

# PENNSYLVANIA BULLETIN

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## **Agencies in this issue**

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The Courts

Department of Banking and Securities

Department of Conservation and Natural  
Resources

Department of Environmental Protection

Department of Health

Department of Human Services

Department of Revenue

Department of Transportation

Environmental Quality Board

Game Commission

Independent Regulatory Review Commission

Insurance Department

Legislative Reference Bureau

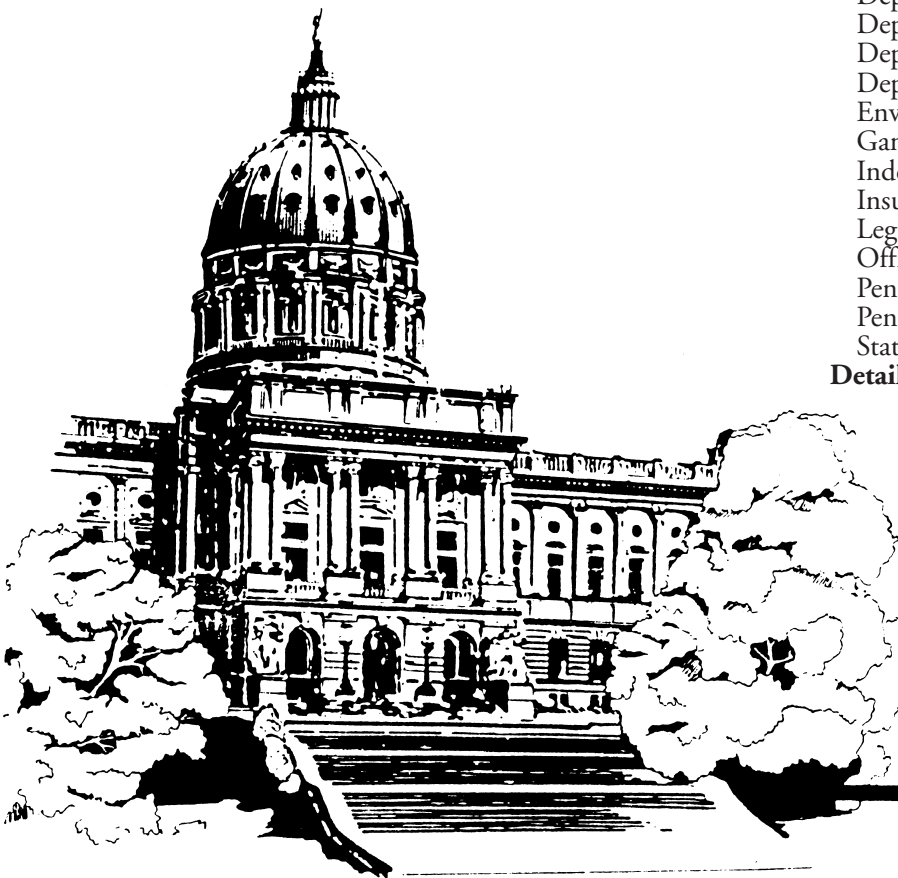
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Pennsylvania Public Utility Commission

State Horse Racing Commission

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

**No. 534, May 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](http://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](http://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.

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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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# THE GENERAL ASSEMBLY

## COMMISSION ON SENTENCING

### Meetings Scheduled

The Commission on Sentencing (Commission) announces the following meetings to be held at the Harrisburg Hilton and Towers Hotel, One North Second Street, Harrisburg, PA and at the Pennsylvania Judicial Center, 601 Commonwealth Avenue, Harrisburg, PA:

Wednesday, June 12, 2019	2 p.m.	Public Hearing Pennsylvania Judicial Center 601 Commonwealth Avenue Harrisburg, PA
	6:30 p.m.	Dinner Meeting Harrisburg Hilton and Towers Hotel One North Second Street Harrisburg, PA
Thursday, June 13, 2019	9 a.m.	Policy Committee Meeting Pennsylvania Judicial Center 601 Commonwealth Avenue Harrisburg, PA
	11 a.m.	Quarterly Commission Meeting Pennsylvania Judicial Center 601 Commonwealth Avenue Harrisburg, PA

MARK H. BERGSTROM,  
*Executive Director*

[Pa.B. Doc. No. 19-743. Filed for public inspection May 17, 2019, 9:00 a.m.]

# THE COURTS

## Title 237—JUVENILE RULES

### PART 1. RULES

#### [ 237 PA. CODE CHS. 5 AND 6 ]

#### Proposed Amendment of Pa.R.J.C.P. 515 and 610

The Juvenile Court Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the amendment of Pennsylvania Rules of Juvenile Court Procedure 515 and 610 concerning the imposition of financial obligations on juveniles at the time of disposition 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, Chief Counsel  
 Juvenile Court Procedural Rules Committee  
 Supreme Court of Pennsylvania  
 Pennsylvania Judicial Center  
 PO Box 62635  
 Harrisburg, PA 17106-2635  
 FAX: 717-231-9541  
 juvenilerules@pacourts.us

All communications in reference to the proposal should be received by August 16, 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 Juvenile Court  
 Procedural Rules Committee*

JUDGE JENNIFER R. SLETVOLD,  
*Chair*

### Annex A

#### TITLE 237. JUVENILE RULES

#### PART I. RULES

#### Subpart A. DELINQUENCY MATTERS

#### CHAPTER 5. DISPOSITIONAL HEARING

#### PART B. DISPOSITIONAL HEARING AND AIDS

#### Rule 515. Dispositional Order.

A. *Generally.* When the court enters a disposition after an adjudication of delinquency pursuant to Rule 409(A)(2), the court shall issue a written order, which provides balanced attention to the protection of the community, accountability for the offenses committed, and development of the juvenile's competencies to enable the juvenile to become a responsible and productive member of the community. The order shall include:

- 1) the court's findings pursuant to Rule 512(D);
- 2) a designation whether the case is eligible pursuant to 42 Pa.C.S. § 6307(b)(1.1)(i) for limited public information;
- 3) a directive that the juvenile shall submit to fingerprinting and photographing by, or arranged by, the law enforcement agency that submitted the written allegation in all cases in which the juvenile has not previously been fingerprinted or photographed;
- 4) the date of the order; and
- 5) the signature and printed name of the judge entering the order.

B. [***Restitution.*** If restitution is ordered in a case, the ] ***Financial Obligations.*** If the court orders the payment of fines, costs, fees, or restitution, the amounts shall be reasonable and as part of a plan of rehabilitation considering the nature of the acts committed and the earning capacity of the juvenile. The dispositional order shall include:

- 1) [ **a** ] the specific [ amount ] amounts of fines, costs, fees, or restitution to be paid by the juvenile;
- 2) to whom the [ **restitution** ] financial obligations shall be paid; and
- 3) a payment schedule, if so determined by the court.

C. *Guardian* [ **participation** ] ***Participation.*** The dispositional order shall include any conditions, limitations, restrictions, and obligations imposed upon the guardian.

D. *Disposition* [ **reporting** ] ***Reporting.*** The court shall forward the case disposition to the Juvenile Court Judges' Commission, as required by the Commission.

#### Comment

Pursuant to paragraph (A)(2), the court is to determine if the case is eligible for limited public information under the requirements of 42 Pa.C.S. § 6307(b)(1.1)(i). *See* 42 Pa.C.S. § 6307(b)(2). When the case is designated, the clerk of courts is to mark the file clearly. For information that is available to the public in those eligible cases, see Rule 160.

*See* 23 Pa.C.S. § 5503 and 42 Pa.C.S. §§ 6308, 6309 and 6310.

In determining the amount of the financial obligation pursuant to paragraph (B), the judge may include a contribution to a restitution fund. *See* 42 Pa.C.S. § 6352(a)(5). The court shall retain jurisdiction over the juvenile until the financial obligation has been satisfied, the juvenile attains 21 years of age, or supervision has otherwise been terminated. *See id.*; *see also* Rule 632 (Early Termination of Court Supervision by Motion). A subsequent change in the plan of rehabilitation may warrant diminution of financial obligations through a dispositional review hearing and modification of dispositional order. *See* Rule 610(A)-(B).

Dispositional orders should comport in substantial form and content to the Juvenile Court Judges' Commission model orders to receive funding under the federal Adoption and Safe Families Act (ASFA) of 1997 (P.L. 105-89). The model forms are also in compliance with Title IV-B

and Title IV-E of the Social Security Act. For model orders, see <http://www.jcjc.state.pa.us> or <http://www.dpw.state.pa.us> or request a copy on diskette directly from the Juvenile Court Judges' Commission, Room 401, Finance Building, Harrisburg, PA 17120.

**Official Note:** Rule 515 adopted April 1, 2005, effective October 1, 2005. Amended August 20, 2007, effective December 1, 2007. Amended July 28, 2009, effective immediately. Amended December 24, 2009, effective immediately. Amended April 29, 2011, effective July 1, 2011. Amended February 13, 2019, effective June 28, 2019. **Amended** , 2019, effective , 2019.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 515 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005).

Final Report explaining the amendments to Rule 515 published with the Court's Order at 37 Pa.B. 4866 (September 8, 2007).

Final Report explaining the amendment to Rule 515 published with the Court's Order at 39 Pa.B. 4743 (August 8, 2009).

Final Report explaining the amendments to Rule 515 published with the Court's Order at 40 Pa.B. 222 (January 9, 2010).

Final Report explaining the amendments to Rule 515 published with the Courts Order at 41 Pa.B. 2413 (May 14, 2011).

Final Report explaining the amendments to Rule 515 published with the Court's Order at 49 Pa.B. 916 (March 2, 2019).

**Final Report explaining the amendments to Rule 515 published with the Court's Order at Pa.B. ( , 2019).**

**CHAPTER 6. POST-DISPOSITIONAL PROCEDURES**

**PART B. MODIFICATIONS AND REVIEWS**

**Rule 610. Dispositional and Commitment Review.**

A. *Dispositional [ review hearing ] Review Hearing.* The court shall review its disposition and conduct dispositional review hearings for the purpose of ensuring that the juvenile is receiving necessary treatment and services and that the terms and conditions of the disposition are being met.

1) In all cases, the court shall conduct dispositional review hearings at least every six months.

2) In all cases, the juvenile shall appear in person at least once a year.

3) The court may schedule a review hearing at any time.

B. *Change in Dispositional Order.* Whenever there is a request for a change in the dispositional order, other than a motion to revoke probation as provided in Rule 612, notice and an opportunity to be heard shall be given to the parties and the victim.

1) The juvenile may be detained pending a court hearing.

2) A detention hearing shall be held within [ **seventy-two** ] **72** hours of the juvenile's detention, if detained.

3) The juvenile shall be given a statement of reasons for the discharge from a placement facility or request for change in the dispositional order.

4) A review hearing shall be held within [ **twenty** ] **20** days of the discharge from the placement facility or request for change in the dispositional order.

C. *Advanced [ communication technology ] Communication Technology.* A court may utilize advanced communication technology pursuant to Rule 129 for a juvenile or a witness unless good cause is shown otherwise.

D. *Post-Dispositional Rights.* A colloquy and inquiry of post-dispositional rights shall be conducted when a juvenile is aggrieved by a change in the dispositional order.

**Comment**

At any hearing, if it is determined that the juvenile is in need of an educational decision maker, the court is to appoint an educational decision maker pursuant to Rule 147.

Under paragraph (A), the court is to conduct dispositional review hearings as frequently as necessary to ensure that the juvenile is receiving necessary treatment and services and that the terms and conditions of the disposition are being met. See Rule 800.

When conducting a dispositional review hearing, the court is to ensure that the disposition continues to provide balanced attention to the protection of the community, the imposition of accountability for offenses committed, and the development of competencies to enable the juvenile to become a responsible and productive member of the community. **A change in the plan of rehabilitation may warrant diminution of financial obligations imposed pursuant to Rule 515.**

Nothing in this rule prohibits the juvenile from requesting an earlier review hearing. The juvenile may file a motion requesting a hearing when there is a need for change in treatment or services.

Additionally, nothing in this rule is intended to prohibit the emergency transfer of a juvenile from a placement facility to a detention facility pending reconsideration of the dispositional order, and this rule is not intended to preclude a motion for modification of a dispositional order after the juvenile has been detained.

Under paragraph (B), the attorney for the Commonwealth or its designee is to notify the victim of the date, time, place, and purpose of the review hearing. Prior to ordering the change in the dispositional order, the court is to give the victim an opportunity to submit an oral and/or written victim-impact statement if the victim so chooses. See [ **Victim's** ] **Victims** Bill of Rights, 18 P.S. §§ 11.201 *et seq.*

Any persons may be subpoenaed to appear for the hearing. See Rule 123 and 42 Pa.C.S. § 6333. However, nothing in these rules requires the attendance of the victim unless subpoenaed. If the victim is not present, the victim is to be notified of the final outcome of the proceeding.

Some placement facilities are hours away from the dispositional court. Paragraph (C) allows a hearing to be conducted via teleconferencing, two-way simultaneous audio-visual communication, or similar method. The juvenile is to be afforded all the same rights and privileges as if the hearing was held with all present in the courtroom.

If a juvenile is detained or placed, the juvenile is to be placed in a detention facility or placement facility, which does not include a county jail or state prison. *See* Rule 120 and its Comment for definitions of “detention facility” and “placement facility.”

For the colloquy and inquiry of post-dispositional rights, see Rule 512(C). If a change in disposition results in an out-of-home placement, then the court should also explain to the juvenile the availability of review of the out-of-home placement pursuant to Pa.R.A.P. 1770.

**Official Note:** Rule 610 adopted April 1, 2005, effective October 1, 2005. Amended December 30, 2005, effective immediately. Amended April 21, 2011, effective July 1, 2011. Amended April 29, 2011, effective July 1, 2011. Amended May 26, 2011, effective July 1, 2011. Amended June 28, 2013, effective immediately. Amended May 11, 2017, effective October 1, 2017. **Amended \_\_\_\_\_, 2019, effective \_\_\_\_\_, 2019.**

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 610 published with the Court’s Order at 35 Pa.B. 2214 (April 16, 2005).

Final Report explaining the revisions of Rule 610 published with the Court’s Order at 36 Pa.B. 186 (January 14, 2006).

Final Report explaining the amendments to Rule 610 published with the Court’s Order at 41 Pa.B. 2319 (May 7, 2011).

Final Report explaining the amendments to Rule 610 published with the Court’s Order at 41 Pa.B. 2413 (May 14, 2011).

Final Report explaining the amendments to Rule 610 published with the Court’s Order at 41 Pa.B. 3180 (June 25, 2011).

Final Report explaining the amendments to Rule 610 published with the Court’s Order at 43 Pa.B. 3938 (July 13, 2013).

Final Report explaining the amendments to Rule 610 published with the Court’s Order at 47 Pa.B. 2969 (May 27, 2017).

**Final Report explaining the amendments to Rule 610 published with the Court’s Order at Pa.B. \_\_\_\_\_, 2019.**

**REPORT**

***Proposed Amendment of Pa.R.J.C.P. 515 and 610***

The Juvenile Court Procedural Rules Committee herein proposes amendment of Pennsylvania Rules of Juvenile Court Procedure 515 and 610 concerning the imposition of financial obligations on juveniles at the time of disposition.

Procedurally, if a juvenile is adjudicated delinquent, then the court enters an order providing “balanced attention to the protection of the community, accountability for the offenses committed, and development of the juvenile’s competencies to enable the juvenile to become a responsible and productive member of the community.” Pa.R.J.C.P. 515(A). Concerning the imposition of financial obligations, the Juvenile Act requires that the amounts of financial obligations be reasonable and as part of a plan of rehabilitation considering the nature of the acts committed and the earning capacity of the juvenile. 42 Pa.C.S. § 6352(a)(5). The Juvenile Act further provides that the court retains jurisdiction over the juvenile until the age of 21 years or until there has been satisfaction of

outstanding financial obligations. *Id.* After the age of 21 years, any outstanding restitution is reduced to a judgment against the juvenile. *Id.*; *see also* 42 Pa.C.S. § 9728(a).

The Committee received a request for rulemaking to: 1) clarify that the juvenile court retains discretion to waive court-imposed financial obligations, including restitution; 2) require the juvenile court to consider a juvenile’s ability to pay before imposing financial obligations, together with a presumption of indigency; and 3) prohibit the juvenile court from imposing juvenile adjudication, disposition, or terms of probation for a failure to pay that is not willful. Additionally, the requestor sought amendment of Rule 631 to permit the termination of supervision when there are outstanding financial obligations and the juvenile is unable to pay them.

Preliminarily, the Committee considered whether all financial obligations are discretionary. For example, the Crime Victims Act requires a juvenile to pay costs of at least \$25 when there is a consent decree or an adjudication of delinquency. *See* 18 P.S. § 11.1101(a)(3). The Crime Victims Act states: “This cost shall be imposed notwithstanding any statutory provision to the contrary.” *Id.* § 110.1101(c). The Committee believes it is a substantive matter, and not procedural, whether a financial obligation that may be inconsistent with balanced and restorative juvenile justice, and not in accordance with 42 Pa.C.S. § 6352(a)(5), may nonetheless be imposed as part of the initial disposition. Anecdotally, the practice in Pennsylvania appears varied as to this matter.

Notwithstanding, the initial order of disposition is not static; it is subject to subsequent review and modification by the juvenile court to ensure “that the juvenile is receiving necessary treatment and services and that the terms and conditions of the disposition are being met.” Pa.R.J.C.P. 610(A). As the imposition of financial obligations is part of disposition, *see generally* 42 Pa.C.S. § 6352 (Disposition of Delinquent Child), it, too, is subject to subsequent review and modification pursuant to Rule 610.

Accordingly, the Committee proposes an amendment of Rule 515(B) to incorporate the statutory criteria for imposing financial obligations on juveniles. Additionally, “restitution” would be replaced with “financial obligations” to include fines, costs, and fees with restitution amounts. The Comment to Rule 515 would be revised to contain statutory content and citations. Further, the Committee proposes adding a reference to the Comment to Rule 515 indicating that diminution of financial obligations may be sought through a dispositional review hearing. The Comment to Rule 610 would be revised to contain a corollary statement.

Readers should observe that the proposed language in the commentary describes a downward modification of outstanding financial obligations. The Committee did not anticipate there would be an upward modification of financial obligations. Readers are invited to comment specifically on this point in addition to the proposal as a whole.

Concerning the “ability to pay” suggestion, the Committee did not believe there was substantive difference between “earning capacity” and “ability to pay.” The Committee debated, without resolution, whether a court could accurately estimate a juvenile’s future earnings at the time of disposition. Regarding a presumption of indigency, the Committee did not believe a presumption was necessary at the time of disposition because the

juvenile could seek subsequent review of outstanding financial obligations and prove inadequacy of actual earnings from the time of initial disposition. Additionally, the dispositional review hearing provides the juvenile an opportunity to demonstrate that an inadequacy of earnings is not the result of insufficient effort or willful conduct.

Further, the Committee did not believe an amendment of Rule 631 is necessary to permit the termination of supervision when there are outstanding financial obligations and the juvenile is unable to pay them. A juvenile who is unable to satisfy financial obligations imposed at disposition should seek review and modification of the dispositional order in accordance with Rules 600–610.

The Committee recognizes there may be reasons unrelated to the dispositional order that might warrant early termination. Rule 632(A) permits any party to file a motion for early termination and explain why, *inter alia*, financial obligations have not been paid in full. See Pa.R.J.C.P. 632(A); Pa.R.J.C.P. 631(A)(2). If the court finds there are “compelling reasons” to terminate supervision prior to the satisfaction of outstanding financial obligations, then the court may do so. See Pa.R.J.C.P. 632(F); see also *In Interest of D.C.D.*, 171 A.3d 727, 741 (Pa. 2017) (juvenile court must consider the factors of balanced and restorative justice when determining whether compelling reasons exist for the early termination of supervision).

The Committee is mindful of reports of juveniles remaining under supervision due solely to unpaid obligations. However, the Committee refrains from proposing how juvenile courts should exercise discretion. Rather, the Committee believes the more prudent course is to propose a procedural avenue to seek relief and for cases to be determined on individual merit with all stakeholders given notice, including victims. See Pa.R.J.C.P. 600(B)(1) & Comment (attorney for the Commonwealth is to notify victim of dispositional review hearing); Pa.R.J.C.P. 631(E) & Comment (same for motion for early termination).

The Committee invites all comments, concerns, and suggestions regarding this rulemaking proposal.

[Pa.B. Doc. No. 19-744. Filed for public inspection May 17, 2019, 9:00 a.m.]

## Title 249—PHILADELPHIA RULES

### PHILADELPHIA COUNTY

#### Adoption of Local Orphans’ Court Rules Governing Guardianship Proceedings; Administrative Order No. 09 of 2019

##### Order

*And Now*, this 1st day of May, 2019, in accordance with the June 1, 2018 order of the Supreme Court of Pennsylvania (No. 771 Supreme Court Rules Docket) vacating local Orphans’ Court Rules governing guardianship proceedings not adopted in accordance with Pa. O.C. Rule 1.5 and Pa.R.J.A. No. 103(d) effective June 1, 2019, and authorizing the adoption of local rules deemed necessary in accordance with Pa. O.C. Rule 1.5 and Pa.R.J.A. No. 103(d), it is now *Ordered* that current local Orphans’ Court Rules governing guardianship proceedings are rescinded, and the following rules are adopted, effective June 1, 2019.

As required by Pa.R.J.A. 103(d), this Administrative Order and the following Local Orphans’ Court Rules were submitted to the Supreme Court of Pennsylvania Orphans’ Court Procedural Rules Committee for review before December 1, 2018, and written notification has been received from the Rules Committee certifying that the Local Orphans’ Court Rules are not inconsistent with any general rule of the Supreme Court. This Administrative Order and the following rules shall be filed with the Office of Judicial Records (formerly the Prothonotary, Clerk of Courts and Clerk of Quarter Sessions) in a docket maintained for Administrative Orders issued by the First Judicial District of Pennsylvania. As required by Pa.R.J.A. 103(d)(5)(ii), two certified copies of this Administrative Order and the following rules and one copy of the Administrative Order and following rules on a computer diskette shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. As required by Pa.R.J.A. 103(d)(6) one certified copy of this Administrative Order and rules shall be filed with the Administrative Office of Pennsylvania Courts, shall be published on the website of the First Judicial District at <http://www.philacourts.us/localrules>, and shall be incorporated in the compiled set of local rules no later than 30 days following publication in the *Pennsylvania Bulletin*. Copies of the Administrative Order and following rules shall also be published in *The Legal Intelligencer* and will be submitted to American Lawyer Media, Jenkins Memorial Law Library, and the Law Library for the First Judicial District.

*By the Court*

HONORABLE IDEE C. FOX,  
*President Judge*  
*Court of Common Pleas*

HONORABLE MATTHEW D. CARRAFIELLO,  
*Administrative Judge*  
*Orphans’ Court Division*  
*Court of Common Pleas*

#### Philadelphia Local Orphans’ Court Rules Effective June 1, 2019

##### Chapter I. PRELIMINARY RULES

Amended Rule. Deletions are bolded and bracketed; additions are bolded and underlined.

Rule [ **1.8A** ] **1.8(c)**. Forms.

**(1) Legal papers shall be accompanied by an Orphans’ Court Cover Sheet as set forth in the Appendix to these Rules.**

**(2) Petitions for Adjudication/Statements of Proposed Distribution filed in accordance with Pa. O.C. Rule 2.4 and Phila. O.C. Rule 2.4B shall include an Account Filing Checklist as set forth in the Appendix to these Rules.**

**(3) Local Orphans’ Court forms are set forth in the Appendix.**

*(Editor’s Note: The following rules are added and are printed in regular type to enhance readability.)*

##### Chapter XIV. GUARDIANSHIPS OF INCAPACITATED PERSONS

#### Rule 14.1A. Guardianship Petition Practice and Pleading. Special Petitions.

(1) *Small Estate of Incapacitated Persons*. If at a hearing the incapacity is established, and it appears that the gross estate does not exceed the statutory limitation, the Court may award the entire estate to the person or

institution maintaining the incapacitated person, or make such order as may be appropriate under the circumstances. In such case, a decree in approved form, in lieu of the final decree appointing a guardian, shall be attached to the face of the petition.

*Probate Section Comment:* 20 Pa.C.S. § 5101 and § 5505 prescribe the statutory limitation for small estates.

(2) *Petition for Allowances.* Expenditures for the maintenance or support of an incapacitated person or for a dependent of the incapacitated person, or for payment of counsel fees, shall be governed by the appropriate provisions of Phila. O.C. Rule 5.6C(1) and (3) and as provided below.

(a) *Filing of Petition and Decrees.* A petition for allowance from the incapacitated person's estate, during incapacity, shall be filed, in accordance with Pa. O.C. Rule 4.7 and Phila. O.C. Rule 4.7A, with the Clerk by the guardian or any interested party. A proposed final decree shall be attached to the face of the petition. When the petitioner is not a guardian, a preliminary decree containing a provision for the time and place for hearing to be fixed by the Court shall also be attached to the face of the petition. Notice shall be given to the guardian, to all interested parties, and to such other persons as the Court may direct.

(b) *Contents of Petition.* The petition shall include:

(i) the information listed in Pa. O.C. Rule 14.2(a)(1) through (5);

(ii) the name(s) of the guardian(s), the date of his or her or appointment, the nature of the guardianship of the estate or person (limited or plenary) and the name of the Hearing Judge;

(iii) the names and addresses of all interested parties;

(iv) if the petitioner is not a guardian, his or her relationship to the incapacitated person, and, if not related, the nature of his or her interest;

(v) a statement of all previous distributions allowed by the Court since the date of the last Court approved accounting, if any;

(vi) an itemized statement of all claims of the incapacitated person's creditors known to petitioner;

(vii) a statement of the requested distribution and the reasons therefor; and

(viii) a prayer for the distribution requested. If the allowance requested will involve a matter which will require annual petitions for substantially similar relief, the petitioner may request the Court to make the grant of the allowance applicable to more than one (1) year, but not to exceed three (3) years, unless otherwise permitted by the Court.

(c) *Restrictions Governing Allowance:*

(i) Except in cases of extreme emergency, requests for allowances will not be approved prior to the filing of the inventory or the last required annual report, as the case may be.

(ii) Requests for allowances for fees of Court-appointed Counsel will not be approved prior to the filing of the Guardian Inventory. Whenever possible, reasonable counsel fees shall be ordered to be paid from the estate of the incapacitated person. If the incapacitated person is unable to pay for counsel, the Court may order counsel fees and costs to be paid by the county. See 20 Pa.C.S. § 5511(c).

(iii) If any portion of the incapacitated person's estate is received from the United States Veterans' Administration or its successor, or any agency of the Commonwealth, notice of the request for allowance shall be given to such agency.

(3) *Other Petitions.* Any other petitions for relief may be filed consistent with the applicable statutes and rules. See 20 Pa.C.S. § 5501 et seq., Pa. O.C. Rule 14.1(c).

**Rule 14.2A. Petition for Adjudication of Incapacity and Appointment of a Guardian of the Person or Estate of an Incapacitated Person.**

(1) *Petition Contents.* When the petitioner avers, as required by Pa. O.C. Rule 14.2(a)(6), (7) and (8), the existence of an executed health care power of attorney or advance health care directive, or an executed power of attorney, or any other writing by the alleged incapacitated person pursuant to Title 20, Chapters 54, 56 or 58, the petition shall state the position of the Petitioner as to the continuation of the duties of the agent identified under such document(s).

(2) *Exhibits.*

(a) A Preliminary Decree and a Final Decree, as set forth in the Appendix maintained pursuant to Phila. O.C. Rule 1.8(c), shall be attached to the face of a petition for adjudication of incapacity.

(b) *Consent of Proposed Guardian.* The signed written consent of the proposed guardian to act as guardian, as set forth in the Appendix maintained pursuant to Phila. O.C. Rule 1.8(c), shall be attached to the petition.

(3) *Emergency Guardians.*

(a) *Appointment.* The Court, upon petition and hearing at which clear and convincing evidence is shown, may appoint an emergency guardian or guardians of the person and the estate of an alleged incapacitated person when it appears that the person lacks capacity, is in need of a guardian and a failure to make such appointment would result in irreparable harm to the person or estate of the alleged incapacitated person. The Court may also appoint an emergency guardian of the person pursuant to 20 Pa.C.S. § 5513, for an alleged incapacitated person who is present in this Commonwealth but is domiciled outside the Commonwealth, regardless of whether he or she has property in this Commonwealth.

(b) *Applicability of Other Provisions.* The provisions of 20 Pa.C.S. § 5511, including those relating to counsel, shall be applicable to such proceedings, except when the Court has found such provisions to be impractical.

(c) *Duration of Emergency Guardianship.*

(i) *Person.* An emergency order appointing an emergency guardian of the person may be in effect for up to seventy-two (72) hours. If the emergency continues, the emergency order may be extended for no more than twenty (20) days from the expiration of the initial emergency order, upon application to the Court.

(ii) *Estate.* The duration of an emergency order appointing an emergency guardian of the estate shall not exceed thirty (30) days.

(iii) If continuing guardianship of person or estate is necessary, a full guardianship proceeding must be instituted pursuant to 20 Pa.C.S. § 5511 during or after the expiration of the period of the emergency order or any extension.

(iv) The use of an expert report or deposition testimony in lieu of live in-person testimony in emergency guardian-

ship proceedings must be specifically authorized by the court. The use of telephonic live testimony is left to the discretion of the court.

(4) *Citation with Notice.*

(a) *Issuance of Citation.* Upon the issuance of a citation following the granting of a preliminary decree to a petition for adjudication of incapacity, Petitioner or their designee shall pick up the original citation from the Clerk in person, or contact the Clerk to request another arrangement. Such requests may or may not be honored, at the discretion of the Clerk.

(b) *Service.* If there are no known intestate heirs, notice shall also be given to the Attorney General at the Eastern Regional Office in Philadelphia.

(c) *Alias Citation.* If the original citation was not personally served on the alleged incapacitated person at least twenty (20) days prior to the scheduled hearing date, the Court upon request may issue an alias citation. The Alias Citation must be served on the alleged incapacitated person at least twenty (20) days prior to the newly scheduled hearing date, in the same manner as the original citation.

*Note:* An Alias Citation is not required if the original citation has been timely served on the alleged incapacitated person and a continuance is requested from the originally scheduled hearing date.

*Probate Section Comment:* 20 Pa.C.S. § 5512.1 elaborates the basis upon which the Court shall make a finding of incapacity. The description and the steps taken to find less restrictive alternatives must include sufficient information to satisfy the requirements of 20 Pa.C.S. § 5518. 20 Pa.C.S. § 5511 establishes that the Court may adjudicate an individual incapacitated and appoint a guardian only upon petition and hearing and upon the presentation of clear and convincing evidence. If the alleged incapacitated person is in a hospital, nursing home or other institution, service must be made upon an attorney or authorized personnel of the institution and notice of the hearing should be given to the director or other authorized official of such facility. If the alleged incapacitated person is a veteran, notice of the hearing must be given to the Veterans' Administration. A shorter time period for service may be permitted in connection with petitions for the appointment of an emergency guardian.

**14.6A. Determination of Incapacity and Selection of Guardian. Hearing Date.**

(1) *Proof of Service.* On the date of the hearing for determination of incapacity, the following shall be submitted:

(a) an affidavit of service of the petition and citation on the alleged incapacitated person, attached to or endorsed upon the original citation, reciting that the petition and citation were explained to the maximum extent possible in language likely to be understood by the alleged incapacitated person and that a copy of each was left with him or her; and

(b) an affidavit reciting the manner of giving notice of the hearing and identifying those persons to whom such notice was given as required in Pa. O.C. Rule 14.2(f)(2).

