine forested (EV-PFO) wetland (Liberty, PA Quadrangle 41° 35' 58"N, 77° 05' 21"W);

6) A temporary road crossing using timber mats, a 16 inch diameter waterline, and a 20 inch diameter steel natural gas pipeline impacting 121 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Liberty, PA Quadrangle 41° 35' 58"N, 77° 05' 13"W);

7) A temporary road crossing using timber mats, a 16 inch diameter waterline, and a 20 inch diameter steel natural gas pipeline impacting 52 linear feet of an unnamed tributary to Blockhouse Creek (CWF) (Liberty, PA Quadrangle 41° 35' 58"N, 77° 05' 11"W);

8) A temporary road crossing using timber mats, a 16 inch diameter waterline, and a 20 inch diameter steel

natural gas pipeline impacting 3,302 square feet of an exceptional value palustrine forested (EV-PFO) wetland, 76 linear feet of Blockhouse Creek (CWF), and 52 linear feet of an unnamed tributary to Blockhouse Creek (CWF) (Liberty, PA Quadrangle 41° 35' 54"N, 77° 04' 46"W);

9) A temporary road crossing using timber mats, a 16 inch diameter waterline, and a 20 inch diameter steel natural gas pipeline impacting 432 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Liberty, PA Quadrangle 41° 35' 54"N, 77° 04' 39"W);

10) A temporary road crossing using timber mats impacting 456 square feet of an exceptional value palustrine emergent (EV-PEM) wetland and 25 linear feet of an unnamed tributary to Blockhouse Creek (CWF) (Liberty, PA Quadrangle 41° 35' 52"N, 77° 04' 39"W);

11) A temporary road crossing using timber mats, a 16 inch diameter waterline, and a 20 inch diameter steel natural gas pipeline impacting 873 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Liberty, PA Quadrangle 41° 35' 59"N, 77° 04' 01"W);

12) A temporary road crossing using timber mats, a 16 inch diameter waterline, and a 20 inch diameter steel natural gas pipeline impacting 4,276 square feet of an exceptional value palustrine emergent (EV-PEM) wetland, 232 square feet of an exceptional value palustrine scrub shrub (EV-PSS) wetland, and 56 linear feet of Brion Creek (EV) (Liberty, PA Quadrangle 41° 35' 58"N, 77° 03' 20"W);

13) A temporary road crossing using timber mats, a 16 inch diameter waterline, and a 20 inch diameter steel natural gas pipeline impacting 54 linear feet of an unnamed tributary to Brion Creek (EV) (Liberty, PA Quadrangle 41° 36' 00"N, 77° 02' 58"W);

14) A temporary road crossing using timber mats, a 16 inch diameter waterline, and a 20 inch diameter steel natural gas pipeline impacting 694 square feet of exceptional value palustrine emergent (EV-PEM) wetland (Liberty, PA Quadrangle 41° 35' 57"N, 77° 02' 40"W).

The project will result in 368 linear feet of temporary stream impacts, 9,215 square feet (0.21 acre) of temporary wetland impacts, and 7,682 square feet (0.18 acre) of permanent wetland impacts all for the purpose of installing a freshwater pipeline in Liberty Township, Tioga County. The permittee will provide 0.37 acre of compensatory mitigation for forested wetland impacts at the impact location and along the right of way of the project.

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.

D02-143EA. Sam Mermelstein, 2 Manhattanville Road, Purchase, NY 10577, Richland Township, **Allegheny County**, USACOE Pittsburgh District.

Project proposes to remove the Pittsburgh Cut Flower Dam to eliminate a threat to public safety and to restore approximately 400 feet of stream channel to a free-flowing condition. The project is located across Montour Run (TSF) (Valencia, PA Quadrangle, Latitude: 40.6554, Longitude: -79.9833).

D02-146EA. Sam Mermelstein, 2 Manhattanville Road, Purchase, NY 10577, Richland Township, **Allegheny County**, USACOE Pittsburgh District.

Project proposes to remove the Cut Flower Upper Dam to eliminate a threat to public safety and to restore approximately 400 feet of stream channel to a free-flowing condition. The project is located across Montour Run (TSF) (Valencia, PA Quadrangle, Latitude: 40.6574, Longitude: -79.9818).

D36-314EA. West Lampeter Township, 644 Beaver Valley Pike, Lancaster, PA 17602, **Lancaster County**, USACOE Baltimore District.

Project proposes to remove a dam and approximately 10,000 cubic yards of legacy sediment from an approximately 3.24 acre floodplain area along Big Spring Run (WWF) and a contiguous unnamed tributary for the purpose of restoring natural aquatic ecosystems; to re-establish wetlands within the restored floodplain; to realign approximately 1,952 lineal feet of Big Spring Run and the unnamed tributary; to place log sills, root wads, and other wood grade control structures and woody debris habitat structures in restored streams, wetlands, and floodplain areas; to place fill and regrade the unnamed tributary and adjacent wetlands for the purpose of stabilizing an active channel headcut and transitioning into the restored areas; to construct temporary roadways and other erosion controls during restoration activities, and to construct two permanent minor road crossings. The project is located at 644 Beaver Valley Pike, Lancaster, PA 17602 in West Lampeter Township, Lancaster County, PA (USGS Quadrangle: Conestoga, PA; Latitude: 39.986123; Longitude: -76.253926).

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

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section VI	NPDES I	Individual Permit Stormwater Construction
Section VII	NPDES	NOI for Coverage under NPDES General Permits

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

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

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

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

I. NPDES Renewal Permit Actions.

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed)</i>	<i>EPA Waived Y/N?</i>
PA0244317 (Storm Water)	Wilcox Auto Salvage Facility 241 Old Mill Road Sellersville, PA 18960	Bucks County West Rockhill Township	Threemile Run 2-D	Y

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>
PAS802206 (Storm Water)	XPO Logistics Freight, Inc.—XAN 7649 Penn Drive Allentown, PA 18106-9309	Lehigh County Upper Macungie Township	Iron Run (2-C)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0229172 (Industrial)	Duncan Township Municipal Water Authority Water System 42 Duncan Township Road Wellsboro, PA 16901-8544	Tioga County Duncan Township	Sand Run (9-A)	Yes
PA0229245 (Sewage)	Shawville Po 747 Chesterbrook Drive York, PA 17406-7909	Clearfield County Goshen Township	Trout Run (8-C)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0254738 (Storm Water)	Toma Metals Inc. 740 Cooper Avenue Johnstown, PA 15906-1033	Cambria County West Taylor Township	Wildcat Run and Laurel Run (18-D)	Yes

<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>
PA0254363 (Sewage)	Sleasman SRSTP 1280 Buckstown Road & Sines SRSTP 1300 Buckstown Road Stoystown, PA 15563	Somerset County Stonycreek Township	Unnamed Tributary of Indian Lake (18-E)	Yes
PA0253057 (Sewage)	Testa SRSTP 239 Roaring Run Road Champion, PA 15622-3093	Westmoreland County Donegal Township	Roaring Run (19-E)	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>
PA0239674 (Sewage)	Coopers Lake Campground 205 Currie Road Slippery Rock, PA 16057	Butler County Worth Township	Muddy Creek (20-C)	Yes

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

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

NPDES Permit No. PA0271837, Sewage, SIC Code 8800, **Glenn Collins**, 154 Mountain Vista Drive, Rutherfordton, NC 28139-8400.

This proposed facility is located in Oil Creek Township, **Crawford County**.

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

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

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

WQM Permit No. 6618405, Sewage, SIC Code 4952, **Lemon Township Tunkhannock Township Joint Municipal Sewer Authority**, 113 Tunkhannock Twp Drive, Tunkhannock, PA 18657.

This proposed facility is located in Tunkhannock Township, **Wyoming County**.

Description of Proposed Action/Activity: This is a Permit to build and operate a Low Pressure Conveyance System servicing 382 existing homes and up to an additional 98 new residences in the Lake Carey area. The sewage will be pumped to a new sewage treatment plant that will discharge to Tunkhannock Creek under NPDES Permit PA0276073.

Northcentral Region: Clean Water Program Manager, 208 West Third Street, Williamsport, PA 17701.

WQM Permit No. 4118404, Sewage, SIC Code 4952, **Gregg Township Municipal Authority**, 16436 US Route 15, Allenwood, PA 17810-9137.

This proposed facility is located in Brady Township, **Lycoming County**.

Description of Proposed Action/Activity: The conversion of the existing Brady Township Southeast Wastewater Treatment Plant into a pump station, decommissioning the existing treatment plant, installation of a force main, installation of a leachate collection line, and installation of a chemical feed system.

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

WQM Permit No. 2018404, Sewage, **Glenn Collins**, 154 Mountain Vista Drive, Rutherfordton, NC 28139-8400.

This proposed facility is located in Oil Creek Township, **Crawford County**.

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

IV. NPDES Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4) Individual Permits Issued.

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>
PAI130085	Hulmeville Borough 321 Main Street Hulmeville, PA 19047-5801	Hulmeville Borough Bucks County	Neshaminy Creek/ WWF and MF	Y	Y

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

<i>NPDES Permit No.</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>Receiving Water(s)/Use(s)</i>	<i>TMDL Plan Submitted (Y/N)</i>	<i>Pollutant Reduction Plan Submitted (Y/N)</i>
PAI132249	Archbald Borough Lackawanna County 400 Church Street Archbald, PA 18403	Archbald Borough Lackawanna	Lackawanna River, Wildcat Creek, West Branch Tinklepaugh Creek, Aylesworth Creek, White Oak and Laurel Run Creek/ CWF, MF, HQ-CWF	N	Y

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

<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>
PAI136129	North Strabane Township 1929 Route 519 Canonsburg, PA 15317-5128	North Strabane Township Washington	Unnamed Tributary to Chartiers Creek Chartiers Creek WWF	N	Y

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD390040	New Tripoli Bank 6748 Madison Street New Tripoli, PA 18066	Lehigh	North Whitehall Township	UNT to Mill Creek—(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>
PAD450074	WalMart Stores East, L.P. c/o Mark Goldsmith Mail Stop 5570 2001 SE 10th Street Bentonville, AR 72716-5570	Monroe	Coolbaugh Township	Polys Run HQ-CWF, MF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD480059	County of Northampton 669 Washington Street Easton, PA 18042	Northampton	Bushkill Township Plainfield Township	Bushkill Creek (HQ-CWF, MF) UNT to Bushkill Creek (HQ-CWF, MF) Little Bushkill Creek (HQ-CWF, MF) EV Wetlands
PAD480081	Vertek Construction Management 7171 Airport Road Suite 200 Bath, PA 18014	Northampton	Palmer Township	Bushkill Creek (HQ-CWF, MF)

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<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD480063	Traditions of America, LP 201 King of Prussia Road Suite 370 Radnor, PA 19087	Northampton	Bethlehem Township	Nancy Run (CWF, MF); Bushkill Creek (HQ-CWF, MF), Wetlands
PAD480067	Joao Tavares Realty Partners, LP 4211 Tracy Lane Bethlehem, PA 18020	Northampton	Bethlehem Township	Monocacy Creek (HQ-CWF, MF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD520016	JLM Real Estate, LLC P.O. Box 472 950 East Main Street Schuylkill Haven, PA 17972	Pike County	Blooming Grove Township	UNT to Shohola Creek (HQ-CWF, MF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD540009	PPL Electric Utilities Corporation 2 North 9th Street GENN 4 Allentown, PA 18101	Schuylkill County	Norwegian Township Branch Township N. Manheim Township Wayne Township	West Branch Schuylkill River (CWF, MF) Indian Run (CWF, MF) Panther Creek (CWF, MF) Upper Little Swatara Creek (CWF, MF) Beaver Creek (CWF, MF) EV Wetlands

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

<i>Permit #</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD380007 Issued	Brian Martin 30 Valley Drive Jonestown, PA 17038	Lebanon	Swatara Township	Swatara Creek (WWF) UNT Swatara Creek (WWF) EV Wetlands
PAD280004 Issued	Mr. John W. Neville Jr. 845 West Tannery Road Wells Tannery, PA 16691	Fulton	Wells Township	Laurel Fork (FW-CWF) UNT Laurel Fork (HQ-CWF, MF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD020017	Trek Development Group The Century Building 130 Seventh Street Suite 300 Pittsburgh, PA 15222	Allegheny County	City of Pittsburgh	Allegheny River (WWF)
PAD320001	Lucerne Landings, LP 2534 North Third Street Harrisburg, PA 17110-1936	Indiana County	White Township	UNT to Lick Creek (CWF); Unnamed Wetlands (EV)
PAD630033	Metz Development 524 Waterdam Road McMurray, PA 15317	Washington County	North Strabane Township	Little Chartiers Creek (HQ-WWF)

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD630026 DENIED	Washington County Planning Commission 100 West Beau Street Suite 701 Washington, PA 15301	Washington County	Cross Creek Township	Cross Creek (HQ-WWF)

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

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

List of NPDES and/or Other General Permit Types.

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

General Permit Type—PAG-02

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
ESG0007719001	Buckeye Partners LP 5 Tek Park 9999 Hamilton Blvd Breinigsville, PA 18031-9300	Lehigh	Lower Macungie Twp Upper Macungie Twp	UNT to Little Lehigh Creek (HQ-CWF, MF) Little Lehigh Creek (HQ-CWF, MF) Lehigh River (WWF, MF)

Luzerne Conservation District, 325 Smiths Pond Road, Shavertown, PA 18708.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAC400072	Wilkes-Barre Area School District c/o Brian Costello 730 S Main St Wilkes-Barre, PA 18711-0375	Luzerne	Plains Twp	Mill Creek (CWF, MF) Susquehanna River (WWF, MF)

NOTICES

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

Facility Location:

Municipality & County	Permit No.	Applicant Name & Address	Receiving Water/Use	Contact Office & Phone No.
Highland Township Adams County Issued	PAC010089	Mid-Atlantic Interstate Transmission 2800 Pottsville Pike P.O. Box 16001 Reading, PA 19612-6001	Little Marsh Creek (CWF, MF) UNT Little Marsh Creek (CWF, MF)	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325-3404 717.334.0636
Oxford Township Adams County Issued	PAC010088	The Brethren Home Community 2990 Carlisle Pike New Oxford, PA 17350	UNT Pine Run (WWF, MF) UNT South Branch Conewago Creek (WWF, MF)	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325-3404 717.334.0636
Hampden Township Cumberland County Issued	PAC210116	UPMC Pinnacle 409 South Second Street P.O. Box 8700 Harrisburg, PA 17105-8700	Sears Run (WWF) Pine Run (WWF)	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013-9101 717.240.7812
Swatara Township Dauphin County Issued	PAC220151	Dauphin County General Authority 530 South Harrisburg Street Harrisburg, PA 17113	Spring Creek West (CWF, MF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
East Hempfield Township Lancaster County Issued	PAC360163	Lidl US Operations LLC 1035 Virginia Drive Suite 203 Fort Washington, PA 19034	Brubaker Run (WWF, MF) Little Conestoga Creek (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	PAC360339	Catalyst Commercial Development LLC One Tower Bridge 100 Front Street Suite 560 West Conshohocken, PA 19428	UNT Chickies Creek (WWF, MF) UNT Swarr Run (CWF, MF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
Annville Township Lebanon County Issued	PAC380098	Shawn P. Curtin 101 North College Avenue Annville, PA 17003	Quittapahilla Creek (TSF, MF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717-840-7430
Manchester Township York County Issued	PAC670198	Core5 Industrial Partners 1230 Peachtree Street Northeast Suite 3560 Atlanta, GA 30309	Codorus Creek (WWF, MF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717-840-7430

*Facility Location:
Municipality &
County*

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Newberry Township York County Issued	PAC670202	LKQ Pen-Mar, Inc. 269 River Road York Haven, PA 17370	UNT Susquehanna River (WWF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717-840-7430
Hellam Township York County Issued	PAC670234	E.Z. Four Investors 41 Cinema Drive York, PA 17402	Wild Cat Run (WWF) Kreutz Creek (WWF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717-840-7430

Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

*Facility Location &
Municipality*

<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>
Spring Twp Centre Cnty	PAC140061	Ameron Construction Co., Inc. 2501 North Atherton St State College, PA 16803	UNT Logan Branch CWF	Centre County Conservation District 414 Holmes Ave Ste 4 Bellefonte, PA 16823 (814) 355-6817
Benner Twp Centre Cnty	PAC140067	M&G Realty, Inc./The Rutter's Companies 2295 Susquehanna Trail Suite C York, PA 17404	UNT Spring Creek CWF	Centre County Conservation District 414 Holmes Ave Ste 4 Bellefonte, PA 16823 (814) 355-6817
Wayne Twp Clinton Cnty	PAC180012 Renewal Previously PAG0201809001(R)	Big Woods Land Company P.O. Box 400 McElhattan, PA 17748	UNT to West Branch of Susquehanna River CWF	Clinton County Conservation District 45 Cooperation Ln Mill Hall, PA 17751 (570) 726-3798

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

*Facility Location and
Municipality*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Phone No.</i>
Chartiers Township	PAC630133	Hawthorne Arden, LP 102 West Pike Street Suite 200 Houston, PA 15342	UNT to Chartiers Creek (WWF)	Washington County Conservation District 50 Old Hickory Ridge Road Suite 1 Washington, PA 15301 (724) 705-7098

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

*Facility Location:
Municipality &
County*

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Randolph Township Crawford County	PAC200053	Pennsylvania Electric Company (a FirstEnergy Company) 341 White Pond Drive Akron, OH 44320	UNT to Lake Creek CWF	Crawford County Conservation District 21742 German Road Meadville, PA 16335 814-763-5269

<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>
Fairview Township Erie County	PAC250062	Hanes Erie, Inc 7601 Klier Road Fairview, PA 16415	UNT Brandy Run CWF; MF	Erie County Conservation District 1927 Wager Road Erie, PA 16509 814-825-6403
City of Erie Erie County	PAC250039	Erie Water Works 240 West 12th Street Erie, PA 16501	UNT Mill Creek WWF; MF	Erie County Conservation District 1927 Wager Road Erie, PA 16509 814-825-6403
Punxsutawney Borough Jefferson County	PAC330011	Pennsylvania Department of Transportation District 10-0 2550 Oakland Avenue Indiana, PA 15701	Mahoning Creek WWF	Jefferson County Conservation District 1514 Route 28 Brookville, PA 15825 814-849-7463
Ridgway Township Elk County	PAC240008	National Fuel Gas Supply Corp 1100 State Street Erie, PA 16501	Mohan Run CWF, UNT to Island Run CWF	Elk County Conservation District 850 Washington Street St. Marys, PA 15857 814-776-5373
Blairsville Borough Indiana County	PAC320031	Mid Atlantic Interstate Transmission LLC (a FirstEnergy Company) 800 Cabin Hill Drive Greensburg, PA 15601	UNT Conemaugh River WWF	Indiana County Conservation District 350 North 4th Street Indiana, PA 15701 724-471-4751

Cambria District: Environmental Program Manager, 286 Industrial Park Road, Ebensburg, PA 15931-4119.

<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 Carroll Township Cambria County	PAC680018	Bureau of Abandoned Mine Reclamation Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119	Fox Run (CWF)	Attention: Patrick M. Webb PA DEP Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119 814-472-1800

General Permit Type—PAG-03

<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>
Industry Borough Beaver County	PAG036247	MPLX Terminals LLC 539 S Main Street Findlay, OH 45840-3229	Ohio River—20-B	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000

General Permit Type—PAG-06				
<i>Facility Location Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Wilmerding Borough Allegheny County	PAG066104	Wilmerding Borough Allegheny County 301 Station Street Wilmerding, PA 15148-1245	Turtle Creek—19-A	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000
West View Borough Allegheny County	PAG066116	West View Water Authority Allegheny County 441 Perry Highway Pittsburgh, PA 15229-1818	Unnamed Tributary to Girtys Run and Girtys Run—18-A	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000
Carnegie Borough Allegheny County	PAG066126	Carnegie Borough Allegheny County One Veterans Way Carnegie, PA 15106	Chartiers Creek—20-F	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000
Aspinwall Borough Allegheny County	PAG066113	Aspinwall Borough Allegheny County 217 Commercial Avenue Aspinwall, PA 15215-3024	Allegheny River—18-A	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000
McKees Rocks Borough Allegheny County	PAG066112	McKees Rocks Borough Allegheny County 340 Bell Avenue McKees Rocks, PA 15136-3514	Ohio River, and Chartiers Creek—20-G and 20-F	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000
McDonald Borough Washington County	PAG066109	McDonald Sewer Authority 151 School Street McDonald, PA 15057	Robinson Run—20-F	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000
Homestead Borough Allegheny County	PAG066103	Homestead Borough Allegheny County 221 E 7th Avenue Homestead, PA 15120-1511	Monongahela River—19-A	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000
East Pittsburgh Borough Allegheny County	PAG066120	East Pittsburgh Borough Allegheny County 813 E Pittsburgh Mall East Pittsburgh, PA 15112-1207	Turtle Creek—19-A	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000

*General Permit Type—PAG-13**Facility Location
Municipality &
County**Permit No.**Applicant Name & Address**Receiving Water/Use**Contact Office &
Phone No.*Canonsburg Borough
Washington County

PAG136103

Canonsburg Borough
68 E Pike Street
Canonsburg, PA 15317Unnamed Tributary
to Chartiers Creek
and Chartiers
Creek—20-FDEP Southwest
Regional Office
Clean Water Program
400 Waterfront Drive
Pittsburgh, PA
15222-4745
412.442.4000Whitaker Borough
Allegheny County

PAG136278

Whitaker Borough
Allegheny County
1500 Ardmore Boulevard
Suite 407
Pittsburgh, PA 15221-4468Unnamed Tributary
to Homestead Run &
Monongahela River
19-A WWFDEP Southwest
Regional Office
Clean Water Program
400 Waterfront Drive
Pittsburgh, PA
15222-4745
412.442.4000Allegheny Township
Westmoreland
County

PAG136277

Allegheny Township
Westmoreland County
136 Community Bldg Road
Leechburg, PA 15656-8208Unnamed Tributary
to Pine Run,
Chartiers Run,
Kiskiminetas River,
and Unnamed
Tributary to
Allegheny River—
18-B and 18-ADEP Southwest
Regional Office
Clean Water Program
400 Waterfront Drive
Pittsburgh, PA
15222-4745
412.442.4000Scottdale Borough
Westmoreland
County

PAG136135

Scottdale Borough
Westmoreland County
10 Mount Pleasant Road
Scottdale, PA 15683-1208Jacobs Creek,
Stauffer Run, and
Unnamed Tributary
to Jacobs Creek—
19-DDEP Southwest
Regional Office
Clean Water Program
400 Waterfront Drive
Pittsburgh, PA
15222-4745
412.442.4000**PUBLIC WATER SUPPLY PERMITS**

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

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

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

Important legal rights are at stake, however, so individuals should show this document to a lawyer at once.

Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

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

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

Permit No. 4618521, Public Water Supply.

Applicant	Aqua Pennsylvania, Inc. 762 West Lancaster Avenue Bryn Mawr, PA 19010
Borough	Hatboro
County	Montgomery
Type of Facility	PWS
Consulting Engineer	Aqua Pennsylvania, Inc. 762 West Lancaster Avenue Bryn Mawr, PA 19010
Permit to Construct Issued	February 27, 2019

Operations Permit # 0918524 issued to: **Plumstead Township**, P.O. Box 987, Plumsteadville, PA 18949, **PWS ID # 1090157**, Plumstead Township, **Bucks County** on February 26, 2019 for the operation of radionuclide removal via ion exchange at Summer Hill Well No. 6 approved under construction permit # 0918524.

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

Permit No. 2640028, Operations Permit, Public Water Supply.

Applicant **Aqua Pennsylvania, Inc.**
1 Aqua Way
White Haven, PA 18661

[Borough or
Township]
Hawley Borough

County **Wayne**

Type of Facility PWS

Consulting Engineer Douglas Berg, PE
Entech Engineering, Inc.
8 Silk Mill Drive
Suite 211
Hawley, PA 18428

Permit to Operate
Issued 2/14/2019

Permit No. 2350005, Operations Permit, Public Water Supply.

Applicant **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 Operate
Issued 2/26/2019

Permit No. 6619501MA, Public Water Supply.

Applicant **Pennsylvania American Water Company**
800 West Hershey Park Dr.
Hershey, PA 17033

[Borough or
Township]
Overfield Township

County **Wyoming**

Type of Facility PWS

Consulting Engineer Maureen Bower, P.E.
PAWC
2699 Stafford Avenue
Scranton, PA 18505

Permit to Construct
Issued 3/05/2019

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

Permit No. 0616514 MA, Minor Amendment, Public Water Supply.

Applicant **Pennsylvania-American Water Company**

Municipality Reading and Saint
Lawrence Borough

County
Responsible Official

Type of Facility

Consulting Engineer

Permit to Construct
Issued

Permit No. 3718504 MA, Minor Amendment, Public Water Supply.

Applicant

Municipality

County

Responsible Official

Type of Facility

Consulting Engineer

Permit to Construct
Issued

Permit No. 2219501 MA, Minor Amendment, Public Water Supply.

Applicant

Municipality

County

Responsible Official

Type of Facility

Consulting Engineer

Permit to Construct
Issued

Berks

David R. Kauffman
Vice-President—Engineering
800 West Hershey Park Drive
Hershey, PA 17033

Woodvale booster pump station
sodium hypochlorite chemical
feed pump replacement and
Mount Penn interconnect
corrosion inhibitor chemical feed
pump replacement.

David M. Lentowski, P.E.
Pennsylvania-American
Water Company
4 Wellington Boulevard
Wyomissing, PA 19610

12/29/2016

Alexandria Borough Water Authority

Porter Township

Huntingdon

Kenneth Bost, Chairman
7561 Fridge Street
Suite No. 3
P.O. Box 336
Alexandria, PA 16611

Construction of new 0.3 MG
glass-lined storage tank.
Rehabilitation of existing 0.3 MG
storage tank.

Garret J. Hargenrader, P.E.
Gwin, Dobson & Foreman, Inc.
3121 Fairway Drive
Altoona, PA 16602

2/26/2019

SUEZ Water Pennsylvania Inc

Lower Paxton Township

Dauphin

John D. Hollenbach
General Manager
4211 East Park Circle
Harrisburg, PA 17111-0151

Modifications, minor upgrades
and repainting of the existing
Locust Lane finished water
storage tank.

Arthur C. Saunders, P.E.
United Water Pennsylvania
4211 East Park Circle
Harrisburg, PA 17111

3/6/2019

Permit No. 6719501, Public Water Supply.

Applicant **The York Water Company**
 Municipality North Codorus Township
 County **York**
 Responsible Official Mark S. Snyder
 Engineering Manager
 130 East Market Street
 P.O. Box 15089
 York, PA 17405-7089

Type of Facility Addition of a 700 gpm pump at the York New Salem booster station.

Consulting Engineer Mark S. Snyder, P.E.
 The York Water Company
 130 East Market Street
 P.O. Box 15089
 York, PA 17405-7089

Permit to Construct Issued 3/11/2019

Permit No. 2119502 MA, Minor Amendment, Public Water Supply.

Applicant **State Correctional Institution at Camp Hill**
 Municipality Lower Allen Township
 County **Cumberland**
 Responsible Official Laurel Harry, Superintendent
 2500 Lisburn Road
 Camp Hill, PA 17001

Type of Facility Filter repainting and media replacement.

Consulting Engineer Carol A. Piontkowski, P.E.
 Department of Corrections
 Bureau of Operations
 1920 Technology Parkway
 Camp Hill, PA 17001

Permit to Construct Issued 2/26/2019

Operation Permit No. 3418502 issued to: **McAlisterville Area Joint Authority (PWS ID No. 4340002)**, Fayette Township, **Juniata County** on 2/26/2019 for facilities approved under Construction Permit No. 3418502.