(2) *Attendance at Hearing.* The petitioner and the alleged incapacitated person shall be present at the hearing unless the Court is satisfied, upon the deposition or notarized expert report or testimony of or sworn statement by a physician or licensed psychologist, that

the physical or mental condition of the alleged incapacitated person would be harmed by his or her presence.

(3) *Independent Evaluation.* If, pursuant to 20 Pa.C.S. § 5511(d), the Hearing Judge deems it necessary upon his or her own motion or on petition by the alleged incapacitated person for cause shown, he or she shall order an independent evaluation to meet the requirements of 20 Pa.C.S. § 5518, and determine the appropriate charges and the persons responsible for payment.

(4) *Testamentary Writings.* A copy of all testamentary writings of the incapacitated person found by the guardian, or in the possession of any other person, certified to be true and correct, shall be submitted by the guardian or such other person to the Hearing Judge for inspection within thirty (30) days of such guardian's appointment, or within thirty (30) days when such testamentary writing(s) is subsequently discovered.

**Rule 14.8A. Guardianship Reporting, Monitoring, Review, and Compliance.**

(1) Guardian shall file all inventories, annual reports, and final reports in accordance with 20 Pa.C.S. § 5521(c), Pa. O.C. Rule 14.8, and Pa.R.J.A. No. 510(b). Reports and inventories may be filed in either an electronic format or a physical paper format. Reports and inventories filed in an electronic format shall use the Guardianship Tracking System. See <https://ujportal.pacourts.us/Guardianship.aspx>.

*Probate Section Comment:* The Clerk will provide a computer terminal in the Clerk's office and will assist those Guardians without a computer or internet access to file these legal papers through the Guardianship Tracking System.

(2) The Guardianship Tracking System is designated by the Court to provide the notices to the Guardian required by Pa. O.C. Rule 14.8(f).

**APPENDIX**

**PHILADELPHIA COUNTY  
ORPHANS' COURT FORMS**

**General Orphans' Court Forms:**

- \*Certificate of Compliance
- \*Orphans' Court Subpoena
- Orphans' Court Cover Sheet
- \*Entry of Appearance

**\*Decedent's Estate Proceeding Forms:**

- Account Filing Checklist—Decedent's Estate
- Appeal from Register of Wills
- Excerpt from Schedule of Distribution

**Incapacitated Person's Proceeding Forms:**

- Account Filing Checklist—Guardian of Incapacitated Person
- Consent of Guardian
- Final Decree
- Guardian Address Confirmation Form
- Preliminary Decree

**\*Minor's Proceedings Forms:**

- Account Filing Checklist—Guardian of Minor

**\*Minor's and Incapacitated Person's Compromises Forms:**

Minors and Incapacitated Persons Checklist

Affidavit of Compliance

Petition to Settle Minor's Compromise

**\*Power of Attorney Proceedings Forms:**

Account Filing Checklist—Agent under Power of Attorney

**\*Trust Proceeding Forms:**

Account Filing Checklist—Special Needs Trust

Account Filing Checklist—Trust (Testamentary/Inter Vivos)

**\*Wrongful Death and Survival Proceeding Forms:**

Wrongful Death and Survival Actions Checklist

Affidavit of Compliance

Petition to Settle Wrongful Death and Survival Actions

**\*Register of Wills Forms:**

Affidavit for Filing in Philadelphia County by Foreign Fiduciary

**\*The above-listed Forms are available on the Website of the First Judicial District of Pennsylvania at: [www.philacourts.us/forms](http://www.philacourts.us/forms)**



Court of Common Pleas of Philadelphia County  
Orphans' Court Division

Cover Sheet

<p><b>Court of Common Pleas of Philadelphia County Orphans' Court Division</b></p> <p><b>Cover Sheet</b></p>		<p><b>FOR COURT USE ONLY</b></p>	
<p>ASSIGNED TO JUDGE</p>		<p>CONTROL NO.</p> <p><i>Responding parties must include this number on all filings.</i></p>	
<p>NAME OF ESTATE</p>		<p>ORPHANS' COURT NUMBER</p>	
<p>TYPE OF ESTATE</p> <p> <input type="checkbox"/> Decedent's Estate                      <input type="checkbox"/> Trust Inter Vivos                      <input type="checkbox"/> Testamentary Trust                      <input type="checkbox"/> Incapacitated Person                      <input type="checkbox"/> Minor  <input type="checkbox"/> Principal (power of attorney)                      <input type="checkbox"/> Non-Profit Corporation                      <input type="checkbox"/> Special Needs Trust                      <input type="checkbox"/> Other (specify) _____             </p>			
<p>FILING PARTY'S RELATIONSHIP TO ESTATE</p>			
<p>PLEADING OR DOCUMENT FILED</p>			
<p>NAME OF FILING PARTY (NOT COUNSEL FOR THE PARTY)</p>		<p>ADDRESS</p>	
<p><b>ATTORNEYS MUST CHECK ONE BOX</b></p> <p>TO THE CLERK OF ORPHANS' COURT:</p> <p> <input type="checkbox"/> Kindly enter my appearance on behalf of _____                      <input type="checkbox"/> I have entered my appearance on behalf of _____             </p>			
<p>NAME OF FILING ATTORNEY OR PARTY</p>		<p>ADDRESS</p>	
<p>PHONE NUMBER</p>	<p>FAX NUMBER</p>		
<p>SUPREME COURT IDENTIFICATION NO.</p>		<p>E-MAIL ADDRESS</p>	
<p>SIGNATURE OF FILING ATTORNEY OR PARTY</p>		<p>DATE</p>	
<p>OTHER PARTIES (Name, address, and telephone number of unrepresented parties or all counsel already of record. If needed, use separate sheet.)</p>			
<p>Is notice required?</p> <p> <input type="checkbox"/> No  <input type="checkbox"/> Yes. Copy of notice attached to pleading.                      Date of Notice: _____  <input type="checkbox"/> Yes. All joinders are attached.                 </p>		<p>If Citation is requested:</p> <p>1. Was Citation against Respondent previously issued?      <input type="checkbox"/> Yes      <input type="checkbox"/> No</p> <p>2. If yes, date of service: _____</p>	
<p>Has another petition been decided in this case?      <input type="checkbox"/> Yes      <input type="checkbox"/> No</p> <p>Is another petition pending?      <input type="checkbox"/> Yes      <input type="checkbox"/> No</p> <p>If yes, identify the Judge: _____</p>			
<p><b>FOR COURT USE ONLY - FIRST FILINGS ONLY (If Applicable)</b></p>			
<p>DATE OF BIRTH</p>	<p>DATE OF DEATH</p>	<p>REGISTER OF WILLS NUMBER</p>	<p>DATE OF DEED OF TRUST</p>
<p><i>The Filing Party shall complete the information at the bottom of the Cover Sheet filed with the Clerk, and not the service copies. The information will only be used by the Clerk. The Clerk shall not release this information to the general public.</i></p>			

<b>COURT OF COMMON PLEAS OF PHILADELPHIA • ORPHANS' COURT DIVISION</b>		
<b>ACCOUNT FILING CHECKLIST • <u>GUARDIAN OF INCAPACITATED PERSON</u></b>		
ESTATE OF _____, <i>INCAP.</i>	<b>PREPARER:</b> ATTORNEY/ACCOUNTANT	TELEPHONE NUMBER
O. C. NUMBER _____ OF _____	ADDRESS & EMAIL ADDRESS	
<b>INSTRUCTIONS:</b> Persons wishing to file an account must first complete this form, indicating in "preparer" column ( <b>YES or N/A</b> ) whether the items listed are included in the audit papers and/or the account. Items that are required in all cases are printed in <b>BOLD</b> . Upon review by the staff of the Clerk's Office, the account and related audit papers may be accepted for filing if complete or rejected if incomplete.		
PREPARER	ITEM	O. C. CLERK
	<b>1) Account Cover Page and Summary Page</b> [Pa. O.C. Rule 2.1(b)(4)(i)-(ii)]	
	<b>2) Account Signed by All Accountants and Verified by at Least One Accountant</b> [Pa. O.C. Rule 2.1(b)(4)(iv)]	
	<b>3) Petition for Adjudication/Statement of Proposed Distribution Signed by Counsel</b> [Pa. O.C. Rule 2.4(e)]	
	<b>4) Petition for Adjudication/Statement of Proposed Distribution Signed by at Least One Accountant</b> [Pa. O.C. Rule 2.4(d)]	
	<b>5) Petition for Adjudication/Statement of Proposed Distribution Verified by at Least One Accountant</b> [Pa. O.C. Rule 2.4(d)]	
	<b>6) Copy of Decree or Instrument Appointing Guardian</b> [Phila. O.C. Rule 2.4B(6)(a)]	
	<b>7) If Deceased, Statement of Appointment of Personal Representative</b> [Phila. O.C. Rule 2.4B(6)(b)]	
	<b>8) Statement of Method of Notice and Copy of Notice</b> [Pa. O.C. Rule 2.5]	
	<b>9) Agreement of Compromise and Settlement</b> [Phila. O.C. Rule 2.4B(1)(c)]	
	<b>10) Agreement Regarding Accountant's Compensation</b> [Phila. O.C. Rule 2.4B(1)(d)]	
	<b>11) Certificate of Appointment of Foreign Fiduciary</b> [Phila. O.C. Rule 2.4B(8)(a)]	
	<b>12) Affidavit by Foreign Fiduciary</b> [Phila. O.C. Rule 2.4B(8)(b)]	
	<b>13) Income Accounting Waivers</b> [Phila O.C. Rule 2.4B(1)(e)]	
<input type="checkbox"/> <b>ACCEPTED</b> <input type="checkbox"/> <b>REJECTED</b>	REVIEWED BY _____	DATE _____

10-132D (7-20-16)

**Consent of Guardian Form****COURT OF COMMON PLEAS OF PHILADELPHIA  
ORPHANS' COURT DIVISION**Estate of \_\_\_\_\_  
O.C. # \_\_\_\_\_ Control # \_\_\_\_\_**CONSENT OF GUARDIAN**

I, \_\_\_\_\_ accept and confirm my appointment as Guardian of the Person / Estate (circle all that apply) of \_\_\_\_\_ ("Ward").

I understand that as Guardian:

1. I must always act in the best interests of my Ward;
2. I have a fiduciary responsibility to my Ward and the Court;
3. I must act with reasonable prudence in all matters relating to the Estate;
4. I must not engage in self-dealing;
5. I am forbidden from expending principal of the Estate without prior Court authorization;
6. I am forbidden from selling any real property owned by my Ward without prior Court authorization;
7. I must file a Guardian's Inventory within ninety (90) days of my appointment as Guardian of the Estate;
8. I must file an annual report as Guardian of the Person and an annual report as Guardian of the Estate every year on the anniversary date of my appointment as Guardian;
9. I understand the duties and responsibilities of being a Guardian, and have the knowledge, skills and expertise to be a Guardian; and
10. I understand and agree that as a Guardian, I must act in accordance with the laws governing guardians found in the statutes set forth in 20 Pa.C.S. § 5501, et seq., and the Pennsylvania and Philadelphia Orphans' Court Rules concerning guardianships set forth in Chapter XIV, particularly Pa. O.C. Rule 14.8 and Phila. O.C. Rule 14.8.A.

11. The primary language of the alleged incapacitated person is \_\_\_\_\_. My primary language is \_\_\_\_\_.

12. My failure to abide by the above will result in my removal as Guardian, and may result in my being found in contempt of Court, surcharged for any losses to the Estate, fined, and/or otherwise sanctioned.

Further, subject to penalty of law under 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities, I affirm that I have not been convicted of or pleaded guilty or no contest to any crime involving fraud, deceit, and/or financial misconduct.

\_\_\_\_\_  
Name of Guardian

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**Decree Appointing Guardian of the Estate****COURT OF COMMON PLEAS OF PHILADELPHIA  
ORPHANS' COURT DIVISION**

Estate of Ivan Smith,  
An Alleged Incapacitated Person  
O.C. No. XXX AI of 2019  
Control No. XXXX

**FINAL DECREE**

AND Now, this \_\_\_\_\_ day of June 2019, upon consideration of the Petition for Adjudication of Incapacity and Appointment of a Guardian and after a hearing held following due service of a copy of the Petition and Citation Notice upon Ivan Smith, this Court finds by clear and convincing evidence that:

1. Ivan Smith is 77 years old and is a domiciliary of the City and County of Philadelphia.
2. Ivan Smith suffers from vascular dementia with psychosis, schizophrenia, chronic obstructive pulmonary disease, and hypertension which totally impairs his capacity to receive or evaluate information effectively and to make and communicate decisions concerning management of his financial affairs.

Accordingly, it is hereby ORDERED and DECREED that Ivan Smith is adjudged a totally/partially incapacitated person and that \_\_\_\_\_ is appointed plenary/limited Guardian of the Estate of Ivan Smith, an incapacitated person.

The Guardian of the Estate shall enter security with a corporate surety in the amount of \$ \_\_\_\_\_ within \_\_\_\_\_ days of this Decree.

The Guardian of the Estate is NOT permitted to expend the principal of the incapacitated person's estate without ADVANCE permission of the court in accordance with the provisions of 20 Pa.C.S. § 5536, however, income may be expended by the Guardian for the care of the incapacitated person without court approval.

All financial institutions, including without limitation, banks, savings and loans, credit unions, and brokerages, shall grant to the Guardian of the Estate access to any and all assets, records, and accounts maintained for the benefit of the incapacitated person, and the Guardian of the Estate shall be entitled to transfer, retitle, withdraw, or otherwise exercise dominion and control over any and all of these assets, records and accounts. The failure of any financial institution to honor this order may lead to contempt proceedings and the imposition of sanctions. Pa. O.C. Rule 14.7(b)(2).

The health care agent or the agent appointed under a durable power of attorney previously executed by the incapacitated person shall be accountable to the Guardian of the Estate of the incapacitated person as well as to the Principal (Ivan Smith). This agent's authority shall remain in effect to the extent approved by the Guardian of the Estate. OR Any previously executed powers of attorney or health care powers of attorney and the authority to act under these documents is null and void.

The Guardian of the Estate is directed to file an Inventory within ninety (90) days of the date of this Decree in accordance with the provisions of 20 Pa.C.S. § 5521(b) and § 5142. Pa. O.C. Rule 14.8(a)(1). The Guardian of the Estate shall file an Annual Report one year after appointment and annually thereafter in accordance with the provisions of 20 Pa.C.S. § 5521(c)(1)(i). A Final Report shall be filed by the Guardian of the Estate within sixty (60) days of the death of the incapacitated person, an adjudication of capacity, a change of guardian or the expiration of an order of limited duration pursuant to 20 Pa.C.S. § 5521(c)(2). A Final Report shall also be filed upon receipt of the provisional order from another state's court accepting transfer of a guardianship. Pa. O.C. Rule 14.8(a)(4) & (5). The Guardian shall serve a notice of the filing of any of these reports on all those persons, sui juris, who would be entitled to share in the estate of the incapacitated person if he/she died intestate, and the person or institution providing residential care services to the incapacitated person as well as to \_\_\_\_\_ within ten (10) days after filing a report using the attached form. Pa. O.C. Rule 14.8(b).

If the incapacitated person resides in a nursing facility and is the recipient of Medical Assistance, the Guardian of the Estate shall be compensated out of income at the rate of \$100 per month. In all circumstances, compensation out of income shall not prejudice the right of the Guardian to seek additional compensation by petition for allowance.

In the event the incapacitated person has a safe deposit box, an Official Examiner of this court shall be in attendance when the safe deposit box is opened by the Guardian of the Estate. The Certificate of the Official Examiner of his examination of the assets in the safe deposit box shall be submitted to the Court, and, when approved by the hearing judge, shall be filed with the record in this case. The amount and manner of compensation for these services of the Official Examiner shall be determined by the hearing judge.

All evidence received at the hearing concerning the present matter, including but not limited to medical depositions, expert reports, testimony and exhibits, shall be SEALED and not made available except upon further Decree of this Court.

Ivan Smith was/was not present at the hearing and was/was not represented by counsel. The court finds clear and convincing medical evidence that the physical and mental health of Ivan Smith would have been harmed by requiring his/her presence at the hearing. Counsel for the petitioner shall cause to be served upon and read to the incapacitated person a copy of this Decree and the following Statement of Rights:

You, Ivan Smith, are hereby notified of your right to seek reconsideration of this Decree pursuant to Rule 8.2 and the right to appeal this Decree within 30 days from the date of this Decree by filing a Notice of Appeal with the Clerk of the Orphans' Court. You may also petition the court at any time to review, modify, or terminate the guardianship due to a change in circumstances. You have a right to be represented by an attorney to file a motion for reconsideration, an appeal, or to seek modification or termination of this guardianship. If the assistance of counsel is needed and You cannot afford an attorney, an attorney will be appointed to represent you free of charge. Pa. O.C. Rule 14.7(a)(2).

BY THE COURT:

\_\_\_\_\_, J.

Counsel

Guardian(s)

### **Decree Appointing Guardian of the Person**

COURT OF COMMON PLEAS OF PHILADELPHIA  
ORPHANS' COURT DIVISION

Estate of Ivan Smith,  
An Alleged Incapacitated Person  
O.C. No. XXX AI of 2019  
Control No. XXXX

FINAL DECREE

AND Now, this \_\_\_\_\_ day of June 2019, upon consideration of the Petition for Adjudication of Incapacity and Appointment of a Guardian and after a hearing held following due service of a copy of the Petition and Citation Notice upon Ivan Smith, this Court finds by clear and convincing evidence that:

1. Ivan Smith is 77 years old and is a domiciliary of the City and County of Philadelphia.
2. Ivan Smith suffers from vascular dementia with psychosis, schizophrenia, chronic obstructive pulmonary disease, and hypertension which totally impairs his capacity to receive or evaluate information effectively and to make and communicate decisions to meet the essential requirements for his physical health and safety.

Accordingly, it is hereby ORDERED and DECREED that Ivan Smith is adjudged a totally/partially incapacitated person and that \_\_\_\_\_ is appointed plenary/limited Guardian of the Person of Ivan Smith, an incapacitated person.

The health care agent or the agent appointed under a durable power of attorney previously executed by the incapacitated person shall be accountable to the Guardian of the Person of the incapacitated person as well as to the Principal (Ivan Smith). This agent's authority shall remain in effect to the extent approved by the Guardian of the Person. OR Any previously executed powers of attorney or health care powers of attorney and the authority to act under these documents is null and void.

The Guardian of the Person shall file an Annual Report one year after appointment and annually thereafter in accordance with the provisions of 20 Pa.C.S. § 5521(c)(1)(ii). Pa. O.C. Rule 14.8(a)(3). A Final Report shall be filed by the Guardian of the Person within sixty (60) days of the death of the incapacitated person, an adjudication of capacity, a change of guardian or the expiration of an order of limited duration pursuant to 20 Pa.C.S. § 5521(c)(2). A Final Report shall also be filed upon receipt of the provisional order from another state's court accepting transfer of a guardianship. Pa. O.C. Rule 14.8(a)(4) & (5). The Guardian shall serve a notice of the filing of any of these reports on all those persons, sui juris, who would be entitled to share in the estate of the incapacitated person if he/she died intestate, and the person or institution providing residential care services to the incapacitated person as well as to \_\_\_\_\_ within ten (10) days after filing a report using the attached form. Pa. O.C. Rule 14.8(b).

The Guardian of the Person, unless authorized after a subsequent hearing, shall not have the power to:

1. Consent on behalf of the incapacitated person to psychosurgery, electroconvulsive therapy or removal of a healthy body organ;
2. Prohibit the marriage or consent to the divorce of the incapacitated person; or
3. Consent on behalf of the incapacitated person to the performance of any experimental biomedical or behavioral medical procedure or participation in any biomedical or behavioral experiment.

All evidence received at the hearing concerning the present matter, including but not limited to medical depositions, expert reports, testimony and exhibits, shall be SEALED and not made available except upon further Decree of this Court.

Ivan Smith was/was not present at the hearing and was/was not represented by counsel. The court finds clear and convincing medical evidence that the physical and mental health of Ivan Smith would have been harmed by requiring his/her presence at the hearing. Accordingly, counsel for the petitioner shall cause to be served upon and read to Ivan Smith a copy of this Decree and the following Statement of Rights:

You, Ivan Smith, are hereby notified of your right to seek reconsideration of this Decree pursuant to Rule 8.2 and the right to appeal this Decree within 30 days from the date of this Decree by filing a Notice of Appeal with the Clerk of the Orphans' Court. You may also petition the court at any time to review, modify, or terminate the guardianship due to a change in circumstances. You have a right to be represented by an attorney to file a motion for reconsideration, an appeal, or to seek modification or termination of this guardianship. If the assistance of counsel is needed and You cannot afford an attorney, an attorney will be appointed to represent you free of charge. Pa. O.C. Rule 14.7(a)(2).

BY THE COURT:

\_\_\_\_\_  
, J.

Counsel  
Guardian(s)

## Decree Appointing Guardian of the Estate and Person

COURT OF COMMON PLEAS OF PHILADELPHIA  
ORPHANS' COURT DIVISION

Estate of Ivan Smith,  
An Alleged Incapacitated Person  
O.C. No. XXX AI of 2019  
Control No. XXXX

FINAL DECREE

AND Now, this \_\_\_\_\_ day of June 2019, upon consideration of the Petition for Adjudication of Incapacity and Appointment of a Guardian and after a hearing held following due service of a copy of the Petition and Citation Notice upon Ivan Smith, this Court finds by clear and convincing evidence that:

1. Ivan Smith is 77 years old and is a domiciliary of the City and County of Philadelphia.
2. Ivan Smith suffers from vascular dementia with psychosis, schizophrenia, chronic obstructive pulmonary disease, and hypertension which totally impairs his capacity to receive or evaluate information effectively and to make and communicate decisions concerning management of his financial affairs or to meet essential requirement of his physical health and safety.

Accordingly, it is hereby ORDERED and DECREED that Ivan Smith is adjudged a totally/partially incapacitated person and that \_\_\_\_\_ is appointed plenary/limited Guardian of the Estate of Ivan Smith, an incapacitated person. \_\_\_\_\_ is appointed Guardian of the Person of Ivan Smith, an incapacitated person.

The Guardian of the Estate shall enter security with a corporate surety in the amount of \$ \_\_\_\_\_ within \_\_\_\_\_ days of this Decree.

The Guardian of the Estate is NOT permitted to expend the principal of the incapacitated person's estate without ADVANCE permission of the court in accordance with the provisions of 20 Pa.C.S. § 5536, however, income may be expended by the guardian for the care of the incapacitated person without court approval.

All financial institutions, including without limitation, banks, savings and loans, credit unions, and brokerages, shall grant to the Guardian of the Estate access to any and all assets, records, and accounts maintained for the benefit of the incapacitated person, and the Guardian of the Estate shall be entitled to transfer, retitle, withdraw, or otherwise exercise dominion and control over any and all of these assets, records and accounts. The failure of any financial institution to honor this order may lead to contempt proceedings and the imposition of sanctions. Pa. O.C. Rule 14.7(b)(2).

The health care agent or the agent appointed under a durable power of attorney previously executed by the incapacitated person shall be accountable to the Guardian of the Person and Estate of the incapacitated person as well as to the Principal (Ivan Smith). This agent's authority shall remain in effect to the extent approved by the Guardian of the Person and Estate. OR Any previously executed powers of attorney or health care powers of attorney and the authority to act under these documents is null and void.

The Guardian of the Estate is directed to file an Inventory within ninety (90) days of the date of this Decree in accordance with the provisions of 20 Pa.C.S. § 5521(b) and § 5142. Pa. O.C. Rule 14.8(a)(1). The Guardian of the Estate and Person shall each file an Annual Report one year after appointment and annually thereafter in accordance with the provisions of 20 Pa.C.S. § 5521(c)(1)(i) and (ii). Pa. O.C. Rule 14.8(a)((2) & (3)). Final Reports shall be filed by the Guardian of the Estate and Person within sixty (60) days of the death of the incapacitated person, an adjudication of capacity, a change of guardian or the expiration of an order of limited duration pursuant to 20 Pa.C.S. § 5521(c)(2). Final Reports shall also be filed upon receipt of the provisional order from another state's court accepting transfer of a guardianship. Pa. O.C. Rule 14.8(a)(4) & (5). The Guardian shall serve a notice of the filing of any of these reports on all those persons, sui juris, who would be entitled to share in the estate of the incapacitated person if he/she died intestate, and the person or institution providing residential care services to the incapacitated person as well as to \_\_\_\_\_ within ten (10) days after filing a report using the attached form. Pa. O.C. Rule 14.8(b).

If the incapacitated person resides in a nursing facility and is the recipient of Medical Assistance, the Guardian of the Estate shall be compensated out of income at the rate of \$100 per month. In all circumstances, compensation out of income shall not prejudice the right of the Guardian to seek additional compensation by petition for allowance.

In the event the incapacitated person has a safe deposit box, an Official Examiner of this court shall be in attendance when the safe deposit box is opened by the Guardian of the Estate. The Certificate of the Official Examiner of his examination of the assets in the safe deposit box shall be submitted to the Court, and, when approved by the hearing judge, shall be filed with the record in this case. The amount and manner of compensation for these services of the Official Examiner shall be determined by the hearing judge.

The Guardian of the Person, unless authorized after a subsequent hearing, shall not have the power to:

1. Consent on behalf of the incapacitated person to psychosurgery, electroconvulsive therapy or removal of a healthy body organ;
2. Prohibit the marriage or consent to the divorce of the incapacitated person; or
3. Consent on behalf of the incapacitated person to the performance of any experimental biomedical or behavioral medical procedure or participation in any biomedical or behavioral experiment.

All evidence received at the hearing concerning the present matter, including but not limited to medical depositions, expert reports, testimony and exhibits, shall be SEALED and not made available except upon further Decree of this Court.

Ivan Smith was/was not present at the hearing and was/was not represented by counsel. The court finds clear and convincing medical evidence that the physical and mental health of Ivan Smith would have been harmed by requiring his/her presence at the hearing. Counsel for the petitioner shall cause to be served upon and read to Ivan Smith a copy of this Decree and the following Statement of Rights:

You, Ivan Smith, are hereby notified of your right to seek reconsideration of this Decree pursuant to Rule 8.2 and the right to appeal this Decree within 30 days from the date of this Decree by filing a Notice of Appeal with the Clerk of the Orphans' Court. You may also petition the court at any time to review, modify, or terminate the guardianship due to a change in circumstances. You have a right to be represented by an attorney to file a motion for reconsideration, an appeal, or to seek modification or termination of this guardianship. If the assistance of counsel is needed and You cannot afford an attorney, an attorney will be appointed to represent you free of charge. Pa. O.C. Rule 14.7(a)(2).

BY THE COURT:

\_\_\_\_\_  
, J.

Counsel  
Guardian(s)

**Guardian Address Confirmation Form**

**COURT OF COMMON PLEAS OF  
PHILADELPHIA ORPHANS' COURT DIVISION**

Estate of \_\_\_\_\_

O.C. # \_\_\_\_\_ Control # \_\_\_\_\_

**GUARDIAN ADDRESS CONFIRMATION FORM**

I am the (check one):

- Guardian/Co-Guardian of Person and Estate
- Guardian/Co-Guardian of the Estate
- Guardian/Co-Guardian of Person

As the Guardian named in the above case, I affirm that my name, address, phone number, and email address should be recorded as follows:

Name (Please Print): \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Home Phone # \_\_\_\_\_ Mobile Phone # \_\_\_\_\_

E-Mail: \_\_\_\_\_

Preferred contact method: (Phone, Mail or Email) \_\_\_\_\_

I understand that it is my responsibility to update the Court of my current contact information if any of it should change or become inaccurate, and I agree to do so immediately.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**Preliminary Decree Awarding Citation for Guardianship Hearing**

**COURT OF COMMON PLEAS OF PHILADELPHIA  
ORPHANS' COURT DIVISION**

Estate of X,  
An Alleged Incapacitated Person  
O.C. No. X AI of 2018  
Control No. X

**PRELIMINARY DECREE**

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 2019, upon consideration of the Petition for Adjudication of Incapacity and the Appointment of Plenary Guardian of the Person and Estate, it is hereby ORDERED and DECREED that:

1. A citation is awarded, directed to X, to show cause why he should not be adjudged an incapacitated person and why a plenary guardian of his person and estate should not be appointed; the hearing thereon to be held in Courtroom 41 , City Hall, Philadelphia, PA, 19107 on \_\_\_\_\_, 2019 at \_\_\_\_\_ .

2. Petitioner shall cause to be served (by personal service) the Citation with Notice and Petition, pursuant to the provisions of 20 Pa.C.S. § 5511(a) and Pa.O.C. Rule 14.2, upon the alleged incapacitated person at least twenty (20) days prior to the court hearing. The contents and terms of the Citation with Notice and Petition shall be read and explained to the maximum extent possible in language and terms the alleged incapacitated person is most likely to understand in accordance with the provisions of 20 Pa.C.S. § 5511(a).

3. At least twenty (20) days prior notice of the court hearing, together with a copy of the petition and citation, shall be given personally or by certified mail in accordance with the provisions of 20 Pa.C.S. § 5511(a) to all persons who are sui juris and who would be entitled to share in the estate of the alleged incapacitated person if he died intestate, and the Person or Institution providing residential services to the alleged incapacitated person, and to \_\_\_\_\_ .

Notice shall also be given to the Commonwealth of Pennsylvania, Office of Attorney General, as a possible intestate heir to the estate of the alleged incapacitated person. (Include this section only when AIP has no next of kin). Notice shall also be given to the U.S. Department of Veterans Affairs as a result of the alleged incapacitated person receiving veteran's benefits (or survivor benefits). (Include this section only when AIP is a veteran or receives survivor benefits)

4. An affidavit of service containing specific averments as to the above requirements in the two preceding paragraphs shall be presented at the beginning of the court hearing.

5. Petitioner and/or counsel for the petitioner shall notify the court, in writing, at least seven (7) days prior to the court hearing if counsel has not been retained by or on behalf of the alleged incapacitated person in accordance with the provisions of 20 Pa.C.S. § 5511(a). This notice shall also contain all pertinent information which would indicate to the court whether or not counsel should be appointed to represent the interests of the alleged incapacitated person.

6. In accordance with Pa. O.C. Rule 14.2(c)(2), unless previously attached to the Petition, Petitioner shall submit for each proposed guardian, at least seven (7) days prior to the court hearing, the response to the Pennsylvania State Police criminal record check, issued within six months of the date of filing of the Petition. If any proposed guardian resided outside the Commonwealth of PA within the previous five (5) year period and was 18 years of age or older at any time during that period, the criminal record check from each state in which the proposed guardian resided within the five year period shall be submitted.

For criminal history reports from PA, see <https://epatch.state.pa.us/Home.jsp>.

7. The alleged incapacitated person shall be present at the court hearing unless it is established by clear and convincing medical evidence that his physical or mental condition would be harmed by his presence in court in accordance with the provisions of 20 Pa.C.S. § 5511(a).

8. In accordance with 20 Pa.C.S. § 5518, at the hearing on this matter the Petitioner must present testimony, in person or by deposition, from a medical professional, who must be qualified by training and experience to evaluate individuals with incapacities of the type alleged by the Petitioner, that establishes the nature and extent of the alleged incapacitated person's incapacities and disabilities and his mental, emotional, and physical condition, and adaptive behavior and social skills. The absence of such testimony and/or depositions shall preclude a declaration of incapacity and appointment of a guardian. Alternatively, the use of an Expert Report in lieu of testimony in person or by deposition shall be in accordance with Pa. O.C. Rule 14.3.

9. The Consent of Guardian and Guardian Address Confirmation Form (substantially in the forms annexed to this Preliminary Decree) shall be completed by the proposed guardian and presented to the Court at the time of the hearing.

BY THE COURT:

\_\_\_\_\_  
, J.

X, Esquire

[Pa.B. Doc. No. 19-745. Filed for public inspection May 17, 2019, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### BUTLER COUNTY

#### Administrative Order; CP-10-A.D. No. 1-2019

##### Order of Court

*And Now*, this 25th day of April, 2019, pursuant to Pa.R.Crim.P. 632, the Court hereby adopts the following method for distribution, maintenance, and disposition of confidential juror information questionnaires in criminal proceedings:

1) The Court Administrator, or her designee, shall have the juror questionnaires in the form set forth in Pa.R.Crim.P. 632 printed for mailing or for distribution on jury selection day to all prospective criminal court jurors. Following completion of the questionnaires, Court personnel will place the questionnaires in alphabetical order and make the appropriate number of copies for the trial judge, counsel for the defendant(s), and counsel for the Commonwealth. The original and all copies of the ques-

tionnaires shall be given to the Court Administrator, or a member of her staff, for distribution only to the trial judge, the attorneys, and the Defendant for voir dire. Court personnel assigned to jury selection, including the court reporter, the trial judge's judicial law clerk, and tipstaff, may handle and view the questionnaires in facilitating the jury selection process. Any persons assisting the attorneys in jury selection, such as a member of the trial team or a consultant hired to assist in jury selection, may view and handle the questionnaires with the permission of the trial judge. The information contained in the questionnaires shall remain confidential. The questionnaires shall not be removed from the jury selection area except by the Court Administrator, or a member of her staff, or the Court's staff assigned to jury selection in facilitating the jury selection process, or by specific direction of the Court. The questionnaires, when not in the jury selection area or in transit between the jury selection area and the courtroom in which voir dire is to be conducted, shall be maintained by the Court Administrator, or a member of her staff, in a place of safe-keeping.



2) The original questionnaire and any copies shall not constitute a public record. The information provided by the prospective jurors on the questionnaires shall be confidential and limited to use for the purpose of jury selection only. Unless the trial judge otherwise orders, this information shall only be made available to the trial judge, the defendant(s), the attorneys for the defendant(s), the attorney for the Commonwealth, and Court personnel assigned to the jury selection process.

3) Upon the completion of jury selection, the original and all copies of the questionnaires of all impaneled jurors shall be returned to the trial judge or the Court Administrator, or a member of her staff. The Court Administrator, or a member of her staff, shall take possession of the original and all copies of the questionnaires of all impaneled jurors from the trial judge following the jury selection process.

4) Following jury selection, the original questionnaires of all impaneled jurors, including those questioned and excused, shall be retained in a sealed envelope by the Court Administrator, or a member of her staff, subject to the confidentiality requirements of the Pennsylvania Rules of Criminal Procedure, and shall be destroyed upon completion of the jurors' service, unless otherwise ordered by the trial judge. Following jury selection, all copies of the questionnaires shall be destroyed unless otherwise ordered by the trial judge at the request of the defendant(s), the attorney(s) for the defendant(s), or the attorney for the Commonwealth. In the event that a juror impaneled for voir dire is not selected, but is impaneled for voir dire in an additional case, copies of that juror's questionnaire may be substituted for the second or any additional case.

5) The original and all copies of questionnaires of all prospective jurors not impaneled or not selected for any trial shall be destroyed upon completion of the jurors' service.

6) Pursuant to this Order of Court, questionnaires shall be destroyed by shredding. The Court Administrator, or a member of her staff, shall shred the questionnaires as provided in this Order of Court and shall certify the same to the Clerk of Courts. The Clerk of Courts shall then certify in writing and place with each venire the disposition of the questionnaires.

*By the Court*

WILLIAM R. SHAFFER,  
*Administrative Judge*

[Pa.B. Doc. No. 19-746. Filed for public inspection May 17, 2019, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### DAUPHIN COUNTY

#### Promulgation of Local Rules; No. 1793 S 1989

##### Order

*And Now*, this 18th day of April, 2019, Dauphin County Orphans' Court Rules 14.1(c.1) and 14.2 are promulgated as follows:

##### **Rule 14.1(c.1). Post Adjudication Petitions.**

(A) A Petition to Invade Principal shall contain the following:

(1) The name of the guardian and date of appointment, or, if the petitioner is not the guardian, the petitioner's relationship to the incapacitated person or the nature of the petitioner's interest.

(2) A summary of the inventory, the date it was filed and the nature and present value of the estate and its income.

(3) The address and income, if any, of the incapacitated person.

(4) The names and addresses of the incapacitated person's dependents and/or all persons who would be entitled to an intestate share of the incapacitated person's estate.

(5) A statement of all claims of the incapacitated person's creditors known to petitioner.

(6) A statement of all previous distributions allowed by the Court.

(7) A statement of the amount requested and the reasons for the requested distribution.

(B) A Petition for Payment of Attorney's Fees, regardless of whether invasion of principal is sought for payment of such fees, shall contain all the information set forth in subsections (A)(1)—(7) of this rule in addition to the following:

(1) A detailed listing of the work performed by the attorney(s) to whom payment is sought.

(2) A statement of the hourly rate charged by the attorney(s) for the work performed.

(C) If any portion of the incapacitated person's estate is received from the United States Veterans' Administration, notice of a Petition to Invade Principal or a Petition for Payment of Attorneys' Fees shall be given to that agency. See 20 Pa.C.S. § 8411.

##### **Rule 14.2. Proof of Service.**

(f)(1) The Petitioner shall file a proof of service of the Citation with Notice with the Clerk of the Orphans' Court on or before the date of the scheduled hearing and shall set forth the manner of service of the Citation and Petition on all required to receive a copy in accordance with Orphans' Court Rule 14.2(f).

(2) The Petitioner shall serve the Citation with Notice on the proposed guardian if the guardian is not the petitioner and shall file a proof of service of the Citation with Notice with the Clerk of the Orphans' Court.

Dauphin County Orphans' Court Rules 14.1(c.1) and 14.2 shall be published in the *Pennsylvania Bulletin* and are effective on June 1, 2019.

*By the Court*

RICHARD A. LEWIS,  
*President Judge*

[Pa.B. Doc. No. 19-747. Filed for public inspection May 17, 2019, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### YORK COUNTY

#### Amendment of Local Rules of Civil Procedure; 2019-SU-001341

##### **Administrative Order Adopting York County Local Rule of Civil Procedure 1915.5**

*And Now*, this 1st day of May, 2019 it is *Ordered* that York County Local Rule of Civil Procedure 1915.5 is adopted, effective June 15, 2019.

The District Court Administrator shall publish this order as may be required.

*By the Court*

JOSEPH C. ADAMS,  
*President Judge*

**York R.C.P. 1915.5. Question of Jurisdiction, Venue or Standing.**

**Preliminary Objections and other requests for special relief filed to raise a question of jurisdiction, venue, or standing shall be addressed first by the motions court judge and must be filed pursuant to York R.C.P. 208.3(A).**

[Pa.B. Doc. No. 19-748. Filed for public inspection May 17, 2019, 9:00 a.m.]

**DISCIPLINARY BOARD  
OF THE SUPREME COURT**

**Notice of Suspension**

Notice is hereby given that by Order of the Supreme Court of Pennsylvania dated May 2, 2019, Jean Paul Tuffet (# 204077) is Suspended on Consent from the Bar of this Commonwealth for a period of five years, retroactive to May 25, 2017. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

MARCEE D. SLOAN,  
*Board Prothonotary*

[Pa.B. Doc. No. 19-749. Filed for public inspection May 17, 2019, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 25—ENVIRONMENTAL PROTECTION

### ENVIRONMENTAL QUALITY BOARD

[ 25 PA. CODE CH. 77 ]

#### Noncoal Mining Program Fees

The Environmental Quality Board (Board) amends Chapter 77 (relating to noncoal mining) to read as set forth in Annex A. This final-form rulemaking increases noncoal mining permit application fees and annual administration fees to provide funds necessary for the Department of Environmental Protection (Department) to administer the noncoal mining program.

This final-form rulemaking was adopted by the Board at its meeting on December 18, 2018.

#### A. *Effective Date*

This final-form rulemaking will take effect on January 1, 2020, to give permittees and applicants additional time to plan for the new fees.

#### B. *Contact Persons*

For further information, contact William Allen, Director, Bureau of Mining Programs, Rachel Carson State Office Building, 5th Floor, 400 Market Street, P.O. Box 8461, Harrisburg, PA 17105-8461, (717) 787-5015; or Joseph Iole, Assistant Counsel, Bureau of Regulatory Counsel, P.O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 787-7060. This final-form rulemaking is available on the Department's web site at [www.dep.pa.gov](http://www.dep.pa.gov) (select "Public Participation," then "Environmental Quality Board (EQB)").

#### C. *Statutory Authority*

This final-form rulemaking has been developed under the authority of sections 7(a) and 11(a) of the Noncoal Surface Mining Conservation and Reclamation Act (Noncoal Act) (52 P.S. §§ 3307(a) and 3311(a)), which authorize the Department to charge and collect a reasonable permit filing fee, which may not exceed the cost of reviewing, administering and enforcing the permit, and authorize the Board to promulgate regulations as it deems necessary to carry out the provisions and purposes of the Noncoal Act; section 6 of The Clean Streams Law (CSL) (35 P.S. § 691.6), which authorizes the Department to charge and collect reasonable filing fees for applications filed and for permits issued; and section 1920-A of The Administrative Code of 1929 (71 P.S. § 510-20), which authorizes the Board to adopt rules and regulations necessary for the performance of the work of the Department.

#### D. *Background and Purpose*

This final-form rulemaking is necessary because sufficient money is not available for the Department to support the implementation of the Noncoal Act, the purpose of which is to, among other things, prevent water pollution, maintain water supply, provide for the conservation and improvement of areas of land affected in the surface mining of noncoal minerals, and eliminate hazards to health and safety and generally to improve the use and enjoyment of the lands. See 52 P.S. § 3302. The Department is also responsible for issuing, administering and enforcing permits under the CSL (35 P.S. §§ 691.1—

691.1001), the objective of which is "not only to prevent further pollution of the waters of the Commonwealth, but also to reclaim and restore to a clean, unpolluted condition every stream in Pennsylvania that is presently polluted." See 35 P.S. § 691.4(3). The Department fulfills its responsibilities under the Noncoal Act and CSL through the implementation of its noncoal mining program and collects fees from noncoal mining permit applicants and permittees to cover the costs incurred by the Department to implement that program.

The majority of residents in this Commonwealth will benefit from the adequate implementation of the Noncoal Act. Noncoal mining operations occur in every county in this Commonwealth, except Philadelphia. The residents of this Commonwealth will directly benefit from this final-form rulemaking because the additional fees will allow the Department to adequately implement the provisions of the Noncoal Act and CSL. As a result, the purpose of these laws, which is to protect public health and the environment, will be fulfilled. Additionally, the regulated community will benefit because there will be sufficient Department staff to issue permits to allow operators to mine and generate revenue for their businesses.

The Department implements the noncoal mining program through the review of permit applications for the various types of noncoal mining operations and the inspection of these operations to ensure operators' compliance with their permits. There are approximately 1,200 noncoal mining operators in this Commonwealth. These operations range from small quarries that produce less than 2,000 tons of material per year to large quarries that produce millions of tons of aggregate per year. The Department issues permits for the term of the expected mining activity, which also varies from a few years to decades. Operators can request modifications of their permits if their plans change, which require further staff review. The Department inspects permitted noncoal mines for compliance with their permits and environmental and safety laws and regulations, including the Noncoal Act, the CSL, Chapter 77 and Chapter 209a (relating to surface mining).

The imbalance between the revenues and expenditures of the noncoal mining program is attributable to several factors. The personnel costs for Department staff in the noncoal mining program have increased over time. In addition, the workload has changed, because the time necessary to review new noncoal mining permit applications has increased due to the complexity of the review of newly proposed noncoal mining operations.

The Department has funded the activities necessary to administer the noncoal mining program through permit application fees, annual administration fees and funds appropriated by the General Assembly annually from general tax revenue through the budget process. The Board promulgated the current noncoal mine permit application fees and annual administration fees in § 77.106 (relating to fees) at 42 Pa.B. 6536 (October 13, 2012). These fee regulations were based on a cost analysis performed by the Department in 2009, which estimated the annual cost to administer the noncoal mine program to be \$2.5 million. The noncoal mining program has not received support from General Fund moneys since 2008.

The Department is required to review the noncoal mining program fees income relative to noncoal mining program costs every 3 years and recommend any neces-

sary changes to the Board as provided under § 77.106(d). The fees in this final-form rulemaking were designed based on the 3-year fee report and associated workload analysis from 2015, which is when discussions with stakeholders began.<sup>1</sup> Financial data from that report are shown as follows, under Tables 1A and 2A, which are followed by updated current data, under Tables 1B and 2B.<sup>2</sup> In its analysis, the Department reviewed the time necessary to administer the noncoal mining program and the associated staff costs (salary and benefits) and overhead costs (for example, offices, computers, other equipment and supplies). Tables 1A and 1B clearly demonstrate that program costs exceed revenues. Tables 1B and 2B show that revenue sources remain constant. This analysis supports the fee schedule for this final-form rulemaking.

Table 1A: Revenues and Costs (as presented in 2015 Fee Report)

Fiscal Year (FY)	Revenue	Program Costs
2012-2013	\$1,704,234.96	\$2,815,131.75
2013-2014	\$2,452,449.76	\$3,019,992.63
2014-2015 (estimated)	\$2,500,000.00	\$3,100,000.00

Table 1B: Revenues and Costs (current)

FY	Revenue	Program Costs
2014-2015	\$2,569,751.41	\$2,912,236.93
2015-2016	\$2,532,837.75	\$3,195,984.00
2016-2017	\$2,437,195.07	\$4,485,000.00
2017-2018	\$2,617,771.00	\$3,589,781.00
2018-2019 (projected)	\$2,266,130.00	\$3,984,000.00
2019-2020 (projected)	\$2,265,000.00	\$4,074,000.00

A breakdown of the sources of revenue for the noncoal mining program is as follows:

Table 2A: Revenue Sources (as presented in 2015 Fee Report)

Category	Percentage
Annual Administration Fees	56%
Permit Application Fees	17%
License Fees	9%
Civil Penalties	6%
Interest and Other	12%

Table 2B: Revenue Sources (from FY 2016-2017)

Category	Percentage
Annual Administration Fees	53%
Permit Application Fees	11%
License Fees	7%
Civil Penalties	3%
Interest and Other	26%

Based on its analysis, the Department concluded that it would have insufficient funds to administer the noncoal mining program consistent with its statutory responsibilities without an increase in the permit application fees and annual administration fees. The Department has implemented measures to decrease costs for the noncoal

mining program. For example, the noncoal mining program has partnered with the coal mining program to reduce overhead costs and has reduced its administrative costs to less than 5% of the total program costs. However, while the efficiencies have reduced the cost of administering the noncoal mining program, these efficiencies alone could not offset the projected shortfall in funding that was identified in the 2015 cost analysis. Based on the Department's cost analysis and recommendation, the Board is increasing the noncoal mining fees.

*Permit application fee—§ 77.106(e)*

The Department is responsible for reviewing permit applications for noncoal mining operations and issuing permits consistent with both the Noncoal Act and the CSL. The permit application fees in this final-form rulemaking are based on the 2015 cost analysis. As part of that analysis, the Department reviewed the number of hours required to review permit applications and issue permits for each type of noncoal mining operation. The Department also reviewed the wage rate for the employees that conduct the permit reviews, along with the cost of employee benefits and associated overhead costs. The workload analysis data the Department used in the development of the proposed rulemaking is included in a spreadsheet with multiple pages available on the Aggregate Advisory Board's webpage at <http://www.dep.pa.gov/Business/Land/Mining/BureauofMiningPrograms/Aggregate-Advisory-Board/Pages/2015.aspx> (under "Aggregate Advisory Board RLT Meeting Agenda (9-22-15) (PDF)" select "2015 Inspection Staff Analysis (XLSM)"). Workload data for the Department's review of permit applications (labeled "authorizations" in the spreadsheet) as well as its administration and enforcement of permits is included in this document.

The increases for noncoal mining permit application fees vary based on the nature of the permit application. The time required by the Department to review a permit application varies depending on the complexity of the proposed noncoal mining operation. For example, applications for large noncoal surface mining operations that propose to pump groundwater take significantly more time to review because of their potential hydrologic impact. Therefore, the permit application fees in § 77.106(e) for these operations is higher than for an operation that does not include groundwater pumping. Similarly, if blasting is proposed, then the blasting inspector is involved in the review of the blast plan for the application. Therefore, the fee schedule in § 77.106(e), includes an increase in the application fee for review of blast plans, based on the cost to review those plans.

As part of the 2015 workload analysis, the Department determined that the time necessary to review new noncoal mining permit applications has increased because of the complexity of the review of new noncoal mining operations being proposed. Thus, although the Department has experienced a decrease in the total number of permit applications received, it has experienced an overall increase in its permitting workload for noncoal mining operations.

*Annual administration fee—§ 77.106(f)*

In addition to the Department's review of permit applications, it routinely inspects noncoal mining operations for which permits have been issued and takes appropriate actions to ensure these operations comply with their permits, and statutory and regulatory requirements. The Department has established inspection frequencies based upon the type of noncoal mining permit

<sup>1</sup> See the "3-Year Regulatory Fee and Program Cost Analysis Report to the Environmental Quality Board" presented at the May 20, 2015, meeting of the Board (available at <https://goo.gl/V1WszB>).

<sup>2</sup> Updated figures are from current spend plans and projections.

issued and the status of activity being conducted (for example, active, inactive, not started). Activities conducted by a Department inspector include review of the permit file for the noncoal mining operation, review of the submissions made by the permittee under the permit and verification of compliance through a site review.

The Department categorizes noncoal mining operations based on size. Small operations are those authorized to produce up to 10,000 tons per year and large operations are those that produce more than this amount. The Department typically inspects large operations four times per year and small operations two times per year. For noncoal mining operations that are authorized through a permit to conduct blasting, the Department also conducts a blasting inspection each year. As a result, the fee schedules in § 77.106(f) reflect these operational differences.

The annual administration fees for noncoal mining operations are based on the Department's 2015 workload analysis for conducting inspections and taking actions necessary to ensure these operations comply with their permits. The Department provided its calculations for the annual administration fees to the Aggregate Advisory Board in 2016, available at [http://files.dep.state.pa.us/Mining/BureauOfMiningPrograms/BMPPortalFiles/AAB/Agendas\\_and\\_Handouts/2016/January%202016%20Noncoal%20Admin%20Fee%20Phases.pdf](http://files.dep.state.pa.us/Mining/BureauOfMiningPrograms/BMPPortalFiles/AAB/Agendas_and_Handouts/2016/January%202016%20Noncoal%20Admin%20Fee%20Phases.pdf).

#### *Advisory board collaboration and outreach*

The Department engaged in extensive outreach and collaboration efforts related to the fee schedules in both the proposed rulemaking and this final-form rulemaking. For example, the Department shared revenue and cost data with the Pennsylvania Aggregate and Concrete Association periodically since the fee schedule was revised in 2012. See 42 Pa.B. 6536. In 2014, the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19b) was amended to create the Aggregate Advisory Board to advise the Department on matters pertaining to surface mining. See 52 P.S. § 1396.18(g.1). The Aggregate Advisory Board reviewed the draft 2015 cost analysis at its initial meeting on May 13, 2015. In addition, the Department provided detailed data about the mining program's expenses and revenue at this meeting. The Aggregate Advisory Board conducted additional review of the cost and revenue data at its meeting on August 12, 2015.

By letter dated June 12, 2015, the Pennsylvania Concrete and Aggregate Association and the Pennsylvania Bluestone Association requested detailed information about the revenue and expenses for the coal mining and noncoal mining programs, including information on Federal grants provided the Department to implement Title V of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C.A. §§ 1251—1279). The Department posted data responding to this request on the Aggregate Advisory Board webpage and reviewed the data with the Aggregate Advisory Board's Regulatory, Legislative and Technical (RLT) Committee on September 22, 2015, and October 23, 2015. The data included the Department's Title V grant applications for the previous 5 years, the Federal Financial Reports for closing out its Title V grant for 5 years and the five most recent annual reports regarding the Department's administration of the Title V program. The Department also provided its workload analysis for the mining program, the total fees collected, the number and types of applications and inspections, and the hours worked by Department employees for the coal and noncoal mining programs. The Department also

reviewed the data, including additional revenue data, with the Aggregate Advisory Board at its November 10, 2015, meeting.

The Department posted additional data on the Aggregate Advisory Board webpage and reviewed the data with the RLT Committee at its January 19, 2016, meeting. The data included the Department's spend plan, which analyzed existing and projected revenue and expenses for the noncoal mining program. At this meeting, the Department introduced the concept of phasing in fee increases and presented a preliminary draft of the proposed revisions to § 77.106, which included a proposed fee schedule.

On February 18, 2016, the RLT Committee met to review the preliminary draft revisions to § 77.106. At a meeting of the full Aggregate Advisory Board on February 18, 2016, members discussed recommendations to the Department's draft revisions, but did not vote on a final recommendation. On May 4, 2016, the Aggregate Advisory Board met and referred the draft fee revisions to the RLT Committee for further review. The RLT Committee met on June 9, 2016, June 30, 2016, July 18, 2016, and August 3, 2016, and provided its recommendation to the full Aggregate Advisory Board at the November 2, 2016, meeting. The RLT Committee recommended to the full Aggregate Advisory Board that the rulemaking proceed with the draft fee schedule as presented in January 2016, which phased in the proposed fee increases over 6 years, and adjusted the fee schedule annually after the phased increases are implemented based on an index from the United States Bureau of Labor Statistics. Further, this recommendation would coincide with continued collaboration with the Department on programmatic issues identified by the Aggregate Advisory Board. These issues are outlined in a Framework Document presented at the Aggregate Advisory Board's meeting on August 3, 2016. By letter dated October 3, 2016, the Secretary of the Department sent notice to the Aggregate Advisory Board of the Department's "commitment to fully collaborate with the Aggregate Advisory Board on prioritizing and resolving the issues identified in the Framework Document."

Following the Aggregate Advisory Board's acceptance of the RLT Committee's report, the Department recommended that the proposed rulemaking move forward for consideration by the Board, and the Aggregate Advisory Board concurred. The data the Department provided to the Aggregate Advisory Board during the development of the noncoal fee rulemaking is available on the Aggregate Advisory Board's webpage at <http://www.dep.pa.gov/Business/Land/Mining/BureauofMiningPrograms/Aggregate-Advisory-Board/Pages/default.aspx>.

This final-form rulemaking was reviewed with the Aggregate Advisory Board at its May 9, 2018, meeting. The Aggregate Advisory Board, with the proviso that the actual dates be inserted in the language for when the various schedules come into effect, concurred with the Department's recommendation to proceed with this final-form rulemaking process.

#### *E. Summary of Changes to the Proposed Rulemaking*

This final-form rulemaking includes two revisions from the proposed rulemaking. A definition for the term *Aggregate Advisory Board* is added in § 77.1 (relating to definitions).

Additionally, dates have been inserted in § 77.106(e) and (f) for when the various schedules come into effect in 2020, 2022 and 2024, respectively.

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

Comments were received from one public commentator and the Independent Regulatory Review Commission (IRRC).

The public commentator observed that Department personnel worked with stakeholders to ensure their complete understanding of the fiscal and resource needs behind the fees and encouraged the Board to consider this type of stakeholder involvement with all advisory boards and upcoming fee packages.

IRRC suggested that the Board provide a projection of the expenses for the program in order to ensure that the revised fees will not exceed the cost of reviewing, administering and enforcing permits. The projections should, at a minimum, cover 7 years.

The Department designed the noncoal permit application fees and annual administration fees to correlate to the workload of the noncoal program to which the permit application fees and annual administration fees relate—reviewing, administering and enforcing permits. For example, permit application fees accompany permit applications that the Department reviews, and so the number of permit applications and associated amount of work (that is, Department costs) are reflected in the fees charged. Similarly, the annual administration fees correlate to the workload associated with the inspection and compliance activities. However, the workload analysis that the Department used to calculate these fees includes work related to these functions for which the Department cannot impose fees because the work is too variable among permits to accurately capture in an up-front fee. For example, it is not possible to impose fees for complaint investigations because there is no reliable correlation between the number or type of complaints a particular operation might generate. The fact that the Department cannot account for these costs in the annual administration fee eliminates the likelihood that the Department will collect more money in permit application fees and annual administration fees than it costs to review, administer and enforce permits. Further, due to the fees being established through the rulemaking process, which takes substantial time, this also makes it unlikely that revenue will exceed costs. Finally, the Board has revised § 77.106(g) to ensure that the fee adjustment under the Employment Cost Index for State and Local Government Compensation is not applied if doing so would result in fees that exceed the Department’s cost of reviewing, administering and enforcing the permit.

The 3-year fee report presented to the Board in May 2015 was the basis for the initial discussion of this fee increase with the Aggregate Advisory Board in 2015. That report included an analysis that the costs were increasing each year at a rate of about 3.3%.

Recent fiscal year expenses are as follows:

<i>FY</i>	<i>Expenses</i>	<i>Percent Change</i>
2013-2014	\$3,045,286	-
2014-2015	\$2,912,237	-4.4%
2015-2016	\$3,195,984	9.7%
2016-2017	\$4,485,000	40.3%

In response to IRRC’s request to project costs for a 7-year period, the following estimate is provided:

<i>FY</i>	<i>Estimated Expenses</i>	<i>Estimated Fee Revenue</i>
2018-2019	\$3,984,000	\$2,266,130
2019-2020	\$4,074,000	\$2,265,000
2020-2021	\$4,001,550	\$2,850,000
2021-2022	\$4,121,597	\$3,150,000
2022-2023	\$4,245,244	\$3,400,000
2023-2024	\$4,372,602	\$3,700,000
2024-2025	\$4,503,780	\$3,885,000

This estimate is based on the assumption that the Department’s workload will remain the same. Estimated expenses are based on special fund spend plan preliminary numbers through FY 2021-2022. Projections of expenses for FY 2022-2023 through FY 2024-2025 are estimated to increase at about 3% per year.

IRRC expressed concern that the proposed automatic incremental fee increases conflict with the existing regulation that requires the Department to, at least every 3 years, recommend to the Board regulatory changes to the fees to address any disparity between program income and costs. The concern was that automatic fee increases would potentially make § 77.106(d) obsolete.

The automatic adjustment in § 77.106(g) does not conflict with the requirement in § 77.106(d) that the Department recommend regulatory changes to the fees every 3 years to the Board so that it may address any disparity between the fees and the program costs. The Department’s triennial recommendation in § 77.106(d) does not mandate any particular action other than the Department’s recommendation based on whether any disparity exists at the time of the Department’s analysis of program costs and fee revenue.

By keeping fees at pace with inflation, § 77.106(g) reduces the likelihood of any disparity and the need to recommend that the Board proceed with a rulemaking to adjust the fees. The 3-year review provides a check on the effectiveness of the automatic adjustment. If a disparity arises in the program costs and fee revenue, the 3-year review will provide an opportunity to address that disparity on a regular basis. Because the Department will still rely on a 3-year review and recommendation, it is not necessary to amend or delete § 77.106(d).

IRRC inquired as to whether there is a statutory minimum amount of money that must be kept in reserve in the Noncoal Surface Mining Fund (Fund). IRRC also suggested that, instead of the proposed fee increases, the Board consider spending down the reserve.

The Fund serves several purposes—holding cash deposited by permittees as bond; earmarking the proceeds of bond forfeitures; and for conservation purposes provided by the Noncoal Act. As a result, there are three accounts established in the Fund. The first account is the Mining Permit Collateral Guarantee Restricted Receipt Account for collateral deposits made by permittees for their bonding obligations under the Noncoal Act. Money in this account is returned to the permittees when they complete the required reclamation of their permitted area. The second account is the Forfeiture of Bonds Account, where bonds forfeited because of noncompliance with the Noncoal Act are deposited. Money in this account is required to be used to reclaim abandoned mine sites for which the bond was posted. See 52 P.S. § 3317. The third account is the Noncoal General Operations Account,

which is used to manage the day-to-day operations of the Noncoal Program and support the Payment-in-Lieu-of-Bond program.

The Noncoal General Operations Account had a balance of \$3,802,581.54 as of July 1, 2018. The fiscal year-end (June 30) balances for this unrestricted account are as follows:

FY	Year-end Balance
2010-2011	\$10,565,327.87
2011-2012	\$8,309,176.34
2012-2013	\$7,750,609.74
2013-2014	\$7,261,735.92
2014-2015	\$6,954,553.85
2015-2016	\$6,425,248.72
2016-2017	\$4,472,979.69

These balances indicate that the Department has been spending down the balance while awaiting the required fee increases.

The balance of the Noncoal General Operations Account covers less than 2 years' worth of program costs. A portion of the money in the General Operations Account must be retained by the Commonwealth to provide funds for reclamation under the Payment-in-Lieu-of-Bond (PILB) Program. Under this program, the account underwrites bonding obligations of permittees who pay an annual fee, deposited into the General Operations Account, instead of posting a surety or collateral bond. In 2018, the PILB Program underwrote between \$3.0 and \$4.0 million of bond liability. While there is no statutory requirement to maintain a specific amount of reserve, it is necessary to maintain a reasonable reserve to support the PILB Program.

As the Board noted in the proposed rulemaking, in order to lessen the financial burden on noncoal operators, most of which are considered small businesses, the fee increase phases in over 4 years, followed by an adjustment to account for the cost of inflation or deflation every 2 years thereafter. Under this system, only a portion of the actual costs are recovered between Years 1 and 4. In other words, the fee schedule is already effectively a temporary draw-down of the fund until the 4th year.

IRRC also observed that the new language in § 77.106(g) states that the permit application fee and annual administration fees will be adjusted by the Department every 2 years, requiring fees to be raised or lowered, regardless of the findings of the Department during the 3-year review required in § 77.106(d). To provide discretion, IRRC suggested that "will" be changed to "may."

The requirements in §§ 77.106(d) and (g) are intended to work in concert with one another. The use of the word "will" in § 77.106(g) is intentional to require that the changes be made rather than provide discretion to the Department, in order to ensure fee revenue keeps pace with costs so as to alleviate future fee increases. The Board is satisfied that the adjustment will unlikely exceed the costs of reviewing, administering and enforcing the permit due to the following factors: the long historical trend in the noncoal program of costs greatly outpacing fee revenue; the adjustment factor only accounts for employee-related costs; and not all costs associated with reviewing, administering and enforcing permits are reflected in the permit application fees and annual administration fees. If during the 3-year review a dispar-

ity is identified between the results of the index adjustment and the needs of the program, then the rulemaking process will be initiated to address the issue.

IRRC inquired as to whether the Department has the statutory authority to make the adjustments contemplated by § 77.106(g). Specifically, what specific statutory authority allows the Department to amend a regulation by publishing notice in the *Pennsylvania Bulletin* without going through the rulemaking process.