Comprehensive Operation Permit No. 3118502 MA issued to: **Borough of Huntingdon (PWS ID No. 4310012)**, Huntingdon Borough, **Huntingdon County** on 2/22/2019 for the operation of facilities at Huntingdon Borough Water Department approved under Construction Permit No. 3118502 MA.

Transferred Comprehensive Operation Permit No. 7360793 issued to: **Stone House Café LLC (PWS ID No. 7360793)**, Clay Township, **Lancaster County** on 2/4/2019. Action is for a Change in Ownership for the operation of facilities previously issued to Advent Ventures, Inc.

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

Permit No. 0418521, Public Water Supply.

Applicant **New Sewickley Township Water Authority**
 233 Miller Road
 Rochester, PA 15074
 New Sewickley Township

[Borough or Township]

County **Beaver**

Type of Facility Water system

Consulting Engineer Michael Baker International
 100 Airside Drive
 Moon Township, PA 15108

Permit to Construct Issued March 11, 2019

Permit No. 0418531, Public Water Supply.

Applicant **Beaver Falls Municipal Authority**
 1425 8th Avenue
 Beaver Falls, PA 15010
 City of Beaver Falls

[Borough or Township]

County **Beaver**

Type of Facility Water system

Consulting Engineer Entech Engineering
 400 Rouser Road
 Building # 2
 Suite 200
 Coraopolis, PA 15108

Permit to Construct Issued March 8, 2019

Operations Permit issued to: **Township of Neville**, 5050 Grand Avenue, Pittsburgh, PA 15225, **(PWS ID # 5020029)** Neville Township, **Allegheny County** on March 11, 2019 for the operation of facilities approved under Construction Permit # 0217540MA.

Operations Permit issued to: **Lilly Borough Water Authority**, 421 Main Street, Lilly, PA 15938, **(PWSID # 4110045)** Washington Township, **Cambria County** on March 8, 2019 for the operation of facilities approved under Construction Permit # 1190508T1-A1.

Permit No. 3018510MA, Minor Amendment. Public Water Supply.

Applicant **Dunkard Valley Joint Municipal Authority**
 217 Minor Street
 P.O. Box 193
 Greensboro, PA 15338
 Monongahela Township

[Township or Borough]

County **Greene**

Responsible Official Joyce Drew, Secretary
 Dunkard Valley Joint Municipal Authority
 217 Minor Street
 P.O. Box 193
 Greensboro, PA 15338

Type of Facility Water system

Consulting Engineer Thrasher Group, Inc.
 600 White Oaks Boulevard
 P.O. Box 940
 Bridgeport, WV 26330

Permit to Construct Issued March 11, 2019

Permit No. 5610510MA, Minor Amendment. Public Water Supply.

Applicant **Municipal Authority of the Borough of Somerset**
347 West Union Street
P.O. Box 71
Somerset, PA 15501

[Township or Borough] Somerset Township

County **Somerset**

Responsible Official Michele A. Enos, Borough Manager
Municipal Authority of the Borough of Somerset
347 West Union Street
P.O. Box 71
Somerset, PA 15501

Type of Facility Water system.

Consulting Engineer The EADS Group, Inc.
450 Aberdeen Drive
Somerset, PA 15501

Permit to Construct Issued March 11, 2019

Permit No. 0218525, Minor Amendment. Public Water Supply.

Applicant **Municipal Authority of Westmoreland County**
124 Park & Pool Road
New Stanton, PA 15672

[Township or Borough] City of McKeesport

County **Allegheny**

Responsible Official Michael Kukura, Manager
Municipal Authority of Westmoreland County
124 Park & Pool Road
New Stanton, PA 15672

Type of Facility Water system.

Consulting Engineer Gibson-Thomas Engineering Co., Inc.
1004 Ligonier Street
Box 853
Latrobe, PA 15650

Permit to Operate Issued March 11, 2019

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 07-370C, Water Allocations. Duncansville Municipal Authority (PWS ID No. 4070012), Blair County. Duncansville Municipal Authority has submitted a water allocation permit application requesting the right to purchase a total of 410,000 gallons per day from Altoona Water Authority, for emergency and backup pur-

poses, through Emergency Interconnection Nos. 1 and 2. Permittee Contact: Alyssa Sears, Office Secretary, Duncansville Municipal Authority, P.O. Box 502, Duncansville, PA 16635-1359. Consulting Engineer: Stuart W. Sibold, P.E., The EADS Group, 1126 Eighth Ave., Altoona, PA 16602. Permit Issued: 2/26/2019.

SEWAGE FACILITIES ACT PLAN APPROVAL

Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. 1535, as amended, 35 P.S. § 750.5.

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
West Cocalico Township	156 B West Main Street Reinholds, PA 17569	Lancaster

Plan Description: Approval is granted for an update to the Official Plan of West Cocalico Township, Lancaster County. The project is known as the Act 537 Sewage Facilities Plan for West Cocalico Township, Lancaster County (DEP Code No. A1-36957-ACT). The plan provides for the replacement of the Reinholds interceptor and the construction of a new 0.310 MGD wastewater treatment plant (WWTP) to serve the existing connections in the Reinholds area and provide for the extension of public sewer to the Blainsport, Rose Drive, Galen Hall and Resh Road areas of the township within six to eight years of this Act 537 Plan approval. A combination gravity and low-pressure collection system will be constructed to serve these residents. The existing WWTP will be decommissioned and a pump station will be constructed to convey the current and future sewage flow to the new WWTP. Areas of the township not currently served or in the identified areas listed will be maintained through the implementation of an on-lot sewage disposal system (OLDS) management program with a three-year septic tank inspection and pumping cycle to begin in 2019. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority, as appropriate.

Southwest Regional Office, Regional Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Telephone 412-442-4000.

Plan Location: Summer Drive, Collier Township, Allegheny County.

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Collier Township	2418 Hilltop Road Presto, PA 15142	Allegheny

Plan Description: The approved plan provides for the construction of a low-pressure force main to serve seven dwellings along Summer Drive in Collier Township.

The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Breakneck Creek Regional Authority	1166 Mars Evans City Road P.O. Box 1180 Mars, PA 16046	Butler

Plan Description: The approved plan provides for an expansion of their Wastewater Treatment Plant (WWTP) tied to the projected growth throughout the Breakneck Creek Regional Authority service area. The plan evaluates the additional facilities necessary to expand the WWTP from a design flow of 3.0 MGD to a design flow of 4.5 MGD. The facilities to be added include sequential batch reactors and aerobic digestors. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

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.

L. Aldrich Well Pad 1, 2758 Great Bend Turnpike, Gibson 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 soil and groundwater. 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.

Environmental Recovery Corporation, 1076 Manheim Pike, Lancaster, PA 17601, Manheim Township, **Lancaster County**. Reliance Environmental, Inc., 235 North Duke Street, Lancaster, PA 17602, on behalf of Environmental Recovery Corporation, 1076 Manheim Pike, Lancaster, PA 17601, and Middleton Real Estate, LLC, 1076 Manheim Pike, Lancaster, PA 17601, submitted a Remedial Investigation Report and Cleanup Plan concerning remediation of site soil and groundwater contaminated with gasoline and diesel fuel. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.

FedEx Freight Diesel Fuel, Motor Oil & Antifreeze Cleanup, Interstate 80 at MM149.6E, Snow Shoe Township, **Centre County**. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857, on behalf of FedEx Freight, 6900 Alcoa Road, Benton, AR 72015, has submitted a Final Report concerning soil contaminated with diesel fuel, motor oil and antifreeze. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Northwest Region: Environmental Cleanup & Brownfields Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

162 Seneca School Road Property, 162 Seneca School Road, Jackson Township, **Butler County**. Liberty Environmental, Inc., 505 Penn Street, Suite 400, Reading, PA 19601, on behalf of Santander Bank, NA, 2 Morrissey Boulevard, Dorchester, MA 02125-3312, submitted a Final Report concerning the remediation of site soil contaminated with benzene, cumene, ethylbenzene, MTBE, naphthalene, toluene, 1,2,4-trimethylbenzene, and 1,3,5-trimethylbenzene. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Ceriani Transport Accident Site, 4300, 4322, & 4347 Route 219, Snyder Township, **Jefferson County**. LaBella Associates, P.C., 1000 Dunham Drive, Suite B, Dunmore, PA 18512, on behalf of Ceriani Transportation, Inc., 61274 Toby Road, Brockport, PA 15823, submitted a Final Report concerning the remediation of site soil contaminated with benzene, ethylbenzene, naphthalene, toluene, 1,2,4-TMB, 1,3,5-TMB, MTBE, and cumene. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Damascus Tube, 795 Reynolds Industrial Park Road, Pymatuning Township, **Mercer County**. KU Resources, Inc., 22 South Linden Street, Duquesne, PA 15110, on behalf of Greenville Reynolds Development Corporation, 301 Arlington Drive, Greenville, PA 16125 and Marcegaglia Spa, Italy, 23 Kimberly Drive, Grove City, PA 16127, submitted a Final Report concerning the remediation of site soil contaminated with arsenic, lead, manganese, nickel, PCE, TCE, PCB—Aroclor 1254, PCB—Aroclor 1260 and site groundwater contaminated with 1,1-dichloroethane, 1,1-dichloroethene, cis-1,2-dichloroethene, PCE, 1,1,1-trichloroethane, 1,1,2-trichloroethane, TCE, and vinyl chloride. The report is intended to document remediation of the site to meet the Site-Specific Standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 3

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

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

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department regional office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative

form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

Martin Electric Plants, 280 Pleasant Valley Road, Ephrata, PA 17522, West Earl Township, **Lancaster County**. ARRO Consulting, Inc., 108 West Airport Road, Lititz, PA 17543, on behalf of IPR, LLC, 10 Miller Road, Akron, PA 17501, submitted a Remedial Investigation Report and Cleanup Plan concerning remediation of site soil contaminated with industrialized contaminants. The Remedial Investigation Report and Cleanup Plan were administratively incomplete and was disapproved by the Department on March 11, 2019.

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

Suburban Propane, 245 Smith Street, New Milford, **Susquehanna County**. Cemats, 3232 Seneca Turnpike, P.O. Box 68, Canastota, NY 13032, on behalf of Suburban Propane, 2440 Dairy Road, Lancaster, PA 17601, submitted a Final Report concerning remediation of soil and groundwater contaminated due historic releases from a petroleum distribution facility at the site. The predominant contaminants identified are volatile organic compounds. The report documented remediation of the site to meet a combination of Statewide Health and Site-Specific Standards and was approved by DEP on March 6, 2019.

B. Augustine Pad 1, 4900 State Route 3013, Springville 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 drill cuttings and diesel-based drilling fluid to soil. The report documented remediation of the site to meet a combination of Background and Statewide Health Standards and was approved by the Department on March 11, 2019.

Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.

FedEx Freight Diesel Fuel, Motor Oil & Antifreeze Cleanup, Interstate 80 at MM149.6E, Snow Shoe Township, **Centre County**. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857, on behalf of FedEx Freight, 6900 Alcoa Road, Benton, AR 72015, has submitted a Final Report concerning soil contaminated with diesel fuel, motor oil and antifreeze. The report demonstrated attainment of the Statewide Health Standard and was approved by the Department on March 6, 2019.

Lakeside Transportation Diesel Fuel Spill Cleanup, Interstate 80 at MM 190.6E, Loganton, Greene Township, **Clinton County**. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17754, on behalf of Lakeside Transportation Co., Inc., 6300 Sims Drive, Sterling Heights, MI 48313, has submitted a Final Report concerning site soil contaminated with diesel fuel. The report demonstrated attainment of the Statewide Health Standard and was approved by the Department on February 28, 2019.

Hoovestol, Inc. Diesel Spill Cleanup, Interstate 80 at Milemarker 221E, Danville, Liberty Township,

Montour County. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857, on behalf of Hoovestol, Inc., 1256 Trapp Road, Eagan, MN 55121, has submitted a Final Report concerning remediation of site soil contaminated with diesel fuel. The report demonstrated attainment of the Statewide Health Standard and was approved by the Department on February 14, 2019.

Sisters of Saints Cyril and Methodius, 1002 Railroad Street, Danville Borough and Mahoning Township, **Montour County.** Molesevich Environmental, LLC, P.O. Box 654, Lewisburg, PA 17837, on behalf of Sisters of Saints Cyril & Methodius, 1002 Railroad Street, Danville, PA 17821, has submitted a Remedial Investigation Report concerning remediation of site soil and groundwater contaminated with unleaded gasoline. The report was approved by the Department on February 22, 2019.

Nicole Express Diesel Fuel Cleanup, Interstate 80 at MM 215.5E off-ramp to State Route 254, Turbot Township, **Northumberland County.** Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857, on behalf of Nicole Express, LLC, 587 Lincoln Street, Hazelton, PA 18201, has submitted a Final Report concerning remediation of site soil contaminated with diesel fuel. The report demonstrated attainment of the Statewide Health Standard and was approved by the Department on February 25, 2019.

Palmer Station Facility, 446 Palmer Road, Lawrenceville, Farmington Township, **Tioga County.** GEI Consultants, Inc., 18000 Horizon Way, Suite 200, Mt. Laurel, NJ 08054, on behalf of UGI Utilities, Inc., 2525 North 12th Street, Suite 360, Reading, PA 19612, has submitted a Final Report concerning remediation of site soil contaminated with benzene, ethylbenzene, total xylenes, 1,1,2-trichloroethane and arsenic. The report demonstrated attainment of the Statewide Health Standard for Non-Residential use and was approved by the department on February 20, 2019.

Northwest Region: Environmental Cleanup & Brownfields Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

International Paper (South Yard—Iron), 1565 East Lake Road, City of Erie, **Erie County.** Wood Environmental & Infrastructure Solutions, Inc., 4600 J Barry Court, Suite 210, Canonsburg, PA 15317, on behalf of Enterprise Development Center of Erie County, 1524 Enterprise Road, Corry, PA 16407 and SB3, LLC, 1540 East Lake Road, # 300, Erie, PA 16511, submitted a Work Plan concerning the remediation of site surface water contaminated with iron. The Plan was approved by the Department on March 1, 2019.

Parker Hannifin Corporation (201 Titusville Road), 201 Titusville Road, Borough of Union City, **Erie County.** AECOM Technical Services, Inc., 525 Vine Street, Suite 1800, Cincinnati, OH 45202, on behalf of Parker-Hannifin Corporation, 6035 Parkland Boulevard, Cleveland, OH 44124, submitted a Remedial Investigation/Risk Assessment Report concerning the remediation of site soil contaminated with benzo[a]pyrene, arsenic, chromium (VI), trichloroethylene and groundwater contaminated with 1,1,2-trichloro-1,2,2-trifluoroethane, 1,1-dichloroethane, cis-1,2-dichloroethane, benzene, trichloroethylene, and vinyl chloride. The Report was approved by the Department on March 7, 2019.

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, parphenol 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 Plan was approved by the Department on March 8, 2019.

HAZARDOUS WASTE TREATMENT, STORAGE & DISPOSAL FACILITIES

Permits renewed under the Solid Waste Management Act of July 7, 1980 (P.L. 380, No. 97) (35 P.S. §§ 6018.101—6018.1003) and Hazardous Waste Regulations to Operate a Hazardous Waste Treatment, Storage, or Disposal Facility.

Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

PAD010154045. Envirite of Pennsylvania, Inc., 730 Vogelsong Road, City of York, **York County.** A permit for the treatment and storage of hazardous waste at Envirite of Pennsylvania, Inc.'s York facility was renewed for an additional ten-year term by the Southcentral Regional Office on March 6, 2019.

Persons interested in reviewing this permit may contact John Oren, Permits Section Chief, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4706. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Permits reissued 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. 301343, Bedford Waste Oil Transfer Station, 170 Transport Road, Bedford, PA 15522.

Permit No. 301343, which was originally issued to RecOil, Inc., on September 29, 2004, for the operation of the waste oil transfer station located in Bedford Township, **Bedford County**, was reissued on March 6, 2019, to Emaxx Central PA, LLC, in accordance with Article V of the Solid Waste Management Act, 35 P.S. §§ 6018.101, et seq.

AIR QUALITY

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

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

Contact: James Beach, New Source Review Chief—Telephone: 484-250-5920.

GP3-46-0159: Harleysville Materials, LLC (460 Indian Creek Rd., Harleysville, PA 19438) On March 5, 2019 for an Argos Conveyor 36" × 100' and a Metso Minerals HP400 Cone Crusher located in Lower Salford Township, **Montgomery County**.

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

Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2531.

AG5A-58-00003A: Cabot Oil and Gas Corporation (2000 Park Lane, Pittsburgh, PA 15275) on January 23, 2019 to operate one (1) IC Engine at the Houston H Pad 1 in Dimock Township, **Susquehanna County**.

GP3-39-012: H & K Group, Inc. (2052 Lucon Road, Skippack, PA 19474) on February 19, 2019 to construct and operate a Portable Crushing Operation with water sprays at 901 Marcon Boulevard in Hanover Township, **Lehigh County**.

GP9-39-012: H & K Group, Inc. (2052 Lucon Road, Skippack, PA 19474) on February 19, 2019 to install and operate three (3) Diesel I/C engines at 901 Marcon Boulevard in Hanover Township, **Lehigh County**.

GP1-54-009: PA Department of Corrections/SCI Frackville (1111 Altamont Boulevard, Frackville, PA 17391) on February 11, 2019 to operate one (1) No. 2 oil fired boiler in Ryan Township, **Schuylkill County**.

GP3-64-012: Rutledge Unlimited, LLC (2495 Hancock Highway, Equinunk, PA 18417) on February 15, 2019 for the construction and operation of a Portable Crushing Operation with watersprays at the site located in Damascus Twp., **Wayne County**.

GP9-64-012: Rutledge Unlimited, LLC (2495 Hancock Highway, Equinunk, PA 18417) on February 15, 2019 for the installation and operation of Diesel I/C engine located at the site located in Damascus Twp., **Wayne 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.

GP1-38-03056: Hain Pure Protein Corp. (220 North Center Street, P.O. Box 10, Fredericksburg, PA 17026) on March 5, 2019, for an existing 12.6 MMBtu/hr., natural gas/No. 2 oil-fired boiler, under GP1, at the facility located in Bethel Township, **Lebanon County**. The general permit authorization was renewed.

GP1-22-03054A: UPMC Pinnacle (409 South 2nd Street, Harrisburg, PA 17105) on February 27, 2019, for two natural gas/No. 2 oil-fired boilers, 13.4 MMBtu/hr. each, under GP1, at the Community General Osteopathic Hospital located in Lower Paxton Township, **Dauphin County**. The general permit authorization was renewed.

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

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

GP4-41-478: Jersey Shore Steel Company (70 Maryland Avenue, Jersey Shore, PA 17740) on February 26, 2019, to renew authorization to operate one (1) 21 lb/hr Guspro model 404836 natural gas-fired burn off oven pursuant to the General Plan Approval and General Operating Permit for Burn Off Ovens (BAQ-GPA/GP-4) at their Fabrication facility located in Loyalsock Township, **Lycoming 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.

54-00041B: Silberline Manufacturing Co., Inc. (130 Lincoln Drive, Tamaqua, PA 18252) on January 4, 2019 for the installation and operation of a new manufacturing process for waterborne pigments including one (1) new ammonia wet scrubber and one (1) new Particulate Matter (PM) condenser at their facility in Rush Township, **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.

21-05035B: Hempt Bros., Inc. (205 Creek Road, Camp Hill, PA 17011) on March 4, 2019, for the installation and relocation of new and old crushing equipment and conveyors to make use of a surge pile, increasing maximum production capacity from 500 to 700 tons per hour at the existing limestone crushing plant located at the Locust Point Quarry in Silver Spring Township, **Cumberland County**.

07-03034G: Alpha Assembly Solutions (4100 6th Avenue, Altoona, PA 16602) on March 6, 2019, for the

installation of a new RSI-G-466 sweat furnace and integral afterburner at the facility located in the City of Altoona, **Blair County**. This installation also includes the removal of an existing sweat furnace.

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

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

17-00072A: Kevin A. Beardsley Funeral Home, Inc. (113 North Third Street, Clearfield, PA 16830) on February 27, 2019, was issued a Plan Approval to construct a human crematory at its funeral parlor location in Clearfield Borough, **Clearfield County**.

59-00038A: Energy Water Solutions, LLC (9070 Gleannloch Forest Dr., Ste. 100, Spring, TX 77379) on February 26, 2019, to construct and operate three produced water evaporator/concentrator (VOX) systems, each equipped with a 9.5 MMBtu/hr, natural gas-fired burner and set of drift eliminators and each powered by a 60 kW, natural gas-fired engine/generator set, at EQT Production Company's existing Phoenix C Well Pad located in Duncan Township, **Tioga County**. If the Department determines that the sources are constructed and operated in compliance with the plan approval conditions and the specifications of the application for Plan Approval 59-00038A, the applicants will subsequently apply for a State Only Operating Permit in accordance with 25 Pa. Code Subchapter F.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481.

Contact: David Balog, New Source Review Chief—Telephone: 814-332-6328.

10-417A: Penn United Technologies Inc. (300 N. Pike Rd., Cabot, PA 16023), on March 6, 2019 issued a Plan Approval for the construction of a Batch Vapor Degreaser # 1 using trichloroethylene solvent in Buffalo Township, **Butler County**.

Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110.

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Thomas Bianca, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.

36-05008J: Tyson Foods, Inc. (P.O. Box 1156, New Holland, PA 17557-0901) on March 4, 2019, for the construction of a new poultry fryer and oven, installation of three (3) wet scrubbers for existing Line 2, and a production increase of poultry products on existing Line 1 & Line 9, at the poultry processing plant in Earl Township, **Lancaster County**. 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.

19-00028A: White Pines Corp. (515 State Route 442, Millville, PA 17846) on March 7, 2019, to extend the authorization an additional 180 days until September 6,

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.

55-00001F: Panda Hummel Station LLC (5001 Spring Valley Road, Suite 1150 West, Dallas, TX 75244) on March 7, 2019, to extend the authorization an additional 180 days until September 9, 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.

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.

30-00072E: Consol Pennsylvania Coal Company, LLC (1000 Consol Energy Drive, Canonsburg, PA 15317) plan approval extension effective on February 28, 2019, with expiration on August 28, 2019, for continued temporary operation of air contamination sources and controls associated with the Crabapple Overland Conveyor located in Richhill Township, **Greene County**.

03-00975C: Armstrong Power, LLC (2313 State Route 156, Shelocta, PA 15774-3005) plan approval extension effective on February 28, 2019, with expiration on August 28, 2019, for continued temporary operation of air contamination sources and controls at the Armstrong Power Electric Generating Station located in South Bend Township, **Armstrong County**.

32-00230B: Texas Eastern Transmission, L.P. (P.O. Box 1642, Houston, TX 77251) plan approval extension effective on February 28, 2019, with expiration on August 28, 2019, for continued temporary operation of air contamination sources and controls at its Armagh Station located in West Wheatfield Township, **Indiana County**.

30-00195A: Equitrans, LP (2200 Energy Drive, Canonsburg, PA 15317) Plan Approval Extension effective on February 28, 2019, with expiration on August 28, 2019, for continued temporary operation of air contamination sources and controls at the Jefferson Compressor Station located in Jefferson Township, **Greene County**.

63-00999A: Rice Poseidon Midstream, LLC (2200 Energy Drive, Canonsburg, PA 15317) Extension effective March 28, 2019, to extend the period for installation of five compressor engines, two tri ethylene glycol dehydrators, four produced water tanks, three low pressure pig receivers, one high pressure pig launcher, miscellaneous lubrication oil tanks, and piping components in natural gas service authorized under PA-63-00999A until September 28, 2019, at Blue Moon Compressor Station located in West Pike Run Township, **Washington County**. Temporary operation of five compressor engines, two tri ethylene glycol dehydrators, four produced water tanks, miscellaneous lubrication oil tanks, and piping components in natural gas service previously authorized under GP5-63-00999A is also extended.

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

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

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

49-00003: ACF Industries, LLC (417 N. Arch St., Milton, PA 17847) on March 6, 2019, was issued a renewal Title V Operating Permit for the Milton Plant located Milton Borough, **Northumberland County**. The facility's sources include two (2) water heaters, one (1) boiler, forty-eight (48) direct fire heaters, four (4) railcar steel part heating furnaces, one (1) railcar surface coating operation, two (2) grit blast operations, one hundred (100) propane cutting torches, four (4) metal cutting operations, two (2) petroleum products storage tanks and various fugitive emissions. The Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110.

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Thomas Bianca, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.

36-05130: Masonic Villages (1 Masonic Drive, Elizabethtown, PA 17022-2199) on March 1, 2019, for the boilers and generators at the residential living campus located in Elizabethtown Borough, **Lancaster County**. The State-only permit was renewed.

22-03092: PA Department of General Services (4 Cherry Road, Harrisburg, PA 17110-2927) on March 4, 2019, for the boilers and generators at the DGS Annex Complex located in Susquehanna Township, **Dauphin County**. The State-only permit was renewed.

06-05116: Packaging Corp. of America (173 Tucker Road, Reading, PA 19605-1135) on March 4, 2019, for the corrugated paper products manufacturing facility located in Muhlenberg Township, **Berks County**. The State-only permit was renewed.

67-05055: Ardent Mills LLC (321 Taylor Avenue, Red Lion, PA 17356-2211) on March 4, 2019, for the flour mill facility located in Red Lion Borough, **York County**. The State-only permit was renewed.

06-05106: SFS Group USA, Inc. (41 Dennis Drive, Reading, PA 19606-3778) on March 4, 2019, for the metal fastener manufacturing facility located in Exeter Township, **Berks County**. The State-only permit was renewed.

36-05152: Kelloggs USA, Inc. (2050 State Road, Caller Box 3006, Lancaster, PA 17604) on February 26, 2019, for the breakfast cereal manufacturing facility located in East Hempfield Township, **Lancaster County**. The State-only permit was renewed.

36-03021: J. Walter Miller Co. (411 East Chestnut Street, Lancaster, PA 17602-3016) on March 5, 2019, for the copper foundry located in Lancaster City, **Lancaster County**. The State-only permit was renewed.

38-05018: Lebanon VA Medical Center (1700 South Lincoln Avenue, Lebanon, PA 17042-7529) on March 5, 2019, for the boilers and generators at the hospital facility located in South Lebanon Township, **Lebanon County**. The State-only permit was renewed.

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

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

08-00013: Cooley Tioga Point Cremation and Burial Options, Inc. (802 N. Main St., Athens, PA 18810) on February 26, 2019 was issued a renewal State only operating permit for the Tioga Point Crematory located in Athens Borough, **Bradford County**. The State only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

17-00006: Mt. Savage Specialty Refractories Co. (P.O. Box 60, Curwensville, PA 16833-0060) was issued on March 5, 2019, a State Only operating permit (renewal) for their Curwensville Plant facility located in the Pike Township, **Clearfield County**. All applicable Federal and State regulatory requirements including testing, monitoring, recordkeeping, reporting, and work practice conditions to assure compliance with the applicable requirements have been included in the permit.

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.

15-00092: Main Line Hospitals, Inc./Paoli Memorial (255 West Lancaster Avenue, Paoli, PA 19301-1792), is a non-Title V facility located in Willistown Township, **Chester County**. The Synthetic Minor Operating Permit No. 15-00092 was re-issued by DEP on January 23, 2019. Following the issuance of the permit renewal, it was brought to DEP's attention that a couple of errors were made in the operating permit. The following revisions have been made to the operating permit, per discussions with Paoli Hospital and Paoli Hospital's consultant: (1) the removal of NSPS requirements for Source ID 034, as the source was installed before June 10, 1989; and (2) the removal of Source IDs 042, 043, and 044, as they were duplicate sources of Source IDs 038, 039, and 040. The Synthetic Minor Operating Permit continues to contain monitoring, recordkeeping, and operating conditions designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110.

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Thomas Bianca, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.

67-03147: GSR Northeast Terminals LLC (5718 Westheimer Road, Suite 1900, Houston, TX 77057-5745) on March 4, 2019, for the propane terminal located in West Manchester Township, **York County**. The State-only permit was administratively amended to reflect a change of ownership.

36-03121: Cenveo Worldwide Ltd. (3575 Hempland Road, Lancaster, PA 17601-6912) on February 28, 2019, for the printing facility located in West Hempfield Town-

ship, **Lancaster County**. The State-only permit was administratively amended in order to reflect a change of ownership.

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

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

18-00030: First Quality Tissue, LLC (904 Woods Avenue, Lock Haven, PA 17745) issued a modified Title V operating permit on March 8, 2019 to permit the use of a new debonder/softener which contains more volatile organic compounds than what had previously been allowed at their facility located in Castanea Township, **Clinton County**. The modified Title V 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: Thomas Joseph, P.E., Facilities Permitting Chief—Telephone: 412-442-4336.

63-00147: International Paper Company/Eighty-Four Container Plant (10 Wilson Road, Eighty-Four, PA 15330) on March 11, 2019, the Department amended the facility's State-Only Operating Permit for a change in Responsible Official. The company operates a corrugated box manufacturing facility located in North Strabane Township, **Washington County**.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); The Clean Streams Law; the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.20a). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P.S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1002).

Coal Permits Issued

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

Permit No. 11130201 and NPDES PA0269280. Ebensburg Power Co., 11 Lloyd Ave, Latrobe, PA 15650, permit renewal for the continued operation and restoration of a bituminous surface coal refuse reprocessing mine in Richland and Paint Townships, **Cambria and Somerset Counties**, affecting 63.6 acres. Receiving stream: Paint Creek, classified for the following use, trout stocked fishes. There are no potable water supply intakes within 10 miles downstream. Application received: November 28, 2018. Permit Issued: March 5, 2019.

Permit No. 11970106 and NPDES No. PA0234591, Laurel Sand & Stone, Inc., 210 East Main Street, P.O. Box 556, Ligonier, PA 15658, commencement, operation and restoration of a bituminous surface mine to delete

24.4 acres from the existing permit located in Jackson Township, **Cambria County**, affecting 85.2 acres. Receiving stream: unnamed tributary to south Branch of Blacklick Creek, classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: October 4, 2018. Permit issued: March 7, 2019.

Noncoal Permits Issued

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

10180801 and NPDES Permit No. PA0280585. SMX Resources, LLC (102 Dogwood Court, Butler, PA 16001). Commencement, operation and restoration of a small noncoal mine in Clay Township, **Butler County** affecting 8.0 acres. Receiving streams: Unnamed tributary to Muddy Creek. Application received: April 23, 2018. Permit issued: March 7, 2019.

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

55180801. Gerald R. Stahl (3559 Silver Creek Rd, Port Trevorton, PA 17864). Commencement, operation, and restoration of a small noncoal industrial minerals surface mine permit (shale) in Washington Township, **Snyder County** affecting 1.0 acre. Receiving stream(s): UNT to North Branch Mahantango Creek classified for the following uses: CWF. Application received: October 22, 2018. Permit Issued: March 1, 2019.

08160301. Austin's Excavating and Paving, Inc (121 Talmadge Hill West, Waverly, NY 14892). Revision to mine above the regional water table at pit floor elevation 760 feet MSL and change post mining land use from open water impoundment to unmanaged natural habitat to a large noncoal surface mine permit in Athens Township, **Bradford County** affecting 61.0 acres. Receiving streams: Susquehanna River, classified for the following use(s): WWF, MF. There are no potable water supply intakes within 10 miles downstream. Application received: December 10, 2018. Permit issued: March 5, 2019.

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

Permit No. 58172511. Rock Lake, Inc., (3230 Creamton Drive, Lake Como, PA 18437), commencement, operation and restoration of a quarry operation in Liberty Township, **Susquehanna County** affecting 5.0 acres, receiving stream: no discharge to unnamed tributary to Dubois Creek. Application received: August 21, 2017. Permit issued: March 6, 2019.

Permit No. PAM117036, Rock Lake, Inc., (3230 Creamton Drive, Lake Como, PA 18437), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 58172511 in Liberty Township, **Susquehanna County**, receiving stream: no discharge to unnamed tributary to Dubois Creek. Application received: August 21, 2017. Permit issued: March 6, 2019.

Permit No. 58182505. Joshua L. Holbrook, (1403 Squires Road, Montrose, PA 18801), commencement, operation and restoration of a quarry operation in New Milford Township, **Susquehanna County** affecting 7.5 acres, receiving stream: no discharge to Martins Creek. Application received: November 6, 2018. Permit issued: March 7, 2019.

Permit No. PAM118044. Joshua L. Holbrook, (1403 Squires Road, Montrose, PA 18801), General NPDES Stormwater Permit for stormwater discharges associated

with mining activities on Surface Mining Permit No. 58182505 in New Milford Township, **Susquehanna County**, receiving stream: no discharge to Martins Creek. Application received: November 6, 2018. Permit issued: March 7, 2019.

Permit No. PAM112028R. Joseph Zawisky, LLC, (729 Walkers Road, Susquehanna, PA 18847), renewal of General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 58120301 in Jackson & Oakland Townships, **Susquehanna County**, receiving stream: unnamed tributary to Drinker Creek. Application received: December 10, 2018. Renewal issued: March 8, 2019.

Permit No. PAM118012. Greenfield Stone Co., Inc., (359 Route 106, Greenfield Township, PA 18407), General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 35070804 in Greenfield Township, **Lackawanna County**, receiving stream: no discharge to unnamed tributary to Dundaff Creek. Application received: April 4, 2018. Permit issued: March 8, 2019.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.

Blasting Permits Issued

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

10194001. Wampum Hardware Company (636 Paden Road, New Galilee, PA 16141). Blasting activity permit to blast at Mill Creek PRD in Middlesex Township, **Butler County**. This blasting activity permit will expire on July 1, 2019. Permit issued: March 6, 2019.

10194102. M & J Explosives, LLC (P.O. Box 1248, Carlisle, PA 17013). Blasting activity permit to blast at Meeder Farms in Cranberry Township, **Butler County**. This blasting activity permit will expire on March 5, 2020. Permit issued: March 8, 2019.

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

Permit No. 36194107. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Autumn Hills in Ephrata Township, **Lancaster County** with an expiration date of February 28, 2020. Permit issued: March 5, 2019.

Permit No. 36194108. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for James Hoover in Ephrata Township, **Lancaster County** with an expiration date of March 30, 2019. Permit issued: March 5, 2019.

Permit No. 64194102. Holbert Explosives, Inc., (237 Mast Hope Plank Road, Suite A, Lackawaxen, PA 18435), construction blasting for Delaware Arms & Ammunition, LLC in February 20, 2020. Permit issued: March 5, 2019.

Permit No. 09194103. Schlouch, Inc., (P.O. Box 69, Blandon, PA 19510), construction blasting for Harrow Manor in Nockamixon Township, **Wayne County** with an expiration date of March 1, 2020. Permit issued: March 6, 2019.

Permit No. 22194102. Maine Drilling & Blasting, Inc., (P.O. Box 1140, Gardiner, ME 04345), construction blasting for East Point Trade Center in Derry Township, **Dauphin County** and North Londonderry Township, **Lebanon County** with an expiration date of February 25, 2020. Permit issued: March 7, 2019.

Permit No. 38194103. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for David Zook dwelling in Mill Creek Township, **Lebanon County** with an expiration date of April 30, 2019. Permit issued: March 7, 2019.

Permit No. 54194101. Maine Drilling & Blasting, Inc., (P.O. Box 1140, Gardiner, ME 04345), construction blasting for an agricultural greenhouse in Norwegian Township, **Schuylkill County** with an expiration date of February 25, 2020. Permit issued: March 7, 2019.

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.

E46-1176. Skippack Township, 4089 Heckler Road, Skippack, PA 19474, Skippack Township, **Montgomery County**, ACOE Philadelphia District.

To construct and maintain a new 6-foot wide, 23-foot span pedestrian bridge across a tributary to Skippack Creek (TSF-MF) associated with expansion of the existing sidewalk/trail system.

The site is located about 200 feet southeast of intersection of Skippack Pike and Collegeville Road (Collegeville, PA USGS Quadrangle; N: 17.5 inches, W: 3.25 inches) in Skippack Township, Montgomery County. This work was previously authorized under Permit E46-1098 which expired on December 31, 2014.

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

E46-1171. Lower Gwynedd Township, 1130 N Bethlehem Pike, Spring House, PA 19477, Lower Gwynedd Township, **Montgomery County**, ACOE Philadelphia District.

Lower Gwynedd Township is proposing to construct and maintain the following water obstruction and encroachment activities associated with the Springhouse Roadway Improvements Project Phase 1—Sunneystown Pike Culvert Extension:

1. To extend an existing 60-foot-long, 15-foot by 6-foot concrete box culvert carrying Willow Run (TSF-MF) to a total length of 90 feet resulting in 56 linear feet (896 square feet, 0.21 acre) of permanent stream impact and 102 linear feet (1,530 square feet, 0.035 acre) of temporary stream impact with 2,318 square feet (0.053 acre) of permanent floodway impact and 4,313 square feet (0.099 acre) of temporary floodway impact.

2. To construct 32-inch and 42-inch diameter outfalls downstream of the culvert extension resulting in 5 linear feet of permanent stream impact and 305 square feet (0.007 acre) of permanent floodway impact.

The project is located near the intersection of Sunneystown Pike and North Bethlehem Pike in Lower Gwynedd Township, Montgomery County. (USGS PA Ambler Quadrangle—Latitude 40.186025, Longitude 75.228347 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)).

E46-1173. Philadelphia Country Club, 1601 Spring Mill Road, Gladwyne, PA 19035, Lower Merion Township, **Montgomery County**, ACOE Philadelphia District.

To construct, expand, and maintain the existing irrigation ponds in and along Saw Mil Run at two locations for a total of 0.515 acre, and also to construct and expand Fairway 5 Pond Area by 0.108 acre.

The site is located at the Philadelphia Country Club at 1601 Spring Mill Road (Norristown, PA, USGS Map; Latitude; 40.060316; -75.290986).

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.

E45-616. Hamilton Township, 229 Fenner Ave., P.O. Box 285, Sciota, PA 18354. Hamilton Township, **Monroe County**, Army Corps of Engineers Philadelphia District.

To remove an existing stormwater outfall and to construct and maintain a new stormwater outfall in the floodway of McMichael Creek (HQ-CWF, MF) consisting of an 18-inch diameter reinforced concrete pipe with a rip rap apron. The outfall is associated with the S.R. 2010/Manor Drive superstructure replacement/drainage improvement project. (Saylorsburg, PA Quadrangle; Latitude: 40° 57' 55.9"; Longitude: -75° 15' 26.1".)

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

E63-720. Washington County Commissioners, 100 West Beau Street, Suite 701, Washington, PA 15301, Cross Creek Township, **Washington County**, Pittsburgh ACOE District.

The following application has been DENIED:

1. Construct and maintain four 20 foot by 80 foot fishing piers within Cross Creek Reservoir;
2. Construct and maintain one 20 foot by 35 foot fishing pier within Cross Creek Reservoir;
3. Construct and maintain a 10 foot wide by 570 foot long boardwalk within Cross Creek Reservoir;
4. Construct and maintain a proposed road crossing over Cross Creek (HQ-WWF), consisting of a 36" HDPE culvert.

For the purposes of developing a recreational area with hiking trails, fishing piers and a boardwalk. The project site is located approximately 5,500 feet north-northwest of the intersection of Beech Road and Park View Road, Avella, PA USGS topographic quadrangle; N: 40°, 15', 27.75"; W: -80°, 24', 6.03"; Sub-basin 20D; USACE Pittsburgh District, in Cross Creek Township, Washington County.

ENVIRONMENTAL ASSESSMENTS

Cambria District: Contact Person: Patrick M. Webb, 286 Industrial Park Road, Ebensburg, PA 15931-4119.

EA1609-005. Pennsylvania Department of Environmental Protection, Bureau of Abandoned Mine Reclamation, Cambria Office, 286 Industrial Park Road, Ebensburg, PA 15931. Abandoned Mine Land Reclamation Project, in Paint Township, **Clarion County**, Pittsburgh ACOE District.

The applicant will backfill two Dangerous Highwalls that total 2,550 linear feet in length and average 25 feet high. Four hazardous waterbodies that originate from an abandoned coal surface mine seep will be drained to accommodate the backfilling of the dangerous highwalls. The hazardous water bodies are 0.8 acre, 0.1 acre, 0.2 acre and 0.1 acre. The acidic coal mine seep fed hazardous waterbodies will be drained and relocated through an underdrain extension drainage system. Once the underdrain system is constructed, the on-site adjacent acidic coal mine spoil materials will then be regraded to

backfill the drained abandoned hazardous surface mine areas and dangerous highwalls. There are no associated wetlands on site due to the acidic coal mine spoils and steep to vertical topography. No wetland mitigation is proposed and none is required. (Clarion Quadrangle; 41° 12' 47"N, 79° 26' 06"W.)

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

<i>ESCGP-2 No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
ESG0500015001-1	Sunoco Pipeline, LP 535 Fritztown Road Sinking Spring, PA 19608	Cambria County	Jackson Township	Hinckston Run (CWF); UNT to Hinckston Run [10] (CWF)

*Northwest Region: Waterways and Wetlands Program, 230 Chestnut Street, Meadville, PA 16335-3481.
Erie County Conservation District, 1927 Wager Road, Erie, PA 16509, 814-825-6403.*

<i>ESCP No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
ESP062518002	Penn Dot District 1-0 255 Elm Street Oil City, PA 16301	Erie	Springfield Township	Turkey Creek and tributaries CWF, Raccoon Creek and tributaries CWF; MF, Conneaut Creek and tributaries CWF

Northwest Region: Oil and Gas Program Manager, 230 Chestnut St., Meadville, PA 16335.

ESCGP-3 # ESX13-019-0059-01/Argo Freshwater Impoundment ESX
Applicant EM Energy PA LLC
Contact Jamie Johnson
Address 1800 Main St, Ste 220
City Canonsburg State PA Zip Code 15317
County Butler Township(s) Allegheny
Receiving Stream(s) and Classification(s) UNT to North Branch Bear Creek CWF

ESCGP-3 # ESG30808319-001/Potato Creek Pad A FWI
Applicant Pennsylvania General Energy Company LLC
Contact Doug Kuntz
Address 120 Market Street
City Warren State PA Zip Code 16365
County McKean Township Norwich
Receiving Stream(s) and Classification(s) UNT to East Branch Potato Creek CWF and UNT to Havens Run CWF.

ESCGP-3 # ESX180050007-01/Trilogy Gas Pipeline
Applicant Mountain Gathering LLC
Contact Dewey Chalos
Address 190 Thorn Hill Road
City Warrendale State PA Zip Code 15086
County Armstrong Township(s) Freeport, South Buffalo

Receiving Stream(s) and Classification(s) UNT to Buffalo Creek, Buffalo Creek (TSF), UNT to Big Run, Big Run (WWF)

ESCGP-3 # ESG30801918-004/Bricker Unit 1H OG Well
Applicant PennEnergy Resources, LLC
Contact Doug Mehan
Address 1000 Commerce Drive; Park Place One, Suite 400
City Pittsburgh State PA Zip Code 15275
County Butler Township(s) Connoquenessing
Receiving Stream(s) and Classification(s) Semiconon Run and UNT to Little Connoquenessing Creek CWF

ESCGP-3 # ESX18-031-0002A—Burns Farm Well Pad Major Modification
Applicant Laurel Mountain Production, LLC
Contact Joel Hoffman
Address 61 McMurray Road, Suite 300
City Pittsburgh State PA Zip Code 15241
County Clarion Township(s) Licking
Receiving Stream(s) and Classification(s) UNT to Clarion River, Clarion River WWF

ESCGP-3 # ESX140730004-01—Mahoning Siegel Facility and Well Pad
Applicant Hilcorp Energy Company
Contact Stephanie McMurray
Address 1111 Travis Street
City Houston State TX Zip Code 77002

County Lawrence Township(s) Mahoning
Receiving Stream(s) and Classification(s) Marshall Run,
Coffee Run

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

ESCGP-2 # ESG29-117-18-0042

Applicant Name Eclipse Resources—PA, L.P.

Contact Person Bruce Carpenter

Address 2121 Old Gatesburg Road, Suite 110

City, State, Zip State College, PA 16803

County Tioga & Potter

Township(s) Gaines & Clymer Twp. (Tioga)/Hector Twp.

(Potter)

Receiving Stream(s) and Classification(s) Gal Run (CWF),
Long Run (CWF), Phoenix Run (HQ-CWF), Little Phoenix
Run (HQ-CWF), Wattles Run (CWF), Pine Creek
(EV)

ESCGP-2 # ESG29-115-18-0070

Applicant Name Cabot Oil and Gas Corporation

Contact Person Kenneth Marcum

Address 2000 Park Lane, Suite 300

City, State, Zip Pittsburgh, PA 15275

County Susquehanna

Township(s) Harford Twp.

Receiving Stream(s) and Classification(s) Partners Run
(CWF-MF)

ESCGP-2 # ESG29-115-18-0064

Applicant Name SWN Production Company, LLC

Contact Person Nicki Atkinson

Address 917 State Route 92 North

City, State, Zip Tunkhannock, PA 18657

County Susquehanna

Township(s) New Milford Twp.

Receiving Stream(s) and Classification(s) East Lake
Creek (HQ, CWF-MF) and Salt Lick Creek (HQ, CWF-
MF)

CORRECTIVE ACTION UNDER ACT 32, 1989

PREAMBLE 2

The following plans and reports were submitted under the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104).

Provisions of 25 Pa. Code Chapter 245 Subchapter D, Administration of the Storage Tank and Spill Prevention Program, require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A remedial action plan is submitted to summarize the site characterization, document the design and construction details for the remedial action, and describe how the remedial action will attain the selected remediation standard. The remedial action plan also provides results of studies performed and data collected to support the remedial action and a description of postremediation care requirements. A remedial action completion report is submitted to document cleanup of a release of a regulated substance at a site to the selected remediation standard. A remedial action completion report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or non-residential 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.

For further information concerning plans or reports, please contact the Environmental Cleanup Program Manager in the DEP 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 listed. TDD users may telephone the DEP through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

Southeast Region: Environmental Cleanup & Brownfields Program Manager, 2 East Main Street, Norristown, PA 19401.

Frank Reese Prop, 23-55368, 756—760 Ashland Ave, Eddystone Borough, **Delaware County**. Marshall Geoscience, Inc, 170 East First Avenue, Collegeville, PA 19426 on behalf of Frank Reese, 10758 Piney Island Drive, Bishopville, MD 21813, submitted a Site Characterization Report 310(b) concerning remediation of soils contaminated with unleaded petroleum. The report is intended to document remediation of the site to meet the residential Statewide health standard.

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

Former Schneck Oil, Storage Tank ID # 39-34817, 1201 North Quebec Street, Allentown City, **Lehigh County**. AECOM Technical Services, 100 Sterling Parkway, Suite 205, Mechanicsburg, PA 17050, on behalf of Norfolk Southern Railway Company, 110 Franklin Road SE, Roanoke, VA 24042-0028, has submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with gasoline, diesel, fuel oil, and used motor oil. The report is intended to document remediation of the site to meet a combination of Site Specific and Statewide Health Standards.

Marty's Garage, Storage Tank ID # 64-01651, 1120 Hamlin Highway (Route 590), Salem Township, **Wayne County**. Taylor GeoServices, 38 Bishop Hollow Road, Suite 200, Newtown Square, PA 19073, on behalf of John Martinkovitch, 310 Goose Pond Road, Lake Ariel, PA 18436, has submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with gasoline. The report is intended to document remediation of the site to meet a combination of Site Specific and Statewide Health Standards.

S&M Mini Mart, Storage Tank ID # 45-06391, 7074 PA Business Route 209, Hamilton Township, **Monroe County**. United Environmental Services, P.O. Box 701, Schuylkill Haven, PA 17972, on behalf of M.J. Properties USA, LLC, 7074 PA Business Route 209, Stroudsburg, PA 18360, submitted a Remedial Action Completion Report concerning remediation of groundwater contaminated with gasoline. The report is intended to document remediation of the site to meet Statewide Health Standards.

Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Blue Ride CC, Storage Tank Primary Facility ID # 22-64513, 3940 Linglestown Road, Harrisburg, PA 17110, Lower Paxton Township, **Dauphin County**. Herbert, Rowland & Grubic, Inc., 369 East Park Drive, Harrisburg, PA 17111, on behalf of Blue Ridge Country Club, 3940 Linglestown Road, Harrisburg, PA 17110 submitted a Remedial Action Plan concerning remediation of

groundwater contaminated with a petroleum constituent. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Bohn Automotive, Storage Tank Primary Facility ID # 06-39794, 750 Lancaster Avenue, Reading, PA 19607, Reading City, **Berks County**. Center Point Tank Services, Inc., 536 E. Benjamin Franklin Highway, Douglassville, PA 19518, on behalf of BDM Rentals, 750 Lancaster Avenue, Reading, PA 19607 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum constituents. The report is intended to document remediation of the site to meet the Statewide Health Standard (Soil) and the Site-Specific Standard (Groundwater).

Growth Investors Group, Storage Tank Primary Facility ID # 22-07410, 770 Eisenhower Boulevard, Harrisburg, PA 17110, Swatara Township, **Dauphin County**. Comstock Environmental Services, LLC, P.O. Box 509, Lafayette Hill, PA 19444, on behalf of Growth Investors Group, LP, 770 Eisenhower Boulevard, Harrisburg, PA 17110 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum constituents. The report is intended to document remediation of the site to meet the Site-Specific Standard and the Statewide Health Standard.

Rutter's Store No. 16, Storage Tank Primary Facility ID # 67-26955, 4430 West Main Street, York, PA 17408, West Manchester Township, **York County**. United Environmental Services, Inc., P.O. Box 701, Schuylkill Haven, PA 17972, on behalf of CHR Corporation, 2295 Susquehanna Trail, Suite C, York, PA 17404 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum constituents. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.

Mifflinville Travel Plaza, Storage Tank Primary Facility ID # 19-70580, Interstate 80 and S.R. 339, Mifflin Township, **Columbia County**. Mobile Environmental Analytical, Inc., 1354 Ackermanville Road, Bangor, PA 18013, on behalf of Raceway Management Co., Inc., P.O. Box 239, Harford, PA 18823-0239, submitted a Remedial Action Completion Report concerning remediation of groundwater and soil contaminated with unleaded gasoline and diesel fuel. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Sheetz Store # 216, Storage Tank Primary Facility ID # 49-22052, 38 South Market Street, Elysburg, PA 17824, Ralpho Township, **Northumberland County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16601, on behalf of ExxonMobil Environmental Services Company, 7715 Crittenden Street, # 309, Philadelphia, PA 19118-4421, submitted a Remedial Action Completion Report concerning remediation of groundwater contaminated with unleaded gasoline, diesel and kerosene. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Former Exxon Station # 22091, Storage Tank Primary Facility ID # 49-06873, 424 East Sunbury Street, Shamokin, **Northumberland County**. Groundwater & Environmental Services, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341, on behalf of Former Exxon Station # 22091, 424 East Sunbury Street, Shamokin, PA 17872, submitted a Remedial Action Completion Report concerning remediation of groundwater and soil contaminated

with light petroleum products, specifically gasoline. The report is intended to document remediation of the site to meet the Statewide Health and Site-Specific Standards.

Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Formerly TNT Enterprises, Storage Tank Primary Facility ID # 20-90351, 21779 State Highway 8, Centerville, PA 16404-2012, Bloomfield Township, **Crawford County**. Core Environmental Services, Inc., 3960 William Flinn Highway, Suite 100, Allison Park, PA 15101-3603, on behalf of Thomas Allison, 20496 Ongley Road, Centerville, PA 16404-3024, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with benzene, toluene, ethylbenzene, xylenes, MTBE, cumene, and naphthalene. The report is intended to document remediation of the site to meet the Site-Specific Standard.

CORRECTIVE ACTION UNDER ACT 32, 1989

PREAMBLE 3

The DEP has taken action on the following plans and reports under the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104).

Provisions of 25 Pa. Code Chapter 245 Subchapter D, Administration of the Storage Tank and Spill Prevention Program, require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports.

A remedial action plan is submitted to summarize the site characterization, document the design and construction details for the remedial action, and describe how the remedial action will attain the selected remediation standard. The remedial action plan also provides results of studies performed and data collected to support the remedial action and a description of postremediation care requirements. A remedial action completion report is submitted to document cleanup of a release of a regulated substance at a site to the selected remediation standard. A remedial action completion report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or non-residential 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.

The DEP may approve or disapprove plans and reports submitted. This notice provides the DEP's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, please contact the Environmental Cleanup Program Manager in the DEP Regional Office under which the notice of the plan or report appears. If information concerning a report is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the DEP through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The DEP has received the following plans and reports:

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

Promised Land Junction, Storage Tank ID # 52-50520, 895 State Route 390, Palmyra Township, **Pike County**. United Environmental Services, P.O. Box 701, Schuylkill Haven, PA 17972 on behalf of Judith and Victor Apellanes, 895 State Route 390, Greentown, PA 18426 submitted a combined Site Characterization Report and Remedial Action Plan concerning remediation of soil and groundwater contaminated with gasoline. The combined Site Characterization Report and Remedial Action Plan was acceptable to meet Site-Specific Standards for soil and groundwater and was approved by DEP on March 7, 2019.

Suburban Propane Storage Tank ID # 58-26312, 245 Smith Street, New Milford, **Susquehanna County**. Cemats, 3232 Seneca Turnpike, P.O. Box 68, Canastota, NY 13032, on behalf of Suburban Propane, 2440 Dairy Road, Lancaster, PA 17601, submitted a Remedial Action Completion Report concerning remediation of soil contaminated with toluene, ethylbenzene, Methyl tert-butyl Ether, xylenes (total), isopropylbenzene (cumene), naphthalene, and 1,3,5-trimethylbenzene and groundwater contaminated with benzene and 1,2,4-trimethylbenzene. The Remedial Action Completion Report demonstrated attainment of a combination Statewide Health and Site-Specific Standards for soils and groundwater and was approved by DEP on March 6, 2019.

Gibson Travel Plaza, Storage Tank ID # 58-50845, 2174 State Route 848, New Milford Township, **Susquehanna County**, MEA, 1365 Ackermanville Road, Bangor, PA 18013, submitted a Remedial Action Completion Report on behalf of Raceway Holdings LLC, 2227 Scranton-Carbondale Highway, Scranton, PA 18508, concerning remediation of soils and groundwater contaminated with petroleum. The Remedial Action Completion did not demonstrate attainment of a combination of Statewide Health and Site-Specific Standards and was disapproved by DEP on March 11, 2019.

Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

GetGo # 3149, Storage Tank Primary Facility ID # 07-37967, 100 West Plank Road, Altoona, PA 16602, Altoona City, **Blair County**. Letterle & Associates, Inc., 2859 Oxford Boulevard, Allison Park, PA 15101, on behalf of Giant Eagle, Inc., 701 Alpha Drive, Pittsburgh, PA 15238, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline. The Remedial Action Completion Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on February 27, 2019.