This provision was added at the request of the Aggregate Advisory Board. The adjustment is a product of subsection (g) itself, not of decision-making by the Department. In January 2026, subsection (g) supersedes, in part, subsections (e) and (f) such that the fees therein are subject to an automatic adjustment and directs the Department to publish the adjusted fees in the *Pennsylvania Bulletin* to demarcate their effective date. Under subsection (g), the Board is exercising its rulemaking authority under section 11(a) of the Noncoal Act, which provides, in relevant part:

The Environmental Quality Board may promulgate such regulations as it deems necessary to carry out the provisions and purposes of this Act. 52 P.S. § 3311(a).

Moreover, no provision of the Noncoal Act requires fees to be set by regulations promulgated by the Board. In fact, as IRRC notes, section 7(a) of the Noncoal Act provides, in relevant part:

The department is authorized to charge and collect from persons a reasonable filing fee, which shall not exceed the cost of reviewing, administering and enforcing the permit. 52 P.S. § 3307(a) (emphasis added).

Nothing in either of these provisions limits the type of fee schedule that can be established by regulation. In fact, from 1990 to 2012, the Board used its general statutory authority under the Noncoal Act to promulgate § 77.106, which at that time provided that "...a permit application for noncoal mining activities shall be accompanied by a check...in the amount set forth by the Department. The Department may require other fees set by the act, the environmental acts, this title or the Secretary." 20 Pa.B. 1653 (March 17, 1990). This discretionary approach was modified in 2012, and § 77.106 established sum-certain fees that must be collected. 42 Pa.B. 6536. These various regulatory designs are similar to regulations deemed valid and binding by the Commonwealth Court in *Naylor v. Dep't of Public Welfare*, 54 A.3d 429 (Pa. Cmwlth. 2012), aff'd, 76 A.3d 563 (Pa. 2013), which allowed an agency to adjust the amounts of certain payments through publication in the *Pennsylvania Bulletin* absent statutory language that would limit that practice. In *Naylor*, the Commonwealth Court found, among other things, that regulations allowing the Department of Public Welfare to reduce State Supplementary Payments (SSP) through notice in the *Pennsylvania Bulletin* were authorized by the Public Welfare Code and reasonable because no provision of the Code "restricts or directs the manner by which the Department must establish SSP payment amounts." 54 A.3d at 435. Accordingly, the general statutory authority here under the Noncoal Act is sufficient authority to establish the fee adjustment provision in this final-form rulemaking.

IRRC also noted that, as written, in § 77.106(g), it appears that the Department would be the agency amending the regulation by publishing a revised fee schedule in the *Pennsylvania Bulletin*.

Prior to publication, the Department is required to provide the proposed fee schedule to the Aggregate Advisory Board. As a result, any Department action would be reviewed by the Aggregate Advisory Board. Moreover, any increases could not exceed the adjustment based on the Employment Cost Index.

IRRC also recommended that this final-form rule-making include a definition for the Aggregate Advisory Board.

This final-form rulemaking reflects the addition of a definition for the Aggregate Advisory Board.

IRRC inquired as to why the United States Bureau of Labor Statistics Employment Cost Index for State and Local Government Compensation is the most appropriate for adjusting fee amounts. Subsection 77.106(g) also indicates that another index could be used if it is found to be more appropriate.

IRRC also asked for clarification about how the Department will implement the use of a different index.

The primary cost factor in implementing the noncoal mining program is personnel costs. For this reason, the Employment Cost Index for State and Local Government Compensation was chosen as the appropriate index to make adjustments to the fees. This index is tailored to the labor costs of government employees. The regulation provides the Department with very limited discretion/authority to choose an alternative index. This would only occur if the United States Department of Labor terminates the Employment Cost Index for State and Local Government Compensation, so an alternative will be necessary, or renames it.

IRRC requested that the Board provide a 10-year history for the United States Bureau of Labor Statistics Employment Cost Index for State and Local Government Compensation.

The following table lists the United States Bureau of Labor Statistics Employment Cost Index for State and Local Government Compensation for each calendar year:

<i>Year</i>	<i>End of Year Index</i>
2007	4.1
2008	3.0
2009	2.3
2010	1.8
2011	1.3
2012	1.9
2013	1.9
2014	2.0
2015	2.5
2016	2.4
2017	2.5

The index applies to this final-form rulemaking as follows. The first fee adjustment will be done in 2025 to be effective January 1, 2026. This adjustment will use the end-of-year indices from 2023 and 2024, since these will represent the most recent 2-year period in 2025. To clarify, the following examples are provided. The highest fee amount in the fee schedule to be in effect in 2025 is \$29,500 for the Large Surface Mining Permit—Groundwater Pumping Authorized application. For the purpose of the example, using the two most recently available indices (2.4% for 2016 and 2.5% for 2017), results in a

new fee amount of \$30,975 ( $\$29,500 \times 1.024 \times 1.025 = \$30,963.20$ ) rounding to the nearest \$25 increment. However, the calculations may result in no change to the fee amount or a decrease to the fee amount. For example, for the annual administration fee for permits in the Not Started status in 2025 will be \$175. The fee amount will remain \$175 ( $\$175 \times 1.024 \times 1.025 = \$183.68$ ) since this result rounds down.

*G. Benefits, Costs and Compliance*

This final-form rulemaking updates the existing permit application fee and annual administration fee schedules for noncoal mining operations to provide funding for the Department to carry out its responsibilities under the Noncoal Act and the CSL. This final-form rulemaking will benefit the public and the noncoal mining operators by enabling the Department to provide timely permit review and effective oversight of permitted noncoal mining operations to achieve the purposes of the Noncoal Act. While this final-form rulemaking will increase the cost of compliance with the Noncoal Act, the fee increases will be phased in over 4 years to allow the noncoal mine operators to plan for these increased costs. However, these fee increases are necessary to administer the noncoal mining program consistent with the Department’s responsibilities under the Noncoal Act.

*Benefits*

As described in the purpose of the Noncoal Act discussed in Section D of this preamble, this final-form rulemaking will ensure that the benefits of the Noncoal Act will be achieved, which are to ensure that noncoal mining operations conducted in this Commonwealth prevent pollution of Commonwealth rivers and streams, restore the land for future beneficial use, protect water supplies, as well as soil and wildlife resources, and eliminate health and safety hazards. See 52 P.S. § 3302. The Department is also responsible for issuing, administering and enforcing permits under the CSL, the purpose of which is to, among other things, prevent water pollution. See 35 P.S. § 691.4(3). The Department fulfills its responsibilities under the Noncoal Act and CSL through the implementation of its noncoal mining program and collects fees from noncoal mining permit applicants and permittees to cover the costs incurred by the Department to review, administer and enforce noncoal mining permits.

This final-form rulemaking is necessary to provide the Department with funding necessary to carry out the purposes of the Noncoal Act. Adequate funding for the Department is critical to ensuring that noncoal mining operations are conducted consistent with the Noncoal Act to protect the natural resources of this Commonwealth, restore the land for future beneficial uses, and ensure the health and safety of the public. With these additional funds, the Department will be able to continue to review permit applications, inspect permitted operations and take appropriate actions to ensure compliance in a timely manner.

The Department’s ability to fulfill its responsibilities under the Noncoal Act is essential to the vitality of noncoal mining in this Commonwealth because this activity can only occur consistent with the mandates of the Noncoal Act when the Department can properly issue and administer noncoal mining permits. Each year, the Department processes approximately 500 noncoal mining permits and conducts approximately 5,000 inspections of noncoal mining operations to ensure this industry can benefit this Commonwealth’s economy while protecting its natural resources consistent with the Noncoal Act. The



noncoal mining industry generates approximately \$20 billion per year in this Commonwealth and consistently ranks among the top ten noncoal mineral producers in the United States.

#### *Compliance costs*

The permit application fees and annual administration fees for noncoal mining operations would increase incrementally over 6 years. For small noncoal surface mining operations, the permit application fee will increase from the current \$525 to \$775, with a \$75 increase for each of the first and second phases, and a \$100 increase for the third phase. The annual administration fee for these small noncoal operations will increase from \$200 to \$500, with a \$200 increase in the first phase, and a \$50 increase in each of the second and third phases.

The increase in fees for small noncoal mining operations is attributable to several factors. The salary and benefit costs for Department staff in the noncoal mining program have increased between 2009 and 2015. In addition, the Department determined an average of 3 hours is needed to inspect a small noncoal mine operation, rather than the 2 hours estimated in the prior analysis. Finally, certain indirect costs and overhead costs were not accounted for in the prior cost analysis.

For large noncoal surface mining operations, as well as underground noncoal mining operations, the permit application fees will also increase. For example, the permit application fee for large noncoal surface mining operations that require groundwater pumping will increase from \$20,225 to \$29,500, with a \$2,225 increase in the first phase, a \$3,075 increase in the second phase and a \$3,975 increase in the third phase. The annual administration fee for active large surface mining operations with blasting will increase from \$1,850 to \$2,250, with an actual decrease of \$175 in the first phase, an increase of \$75 above the current fee in the second phase, and a further increase of \$325 in the third phase.

As with the increase in fees for small noncoal mining operations, the increases for the large noncoal surface mining operations and underground operations are attributable to several factors. As discussed in section D of this preamble, the salary and benefit costs for Department staff in the noncoal mining program have increased between 2009 and 2015. The percent increase to annual administration fees for large noncoal operations was less than that for small noncoal operations because the Department determined that an average of 5 hours is needed to inspect the larger operations rather than the 7 hours used in the prior cost analysis.

The total increased costs to the industry for the fees in this final-form rulemaking is estimated to be about \$1.3 million when all phases of the increases are implemented. Fee increases beyond that time would depend on the change in the United States Bureau of Labor Statistics Employment Cost Index for State and Local Government Compensation applied every 2 years.

#### *Compliance assistance plan*

Compliance assistance for this final-form rulemaking will be provided through routine interaction with the Aggregate Advisory Board, trade groups and individual applicants.

#### *Paperwork requirements*

No additional paperwork is required under this final-form rulemaking.

#### *H. Pollution Prevention*

The Pollution Prevention Act of 1990 (42 U.S.C.A. §§ 13101—13109) established a National policy that promotes pollution prevention as the preferred means for achieving state environmental protection goals. The Department encourages pollution prevention, which is the reduction or elimination of pollution at its source, through the substitution of environmentally friendly materials, more efficient use of raw materials and the incorporation of energy efficiency strategies. Pollution prevention practices (as opposed to pollution control) 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 final-form rulemaking has minimal impact on pollution prevention as contemplated in the Pollution Prevention Act of 1990 since it is focused on establishing appropriate fees to cover the Department's costs to administer the Noncoal Act.

#### *I. Sunset Review*

The Board is not establishing a sunset date for this final-form rulemaking, since it is needed for the Department to carry out its statutory authority. The Department will continue to closely monitor this regulation for its effectiveness and recommend updates to the Board at least every 3 years according to 25 Pa. Code § 77.106(d).

#### *J. Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on January 17, 2018, the Department submitted a copy of the proposed rulemaking, published at 48 Pa.B. 733 (February 3, 2018), to IRRC and to the Chairpersons of the House and Senate Environmental Resources and Energy Committees, for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on March 20, 2019, this final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on March 21, 2019, and approved this final-form rulemaking.

#### *K. Findings of the Board*

The Board finds that:

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

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

(3) These regulations do not enlarge the purpose of the proposal published at 48 Pa.B. 733.

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

*L. Order of the Board*

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

(1) The regulations of the Department, 25 Pa. Code Chapter 77, are amended by amending §§ 77.1 and 77.106 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

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

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

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

(5) This order shall take effect on January 1, 2020.

PATRICK McDONNELL,  
*Chairperson*

*(Editor’s Note:* See 49 Pa.B. 1735 (April 6, 2019) for IRRC’s approval order.)

**Fiscal Note:** Fiscal Note 7-523 remains valid for the final adoption of the subject regulations.

**Annex A**

**TITLE 25. ENVIRONMENTAL PROTECTION**

**PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Subpart C. PROTECTION OF NATURAL RESOURCES**

**ARTICLE I. LAND RESOURCES**

**CHAPTER 77. NONCOAL MINING**

**Subchapter A. GENERAL PROVISIONS**

**§ 77.1. Definitions.**

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

\* \* \* \* \*

*Adjacent area*—Land located outside the permit area within 1,000 feet.

*Aggregate Advisory Board*—The Board created by section 18(g.1) of the Surface Mining Conservation and Reclamation Act (52 P.S. § 1396.18(g.1)) regarding the creation, composition and duties of the Aggregate Advisory Board.

*Annual administration fee*—A nonrefundable filing fee assessed on an annual basis for the cost to the Department of inspecting a permitted activity or facility to administer the permit.

\* \* \* \* \*

**Subchapter C. PERMITS AND PERMIT APPLICATIONS**

**GENERAL**

**§ 77.106. Fees.**

(a) *Payment.* A permit application for noncoal mining activities shall be accompanied by a nonrefundable payment for the permit application fee payable to the

“Commonwealth of Pennsylvania.” The applicable permit application fee amount is specified in subsection (e). For purposes of this subsection, permit applications include all of the applications listed in subsection (e).

(b) *Assessment.* The Department will assess an annual administration fee for each permitted activity and facility. For licensed mine operators, this annual administration fee will be assessed annually, will be collected as part of the mine operator’s license renewal application and will include the appropriate annual administration fee for each of the licensee’s permitted facilities. If the permittee is not required to maintain a mining license, a notice of the annual administration fee will be sent to the permittee for all of the permittee’s permitted facilities and the fee must be paid within 30 days of receipt of the notice. The applicable fee amounts are specified in subsection (f).

(c) *Deposit of funds.* Fees collected under this section and all enforcement cost recovery funds will be deposited in the Noncoal Surface Mining Conservation and Reclamation Fund. The fees collected under this section will be used by the Department for the purposes specified by the act.

(d) *Regulatory amendment.* At least every 3 years, the Department will recommend regulatory changes to the fees in this section to the EQB to address any disparity between the program income generated by the fees and program costs. The regulatory amendment will be based upon an evaluation of the program fees income and the Department’s costs of administering the program.

(e) *Permit application fee schedule.*

(1) Effective January 1, 2020, the permit application fee schedule is as follows:

(i) <i>New Permits.</i>	<i>Fee</i>
Large Surface Mining Permit—Groundwater Pumping Authorized	\$22,450
Large Surface Mining Permit—No Groundwater Pumping	\$15,000
Small Surface Mining Permit	\$600
Underground Mining Permit	\$22,450
(ii) <i>Major Amendments.</i>	<i>Fee</i>
Large Surface Mining Permit—Groundwater Pumping Authorized	\$4,250
Large Surface Mining Permit—No Groundwater Pumping	\$1,775
Underground Mining Permit	\$2,950
(iii) <i>Minor Amendments.</i>	<i>Fee</i>
Large Surface Mining Permit	\$775
Small Surface Mining Permit	\$200
(iv) <i>Transfers.</i>	<i>Fee</i>
Large Surface Mining Permit	\$975
Underground Mining Permit	\$975
(v) <i>Other Actions.</i>	<i>Fee</i>
Bonding Increment	\$500
Completion Report Application	\$650
Blast Plan	\$550
Notice of Intent to Explore	\$65
Pre-applications	\$3,750
Renewal	\$175

(2) Effective January 1, 2022, the permit application fee schedule is as follows:

(i) <i>New Permits.</i>	<i>Fee</i>
Large Surface Mining Permit—Groundwater Pumping Authorized	\$25,525
Large Surface Mining Permit—No Groundwater Pumping	\$17,025
Small Surface Mining Permit	\$675
Underground Mining Permit	\$25,525
(ii) <i>Major Amendments.</i>	<i>Fee</i>
Large Surface Mining Permit—Groundwater Pumping Authorized	\$4,850
Large Surface Mining Permit—No Groundwater Pumping	\$2,000
Underground Mining Permit	\$3,350
(iii) <i>Minor Amendments.</i>	<i>Fee</i>
Large Surface Mining Permit	\$900
Small Surface Mining Permit	\$225
(iv) <i>Transfers.</i>	<i>Fee</i>
Large Surface Mining Permit	\$1,125
Underground Mining Permit	\$1,125
(v) <i>Other Actions.</i>	<i>Fee</i>
Bonding Increment	\$550
Completion Report Application	\$750
Blast Plan	\$675
Notice of Intent to Explore	\$75
Pre-applications	\$4,250
Renewal	\$200

(3) Effective January 1, 2024, the permit application fee schedule is as follows:

(i) <i>New Permits.</i>	<i>Fee</i>
Large Surface Mining Permit—Groundwater Pumping Authorized	\$29,500
Large Surface Mining Permit—No Groundwater Pumping	\$19,750
Small Surface Mining Permit	\$775
Underground Mining Permit	\$29,500
(ii) <i>Major Amendments.</i>	<i>Fee</i>
Large Surface Mining Permit—Groundwater Pumping Authorized	\$5,625
Large Surface Mining Permit—No Groundwater Pumping	\$2,350
Underground Mining Permit	\$3,900
(iii) <i>Minor Amendments.</i>	<i>Fee</i>
Large Surface Mining Permit	\$1,050
Small Surface Mining Permit	\$250
(iv) <i>Transfers.</i>	<i>Fee</i>
Large Surface Mining Permit	\$1,300
Underground Mining Permit	\$1,300

(v) <i>Other Actions.</i>	<i>Fee</i>
Bonding Increment	\$650
Completion Report Application	\$875
Blast Plan	\$775
Notice of Intent to Explore	\$85
Pre-applications	\$4,950
Renewal	\$225

(f) *Annual administration fee schedule.*

(1) Effective January 1, 2020, the annual administration fee schedule will be as follows:

<i>Permit Category—Permit Status</i>	<i>Annual Fee</i>
Large Surface Mining Permit—Active	\$1,300
Large Surface Mining Permit—Active with Blasting	\$1,675
Small Surface Mining Permit—Active	\$400
Small Surface Mining Permit—Active with Blasting	\$550
Underground Mining Permit—Active	\$1,300
General Permit	\$400
All Permits—Not Started	\$125
All Permits—Inactive	\$125

(2) Effective January 1, 2022, the annual administration fee schedule will be as follows:

<i>Permit Category—Permit Status</i>	<i>Annual Fee</i>
Large Surface Mining Permit—Active	\$1,500
Large Surface Mining Permit—Active with Blasting	\$1,925
Small Surface Mining Permit—Active	\$450
Small Surface Mining Permit—Active with Blasting	\$625
Underground Mining Permit—Active	\$1,500
General Permit	\$450
All Permits—Not Started	\$150
All Permits—Inactive	\$150

(3) Effective January 1, 2024, the annual administration fee schedule will be as follows:

<i>Permit Category—Permit Status</i>	<i>Annual Fee</i>
Large Surface Mining Permit—Active	\$1,750
Large Surface Mining Permit—Active with Blasting	\$2,250
Small Surface Mining Permit—Active	\$500
Small Surface Mining Permit—Active with Blasting	\$700
Underground Mining Permit—Active	\$1,750
General Permit	\$500
All Permits—Not Started	\$175
All Permits—Inactive	\$175

(g) The fees in subsections (e) and (f) will be adjusted by the Department every 2 years, beginning on January 1, 2026, based on the United States Bureau of Labor Statistics Employment Cost Index for State and Local Government Compensation, or an equivalent index recognized by the United States Department of Labor. The adjustment will be based upon the cost difference for the most recent 2-year period prior to the calculation. The fee schedule will be adjusted in increments of \$25. The Department will provide the proposed fee schedule to the Aggregate Advisory Board for review prior to publication. The final adjusted fee schedule will be effective upon publication in the *Pennsylvania Bulletin*. The fees shall not be adjusted if application of the index would result in fees exceeding the Department's costs of reviewing, administering and enforcing the permit.

[Pa.B. Doc. No. 19-750. Filed for public inspection May 17, 2019, 9:00 a.m.]

## Title 58—RECREATION

### GAME COMMISSION [ 58 PA. CODE CH. 139 ] Seasons and Bag Limits

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its April 9, 2019, meeting, amended § 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 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 49 Pa.B. 1390 (March 23, 2019).

#### 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 amends § 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 shifted the archery bear season to mid-October and expanded 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 increased 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 added 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, were added 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 was added for WMUs 2A and 2B in response to increasing nuisance complaints in these units. For porcupine, the Commission reduced the season length to ensure population sustainability given significant uncertainty about the impacts of harvest on this species.

To increase hunting opportunities for younger deer hunters, the Commission added a Saturday opener for the regular firearms deer season. 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 were also added for small game and turkey season closing dates to accommodate the 1-day shift in the opening of the regular firearms deer 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 adopted under this authority.

#### 2. *Regulatory Requirements*

This final-form rulemaking amends § 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 may be affected by this final-form rulemaking.

#### 4. *Comment and Response Summary*

The Commission received a total of 1,222 official comments concerning this final-form rulemaking. The comments received concerned the following subtopics:

*Deer Seasons:* Out of a total of 1,178 comments received concerning this subtopic, 217 supported and 935 opposed a Saturday opener for regular firearms deer season, 1 supported being able to harvest a buck in early season, 5 supported concurrent antlered/antlerless seasons, 1 opposed the extended season, 1 supported opening the regular firearms deer season the a week earlier, 6 supported shortening archery season, 6 supported lengthening archery season, 1 supported a longer archery season in special regulation areas, 1 supported shifting the start and end dates of archery season to 1 week later, 1 supported creating a separate crossbow season from archery season, 1 opposed the overlap of small game season with archery deer season, 1 opposed the October

muzzleloader season, 1 supported having antlered deer lawful for harvest during all early deer seasons and 1 supported having antlerless deer season limited to 2 days.

*Turkey Seasons:* A total of three comments were received concerning this subtopic in opposition to removing the last day of turkey season to accommodate the Saturday opening day of regular firearm deer season.

*Bear Seasons:* A total of 25 comments were received concerning this subtopic, 1 supported moving bear season to the last week of September, 3 supported having a special firearms bear season for seniors, 6 supported the muzzleloading bear season, 2 supported the additional archery hunting opportunity, 6 opposed the early muzzleloader and special firearm bear seasons, 1 supported extending bear hunting opportunities in WMU 2F, 1 supported moving archery bear season before archery deer season, 2 supported and 2 opposed the expansion of bear seasons and 1 opposed the concurrent bear and deer seasons.

*Small Game Seasons:* A total of 13 comments were received concerning this subtopic, 1 supported starting squirrel season on September 1, 5 opposed removing the last day of small game season to accommodate the Saturday opening day of regular firearm deer season, 1 supported extending small game seasons through March,

1 supported shortening grouse season, 4 supported closing grouse season and 1 supported shortening the late season hunt to 6 days.

*Furbearer Seasons:* A total of three comments were received concerning this subtopic, one opposed the unlimited coyote bag limit and two supported opening bobcat season in WMU 2D.

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 July 1, 2019, to June 30, 2020.

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 48-439 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 139. SEASONS AND BAG LIMITS

§ 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		

## RULES AND REGULATIONS

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After Second Day</i>
Ring-necked Pheasant—There is no open season for the taking of pheasants in any area designated as a wild pheasant recovery area, except as authorized by Executive Order.					
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  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. 26  Dec. 16  Dec. 26	 and  and	Nov. 29  Dec. 24  Feb. 29, 2020	2	6
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)	Nov. 2  Nov. 28	 and	Nov. 22  Nov. 29	1	1
WMU 1B WMUs 1A, 2A, 4A and 4B	Nov. 2  Nov. 2	 and	Nov. 9  Nov. 9		
WMUs 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4C, 4D and 4E	Nov. 28  Nov. 2	 and	Nov. 29  Nov. 16		
WMU 2C	Nov. 28  Nov. 2	 and	Nov. 29  Nov. 22		
WMU 5A WMU 5B WMUs 5C and 5D	Nov. 7 Nov. 5 Closed to fall turkey hunting		Nov. 9 Nov. 7		

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
Turkey, Spring <sup>1</sup> Bearded Bird only, Eligible Junior Hunters only, with the required junior license	Apr. 25, 2020		Apr. 25, 2020	1	1
Turkey, Spring <sup>1</sup> Bearded Bird only	May 2, 2020		May 16, 2020	1	2
		and		May be hunted 1/2 hour before sunrise to 12 noon	
	May 18, 2020		May 30, 2020	1	2
				May be hunted 1/2 hour before sunrise to 1/2 hour after sunset	

**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) <sup>2</sup> With the required archery license WMUs 2B, 5C and 5D	Sept. 21		Nov. 29	One antlered deer, and an antlerless deer with each required antlerless license.
	Dec. 26	and	Jan. 25, 2020	
Deer, Archery (Antlered and Antlerless) <sup>2</sup> 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		Nov. 16	One antlered deer, and an antlerless deer with each required antlerless license.
	Dec. 26	and	Jan. 20, 2020	
Deer, Muzzleloading (Antlerless only) With the required muzzleloading license	Oct. 19		Oct. 26	An antlerless deer with each required antlerless license.

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Season Limit</i>
Deer, Special firearms (Antlerless only) Only Junior and Senior License Holders, <sup>3</sup> 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) <sup>2</sup> 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) <sup>2</sup> 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) <sup>2</sup> 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) <sup>2</sup> 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. 20, 2020	One antlered or one antlerless deer, plus an additional antlerless deer with each required antlerless license.
Deer, Flintlock (Antlered or Antlerless) <sup>2</sup> 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 <sup>4</sup> WMUs 2B, 5C and 5D	Sept. 21		Nov. 29		1
Bear, Archery <sup>4</sup> WMU 5B	Oct. 5		Nov. 16		1
Bear, Archery <sup>4</sup> 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 <sup>4</sup> (Statewide)	Oct. 19		Oct. 26		1
Bear, Special firearms <sup>4</sup> Only Junior and Senior License Holders <sup>3</sup> , 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 <sup>4</sup> (Statewide)	Nov. 23		Nov. 27		1



**RULES AND REGULATIONS**

**2505**

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>		<i>Season Limit</i>
Bear, Extended firearms <sup>4</sup> WMUs 2B, 5B, 5C and 5D	Nov. 30		Dec. 14		1
Bear, Extended firearms <sup>4</sup> 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 <sup>5</sup> and Special-License Tag <sup>5</sup> (Antlered and Antlerless)	Sept. 2		Nov. 9		1
Elk, Archery <sup>5</sup>	Sept. 14		Sept. 28		1
Elk, Regular <sup>5</sup> (Antlered and Antlerless)	Nov. 4		Nov. 9		1
Elk, Extended <sup>5</sup> (Antlered and Antlerless)	Nov. 11		Nov. 16		1
Elk, Late <sup>5</sup> (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) WMUs 2C, 2D, 2E, 2F, 3A, 3B, 3D, 5C and 5D (Combined) WMUs 2G, 2H, 4A, 4B, 4C, 4D, 4E, 5A and 5B (Combined)	Dec. 26		Mar. 31, 2020	20 20 5	40 20 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. 5, 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.

<sup>1</sup> 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.

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

<sup>3</sup> 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).

<sup>4</sup> Only one bear may be taken during the hunting license year with the required bear license.

<sup>5</sup> Only one elk may be taken during the hunting license year with the required elk license.

[Pa.B. Doc. No. 19-751. Filed for public inspection May 17, 2019, 9:00 a.m.]

## Title 58—RECREATION

### GAME COMMISSION

#### [ 58 PA. CODE CH. 141 ]

#### Hunting and Trapping; General

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its April 9, 2019, meeting amended § 141.20 (relating to protective material required) to eliminate requirements for wearing of fluorescent orange protective material for archery deer seasons, archery bear seasons, archery elk seasons and fall turkey seasons, including where these seasons overlap with other firearms seasons.

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 49 Pa.B. 1386 (March 23, 2019).

#### 1. Purpose and Authority

Requirements for the wearing of fluorescent orange protective material within this Commonwealth are complex 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 amends § 141.20 to eliminate the requirements for the wearing of fluorescent orange protective material for archery deer seasons, archery bear seasons, archery elk 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 pro-

tection, 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 adopted under this authority.

#### 2. Regulatory Requirements

This final-form rulemaking amends § 141.20 by eliminating requirements for wearing of fluorescent orange protective material for archery deer seasons, archery bear seasons, archery elk 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, archery elk seasons and fall turkey seasons within each Wildlife Management Unit may be affected by this final-form rulemaking.

#### 4. Comment and Response Summary

The Commission received a total of eight official comments concerning this final-form rulemaking. A total of four comments generally opposed and a total of two generally supported the proposal. One comment supported making possession of a given weapon dictate the amount of fluorescent orange worn by a hunter while another one comment supported archery deer and fall turkey hunters wearing fluorescent orange if other concurrent hunting seasons authorized the use of firearms.

#### 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 48-441 remains valid for the final adoption of the subject regulation.

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), 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.
- (vii) All archery bear seasons.
- (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 or regular firearms seasons for deer, bear or elk within each wildlife management unit, when the requirements of subsection (a) remain applicable.
- (x) All turkey seasons.
- (xi) All archery elk 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.

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

[Pa.B. Doc. No. 19-752. Filed for public inspection May 17, 2019, 9:00 a.m.]

Title 58—RECREATION

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), at its April 9, 2019, meeting, amended § 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 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 49 Pa.B. 1388 (March 23, 2019).

1. *Purpose and Authority*

The Commission amended § 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 adopted under this authority.

2. *Regulatory Requirements*

This final-form rulemaking amended § 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 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 July 1, 2019, to June 30, 2020.

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 48-440 remains valid for the final adoption of the subject regulation.

**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**

**HUNTING HOURS TABLE  
FOR JULY 1, 2019, THROUGH JUNE 30, 2020**

<i>Dates</i>	<i>Begin A.M.</i>	<i>End P.M.</i>
July 1—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

<i>Dates</i>	<i>Begin A.M.</i>	<i>End P.M.</i>
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—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—9	5:28	8:28
May 10—16	5:20	8:35
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—30	5:08	9:03

\*Daylight Saving Time Begins

\*\*Ends

**MIGRATORY GAME BIRD HUNTING HOURS  
TABLE FOR JULY 1, 2019, THROUGH  
JUNE 30, 2020**

<i>Dates</i>	<i>Begin A.M.</i>	<i>End P.M.</i>
July 1—6	5:08	8:32
July 7—13	5:13	8:29
July 14—20	5:18	8:25
July 21—27	5:24	8:19
July 28—Aug. 3	5:31	8:12
Aug. 4—10	5:37	8:04
Aug. 11—17	5:44	7:55
Aug. 18—24	5:51	7:45
Aug. 25—31	5:57	7:34
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

<i>Dates</i>	<i>Begin A.M.</i>	<i>End P.M.</i>
Nov. 3—9 <b>**Ends</b>	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—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 <b>*Begins</b>	6:52	7:01
Mar. 15—21	6:41	7:08

<i>Dates</i>	<i>Begin A.M.</i>	<i>End P.M.</i>
Mar. 22—28	6:30	7:15
Mar. 29—Apr. 4	6:19	7:22
Apr. 5—11	6:07	7:29
Apr. 12—18	5:57	7:37
Apr. 19—25	5:46	7:44
Apr. 26—May 2	5:37	7:51
May 3—9	5:28	7:58
May 10—16	5:20	8:05
May 17—23	5:13	8:11
May 24—30	5:08	8:17
May 31—June 6	5:04	8:23
June 7—13	5:02	8:27
June 14—20	5:02	8:31
June 21—27	5:04	8:33
June 28—30	5:08	8:33

**\*Daylight Saving Time Begins**

**\*\*Ends**

[Pa.B. Doc. No. 19-753. Filed for public inspection May 17, 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 May 7, 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>
05-01-2019	Orrstown Financial Services, Inc. Shippensburg Cumberland County  Application for approval to acquire 100% of Hamilton Bancorp, Inc., Towson, MD, and thereby indirectly acquire 100% of Hamilton Bank, Towson, MD.	Effective

#### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
05-01-2019	Orrstown Bank Shippensburg Cumberland County  Merger of Hamilton Bank, Towson, MD, with and into Orrstown Bank, Shippensburg, PA. As a result of the merger, the following six branch offices of Hamilton Bank became branch offices of Orrstown Bank:  5600 Harford Road Baltimore Baltimore, MD  788 Washington Boulevard Baltimore Baltimore City, MD  9050 Baltimore National Pike Ellicott City Howard, MD  501 Fairmount Avenue Towson Baltimore, MD	Effective
05-07-2019	First Commonwealth Indiana Indiana County  Application for approval to purchase assets and assume liabilities of 14 branches of Santander Bank, N.A., Wilmington, DE, located at:  315 Mill Street Danville Montour County, PA  448 Bellefonte Avenue Lock Haven Clinton County, PA	Filed
	8216 Philadelphia Road Baltimore Baltimore, MD  10283 York Road Cockeysville Baltimore, MD  8108 Jumpers Hole Road Pasadena Anne Arundel, MD	
	364 Erie Avenue Renovo Clinton County, PA  250 Main Street Beech Creek Clinton County, PA	

<i>Date</i>	<i>Name and Location of Applicant</i>		<i>Action</i>
	1535 North Atherton Street State College Centre County, PA	537 Mahoning Street Milton Northumberland County, PA	
	7125 Westbranch Highway Lewisburg Union County, PA	239 Market Street Lewisburg Union County, PA	
	20 South Main Street Muncy Lycoming County, PA	222 Allegheny Street Jersey Shore Lycoming County, PA	
	301 Shiffler Avenue Williamsport Lycoming County, PA	355 Broad Street Montoursville Lycoming County, PA	
	251 South Market Street South Williamsport Lycoming County, PA	216 West College Avenue State College Centre County, PA	

**Branch Applications****De Novo Branches**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
04-29-2019	LINKBANK West Chester Chester County	3045 Market Street Camp Hill Cumberland County	Opened
04-30-2019	Peoples Security Bank and Trust Company Scranton Lackawanna County	830 Norman Drive Lebanon Lebanon County	Filed
05-06-2019	Centric Bank Harrisburg Dauphin County	2003 South Easton Road Doylestown Bucks County	Filed
05-06-2019	Centric Bank Harrisburg Dauphin County	80 Lancaster Avenue Devon Chester County (Temporary Branch)	Filed

**CREDIT UNIONS**

No activity.

The Department's web site at [www.dobs.pa.gov](http://www.dobs.pa.gov) includes public notices for more recently filed applications.

ROBIN L. WIESSMANN,  
*Secretary*

[Pa.B. Doc. No. 19-754. Filed for public inspection May 17, 2019, 9:00 a.m.]

## DEPARTMENT OF BANKING AND SECURITIES

### Maximum Lawful Rate of Interest for Residential Mortgages for the Month of June 2019

The Department of Banking and Securities (Department), under the authority contained in section 301 of the act of January 30, 1974 (P.L. 13, No. 6) (41 P.S. § 301), determines that the maximum lawful rate of interest for residential mortgages for the month of June 2019, is 5 1/4%.

The interest rate limitations under the Commonwealth's usury statute were pre-empted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub.L. No. 96-221). Further pre-emption was instituted with the signing of Pub.L. No. 96-399, which overrode State interest rate

limitations on any individual who finances the sale or exchange of residential real property which the individual owns and which the individual occupies or has occupied as his principal residence.

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board or the United States Treasury, or both. The latest yield rate on long-term government securities is 2.74 to which was added 2.50 percentage points for a total of 5.24 that by law is rounded off to the nearest quarter at 5 1/4%.

ROBIN L. WIESSMANN,  
*Secretary*

[Pa.B. Doc. No. 19-755. Filed for public inspection May 17, 2019, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### Conservation and Natural Resources Advisory Council Meeting

The Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural Resources (Department) will hold a meeting on Wednesday, May 29, 2019, at 10 a.m. in Room 105, Lobby Level, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this meeting or agenda items can be directed to Gretchen Leslie at (717) 772-9084. Persons who wish to participate during the public comment

section are encouraged to submit their comments in writing to Gretchen Leslie, Advisor, Conservation and Natural Resources Advisory Council, 400 Market Street, Harrisburg, PA 17101.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Katie Woodbury directly at (717) 783-5878 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

CINDY ADAMS DUNN,  
*Secretary*

[Pa.B. Doc. No. 19-756. Filed for public inspection May 17, 2019, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

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### APPLICATIONS

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### 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 &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0032999 (Sewage)	Hickory Run State Park RR1 White Haven, PA 18661-9712	Carbon County Kidder Township	Hickory Run (HQ-CWF) (2-A)	Yes
PA0061832-A1 (Industrial Waste)	Prysmian Cables and Systems, LLC One Tamaqua Boulevard Schuylkill Haven, PA 17972	Schuylkill County Schuylkill Haven Borough	Schuylkill River (CWF, MF) (3-A)	Yes
PA0060852 (Sewage)	EIHAB Human Services Inc. 1200 State Route 92 South Tunkhannock, PA 18657-5966	Wyoming County Falls Township	Susquehanna River (WWF, MF) (4-G)	Yes
PA0052591 (Sewage)	Becker/Walnutport MHP 901 S Best Avenue Walnutport, PA 18088-9121	Northampton County Lehigh Township	Bertsch Creek (CWF) (2-C)	Yes
PA0065463 (Storm Water)	Chep-Millwood Allentown Service Center 8018 Quarry Road Alburtis, PA 18011	Lehigh County Lower Macungie Township	Swabia Creek (HQ-CWF, MF) (2-C)	Yes
PAS802219 (Storm Water)	USPS Lehigh Valley Vehicle Maintenance Facility 17 South Commerce Way Lehigh Valley, PA 18002-9371	Northampton County Bethlehem Township	Unnamed Tributary to Monocacy Creek (HQ-CWF, MF) (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 &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0035602 (Sewage)	PA DOT Site 36 I 80 West Rest Area Bureau Of Maintenance & Operations P.O. Box 3060 Harrisburg, PA 17105-3060	Montour County Liberty Township	Unnamed Tributary of Beaver Run (WWF) (10-D)	Yes
PA0228656 (Industrial)	Irvona Municipal Authority Water Tmnt Plant P.O. Box 247 Irvona, PA 16656-0247	Clearfield County Irvona Borough	North Witmer Run (CWF) (8-C)	Yes
PA0044245 (Sewage)	Parker Dam State Park 28 Fairview Road Penfield, PA 15849-7902	Clearfield County Huston Township	Laurel Run (HQ-CWF, MF) (8-A)	Yes
PA0020672 (Sewage)	Washingtonville Municipal Authority Sewer System STP P.O. Box 147 Washingtonville, PA 17884-0147	Montour County Derry Township	Chillisquaque Creek (WWF) (10-D)	Yes
PA0111937 (Sewage)	Patriot Treatment Plant 6009 Columbia Boulevard Bloomsburg, PA 17815-8800	Columbia County South Centre Township	Unnamed Tributary of Susquehanna River (CWF) (5-D)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0218049 (Sewage)	Midway Sewer Authority WWTP P.O. Box 600 Midway, PA 15060	Washington County Robinson Township	Robinson Run (20-F)	Yes

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0216381 (Sewage)	Holly Hill STP 1 Holly Hill Drive Freedom, PA 15042	Beaver County New Sewickley Township	UNT of Crows Run (WWF) (20-G)	Yes
PA0219339 (Industrial)	Fate Ventures, LLC Jones TP P.O. Box 927 255A Airport Road Indiana, PA 15701	Indiana County Black Lick Township	Blacklick Creek (TSF) (18-D)	No

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0100943 (Sewage)	Strattanville Borough STP P.O. Box 139 Strattanville, PA 16258-0139	Clarion County Strattanville Borough	Unnamed Tributary to Brush Run (CWF) (17-B)	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.*

**PA0050431**, Industrial, SIC Code 2086, **Refresco North America**, 20 Aldan Avenue, Concordville, PA 19342. Facility Name: Refresco Beverages IWTP. This existing facility is located in Concord Township, **Delaware County**.

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

The receiving stream, Unnamed Tributary to West Branch Chester Creek (TSF, MF), is located in State Water Plan watershed 3-G 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 .364 MGD.—Interim Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Total Nitrogen	45.5	91.1 Daily Max	XXX	15.0	30.0 Daily Max	37.5

The proposed effluent limits for Outfall 001 are based on a design flow of .364 MGD.—Final 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>	
Total Nitrogen	30.4	60.7 Daily Max	XXX	10.0	20.0 Daily Max	25

The proposed effluent limits for Outfall 001 are based on a design flow of .364 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>	
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	6.0 Inst Min	XXX	XXX	XXX
Temperature (°F)	XXX	XXX	XXX	XXX	XXX	110
Total Dissolved Solids	3,036.0	6,072.0 Daily Max	XXX	1,000.0	2,000.0 Daily Max	2,500
Oil and Grease	45.5	91.1 IMAX	XXX	15.0	XXX	30.0
Total Phosphorus	3.0	6.1 Daily Max	XXX	1.0	2.0 Daily Max	2.5

The proposed effluent limits for Outfall 101 are based on a design flow of 0.07 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	0.75
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	12.0	24.0	XXX	20.0	40.0	50
Total Suspended Solids	18.0	36.0	XXX	30.0	60.0	75
Ammonia-Nitrogen						
Nov 1 - Apr 30	3.5	7.0	XXX	6.0	12.0	15
May 1 - Oct 31	1.2	2.4	XXX	2.0	4.0	5

The proposed effluent limits for Outfall 201 are based on a design flow of 0.288 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	24.0	48.0	XXX	10.0	20.0	25
Total Suspended Solids	24.0	48.0	XXX	10.0	20.0	25
Ammonia-Nitrogen						
Nov 1 - Apr 30	14.4	28.8	XXX	6.0	12.0	15
May 1 - Oct 31	4.8	9.6	XXX	2.0	4.0	5
Antimony, Total	XXX	XXX	XXX	Report	XXX	XXX
Cadmium, Total	0.0019	0.0038	XXX	0.0008	0.0016	0.002
Selenium, Total	0.012	0.024	XXX	0.005	0.01	0.013
Thallium, Total	0.0005	0.0010	XXX	0.0002	0.0004	0.0005

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

- A. Acquire Necessary Property Rights
- B. Proper Sludge Disposal
- C. WQM Permit Conditions
- D. BAT/ELG Reopener
- E. Chlorine Minimization
- F. Small Stream Discharge
- G. 2° Change in the Temperature
- H. Chemical Additives Condition
- I. Stormwater Requirements
- J. Schedule of Compliance

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.

**PA0011011**, Industrial, SIC Code 3317, **Plymouth Tube Co.**, 29w150 Warrenville Road, Warrenville, IL 60555-3528. Facility Name: Plymouth Tube. This existing facility is located in Horsham Township, **Montgomery County**.

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

The receiving stream(s), Park 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 .028 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Average Monthly</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Daily Maximum</i>	<i>Maximum</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Trichloroethylene	XXX	XXX	Min 0.005	0.010	XXX	0.013

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.

**PA0054780**, Sewage, SIC Code 4952, **Concord Township Delaware County**, 43 S Thornton Road, Glen Mills, PA 19342-1325. Facility Name: Riviera At Concord STP. This existing facility is located in Concord Township, **Delaware 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), Green Creek, is located in State Water Plan watershed 3-G and is classified for Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .0635 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min	XXX	XXX	XXX
			3.0			
Total Residual Chlorine (TRC)	XXX	XXX	Inst Min	0.5	XXX	1.6
			XXX			
CBOD <sub>5</sub>	13	XXX	XXX	25	XXX	50
Total Suspended Solids	16	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Ammonia-Nitrogen						
Nov 1 - Apr 30	9.5	XXX	XXX	18.0	XXX	36
May 1 - Oct 31	3.0	XXX	XXX	6.0	XXX	12
Total Phosphorus						
Nov 1 - Apr 30	1.0	XXX	XXX	2.0	XXX	4
May 1 - Oct 31	0.5	XXX	XXX	1.0	XXX	2

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

- No Stormwater
- Necessary Property Rights
- Proper Sludge Disposal
- Chlorine Minimization
- Operator Notification

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.

**PA0042617**, Industrial, SIC Code 3317, **Viant Collegeville LLC**, 200 West 7th Avenue, Trappe, PA 19426-0992. Facility Name: Viant Collegeville Facility. This existing facility is located in Trappe Borough, **Montgomery County**.

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

The receiving stream, an unnamed tributary to Perkiomen Creek, a.k.a Donny Brook (TSF), is located in State Water Plan watershed 3-E and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 002 are based on a design flow of .112 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
Chromium, Hexavalent	XXX	XXX	XXX	0.009	0.018	0.023
1,4-Dioxane	XXX	XXX	XXX	Avg Qrtly Report	Report	XXX
				Avg Qrtly		

The proposed effluent limits for Outfall 002 are based on a design flow of .112 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
1,1,1-Trichloroethane	XXX	XXX	XXX	0.2	0.4	0.5
Trichloroethylene	XXX	XXX	XXX	0.005	0.01	0.013

The proposed effluent limits for Outfall 003 are based on an average storm event—Limits.

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

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

- A. Acquire Necessary Property Rights
- B. Proper Sludge Disposal
- C. WQM Permits Requirement
- D. BAT/ELG Reopener
- E. Dry Stream Discharge
- F. Aire Stripper Tower Wastewater
- G. Groundwater Cleanup Reports
- H. Stormwater Requirements

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

The EPA Waiver is in effect.

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

**PA0020320 A-1**, Sewage, SIC Code 4952, **Lititz Sewer Authority**, 50 Lititz Run Road, Lititz, PA 17543-8503. Facility Name: Lititz Sewer Authority WWTP. This existing facility is located in Warwick Township, **Lancaster 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), Lititz Run, is located in State Water Plan watershed 7-J 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 3.85 MGD.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
TRC	XXX	XXX	XXX	0.04	XXX	0.14
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )						
Nov 1 - Apr 30	480	720	XXX	15.0	22.5	30
May 1 - Oct 31	320	480	XXX	10.0	15.0	20
Biochemical Oxygen Demand (BOD <sub>5</sub> )						
Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids	960	1,445	XXX	30.0	45.0	60
Total Suspended Solids						
Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Dissolved Solids	Report	XXX	XXX	Report	Report Daily Max	XXX
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Ultraviolet light intensity (mW/cm <sup>2</sup> )	XXX	XXX	Report	XXX	XXX	XXX

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Ammonia-Nitrogen						
Nov 1 - Apr 30	145	XXX	XXX	4.5	XXX	9
May 1 - Oct 31	48	XXX	XXX	1.5	XXX	3
Total Phosphorus	64	XXX	XXX	2.0	XXX	4
Sulfate, Total	Report	XXX	XXX	Report	Report	XXX
					Daily Max	
Chloride	Report	XXX	XXX	Report	Report	XXX
					Daily Max	
Bromide	Report	XXX	XXX	Report	Report	XXX
					Daily Max	
Toxicity, Chronic - Ceriodaphnia Reproduction (TUC)	XXX	XXX	XXX	1.3	XXX	XXX
				Daily Max		

The proposed monitoring requirements and, where appropriate, effluent limits for implementation of the Chesapeake Bay Tributary Strategy are as follows for Outfall 001.

<i>Parameter</i>	<i>Mass Units (lbs)</i>		<i>Effluent Limitations Concentrations (mg/L)</i>		
	<i>Monthly</i>	<i>Annual</i>	<i>Monthly Average</i>	<i>Maximum</i>	<i>Instant. Maximum</i>
Ammonia—N	Report	Report	Report	XXX	XXX
Kjeldahl—N	Report	XXX	Report	XXX	XXX
Nitrate-Nitrite as N	Report	XXX	Report	XXX	XXX
Total Nitrogen	Report	Report	Report	XXX	XXX
Total Phosphorus	Report	Report	Report	XXX	XXX
Net Total N	Report	70,319	XXX	XXX	XXX
Net Total P	Report	9,376	XXX	XXX	XXX

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

- Chesapeake Bay nutrients requirements
- Solids management for non-lagoon system
- Whole Effluent Toxicity
- Chlorine minimization
- Notification of designation of responsible operator
- Hauled-in waste restriction

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

The EPA Waiver is not in effect.

**PA0021601**, Sewage, SIC Code 4952, **Hamburg Borough Municipal Authority Berks County**, 61 N 3rd Street, Hamburg, PA 19626. Facility Name: Hamburg STP. This existing facility is located in Hamburg Borough, **Berks 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), Schuylkill River, is located in State Water Plan watershed 3-B 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 1.5 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>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
		Daily Max				
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
			Daily Min		Daily Max	
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
			Daily Min			
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	312	500	XXX	25	40	50
Biochemical Oxygen Demand (BOD <sub>5</sub> )						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
		Daily Max				

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Total Suspended Solids	375	563	XXX	30	45	60
Total Suspended Solids Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Ammonia-Nitrogen	250	XXX	XXX	20	XXX	40
PCBs Dry Weather Analysis (ng/l)	XXX	XXX	XXX	Report Daily Max	XXX	XXX
PCBs Wet Weather Analysis (ng/l)	XXX	XXX	XXX	Report Daily Max	XXX	XXX
Total Dissolved Solids	XXX	XXX	XXX	1,000.0 Avg Qrtly	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report Daily Max	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report Daily Max	XXX	XXX

Sludge use and disposal description and location(s): Dewatered Sludge is hauled to Hazleton wastewater treatment plant or Pottstown wastewater treatment plant or Exeter wastewater treatment plant for further processing and disposal.

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

Stormwater Prohibition, Approval Contingencies, Proper Waste/solids Management, Restriction on receipt of hauled in waste under certain conditions, WET testing requirements, Stormwater Management Requirement.

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

The EPA Waiver is not in effect.

**PA0041491**, Sewage, SIC Code 6515, **Berks Properties Inc.**, 3613 Seisholtzville Road, Hereford, PA 18056-1542. Facility Name: Mountain Village MHP. This existing facility is located in Longswamp Township, **Berks 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 Perkiomen Creek, is located in State Water Plan watershed 3-E and is classified for High Quality—Cold Water and Migratory Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .064 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0 Inst Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.015	XXX	0.05
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	XXX
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	XXX	XXX	XXX	4.5	XXX	9
May 1 - Oct 31	XXX	XXX	XXX	1.5	XXX	3
Total Phosphorus	0.27	XXX	XXX	0.5	XXX	1

The proposed effluent limits for Outfall 001 are based on a design flow of .064 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Total Dissolved Solids	XXX	Report Daily Max	XXX	XXX	Report Daily Max	XXX

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

The EPA Waiver is not in effect.

**PA0086665**, Sewage, SIC Code 4952, 8661, **Green Spring Brethren In Christ Church**, 720 Greenspring Road, Newville, PA 17241-9694. Facility Name: Green Spring Brethren In Christ Church. This existing facility is located in North Newton Township, **Cumberland County**.

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

The receiving stream(s), Green Spring Creek, is located in State Water Plan watershed 7-B and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Average Quarterly	Maximum	
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5 Avg Mo	XXX	1.6

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

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Average Quarterly	Maximum	
Flow (MGD)	Report Avg Qrtly	XXX	XXX	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	1,000

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

The EPA Waiver is in effect.

### III. WQM Industrial Waste and Sewerage Applications Under the Clean Streams Law (35 P.S. §§ 691.1—691.1001).

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

**WQM Permit No. 6619401**, Sewage, **UMH of PA, Inc.**, 3499 Route 9 North, Suite 3C, Freehold, NJ 07728-3277.

This proposed facility is located in Tunkhannock Township, **Wyoming County**.

Description of Proposed Action/Activity: Upgrades will be made to the existing WWTP. The upgrades include: installation of a new duplex submersible pump station for effluent, a new precast reinforced concrete sludge holding tank, and three new parallel ultraviolet disinfection units.

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

**WQM Permit No. WQG01211901**, Sewerage, **Clarence L. Zimmerman**, 88 Wildwood Lane, Newville, PA 17241.

This proposed facility is located in North Newton Township, **Cumberland County**.

Description of Proposed Action/Activity: Seeking permit approval for the construction of a single residence sewage treatment plant to serve their existing single-family home plus an addition.

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

**WQM Permit No. 3218200 A-1**, Industrial, **Homer City Generation LP**, 1750 Power Plant Road, Homer City, PA 15748-8009.

This existing facility is located in Cherryhill Township, **Indiana County**.

Description of Proposed Action/Activity: Operation of sludge disposal boreholes associated with an existing acid mine drainage treatment system for Dixon Run Mine No. 3.



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

**WQM Permit No. 3219401**, Sewage, **White Township Municipal Authority Indiana County**, 950 Indian Springs Road, Indiana, PA 15701-3506.

This proposed facility is located in White Township, **Indiana County**.

Description of Proposed Action/Activity: Sewage treatment plant.

**WQM Permit No. 6219406**, Sewage, **Rebecca Howell**, 2813 Pleasant Drive, Warren, PA 16365.

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

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

**WQM Permit No. 2519410**, Sewage, **Elizabeth & Philip Hutchinson**, P.O. Box 561, North East, PA 16428.

This proposed facility is located in North East Township, **Erie County**.

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

**WQM Permit No. 2519411**, Sewage, **Jerry Cass**, 4376 Depot Road, Erie, PA 16510.

This proposed facility is located in Harborcreek Township, **Erie County**.

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

**WQM Permit No. WQG02431901**, Sewage, **Liberty Township, Mercer County**, 2873 Mercer-Butler Pike, Grove City, PA 16127.

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

Description of Proposed Action/Activity: Sewer extension to service area near Mercer-Butler Pike, Amsterdam Road, Center Church Road, and Schmidt Road.

**WQM Permit No. WQG01251905**, Sewage, **Terry Barton**, 9159 Crane Road, Cranesville, PA 16410.

This proposed facility is located in Elk Creek Township, **Erie County**.

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

**WQM Permit No. 6119401**, Sewage, **Tracy Delmonaco**, 3 Maple Avenue, Oil City, PA 16301.

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

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

**WQM Permit No. 6219407**, Sewage, **Steven Croud**, 416 Western Avenue, Beaver, PA 15009.

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

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

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#### **IV. NPDES Individual Permit Applications for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4s).**

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

**PAI132216**, MS4, **Easton City**, 123 S. 3rd Street, Easton, PA 18042. 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 Easton City, **Northampton County**. The receiving stream(s), Bushkill Creek (HQ-CWF, MF), Lehigh River (WWF, MF), and the Delaware River (WWF, MF), are located in State Water Plan watersheds 2-C and 1-F and are classified for High Quality—Cold Water and Migratory Fish (Bushkill Creek), and Warm Water and Migratory Fish (Lehigh River and Delaware River), 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.

**PAI132201**, MS4, **Macungie Borough**, 21 Locust Street, Macungie, PA 18062. 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 Macungie Borough, **Lehigh County**. The receiving streams, Swabia Creek (HQ-CWF, MF) and Tributary 3581 to Swabia Creek (HQ-CWF, MF), are located in State Water Plan watershed 2-C and are classified for 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.

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

**PAI136131, MS4, Union Township**, 3904 Finleyville Elrama Road, Finleyville, PA 15332-3011. 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 Union Township, **Washington County**. The receiving streams, Monongahela River (WWF), Mingo Creek (HQ-TSF), Peters Creek (TSF), and Piney Fork (TSF), are located in State Water Plan watershed 19-C and are classified for Warm Water Fishes, Trout Stocking, and High-Quality Waters—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.

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD150125	RB Custom Homes, LLC 1011 Ridge Road South Coventry, PA 19465	Chester	West Pikeland Township	Pine Creek HQ-TSF-MF
PAD150114	J.B. Brandolini Inc. 1200 Burning Bush Lane West Chester, PA 19380-5888	Chester	West Goshen Township West Whiteland Township	Broad Run HQ-CWF-MF
PAD510044	Susquehanna Net Zero Housing, LP 1410 North 16th Street Philadelphia, PA 19121	Philadelphia	City of Philadelphia	Schuylkill River CWF-WWF-MF
PAD510046	City of Philadelphia, Division of Aviation (DOA) Department of Planning and Environmental Stewardship Philadelphia International Airport Terminal D, Third Floor Philadelphia, PA 19153	Philadelphia	City of Philadelphia	Pennypack Creek WWF-MF Poquessing Creek WWF-MF

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD480082	Jaindl Land Co 3150 Coffeetown Rd Orefield, PA 18069	Northampton	Hanover Twp	Monocacy Creek (HQ-CWF, MF)
PAD480091	Easton Area School District 1801 Bushkill Dr Easton, PA 18040	Northampton	City of Easton	Bushkill Creek (HQ-CWF, MF)

## NOTICES

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

Permit #	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAD220006	Susquehanna Township Authority 1900 Linglestown Road Harrisburg, PA 17110-3302	Dauphin	Susquehanna Township	Slotznick Run (CWF, MF) EV Wetlands
PAD290002	Ilera Healthcare, LLC 3553 West Chester Pike, # 347 Newtown Square, PA 19073	Fulton	Taylor Township	Lick Branch UNT Lick Branch HQ/CWF

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

*Clinton County Conservation District: 45 Cooperation Lane, Mill Hall, PA 17751, (570) 726-3798.*

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAD180020	Nicholas Meats, LLC Sustainable Resource Project 508 East Valley Road Loganton, PA 17747	Clinton	Greene Twp	Fishing Creek HQ-CWF

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

Permit No.	Applicant & Address	County	Municipality	Stream Name
PAD020023	Redevelopment Authority of Allegheny County One Chatham Center Suite 900 Pittsburgh, PA 15219	Allegheny County	Swissvale Borough	Monongahela River (WWF)
PAD260010	Western Pennsylvania Conservancy 1067 Philadelphia Street Indiana, PA 15701	Fayette County	Stewart Township	Glade Run (HQ-CWF)
PAD040005	First Energy 800 Cabin Hill Drive Greensburg, PA 15601	Beaver County	Center Township	Raccoon Creek (WWF)
PAD630034	Robinson Power Company, LLC 563 Route 18 Burgettstown, PA 15021-2120  Burns & McDonnell Engineering Company, Inc. 9400 Ward Parkway Kansas City, MO 64114	Washington County	Robinson Township	UNTs to Little Raccoon Run (WWF)
PAD650020	Acres Development Group, LP P.O. Box 42 Murrysville, PA 15668	Allegheny County	Municipality of Murrysville	UNTs to Pucketa Creek (TSF); UNT to Haymakers Run (HQ-CWF)
PAD0200115	Sheetz, Inc. 5700 Sixth Avenue Altoona, PA 16602	Allegheny County	Shaler Township	Pine Creek (TSF)

*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.*

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAD320004	Indiana County Municipal Services Authority 602 Kolter Drive Indiana, PA 15701	Indiana	Rayne, Washington, East & South Mahoning Townships, Marion Center Borough	S Branch Plum Creek HQ-CWF, Bush & Pine Runs CWF, Crooked Creek WWF

**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 &amp; Address</i>	<i>Municipality, County</i>	<i>Waiver Application Submitted (Y/N)</i>	<i>Pollutant Reduction Plan Submitted (Y/N)</i>
PAG136171	Beaver Borough 469 3rd Street Beaver, PA 15009-2226	Beaver Borough Beaver County	N	N

**STATE CONSERVATION COMMISSION****PROPOSED NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs**

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

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

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

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

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

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>AEU's</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>New or Renewal</i>
Penn Valley Farm 165 Phillips Lane Mohrsville, PA 19541	Berks	10	1,291.20	Swine	NA	Renewal
Scott Wagner 385 King Pen Road Quarryville, PA 17566	Lancaster	44.4	405.94	Turkeys	HQ	Renewal
Joel H. Rutt 1178 White Oak Drive Manheim, PA 17545	Lancaster	276	495.13	Swine/ Broiler/ Beef	NA	Renewal
Perry Meadows Farm 2713 Fowlers Hollow Rd Blain, PA 17006	Perry	10	1,490.65	Swine	Unnamed Trib to Shermans Creek HQ CWF	Renewal
Dwayne Nolt 58 East Strack Drive Myerstown, PA 17067	Lebanon	0	644.0	Swine	NA	R

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

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

**Permit No. 3319501**, Public Water Supply.

Applicant	<b>Falls Creek Borough Municipal Authority</b>
Township or Borough	Falls Creek Borough
County	<b>Jefferson</b>
Responsible Official	Cindy Fritz
Type of Facility	Public Water Supply
Consulting Engineer	David Cunningham, PE Keller Engineers 420 Allegheny Avenue Hollidaysburg, PA 16648
Application Received Date	May 6, 2019
Description of Action	New Chlorine Boosting Point along transmission main.

**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:

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

**Harry and Darvene Daminski Estate**, 1081 West Philadelphia Avenue, Boyertown, PA 19512, Colebrookdale Township, **Berks County**. Liberty Environmental, 505 Penn Street, Reading, PA 19601, on behalf of O'Donnell, Weiss & Mattei PC, 41 East High Street, Pottstown, PA 19464, submitted a Notice of Intent to Remediate site soil and groundwater contaminated with # 2 fuel oil. The site will be remediated to the Residential Statewide Health and Site-Specific Standards. Future use of the site is planned for commercial use, as well as a possible residential apartment. The Notice of Intent to Remediate was published in *The Reading Eagle* on April 15, 2019.

**Gateway West Housing**, 416 & 442 Gordon Street, 467 Tulpehocken Street, Reading, PA 19601, Reading City, **Berks County**. Liberty Environmental, Inc., 505 Penn Street, Reading, PA 19601, on behalf of Gateway West Housing Associates LP, 726 Yorklyn Road, Suite 150, Hockessin, DE 19707, submitted a Notice of Intent to Remediate soil and groundwater contaminated with PAHs, VOCs, chlorinated solvents, and PCBs. The site will be remediated to the Site-Specific Standard. Future use of the site is for residential purposes. The Notice of Intent to Remediate was published in *The Reading Eagle* on April 29, 2019.

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

**Hazleton City Highway Garage**, 215 North Cedar Street, Hazleton City, **Luzerne County**. Barry Isett & Associates, 100 West Broad Street, Hazleton, PA 18201, on behalf of City of Hazleton Public Works Department, 40 North Church Street, Hazleton, PA 18201, submitted a Notice of Intent to Remediate. Soil was contaminated by a release of used motor oil from an aboveground storage tank. Future use of the site will be non-residential. Statewide Health remediation standards are planned for this site. The Notice of Intent to Remediate was published in *The Standard Speaker* on April 27, 2019.

*Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**Cascade Express, Inc. Project**, Lewis Township, **Union County**. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857 on behalf of Cascade Express, Inc., 4616 Longview Drive, North Highlands, CA 95660 has submitted a Notice of Intent to Remediate site soils contaminated with diesel fuel, motor oil and antifreeze. The applicant proposes remediation of the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was published in *The Daily Item* on April 18, 2019.

## AIR QUALITY

### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

The Department has developed an "integrated" plan approval, State Operating Permit and Title V Operating Permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the general public. This approach allows the owner or operator of a facility to submit permitting documents relevant to its application for all sources related to a facility or a

proposed project, affords an opportunity for public input, and provides for a decision on the issuance of the necessary permits.