Lisis Food & Fuel 3, Storage Tank Primary Facility ID # 22-12556, 3662 Peters Mountain Road, Halifax, PA 17032, Halifax Township, **Dauphin County**. Reliance Environmental, 235 N. Duke St., Lancaster, PA 17602, on behalf of Mr. Randall Lisis, 137 E. Broad St., Elizabethville, PA 17023 submitted a combined Site Characterization Report—Remedial Action Plan, concerning remediation of soil and groundwater contaminated with Diesel Fuel Shortlist Constituents. The Remedial Action Plan was acceptable to meet the Statewide Health Standard and was approved by the Department on March 6, 2019.

Blue Ridge CC, Storage Tank Primary Facility ID # 22-64513, 3940 Linglestown Rd., Harrisburg, PA 17110-3632, Lower Paxton Township, **Dauphin County**. HRG, Inc., 369 East Park Dr., Harrisburg, PA 17111, on behalf of Blue Ridge CC, 3940 Linglestown Rd., Harrisburg, PA 17110-3632 submitted a combined Site Characterization Report—Remedial Action Plan, concerning remediation of groundwater contaminated with Unleaded Gasoline Shortlist Constituents. The Remedial Action Plan was acceptable to meet the Statewide Health Standard and was approved by the Department on March 6, 2019.

Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.

Former Dandy Mini Mart # 36, Storage Tank Primary Facility ID # 08-16784, 509 James Monroe Avenue, Monroeton, Monroe Township, **Bradford County**. Juniata Geosciences, 6872 Willow Brook Road, Alexandria, PA 16611, on behalf of Dandy Mini Mart # 36, 509 James Monroe Avenue, Monroeton, PA 18832, has submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline and kerosene. The Remedial Action Completion Report demonstrated attainment of the Site-Specific Standard and was approved by DEP on March 6, 2019.

Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Vennard's Crossroads Convenience, Storage Tank Primary Facility ID # 32-81802, 4985 Lucerne Road, White Township, **Indiana County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16601, on behalf of Vennard's Crossroads Convenience, 5190 White Oak Drive, Indiana, PA 15701-9479 submitted a Remedial Action Plan concerning remediation of soil contaminated with 1, 2, 4-trimethylbenzene, 1, 3, 5-trimethylbenzene, benzene, toluene, ethylbenzene, total xylenes, cumene, and naphthalene; site groundwater contaminated with 1, 2, 4-trimethylbenzene, 1, 3, 5-trimethylbenzene, benzene, toluene, ethylbenzene, total xylenes, MTBE, cumene, and naphthalene. The Remedial Action Plan was acceptable to meet the Statewide Health Standard and was approved by the Department on March 5, 2019.

SPECIAL NOTICES

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

Notice is hereby given that the Department of Environmental Protection has requested a Stage 3 (FINAL) Bond Release for Coal Mining Activity Permit Number 35A77SM4 (Cross Mine) which was originally issued on September 9, 1977. This release is being requested pursuant to the Surface Mining Conservation and Reclamation Act.

The reclaimed mine site for which the bond release is being requested consists of 7.5 acres and is located on the current Buffalo Valley LTD property in East Franklin Township, Armstrong County. The mine site is located at the intersection of Sotos Road and T530 as shown on the Kittanning 7.5 minute USGS topo map. Bond release is being requested for \$3,085.00 on 7.5 acres. The Stage 3 area has been revegetated for over five years and is capable of supporting the post-mining land use.

Written comments, objections or a request for a public hearing or informal conference may be submitted to the Department of Environmental Protection, New Stanton District Office, 131 Broadview Road, New Stanton, PA 15672 within thirty (30) days from the date of the final (4th) publication of this notice and must include the person's name, address, telephone number and a brief description as to the nature of the objections.

[Pa.B. Doc. No. 19-430. Filed for public inspection March 22, 2019, 9:00 a.m.]

DEPARTMENT OF HEALTH

Rare Disease Advisory Council Meeting

The Department of Health will hold a public meeting of the Rare Disease Advisory Council on Tuesday, April 2, 2019, from 10 a.m. to 3 p.m. This meeting will be held at the Giant Community Center, 2nd Floor, 2300 Linglestown Road, Harrisburg, PA 17110. The purpose of this meeting is to receive the reports of subcommittees, continue discussions of the committee work, and discuss promoting awareness of rare diseases and funding for treatment and research.

For additional information, or for persons with a disability and who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so contact the Bureau of Health Promotion and Risk Reduction, Room 1000, Health and Welfare Building, Harrisburg, PA, (717) 787-6214, or for speech and/or hearing impaired persons, call the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

This meeting is subject to cancellation without notice.

RACHEL L. LEVINE, MD,
Secretary

[Pa.B. Doc. No. 19-431. Filed for public inspection March 22, 2019, 9:00 a.m.]

DEPARTMENT OF HEALTH

Special Supplemental Nutrition Program for Women, Infants and Children (WIC) Public Meetings

In accordance with 7 CFR 246.4(b) (relating to state plan), the Department of Health has scheduled 11 public meetings from 10 a.m. to 3 p.m. at the following locations.

The meetings are open to the public to obtain comments and recommendations for the development of the 2020 State Plan of Program Operation and Administration for the Special Supplemental Nutrition Program for Women, Infants and Children (WIC) in this Commonwealth. Persons wishing to give testimony at a meeting are asked to pre-register with the State WIC Program Office by calling (717) 783-1289. Persons unable to attend a meeting who wish to express their views may submit written comments by May 31, 2019, to the Department of Health, Bureau of Women, Infants and Children (WIC), 625 Forster Street, 7 West, Health and Welfare Building, Harrisburg, PA 17120.

- May 1, 2019, Home Nursing Agency, 206 West Plank Drive, Altoona, PA 16602.

- May 1, 2019, Maternal and Family Health Services, Inc., 15 Public Square, Suite 600, Wilkes-Barre, PA 18701.

- May 1, 2019, South Central Community Action Program, Inc., 533 South Main Street, Chambersburg, PA 17201.

- May 2, 2019, Chester County Government Services Building, 601 Westtown Road, Room 250, West Chester, PA 19380.

- May 2, 2019, UNFHCC Erie County WIC Program, 1720 Holland Street, Erie, PA 16507.

- May 7, 2019, Southwestern Pennsylvania Human Services, Inc., 300 Chamber Plaza, Charleroi, PA 15022.

- May 21, 2019, Bradford Area Public Library, 67 Washington Street, Bradford, PA 16701.

- May 21, 2019, North, Inc. Philadelphia WIC Office, 1300 West Lehigh Avenue, Suite 104, Philadelphia, PA 19132.

- May 22, 2019, WIC of Beaver County, 140 Beaver Valley Mall, Route 18, Monaca, PA 15061.

- May 23, 2019, Hamilton Health Center, 110 South 17th Street, Harrisburg, PA 17104.

- May 30, 2019, Community Progress Council, Inc., 130 Market Street, York, PA 17401.

For additional information or for persons with a disability who wish to attend a meeting or provide comment, or both, and require an auxiliary aid, service or other accommodation to do so, should contact Amanda Killion at (717) 783-1289. 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). Pennsylvania WIC is funded by the United States Department of Agriculture. This institution is an equal opportunity provider.

These meetings are subject to cancellation without notice.

RACHEL L. LEVINE, MD,
Secretary

[Pa.B. Doc. No. 19-432. Filed for public inspection March 22, 2019, 9:00 a.m.]

DEPARTMENT OF HEALTH

Traumatic Brain Injury Advisory Board Meeting

The Traumatic Brain Injury Advisory Board (Board), established under section 1252 of the Federal Traumatic Brain Injury Act of 1996 (42 U.S.C.A. § 300d-52), will hold a public meeting on Friday, May 10, 2019, from 10 a.m. to 2:30 p.m. The meeting will be held in the large conference room of the Community Center, 2nd Floor, Giant Food Store, 2300 Linglestown Road, Harrisburg, PA 17110.

Currently in this Commonwealth, nearly 250,000 individuals are living with brain injury. Every year, on average, 8,600 residents of this Commonwealth sustain

long term disabilities from brain injury. The Department of Health's (Department) Head Injury Program (HIP) strives to ensure that eligible individuals who have a traumatic brain injury receive high quality rehabilitative services aimed at reducing functional limitations and improving quality of life. The Board assists the Department in understanding and meeting the needs of persons living with traumatic brain injury and their families. This quarterly meeting will provide updates on a variety of topics including the number of people served by HIP. In addition, meeting participants will discuss budgetary and programmatic issues, community programs relating to traumatic brain injury and available advocacy opportunities.

For additional information, or for persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so, contact Nicole Johnson, Division of Community Systems Development and Outreach, (717) 772-2763, or for speech and/or hearing-impaired persons, contact V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

This meeting is subject to cancellation without notice.

RACHEL L. LEVINE, MD,
Secretary

[Pa.B. Doc. No. 19-433. Filed for public inspection March 22, 2019, 9:00 a.m.]

DEPARTMENT OF STATE

Bureau of Corporations and Charitable Organizations; Official Forms

The Department of State (Department), Bureau of Corporations and Charitable Organizations (Bureau) published notice at 49 Pa.B. 688 (February 9, 2019) of the Bureau's intent to amend the forms and instructions currently in 19 Pa. Code Appendix C (relating to official forms) to provide for amending Form DSCB: 15-8221/8998 (Certificate of Annual Registration). The form was revised to reflect the change in base annual registration fees payable by limited liability partnerships, limited liability limited partnerships and restricted professional companies in accordance with 15 Pa.C.S. § 8221(b) and § 8998(b) (relating to annual registration).

The form and instructions, which do not constitute agency regulations, were subject to the opportunity for public comment under section 201 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. § 1201). The Bureau received no comments during the intervening 30-day public comment period. Therefore, the amended form and instructions are being codified and inserted into 19 Pa. Code Appendix C as they were published at 49 Pa.B. 688, to replace the form of same name and number.

KATHY BOOCKVAR,
Acting Secretary

[Pa.B. Doc. No. 19-434. Filed for public inspection March 22, 2019, 9:00 a.m.]

GOVERNOR'S OFFICE

Regulatory Agenda

Executive Order 1996-1 requires all agencies under the jurisdiction of the Governor to submit for publication semi-annually an agenda of regulations under development or consideration.

The agendas are compiled to provide members of the regulated community advanced notice of regulatory activity. It is the intention of the Administration that these agendas will serve to increase public participation in the regulatory process.

Agency contacts should be contacted for more information regarding the regulation and the procedure for submitting comments.

This Agenda represents the Administration's present intentions regarding future regulations. The information provided is current as of February 22, 2019. The nature and complexity of an individual regulation obviously will determine whether and when any particular regulation listed (as well as any considered subsequent to publication of this Agenda) is published.

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Department of Aging			
No regulations being developed or considered at this time.			
Department of Agriculture			
Pennsylvania Preferred Program Regulations 7 Pa. Code Chapter 107 (# 2-186)	October 2019, as Final	This regulation will establish standards required under the Pennsylvania Preferred Act (3 Pa.C.S. §§ 4601—4611).	Laura England (717) 783-8462
Milk Sanitation 7 Pa. Code Chapter 59a (# 2-191)	May 2019, as Final	The regulation will allow PA raw milk cheese producers to produce any raw (unpasteurized) milk cheese where: (1) there is a Federal standard of identity for that cheese; and (2) the standard of identity allows for the production of the standardized cheese from raw milk.	Lydia Johnson (717) 787-4315

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<i>Department of Banking and Securities (DOBS)</i>			
Modernization of Banking Regulations under the Banking Code of 1965— Title 10, Parts I—VI	Fall 2019, as Proposed	The Banking Code of 1965 underwent substantial modernization in 2014 and there is a need for the regulations to reflect recent legislative changes and amend language to conform with regulatory changes from federal banking agencies. (Act of November 30, 1965, P.L. 847, No. 356, as amended.)	Leo Pandeladis (717) 787-1471
Promulgation of agency rules of administrative practice and procedure, to be added to Title 10, Part I	Fall 2019, as Proposed	The agency currently uses the General Rules of Administrative Practice and Procedure (“GRAAP”), which contemplate that an agency may promulgate its own rules. 1 Pa. Code § 31.1. The agency desires to enact rules more suited to its statutory requirements.	Leo Pandeladis (717) 787-1471
<i>Department of Community and Economic Development (DCED)</i>			
Industrialized Housing and Components 12 Pa. Code Chapter 145	Spring 2019, as Proposed	The proposed regulation would reduce the frequency of Department inspections for a factory or manufacturing facility with approved building system documentation from once a year to every other year.	Jill B. Busch (717) 720-7314
<i>Department of Conservation and Natural Resources (DCNR)</i>			
Snowmobile and All-Terrain Vehicle Grants 17 Pa. Code Chapter 53 (# 7B-9)	Spring 2019, as Final	The purpose of this rulemaking is to comply with the Act of July 20, 2016, P.L. 837, No. 97, codified in 75 Pa.C.S. § 7706(b.1) of the Vehicle Code, which mandates this rulemaking. The Act instructs the Dept. to promulgate regulations implementing a grant program using funds from the snowmobile and ATV management restricted accounts, created by the Act. IRRC submitted comments for the proposed regulation on March 22, 2018. Program areas are addressing these comments and will have a final version ready for Spring 2019.	Alex MacDonald (717) 772-4586 Stephen Ekema-Agbaw, Esq. (717) 772-4171
<i>Department of Corrections (DOC)</i>			
Inmate Correspondence 37 Pa. Code § 93.2	Fall 2019, as Proposed	Inmate correspondence regulations are being revised to reflect new DOC procedures for processing mail.	Tracey Tubbs (717) 728-7763
Inmate Visiting Privileges 37 Pa. Code § 93.3	Fall 2019, as Proposed	Inmate visiting privileges regulations are being revised to reflect DOC changes to its visiting policy.	Tracey Tubbs (717) 728-7763
Purchase for Inmates by Family and Friends 37 Pa. Code § 93.4	Fall 2019, as Proposed	Purchase for inmates by family and friends regulations are being revised for clarification and to more accurately comport with current standards.	Tracey Tubbs (717) 728-7763
<i>Department of Drug and Alcohol Programs (DDAP)</i>			
Recovery Home Regulations 28 Pa. Code Chapter _ (new)	Spring 2019, as Final-Omitted	Act 59 of 2017 directs DDAP to establish regulations for recovery houses that receive public funds or referrals. Recovery homes provide support to those suffering from addiction subsequent to leaving inpatient treatment or correctional facilities. Preparation of draft rulemaking package is under way.	Derrick Pelletier (717) 547-3323

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<i>Department of Education (PDE)</i>			
Regulations of the State Board of Private Academic Schools 22 Pa. Code Chapters 51, 53, 55, 57, 59, 61 and 63	Spring 2019, as Proposed	These regulations define the requirements for obtaining licensure as a Private Academic School. The Board is currently in the process of updating the regulations, which were promulgated in 1988. The regulations are promulgated under the authority of the Private Academic Schools Act (24 P.S. §§ 6701 et. seq.).	Matthew Stem (717) 787-2127
Standards for Approved Private Schools 22 Pa. Code Chapter 171, Subchapters A and C	Summer 2019, as Proposed	These standards define the elements of Approved Private Schools and the Chartered Schools (schools for the deaf and blind). This subchapter contains general provisions, which the Department seeks to update to conform to intervening changes in applicable law. The standards are promulgated under the authority of sections 1376 and 1376.1 of the Public School Code of 1949, 24 P.S. §§ 13-1376 and 1376.1.	Wallace Rejrat (717) 787-5500
Professional Standards and Practices Commission 22 Pa. Code Chapter 235	Spring 2019, as Proposed	This chapter sets forth the standards for professional practice and conduct applicable to educators. The Commission plans to update this chapter to conform to the 2014 amendments to the Educator Discipline Act (24 P.S. §§ 2070.1a et seq.) and to expound the obligations educators owe to students, colleagues and the profession, with an emphasis on appropriate student-teacher boundaries, electronic communications with students and role model responsibilities. The regulation is promulgated under the authority of sections 5(a)(10) and 5(a)(14) of the Educator Discipline Act (24 P.S. § 2070.5(a)(10) and § 2070.5(a)(14)).	Shane Crosby (717) 787-6576
Department of Education	Spring 2019, as Proposed	These regulations will address the possession and use of medical marijuana by students and employees on the grounds of a preschool, primary school and a secondary school. These regulations are promulgated under authority of the Medical Marijuana Act (2016 Pa. Laws 16).	Wallace Rejrat (717) 787-5500
Department of Education	Fall 2019, as Final	This regulation will establish the permanent fees for institutions of higher education to participate in the state authorization reciprocity agreement. These regulations are promulgated under authority granted by the Act 35 of 2016 (24 P.S. § 1-124(b)).	Patricia Landis (717) 783-8228
Regulations of the State Board of Private Licensed Schools 22 Pa. Code Chapter 73	Fall 2019, as Proposed	These regulations define the requirements for obtaining and maintaining licensure as a Private Licensed School. The Board is currently in the process of updating the regulations and establishing outcomes benchmarks. The regulations are promulgated under the authority of the Private Licensed Schools Act (24 P.S. §§ 6501 et. seq.).	Patricia Landis (717) 783-8228

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Regulations of Special Education Services and Programs 22 Pa. Code Chapter 14	Spring 2019, as Final-Omitted	This regulation supports Pennsylvania's people with an intellectual disability by updating the language in 22 Pa. Code relating to education by replacing the terms "mentally retarded" and "mental retardation" with the terms "intellectual disability" or "intellectual disabilities." The regulation is promulgated under the authority of Sections 502, 1372, 26-2603-B, of the Public School Code of 1949, as amended, 24 P.S. Sections 5-502, 13-1372, 26-2603-B. Sections 875-101 through 875-503 of the Early Intervention Services System Act, as amended, 11 P.S. Sections 875-101 through 875-503.	Karen Molchanow (717) 787-3787
State Board of Education 22 Pa. Code Chapter 16	Spring 2019, for review and discussion	These regulations establish requirements for public school districts of the Commonwealth regarding the identification of gifted education students and the delivery of gifted education services. The regulations will be opened for a periodically-required review. The regulations are promulgated under the authority of the Public School Code of 1949, 24 P.S. § 2603-B.	Karen Molchanow (717) 787-3787
Regulations of Charter School and Cyber Charter School Services and Programs for Children with Disabilities 22 Pa. Code Chapter 711	Spring 2019, as Final-Omitted	This regulation supports Pennsylvania's people with an intellectual disability by updating the language in 22 Pa. Code relating to education by replacing the terms "mentally retarded" and "mental retardation" with the terms "intellectual disability" or "intellectual disabilities." The regulation is promulgated under the authority of Sections 1701-A through 1732-A, 1749-A(b)(8), 1751-A, of the Public School Code of 1949, as amended, 24 P.S. §§ 17-1701-A through 17-1732-A, 17-1749-A(b)(8), 17-1751-A, and §§ 875-101 through 875-503 of the Early Intervention Services System Act, as amended, 11 P.S. §§ 875-101 through 875-503.	Ann Hinkson-Herrmann (717) 783-6134
State Board of Education 22 Pa. Code Chapter 49	Summer 2019, as Proposed	These regulations establish requirements for certification of professional personnel employed in the public schools of the Commonwealth. The regulations will be open for a periodically-required major review. The regulations are promulgated under the authority of the Public School Code of 1949, 24 P.S. § 2603-B.	Karen Molchanow (717) 787-3787
State Board of Education 22 Pa. Code Chapter 16	Spring 2019, for review and discussion	These regulations establish requirements for public school districts of the Commonwealth regarding the identification of gifted education students and the delivery of gifted education services. The regulations will be opened for a periodically-required review. The regulations are promulgated under the authority of the Public School Code of 1949, 24 P.S. § 2603-B.	Karen Molchanow (717) 787-3787

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Regulations of the State Library and Advisory Council on Library Development 22 Pa. Code Chapters 131, 133, 135, 137, 141, 142 and 143	Winter 2020, as Proposed	The Department will be promulgating regulations under the authority of the Public Library Code of 2012, Act 210 of 2012, P.L. 2411. The Department plans to update the regulations (promulgated in 1962) in 2018. These regulations will address the use of the State Library, the Advisory Council on Library Development, general provisions and plans for the use of State Aid, certification of library personnel, library traineeships, use of the state library, grants for public library facilities, and state document depositories.	Susan Banks (717) 214-4046
<i>Environmental Hearing Board (EHB)</i>			
Practice and Procedure 25 Pa. Code Chapter 1021 (# 106-13)	Spring 2019, as Proposed; and Fall 2019 or Winter 2020, as Final	This proposed rulemaking is expected to make minor revisions to the Board's rules in the following categories: motions for admission pro hac vice; responses to petitions to appeal nunc pro tunc; the inclusion of a table of contents in briefs exceeding 30 pages; and other minor corrections to the rules.	Maryanne Wesdock, Senior Assistant Counsel (412) 565-5245
<i>Department of Environmental Protection (DEP)</i>			
Federal Office of Surface Mining (OSM) Program Consistency Updates 25 Pa. Code Chapters 86, 89 and 90 (# 7-532)	Quarter 2, 2019, EQB Consideration, as Final	This rulemaking amends Chapter 86 in order to comply with Federal regulatory requirements; to revise (Chapter 89) effluent limits for passive treatment systems to comply with Federal regulations, and to update (Chapter 90) coal refuse site selection regulations to comply with the revised Coal Refuse Disposal Control Act. (Surface Mining Conservation and Reclamation Act)	Bill Allen (717) 783-9580 wallen@pa.gov
Noncoal Mining Program Fee Amendments 25 Pa. Code Chapter 77 (# 7-523)	Quarter 1, 2019, IRRC Consideration	This rulemaking increases fees in order to provide the funding for the Noncoal Mining Program, which implements the Noncoal Surface Mining and Conservation and Reclamation Act (NSMCRA). The rulemaking provides more revenue in order to implement the NSMCRA, which requires operators to apply for and maintain active permits and licenses to mine noncoal minerals in Pennsylvania. In administering the noncoal mining program, DEP reviews and issues permits and conducts inspections to assure compliance with the permits and performance standards. (Noncoal Surface Mining Conservation and Reclamation Act, Clean Streams Law)	Bill Allen (717) 783-9580 wallen@pa.gov
Water Supply Replacement 25 Pa. Code Chapters 87 and 88 (# 7-545)	Quarter 2, 2019, EQB Consideration, as Proposed	This rulemaking proposes to revise Chapters 87 and 88, to clarify what is necessary to meet the coal mine operator's obligation to permanently pay the operation and maintenance costs for replacement water supplies. (Surface Mining Conservation and Reclamation Act)	Sharon Hill (717) 787-6842 shill@pa.gov

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Noncoal Mining Clarifications and Corrections 25 Pa. Code Chapter 77 (# 7-554)	Quarter 4, 2019, EQB Consideration, as Proposed	This rulemaking proposes to clarify and correct existing regulatory requirements for noncoal mining. The rulemaking also proposes to update the blasting section to be consistent with the recently revised Chapter 211 and to reflect current technology. (Noncoal Surface Mining Conservation and Reclamation Act, Clean Streams Law)	Bill Allen (717) 783-9580 wallen@pa.gov
Unconventional Well Permit Application Fees 25 Pa. Code Chapter 78a (# 7-542)	Quarter 3, 2019, EQB Consideration, as Final	This rulemaking amends 25 Pa. Code §§ 78a.1 (relating to definitions) and 78a.19 (relating to permit application fee schedule). These amendments are necessary to increase fees to support the administration of 58 Pa.C.S. Chapter 32 (related to development) (2012 Oil and Gas Act) by the DEP's Office of Oil and Gas Management. The rulemaking increases the current well permit application fees from \$5,000 for nonvertical unconventional wells and \$4,200 for vertical unconventional wells, to \$12,500 for all unconventional well permit applications to administer the 2012 Oil and Gas Act. (2012 Oil and Gas Act)	Kurt Klapkowski (717) 772-2199 kklapkowski@pa.gov
Environmental Protection Performance Standards for Conventional Oil and Gas Operators 25 Pa. Code Chapter 78 (# 7-539)	Quarter 4, 2019, EQB Consideration, as Proposed	This rulemaking proposes to amend the Oil and Gas regulations applicable to conventional operators (Chapter 78) to update the environmental protection performance standards related to oil and gas activities. (2012 Oil and Gas Act, Clean Streams Law, Solid Waste Management Act, Dam Safety Encroachment Act, Land Recycling and Environmental Remediation Standards Act, Radiation Protection Act, Unconventional Well Report Act, Act 126 of 2014)	Kurt Klapkowski (717) 772-2199 kklapkowski@pa.gov
Radiation Safety Requirements for Non-Healing Arts Radiation Generating Devices 25 Pa. Code Chapters 227 and 228 (# 7-555)	Quarter 4, 2019, EQB Consideration, as Proposed	This rulemaking proposes to update Chapter 227 to stay current with advances that have occurred in the uses of non-medical X-ray equipment. The revisions will ensure consistency with other government agencies that similarly regulate these devices. (Radiation Protection Act)	John Chipppo (717) 787-2480 jchipppo@pa.gov
Triennial Review of Water Quality Standards and Updates to Toxics Management Strategy—Statement of Policy 25 Pa. Code Chapters 93 and 16 (# 7-534)	Quarter 3, 2019, EQB Consideration, as Final	This rulemaking revises the Commonwealth's water quality criteria and standards in Chapter 93 and updates the Chapter 16 Statement of Policy to reflect the latest scientific information and Federal guidelines for criteria development, as required by the triennial review requirements in the Federal Clean Water Act. (40 CFR Section 131.20)	Tom Barron (717) 787-9637 tbarron@pa.gov

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Water Quality Management Fee Amendments and NPDES Program Fee Amendments 25 Pa. Code Chapters 91 and 92a (# 7-533)	Quarter 1, 2019, Publication, as Proposed	This rulemaking proposes to amend fees related to water quality management permitting (Chapter 91) and proposes to amend the fee schedule for NPDES permit applications (Chapter 92a). Chapter 91 establishes, among other things, a water quality management (WQM) permitting program for the construction of sewage and industrial waste treatment facilities and for land application of sewage and industrial wastes. DEP began its Chapter 92a annual invoicing and fee collection program in December 2010. Chapter 92a updated the fee schedule for NPDES permit applications for persons to discharge pollutants from point sources into surface waters. In addition, Chapter 92a introduced an annual fee for certain facilities authorized to discharge pollutants by individual NPDES permits. A fee analysis that DEP presented to the EQB in 2014 highlighted that, despite the fee increase in 2010, revenue continues to fall short of expenses, impeding the work of Programs to carry out necessary tasks for protecting water resources in the Commonwealth. (Pennsylvania Clean Streams Law)	Sean Furjanic (717) 787-2137 sefurjanic@pa.gov
Air Quality Fee Schedule Amendments 25 Pa. Code Chapters 127 and 139 (# 7-536)	Quarter 2, 2019, Publication, as Proposed	This rulemaking proposes to revise existing requirements and fee schedules codified in Chapter 127, Subchapter I to ensure that fees collected are sufficient to cover the costs of administering the air program as required under Section 6.3(a) of the Air Pollution Control Act (35 P.S. § 4006.3(a)). Upon promulgation, the final-form regulation would be submitted to the EPA for approval as a revision to the SIP or the Title V Program Approval, as appropriate. (Air Pollution Control Act)	Susan Hoyle (717) 772-2329 shoyle@pa.gov
Control of Emissions from the Oil and Natural Gas Industry 25 Pa. Code Chapter 129 (# 7-544)	Quarter 2, 2019, EQB Consideration, as Proposed	This rulemaking proposes to establish emission limitations and other requirements codified in 25 Pa. Code Chapter 129 consistent with reasonably available control technology (RACT). The proposed rulemaking would establish RACT requirements for volatile organic compounds and other pollutants from existing oil and natural gas production facilities, compressor stations, processing plants, and transmission stations. Upon promulgation, the final-form regulation would be submitted to the EPA for approval as a SIP revision. (Air Pollution Control Act)	Susan Hoyle (717) 772-2329 shoyle@pa.gov
Water Quality Standard for Manganese 25 Pa. Code Chapters 93 and 96 (# 7-553)	Quarter 4, 2019, EQB Consideration, as Proposed	This rulemaking will propose to address a provision regarding the water quality standards for manganese included in Act 40 of 2017. (Administrative Code of 1929, Pennsylvania Clean Streams Law, Federal Clean Water Act)	Tom Barron (717) 787-9637 tbarron@pa.gov