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

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

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

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

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

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

### PLAN APPROVALS

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**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.**

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*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481.*

*Contact: David Balog, New Source Review Chief—Telephone: 814-332-6328.*

**24-131V: SGL Carbon, LLC:** (900 Theresia Street, St. Marys, PA 15857), plan approval application received for the installation of two additional Chemical Vapor Deposition Reactors. The proposed sources would be Reactors 18 & 19 at their facility located in the City of Saint Marys, **Elk County**. The source's emissions would be controlled by a scrubber. This is an existing 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.*

**50-05001A: Texas Eastern Transmission/Shermans Dale** (425 Texas Eastern Road, Shermans Dale, PA 17090) for the construction of two (2) new natural gas-fired simple cycle turbines at the Shermans Dale Compressor Station located in Carroll Township, **Perry County**. These new turbines will replace two (2) GE turbines. The turbines will be built with SoLoNO<sub>x</sub> dry low NO<sub>x</sub> (DLN) technology for the control of NO<sub>x</sub> and equipped with oxidation catalysts for the control of CO, VOCs and organic hazardous air pollutants (HAPS). The facility is also replacing the current 440 bhp emergency generator (Source ID 033) with a Waukesha VGF48GL 1,175 bhp emergency, natural gas, emergency generator. The project will also include the installation of two (2) fuel gas heaters, each rated at 1.47 MMBtu/hr heat input, and five (5) 33-gallon separator vessels used to collect pipeline liquids. The expected facility emissions as a result of the changes proposed are: NO<sub>x</sub> 57 tpy, CO 72 tpy, PM<sub>2.5</sub> 11 tpy, PM<sub>10</sub> 11 tpy, SO<sub>2</sub> 23 tpy, VOCs less than 50 tpy and HAPs 5 tpy. The facility will be a State Only facility upon completion of the project. 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 Part 60, Subpart KKKK—Standards of Performance for Stationary Combustion Turbines, 40 CFR Part 60, Subpart OOOOa—Standards of Performance for Crude Oil and Natural Gas Facilities for which Construction, Modification or Reconstruction Commenced After September 18, 2015 and 40 CFR Part 60, Subpart JJJJ—Standards of Performance for Stationary Spark Ignition Internal Combustion Engines. 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 provisions of 25 Pa. Code § 127.450.

**06-05033A: Texas Eastern Transmission/Bernville** (306 Station Road, Robeson, PA 19551) for the construction of two (2) new natural gas-fired simple cycle turbines at the Bernville Compressor Station located in North Heidelberg Township, **Berks County**. These new turbines will replace two (2) GE turbines. The turbines will be built with SoLoNO<sub>x</sub> dry low NO<sub>x</sub> (DLN) technology for the control of NO<sub>x</sub> and equipped with oxidation catalysts for the control of CO, VOCs and organic hazardous air pollutants (HAPS). The facility is also replacing the current 445 bhp emergency generator (Source ID 033) with a Waukesha VGF48GL 1,175 bhp, natural gas, emergency generator. The project will also include the installation of two (2) fuel gas heaters, each rated at 1.47 MMBtu/hr heat input, and five (5) 33-gallon separator vessels used to collect pipeline liquids. The expected facility emissions as a result of the changes proposed are: NO<sub>x</sub> 57 tpy, CO 72 tpy, PM<sub>2.5</sub> 11 tpy, PM<sub>10</sub> 11 tpy, SO<sub>2</sub> 23 tpy, VOCs 44 tpy and HAPs 5 tpy. The facility will be a State Only facility upon completion of the project. 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 Part 60, Subpart KKKK—Standards of Performance for Stationary Combustion Turbines, 40 CFR Part 60, Subpart OOOOa—Standards of Performance for Crude Oil and Natural Gas Facilities for which Construction, Modification or Reconstruction Commenced After September 18, 2015 and 40 CFR Part 60, Subpart JJJJ—Standards of Performance for Stationary Spark Ignition Internal Combustion Engines. 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.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481.*

*Contact: David Balog, New Source Review Chief—Telephone: 814-332-6328.*

**43-386A: Sandy Creek Monument and Cremation Company** (312 W. Park St, Franklin, PA 16323), The Department of Environmental Protection intends to issue a plan approval to Sandy Creek Monument and Cremation Company to provide authorization for the construction and initial operation of a human crematory at their existing "Black Funeral Home" facility located in Sandy Creek Borough, **Mercer County**.

This application proposes the installation of a new source at a non-Title V facility. Public notice is obligatory for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44.

The operator intends to open the crematory's door during operation in order to reposition remains and to reduce cremation cycle times. This crematory was not eligible for authorization under General Plan Approval 14 per the Department's instruction that those facilities which open their primary chamber's door during operation, could no longer use the general permit. Special conditions will be included in this plan approval which

address door opening and its impact on emissions and operation. The crematory will be required to meet all emission and temperature requirements while the door is opened and will have additional recordkeeping and monitoring requirements.

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. Potential emissions from the proposed source are estimated to be: less than 2.5 tons per year (tpy) of particulate matter, less than 1.0 tpy (each) of SO<sub>x</sub>, NO<sub>x</sub>, CO, VOC, and HAP.

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) 332-6940.

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 [43-386A: Sandy Creek Monument and Cremation Company] 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. 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. Written comments or requests for a public hearing should be directed to Eric A. Gustafson, 230 Chestnut St., Meadville, PA 16335; Phone (814) 332-6819.

### OPERATING PERMITS

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

*Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110.*

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Thomas Bianca, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.*

**44-05001: Standard Steel LLC** (500 North Walnut Street, Burnham, PA 17009-1644) for approval of a Reasonably Available Control Technology 2 (RACT 2) plan for sources at the steel manufacturing facility located in Burnham Borough, **Mifflin County**, as a significant modification to the facility's Title V operating permit.

The significant permit modification will also address the removal of # 2 oil as fuel for several sources, and the addition of emission caps for two sources.

In accordance with 25 Pa. Code §§ 129.91—129.100, the Department of Environmental Protection has made a preliminary determination to approve a RACT 2 plan for the previously-mentioned facility.

The proposed SIP revision does not adopt any new regulations. It incorporates the provisions and requirements contained in the RACT 2 approval, which are intended to satisfy the requirements for the 1997 National Ambient Air Quality Standard (NAAQS) and the 2008 NAAQS for ozone.

The proposed RACT 2 plan will be issued as a significant modification to the facility's Title V operating permit (44-05001). The relevant RACT2 requirements will also be submitted to the U.S. Environmental Protection Agency (EPA) for approval and incorporation into Pennsylvania's State Implementation Plan. Requirements that are not part of the RACT2 approval will be excluded from the SIP submittal.

The following is a summary of the proposed RACT2 requirements for this facility that will be submitted to the EPA as part of the SIP:

**RACT 2 Case-by-Case Requirements [25 Pa. Code § 129.99]:**

The following is a case-by-case RACT 2 determination for the indicated sources, pursuant to 25 Pa. Code § 129.99:

#### I. Source 102 (# 2 EAF) and Source 104 (# 4 EAF):

(a) The permittee shall maintain and adhere to an operation and maintenance plan for Sources 102 and 104A, which shall address good operation and maintenance practices for the minimization of NO<sub>x</sub> and VOC emissions, including measures to minimize the ambient air infiltration into the direct evacuation hoods.

(b) The permittee shall maintain records of any maintenance or modifications performed on Sources 102 or 104A.

(c) The permittee shall calculate and record the actual annual NO<sub>x</sub> and VOC emissions using appropriate emissions factors from U.S. EPA Publication AP-42 or appropriate alternative emission factors based on PADEP review, coupled with appropriate operational and throughput data.

(d) The permittee shall maintain written documentation of the items in (a)—(c) previously listed for five years. The records shall be made available to the Department upon written request pursuant to 25 Pa. Code § 129.100(d) and (i).

**II. Source 204 (AFM 8141 Walking Beam Furnace), Source 401 (CDFFS 8121 Rotary Hearth Furnace) and Source 404 (Rotary Austenitizing Furnace):**

(a) Sources 204, 401 and 404 shall each be equipped with low-NO<sub>x</sub> burners.

(b) Sources 204, 401 and 404 shall combust only natural gas.

(c) The permittee shall maintain and adhere to an operation and maintenance plan for each of Sources 204, 401 and 404, which shall address good operation and maintenance practices for the minimization of NO<sub>x</sub> and VOC emissions.



(d) The permittee shall maintain records of any maintenance or modifications performed on Sources 204, 401 and 404.

(e) The permittee shall calculate and record the actual annual NO<sub>x</sub> emissions from Sources 204, 401 and 404 using appropriate emissions factors from U.S. EPA Publication AP-42 or appropriate alternative emission factors based on PADEP review, coupled with appropriate operational and thruput data. Actual fuel use may be monitored at a common natural gas meter and pro-rated based upon maximum heat input of connected furnaces. [Note: Upon approval of this provision by EPA as a SIP revision, this condition (e) shall supersede Condition 5 in RACT 1 Operating Permit 44-2001, to the extent that Condition 5 would apply to Sources 204 or 401.]

(f) The permittee shall maintain written documentation of the items in (c)—(e) previously listed for five years. The records shall be made available to the Department upon written request pursuant to 25 Pa. Code § 129.100(d) and (i).

### III. Non Production VOC Usage (Source 601)

a.) The permittee shall minimize the VOC emissions from the Source 601 Non Production VOC Usage in the following manner:

i. All solvents shall be stored and transported in closed containers or pipes.

ii. All rags containing solvent shall be placed into closed storage containers for storage.

iii. All rags containing solvent shall be placed into sealed containers and disposed of.

iv. Spills of materials containing VOC shall be minimized and shall be cleaned up immediately with cleaning cloths or alternative approved methods that will minimize the evaporation of VOC into the atmosphere.

v. Minimize VOC emissions from cleaning of application, storage, mixing, and conveying equipment by ensuring that equipment cleaning is performed without atomizing the cleaning solvent, and all spent solvent is captured in closed containers.

vi. Any products used which are subject to 25 Pa. Code § 130—Standards for Products, or to 40 CFR Part 59 Subpart E—National Volatile Organic Compound Emission Standards for Aerosol Coatings, or to 40 CFR Part 59 Subpart D—National Volatile Organic Compound Emission Standards for Architectural Coatings, shall comply with the requirements of those regulations, as applicable.

b.) The permittee shall record the quantity and identity of all VOC-containing materials used in Source 601 on the various sources on a monthly basis. These records shall be maintained and shall be made part of the permittee's annual "AIMS" report to the Department. The records shall be compiled into a monthly and 12-month rolling total format.

c.) Manufacturer supplied VOC data sheets for all coatings and cleaning agents applied within the most recent five (5) years shall be maintained at the facility and be made available to the Department at any time upon request.

#### *Public Comment Details:*

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 Thomas Bianca, PE, West Permitting Section Chief, Air Quality Program, at 909

Elmerton Avenue, Harrisburg, PA 17110. A 30-day comment period from the date of publication of this notice 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 2 condition, including the permit number and a concise statement regarding the relevancy of the information or objections to issuance of the RACT 2 approval.

*Public hearing.* A public hearing will be held on June 25, 2019, at 10:00 a.m. at the DEP Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110, to accept oral comments on the proposed permit action and the proposed SIP revision. To register to speak at the hearing, please contact Dawne Wilkes at 717-705-4702. Speakers must pre-register in order to testify at the hearing. The last day to pre-register to speak at the hearing will be June 18, 2019.

Oral testimony at the hearing will be limited to a maximum of 5 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, may submit three (3) copies of a written statement and exhibits within 10 days thereafter to Thomas Bianca, 909 Elmerton Avenue, Harrisburg, PA 17110.

All pertinent documents are available for public review between 8 a.m. and 4 p.m. at the DEP Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110. Appointments for scheduling a review may be made by calling Dawne Wilkes at 717-705-4702.

Individuals who are in need of an accommodation for the hearing as provided for in the Americans with Disabilities Act should contact Dawne Wilkes at 717-705-4702 or make accommodations through the Pennsylvania AT&T Relay Service at 1-800-654-5984 (TDD).

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

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110.*

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Thomas Bianca, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.*

**36-05003: Armstrong World Industries, Inc.** (2500 Columbia Avenue, Lancaster, PA 17604) for operation of their research and development facility in Manor Township, **Lancaster County**. The subject facility has the potential-to-emit 59.1 tpy of NO<sub>x</sub>, 35.5 tpy of CO, 1.5 tpy of SO<sub>x</sub>, 48.2 tpy of PM<sub>10</sub>/PM<sub>2.5</sub>, and 6.0 tpy of VOC. The Operating Permit will include emission limits and work practice standards along with monitoring and recordkeeping requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR Part 63 Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines, 40 CFR 60, Subpart III—Standards of Performance for Stationary Compression Ignition Internal Combustion Engines & 40 CFR 63, Subpart CCCCC—National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities.

**01-03022: Agricultural Commodities, Inc.** (1585 Granite Station Road, Gettysburg, PA 17325) for opera-

tion of the feed mill and grain handling facility located in Straban Township, **Adams County**. This is for renewal of the state-only permit. Potential emissions from the facility are estimated at 18 tpy of NO<sub>x</sub>, 15 tpy of CO, <1 tpy of SO<sub>x</sub>, 50 tpy of PM<sub>10</sub>, and 1 tpy of VOC. The Operating Permit will include emission limits and work practice standards along with monitoring and recordkeeping requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR Part 63 Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines, 40 CFR 60, Subpart Dc—Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units, and 40 CFR part 63, Subpart DDDDDDD—National Emission Standards for Hazardous Air Pollutants for Area Sources: Prepared Feeds Manufacturing.

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

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

**41-00020: Keystone Filler and Manufacturing Co.** (214 Railroad St., Muncy, PA 17756) to issue a renewal State Only Operating Permit for the Muncy Coal Prep Plant located in Muncy Creek Township, **Lycoming County**. The facility is currently operating under State Only (Synthetic Minor) Operating Permit 41-00020. The facility's sources include one 0.15 MMBtu/hr, natural gas-fired boiler, three coal dryers, three coal mills, a material storage operation, two portable coal crushing plants, two portable coal screening plants, one parts degreaser and one portable welder. The facility has potential emissions of 3.83 TPY of CO; 8.70 TPY of NO<sub>x</sub>; 0.09 TPY of SO<sub>x</sub>; 69.64 TPY of PM/PM<sub>10</sub>; 4.99 TPY of VOCs; 0.49 TPY of combined hazardous air pollutants; 4,065 TPY GHGs. The emission limits and work practice standards along with testing, monitoring, record keeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 25 Pa. Code Chapters 121—145. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

**08-00012: Cargill Meat Solutions Corporation** (P.O. Box 188, Wyalusing, PA 18853-0188) for the facility located in Wyalusing Township, **Bradford County**. In accordance with 25 Pa. Code §§ 127.424 and 127.425, the Department of Environmental Protection (DEP) has received an application and intends to issue a renewal of an Air Quality Operating Permit for the previously mentioned facility. The subject facility has the following potential emissions: 87.66 TPY of carbon monoxide; 58.03 TPY of nitrogen oxides; 76.03 TPY of sulfur oxides; 33.03 TPY of particulate matter; 4.42 TPY of volatile organic compounds and 83,694 TPY of greenhouse gases. The Department has determined that the sources at the facility satisfy best available technology (BAT) requirements, pursuant to 25 Pa. Code §§ 127.1 and 127.12, as well as the Standards of Performance for Small Industrial, Commercial, Institutional Steam Generating Units, 40 CFR Part 60 Subpart Dc 60.40c—60.48c and the National Emission Standards for Hazardous Air Pollu-

tants for Stationary Reciprocating Internal Combustion Engines, 40 CFR Part 63 Subpart ZZZZ 63.6580—63.6675. The operating permit renewal will include emission limits and work practice standards along with testing, monitoring, record keeping and reporting requirements to ensure the facility complies with all applicable air quality regulations. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570 327-0550.

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

*Contact: Thomas Joseph, PE, Facilities Permitting Chief—Telephone: 412-442-4336.*

**11-00412: Fuel Recovery, Inc.** (254 Interpower Drive, Colver, PA 15927), In accordance with 25 Pa. Code §§ 127.441 and 127.425, the Department is providing notice that they intend to issue a renewed, facility-wide, State Only Operating Permit for the continued operation of a coal preparation plant, known as the Sonman Refuse Site, located in Portage Township, **Cambria County**. Sonman Refuse Site contains air contamination sources consisting of screens, conveyers, stockpiles, truck unloading and loading operations, and a 92-bhp diesel engine. Air pollution prevention equipment at the facility includes enclosures, minimization of drop height, and a water truck for the plant roads.

Annual potential emissions are 29 tons of PM<sub>10</sub>, 15 tons of PM<sub>2.5</sub>, 2 tons of NO<sub>x</sub>, 1 ton of CO, and 1 ton of VOC. Sources at the Sonman Refuse Site are subject to 40 CFR Part 60, Subparts A and Y, 40 CFR Part 63, Subparts A and ZZZZ, and 25 Pa. Code Chapters 121—145. The permit includes emission limitations and operational, monitoring, reporting, and recordkeeping requirements for the plant.

The application, the DEP's Review Memorandum, and the proposed permit are available for public review during normal business hours at DEP's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. A file review can be scheduled through the DEP's website at <https://www.dep.pa.gov/Citizens/PublicRecords/Pages/Informal-File-Review.aspx>.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of this Title V Operating Permit may submit the information to Martin L. Hochhauser, PE, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Operating Permit (specify Operating Permit SOOP-11-00412), and concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit.

All comments must be received prior to the close of business 30 days after the date of this publication. In accordance with 25 Pa. Code § 127.428, prior to issuing an operating permit, the Department may hold a fact-finding conference or hearing at which the petitioner, and a person who has properly filed a protest under § 127.426 (relating to filing protests) may appear and give testimony. The Department is not required to hold a conference or hearing. The applicant, the protestant and other participants will be notified of the time, place and

purpose of a conference or hearing, in writing or by publication in a newspaper or the *Pennsylvania Bulletin*, unless the Department determines that notification by telephone will be sufficient.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481.*

*Contact: David Balog, New Source Review Chief—Telephone: 814-332-6328.*

**10-00363: Allegheny Mineral Hilliards Plant** (P.O. Box 1022, One Glade Park East, Kittanning, PA 16201-5022), the Department intends to issue the State Only Operating Permit for the limestone plant located off Nagy Road in Washington Township, **Butler County**. The facility is a Natural Minor. The primary sources at the facility include material handling, a crusher, vibratory screens, storage piles, and a John Deere Diesel Generator (500 hp). Fugitive emissions are minimized by a wet spray system. The permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act. The emergency generator engine is subject to 40 CFR 63 Subpart ZZZZ pertaining to NESHAPs for Reciprocating Internal Combustion Engines. The plant is subject to 40 CFR 60 Subpart OOOO pertaining to NSPS for Non-Metallic Mineral Processing. The potential emissions of particulate are 14 TPY. The potential filterable PM<sub>10</sub> emissions are 6 TPY. Potential NO<sub>x</sub> emissions are 1.5 TPY. Potential CO emissions are 0.5 TPY, and potential VOC emissions are 0.9 TPY. SO<sub>x</sub> emissions are negligible due to the limited hours of operation and using low sulfur fuel.

**43-00361: Reed Oil Company—Elliot Oil Division** (408 Erie St., Grove City, PA 16127). The Department is providing notice that they intend to renew a State Only Synthetic Minor Operating Permit for operation of the petroleum products distribution facility located in Grove City borough, **Mercer County**. The facility's primary emission source consists of the bulk gasoline plant. The potential emissions of the primary pollutants from the facility after permit limitations are as follows: 35.19 TPY (tons per year) VOC and 1.95 TPY total HAPs; all other criteria pollutants are estimated to be less than 1 TPY. The facility has taken an elective restriction of 20,000 gallons of gasoline throughput per day to maintain synthetic minor status. The gasoline plant is also subject to GP-2 (general operating permit) conditions for storage tanks of VOLs and 40 CFR Part 63 Subpart BBBBBB, the NESHAP for Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities. The renewal permit will contain emission restrictions, recordkeeping, work practices, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

## 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.*

**32141302 and NPDES No. PA0124591. Bellaire Corporation**, (196 Grange Hall Road, P.O. Box 245, Armagh, PA 15920-0245). To renew the permit for the Hutchison Hollow Treatment Plant in East Wheatfield Township, **Indiana County** and related NPDES permit. No additional discharges. The application was considered administratively complete on May 2, 2019. Application received: March 28, 2019.

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

**Permit No. 32090102, Rosebud Mining Co.**, 301 Market Street, Kittanning, PA 16201, permit renewal for reclamation only of a bituminous surface and auger mine in Brush Valley Township, **Indiana County**, affecting 274 acres. Receiving streams: unnamed tributaries to/and Yellow Creek; unnamed tributaries to/and Ferrier Run, classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: May 1, 2019.

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

**17030115 and NPDES PA0243612. Corey L. Shawver DBA Hilltop Coal Company** (12 Dutchtown Road, Houtzdale, PA 16651). Permit renewal for continued operation and restoration of a bituminous surface coal and auger mine located in Bigler Township, **Clearfield County** affecting 212.6 acres. Receiving stream(s): Unnamed Tributary to Japling Run to Japling Run, Unnamed Tributaries to Muddy Run classified for the following use(s): CWF, MF. There are no potable water supply intakes within 10 miles downstream. Application received: April 22, 2019.

**17820129 and NPDES PA0256919. Kasubick Brothers Coal Company** (501 David Street, Houtzdale, PA 16651). Permit renewal for continued operation and restoration of a bituminous surface coal and auger mine located in Woodward Township, **Clearfield County** affecting 161.8 acres. Receiving stream(s): Unnamed Tributary to Upper Morgan Run and North Branch to Morgan Run classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: April 24, 2019.

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

**65010102 and NPDES Permit No. PA0202967. Coal Loaders, Inc.** (210 East Main Street, P.O. Box 556, Ligonier, PA 15658). Revision application for land use change from forestland to pastureland and/or land occasionally cut for hay and unmanaged natural habitat to an existing bituminous surface mine, located in Fairfield Township, **Westmoreland County**, affecting 146.8 acres. Receiving streams: unnamed tributaries to Hannas Run to Mill Creek to Loyalhanna Creek (CWFs) and unnamed tributaries to Hypocrite Creek to Hendricks Creek to Tubmill Creek (TSFs) to the Conemaugh River (WWF). There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: May 6, 2019.

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

**Permit No. 49080101T. Last Time Coal Co.**, (119 Greenwood Street, Trevorton, PA 17881), transfer of an

existing anthracite surface mine, coal refuse reprocessing and preparation plant operation from John P. Shingara in Zerbe Township, **Northumberland County** affecting 112.5 acres, receiving stream: Shamokin Creek, classified for the following uses: cold water and migratory fishes. Application received: April 12, 2019.

**Permit No. 49080101R2. Last Time Coal Co.**, (119 Greenwood Street, Trevorton, PA 17881), renewal of an existing anthracite surface mine, coal refuse reprocessing and preparation plant operation in Zerbe Township, **Northumberland County** affecting 112.5 acres, receiving stream: Shamokin Creek, classified for the following uses: cold water and migratory fishes. Application received: April 12, 2019.

**Permit No. GP12-54851336. Rausch Creek Coal Preparation Good Spring, LLC**, (978 Gap Street, Valley View, PA 17983), application to operate a coal preparation plant whose pollution control equipment is required to meet all applicable limitations, terms and conditions of General Permit, BAQ-GPA/GP-12 on Underground Mining Permit No. 54851336 in Porter Township, **Schuylkill County**. Application received: April 15, 2019.

**Permit No. GP12-22851602. Rausch Creek Coal Preparation Lykens, LLC**, (978 Gap Street, Valley View, PA 17983), application to operate a coal preparation plant whose pollution control equipment is required to meet all applicable limitations, terms and conditions of General Permit, BAQ-GPA/GP-12 on Surface Mining Permit No. 22851602 in Wiconisco Township, **Dauphin County**. Application received: April 18, 2019.

**Permit No. 54870101R6. Kuperavage Enterprises, Inc.**, (P.O. Box 99, Middleport, PA 17953), renewal of an existing anthracite surface mine, coal refuse reprocessing and refuse disposal operation in Blythe Township, **Schuylkill County** affecting 638.0 acres, receiving steam: Schuylkill River, classified for the following uses: cold water and migratory fishes. Application received: April 16, 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.

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

**37080305. 422 Aggregates, LLC** (223 Fourth Avenue, 4th Floor, Pittsburgh, PA 15222). Renewal of NPDES Permit No. PA0258636, Slippery Rock Township, **Lawrence County**. Receiving streams: unnamed tributary to Slippery Rock Creek, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: May 1, 2019.

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

**65930601 and NPDES Permit No. PA0278378. Hoover Stone Quarry, LLC** (3497 Route 981, Saltsburg, PA 15681). NPDES application for continued mining to an existing large noncoal surface mine, located in Loyalhanna Township,

**Westmoreland County.** Receiving streams: unnamed tributary to Conemaugh River, classified for the following use: WWF. Saltsburg Water Authority is a potable water supply intake within 10 miles downstream from the point of discharge. Application received: April 30, 2019.

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

**Permit No. 06920301C5 and NPDES No. PA0595641. Martin Stone Quarries, Inc.,** (1355 North Reading Avenue, Bechtelsville, PA 19505), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Washington Township, **Berks County** affecting 96.4 acres, receiving stream: Swamp Creek and unnamed tributary to Swamp Creek, classified for the following uses: HQ—cold water fishes, migratory fishes and cold water fishes—migratory fishes. Application received: April 5, 2019.

**Permit No. 7973SM6A1C11. Eureka Stone Quarry, Inc.,** (P.O. Box 249, Chalfont, PA 18914), correction to an existing quarry operation to include the importation of mine reclamation fill material for reclamation in Wrightstown Township, **Bucks County** affecting 35.68 acres, receiving stream: unnamed tributary to Mill Creek, classified for the following uses: warm water and migratory fishes. Application received: April 10, 2019.

**Permit No. 15830602C19 and NPDES No. PA0614203. Allan Myers, L.P., d/b/a Allan Myers Materials,** (638 Lancaster Avenue, Malvern, PA 19355), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Charlestown Township, **Chester County** affecting 87.74 acres, receiving stream: Pickering Creek, classified for the following uses: HQ—trout stocking fishes and migratory fishes. Application received: April 15, 2019.

**Permit No. 8074SM3C5 and NPDES No. PA0118443. Harleysville Materials, LLC,** (P.O. Box 25, Medford, NJ 08055), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Lower Salford Township, **Montgomery County** affecting 43.4 acres, receiving stream: East Branch of the Perkiomen Creek, classified for the following uses: trout stocking fishes and migratory fishes. Application received: April 16, 2019.

**Permit No. 58190301. Neilton Dias,** (503 Morgan Highway, Clarks Summit, PA 18411), commencement, operation and restoration of a bluestone and shale quarry operation in Lathrop Township, **Susquehanna County** affecting 83.0 acres, receiving streams: Horton Creek and Martin Creek, classified for the following uses: cold water and migratory fishes. Application received: April 29, 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. PA0213721 (Mining Permit No. 56841608), PBS Coals, Inc.**, (1576 Stoystown Road, P.O. Box 260, Friedens, PA 15541). A revision to the NPDES and mining activity permit for the Cambria Fuel Prep Plant in Stonycreek Township, **Somerset County**. The DEP is issuing a department-initiated amendment to remove the selenium, silver and thallium monitoring from outfall 003, since there is no reasonable potential discharge of these elements to cause an excursion above the water quality criterion. Surface Acres Affected: 56. Receiving stream: Schrock Run, classified for the following use: CWF. Kiskiminetas-Conemaugh Watershed TMDL. The application was considered administratively complete on January 30, 2019. Application received: January 30, 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.

*Outfall 003* discharges to: Unnamed Tributary to Schrock Run.

The proposed effluent limits for *Outfall 003* (Lat: 39° 59' 50" Long: 78° 56' 42") are:

<i>Parameter</i>		<i>30-Day Minimum</i>	<i>Daily Average</i>	<i>Instant. Maximum</i>	<i>Maximum</i>
Flow	(mgd)	-	-	-	Report
Iron	(mg/l)	-	1.5	3.0	3.8
Suspended Solids	(mg/l)	-	35	70	90
Manganese	(mg/l)	-	1.0	2.0	2.5
Aluminum	(mg/l)	-	0.75	0.75	0.75
Sulfate	(mg/l)	-	-	-	Report
Total Dissolved Solids	(mg/l)	-	-	-	Report
Chloride	(mg/l)	-	-	-	Report
pH	(mg/l)	6.0	-	-	9.0
Alkalinity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	Report
Acidity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	Report
Alkalinity, Net	(mg/l)	0	-	-	-
Osmotic Pressure	(mOs/kg)	-	50	100	-

EPA waiver is not in effect.

**NPDES No. PA0235725 (Mining Permit No. 32061303), Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201). A renewal to the NPDES and mining activity permit for the Heilwood Mine in Pine Township, **Indiana County**. Surface Acres Affected: 60.0, Underground Acres Affected: 8,648. Receiving streams: Yellow Creek, classified for the following use: CWF and Unnamed Tributary to Yellow Creek, classified for the following use: CWF. Kiskiminetas-Conemaugh Watershed TMDL. The application was considered administratively complete on May 17, 2018. Application received: May 17, 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.

Outfall 001 discharges to: Yellow Creek.

The proposed effluent limits for Outfall 001 (Lat: 40° 36' 47.9" Long: -78° 54' 22.9") are:

Parameter		Minimum	30-Day Average	Daily Maximum	Instant. Maximum
Flow	(mgd)	-	-	-	Report
Iron	(mg/l)	-	1.5	3.0	3.8
Suspended Solids <sup>1</sup>	(mg/l)	-	35	70	90
Manganese	(mg/l)	-	1.0	2.0	2.5
Aluminum	(mg/l)	-	0.75	0.75	0.75
Sulfate	(mg/l)	-	-	-	Report
Total Dissolved Solids	(mg/l)	-	-	-	Report
Chloride	(mg/l)	-	-	-	Report
pH	(mg/l)	6.0	-	-	9.0
Alkalinity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	Report
Acidity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	Report
Alkalinity, Net	(mg/l)	0.0	-	-	-
Osmotic Pressure	(mOs/kg)	-	-	-	Report

Outfall 002 discharges to: Unnamed Tributary to Yellow Creek.

The proposed effluent limits for Outfall 002 (Lat: 40° 36' 49.7" Long: -78° 54' 30.7") are:

Parameter		Minimum	30-Day Average	Daily Maximum	Instant. Maximum
Flow	(mgd)	-	-	-	Report
Iron	(mg/l)	-	1.5	3.0	3.8
Suspended Solids <sup>1</sup>	(mg/l)	-	35	70	90
Manganese	(mg/l)	-	1.0	2.0	2.5
Aluminum	(mg/l)	-	0.75	0.75	0.75
Sulfate	(mg/l)	-	-	-	Report
Total Dissolved Solids	(mg/l)	-	-	-	Report
Chloride	(mg/l)	-	-	-	Report
pH	(mg/l)	6.0	-	-	9.0
Alkalinity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	Report
Acidity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	Report
Alkalinity, Net	(mg/l)	0.0	-	-	-
Osmotic Pressure	(mOs/kg)	-	-	-	Report

Outfall 003 discharges to: Yellow Creek.