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Dam Safety and Waterway Management 25 Pa. Code Chapter 105 (# 7-556)	Quarter 4, 2019, EQB Consideration, as Proposed	This proposed rulemaking would amend Chapter 105; clarifying existing requirements; deleting or updating obsolete and antiquated requirements; incorporating new or revised sections and definitions; and correcting typographical errors. (Federal Clean Water Act, Pennsylvania Clean Streams Law, Dam Safety and Encroachment Act)	Sid Freyermuth (717) 772-5977 sfreyermut@pa.gov
Water Quality Standards— Class A Stream Redesignations 25 Pa. Code Chapter 93 (# 7-548)	Quarter 1, 2019, Publication, as Proposed	The proposed regulatory changes included in this rulemaking are the result of stream evaluations conducted by DEP in response to a submittal of data from the Pennsylvania Fish and Boat Commission (PFBC). In this rulemaking, redesignations rely on § 93.4b(a)(2)(ii) to qualify streams for High Quality (HQ) designations based upon their classifications as Class A wild trout streams. DEP staff conducted an independent review of the trout biomass data in the PFBC's fisheries management reports for streams throughout the Commonwealth to ensure that the HQ criteria were met. Based on these data and appropriate regulatory criteria, DEP developed this package of stream redesignations including HQ stream redesignations in the Delaware, Susquehanna and Ohio River basins. (Section 303(c)(1) of the Federal Clean Water Act)	Tom Barron (717) 787-9637 tbarron@pa.gov
Administration of the Land Recycling Program 25 Pa. Code Chapter 250 (# 7-552)	Quarter 3, 2019, EQB Consideration, as Proposed	The rulemaking proposes to amend 25 Pa. Code Chapter 250 to update the medium specific concentrations (MSCs) established under the Statewide health standard based on the most recent published scientific information. MSCs are concentrations of contaminants in soil and groundwater that are protective of human health and the environment under various exposure scenarios. The regulations identify the formulas DEP must use to calculate MSCs and the sources of the toxicological information. Additional changes to the regulations may be needed to clarify regulatory language, update outdated information, and to make other corrections. DEP is required by § 250.11 to propose appropriate MSC changes based on current scientific information no more than 36 months after the effective date of the most recently promulgated MSCs. (Land Recycling and Environmental Remediation Standards Act)	Troy Conrad (717) 783-9480 tconrad@pa.gov

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Revision of Sulfur Limits in No. 2 and Lighter Commercial Fuel Oil 25 Pa. Code § 123.22 (# 7-546)	Quarter 2, 2019, EQB Consideration, as Proposed	This rulemaking proposes to amend 25 Pa. Code § 123.22 to reduce the maximum allowable sulfur content in No. 2 and lighter commercial fuel oil, sold for and used in combustion units, from the current limit of 500 parts per million (ppm) of sulfur to 15 ppm. The rulemaking would require No. 2 fuel oil offered for sale, delivered for use, exchanged in trade or used in Pennsylvania to meet the new sulfur limit. Emissions of sulfur dioxide contribute to the formation of regional haze, which degrades visibility in urban and rural areas and contributes to fine particulate matter. Upon promulgation, the final-form regulation would be submitted to the EPA for approval as a SIP revision. (Air Pollution Control Act)	Susan Hoyle (717) 772-2329 shoyle@pa.gov
Additional Requirements for Control of Fine Particulate Matter in the Nonattainment New Source Review Program 25 Pa. Code Chapters 121 and 127 (# 7-551)	Quarter 1, 2019, Publication, as Proposed	This rulemaking proposes to amend Chapter 127, Subchapter E to incorporate Federal requirements issued by the EPA on August 26, 2016, for the regulation of precursor emissions to the formation of particulate matter less than and equal to 2.5 micrometers in diameter (PM _{2.5}). The EPA's final rule requires states with nonattainment areas for PM _{2.5} to amend their new source review (NSR) regulations to include emissions of volatile organic compounds (VOC) and ammonia as PM _{2.5} precursors. See 81 FR 58010. The proposed amendments would limit the emissions of VOC and ammonia as PM _{2.5} precursors for new major sources or major sources being modified in certain counties of this Commonwealth that are designated as nonattainment for the PM _{2.5} National Ambient Air Quality Standard. This proposed rulemaking would also add PM _{2.5} significant impact levels (SIL) to conform with the EPA guidance for SILs published on April 17, 2018. Upon promulgation, the final-form regulation would be submitted to the EPA for approval as a SIP revision. (Air Pollution Control Act)	Susan Hoyle (717) 772-2329 shoyle@pa.gov
Control of VOCs from Gasoline Dispensing Facilities (Stage I and Stage II) 25 Pa. Code § 129.82 (# 7-525)	Quarter 2, 2019, EQB Consideration, as Proposed	This rulemaking proposes to remove the requirement to install new Stage II vapor recovery systems and establish procedures for the decommissioning of existing Stage II vapor recovery systems. Stage II systems that are not decommissioned will be required to comply with existing Stage II regulatory maintenance requirements. Industry standards for Stage I and Stage II vapor leak monitoring and relating measures will be added for small gasoline storage tanks. Upon promulgation, the final-form regulation would be submitted to the EPA for approval as a SIP revision. (Air Pollution Control Act)	Susan Hoyle (717) 772-2329 shoyle@pa.gov

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<i>Department of General Services (DGS)</i>			
State Metrology Laboratory Fee Schedule 70 Pa. Code Chapter 110 (# 8-27)	Spring 2019, as Proposed	These regulations will increase the fees charged by the State Metrology Laboratory and update the description fields to accurately reflect the Metrology Lab's measurement parameters and ranges. Preparation of proposed regulation is complete and awaiting final approval prior to submittal to the standing committees, Legislative Reference Bureau, and Independent Regulatory Review Commission.	Ken Hess (717) 787-4352 Mary Fox (717) 787-6789
<i>Department of Health (DOH)</i>			
Health Facilities and Hospitals 28 Pa. Code Chapters 51 and 101—158	May 2019, as Proposed	The Secretary of Health created a task force of hospital industry representatives to review the current hospital regulations and provide recommendations to improve the quality of care in hospitals across the state. The hospital regulations will be updated to reflect those recommendations.	Jaime Black (717) 783-2500 Susan Coble (717) 233-4252 Ann Chronister (717) 787-8015 Larry Clark (717) 547-3047
Long Term Care Facilities 28 Pa. Code Chapters 201—211	June 2019, as Proposed	Pennsylvania's long-term care facility licensure regulations were last updated in 1999. Since that time, the clinical complexity of nursing home residents has changed substantially. The Nursing Home Quality Improvement Task Force was commissioned by the Secretary of Health to make recommendations for revisions to the regulations. The long-term care facility regulations will be updated to reflect those recommendations.	Karin Simpson (717) 783-2500 Susan Coble (717) 233-4252 Ann Chronister (717) 787-8015 Larry Clark (717) 547-3047
Communicable and Noncommunicable Diseases, specific to HIV CD4 Counts and Viral Load Results 28 Pa. Code Chapter 27	June 2019, as Proposed	Revise the details of the reportable disease regulations (Chapter 27) to include reporting of all HIV CD4 counts and viral load results by providers and laboratories to provide improved surveillance, detection and treatment of HIV disease and is line with national standards.	Yvette Kostelac (717) 783-2500 Raphael Barishansky (717) 772-5025 Godwin Obiri (717) 547-3499
Communicable and Noncommunicable Diseases 28 Pa. Code Chapter 27	July 2019, as Proposed	To revise the listing and details associated with the reportable disease regulations (Chapter 27) to include additional and emerging diseases, new laboratory tests, and changes to exclusion policies for individuals with evidence of disease. Changes will allow for alignment with national standards and improve disease surveillance, investigation and response efforts.	Larry Clark (717) 547-3047 Raphael Barishansky (717) 772-5025 Sharon Watkins (717) 547-3517
The Controlled Substance, Drug, Device and Cosmetic Act P.L. 233, No. 64	October 2019, as Proposed	Act 96 of 2018 amends the Controlled Substance, Drug, Device and Cosmetic Act to provide for the required use of electronic prescribing for scheduled II—V controlled substances, including provisions for exemptions and penalties. Per Act 96 the Department of Health will promulgate regulations necessary to implement the requirements of the Act.	Larry Clark (717) 547-3047 Meghna Patel (717) 547-3144

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<i>Department of Human Services (DHS)</i>			
Outpatient Psychiatric Services and Psychiatric Outpatient Clinics 55 Pa. Code Chapters 1153 and 5200 (# 14-538)	August 2019, as Final	These amendments will update the current regulations to align outpatient psychiatric services with current industry standards and parity requirements and will include provisions for mobile mental health treatment.	Lindsey Mauldin (717) 783-4726
Psychiatric Rehabilitation Services 55 Pa. Code Chapter 5231	July 2019, as Proposed	This regulation will amend psychiatric rehabilitation services for individuals 14 years of age and older with serious mental health conditions to support the transition to adulthood, implement an initiative to improve coordination between the child and adult mental health care systems, and amend outdated language throughout.	Lindsey Mauldin (717) 783-4726
Intensive Behavioral Health Services 55 Pa. Code Chapters 1155, 5270 (# 14-546)	December 2019, as Final	This regulation will govern the provision of the array of in-home and community-based behavioral health rehabilitation services for children, including services for children with autism spectrum disorder.	Lindsey Mauldin (717) 783-4726
Mental Health Targeted Case Management (MH-TCM) 55 Pa. Code Chapter XXXX	Summer 2019, as Proposed	This regulation consolidates the requirements for the delivery of intensive case management (ICM), resource coordination and blended case management into a single regulatory chapter. It will replace the requirements for ICM previously set forth in 55 Pa. Code Chapter 5221.	Lindsey Mauldin (717) 783-4726
Subsidized Child Care Eligibility 55 Pa. Code Chapters 3041, 3042	Spring 2019, as Proposed	This regulation will rescind Chapter 3041 and replace it with Chapter 3042 to add requirements imposed by the 2014 Reauthorization of the Child Care Development Block Grant and amend other requirements regarding redetermination, continuation of subsidy during job loss, reporting and verification, financial eligibility, and prioritized groups.	Lindsey Mauldin (717) 783-4726
Child Day Care Centers, Group Child Care Day Care Homes, Family Child Day Care Homes 55 Pa. Code Chapters 3270, 3280 and 3290 (# 14-542)	September 2019, as Final	This regulation will add new requirements imposed by the 2014 Reauthorization of the Child Care Development Block Grant and other requirements, including employment, background checks, training, water safety training, and equipment.	Lindsey Mauldin (717) 783-4726
Home and Community-Based Supports and Licensing 55 Pa. Code Chapters 51, 2380, 2390, 6100, 6200, 6400 and 6500 (# 14-540)	April 2019, as Final	This regulation will rescind Chapter 51 and replace it with a new Chapter 6100, which will govern the program, operational and fiscal components of the Office of Developmental Programs' home and community-based waiver programs, State plan services, and block grant and base-funded programs. It also will amend licensing requirements in chapters 2380, 2390, 6200, 6400 and 6500.	Lindsey Mauldin (717) 783-4726
Definitions and Requirements 55 Pa. Code Chapters 123 and 133	July 2019, as Proposed	This regulation will allow applicants for and recipients of Temporary Assistance to Needy Families (TANF) to fulfill requirements without a face-to-face interview.	Lindsey Mauldin (717) 783-4726

NOTICES

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Medical Assistance Manual 55 Pa. Code Chapter 1101.51	Spring 2019, as Proposed	This regulation will be amended to rescind the outdated "shared space" language at § 1101.51(b)(3) to allow for a more integrated approach to the provision of health care by multi-disciplinary and co-location arrangements.	Lindsey Mauldin (717) 783-4726
Medical Marijuana in Facilities 55 Pa. Code Chapters 3270, 3280, 3290, 3800, 5310, 6400 and 6600	August 2019, as Proposed	This regulation will amend Chapters 3270, 3280, 3290, 3800, 5310, 6400 and 6600 as directed by Section 2105 of Act 16 of 2016, the Medical Marijuana Act, regarding possession and use of medical marijuana in child care centers or other social services centers.	Lindsey Mauldin (717) 783-4726
Child Support Annual Fee Increase 55 Pa. Code Chapters 4351 and 4374	April 2019, as Proposed	The Bipartisan Budget Act of 2018 requires a \$10 increase in the annual user fee for child support services. The increase was also mandated in a transmittal from the federal Office of Child Support Enforcement (OCSE Action Transmittal 18-02).	Lindsey Mauldin (717) 783-4726
Administration of County Children and Youth Social Service Programs 55 Pa. Code Chapter 3130	March 2020, as Proposed	This regulation will replace Chapter 3130 to align with current practice models and support implementation of improvements consistent with the Child and Family Services Review findings and amendments to state and federal laws.	Lindsey Mauldin (717) 783-4726
Adult Protective Services 55 Pa. Code Chapter 15	November 2019, as Proposed	This regulation will govern the investigation of allegations of abuse, neglect, exploitation or abandonment of adults between the ages of 18 and 59 years, and the provision of protective services as indicated by the results of those investigations. The authority for the regulation and resulting services is provided by Act 70 of 2010, the Adult Protective Services Act.	Lindsey Mauldin (717) 783-4726
Assisted Living Regulations 55 Pa. Code Chapter 2800	July 2019, as Proposed	The current regulation provides standards to protect the health, safety and well-being of assisted living residents, identifying the minimum requirements to obtain a license and operate at a level of compliance necessary. The proposed revisions are needed to address industry changes in the assisted living program since the initial regulations were adopted on July 16, 2011. Current regulations limit the ability of the industry to grow and to support the development of the provider network statewide that can assist other health and safety needs of aging consumers.	Lindsey Mauldin (717) 783-4726
<i>Pennsylvania Insurance Department (PID)</i>			
Privacy and Opt Out Notices for Financial Information (NAIC Model Regulation update) (# 11-257)	Spring 2019, as Final	Amendments to Chapter 146a in accordance with NAIC model regulation # 672 regarding requirements for annual privacy policy notices.	Bridget E. Burke Regulatory Coordinator (717) 787-2567
Health Insurance Reserves (NAIC Model Regulation)	Spring 2019, as Proposed	Amendments to Chapter 84a based upon NAIC Model amendments regarding actuarial reserving requirements.	Bridget E. Burke Regulatory Coordinator (717) 787-2567

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Producer Licensing Modernization Regulatory Updates	Summer 2019, as Proposed	Repeal of outdated regulations and replacement with a new chapter implementing sections 601-A—699.1-A of the Act (40 P.S. §§ 310.1—310.99a), which will set forth requirements and standards for the operation of a single licensing system for insurance producers in this Commonwealth.	Bridget E. Burke Regulatory Coordinator (717) 787-2567
<i>Department of Labor and Industry (L&I)</i>			
Flammable and Combustible Liquids Title 34, Part I, Chapters 14 and 14a Bureau of Occupational and Industrial Safety	Spring 2019, as Proposed	Update regulations based on Act 144 of 2012 and adopt requirements for storage and dispensing of compressed natural gas as vehicular fuel.	Matthew Kegg (717) 783-6304
Unemployment Compensation Title 34, Chapter 101 Board of Review	Winter 2019, as Proposed	Update regulation to reflect statutory and operational changes. Also, update regulations based on needs for Benefits Modernization System.	Randy Brandes (717) 787-5122
Unemployment Compensation Title 34, Chapter 65 Employee Provisions	Winter 2019, as Proposed	Update regulations based on needs for Benefits Modernization System and other operational changes.	Susan Dickinson (717) 787-4403
Services for the Blind and Visually Impaired Currently Title 55, Part IV, Adult Services Manual, Subpart D, Non-residential Agencies/Facilities/Services, Chapter 2430 to be moved to Title 34	Winter 2019, as Proposed	Deletion of current regulations and creation of new regulations for the Business Enterprise Program to reflect operational changes, based on the transfer of the program from the Department of Welfare to L&I, Act 15 of 1999.	Stanley Swaintek (570) 826-2361
Special Rules of Administrative Practice and Procedure Before the Workers' Compensation Appeal Board, Title 34, Part VII Chapter 111 Workers' Compensation Appeal Board (# 12-105)	Winter 2019, as Proposed	Modernize regulations to reflect judicial best practices in scheduling of oral argument after the parties file briefs and where the appellate issues so warrant.	Steven Loux (717) 783-7838
Minimum Wage Title 34, Part 12 Chapter 231 Bureau of Labor Law Compliance	Summer 2020, as Final	Revise regulations to update the executive, administrative and professional exemptions from the Minimum Wage Act of 1968.	Bryan Smolock (717) 787-0606
Sign Language Interpreter and Transliterator State Registration Act, Act 57 of 2004	January 2019, revised Proposed	Update the regulations to ensure the protection of deaf consumers' rights and to increase the number of qualified interpreters in PA.	Melissa Hawkins (717) 783-4912
Uniform Construction Code Regulations Title 34, Part I Chapters 401, 403 and 405 Bureau of Occupational and Industrial Safety	Spring 2019, as Final-Omitted	Update regulations adopting the 2018 ICC accessibility provisions and 2017 ANSI provisions for ski lifts as required by the PA Construction Code Act.	Matthew Kegg (717) 787-6304
Apprenticeship EEO Regulations Title 34, Chapter 81 Equal Opportunity in Apprenticeship Programs	Winter 2019, as Proposed	Update the PA apprenticeship regulations to align with new federal EEO regulations.	Eric Ramsay (717) 787-6997

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Uniform Construction Code Regulations Title 34, Part I, Chapter 405 Bureau of Occupational and Industrial Safety	Fall 2019, as Proposed	Update regulations related to lifting devices based on Act 68 of 2018 and adopt certification standards for third party inspection agencies.	Matthew Kegg (717) 787-6304
Bureau of Workers' Compensation Title 34, Chapter 123 Subchapter B. Impairment Ratings	Winter 2019, as Proposed	Update regulations to reflect new statutory provisions and changes to the IRE process enacted by Act 111 of 2018.	Scott Weiant (717) 783-5421
<i>Department of Military and Veterans Affairs (DMVA)</i>			
Veterans' Homes Regulations 43 Pa. Code Chapter 7	Spring 2019, as Proposed	The Department wishes to promulgate a comprehensive update to its regulations on State Veterans' Homes. The statutory authority for these regulations is section 902(10) of the Military and Veterans Code (51 Pa.C.S. § 903(10)). These regulations are out-of-date. They were last updated in 1986. The purpose of the changes to these regulations is to bring them in line with best practices in the long-term care arena.	Elizabeth Pettis (717) 861-8503
Bureau of Veterans' Affairs 43 Pa. Code Chapter 5	Fall 2019, as Proposed	The Department wishes to promulgate a comprehensive update to its regulations related to the former Bureau of Veterans' Affairs that is now the Bureau of Programs, Initiatives, Reintegration and Outreach. The statutory authority for these regulations is Sections 1704(7) and 7701 of the Military and Veterans Code (51 Pa.C.S.). These regulations are out-of-date. They were last updated in 1991.	Elizabeth Pettis (717) 861-8503
Fort Indiantown Gap 43 Pa. Code (new Chapter)	Spring 2020, as Proposed	Fort Indiantown Gap is owned by the Commonwealth of Pennsylvania and operated by the Department of Military and Veterans Affairs. The post is home to tens of thousands of Soldiers and civilians every year for training and other activities. Department wishes to promulgate regulatory authority and installation regulations that enhance the safety of military and civilian personnel and protect the military and Commonwealth property. The statutory authority for these regulations is Chapter 7 § 708 of the Military and Veterans Code (51 Pa.C.S.).	Elizabeth Pettis (717) 861-8503
<i>Municipal Police Officers' Education and Training Commission (MPOETC)</i>			
Administration of the Municipal Police Officers' Education and Training Program 37 Pa. Code Chapter 203 (# 17-80)	Summer 2019, as Proposed	Title 53 Pa.C.S. § 2164(14) conveys powers and duties to the Municipal Police Officers' Education and Training Commission to make such rules and regulations and to perform such other duties as may be reasonably necessary or appropriate to implement the education and training program for police officers. Omnibus revisions to Chapter 203, which pertains to the certification and training of the Commonwealth's municipal police officers, are necessary to modernize these regulations, as they have not undergone a major revision since 1996. The amendments that will be proposed are the product of an extensive review project that included key stakeholders of the regulated community.	Sergeant Patrick Beaver (717) 705-1749

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<i>Pennsylvania Commission on Crime and Delinquency (PCCD)</i>			
Sheriffs' and Deputy Sheriffs' Education and Training Program 37 Pa. Code Chapter 421	Fall 2019, as Proposed	The Deputy Sheriffs' Education and Training Board (Board), an advisory board within the Commission on Crime and Delinquency, plans to amend the regulations at 37 Pa. Code Chapter 421 (relating to Deputy Sheriffs' Education and Training Board) due to statutory changes in Act 114 of 2014 (Act of Jul. 9, 2014, P.L. 1006, No. 114).	Derin Myers (717) 265-8466 Debra Sandifer (717) 265-8517
<i>Pennsylvania Emergency Management Agency (PEMA)</i>			
Act 187 of 2014	Summer 2018, as Proposed	Act 187 of 2014 established the Public Disaster Assistance Grant Program within the Pennsylvania Emergency Management Agency provide grants to political subdivisions and municipal authorities for assistance with repair of disaster-related damage in a disaster emergency area when the damages to public facilities are beyond the financial capabilities of the political subdivision or authority. The Pennsylvania Emergency Management Agency is directed to Promulgate any regulations necessary to implement and administer the program which include: (i) Development of additional procedures or requirements for the submission of grant applications; (ii) Development of procedures to verify adjusted loss; (iii) Development of criteria for the determination of the amount of assistance to be given to a political subdivision or municipal authority; and (iv) Development of a methodology to prioritize projects based on the potential impact to the health and safety of the citizens of the affected community.	Stephen Bekanich (717) 651-2146 Westburn Majors (717) 651-2728
<i>Pennsylvania Infrastructure Investment Authority (PENNVEST)</i>			
Pennsylvania Infrastructure Investment Authority (PENNVEST) Assistance and Clean Water State Revolving Fund 25 Pa. Code Sections 963.1—963.20, including inter alia: 963.12(a)(7) 963.13(c) 963.15(a) 963(15)(c) 963(16) 963.18(c) (# 101-08; # 101-09)	Fall 2019, as Proposed	Revisions under consideration include, inter alia: Amendments to 25 Pa. Code §§ 963.1—963.20 to be consistent with statutory revisions imposed by P.L. 51, No. 16, enacted June 19, 2013, the Federal Water Resources Reform and Development Act of 2014, and guidance revisions implemented by the Department of Environmental Protection, to reflect updates to business practices, and to incorporate any provisions necessary to accommodate for the deletion of 25 Pa. Code § 965 in its entirety, including, but not limited to the following: (1) Delete 25 Pa. Code § 963.12(a)(7) thereby allowing PENNVEST to provide financial assistance (loan and grant) for costs associated with the extraction for profit of minerals or other resources from wastewater or sludge whether the project is sponsored by a public or private actor. (2) Amend 25 Pa. Code § 963.13(c) by revising the section to provide for an amortization of advance funding loans with a term of 59 months of interest only and repayment on principal and interest on the 60th month.	Shawn W. Weis (717) 783-6776

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
		<p>(3) Amend 25 Pa. Code § 963.15(a) by revising the first sentence to provide for a change in the normal loan term to allow 3 years of interest only prior to principal amortization.</p> <p>(4) Amend 25 Pa. Code § 963.15(c)(5) to provide that maximum interest rates on loans shall be determined based upon the unemployment rate for the applicable county in the most recent calendar year for which data has been finalized as of the application cutoff date.</p> <p>(5) Amend 25 Pa. Code § 963.15(c)(6) by revising the sentence to define “bond interest rate” to mean the rate of interest paid by the Commonwealth in its issuance of general obligation bonds immediately preceding the date of the approval of the loan.</p> <p>(6) Amend 25 Pa. Code § 963.16 to provide the parameters of a loan or bond guarantee program to be provided by PENNVEST.</p> <p>(7) Delete 25 Pa. Code § 963.18(c)(2)(iii) to eliminate the requirement for prior written approval of change orders that exceed \$25,000 or 2 percent of the amount of the project’s construction cost, or an aggregate of all change orders that exceed 10 percent of the project’s construction cost.</p>	
<i>Pennsylvania State Police (PSP)</i>			
Training and Minimum Standards Under the Wiretapping and Electronic Surveillance Control Act 37 Pa. Code Chapter 51	Fall 2019, as Proposed	Title 18 Pa.C.S. § 5724 requires the Commissioner of the Pennsylvania State Police (PSP) and the Attorney General to establish a training course for certification related to conducting wiretapping and electronic surveillance. Revisions to Chapter 51 as it relates to officer certification/re-certification and authorization to engage in the conduct of communications interception will be proposed to adjust the training to current technology and operational needs.	Sergeant Patrick Beaver (717) 705-1749
<i>Department of Revenue (DOR)</i>			
Amendments to Local Option Small Games of Chance (SGOC) 61 Pa. Code Chapter 901a	April 2019, as Proposed	The Department is proposing to replace Chapter 901 with a new Chapter 901a as a result of the amendments to the SGOC law. The proposed rulemaking will reorganize and clarify the SGOC regulations as well as incorporate necessary changes to implement Acts 2 and 184 of 2012 and Acts 90 and 92 of 2013.	John Brenner (717) 705-3906
Amendments to Chapter 113, Withholding of Tax (PIT) 61 Pa. Code § 113.4 (# 15-459)	Final rulemaking published at 48 Pa.B. 7214; (Nov. 17, 2018) Codified in the February Supplement to the <i>Pennsylvania Code</i> .	Amendments to Chapter 113 reduced the threshold from “250” to “10 or more” for employers’ electronic submission of the Annual Withholding Reconciliation Statements. Additionally, outdated language was removed from the regulation.	John Brenner (717) 705-3906