The proposed effluent limits for Outfall 003 (Lat: 40° 36' 45.6" Long: -78° 54' 13.5") are:

Parameter		Minimum	30-Day Average	Daily Maximum	Instant. Maximum
Flow	(mgd)	-	-	-	Report
Iron	(mg/l)	-	1.5	3.0	3.8
Suspended Solids	(mg/l)	-	35	70	90
Manganese	(mg/l)	-	1.0	2.0	2.5
Aluminum	(mg/l)	-	0.75	0.75	-
Sulfate	(mg/l)	-	-	-	Report
Total Dissolved Solids	(mg/l)	-	-	-	Report
Chloride	(mg/l)	-	-	-	Report
Bromide	(mg/l)	-	-	-	Report
pH	(mg/l)	6.0	-	-	9.0
Alkalinity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	Report
Acidity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	Report
Alkalinity, Net	(mg/l)	0.0	-	-	-
Osmotic Pressure	(mOs/kg)	-	-	-	Report

EPA waiver is not in effect.

**NPDES No. PA0214736 (Mining Permit No. 56961301), RoxCOAL, Inc.**, (1576 Stoystown Road, P.O. Box 260, Frieders, PA 15541). A renewal to the NPDES and mining activity permit for the Sarah Mine in Jenner Township, **Somerset County**. Receiving streams: Card Machine Run, classified for the following use: HQ-CWF and Unnamed Tributary to Roaring Run, classified for the following use: CWF. Kiskiminetas-Conemaugh River Watershed TMDL. The application was considered administratively complete on January 24, 2017. Application received: May 12, 2016.

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 facility location of the non-discharge alternatives are listed as follows:

*Facility Identification:*

Discharging to an adjacent watershed to prevent discharges to Card Machine Run, a high-quality stream.

Outfall 001 discharges to: Unnamed Tributary 45452 to Roaring Run.

The proposed effluent limits for Outfall 001 (Lat: 40° 11' 30" Long: -79° 05' 33") are:

Parameter	Minimum	30-Day Average	Daily Maximum	Instant. Maximum
Flow (mgd)	-	-	-	Report
Iron (mg/l)	-	1.5	3.0	3.8
Suspended Solids (mg/l)	-	35	70	90
Manganese (mg/l)	-	1.0	2.0	2.5
Aluminum (mg/l)	-	0.75	0.75	0.75
Sulfate (mg/l)	-	-	-	Report
Total Dissolved Solids (mg/l)	-	-	-	Report
pH (mg/l)	6.0	-	-	9.0
Alkalinity, Total as CaCO <sub>3</sub> (mg/l)	-	-	-	Report
Acidity, Total as CaCO <sub>3</sub> (mg/l)	-	-	-	Report
Alkalinity, Net (mg/l)	0.0	-	-	-
Osmotic Pressure (mOs/kg)	-	-	-	Report

Outfall 002 discharges to: Card Machine Run.

The proposed effluent limits for Outfall 002 (Lat: 40° 10' 46" Long: -79° 05' 32") are:

Parameter	Minimum	30-Day Average	Daily Maximum	Instant. Maximum
Flow (mgd)	-	-	-	0.0

Outfall 003 discharges to: Card Machine Run.

The proposed effluent limits for Outfall 003 (Lat: 40° 10' 48" Long: -79° 05' 26") are:

Parameter	Minimum	30-Day Average	Daily Maximum	Instant. Maximum
Flow (mgd)	-	-	-	0.0

Outfall 004 discharges to: Card Machine Run.

The proposed effluent limits for Outfall 004 (Lat: 40° 10' 51" Long: -79° 05' 25") are:

Parameter	Minimum	30-Day Average	Daily Maximum	Instant. Maximum
Flow (mgd)	-	-	-	0.0

EPA waiver is not in effect.

Noncoal NPDES Draft Permits

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

**NPDES Permit No. PA0224588 on Surface Mining Permit No. 06070301. Glen-Gery Corporation**, (1166 Spring Street, Reading, PA 19610), renewal of an NPDES Permit for a shale and clay quarry operation in Perry Township, Berks County, affecting 184.2 acres, receiving streams: unnamed tributaries to Schuylkill River, classified for the following use: warm water fishes. Application received: October 16, 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 unnamed tributaries to Schuylkill River.

Outfall No.	New Outfall Y/N	Type
001	N	Stormwater
002	N	Stormwater
003	N	Stormwater

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

Parameter	Minimum	30-Day Average	Daily Maximum	Instantaneous Maximum
Total Suspended Solids		35.0 mg/L	70.0 mg/L	90.0 mg/L
pH <sup>1</sup> (S.U.)	6.0			9.0
Net Alkalinity <sup>1</sup>	0.0 mg/L			
Alkalinity, Total (as CaCO <sub>3</sub> ) (µg/L)				Report
Acidity, Total (as CaCO <sub>3</sub> ) (µg/L)				Report

<sup>1</sup> The parameter is applicable 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.

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### 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.

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#### WATER OBSTRUCTIONS AND ENCROACHMENTS

*Southeast Region: Waterways and Wetlands Program, 2 East Main Street, Norristown, PA 19401, Telephone 484.250.5160.*

**E46-1184: Pennsylvania Department of Transportation Engineering District 6-0**, 7000 Geerdes Blvd., King of Prussia, Lower Pottsgrove and Limerick Townships, **Montgomery County**, ACOE Philadelphia District.

PennDOT District 6-0 is proposing to perform the following water obstruction and encroachment activities associated with the SR 0422, Section MAB Advanced Bridge Replacement Project for Pleasantview and Park Road Bridges.

1. To construct and maintain a 54-inch RCP stream enclosure extension from 154 feet to a total length of 192 feet carrying an unnamed tributary to Sanatoga Creek (Stream 1, WWF-MF) and is associated with the placement of fill for roadway embankment construction at Park Road Bridge, north of SR 0422. This activity will result in 38 linear feet (321 square feet) of permanent waterway impact, 112 linear feet (1, 956 square feet) of

temporary waterway impact and includes the construction of new headwalls and the placement of riprap rock aprons.

2. To construct and maintain a 24-inch RCP stream enclosure extension from 126 feet to a total length of 130 feet carrying an unnamed tributary to Sanatoga Creek (Stream 4, WWF-MF) associated with minor grading. This activity will result in 4 linear feet (18 square feet) of permanent waterway impact, 187 linear feet (622 square feet) of temporary waterway impact and includes the construction of new headwall and placement of riprap rock apron.

3. To construct and maintain a 174 foot stream relocation associated with the placement of fill for roadway embankment construction at Park Road Bridge, south of SR 0422. This activity will result in 174 linear feet (545 square feet) of temporary waterway impact.

4. To construct and maintain 229 linear feet (2,360 square feet) of new stream channel (Stream 80, WWF-MF) associated with the day-lighting of an existing storm pipe at the Park Road Bridge location south of SR 0422. This activity will result in 23 linear feet (483 square feet) of permanent waterway impact and 27 linear feet (204 square feet) of temporary waterway impact.

5. To relocate, construct and maintain a 30-inch stream enclosure to carry the newly created stream (Stream 80, WWF-MF) and an unnamed tributary to Sanatoga Creek (Stream 2, WWF-MF) at Park Road Bridge south of SR 0422 that will impact a wetland (Wetland 2, PSS). This activity will result in 253 square feet (0.006 acre) of permanent wetland impact, 1,291 square feet (0.030 acre) of temporary wetland impact and downstream riprap apron is included within the 54-inch RCP stream enclosure extension impact.

No resource impacts are associated with the Pleasantview Road Bridge replacement. This project is located at Parks Road and Pleasantview Road along the SR 0422 corridor in Lower Pottsgrove and Limerick Townships, Montgomery County. (USGS PA Phoenixville Quadrangle—Latitude 40.241528, Longitude 75.593961 W).

**E15-907: French Creek TH, LP**; 126 East State Street, Media, PA 19063, Borough of Phoenixville, **Ches-ter County**, ACOE Philadelphia District.

To construct and maintain the following activities in and along the new assumed 100-year floodway of the French Creek associated with the new proposed French Creek West Development Subdivision, the work will include the following:

1. The construction of a single span bridge of 95 feet long, 34 feet wide, 20 feet high, spanning French Creek, AKA Paradis Bridge reconstruction.

2. The removal of the existing collapsed rail road bridge and associated bank stabilization.

3. The construction of eight (8) outfall structures considered as storm water management discharge points that will discharge to French Creek.

The site is located on five tax parcels and extends over a 43-acre site which starts near the intersection of N. Main Street and terminates near Mowere Road (Phoenixville, PA USGS Map; Lat.: 40.0802; Long: -75.3125).

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

**E2803119-001: PennDOT Engineering District 8-0**, 2140 Herr St., Harrisburg, PA 17103 in Hamilton Township, **Franklin County**, U.S. Army Corps of Engineers Baltimore District.

To rehabilitate the existing arch culvert with a 148 linear foot 6.7-foot × 5.6-foot slip-lined arch culvert in a UNT to Back Creek (TSF, MF). The project proposes to permanently impact 170 linear feet of stream channel with 185 linear feet of temporary impacts. There is 0.1 ac of temporary PEM wetland impact. This is all for the purpose of improving transportation safety and roadway standards in Hamilton Township, Franklin County (39.9286°, -77.7296°).

**E2803119-002: PennDOT Engineering District 8-0**, 2140 Herr St., Harrisburg, PA 17103 in Saint Thomas Township, **Franklin County**, U.S. Army Corps of Engineers Baltimore District.

To rehabilitate the existing arch culvert with a 115 linear foot 6.7-foot × 5.9-foot slip-lined arch culvert in a UNT Back Creek (TSF, MF). The project proposes to permanently impact 115 linear feet of stream channel with 91 linear feet of temporary impacts. The project proposed to temporarily impact 0.02 acre of PEM wetlands. This is all for the purpose of improving transportation safety and roadway standards in Saint Thomas Township, Franklin County (39.924°, -77.762°).

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

**E63052-725, Glencannon Homes Association**, P.O. Box 831, McMurray, PA 15317, North Strabane Township, **Washington County**; Pittsburgh ACOE District.

The applicant proposes to:

Remove approximately 3,000 cubic yards of earthen material at the far west end of the existing Glencannon Pond in order to construct and maintain a 0.31 acre forebay with a rock filter berm within and along 148 LF an unnamed tributary (UNT) to Little Chartiers Creek (HQ-WWF), for the purpose of collecting sediment to maintain and minimize impacts to the water quality of the downstream adjacent Glencannon pond. The project will permanently impact 148 linear feet of the UNT to Little Chartiers Creek and temporarily impact 10 linear feet of the UNT to Little Chartiers Creek. Concurrently, the Department's Division of Dam Safety is reviewing a new application (Permit # D63-127) for repairs to the existing Glencannon Dam. During the dam construction process, a temporary diversion pipe (706 linear feet × 12 inches) and sand bag barrier will be installed to block the flow of the stream to the pond and pump it around to the emergency spillway. The project will include the creation of a 0.90 acre forested riparian buffer to offset impacts in the floodways of the high-quality watershed of Little Chartiers Creek.

The project site is located on the northwest corner of the intersection of Hunting Creek Road and Glencannon Drive (Canonsburg, PA USGS topographic quadrangle; N: 40° 15' 35.76"; W: -80° 8' 41.05"; Sub-basin 20F; USACE Pittsburgh District), in North Strabane Township, Washington County.

**E63052-726, Chartiers Township**, 2 Buccaneer Drive, Houston, PA 15342; Chartiers Township, **Washington County**; Pittsburgh ACOE District.

The applicant proposes to:

Remove earthen material that has slid into the floodway of an Unnamed Tributary to Chartiers Creek (WWF), and to construct and maintain rip-rap armor and a concrete jersey block (2 ft × 2 ft × 6 ft) retaining wall within the floodway and along 155 LF of this same water course. For the purpose of repairing the embankment along Arden Road. This project will permanently encroach upon 6,200 square feet of floodway area. The project itself will serve as its own mitigation. The site is located east of 244 Arden Road (Washington West, PA USGS topographic quadrangle; N: 40° 13' 10"; W: -80° 16' 2.28"; Sub-basin 20F; USACE Pittsburgh District), in Chartiers Township, Washington County.

**E65052-999, Pennsylvania Turnpike Commission**, P.O. Box 67676, Harrisburg, PA 17106, Penn & North Huntingdon Townships, **Westmoreland County**; Pittsburgh ACOE District.

The applicant proposes to:

1. Place and maintain fill in 746-linear feet of UNT to Brush Creek (TSF);
2. Construct and maintain a 621-linear foot relocated UNT to Brush Creek (TSF); and
3. Construct and maintain a 44-linear foot extension of an existing 48" RCP enclosure which conveys a UNT to Brush Creek.

For the purpose of repairing a slope failure and enclosure along the Pennsylvania Turnpike between MP 64.39 and 64.60. As part of this project, there will be 813 linear feet of permanent stream impacts and 516 linear feet of temporary impacts. 1.06 acre of permanent floodway impact will occur. Mitigation is proposed in the form of a relocated watercourse on-site and various plantings and stream enhancements.

The project site is located on the Pennsylvania Turnpike between MP 64.39 and MP 64.60. (Irwin, PA USGS topographic quadrangle; N: 40° 20' 56.9"; W: -79° 41' 14.8"; Sub-basin 19A; USACE Pittsburgh District), in Penn & North Huntingdon Townships, Westmoreland County. This notice regarding the receipt of this application is a correction of a previous notice that appeared at 49 Pa.B. 713 (February 16, 2019).

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

**E5929-086: Repsol Oil & Gas USA**, 337 Daniel Zenker Drive, Horseheads, NY 14845, Covington and Sullivan Townships, **Tioga County**, ACOE Baltimore District.

To construct, operate, and maintain:

1. A temporary road crossing, a 12 inch diameter gas pipeline and an 8 inch diameter waterline impacting 1,568 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Blossburg, PA Quadrangle 41° 42' 41"N, 77° 01' 29"W);
2. A temporary road crossing, a 12 inch diameter gas pipeline and an 8 inch diameter waterline impacting 73 linear feet of an unnamed tributary to East Creek (EV) (Blossburg, PA Quadrangle 41° 42' 45"N, 77° 01' 38"W);
3. A temporary road crossing, a 12 inch diameter gas pipeline and an 8 inch diameter waterline impacting 2,466 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Blossburg, PA Quadrangle 41° 42' 46"N, 77° 01' 41"W);

4. A temporary road crossing, a 12 inch diameter gas pipeline and an 8 inch diameter waterline impacting 1,086 square feet of an exceptional value palustrine forested (EV-PFO) wetland (Blossburg, PA Quadrangle 41° 42' 46"N, 77° 01' 41"W);

5. A temporary road crossing, a 12 inch diameter gas pipeline and an 8 inch diameter waterline impacting 88 linear feet of an unnamed tributary to East Creek (EV) and 78 linear feet of another unnamed tributary to East Creek (EV) (Blossburg, PA Quadrangle 41° 42' 59"N, 77° 01' 47"W);

6. A temporary road crossing, a 12 inch diameter gas pipeline and an 8 inch diameter waterline impacting 1,320 square feet of an exceptional value palustrine emergent (EV-PEM) wetland, 402 square feet of another exceptional value palustrine emergent (EV-PEM) wetland, 281 square feet of another exceptional value palustrine emergent (EV-PEM) wetland, 104 linear feet of an unnamed tributary to East Creek (EV), and 83 linear feet of East Creek (EV) (Blossburg, PA Quadrangle 41° 43' 04"N, 77° 01' 55"W);

7. A temporary road crossing, a 12 inch diameter gas pipeline and an 8 inch diameter waterline impacting 46 linear feet of an unnamed tributary to Canoe Camp Creek (CWF), 113 linear feet of another unnamed tributary to Canoe Camp Creek (CWF), and 95 linear feet of another unnamed tributary to Canoe Camp Creek (CWF) (Blossburg, PA Quadrangle 41° 43' 20"N, 77° 02' 08"W);

8. A temporary road crossing, a 12 inch diameter gas pipeline and an 8 inch diameter waterline impacting 115 linear feet of an unnamed tributary to Canoe Camp Creek, and 31 linear feet of another unnamed tributary to Canoe Camp Creek (CWF) (CWF) (Blossburg, PA Quadrangle 41° 43' 44"N, 77° 02' 00"W);

9. A temporary road crossing, a 12 inch diameter gas pipeline and an 8 inch diameter waterline impacting 100 linear feet of an unnamed tributary to Canoe Camp Creek, (CWF) (Blossburg, PA Quadrangle 41° 43' 44"N, 77° 01' 59"W);

10. A temporary road crossing, a 12 inch diameter gas pipeline and an 8 inch diameter waterline impacting 99 linear feet of an unnamed tributary to Canoe Camp Creek, (CWF) (Blossburg, PA Quadrangle 41° 44' 14"N, 77° 01' 31"W);

11. A temporary road crossing, a 12 inch diameter gas pipeline and an 8 inch diameter waterline impacting 5 linear feet of an unnamed tributary to Canoe Camp Creek, 70 linear feet of Canoe Camp Creek (CWF) (Blossburg, PA Quadrangle 41° 44' 43"N, 77° 01' 31"W);

12. A temporary road crossing, a 12 inch diameter gas pipeline and an 8 inch diameter waterline impacting 29 linear feet of an unnamed tributary to Canoe Camp Creek (CWF) (Blossburg, PA Quadrangle 41° 44' 43"N, 77° 01' 07"W).

The project will result in 1,129 linear feet of temporary stream impacts, 1,086 square feet (0.02 acre) of permanent wetland impacts, and 6,037 square feet (0.14 acre) of temporary wetland impacts all for the purpose of installing a natural gas pipeline and associated access roads in Covington and Sullivan Townships, Tioga County.

**E0829-120: Appalachia Midstream, LLC**, 400 IST Center, Suite 404, Horseheads, NY 14845, Wilmot Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. a 10-inch diameter natural gas line and a temporary timber mat bridge impacting 1,342 square feet of a Palustrine Scrub-Shrub Wetland (EV) (Colley, PA Quadrangle, Latitude: 41° 35' 47", Longitude: -76° 35' 32");

2. a 10-inch diameter natural gas line and a temporary timber mat bridge impacting 150 linear feet of an unnamed tributary to Wolf Run (CWF, MF) and impacting 664 square feet of an adjacent Palustrine Emergent Wetland (EV) and 644 square feet of an adjacent Palustrine Scrub-Shrub Wetland (EV) (Colley, PA Quadrangle, Latitude: 41° 32' 50", Longitude: -76° 16' 26");

3. a 10-inch diameter natural gas line and a temporary timber mat bridge impacting 7,040 square feet of a Palustrine Emergent Wetland (EV) (Colley, PA Quadrangle, Latitude: 41° 32' 48", Longitude: -76° 16' 30");

4. a temporary timber mat bridge impacting 57 square feet of a Palustrine Emergent Wetland (EV) (Colley, PA Quadrangle, Latitude: 41° 32' 48", Longitude: -76° 16' 45");

5. a 10-inch diameter natural gas line and a temporary timber mat bridge impacting 5,720 square feet of a Palustrine Emergent Wetland (Colley, PA Quadrangle, Latitude: 41° 32' 54", Longitude: -76° 16' 50");

6. a 10-inch diameter natural gas line and a temporary timber mat bridge impacting 52 linear feet of an unnamed tributary to Wolf Run (CWF, MF) (Colley, PA Quadrangle, Latitude: 41° 32' 58", Longitude: -76° 16' 53");

7. a 10-inch diameter natural gas line and a temporary timber mat bridge impacting 52 linear feet of an unnamed tributary to Wolf Run (CWF, MF) and impacting 202 square feet of an adjacent Palustrine Emergent Wetland (EV) (Colley, PA Quadrangle, Latitude: 41° 33' 08", Longitude: -76° 17' 03");

The project will result in 254 linear feet or 2,447 square feet of temporary stream impacts and 13,683 square feet (0.31 acre) of PEM and 1,986 square feet (0.05 acre) of PSS wetland impacts all for the purpose of installing a natural gas pipeline with associated access roadways for Marcellus shale development in Wilmot Township, Bradford County. This project is associated with permit application number E5729-093.

**E5729-093: Appalachia Midstream, LLC**, 400 IST Center, Suite 404, Horseheads, NY 14845, Colley Township, **Sullivan County**, ACOE Baltimore District.

To construct, operate and maintain:

1. a 10-inch diameter natural gas line and a temporary timber mat bridge impacting 218 square feet of a Palustrine Emergent Wetland (EV) (Colley, PA Quadrangle, Latitude: 41° 32' 47", Longitude: -76° 16' 31");

2. a 10-inch diameter natural gas line and a temporary timber mat bridge impacting 62 linear feet of an unnamed tributary to Wolf Run (CWF, MF) and impacting 2,495 square feet of an adjacent Palustrine Emergent Wetland (EV) (Colley, PA Quadrangle, Latitude: 41° 32' 47", Longitude: -76° 16' 37");

3. a 10-inch diameter natural gas line and a temporary timber mat bridge impacting 69 linear feet of Wolf Run (CWF, MF) (Colley, PA Quadrangle, Latitude: 41° 32' 47", Longitude: -76° 16' 43");

4. a 10-inch diameter natural gas line and a temporary timber mat bridge impacting 57 linear feet of an un-

named tributary to Wolf Run (CWF, MF) (Colley, PA Quadrangle, Latitude: 41° 32' 48", Longitude: -76° 16' 45");

The project will result in 188 linear feet or 3,213 square feet of temporary stream impacts and 2,713 square feet (0.06 acre) of PEM impacts all for the purpose of installing a natural gas pipeline with associated access roadways for Marcellus shale development in Colley Township, Sullivan County. This project is associated with permit application number E0829-120.

**E0829-122: Rockdale Marcellus, LLC**, 4600 J. Barry Court, Suite 120, Canonsburg, PA 15317, Canton Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. a 12 inch diameter temporary waterline and a timber mat bridge impacting 10 linear feet of an unnamed tributary to Towanda Creek (CWF, MF) (Grover, PA Quadrangle, Latitude: 41° 37' 19", Longitude: -76° 52' 06");

2. a 12 inch diameter temporary waterline and a timber mat bridge impacting 29 linear feet of Towanda Creek (CWF, MF) and impacting 12,699 square feet of an adjacent Palustrine Emergent Wetland (EV) (Grover, PA Quadrangle, Latitude: 41° 37' 19", Longitude: -76° 52' 03");

3. a 12 inch diameter temporary waterline and a timber mat bridge impacting 29 linear feet of Towanda Creek (CWF, MF) (Grover, PA Quadrangle, Latitude: 41° 37' 19", Longitude: -76° 51' 59");

4. a 12 inch diameter temporary waterline and a timber mat bridge impacting 14 linear feet of an unnamed tributary to Towanda Creek (CWF, MF) (Grover, PA Quadrangle, Latitude: 41° 37' 05", Longitude: -76° 51' 29");

5. a 12 inch diameter temporary waterline and a timber mat bridge impacting 416 square feet of a Palustrine Scrub-Shrub Wetland (EV) (Grover, PA Quadrangle, Latitude: 41° 37' 08", Longitude: -76° 51' 23");

6. a 12 inch diameter temporary waterline and a timber mat bridge impacting 16 linear feet of an un-

named tributary to Towanda Creek (CWF, MF) and impacting 8,656 square feet of an adjacent Palustrine Scrub-Shrub Wetland (EV) (Grover, PA Quadrangle, Latitude: 41° 37' 12", Longitude: -76° 51' 16");

7. a 12 inch diameter temporary waterline and a timber mat bridge impacting 24 linear feet of an unnamed tributary to Towanda Creek (CWF, MF) (Grover, PA Quadrangle, Latitude: 41° 37' 17", Longitude: -76° 51' 11");

8. a 12 inch diameter temporary waterline and a timber mat bridge impacting 17 linear feet of an unnamed tributary to Towanda Creek (CWF, MF) (Grover, PA Quadrangle, Latitude: 41° 37' 15", Longitude: -76° 51' 07");

9. a 12 inch diameter temporary waterline impacting 142 square feet of an unnamed tributary to Towanda Creek floodway (CWF, MF) (Grover, PA Quadrangle, Latitude: 41° 37' 16", Longitude: -76° 51' 04");

10. a 12 inch diameter temporary waterline impacting 354 square feet of an unnamed tributary to Towanda Creek floodway (CWF, MF) (Grover, PA Quadrangle, Latitude: 41° 37' 18", Longitude: -76° 51' 01");

The project will result in 139 linear feet and 1,650 square feet of temporary stream impacts and 12,699 square feet (0.29 acre) of temporary PEM wetland impacts and 9,072 square feet (0.21 acre) of temporary PSS wetland impacts all for the purpose of establishing a temporary water supply for Marcellus well development in Canton Township, Bradford County. This project is associated with permit application number WL5929-18-003 and E0829-118.

*Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636.*

**E47-099. Montour, LLC**, 18 McMichael Road, Washingtonville, PA 17885. Montour Gas Co-firing Project (Montour County), in Anthony and Derry Townships, **Montour County**, ACOE Baltimore District (Northern Terminus, Lycoming County; Latitude: 41.263380; Latitude -76.587752) (Southern Terminus, Montour County; Latitude: 41.064431; Latitude -76.669113).

<i>Module S1 Project Summary</i>							
<i>B. Aquatic Resource Summary (Montour County)</i>							
<i>Resource Identifier</i>	<i>Aquatic Resource Type</i>	<i>Stream Name</i>	<i>PA Code Designated Use</i>	<i>PA Code Existing Use</i>	<i>Total Wetland Acreage</i>	<i>Permanent Impact area (Sq. Ft.)</i>	<i>Temporary Impacts (Sq. Ft.)</i>
Stream 11	Perennial	W Br Chillisquaque Creek	WWF	EV	N/A	8,204	1,150
Stream 12	Perennial	UNT to W Br Chillisquaque Creek	WWF	EV	N/A	Waived Crossing	
Stream 13	Perennial	UNT to Middle Br Chillisquaque Creek	WWF	None	N/A	Waived Crossing	
Stream 14	Perennial	UNT to Middle Br Chillisquaque Creek	WWF	None	N/A	Waived Crossing	
Stream 15	Perennial	UNT to Beaver Run	WWF	None	N/A	5,594	5,070
Stream 15A	Perennial	UNT to Middle Br Chillisquaque Creek	WWF	None	N/A	Waived Crossing	
Stream 16	Perennial	UNT to Middle Br Chillisquaque Creek	WWF	None	N/A	5,105	7,648
Stream 17	Perennial	UNT to Middle Br Chillisquaque Creek	WWF	None	N/A	6,827	4,933

<i>Module S1 Project Summary</i>							
<i>B. Aquatic Resource Summary (Montour County)</i>							
<i>Resource Identifier</i>	<i>Aquatic Resource Type</i>	<i>Stream Name</i>	<i>PA Code Designated Use</i>	<i>PA Code Existing Use</i>	<i>Total Wetland Acreage</i>	<i>Permanent Impact area (Sq. Ft.)</i>	<i>Temporary Impacts (Sq. Ft.)</i>
Stream 18	Perennial	UNT to Middle Br Chillisquaque Creek	WWF	None	N/A	Waived Crossing	
Stream 19	Perennial	Middle Br Chillisquaque Creek	WWF	None	N/A	5,687	4,556
Stream 20	Perennial	E Br Chillisquaque Creek	WWF	None	N/A	2,109	11,462
Stream 21	Perennial	Chillisquaque Creek	WWF	None	N/A	6,940	7,112
Stream 22	Perennial	Chillisquaque Creek	WWF	None	N/A	6,901	4,020
Wetland N	PEM	N/A	N/A	N/A	.12	1,231	1,231
Wetland NA	PEM	N/A	N/A	N/A	.11	874	0
Wetland O	PSS	N/A	N/A	N/A	.15	4,583	3,052
Wetland P	PFO	N/A	N/A	N/A	.12	0	1,108
Wetland Q	PEM	N/A	N/A	N/A	Avoided		
Wetland R	PEM	N/A	N/A	N/A	.14	1,825	1,200
Wetland S	PSS/PEM	N/A	N/A	N/A	.68	0	8,721
Wetland T	PEM	N/A	N/A	N/A	Avoided		
Wetland U	PEM	N/A	N/A	N/A	.005	0	211
Wetland V	PFO	N/A	N/A	N/A	.28	0	4,619
Wetland DD	PEM	N/A	N/A	N/A	.14	3,041	3,041
Wetland EE	PEM	N/A	N/A	N/A	.17	3,923	3,923
Wetland FF	PEM	N/A	N/A	N/A	.33	10,539	10,539

Montour, LLC (Montour) is proposing the installation of a new 16-mile, 20-inch diameter natural gas pipeline. The new pipeline will provide natural gas to the Montour, LLC Power Plant for regional customer usage. From north to south, the pipeline will run from a proposed pipeline tie-in location in Franklin Township, Lycoming County to a proposed aboveground gas-conditioning facility adjacent to the existing Montour, LLC Power Plant in Derry Township, Montour County. The proposed pipeline is to be constructed within existing and new right-of-way (ROW). The northern 11 miles of the proposed alignment will be collocated within an existing, cleared UGI Sunbury Pipeline ROW, and is typically characterized by maintained fallow and active agricultural fields. The remaining southern 5 miles of the proposed route will consist of new ROW mostly owned by Talen Energy and Montour Generating, LLC. This new southern ROW portion generally consists of fallow, agriculture fields, and/or forested areas. The following table describes a list of the proposed impacts associated with this project.

**E41-697. Montour, LLC**, 18 McMichael Road, Washingtonville, PA 17885. Montour Gas Co-firing Project (Lycoming County), in Franklin and Moreland Townships, Lycoming County, ACOE Baltimore District (Northern Terminus, **Lycoming County**; Latitude: 41.263380; Longitude: -76.587752) (Southern Terminus, Montour County; Latitude: 41.064431; Longitude: -76.669113).