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Amendments to Realty Transfer Tax (RTT) Regulations 61 Pa. Code Chapter 91	June 2019, as Proposed	Amendments to the RTT regulations are being proposed to improve the clarity and effectiveness of the regulations. Additionally, the proposed amendments will be consistent with Department policy and the language in the RTT statute.	John Brenner (717) 705-3906
iLottery Games 61 Pa. Code Chapter 876 (# 15-460)	March 2019, as Proposed	Act 42 of 2017 authorized the Department to promulgate “temporary” regulations for iLottery games, effective for two years upon publication in the <i>Pennsylvania Bulletin</i> . The temporary regulations for iLottery Games were published at 48 Pa.B. 1829 (March 31, 2018) and codified in the June 2018 Supplement to the <i>Pennsylvania Code</i> . The temporary regulations expire on March 31, 2020. The Department will promulgate permanent regulations.	Casey Fenstermaker (717) 346-1860
Department of State (DOS)			
State Architects Licensure Board			
Electronic Seals and Signing 49 Pa. Code Chapter 9 (# 16A-4111)	Spring 2019, as Proposed	The proposed regulations would update existing regulations on seals and set forth standard requirements for electronic seals and electronic signing of design documents. The goal of this proposal is to be consistent with proposed regulations of the State Registration Board for Professional Engineers, Land Surveyors and Geologists and the State Board of Landscape Architects to provide all design professionals with standards that are as consistent as possible with respect to both traditional seals and electronic seals to benefit both the design professionals and their clients.	Amanda Li (717) 783-3397
State Board of Auctioneer Examiners			
Schedule of Fees 49 Pa. Code § 1.41 (# 16A-6411)	Spring 2019, as Proposed	The proposed rulemaking is needed to increase application and biennial renewal fees to provide sufficient biennial revenue to meet projected expenditures as required under section 6(a) of the Auctioneer Licensing and Trading Assistant Registration Act (63 P.S. § 734.6).	Terrie Kocher (717) 783-3397
State Board of Chiropractic			
Chiropractic Specialties 49 Pa. Code Chapter 5 (# 16A-4312)	Summer 2019, as Final	The Chiropractic Practice Act prohibits licensees from holding themselves out as specialists unless they possess a post-graduate certification in that specialty. The final-form rulemaking prohibits a chiropractor from advertising that the chiropractor holds certification or otherwise is a specialist in a chiropractic specialty unless the chiropractor holds certification or diplomate status from a specialty board recognized by the American Board of Chiropractic Specialties, and other organizations approved by the Board. This proposal protects consumers of chiropractic services who can be misled by advertising of “certifications” that do not truly reflect advanced knowledge, training or skill.	Elizabeth Wecker (717) 783-7155

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Government Employee Liability Coverage 49 Pa. Code §§ 5.17(f) and 5.41 (# 16A-4325)	Summer 2019, as Proposed	The Chiropractic Practice Act requires chiropractors to maintain professional liability insurance, including self-insurance. This regulation would permit a licensee who practices exclusively on behalf of the government to meet this requirement by reliance upon the coverage provided under the Federal Tort Claims Act or the Sovereign Immunity Act as administered by the Commonwealth's Employee Liability Self-insurance Program.	Elizabeth Wecker (717) 783-7155
<i>Commissioner of Professional and Occupational Affairs</i>			
Expungement; Fees 49 Pa. Code Chapter 43b, §§ 43b.101—43b.103 and 43b.201 (# 16A-060)	Spring 2019, as Final	The proposed rulemaking would implement the expungement provisions in the act of February 15, 2018 (P.L. 14, No. 6), which authorizes the Commissioner of Professional and Occupational Affairs to expunge certain disciplinary actions upon application, and to require the applicant to pay a fee to cover all costs associated with the expungement as established by the Commissioner by regulation.	Cynthia Montgomery (717) 783-7200
<i>Bureau of Commissions, Elections and Legislation</i>			
Notaries Public 4 Pa. Code Part VIII, Subpart C (# 16-59)	Spring 2019, as Proposed	The proposed rulemaking would implement the act of October 9, 2013 (P.L. 609, No. 73), which adopted the Revised Uniform Law on Notarial Acts (RULONA).	Martha Brown (717) 787-6802
<i>State Board of Crane Operators</i>			
Schedule of Civil Penalties 49 Pa. Code Chapter 43b (# 16A-7103)	Summer 2019, as Proposed	The proposed regulation would create a schedule of civil penalties for violations of the Crane Operator Licensure Act and regulations of the State Board of Crane Operators.	Amanda Li (717) 783-1404
<i>State Board of Dentistry</i>			
Anesthesia Update 49 Pa. Code Subchapter E, §§ 33.331—33.342 (# 16A-4621)	Summer 2019, as Proposed	This proposed rulemaking would update the standards for the administration of general anesthesia, deep sedation, moderate sedation, minimal sedation and nitrous oxide/oxygen analgesia in dental offices to conform to and adopt the current standards used by the dental profession.	Lisa Burns (717) 783-7162
Child Abuse Reporting Requirements 49 Pa. Code § 33.250 (# 16A-4626)	Spring 2019, as Final	This proposed regulation would update the Board's existing regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL) to conform to recent amendments to the CPSL, including the requirement that all applicants and licensees of the State Board of Dentistry obtain required training in child abuse recognition and reporting.	Lisa Burns (717) 783-7162

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
General Revisions 49 Pa. Code Chapter 33 (# 16A-4628)	Spring 2019, as Proposed	The State Board of Dentistry has undertaken a review of existing regulations with the goal of updating the regulations and eliminating outdated and obsolete provisions. This proposed rulemaking would generally amend, update and clarify the regulations relating to fictitious names, biennial renewal, inactive status, reactivation, licensure by criteria approval, acceptable proof of professional liability insurance, use of titles, advertising, unprofessional conduct, multi-disciplinary professional corporations, exclusion of auxiliary personnel from performing radiological procedures and continuing dental education. It would also implement two new licensure categories: restricted faculty licenses (incorporating into this rulemaking the subject matter from prior Reg. # 16A-4632) and temporary volunteer dental licenses (incorporating into this rulemaking the subject matter from prior Reg. # 16A-4631).	Lisa Burns (717) 783-7162
Expansion of PHDHP Practice Sites 49 Pa. Code § 33.205b (# 16A-4633)	Spring 2019, as Proposed	This proposed regulation would clarify and expand the practice settings in which public health dental hygiene practitioners (PHDHPs) may perform dental hygiene services without the supervision of a dentist.	Lisa Burns (717) 783-7162
<i>State Registration Board for Professional Engineers, Land Surveyors and Geologists</i>			
Electronic Seals and Signatures 49 Pa. Code Chapter 37 (# 16A-4712)	Spring 2019, as Proposed	The proposed regulations would update existing regulations on seals and set forth standard requirements for electronic seals and electronic signing of design documents. The goal of this proposal is to be consistent with proposed regulations of the State Architects Licensure Board and the State Board of Landscape Architects to provide all design professionals with standards that are as consistent as possible with respect to both traditional seals and electronic seals to benefit both the design professionals and their clients.	Jeannie Bronshtein (717) 783-7049
<i>State Board of Landscape Architects</i>			
Electronic Seals and Signatures 49 Pa. Code Chapter 15 (# 16A-6112)	Spring 2019, as Proposed	The proposed regulations would update existing regulations on seals and set forth standard requirements for electronic seals and electronic signing of design documents. The goal of this proposal is to be consistent with proposed regulations of the State Architects Licensure Board and the State Registration Board for Professional Engineers, Land Surveyors and Geologists to provide all design professionals with standards that are as consistent as possible with respect to both traditional seals and electronic seals to benefit both the design professionals and their clients.	Terrie Kocher (717) 772-8528

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Medicine			
Practitioners of Oriental Medicine 49 Pa. Code Chapter 16 (# 16A-4956)	Spring 2019, as Proposed	This proposed rulemaking would revise the regulations relating to Practitioners of Oriental Medicine, to reflect the application of herbal therapy for acupuncturists. The rulemaking is in accordance to the Governor's recommendation for occupational licensure reform.	Suzanne Zerbe (717) 787-7768
State Board of Nursing			
Fees 49 Pa. Code Chapter 21 (# 16A-5142)	Fall 2019, as Final	This proposed regulation revises initial and biennial renewal fees for applicants and licensees and revises and sets additional fees for nursing education programs.	Cindy Miller (717) 783-7142
State Board of Examiners of Nursing Home Administrators			
Continuing Education Requirements 49 Pa. Code § 39.11 (# 16A-6219)	Spring 2019, as Proposed	The proposed regulation amends the biennial continuing education requirement to conform with the Governor's recommendations for licensure reform that were generated by Executive Order 2017-3. The biennial requirement of 48 credit hours will be reduced to 24. Additionally, the rulemaking provides for showing of continued competence where a licensee has been inactive for a period of time.	Chris Stuckey (717) 783-4856
State Board of Optometry			
General Revisions 49 Pa. Code Chapter 23 (# 16A-5213)	Spring 2019, as Proposed	Section 3(b)(14) of the Optometric Practice and Licensure Act (act) gives the Board the authority to promulgate all rules and regulations necessary to carry out the purposes of the act. Section 5(b) of the act provides the minimal requirements for continuing education of 30 hours in a biennial period for licensed optometrists. The Board is proposing amendments to its existing regulations to ensure that clear guidance is given to licensees in prescribing contact lenses, reporting continuing education and the standards for accepting commercial support from the providers of continuing education.	Elizabeth Wecker (717) 783-7155
State Board of Osteopathic Medicine			
Prescribing 49 Pa. Code § 25.218 (# 16A-5330)	Summer 2019, as Proposed	The State Board of Osteopathic Medicine proposes this rulemaking to set forth the minimum acceptable standards of practice that an osteopathic physician or physician assistant licensed by the Board must follow when prescribing, administering or dispensing drugs, including the requirements of the Safe Emergency Prescribing Act (Act 122 of 2016), the provisions of Chapter 52A of Title 35, relating to prescribing opioids to minors, and the provisions of Chapter 51 of Title 35 relating to safe opioid prescription and voluntary non-opioid directives.	Aaron Hollinger (717) 783-4858
Fees 49 Pa. Code §§ 25.231 and 25.503 (# 16A-5334)	Spring 2019, as Proposed	This proposed rulemaking provides for increased application fees and biennial renewal fees for board-regulated practitioners and is needed to assure sufficient biennial revenue to meet expected expenditures.	Aaron Hollinger (717) 783-4858

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<i>State Board of Pharmacy</i>			
Compounding Practices 49 Pa. Code Chapter 27 (# 16A-5419)	Spring 2019, as Final	Through careful review and with input from stakeholders, the State Board of Pharmacy proposes to update its regulations to incorporate developments and improvements in the profession's safe, sterile practices and procedures for the compounding of pharmaceutical products for patients.	Melanie Zimmerman (717) 783-7156
Administration of Injectable Medications, Biologicals and Immunizations 49 Pa. Code §§ 27.12 and 27.401—27.407 (# 16A-5429)	Spring 2019, as Proposed	This proposed rulemaking addresses amendments to section 9.2 of the Pharmacy Act (63 P.S. § 380-9.2) which reduce the age of patients to whom pharmacists can administer influenza immunizations and permit pharmacy interns to administer injectable medications, biologicals and immunizations.	Melanie Zimmerman (717) 783-7156
<i>State Board of Physical Therapy</i>			
Fees 49 Pa. Code § 40.5 (# 16A-6521)	Spring 2019, as Proposed	This proposed rulemaking would amend the Board's regulations so that application fees would be set to recover the cost of processing the application and biennial renewal fees would be reduced, yet would still cover the balance of the Board's cost of operations each biennium.	Michelle Roberts (717) 783-7134
<i>State Board of Podiatry</i>			
Continuing Education 49 Pa. Code § 29.61 (# 16A-4417)	Spring 2019, as Proposed	This proposed rulemaking would reduce the biennial requirement for continuing education, in accordance with the Governor's recommendations for licensure reform; additionally, the rulemaking would provide for the use of distance learning to satisfy the continuing education requirement and provide for exemptions.	Aaron Hollinger (717) 783-4858
<i>State Board of Psychology</i>			
Continuing Education 49 Pa. Code § 41.59 (# 16A-6317)	Summer 2019, as Proposed	The Board, in its effort to continually review the efficacy of its regulations, has again reviewed the continuing education regulations and has determined that amendments are needed to update, revise and clarify the continuing education requirements. This proposed rulemaking would amend the requirements relating to home study, instruction and carry over.	Chris Stuckey (717) 783-7155
Code of Ethics 49 Pa. Code § 41.61 (# 16A-6324)	Summer 2019, as Proposed	This proposed rulemaking will update the Board's Code of Conduct to adopt the American Psychological Association's (APA) Ethical Principles of Psychologists and Code of Conduct and various enumerated APA practice guidelines.	Chris Stuckey (717) 783-7155
<i>State Board of Certified Real Estate Appraisers</i>			
General Revisions for Certified Real Estate Appraisers 49 Pa. Code Chapter 36 (# 16A-7022)	Spring 2019, as Final	This proposed rulemaking updates the Board's regulations to reflect mandated Federal changes made by the Appraisal Qualifications Board of the Appraisal Foundation, which is charged with establishing education and experience requirements for real estate appraisers under the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (FIRREA).	Heidy Weirich (717) 783-4866

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Certified Pennsylvania Evaluators 49 Pa. Code Chapter 36 (# 16A-7018)	Summer 2019, as Proposed	The proposed rulemaking would amend the Board's regulations to update provisions relating to signatures and recordkeeping and would reduce the biennial requirement for continuing education for Certified Pennsylvania Evaluators to 20 hours, in accordance with the Governor's recommendations for occupational licensure reform and based upon Executive Order (EO-2017-3) Report on Occupational Licensure.	Heidy Weirich (717) 783-4866
<i>State Real Estate Commission</i>			
State Real Estate Commission Advertising 49 Pa. Code Chapter 35 (# 16A-5616)	Summer 2019, as Proposed	This proposed rulemaking would codify the Commission's current guidelines for advertising, specifically with regard to names and team advertising. The rulemaking is intended to assist the public in evaluating advertising by real estate brokers and salespersons.	Krista Linsenbach (717) 783-3658
<i>State Board of Social Workers, Marriage and Family Therapists and Professional Counselors</i>			
Licensed Bachelor Social Worker 49 Pa. Code Chapter 47 (# 16A-6922)	Spring 2019, as Final	The proposed rulemaking would amend the Board's regulations to implement the act of October 22, 2014 (P.L. 2884, No. 179) (Act 179) which provides for the establishment of a bachelor level social worker's license. The proposal establishes fees, licensure requirements, continuing education requirements, and standards of practice for licensed bachelor social workers.	Sandra Matter (717) 783-1389
General Revisions 49 Pa. Code Chapters 47, 48 and 49 (# 16A-6923)	Summer 2019, as Proposed	Beginning in 2012, and culminating with this proposed rulemaking, the Board has undertaken a comprehensive review of its regulations relating to qualifications for licensure, supervision of clinical experience, including the provision of supervision through electronic means, and continuing education. The purpose of this rulemaking is to eliminate outdated provisions, update standards to reflect modern technology, and to modernize the Board's processes relating to licensure.	Sandra Matter (717) 783-1389
<i>State Board of Veterinary Medicine</i>			
Licensure of Euthanasia Technicians 49 Pa. Code Chapter 31 (# 16A-5726)	Spring 2019, as Proposed	This proposed rulemaking is necessary to implement the act of October 24, 2012 (P.L. 1452, No. 182) (Act 182 of 2012) which amended the Animal Destruction Method Authorization Law to require the State Board of Veterinary Medicine to register animal welfare organizations and to license euthanasia technicians to permit the organizations to purchase controlled substances and employ euthanasia technicians for the humane euthanasia of small domestic animals.	Michelle Roberts (717) 783-7134
Certified Veterinary Technicians; Veterinary Assistants 49 Pa. Code § 31.39 (# 16A-5727)	Summer 2019, as Final	The proposed rulemaking would implement the Governor's recommendation generated from Executive Order 2017-3, and update regulations relating to unlicensed veterinary assistants and certified veterinary technicians. The purpose of this rulemaking is to remove unnecessary burdens to credentialing otherwise qualified applicants.	Michelle Roberts (717) 783-7134

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Department of Transportation (DOT)			
Registration Class Stickers 67 Pa. Code Chapter 55	Summer 2019, as Proposed	This rulemaking will delete Chapter 55 and eliminate the issuance of weight class stickers. The elimination of these stickers will result in cost savings to the Department and the regulated community.	Anita Wasko (717) 787-2171 Jeffrey Spotts (717) 787-5299
School Bus Drivers— Physical and Mental Criteria 67 Pa. Code Chapter 71	Fall 2019, as Proposed	This rulemaking will update the medical standards for school bus drivers that have brain disease, cognitive impairment or a mental/emotional disorder.	Kara N. Templeton (717) 787-2977 Jeffrey Spotts (717) 787-5299
School Bus Drivers 67 Pa. Code Chapter 71	Winter 2019, as Proposed	This rulemaking will add requirements related to Entry Level Driver Training for CDL drivers to be consistent with Federal Final Rule.	Kara N. Templeton (717) 787-2977 Jeffrey Spotts (717) 787-5299
Drivers—Physical and Mental Criteria 67 Pa. Code Chapter 83	Fall 2019, as Proposed	This rulemaking will update the medical standards for drivers that have brain disease, cognitive impairment or a mental/emotional disorder.	Kara N. Templeton (717) 787-2977 Jeffrey Spotts (717) 787-5299
Photographic Driver's License 67 Pa. Code Chapter 73	Fall 2019, as Proposed	This rulemaking will update the standards and procedures for initial issuance, renewal, replacement and duplicate issuance of a driver's license.	Kara N. Templeton (717) 787-2977 Jeffrey Spotts (717) 787-5299
Identification Cards 67 Pa. Code Chapter 91	Fall 2019, as Proposed	This rulemaking will update the standards and procedures for initial issuance, renewal, replacement and duplicate issuance of a Department issued identification card.	Kara N. Templeton (717) 787-2977 Jeffrey Spotts (717) 787-5299
Vehicle Equipment and Inspection 67 Pa. Code Chapter 175	Spring 2019, as Final	This rulemaking updates vehicle equipment and inspection standards to better reflect current technologies, consistent with recommendations made by the Department's Inspection Advisory Board.	Anita Wasko (717) 787-2171 Jeffrey Spotts (717) 787-5299
Oversize and Overweight Loads and Vehicles 67 Pa. Code Chapter 179	Summer 2019, as Proposed	This rulemaking accommodates the planned implementation of the Automated Permit Routing/Analysis System (APRAS), updates outdated language, and ensures references in this chapter are consistent with amendments to 75 Pa.C.S. §§ 4901—4983.	Bob Pento (717) 783-6265 Jeffrey Spotts (717) 787-5299
Hauling in Excess of Posted Weight Limit 67 Pa. Code Chapter 189	Fall 2020, as Proposed	This rulemaking will update regulations to be consistent with amendments to the Vehicle Code under Act 89 of 2013.	Halley Cole, P.E. (717) 783-6146 Jeffrey Spotts (717) 787-5299
Intrastate Motor Carrier Safety 67 Pa. Code Chapter 231	Summer 2019, as Proposed	This rulemaking is necessary to waive hours of service and other requirements for mass transportation organizations and their drivers, while establishing new requirements consistent with the public interest.	Danielle Spila (717) 787-1208 Jeffrey Spotts (717) 787-5299
Access to and Occupancy of Highways by Driveways and Local Roads 67 Pa. Code Chapter 441	Fall 2019, as Proposed	The Department will be promulgating a regulation to rewrite the entire Chapter 441 to include comments received during the promulgation of the Chapter 441 regulation redefining the term "owner."	Bob Pento (717) 783-6265 Jeffrey Spotts (717) 787-5299
Temporary Regulation for Automated Work Zone Speed Enforcement (AWZSE) 67 Pa. Code Chapter 205	To be Completed Spring 2019	The Department will be promulgating a regulation to define proper testing and calibration of the LIDAR system to be used for the Pilot AWZSE Program.	Daniel Farley (717) 783-0333 Jeffrey Spotts (717) 787-5299

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Permanent Regulation for LIDAR for State Police and Automated Enforcement Systems 67 Pa. Code Chapter 205	Fall 2019, as Proposed	The Department will be promulgating a regulation to define proper testing and calibration of LIDAR System to be used by state police and automated enforcement systems.	Daniel Farley (717) 783-0333 Jeffrey Spotts (717) 787-5299
Temporary School Bus Stop Arm Cameras 67 Pa. Code § 171a	To be Completed Spring 2019	This rulemaking will address equipment requirements and grant programs established under Act 159 of 2018.	Kara N. Templeton (717) 787-2977 Jeffrey Spotts (717) 787-5299
Permanent School Bus Stop Arm Cameras 67 Pa. Code Chapter not yet known	Spring 2020, as Proposed	This rulemaking will make temporary regulations permanent and establish a grant program authorized by Act 159 of 2018.	Kara N. Templeton (717) 787-2977 Jeffrey Spotts (717) 787-5299

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HEALTH CARE COST CONTAINMENT COUNCIL

Special Reports and Requests for Data

The Health Care Cost Containment Council (Council), according to the act of July 8, 1986 (P.L. 408, No. 89), as re-enacted and amended by the act of July 17, 2003 (P.L. 31, No. 14) and the act of June 10, 2009 (P.L. 10, No. 3), is required to publish a list of all special reports and data that have been prepared during the previous calendar year. The following represents a summary of the reports and requests for data generated by the Council in calendar year 2018. The list of data fields that are included in the standard public use files are located in PDF files posted on the Council's web site at www.phc4.org (select "Services," then "Data Requests"). Questions about procedures for obtaining access to Council data should be addressed to JoAnne Z. Nelson, Supervisor of Special Requests, Health Care Cost Containment Council, 225 Market Street, Suite 400, Harrisburg, PA 17101, (717) 232-6787, jnelson@phc4.org.

Applicant and Project Description

Agency for Healthcare Research & Quality—Jenny Schnaier/Carol Stocks, PhD, RN

Statewide second quarter 2017 through first quarter 2018 inpatient discharge and inpatient revenue code detail datasets and 2017 ambulatory/outpatient procedure and outpatient revenue code detail datasets with derived fields (number of days to admission, days to procedure and age). The data will be used in the Healthcare Cost and Utilization Project (HCUP), which uses the data for multiple databases, reports, and tools and products. The HCUP databases enable research on a broad range of health policy issues, including cost and quality of health services, medical practice patterns, access to health care programs, and outcomes of treatments at the National, regional, State and local levels.

Allegheny County Health Department—LuAnn Brink, PhD, MPH

Standard regional 2017 inpatient discharge dataset for Region 1 to be used for public health surveillance, research and targeted intervention purposes to help identify areas of Allegheny County with a higher risk of nonfatal injuries, including falls and motor vehicle

crashes, and acute outcomes that may be associated with environmental quality, including asthma and cardiovascular events.

Armstrong County Memorial Hospital—Joyce Wright

Standard regional fourth quarter 2016 through third quarter 2017 inpatient discharge and ambulatory/outpatient procedure datasets for Region 1 to be used for market share analysis.

Boston University School of Medicine—Amresh Hanchate, PhD

A modification to a previous request for additional custom data. The request was for a custom 2012 through 2017 inpatient discharge dataset of adult cases with derived fields (number of days to admission) and revised 2010 and 2011 data. The data will be combined with other states' data, Census population data, the American Hospital Association (AHA) Annual Survey Database, and Area Resource Files (ARF) and other data sources to be used for a study, National Estimates for Inpatient Care, Outcomes and Hospital Effect among Hispanics, which will develop a near-National inpatient database for Hispanic adults to characterize Hispanics' patterns of inpatient care usage, and the quality of the care they receive. Specifically, they will examine whether greater access barriers among Hispanics result in higher rates of admissions for ambulatory care sensitive conditions—hospitalizations considered to be preventable with access to timely ambulatory care and less use of referral-based inpatient surgeries.

Capital Health—Jeremy Cohen

Standard regional 2017 inpatient discharge and ambulatory/outpatient procedure datasets for Regions 8 and 9 to be used for Capital Health's planning purposes for their health system to assist in determining public demand.

Children's Hospital of Philadelphia—Scott Lorch, MD

A modification to a previous request for additional custom data. The request was for a custom 1995 through 2016 inpatient discharge dataset of mother delivery records and newborn birth records for infants born during 1995 through 2014, with newborn readmission records linked with Department of Health (Department) birth certificate (1995—2014) and mortality data (1995—2015) files. The data will be combined with similar data from

California and Missouri supplemented with AAP nursery level data and AHA Annual Survey hospital characteristics data to be used for a National Institutes of Health funded study entitled, Effect of Changing NICU Patient Volumes and Levels of Care on Neonatal Outcomes. The study will identify the structures and patient volumes needed to optimize the outcomes of premature infants, allowing for evidence-based policies at the State and National level to guide the development of perinatal delivery systems.

Community Health Systems—Tomi Galin

Standard Statewide 2017 inpatient discharge and ambulatory/outpatient procedure datasets to be used to understand Community Health Systems' communities specific health care needs, areas of underservice and with high risk for specific disease, defining health care demand to support planning, illustrate access issues to develop outreach programs or eliminate service. The data will be used to determine whether primary care services and appropriate access are satisfied within a defined market area.

Coordinated Health—Nicole Protzman

Standard Statewide 2017 and 2018 inpatient discharge and ambulatory/outpatient procedure datasets to be used for analysis of service areas and market share within the defined service areas.

Crozer Keystone Health System—Elizabeth Jaekle

Standard Statewide fourth quarter 2015 through 2017 inpatient revenue code detail dataset to be used to identify rehabilitation services as part of their analytic market share analysis.

DLP Memorial Medical Center—Carrie Arcurio

Standard Statewide second through fourth quarter 2017 inpatient discharge dataset to be used to internally evaluate their current performance, competitor's performance and future opportunities. They will be able to illustrate current market share and to enhance various other planning tools such as budgets and 5-year plans.

Drexel University—Anthony M. Esposito

Standard facility 2017 through first quarter 2018 inpatient discharge dataset for Hahnemann University Hospital to be used to determine Hahnemann's primary service area for strategic planning purposes. Drexel is trying to establish other clinical relationships and open other locations for physician offices.

Evangelical Community Hospital—Nicole Lohr

Standard regional second quarter 2017 inpatient discharge and ambulatory/outpatient procedure datasets for Regions 4 and 5, a modification to a previous request for a custom 2017 inpatient discharge dataset of Regions 4 and 5 cases with derived fields (number of days from prior discharge), and a standard regional third and fourth quarter 2017 ambulatory/outpatient procedure dataset for Regions 4 and 5 to be used to conduct an internal study of its market share and gain a better understanding of the population it serves.

Excelsa Health—Allison Lutz

Standard Statewide second quarter 2017 through first quarter 2018 inpatient discharge, ambulatory/outpatient procedure, and inpatient and outpatient revenue code detail datasets to be used to examine State, county, and hospitals inpatient and outpatient market share in reports developed by Excelsa Health's consultants, DataBay Resources and Quantros.

Faegre Baker Daniels, LLP—Emily D. Steeb

A custom 2008 through 2015 inpatient discharge data report of the number of cardiac cases for five hospitals to possibly be used in litigation.

Foundation for Advance of International Medical Education & Research—John J. Norcini, PhD

Standard Statewide 2010 through 2017 inpatient discharge dataset will be combined with Educational Commission for Foreign Medical Graduates (ECFMG) data to be used to investigate and understand the educational experiences and migration patterns of international medical graduates and to determine their impact on population health. Health care outcomes will be examined as they relate to international physician data to better understand the impact of international medical graduates in the United States workforce. The analyzed data will be used for the purposes of publication in journals and the refinement of the ECFMG certification process.

Fulton County Medical Center—Deborah Shughart

Custom 2015 through 2017 inpatient discharge and ambulatory/outpatient procedure datasets of cases who reside in Fulton, Franklin, Huntingdon or Bedford County to be used to analyze patient utilization by service line as well as patient outmigration from Fulton County and surrounding areas.

Georgetown University—Jean M. Mitchell, PhD

Standard Statewide 2015 through second quarter 2017 ambulatory/outpatient procedure datasets and re-use 2014 ambulatory/outpatient procedure dataset to be used to build on their prior project. Ambulatory surgery centers (ASC) will be investigated on whether they are in compliance with Centers for Medicare & Medicaid Services (CMS) ASC Quality Reporting program requirements, and will examine if degree of specialization influences whether an ASC is in compliance with the quality reporting requirements.

Good Shepherd Rehab Network—John Grencer

Standard regional 2017 through first quarter 2018 inpatient discharge dataset and first and second quarter 2017 ambulatory/outpatient procedure dataset for Regions 4—9 to be used for internal analysis for Good Shepherd Rehab Network's services.

Highmark Health—Brian Lindner/Shawn Calloway

Standard Statewide fourth quarter 2016 through first quarter 2018 inpatient discharge, ambulatory/outpatient procedure, and inpatient and outpatient revenue code detail datasets. Highmark Health will use the data for ongoing operational analysis and planning purposes. Highmark Health and their consultants will perform analyses of hospitals and surgery centers in western and central Pennsylvania with respect to issues including service offerings, payer mix, patient travel patterns, facility service areas, provider market shares and trends; and analyses of hospital capacity and utilization, bed counts, revenues and costs, and trends. The analyses will relate to regulatory compliance and integrated health care delivery network and financing system efforts to evaluate hospital competition, further develop Allegheny Health Network and offer high-value insurance products.

Hospital & Healthsystem Association of Pennsylvania—Peter Nguyen/Phillip Burrell

A second quarter 2017 through first quarter 2018 custom inpatient discharge readmission analysis data report of hospitals' 7-day and 30-day rates, a second quarter 2017 through first quarter 2018 custom State-

wide inpatient discharge dataset with calculated data fields (number of days from prior record) and a standard inpatient revenue code detail dataset, and a 2017 and restated 2016 standard Statewide financial data report. The Hospital & Healthsystem Association of Pennsylvania (HAP) will use the data to conduct ongoing monitoring of Statewide, regional and hospital-specific quality outcomes. HAP may, from time to time, release the aggregate results of its quality monitoring research and use analysis of the information for member education. HAP intends to host MONAHRQ for member-only use on its private web site. HAP also intends to host a more limited version of MONAHRQ as a public consumer quality and cost transparency web site known as Care in PA. The data will also be used by HAP's consultant Applied Medical Software to develop best practice financial norms analysis for HAP to use to determine the viability of inviting hospitals in this Commonwealth to participate in performance-based gainsharing program. The readmission analysis data will be used for HAP's Hospital Improvement Innovation Network contract awarded by CMS.

Hospital for Special Surgery—Elissa Bergman

Custom 2016 inpatient discharge and ambulatory/outpatient procedure dataset of cases with musculoskeletal conditions to be used internally for planning purposes and get a better understanding of the patient population in this Commonwealth.

Indiana Regional Medical Center—Mark Richards

Standard regional 2015 through 2017 inpatient discharge dataset for Region 3 to be used for analysis to conduct a market assessment in preparation for a board retreat focused on strategic planning.

Intalere (formerly DataBay Resources)—Bernice Murano

Standard Statewide second quarter 2017 through first quarter 2018 inpatient discharge, ambulatory/outpatient procedure, and inpatient and outpatient revenue detail datasets will be combined with other all-payer health care data to be used to produce various aggregate report files distributed by Intalere/DataBay's Navigate system (PC based) and NavigateNet system (Internet-based) that are offered as health care software products to its customers. The reports can be by product line, service area, hospital or health system, physician and/or physician group, which can include but are not limited to market share, patient origin, use rates, charges, surgery detail, payer mix, patient demographics, diagnosis/procedure distribution, refinement, and the like.

Jacqueline B. Bittner, Esq.

Custom 2009 through 2010 ambulatory/outpatient procedure dataset for cases who reside in Atlantic City or Cape May Counties in New Jersey to be used to determine the relevant geographic market for endovascular interventions in the Atlantic City and Cape May areas for litigation purposes. The plaintiff's expert will combine the data with New Jersey data and analyze zip codes in New Jersey migrating for treatment at Philadelphia hospitals.

Jian Strategic Marketing—Heidi Orié

Standard regional second quarter 2017 through first quarter 2018 ambulatory/outpatient procedure datasets for Regions 1—3 to be used to analyze ambulatory surgery trends in the market for nonprofit health care providers. The information will be used for consulting purposes to help guide marketing and communication tactics to providers and consumers.

Kaufman, Hall & Associates—Erin Coppersmith

Standard Statewide 2016 and 2017 inpatient discharge and inpatient revenue code detail datasets will be combined with other states' data to help health care providers increase the quality of care they provide to their patients by effectively benchmarking their quality, safety, satisfaction, cost and utilization to their peers. The information will be used for creating benchmarks at the APR-DRG and MS-DRG level accessible through files in conjunction with hospital client decision support systems and a web-based tool (PEAK).

Lancaster General Health—Joshua Campos

Standard Statewide second quarter 2017 ambulatory/outpatient procedure dataset to be used to understand demand and utilization for ambulatory surgery in this Commonwealth.

Lehigh University—Shin-Yi Chou, PhD

Standard Statewide 2014 through 2017 inpatient discharge datasets will be linked with physician reviews and ratings scraped from public physician review web sites and linked with the AHA's Annual Survey to be used for a research study, The Impact of Online Physician Ratings on Patient Choice, that will examine the impact of online physician ratings on patients' choices and thus examine the impact on social welfare and to provide policy implications.

Lehigh Valley Health Network—Stephen L. Christopoulos/Vanessa J. Villaverde

Standard Statewide second quarter through fourth quarter 2017 inpatient discharge dataset and 2014 through 2017 ambulatory/outpatient procedure dataset will be used for service area analyses, competitive analyses, product line trends and analyses, and incidence rate comparisons and trends for program development. The data will also be used for research population based health issues, to promote health and well-being of targeted vulnerable populations; internal quality control research; internal resource utilization research; support development of continuum of care research; and community based health needs that target chronic illnesses.

Monongahela Valley Hospital—Patrick J. Alberts

Standard second quarter 2017 through first quarter 2018 regional inpatient discharge and ambulatory/outpatient procedure datasets for Region 1 and Statewide inpatient and ambulatory/outpatient revenue code detail datasets to be used to analyze clinical data to identify gaps in services to offer new services to Monongahela Valley Hospital's community.

Mount Nittany Health—Alicia Grube

Custom second quarter 2017 through first quarter 2018 inpatient discharge dataset of patients who reside in Blair, Centre, Clearfield, Clinton, Huntingdon or Mifflin County and a modification to a previous request for a custom 2016 inpatient discharge dataset of patients who reside in Jefferson, Cameron, Elk, Cambria and Bedford County and fourth quarter 2016 inpatient discharge dataset of patients who reside in Juniata County. The data will be used for internal market share analysis.

Nemours/Alfred I. duPont Hospital for Children—Stacey Milunsky

Custom 2017 inpatient discharge and ambulatory/outpatient procedure datasets of pediatric cases to be used for market share analysis, specifically, to identify opportunities to create more appropriate care settings and better local access points of care.

New Solutions, Inc.—Nancy Erickson

Custom 2017 inpatient discharge dataset of patients originating from New Jersey or Bucks, Lehigh, Monroe, Northampton, Philadelphia, Pike or Wayne County will be risk adjusted and produced into reports used by New Solutions for consulting and providing market share analysis to their hospital clients.

OptumInsight—Holli Boetcher

Standard Statewide 2016 inpatient discharge dataset to be used to produce hospital performance ratings including quality, cost efficiency and patient volume, which will be combined with other information and made available to their customers through their Optum Hospital Quality Ratings tool. Their customers may review and compare hospital performance ratings to help make informed decisions about where to seek care.

OSS Health—Tricia Wolf

Custom 2014 through 2017 inpatient discharge and ambulatory/outpatient procedure dataset of patients with musculoskeletal related conditions who reside in Region 5 or were treated at hospitals and ASCs in Region 5, to be used for studying Southwestern Pennsylvania analysis of populations health/value-based musculoskeletal care. They will conduct a competitive research study and analysis of patient access, cost and outcomes of OSS Health's physicians, hospitals and ancillaries versus other health care networks in the similar service area.

Penn Highlands Healthcare—Gregory P. Bauer

Standard Statewide second quarter 2017 through first quarter 2018 inpatient discharge, ambulatory/outpatient procedure, and inpatient and outpatient revenue code detail datasets. Penn Highlands Healthcare's consultant, DataBay Resources, will use the data to develop market share reports for Penn Highlands Healthcare to use the information in preparation of strategic plans as well as in the development of physician recruitment plans for Penn Highlands Healthcare.

Penn State Harrisburg—Patria de Lancer Julnes

A custom 2006 through 2017 inpatient discharge dataset of patients with heart failure and Medicare as the payer with pre and post records and associated lab values linked with Department mortality data files with derived fields (number of days to next admission, discharge, and death) to be used for a study, Efficiency for What? The Hospital Readmissions Reduction Program and Racial and Ethnic Disparities in Heart Failure Readmission and Mortality Outcomes. The study will examine whether the Hospital Readmissions Reduction Program disproportionately affects readmission and mortality outcomes among minority and underserved patients hospitalized with heart failure.

Penn State Hershey Health System—Julie Eisenhauer

Standard regional 2011 through first quarter 2017 ambulatory/outpatient procedure dataset for Regions 1, 2 and 3 and standard Statewide second quarter 2017 through first quarter 2018 inpatient discharge and ambulatory/outpatient procedure datasets. The data will be loaded into Advisory Board Market Innovation Center to provide Penn State Health with analysis of utilization, disease and procedure incidence, market analysis and strategic planning for the improvement of health care services provided by Penn State Health. Reports created from the data may be shared with outside counsel/consultants as part of the strategic planning process.

Pennsylvania Department of Aging—Thomas Snedden

Custom 2014 through first quarter 2017 inpatient discharge dataset with derived fields (number of days to admission and discharge) for patients who were enrolled in Pharmaceutical Contact for the Elderly (PACE). The data will be used to research health outcomes of prescription drug use in the elderly and will be used by researchers at the University of the Sciences in Philadelphia to study medication nonadherence outcomes for PACE elderly with diabetes.

Pennsylvania Department of Health—Arlene G. Seid, MD

A modification to previous data requests for additional data of a custom second quarter 2016 through first quarter 2017 ambulatory/outpatient procedure data report on the number of procedures performed at ASCs to inform decisions for requests for exception to ambulatory surgical regulations received by the Department.

Pennsylvania Department of Health—Josh Goodling

Custom 2012 through first quarter 2017 inpatient discharge and ambulatory/outpatient procedure data reports for the number of infant, children and adolescent cases by injury (falls and interpersonal violence), age group, year and quarter to be used for part of the Child Safety Collaborative Innovation and Improvement Network (CS CoIIN) reporting requirements, which develop and implement programs to reduce fatal and serious injuries among infants, children and adolescents in this Commonwealth. The information will be used to meet goals of the Title V Maternal and Child Health Services Block Grant, which focus on preventing injuries of children and adolescents. Rates will be calculated using the information and posted onto the CS CoIIN web site.

Pennsylvania Department of Health—Lauren Hughes, MD

Custom 2015 through first quarter 2017 inpatient discharge and ambulatory/outpatient procedure data reports will be used for the Department Pennsylvania Rural Health Model project, which is to inform health innovation in rural areas of this Commonwealth.

Pennsylvania Department of Health—Patrick Keating

Standard 2017 inpatient discharge dataset. The Department will use the data to report and disseminate statistics for the Violence and Injury Prevention Program (VIPP), Asthma Control Program, Prescription Drug Monitoring Program (PDMP) and Department of Drug and Alcohol Programs (DDAP). VIPP will identify groups at high risk for injury, types and causes of injury, and effective injury prevention for planning and evaluation strategies; produce injury reports; respond to requests for injury data; and disseminate on the Department's EDDIE system. The Asthma Control Program will report data in facts sheets and monographs. The PDMP will create statistical reports, fulfill grant requirements, monitor program progress, identify needs, evaluate the impact of drug overdose prevention activities, respond to requests for data; develop opioid-related indicators required by Centers for Disease Control and Prevention's (CDC) Prevention for States grant to intend to help combat the ongoing prescription drug overdose epidemic; report morbidity indicators required by CDC Enhanced State Surveillance of Opioid-Involved Morbidity and Mortality grant to prevent opioid-involved overdoses and improve

multi-state surveillance of and response to opioid-involved overdoses; validate and identify health care facilities to integrate their electronic health record with the PDMP system for the CDC Prescription Drug Overdose Prevention Supplemental grant; and create reports for the Interactive Data Report. The DDAP will report the number of opioid overdose-related hospital admissions for the Strategic Prevention Framework for Prescription Drugs grant.

Pennsylvania Department of Health—Patrick Mitchell

Custom 2009 through second quarter 2017 ambulatory/outpatient procedure datasets will be used to assess bacillus Calmette-Guérin (BCG) instillation treatment complication rates and determine whether there have been trends in BCG instillation practices that correspond to disseminated BCG infection. The results will help determine whether there is a broader public health problem requiring further investigation.

Pennsylvania Department of Health—Ralph H. Beishline

Standard Statewide 2012 through third quarter 2017 inpatient discharge dataset. The Department will use the data for the DDAP. The DDAP will prepare tables to include in the final evaluation report for the Strategic Planning Framework—Partnerships for Success grant for the DDAP. Alcohol-related and prescription drug overdose/poisoning related hospitalizations among the 12–25 age group in Blair, Bucks, Delaware, Lackawanna and Westmoreland Counties will be evaluated.

Pennsylvania Department of Health—Sameh Boktor, MD, MPH

Custom third quarter 2000 through second quarter 2017 Statewide inpatient discharge datasets with derived fields (admission) to be used to study trends in influenza associated hospitalizations in this Commonwealth. The analyses will be used to understand the aspect of the public health burden of influenza and to prepare for future seasons, including possible pandemics. As part of a CDC grant, summary findings will be shared with partners for planning and preparedness and to raise awareness about influenza and its public health impact. Findings that may be of public health significance may be shared with the public health community through publishing articles in peer-reviewed journals.

Pennsylvania Department of Health—Zhen-qiang Ma

Standard Statewide 2015 through 2016 inpatient discharge datasets to be used to analyze chronic disease burden and associated risk factors including environmental issues in this Commonwealth.

Pennsylvania Department of Human Services—Mara Perez

Custom 2016 inpatient discharge data report for the number of Medicaid days and discharges by zip code and hospital. The Department of Human Services (DHS) will use the data to validate an analysis provided by a hospital industry representative.

Custom third quarter 2015 through second quarter 2016 ambulatory/outpatient procedure data report for the number of Medicaid cases by zip code and facility. DHS will use the data for the Statewide assessment program.

Custom third quarter 2015 through second quarter 2016 inpatient discharge dataset from the corrected self-pay database and 2014 through 2016 financial data of the

3-year average percent of uncompensated care to be used to compute payments to hospitals for the Hospital Uncompensated Care and Extraordinary Expense programs established under the Tobacco Settlement Act of 2001.

Custom third quarter 2015 through second quarter 2016 inpatient discharge dataset of records with a major diagnostic category 14 or 15 from general acute care hospitals to be used to calculate payments to hospitals for obstetrical and neonate services.

Pennsylvania Department of Human Services—Nicholas Platt

Custom 2012 through 2016 financial data report of hospital's net patient revenue, days, discharges and visits distribution by payer. DHS will use the data for the Statewide and Philadelphia Hospital Assessment programs.

Custom 2016 financial data report by ASC of business entity information, visits and net patient revenue distribution by payer, and statement of operations information. DHS requested ASC data to evaluate potential Medical Assistance program initiatives.

Pennsylvania Department of the Auditor General—Jo Anne Walchak

Standard Statewide third quarter 2016 through second quarter 2017 inpatient discharge dataset to be used to review the data that will be used to calculate Tobacco Settlement entitlements to hospitals in this Commonwealth prior to the DHS's calculation of the payment amounts. They will review data that will be provided to DHS for use in making Uncompensated Care Tobacco Fund payments in 2019.

Pennsylvania Department of the Auditor General—Kari Larsen

Custom 2008 through 2017 inpatient discharge and ambulatory/outpatient procedure data reports for the number of firearm injury admissions and visits to hospitals in this Commonwealth and ASCs by insurance type. The data was to be used to explore, as comprehensively as possible, how much firearm injuries cost both financially and in terms of resources for a Commonwealth gun laws project. The information was to be used to explore factors that inform misuse of guns, what those effects are on public resources and communities, what parties address the misuse of guns before and after those effects can manifest, how the current law does and does not inhibit the misuse of guns, how that law is and is not being enforced, and what technological advancements are being developed to inhibit the misuse of guns.

Pennsylvania Office of Attorney General—Tracy W. Wertz

Standard Statewide second quarter through fourth quarter 2017 inpatient discharge, ambulatory/outpatient procedure, inpatient and ambulatory/outpatient revenue code detail datasets, and 2017 financial data report to be used for review of hospital mergers to ensure that the mergers are in compliance with antitrust laws. These data will also be shared with the Federal Trade Commission (FTC) to be used for hospital merger investigations that are conducted jointly with the FTC.

Pennsylvania Patient Safety Authority—Ed Finley

A custom 2008 through 2017 ambulatory/outpatient procedure data report for the number of cases at ASCs by gender and age groups to be used to write an article for the Patient Safety Authority's (PSA) peer-reviewed jour-

nal, Advisory. The article will analyze reports of death following ambulatory surgery.

Pennsylvania Patient Safety Authority—Howard Newstadt

A custom second quarter 2017 through first quarter 2018 hospital data report to be used by the PSA in combination with the PSA's PA-PSRS data (medical error report) to produce facility specific and aggregate medical error rate data to improve the PSA's analytic capabilities, thereby supporting the PSA's overall mission.

Pennsylvania Patient Safety Authority—Lynette Hathaway

A custom 2005 through 2017 ambulatory/outpatient procedure data report for the number of cataract and eye surgical procedure cases to be used to determine annual rates of reported infections to be analyzed and reported in future PSA publication.

Pennsylvania Patient Safety Authority—Michelle Bell

Custom 2017 ambulatory/outpatient procedure data report for the number of surgical procedures performed at ASCs to be used by the PSA in combination with the PSA's PA-PSRS (medical error report) to calculate the number of error reports by each facility.

Philadelphia Department of Public Health—Raynard Washington, PhD, MPH

Standard regional second quarter 2017 through fourth quarter 2017 inpatient discharge and ambulatory/outpatient procedure datasets for Regions 8 and 9 to be used for a variety of analyses that allow tracking of diseases. Data are used for the evaluation of trends in services, estimated cost and outcomes for HIV, diabetes, asthma, hypertension, cancer screening, violence-related injuries, influenza-like illness, pelvic inflammatory disease, and, if any, emerging infectious diseases, and the like, for research and policy planning. The data will be used to examine high-risk pregnancies and ongoing research into birth outcomes for needs assessment activities for both Health Start and Title V. The data is also used to evaluate the HIV/AIDS surveillance system and as part of Ryan White Part A.

Public Health Management Corporation—Ellen Bryer

Custom third quarter 2014 through second quarter 2017 inpatient discharge data reports for the number of pediatric cases diagnosed with asthma by zip code and county and hospitalization rates of the population by county. The data reports will be used to support a Statewide needs assessment related to pediatric asthma and presented in an online map available to Statewide asthma partners.

Reading Hospital and Medical Center—Daniel Ahern

Standard Statewide second quarter 2017 through first quarter 2018 inpatient discharge, ambulatory/outpatient procedure, and inpatient and outpatient revenue code detail datasets to be used to track historic volumes and market shares in Reading Hospital's system area and other areas will be examined for potential expansion of services. The data will be utilized through DataBay's user-friendly tool to identify trends and analyze market activity by payer mix, patient age mix and service line distribution.

Renzi Podiatry/Save Your Soles Campaign—Ronald M. Renzi, DPM

Custom 2010 through 2016 inpatient discharge datasets for patients with a diabetic foot infection condition who reside in Bucks, Chester, Delaware, Montgomery or Philadelphia Counties or reside in Region 1 or 7 and custom 2017 inpatient discharge and ambulatory/outpatient procedure datasets for patients who suffer lower extremity amputation and reside in Region 8 or 9. The data will be used for the Save Your Soles Campaign program sponsored by Abington Memorial Hospital Innovators Foundation, which is to reduce amputations in the Philadelphia area. The number of diabetic foot infections will be determined by county and zip code, to locate areas with high volumes and to track patients with risk factors for amputation to evaluate prevention strategies. The information will be used to track incidence of lower extremity amputations in the region and evaluate prevention strategies.

Safety-Net Association of Pennsylvania—James A. Tomkins

A custom 2017 inpatient discharge data report of the number of days and discharges by hospital, patient zip code and payer. The data was to be used for calculating a weighted average Community Needs Index for each hospital to be used for internal analysis on behalf of Safety-Net Association hospitals.

SG-2, LLC—Tanya Chin-Fatt

Standard Statewide second quarter 2017 through first quarter 2018 inpatient discharge dataset to be used in an online platform, applications and desktop tools, and summary reports. The data will be used in SG-2's Market Forecast and State Data Analysis Tool software that was developed to support their client hospitals' long and short term operational and strategic planning efforts. These tools enable their clients to develop 10-year health services demand forecasts by clinical area and geography, to provide them with the ability to project and meet future demands by determining the appropriate allocation of resources and to improve both the quality and availability of health care in the communities they serve.

Shouldice Hospital—John Hughes

A custom 2017 through first quarter 2018 ambulatory/outpatient procedure data report of hernia repair procedures to be used to analyze utilization hernia repair trends in this Commonwealth by region and facility type, analyze resident and non-resident, including out of state hernia repairs rendered to health care beneficiaries to assess market trends by region and facility type, review utilization trends and costs per episode of hernia repair by beneficiary demographics, and identify possible locations to set up Shouldice Hospital within this Commonwealth.

St. Luke's University Health Network—Amanda Mazza

Standard Statewide 2017 inpatient discharge dataset to be used for internal use to analyze inpatient market share and trends.

Summit Health

Standard Statewide 2017 inpatient discharge and ambulatory/outpatient procedure datasets to be used to review trends and monitor their market share and analyze their service lines.

SUNY Upstate Medical University—Anna Gleboff

A custom 2014 through 2016 inpatient discharge and ambulatory/outpatient procedure data report of Geisinger

Medical Centers' pediatric cases who reside in Broome, Chenango, Delaware or Tioga Counties in New York or Bradford, Susquehanna, Wayne, Pike or Monroe County to be used to evaluate pediatric patient hospital care in an effort for Golisano Children's Hospital to better serve the best level of care to pediatric patients in all central New York counties and to help these patients achieve the highest quality of care without the need for excessive travel.

**Temple University College of Public Health—
Michael Halpern**

Standard 2014 through 2016 regional inpatient discharge and ambulatory/outpatient procedure datasets for Regions 8 and 9, and Statewide inpatient and outpatient revenue code detail datasets to be linked with ARF data and use the data to study the difference in patient characteristics and outcomes for inpatient admissions and ambulatory/outpatient procedures at Temple University Hospital and other hospitals in the Philadelphia area, and disparities in costs and outcomes for individuals receiving care at Temple University Hospital.

**The Children's Home of Pittsburgh—Kimberly A.
Phillips**

A custom 2016 through first quarter 2017 inpatient discharge dataset of cases with select diagnosis and readmission records within 180 days of discharge with derived fields (number of days from previous record) will be used, with assistance from DeBrunner & Associates, to evaluate the characteristics of discharges and readmissions at other hospitals of claims similar to those seen at the Children's Home of Pittsburgh.

**The Pulmonary Institute of Redstone—Nicholas
Kozinko**

Standard regional third quarter 2016 through third quarter 2017 inpatient discharge datasets for Region 1 and 3 to be used for a Ventilator Nursing Facility Feasibility Analysis project that will explore the potential for "ventilator-specific" long-term care beds in western Pennsylvania. The information garnered in the reports will be used for outlining and assessing the need for specialized nursing facilities in various areas.

**Thomas Jefferson University/1889 Jefferson Center
for Population Health—Marquita Decker-Palmer/
Trina Thompson, PhD**

Standard Statewide 2015 through 2016 inpatient discharge and inpatient revenue code detail datasets to be used for a study, The Impact of Type II Diabetes on Healthcare Utilization in Rural and Urban Pennsylvania, which aims to improve the health of people in Cambria and Somerset Counties by improving diabetes prevention and control.

Truven Health Analytics—Katherine Blumhardt

Standard Statewide second quarter 2017 through first quarter 2018 inpatient discharge and ambulatory/outpatient procedure datasets to process, standardize and distribute different types of data and statistical analyses to its clients (hospitals, health networks, government agencies, health care providers, payers, consultants, vendors, researchers and the like) through proprietary decision tools, benchmark databases, research, custom studies and other associated products by Internet or PC/CD based, which provide utilization market share, service demand, outcome indicators, assistance in resource allocation and in evaluating benefit plans.

University of Pennsylvania—Brian Bayes

A modification to a previous request for a revised custom 2013 through 2016 inpatient discharge dataset of patients enrolled in a random controlled trial linked with the Department's mortality data (2014–2016) with derived fields (ICU indicator, number of days in an ICU stay, number of days to admission and number of days to death). The data will be used for a study, Default Options in Advance Directives, which will determine the relationship between study group assignment and days hospitalized, longevity and specific treatments received, among other outcomes.

University of Pennsylvania—Dan Polsky

Standard Statewide second quarter 2015 through first quarter 2017 inpatient discharge and ambulatory/outpatient procedure datasets to be used for a research project, Smarter Big Data for a Healthy Pennsylvania: Changing the Paradigm of Healthcare, which is focused to improve the health of Pennsylvanians at an individual, community and population level by changing the paradigm of medical care and health care delivery to predicting and preventing onset, exacerbation and advancement of disease, and to train minority students in research. The data will be used to provide complementary information to the other combined administrative claims, medical record data, wearable monitor data and social media data that is used to predict clinical events in the hospital, home and community. The data will also be used to measure changes in utilization in both inpatient and outpatient setting.

University of Pennsylvania—Lindsey Patterson

Standard regional 2008 through 2013 inpatient discharge datasets for Region 9 to be used for a research study, The Economics of Care Regionalization. The data will be merged with Philadelphia Fire Department Emergency Medical Services (EMS) information to study the impact of the EMS destination policy that took effect on October 2011, which requires EMS providers to transport acute stroke patients to the closest primary stroke center. The policy's impact on clinical and cost outcomes for stroke patients will be examined.

**University of Pennsylvania—Matthew L. Williams,
MD**

A custom fourth quarter 2004 through second quarter 2016 inpatient discharge dataset and third quarter 2011 through second quarter 2016 CABG risk models linked with Department mortality data files (2005–2015) with derived fields (number of days to admission and death) to use for a research study, Examination of Readmissions after Cardiac Surgery in Pennsylvania: Development of Risk Models with Clinical Relevance, which will seek to improve upon previously reported prediction models through examination of cause-specific readmissions and to define high-risk populations in whom targeted strategies to prevent readmission can be efficiently implemented.

**University of Pennsylvania School of Nursing—
Rachel Kelz**

A modification to a previous request for standard Statewide 2014 and 2017 inpatient discharge datasets and re-use 2012 and 2013 inpatient discharge and ambulatory/outpatient procedure datasets to use for a study, Surgical Provider Characteristics Using Patient Outcomes, which will identify provider factors that lead to variations in surgical patient outcomes across both inpatient and outpatient settings. The data will be combined with other states data and linked with the Ameri-

can Medical Association Masterfile from the American Medical Association and Hospital Compare from CMS to gain a better understanding of the unique contributions of each provider characteristic that will assist providers with their quality improvement initiatives and hiring decisions. They will evaluate the association between provider characteristics (surgeon descriptors and residency program, hospital descriptors) and clinical outcomes (mortality, complications, prolonged length of stay and failure to rescue) and the association between provider characteristics and financial outcomes (length of stay, total cost of hospitalization and discharge status).

University of Pittsburgh—Janet K. Freburger, PT, PhD

Standard Statewide fourth quarter 2016 through third quarter 2017 inpatient discharge and inpatient revenue code detail datasets and 2016 financial data to be linked at the zip code level to Census data and/or at the county level to area health resource data to examine the extent to which there are disparities in the use of rehabilitation during an acute care stay and outcomes in regard to discharge status and length of stay. These data will be used as pilot data for a grant application.

University of Pittsburgh—Parthasarathy D. Thirumala, MD

A custom 2012 through 2014 inpatient discharge dataset of adult cases with a surgical procedure linked to the Department's mortality data files (2012–2015) to be used for a research study, Cause-specific mortality after surgical procedures: Statewide inpatient databases study, which will research the possible causes of morbidity and mortality after surgical procedures.

University of Pittsburgh—Richard K. Zimmerman, MD, MPH

A custom third quarter 2015 through 2017 inpatient discharge data report for the number of hospitalization admissions of patients who reside in Allegheny County by modified quarter, hospital, age group, race and condition (acute respiratory infections, chronic obstructive pulmonary diseases, asthma and congestive heart failure). The data will be used for CDC sponsored study, US Hospitalized Adult Influenza Vaccine Effectiveness Network (HAIVEN). The data will be used to determine the population-based incidence of various respiratory virus-associated hospitalizations within Allegheny County by season, virus type, year and age group and will be provided to the CDC to calculate the multi-site incidence to inform public health policy and the CDC will use the aggregate data for other publications related to the project. The CDC will combine the results from Allegheny County with three other sites in the country to create an overall estimate for the country of respiratory hospitalization incidence.

University of Pittsburgh Medical Center—Matthew W. Michaels

Standard Statewide second quarter 2017 through first quarter 2018 inpatient discharge and ambulatory/outpatient procedure datasets to use for various research reports including: patient origin for University of Pittsburgh Medical Center (UPMC) hospitals, UPMC market share in various geographies and for various service lines, utilization trends in volume and market share over different time periods, and physician volumes at UPMC and other hospitals.

University of Virginia Medical Center—Joel Spring

Standard facility second quarter 2017 through third quarter 2017 inpatient discharge dataset for Children's Hospital of Philadelphia and Children's Hospital of Pittsburgh of UPMC to monitor volume and description of Virginia pediatric residents receiving care at these two hospitals to help determine where there may be gaps in services provided in Virginia.

UPMC Susquehanna Health—Brian Engel/Emily Zangara

Standard regional second quarter 2017 through fourth quarter 2017 inpatient discharge and ambulatory/outpatient procedure datasets for Regions 2–6 to be loaded into a Customer Relationship Management database that Healthgrades hosts and maintains on behalf of UPMC Susquehanna. Healthgrades will use the information for the purpose of reporting market share and trend analysis to UPMC Susquehanna.

USA Today—Christopher Schnaars

A custom 2014 through 2017 inpatient discharge data report for the number of deliveries and the incidence of severe maternal morbidity by hospital to be used for a maternal health project that will be analyzed and rates published in *USA Today*, other Gannett papers and their web sites.

WellSpan Health—David Kimpel

Standard Statewide 2016 through first quarter 2018 inpatient discharge and ambulatory/outpatient procedure datasets to be used for an internal assessment of the delivery of health care services within the region WellSpan Health serves and beyond for comparative purposes. Service area utilization and analysis are the primary purpose for obtaining the data.

Yale School of Public Health—Henry G. Dove, PhD

Standard Statewide 2016 inpatient discharge, ambulatory/outpatient procedure, and inpatient and outpatient revenue code detail datasets and financial data report to use for a Practicum class at the Health Management Program in the School of Public Health at Yale University. As part of the Practicum, the students will produce various data analysis reports for an organization with a public health component.

JOE MARTIN,
Executive Director

[Pa.B. Doc. No. 19-436. Filed for public inspection March 22, 2019, 9:00 a.m.]

INSURANCE DEPARTMENT

United of Omaha Life Insurance Company; Rate Increase Filing for Several Individual LTC Forms (MUTA-131854776)

United of Omaha Life Insurance Company is requesting approval to increase the premium an aggregate 3.4% (ranges from 0% to 22.3%) on 239 policyholders with the following individual LTC forms: LTC06UI-TQ, LTC06UI-G5-TQ, LTC06UI-G10-TQ, LTC06UI-G15-TQ, LTC06UI-NTQ, LTC06UI-G5-NTQ, LTC06UI-G10-NTQ and LTC06UI-G15-NTQ.

Unless formal administrative action is taken prior to June 6, 2019, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at www.insurance.pa.gov (hover the cursor over the "Consumers" tab, then select "Long Term Care Rate Filings").

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, jlaverty@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JESSICA K. ALTMAN,
Insurance Commissioner

[Pa.B. Doc. No. 19-437. Filed for public inspection March 22, 2019, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Commission Clarification Regarding Supplemental Information and Filing Timeline Regarding the Commission's January 17, 2019 Order at Doc. No. M-2017-2587711

On January 17, 2019, the Pennsylvania Public Utility Commission (Commission) entered an Order at this docket releasing staff's Report on Home Energy Affordability for Low-Income Customers in Pennsylvania (January 17, 2019 Order).¹ The January 17, 2019 Order, *inter alia*, requested supplemental information from the natural gas distribution companies (NGDC) and electric distribution companies (EDC) by February 19, 2019, at Ordering Paragraph (OP) # 5, and established comment/reply comment periods at OPs # 10 & 11. The January 17, 2019 Order also scheduled a stakeholder meeting (Stakeholder Meeting) on February 6, 2019, at OP # 6. Public notice of the Stakeholder Meeting was provided through service of the January 17, 2019 Order and by publication in the *Pennsylvania Bulletin* on January 26, 2019.²

At the Stakeholder Meeting, stakeholders³ sought clarification on the supplemental information requested by the January 17, 2019 Order. Specifically, stakeholders sought clarification on: (1) the Commission's request for a cost analysis based on a Percent of Income Payment (PIP) Customer Assistance Program (CAP) with a 10% maximum energy burden for 2017 through 2021; and (2) the Commission's request for monthly customer tallies for all CAP customers claiming zero income in 2016 and 2017, broken out by heating type. Some stakeholders requested that the Commission provide the Report in an accessible format⁴ and asked for an extended comment period. By

¹ The short citation herein for the Report on Home Energy Affordability for Low-Income Customers in Pennsylvania is Report.

² 49 Pa.B. 425, <https://www.pabulletin.com/secure/data/vol49/49-4/127.html>.

³ Entities that signed in at the Stakeholder Meeting included: the Office of Consumer Advocate; the Office of Small Business Advocate; the Energy Association of Pennsylvania; the Pennsylvania Department of Human Services, the Pennsylvania Utility Law Project; Community Legal Services; the Dollar Energy Fund; Columbia Gas; Duquesne Light; First Energy; National Fuel Gas; Philadelphia Gas Works; PECO Energy; Peoples Natural Gas; PPL Electric; UGI Utilities; Sadie Kroeck (Consultant); Melanie Popovich (Consultant); CCI (weatherization contractor); Clark Hill PLC; Burke Vullo Reilly Roberts (law firm); McNeese Wallace & Nurick LLC (law firm); and Commission staff.

⁴ Stakeholders also discussed additional universal service matters and information, both related and unrelated to the Report. Such discussions have been duly noted but are beyond the scope of this Secretarial Letter.

Secretarial Letter dated February 13, 2019, the Commission stayed the filing of the supplemental information and the comment period pending clarification from the Commission.

This Secretarial Letter provides the Commission's clarifications of the January 17, 2019 Order based on the Stakeholder Meeting, including establishing a revised timeline for filings supplemental information and comments.

Commission Directive for Cost Analysis Based on a PIP CAP Model for 2017 through 2021.

The January 17, 2019 Order directed NGDCs and EDCs to:

Provide a cost forecast based on a 10% maximum energy burden [i.e., 4% for electric non-heating, 6% for gas heating, and 10% for electric heating] for the years 2017 through 2021. Include costs associated with system changes, CAP credits (overall increases and decreases), [pre-program arrearages (PPA)], and in-program arrearages, and any other incurred costs that would contribute to such a change. Identify and take into account the cost savings from customers who would pay more under a 10% percent-of-income CAP. Indicate potential impact to uncollectible balances and collection costs. Cost estimates should be based on a percent-of-income CAP payment model. NGDCs and EDCs may also compare whether rate discount or other CAP payment options may be more cost-effective to achieve the maximum 10% energy burdens.

January 17, 2019 Order at OP # 5(b).

Some participants at the Stakeholder Meeting questioned whether cost forecasts should be based on each utility's existing CAP structure, which may or may not include, *inter alia*, additional charges to CAP bills⁵ and CAP credit limits. Further, NGDCs and EDCs may have different minimum payment requirements for CAP accounts. Commission staff believes that there was a consensus at the Stakeholder Meeting that NGDCs and EDCs should each provide two separate cost estimates to compare to the Report's PIP CAP model:

- The first cost estimate should be based only on charging all CAP customers the lesser of an average bill or 4, 6, or 10%⁶ of the household's income for the yearly periods from 2016 through 2021.⁷ This estimate should not take into consideration system change costs, additional CAP charges, CAP credit limits, minimum payment/bill requirements,⁸ or other costs not related to charging the CAP customer the lesser of an average bill or the designated percent of income.

- The second cost estimate should also be based on the average bill or the PIP CAP model from 2016 through 2021 but include all other costs/savings related to this change. This includes utility CAP charges, minimum payment restrictions, CAP credit limits, and other CAP costs/savings described in the January 2019 Order. NGDCs and EDCs should identify all costs/savings related to this estimate separately.⁹

Commission Clarification: The Commission finds merit in using these two separate cost estimates to determine

⁵ Specifically, CAP Plus charges and PPA monthly co-payments.

⁶ 10% for electric heating customers, 6% for gas heating customers and 4% for electric non-heating customers.

⁷ Stakeholders suggested using 2016 as a base year, instead of 2017, because this is the last year of the Energy Affordability Study.

⁸ Excluding minimum bill requirements means that customers reporting zero income, for example, would receive a \$0 bill.

⁹ Customers reporting zero income, for example, would receive a minimum bill if the utility currently requires minimum bill payments.

the impact of a PIP CAP with a 10% maximum energy burden. Including a “baseline” cost analysis, which identifies only the cost of charging all CAP customers either their average bill or 4, 6, or 10% of their income based on heating type, whichever is less, would allow comparison of the estimated PIP CAP billing impacts across utilities. Therefore, NGDCs and EDCs are directed to provide the two cost estimates for the PIP CAP model, as described above.

Accordingly, NGDCs and EGDCs shall file and serve the supplemental information requested in the January 17, 2019 Order, as clarified herein, within 30 days of the date of this Secretarial Letter. All other provisions of the January 17, 2019 Order remain in effect.

Commission Directive for Monthly Customer Tallies for All CAP Customers Claiming Zero Income in 2016 and 2017.

The January 17, 2019 Order directed NGDCs and EDCs to “provide monthly customer tallies for all CAP customers claiming zero income [(zero-income customers)] in 2016 and 2017, broken out by heating type, if possible. This information should also be provided as part of each utility’s 2018 Universal Service Reporting in a separate spreadsheet.” January 17, 2019 Order at 20.

Some utilities at the February 6, 2019 stakeholder meeting reported that their systems do not track zero-income customers in CAP from month to month. Alternatively, stakeholders suggested that utilities could provide the number of customers charged a minimum bill.

Commission Clarification: All NGDCs and EDCs require customers claiming zero income to complete a zero-income form prior to enrollment in a CAP or at CAP recertification. Further, utilities should be tracking CAP customer income. Based on the CAP customer data collected and reported to the Commission, we are not persuaded that the utilities cannot determine the monthly number of zero-income customers in their CAPs for the years requested. Therefore, we will not make any changes relative to this directive in the January 17, 2019 Order.¹⁰

Regardless of the availability of historical data, all NGDCs and EDCs remain under the directive to provide monthly customer tallies for all CAP customers claiming zero income, broken out by heating type if possible, as part of each utility’s 2018 Universal Service Reporting in a separate spreadsheet. January 17, 2019 Order at OP # 15. This monthly tally and annual reporting requirement shall continue yearly thereafter.

Request for the Report in an Accessible Format.

Some stakeholders requested that the Commission make the Report publicly available in an accessible format.

Commission Clarification: The Commission will provide the Report, including the tables in the Report and in the appendices, in Microsoft Word on the Commission’s website at Docket Nos. M-2017-2587711 and M-2017-2596907. This allows interested parties to copy the tables in the Report and appendices into Microsoft Excel or other analytical software.

Timing for the Comment Period.

Finally, some stakeholders requested a longer comment period to allow time for additional analysis.

¹⁰ NGDCs or EDCs that cannot provide a monthly count of zero-income CAP customers should contact Sarah Dewey, BCS, at sdewey@pa.gov, to discuss alternate methods of providing this required information.

Commission Clarification: We find that extending the comment period by 10 days, from 20 to 30 days, is reasonable to provide interested parties with more time to review and analyze the Report and the utilities’ supplemental filing, as clarified. We do not see a need to extend the 15 day reply comment period at this time.

Accordingly, NGDCs and EGDCs shall file and serve the supplemental information requested in the January 17, 2019 Order, as clarified herein, within 30 days of the date of this Secretarial Letter. Interested parties may submit written comments at this docket, within 30 days after the filing deadline for the utilities’ supplemental information. Reply comments will be due 15 days thereafter.

This Secretarial Letter shall be published in the *Pennsylvania Bulletin* and served on the parties at the previously-captioned dockets. Non-parties who signed in at the Stakeholder Meeting will be provided a copy of this Secretarial Letter.

Questions may be directed to Joseph Magee at jmagee@pa.gov.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 19-438. Filed for public inspection March 22, 2019, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Energy Affordability for Low-Income Customers; Doc. No. M-2017-2587711

The Pennsylvania Public Utility Commission (Commission) opened this proceeding in 2017 as the first step in evaluating the affordability, cost-effectiveness, and prudence of Universal Service Programs. At the Public Meeting of January 17, 2019, the Commission entered an Order calling, inter alia, for jurisdictional natural gas distribution companies and electric distribution companies to submit supplemental information and data by February 19, 2019. Order at OPs # 5 & 10. The Order also established a comment and reply comment schedule. Order at OP # 11.

A stakeholder meeting regarding the January 2019 Order was held on February 6, 2019, in Harrisburg, Pennsylvania. As a result of the discussion and consensus at the stakeholder meeting, the Commission intends to clarify the supplemental information and data to be filed.

This Secretarial Letter stays the submission and comment periods listed in the January 2019 Order, pending the issuance of revised submission and comment periods in a subsequent Secretarial Letter. The revised timelines will be specified in conjunction with the Commission’s clarifications regarding the requisite supplemental information and data. All other provisions of the January 2019 Order remain in effect.

If there are any questions, contact Joseph Magee, jmagee@pa.gov, (717) 772-1204. Parties are directed to provide Joseph Magee the contact names, telephone num-

bers and e-mail addresses for persons in their organizations to be used for the informal exchange of information related to this proceeding.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 19-439. Filed for public inspection March 22, 2019, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Natural Gas Service

A-2019-3008418. Columbia Gas of Pennsylvania, Inc. Application of Columbia Gas of Pennsylvania, Inc. for approval of the abandonment of natural gas service to one residential customer in Lawrence County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before April 8, 2019. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, Commonwealth Keystone Building, 400 North Street, 2nd Floor, Harrisburg, PA 17120, with a copy served on the applicant. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at www.puc.pa.gov and at the applicant's business address.

Applicant: Columbia Gas of Pennsylvania, Inc.

Through and By Counsel: Meagan B. Moore, Esquire, Theodore J. Gallagher, Esquire, 121 Champion Way, Suite 100, Canonsburg, PA 15317; Amy E. Hirkakis, Esquire, 800 North Third Street, Suite 204, Harrisburg, PA 17102

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 19-440. Filed for public inspection March 22, 2019, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Protests may only be filed if 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, 400 North Street, Harrisburg, PA 17120, with a copy served on the applicant by April 8, 2019. 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-2019-3007974 (Corrected). Fenrick Enterprises, LLC, t/a Tina's Taxi and Delivery (1739A Butler Pike, Mercer County, PA 16137) to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in Butler, Crawford, Lawrence, Mercer and Venango Counties, to points in Pennsylvania, and return.

A-2019-3008136. Constable Transport Service, LLC (4340 Winfield Terrace, Bethlehem, Northampton County, PA 18045) for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service from points in Bethlehem Township, Northampton County and within an airline distance of 90 statutory miles of the municipality (excluding points of origin in Bucks, Chester, Montgomery, Northumberland and Schuylkill Counties), to points in Pennsylvania, and return. *Attorney:* Christina M. Mellott, Esquire, Page, Wolfberg & Wirth, LLC, 5010 East Trindle Road, Suite 202, Mechanicsburg, PA 17050.

A-2019-3008217. Optimal Resources, LLC (81 Green Manor Drive, Butler, Butler County, PA 16002) persons in paratransit service, within a 100-mile radius of the city limits of Butler, Butler County.

A-2019-3008349. Acute Care Medical Transports, Inc. (2940 Turnpike Drive, Suite 17, Hatboro, Montgomery County, PA 19040) persons in paratransit service, from points in the Counties of Bucks and Montgomery, to points in Pennsylvania, and return. *Attorney:* Christina M. Mellott, 5010 East Trindle Road, Suite 202, Mechanicsburg, PA 17050.

A-2019-3008351. Galaxy Limousine, Inc. (969 Trenton Road, Fairless Hills, Bucks County, PA 19030) persons in group and party service, in vehicles seating between 11 and 15 passengers, including the driver, from points in Bucks County, to points in Pennsylvania, and return.

Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods as described under the application.

A-2018-3008046. Inncity Rehab, Inc. (600 Deer Road, Suite 1, Cherry Hill, Camden County, NJ 08034) household goods in use, between points in the Counties of Bucks, Chester, Delaware, Montgomery and Philadelphia.

Application of the following for approval to begin operating as contract carriers for transportation of persons as described under the application.

A-2019-3007866. Judy's Team, Inc., d/b/a Judy's Team (4214 Campbells Run Road, Pittsburgh, Allegheny County, PA 15205) for the right to begin to transport, as a contract carrier, by motor vehicle, persons for Coordinated Transportation Solutions, Inc. between points in Pennsylvania.

Applications of the following for the approval of the right and privilege to discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under each application.

A-2019-3008107. Peggy Ann Swartz (P.O. Box 107, Madisonburg, PA 16852) discontinuance of service and

cancellation of its certificate, to transport, as a common carrier, by motor vehicle, at A-6419134, persons in paratransit service, limited to persons in whose personal convictions prevent them from owning or operating motor vehicles, from points in Centre County, to points in Pennsylvania, and return.

A-2019-3008115. Frugalleries, LLC, t/a Agape Senior Transitions (375 Highland Drive, Mountville, Lancaster County, PA 17554) for the discontinuance of service and cancellation of the certificate as a common carrier, by motor vehicle, at A-8918926, household goods in use, between points in Pennsylvania.

A-2019-3008125. Gary E. McCoy (105 Hickory Grove Road, Watsonstown, PA 17777) discontinuance of service and cancellation of its certificate, to transport, as a common carrier, by motor vehicle, at A-6419134, persons in paratransit service, limited to persons in whose personal convictions prevent them from owning or operating motor vehicles, from points in the Townships of Washington and Clinton, Lycoming County, and the Townships of Delaware, Lewis and Turbot, Northumberland County, to points in Pennsylvania, and return.

A-2019-3008321. Curtis Loving, t/a Loving Express (5241 Iroquois Street, Tobyhanna, Monroe County, PA 18466) discontinuance of service and cancellation of its certificate, to transport, as a common carrier, by motor vehicle, persons upon call or demand service, between points within a 15-air mile radius from the City of Tobyhanna, subject to the following condition: that no right, power or privilege is granted to originate service in Stroudsburg.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 19-441. Filed for public inspection March 22, 2019, 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 April 8, 2019, 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. Nasser Limousine Service, LLC; Docket No. C-2018-3006302

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Sec-

tion 701 of the Public Utility Code, the Bureau of Investigation and Enforcement Prosecutory Staff hereby represents as follows:

1. Nasser Limousine Service, LLC, Respondent, maintains its principal place of business at 4751 Birney Avenue, Moosic, PA 18507.

2. That Respondent was issued a certificate of public convenience by this Commission on August 15, 2005 at Application Docket No. A-00120555 authorizing transportation of passengers in group and party 16 or greater authority.

3. On October 3, 2018, the Certificate of Public Convenience, issued to Respondent, Nasser Limousine, LLC, at carrier identification no. A-00120555 was cancelled for failure to maintain evidence of bodily injury property damage liability insurance and cargo insurance on file with this Commission, a violation of 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), 52 Pa. Code § 32.12(a), and 52 Pa. Code § 32.13(a).

4. That the Commission received an informal complaint alleging Respondent provided transportation for a wedding to points in Carbon County, Schuylkill County, and Luzerne County on November 10, 2018. Respondent does not have authority to provide transportation of passengers from one point to another in Pennsylvania.

5. That PUC Motor Carrier Enforcement Supervisor Anthony Turriziani obtained the invoice sheet for the above-referenced trip which totaled \$1,274.

6. That Respondent, by holding out to provide passenger service between points in Pennsylvania while not having operating authority with this Commission, violated the Public Utility Code, 66 Pa.C.S. § 1101. The penalty for this violation is \$1,000.

Wherefore, the Bureau of Investigation and Enforcement Prosecutory Staff hereby requests that the Commission fine Nasser Limousine LLC the sum of one thousand dollars (\$1,000.00) for the illegal activity described in this Complaint.

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, 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: 12/5/2018

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within twenty (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 Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining

the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original shall be mailed to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 P.O. Box 3265
 Harrisburg, PA 17105-3265

Or may be sent by overnight delivery to:

400 North Street, 2nd Floor
 Harrisburg, PA 17120

Additionally, please serve a copy on:

Michael L. Swindler, Deputy Chief Prosecutor
 Bureau of Investigation and Enforcement
 Pennsylvania Public Utility Commission
 P.O. Box 3265
 Harrisburg, PA 17105-3265

Or, e-mailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this complaint within twenty (20) days, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing a penalty. The penalty could include a fine, the suspension or revocation of our certificate of public convenience or other remedy.

C. You may elect not to contest this complaint by paying the fine proposed in this Complaint by certified check or money order. Payment 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 your payment, the complaint proceeding shall be closed.

D. If you file an Answer, which admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing a penalty.

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 optional fine set forth above.

F. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Lincoln Taxi Transportation, LLC; Docket No. C-2019-3007214

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Sec-

tion 701 of the Public Utility Code, the Bureau of Investigation and Enforcement Prosecutory Staff hereby represents as follows:

1. That Lincoln Taxi Transportation, LLC, Respondent, maintains its principal place of business at 572 West Broad Street, Suite 160, Hazleton, PA 18201.

2. That Respondent was issued a certificate of public convenience for taxi authority by this Commission on October 11, 2016 at Application Docket Number A-00121957.

3. That on January 14, 2019, PUC Motor Carrier Enforcement Officer Robert Maholik conducted random vehicle inspections on Poplar Street, Hazleton, Luzerne County, PA.

4. That Officer Maholik, on the date and address specified in paragraph 3, inspected a 2009 Toyota bearing Pennsylvania license No. TX49777 and Vehicle Identification No. JTLKE50E391062099. The right side of the front bumper was not secure to the mounting and extended approximately 1/2 inch from vehicle.

5. That Officer Maholik, on the date and address specified in paragraph 3, inspected a 2015 Nissan bearing Pennsylvania license No. TX49898 and Vehicle Identification No. 3NICE2CPXFL440485. The following violations were found:

(a) The vehicle battery was not securely fastened.

(b) No taxi unit number was listed on the exterior consumer decal as required.

6. That Respondent, by permitting a vehicle to be operated with a front bumper that was not secure and extended from the vehicle, violated 52 Pa. Code § 29.402(1) and 67 Pa. Code § 175.78(e). The penalty for this violation is \$100.

7. That Respondent, by permitting a vehicle to be operated with a vehicle battery that was not securely fastened, violated 52 Pa. Code § 29.402(1) and 67 Pa. Code § 175.66(n). The penalty for this violation is \$100.

8. That Respondent, by failing to list the taxi unit number on the exterior consumer decal as required, violated 52 Pa. Code § 29.318. The penalty for this violation is \$50.

Wherefore, the Bureau of Investigation and Enforcement Prosecutory Staff hereby requests that the Commission fine Lincoln Taxi Transportation, LLC, the sum of two hundred and fifty dollars (\$250.00) for the illegal activity described in this Complaint and order such other remedy as the Commission may deem to be appropriate.

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, 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: 2/5/2019

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within twenty (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 Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original shall be mailed to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Or may be sent by overnight delivery to:

400 North Street, 2nd Floor
Harrisburg, PA 17120

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor
Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, e-mailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this complaint within twenty (20) days, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing a penalty. The penalty could include a fine, the suspension or revocation of your certificate of public convenience or other remedy.

C. You may elect not to contest this complaint by paying the fine proposed in this Complaint by certified check or money order. Payment 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

D. Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the complaint proceeding shall be closed.

E. If you file an Answer, which admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing a penalty.

F. 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 optional fine set forth above.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Crown Trucking, Inc.; Docket No. C-2019-3007863

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 Crown Trucking, Inc., (respondent) is under suspension effective January 22, 2019 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 332 James Street, Kingston, PA 18704.

3. That respondent was issued a Certificate of Public Convenience by this Commission on November 18, 2014, at A-8916704.

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-8916704 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: 2/26/2019

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility Services
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

**Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Courieit, LLC;
Docket No. C-2019-3007901**

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 Courieit, LLC, (respondent) is under suspension effective February 02, 2019 for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at 47 South Royal Street, York, PA 17401.
3. That respondent was issued a Certificate of Public Convenience by this Commission on February 12, 2018, at A-8920656.
4. That respondent has failed to maintain evidence of Cargo insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.
5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-8920656 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: 2/26/2019

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. 19-442. Filed for public inspection March 22, 2019, 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>
Johnny D. Shetler 472 Stevenson Road Greenville, PA 16125	Mercer County/ Salem Township	45.6	Veal	Existing	Rescind
David King Lapp 373 Walnut Run Road Willow Street, PA 17584	Lancaster County/ Strasburg Township	0	Cattle	Existing	Rescind
Mains Dairy Dan Mains 473 Mt. Rock Road Newville, PA 17241	Cumberland County/ West Pennsboro Township	0	Cattle	Existing	Rescind
Eric Newswanger 107 Awol Road Jonestown, PA 17038	Lebanon County/ Union Township	577.73	Broilers	New	Approved

PATRICK McDONNELL,
Chairperson

[Pa.B. Doc. No. 19-443. Filed for public inspection March 22, 2019, 9:00 a.m.]

**STATE EMPLOYEES’
RETIREMENT BOARD**

Hearing Scheduled

The following hearing has been scheduled, as authorized by 71 Pa.C.S. Part XXV (relating to State Employees’ Retirement Code), in connection with the State Employees’ Retirement System’s denial of claimant’s request concerning the indicated account.

The hearing will be held before a hearing officer at the State Employees’ Retirement System, 30 North Third Street, Fifth Floor, Harrisburg, PA 17101:

April 12, 2019	Michael C. Santilli (Deceased) Contested Death Benefit Issue	9 a.m.
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Parties in the respective case may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearing will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). Under 4 Pa. Code § 250.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

TERRILL J. SANCHEZ,
Secretary

[Pa.B. Doc. No. 19-444. Filed for public inspection March 22, 2019, 9:00 a.m.]