<i>Module S1 Project Summary</i>							
<i>B. Aquatic Resource Summary (Lycoming County)</i>							
<i>Resource Identifier</i>	<i>Aquatic Resource Type</i>	<i>Stream Name</i>	<i>PA Code Designated Use</i>	<i>PA Code Existing Use</i>	<i>Total Wetland Acreage</i>	<i>Permanent Impact area (Sq. Ft.)</i>	<i>Temporary Impacts (Sq. Ft.)</i>
Stream 1	Perennial	UNT to Beaver Run	CWF	None	N/A	0	2,300
Stream 2	Perennial	UNT to Beaver Run	CWF	None	N/A	4,459	8,428
Stream 3	Perennial	Little Muncy Creek	CWF	EV, MF	N/A	7,913	5,075
Stream 4	Perennial	UNT to German Run	CWF	None	N/A	0	2,300
Stream 5	Perennial	German Run	CWF	None	N/A	7,357	6,027
Stream 6	Perennial	UNT to Little Muncy Creek	CWF	EV, MF	N/A	Waived Crossing	
Stream 7	Intermittant	UNT to Little Muncy Creek	CWF	EV, MF	N/A	Waived Crossing	
Stream 8	Perennial	Laurel Run	HQ-CWF	EV, MF	N/A	7,102	2,824
Stream 9	Ephemeral	UNT to Laurel Run	HQ-CWF	EV, MF	N/A	Avoided	

<i>Module S1 Project Summary B. Aquatic Resource Summary (Lycoming County)</i>							
<i>Resource Identifier</i>	<i>Aquatic Resource Type</i>	<i>Stream Name</i>	<i>PA Code Designated Use</i>	<i>PA Code Existing Use</i>	<i>Total Wetland Acreage</i>	<i>Permanent Impact area (Sq. Ft.)</i>	<i>Temporary Impacts (Sq. Ft.)</i>
Stream 10	Perennial	UNT to Laurel Run	HQ-CWF	EV, MF	N/A	6,071	5,736
Wetland A	PFO/PSS/PEM	N/A	N/A	N/A	Avoided		
Wetland B	PEM	N/A	N/A	N/A	.57	1,311	740
Wetland D	PEM	N/A	N/A	N/A	Avoided		
Wetland E	PEM	N/A	N/A	N/A	.31	1,790	1,117
Wetland F	PEM	N/A	N/A	N/A	.11	4,012	2,887
Wetland H	PEM	N/A	N/A	N/A	.69	20,573	17,225
Wetland I	PEM	N/A	N/A	N/A	.28	3,746	1,319
Wetland J	PEM	N/A	N/A	N/A	.33	525	43
Wetland K	PEM	N/A	N/A	N/A	.005	203	203
Wetland L	PEM	N/A	N/A	N/A	.11	3,051	1,927
Wetland M	PEM	N/A	N/A	N/A	Avoided		
Wetland X	PEM	N/A	N/A	N/A	2.29	3,910	3,217
Wetland Y	PEM	N/A	N/A	N/A	.005	785	785
Wetland Z	PEM	N/A	N/A	N/A	Avoided		
Wetland AA	PEM	N/A	N/A	N/A	.004	685	77
Wetland BB	PEM	N/A	N/A	N/A	8.51	27,628	18,592
Wetland CC	PFO	N/A	N/A	N/A	Avoided		

Montour, LLC (Montour) is proposing the installation of a new 16-mile, 20-inch diameter natural gas pipeline. The new pipeline will provide natural gas to the Montour, LLC Power Plant for regional customer usage. From north to south, the pipeline will run from a proposed pipeline tie-in location in Franklin Township, Lycoming County to a proposed aboveground gas-conditioning facility adjacent to the existing Montour, LLC Power Plant in Derry Township, Montour County. The proposed pipeline is to be constructed within existing and new right-of-way (ROW). The northern 11 miles of the proposed alignment will be collocated within an existing, cleared UGI Sunbury Pipeline ROW, and is typically characterized by maintained fallow and active agricultural fields. The remaining southern 5 miles of the proposed route will consist of new ROW mostly owned by Talen Energy and Montour Generating, LLC. This new southern ROW portion generally consists of fallow, agriculture fields, and/or forested areas. The following table describes a list of the proposed impacts associated with this 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.*

**D64-175EA. Foster Schaffer**, Chief, Pennsylvania Game Commission, Engineering Division, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, Lehigh Township, Wayne County; Clifton Township, **Lackawanna County**, USACOE Philadelphia District.

Project proposes to remove the Lower Klondike Dam to eliminate a threat to public safety and to restore approximately 1,300 feet of stream channel to a free-flowing condition. The project is located across the Lehigh River (EV, MF) (Sterling, PA Quadrangle, Latitude: 41.2534; Longitude: -75.4509).

#### DAM SAFETY

*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.*

**D32-080. Pioneer Lake Outdoor Club**, 68 Pioneer Lake Drive, Unit A, Cherry Tree, PA 15724. To modify, operate, and maintain Pioneer Lake Dam across Hazelet Run (HQ-CWF), impacting 0 acre of wetlands and 0 feet of stream for the purpose of recreation. (Barnesboro, PA Quadrangle N: 20 inches; W: 3.05 inches) in Montgomery Township, **Indiana County**.

## ACTIONS

### THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

#### FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

The Department has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and NOIs for coverage under General Permits. This notice of

final action is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

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

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

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

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

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

### **I. NPDES Renewal Permit Actions.**

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed)</i>	<i>EPA Waived Y/N?</i>
PA0244490 (Sewage)	Reilly SRSTP 171 Creamery Road Coatesville, PA 19320-1716	Chester County West Caln Township	Unnamed Tributary to West Branch Brandywine Creek (HQ-CWF, MF) 3-H	Y
PA0032301 (Sewage)	Concord Ind Park Ind. STP 744 Harleysville Pike Harleysville, PA 19438-2804	Delaware County Concord Township	West Branch Chester Creek (TSF, MF) 3-G	Y
PA0031747 (Sewage)	Glen Mills School STP P.O. Box 5001 Concordville, PA 19331-5001	Delaware County Thornbury Township	Chester Creek 3-G	Y
PA0057029 (Industrial)	HP Inc., 1501 Page Mill Road Palo Alto, CA 94304-1126	Chester County New Garden Township	Egypt Run (CWF, MF) 3-I	N
PA0053929 (Sewage)	Bubba's Pot Belly Stove Restaurant 1485 N West End Boulevard Quakertown, PA 18951	Bucks County Springfield Township	Unnamed Tributary to Tohickon Creek (TSF, MF) 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 &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0062529 (Industrial)	Broad Mountain WTP 1371 SR61 HWY-17N Pottsville, PA 17901	Schuylkill County Blythe Township	Wolf Creek (CWF, MF) (3-A)	Yes
PA0060976 (Sewage)	Moyers Grove Campground 309 Moyers Grove Road Wapwallopen, PA 18660-2053	Luzerne County Hollenback Township	Balliet Run (HQ-CWF (existing use)) (5-B)	Yes
PA0070114 (Sewage)	Melanie Manor MHP Wastewater Treatment Facility 2600 Melanie Manor Ringtown, PA 17967	Schuylkill County Union Township	Unnamed Tributary to Dark Run (HQ-CWF) (5-E)	Yes
PA0061905 (Sewage)	Hickory Run Turnpike Plaza HC-2 Star Route Jim Thorpe, PA 18229	Carbon County Penn Forest Township	Stony Creek (EV) (2-A)	Yes
PA0034070 (Sewage)	Glencrest Mobile Home Park Glencrest Road Slatington, PA 18080	Lehigh County Washington Township	Unnamed Tributary of Mill Creek (CWF, MF) (2-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 &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0217778 (Industrial)	Dawson TP P.O. Box 2223 Johnson City, TN 37605-2223	Fayette County Dunbar Township	Youghiogheny River (WWF) (19-D)	Yes
PA0219321 (Sewage)	Shanksville Borough STP P.O. Box 127 Shanksville, PA 15560-0127	Somerset County Shanksville Borough	Stonycreek River (CWF) (18-E)	Yes
PA0255521 (Sewage)	Dollar General Store Hookstown 400 Penn Center Boulevard Suite 1000 Pittsburgh, PA 15235	Beaver County Greene Township	Unnamed Tributary of Mill Creek (TSF) (20-D)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0101923 (Sewage)	Saegertown Area STP P.O. Box 334 180 Park Avenue Ext Saegertown, PA 16433-0334	Crawford County Saegertown Borough	French Creek (WWF) (16-A)	Yes
PA0035505 (Sewage)	Faith Builder Ed Programs 28527 Guys Mills Road Guys Mills, PA 16327	Crawford County Randolph Township	Unnamed Tributary of Woodcock Creek (16-A)	Yes
PA0240095 (Sewage)	Mahoning Township WWTP P.O. Box 99 US Route 224 Hillsville, PA 16132-0099	Lawrence County Mahoning Township	Mahoning River (WWF) (20-B)	Yes
PA0222585 (Sewage)	Brokenstraw Valley Area Authority STP 770 Rouse Avenue Youngsville, PA 16371-1606	Warren County Brokenstraw Township	Allegheny River (WWF) (16-B)	Yes
PA0238899 (Industrial)	Oil Creek Plastics 45619 State Highway 27 P.O. Box 385 Titusville, PA 16354-5729	Crawford County Oil Creek Township	Unnamed Tributary to Pine Creek (CWF) (16-E)	Yes



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


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

**NPDES Permit No. PA0047198**, Sewage, SIC Code 6512, **NP New Castle LLC**, 4825 NW 41st Street, Suite 500, Riverside, MO 64150-7806.

This existing facility is located in New Castle Township, **Schuylkill County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit Amendment/Transfer and WQM Permit No. 5479403-T2 for an existing discharge of treated Sewage.

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

**NPDES Permit No. PA0027511**, Sewage, SIC Code 4952, **New Castle City Sanitary Authority Lawrence County**, 110 E Washington Street, New Castle, PA 16101-3815.

This existing facility is located in New Castle City, **Lawrence County**.

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

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**III. WQM Industrial Waste and Sewerage Actions Under the Clean Streams Law (35 P.S. §§ 691.1—691.1001).**


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

**WQM Permit No. WQG02091902**, Sewage, **Bucks County Water & Sewer Authority**, 1275 Almshouse Road, Warrington, PA 18976-1209.

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

Description of Action/Activity: Construction and operation of a pump station and force main to serve a proposed boutique hotel with restaurant and banquet facilities.

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

**WQM Permit No. 465S118 A-2**, Sewage, SIC Code 9999, **PA State University**, 2 Admin Bldg, New Kensington, PA 15068.

This existing facility is located in Upper Burrell Township, **Westmoreland County**.

Description of Proposed Action/Activity: The applicant proposed to conduct plant upgrade and some maintenance projects on its wastewater treatment plant. The upgrades will include installing new dichlorination system, and dissolved oxygen, total residual chlorine and pH analyzers for its effluent testing.

**WQM Permit No. 0218409**, Sewage, SIC Code 4952, **Breakneck Creek Region Authority**, 1166 Mars Evans City Road, Mars, PA 16046-2216.

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

Description of Proposed Action/Activity: Construction of a new sanitary gravity sewer collection system to serve new residential and commercial development known as The Pittsburgh Cut Flowers Subdivision in Richland Township along Bakerstown Road.

**WQM Permit No. 0418407**, Sewage, **PTV 1022 LLC**, 400 Penn Center Boulevard, Suite 1000, Pittsburgh, PA 15235.

This proposed facility is located in Greene Township, **Beaver County**.

Description of Proposed Action/Activity: Proposed SFTF to serve Hookstown Dollar General Store.

**WQM Permit No. WQG01651802**, Sewage, SIC Code 8811, **Gregory & Sally Lapina**, 62 Circle Drive, Irwin, PA 15642.

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

Description of Proposed Action/Activity: construction of a single residence sewage treatment plant.

**WQM Permit No. WQG01651802**, Sewage, SIC Code 8811, **Gregory & Sally Lapina**, 62 Circle Drive, Irwin, PA 15642.

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

Description of Proposed Action/Activity: construction of a single residence sewage treatment plant.

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

**WQM Permit No. WQG01251904**, Sewage, **Mark Currier**, 2430 E 32nd Street, Erie, PA 16510-2702.

This proposed facility is located in Conneaut Township, **Erie County**.

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

**WQM Permit No. WQG01251902**, Sewage, **Sand Ridge Farms Inc.**, 14252 Underridge Road, West Springfield, PA 16443-9603.

This proposed facility is located in Springfield Township, **Erie County**.

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

**WQM Permit No. WQG01251903**, Sewage, **Adam & Erin Reese**, 8868 State Road, Girard, PA 16417-8827.

This proposed facility is located in Girard Township, **Erie County**.

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

**WQM Permit No. WQG02101901**, Sewage, **Cranberry Township Butler County**, 2525 Rochester Road, Cranberry Township, PA 16066-6420.

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

Description of Proposed Action/Activity: Gravity sewer extension to serve Meeder Farms Development.

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**IV. NPDES Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4) Individual Permits Issued.**

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*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 &amp; 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>
PAI130038	Bristol Township 2501 Bath Road Bristol, PA 19007	Bristol Township Bucks County	Mill Creek, Unnamed Tributary to Mill Creek Neshaminy Creek and Delaware River WWF and MR	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 &amp; 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>
PAI132214	Bethlehem Township Northampton County 4225 Easton Avenue Bethlehem, PA 18020	Bethlehem Township, Northampton	Lehigh Coal and Navigation Canal, Unnamed Tributary to Lehigh Coal and Navigation Canal (CWF, MF), Unnamed Tributary to Monocacy Creek (HQ-CWF, MF), Monocacy Creek (HQ-CWF, MF), Unnamed Tributary to Nancy Run (CWF, MF), and Nancy Run/CWF, MF, and HQ-CWF	N	Y
PAI132204	Upper Milford Township P.O. Box 210 Old Zionsville, PA 18068-0210	Upper Milford Township, Lehigh	Unnamed Tributary to Hosensack Creek (CWF, MF), Unnamed Tributary to Leibert Creek (HQ-CWF, MF), Unnamed Tributary to Little Lehigh Creek (HQ-CWF, MF), Unnamed Tributary to Swabia Creek (HQ-CWF, MF), Indian Creek (CWF), Unnamed Tributary to Saucon Creek (HQ-CWF, MF), and Leibert Creek (HQ-CWF, MF)	N	Y

**V. NPDES Waiver Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4) Actions.**

The following waiver applications have been approved for a 5-year period. The Department is issuing waivers for the following MS4s instead of NPDES permit coverage.

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

<i>NPDES Waiver No.</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Receiving Water(s)/Use(s)</i>
PAG136244	Lorain Borough 503 Green Valley Street Johnstown, PA 15902-3152	Lorain Borough Cambria	Sams Run/ WWF

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

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

<i>NPDES</i>	<i>Permit No. Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD150101	East Goshen Township 1580 Paoli Pike West Chester, PA 19380-6199	Chester	East Goshen Township	East Branch Chester Creek TSF-MF Unnamed Tributary to Ridley Creek HQ-TSF-MF Ridley Creek HQ-TSF-MF
PAD460038	MC Roseland Washington Street LP 7 Sylvan Way Suite 350 Parsippany, NJ 07054	Montgomery	Conshohocken Brough	Schuylkill River WWF-MF
PAD460029	Development Partners, LP 201 South Maple Avenue Suite 100 Ambler, PA 19002	Montgomery	Ambler Borough	Wissahickon Creek TSF-MF
PAD510034	Port Richmond, LLC 44 South Bayles Avenue Port Washington, NY 11050	Philadelphia	City of Philadelphia	Delaware River WWF
PAD510033-3	Department of the Navy Public Works Department Pennsylvania 4921 South Broad Street Philadelphia, PA 19112-1303	Philadelphia	City of Philadelphia	Schuylkill River CWF-MF Delaware Estuary WWF-MF-N
PAD460038	MC Roseland Washington Street LP 7 Sylvan Way Suite 350 Parsippany, NJ 07054	Montgomery	Conshohocken Borough	Schuylkill River WWF-MF
PAD460029	Development Partners, LP 201 South Maple Avenue Suite 100 Ambler, PA 19002	Montgomery	Ambler Borough	Wissahickon Creek TSF-MF
PAI015114011-8	Liberty Property Trust 150 Rouse Boulevard Suite 210 Philadelphia, PA 19112-1901	Philadelphia	City of Philadelphia	Delaware River WWF-MF
PAI015114011-9	Liberty Property Trust 150 Rouse Boulevard Suite 210 Philadelphia, PA 19112-1901	Philadelphia	City of Philadelphia	Delaware River WWF-MF

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD390108	Ketan & Trusha Joshi 1610 Chestertown Rd. Allentown, PA 18104-1629 and Studio26 Homes 1748 Central Park Orefield, PA 18069-8908	Lehigh	North Whitehall Township	Hassen Creek— HQ-CWF, MF

*Luzerne Conservation District, 325 Smiths Pond Road, Shavertown, PA 18708.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD400025	PPL Electric Utilities Corporation 2 North 9th Street Allentown, PA 18101	Luzerne County	Plains Township Bear Creek Township	Laurel Run (CWF, MF) Pine Creek (CWF, MF) Mill Creek (CWF, MF) Deep Hollow (CWF, MF) Deep Hollow (CWF, MF) EV Wetlands

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD450066	Paradise Township 5912 Paradise Valley Road Cresco, PA 18326	Monroe	Paradise Township	UNT to Paradise Creek (HQ-CWF, MF)

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD140035	Mark C. Shears and Suzette M. Shears 111 Hylbert Road Boalsburg, PA 16827	Centre	Halfmoon Twp	UNT Halfmoon Creek HQ-CWF; MF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD650010	Victory Automotive Group, LLC 64 Greensburg Street Delmont, PA 15626-1416	Westmoreland County	Salem Township	UNT to Beaver Run (HQ-CWF)

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

*Elk County Conservation District, 850 Washington Street, St. Marys, PA 15857, 814-776-5373.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD240007	Highland Field Services LLC 5800 Corporate Drive Pittsburgh, PA 15237	Elk	Highland Township	UNT to Wolf Run HQ-CWF

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


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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).

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**List of NPDES and/or Other General Permit Types.**


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

*General Permit Type—PAG-02*

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

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Warwick Township Bucks County	PAC090265	Heritage Creek Golf, LLC 1949 Meetinghouse Road Jamison, PA 18929-1146	Little Neshaminy Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Riegelsville Borough Bucks County	PAC090254	Riegelsville Borough 615 Easton Road Riegelsville, PA 18077-0610	Delaware River WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Hilltown Township Bucks County	PAC090262	Hilltown Township 13 West Creamery Road Hilltown, PA 18927-0260	Unnamed Tributary to Pleasant Spring Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
West Whiteland Township Chester County	PAC150119	Collegium Charter School 535 James Hance Court Exton, PA 19341	Unnamed Tributary to Valley Creek CWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
East Nottingham Township Chester County	PAC1510120	Blue Stem Associates 388 North Creek Road Landenberg, PA 19350	Unnamed Tributary to Octoraro Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Tredyffrin Township Chester County	PAC150122	St. Davids Golf Club 845 Radnor Road Wayne, PA 19087	Unnamed Tributary to Crow Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Merion Township Chester County				
West Fallowfield Township Chester County	PAC150124	Crist U. Stoltzfus 580 Fallowfield Road Atglen, PA 19310	Valley Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
West Sadsbury Township Chester County				
Atglen Borough Chester County				
Sadsbury Township Chester County	PAC150123	D&S Developers, LLC 21 Crozerville Road Aston, PA 19014	Buck Run TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
New Garden Township Chester County	PAC150127	New Garden Township 299 Starr Road Landenberg, PA 19350	Unnamed Tributary to Egypt Run CWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
New Garden Township Chester County	PAC150128	Kaolin Mushrooms 649 West South Street Kennett Square, PA 19348	East Branch White Clay Creek CWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
West Chester Township Chester County	PAC150133	Barclay Friends 700 North Franklin Street West Chester, PA 19380	Taylor Run TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Kennett Township Chester County	PAC150137	Equity Trust Co; Eckman Joseph F DCD ET AL c/o Ellen Ann Eckman 217 West Sickle Street Kennett Square, PA 19348	Unnamed Tributary to Bucktoe Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Parkesburg Township Chester County	PAC150140	PA American Water Company 4 Wellington Boulevard Wyomissing, PA 19610-1850	Buck Run MF-TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Valley Township Chester County	PAC150141	Liberty Commercial Development Corporation, LTD One South Main Street The Wheelhouse Suit No. 5 Sellersville, PA 18960-2512	Unnamed Tributary to Sucker Run WWF-MF Unnamed Tributary to Rock Run TSF-MF West Branch Brandywine Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
West Chester Township Chester County	PAC150145	QVC, Inc 1200 Wilson Drive West Chester, PA 19380	East Branch of Chester Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

**NOTICES**

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<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Caln Township Chester County	PAC150146	Caln Township 253 Municipal Drive Thorndale, PA 19372	Valley Creek Run CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Gwynedd Township Montgomery County	PAC46001	Merck Sharp & Dohme Corp P.O. Box 4 WP20-205 West Point, PA 19486	Unnamed Tributary to Towamencin Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Skippack Township Montgomery County	PAC460371	Skippack Group, LLC 2052 Lucon Road Skippack, PA 19474-0196	Skippack Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Limerick Township Montgomery County	PAC460284	Patrick Kelly 17 Miller Circle Limerick, PA 19468	Lodal Creek WWF-TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Horsham Township Montgomery County	PAC460312	Hallmark Homes Group, Inc. 865 Easton Rd. Suite 320 Jenkintown, PA 19046-2811	Pennypack Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Hatfield Township Montgomery County	PAC460324	Hatfield Township Municipal Authority 3200 Advance Lane Colmar, PA 18915	Unnamed Tributary to West Branch Neshaminy WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Horsham Township Montgomery County	PAC460320	Welsh Road Partners LLC & Electronic Drive Partners LLC 3200 Advance Lane Colmar, PA 18915	Unnamed Tributary to West Branch Neshaminy WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAC510107	LDC (Phila & Vicinity) Education and Training Fund, LLC 500 East Lincoln Highway Exton, PA 19341	Delaware River WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

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

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

<i>NPDES</i>				
<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAC390059	B Land Co LLC 2005 City Line Rd Ste 106 Bethlehem, PA 18017	Lehigh	City of Allentown	Lehigh River, South of Allentown Dam (WWF, MF)

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

<i>NPDES</i>				
<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAC480069	Brent Stringfellow Lehigh University 461 Webster St, 3A Bethlehem, PA 18015	Northampton	City of Bethlehem	Lehigh River (WWF, MF)

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

*Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Mount Pleasant Township Adams County Issued	PAC010100	Conewago Resources, L.P. P.O. Box 407 Hanover, PA 17331	UNT South Branch Conewago Creek (WWF) UNT Swift Run (WWF)	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325-3404 717.334.0636
East Saint Clair Township Bedford County Issued	PAC050029	PennDOT 9-0 1620 North Juniata Street Bedford, PA 16648	UNT Adams Run (WWF, MF) Stone Creek (WWF, MF)	Bedford County Conservation District 702 West Pitt Street Suite 4 Bedford, PA 15522 814.623.7900, ext. 4
Tyrone Borough Snyder Township Blair County Issued	PAC070048	Tyrone Borough 1100 Logan Avenue Tyrone, PA 16686	Laurel Run (TSF, MF) Decker Run (TSF, MF) Gypsy Run (TSF, MF) Sink Run (TSF, MF)	Blair County Conservation District 1407 Blair Street Hollidaysburg, PA 16648 814.696.0877, ext. 5
Monroe Township Juniata County Issued	PAC340022	Niemond's Independent Church 36964 Route 35 Richfield, PA 17089	West Branch Mohantango Creek (TSF)	Juniata County Conservation District 146 Stoney Creek Drive Suite 4 Mifflintown, PA 17059-8709 717.436.8953, ext. 5
Dover Township York County Issued	PAC670100	Faire Wynd Associates, LP 2090 Linglestown Road Suite 104 Harrisburg, PA 17110	Fox Run (TSF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717.840.7430
Washington Township York County Issued	PAC670230	Terry Sweitzer 120 Harbold-Altland Road Wellsville, PA 17365	Wolf Run (WWF) UNT Wolf Run (WWF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717.840.7430
Paradise Township York County Issued	PAC670238	JLM Real Estate Investments, LLC P.O. Box 472 950 East Main St Schuylkill Haven, PA 17972	UNT Beaver Creek (WWF, MF)	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>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>	
Wyalusing Twp, Bradford Cnty	PAC080033 Phase II	Bradford County Real Estate Partners, LLC 111 West 19th Street New York, NY 10011	Susquehanna River WWF	Bradford County Conservation District Stoll Natural Resource Ctr 200 Lake Rd Ste E Towanda, PA 18848 (570) 265-5539, X 6



## NOTICES

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<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Gregg Twp, Centre Cnty	PAC140072	Penns Cave, Inc. 222 Penns Cave Road Centre Hall, PA 16828	UNT Penns Creek CWF	Centre County Conservation District 414 Holmes Ave Ste 4 Bellefonte, PA 16823 (814) 355-6817
Benner Twp, Centre Cnty	PAC140042	CME Investments, LLC 560 Two Mile Road Howard, PA 16841	UNT Logan Branch CWF	Centre County Conservation District 414 Holmes Ave Ste 4 Bellefonte, PA 16823 (814) 355-6817
Ferguson Twp, Centre Cnty	PAC140078 Renewal Previously PAG02001411014(1)	Centre Area Transportation Authority 2081 W. Whitehall Road State College, PA 16801	UNT to Slab Cabin CWF	Centre County Conservation District 414 Holmes Ave Ste 4 Bellefonte, PA 16823 (814) 355-6817
Rush Twp, Centre Cnty	PAC140071 Renewal Major Mod Previously PAG02001415011	Advanced Powder Products, Inc. 301 Enterprise Drive Philipsburg, PA 16866	One Mile Run CWF	Centre County Conservation District 414 Holmes Ave Ste 4 Bellefonte, PA 16823 (814) 355-6817
Harris Twp, Centre Cnty	PAC140075	Rossman Construction, LLC 350 W. Crestview Ave Boalsburg, PA 16827	UNT-Spring Creek CWF	Centre County Conservation District 414 Holmes Ave Ste 4 Bellefonte, PA 16823 (814) 355-6817
Mahoning Twp, Montour Cnty	PAC470018	T&S Realty, LLC 34 Single Tree Drive Bloomsburg, PA 17815	Blizzards Run CWF, MF	Montour County Conservation District 14 E Mahoning St Danville, PA 17821 (570) 271-1140
Gregg Twp, Union Cnty	PAC600010 Major Amendment	White Deer Run LLC, DBA White Deer Run of Allenwood PA Jeff Thomas 360 White Deer Run Rd Allenwood, PA 17810	White Deer Hole Creek TSF, MF	Union County Conservation District Union County Government Center 155 N 15th St Lewisburg, PA 17837 (570) 524-3860
Lewisburg Boro, Union Cnty	PAC600040	Green Space Properties Tom Romahowski 316 Linden Street West Pittston, PA 18643	Limestone Run WWF	Union County Conservation District Union County Government Center 155 N 15th St Lewisburg, PA 17837 (570) 524-3860

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

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Phone No.</i>
North Strabane Township	PAC630084A	The Street at the Meadows, LP 375 Southpointe Boulevard Suite 410 Canonsburg, PA 15317	UNTs to Chartiers Creek (WWF)	Washington County Conservation District 50 Old Hickory Ridge Road Suite 1 Washington, PA 15301 724-705-7098

<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>
Hanover Township	PAC630131	Gulisek Construction, LLC 1145 State Route 31 Mount Pleasant, PA 15666  Andrew I. Miller 1215 Steubenville Pike Burgettstown, PA 15021	UNT to Raccoon Creek (WWF)	Washington County Conservation District 50 Old Hickory Ridge Road Suite 1 Washington, PA 15301 724-705-7098
Chartiers Township	PAC630136	Chartiers Township 2 Buccaneer Drive 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
Fallowfield Township; Somerset Township; Bentleyville Borough	PAC630137	PennDOT District 12-0 825 North Gallatin Avenue Uniontown, PA 15401	Pigeon Creek (WWF); North Branch Pigeon 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.*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Cranberry Township, Butler County	PAC100142	Willow Grove LP Mr. Brett Schultz P.O. Box 449 Mars, PA 16046	UNT to Wolfe Run Creek WWF	Butler County Conservation District 122 McCune Drive Butler, PA 16001 724-284-5270
Adams Township, Butler County	PAC100144	Chinmaya Mission of Pittsburgh 3817 Northern Pike Monroeville, PA 15146	Breakneck Creek WWF	Butler County Conservation District 122 McCune Drive Butler, PA 16001 724-284-5270
Muddy Creek Township, Butler County	PAC100114	Gardner's Farm Inc Matt Gardner 625 Scott Ridge Road Harmony, PA 16037	UNT to Little Yellow Creek CWF	Butler County Conservation District 122 McCune Drive Butler, PA 16001 724-284-5270
Vernon Township, Crawford County	PAC200055	D.A.L.R.T. Inc 3019 Wilmington Road New Castle, PA 16105	Van Horne Creek WWF	Crawford County Conservation District 21742 German Road Meadville, PA 16335 814-763-5269
Paint Township, Clarion County	PAC160024	Barend Snyman 1300 Kiser-Wagner Road Shippenville, PA 16254	Rapp Run CWF	Clarion County Conservation District 217 S 7th Avenue Room 106A Clarion, PA 16214 814-297-7813

*General Permit Type—PAG-03*

<i>Facility Location Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Crescent Township Allegheny County	PAG036233	River Salvage Co. Inc. 4900 Grand Avenue Pittsburgh, PA 15225	Ohio River (WWF) and Shouse Run (WWF)—20-G	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000

*General Permit Type—PAG-4*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Conneaut Township Erie County	PAG041233	Mark Currier 2430 E 32nd Street Erie, PA 16510-2702	Unnamed Tributary to Conneaut Creek (CWF, MF)—15-A	DEP Northwest Regional Office Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814.332.6942
Springfield Township Erie County	PAG041231	Sand Ridge Farms Inc. 14252 Underridge Road West Springfield, PA 16443-9603	Unnamed Tributary to Conneaut Creek (CWF, MF)—15-A	DEP Northwest Regional Office Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814.332.6942
Girard Township Erie County	PAG041232	Adam & Erin Reese 8868 State Road Girard, PA 16417-8827	Unnamed Tributary to Little Elk Creek (CWF, MF)—15-A	DEP Northwest Regional Office Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814.332.6942

*General Permit Type—PAG-7*

<i>Facility Location &amp; County/Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
Mechanicsburg Wastewater Treatment Plant 842 West Church St. Mechanicsburg, PA 17055 Cumberland County/ Boro of Mechanicsburg	PAG073523	Borough of Mechanicsburg 36 West Allen Street Mechanicsburg, PA 17055	Same as Facility	DEP—SCRO— Clean Water Program 909 Elmerton Ave. Harrisburg, PA 17110-8200 717-705-4707

*Central Office: Bureau of Clean Water, Rachael Carson State Office Building, 400 Market Street, P.O. Box 8774, Harrisburg, PA 171050-8774. Telephone: 717-705-4090.*

<i>Facility Location &amp; County/Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
Portable Sludge Processor Various Townships and Counties in PA	PAG079914	Denali Water Solutions 250-B Lucius Gordon Drive Suite B West Henrietta, NY 14586	Portable Sludge Processor Various Townships and Counties in PA	DEP—Bureau of Clean Water 400 Market Street P.O. Box 8774 Harrisburg, PA 17105-8774 Telephone: 717-787-4090

*General Permit Type—PAG-8*

<i>Facility Location &amp; County/Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
Breezewood Wastewater Treatment Facility Municipal Lane Breezewood, PA 15535 Bedford County/ East Providence Twp	PAG083539	East Providence Township Municipal Authority P.O. Box 83 Breezewood, PA 15533	Same As Facility	DEP—SCRO—CW 909 Elmerton Ave Harrisburg, PA 17110 717-705-4707

*General Permit Type—PAG-10*

<i>Facility Location Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Brooklyn Township Susquehanna County	PAG102365	Williams Field Service Co. LLC 310 SR 29 North Tunkhannock, PA 18657	Horton Creek (CWF, MF)—4-F	DEP Northeast Regional Office Clean Water Program 2 Public Square Wilkes-Barre, PA 18701-1915 570.826.2511

*General Permit Type—PAG-13*

<i>Facility Location Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Doylestown Borough Bucks County	PAG130035	Doylestown Borough 57 W Court Street Doylestown, PA 18901-4223	Unnamed Tributary to Cooks Run (WWF, MF) and Unnamed Tributary to Neshaminy Creek (WWF, MF) 2-F	DEP Southeast Regional Office Clean Water Program 2 E Main Street Norristown, PA 19401 484.250.5970

**STATE CONSERVATION COMMISSION****NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs**

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

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

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

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

**NUTRIENT MANAGEMENT PLAN  
PUBLIC NOTICE SPREADSHEET—ACTIONS**

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>AEU's</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Spring Maple Farm Randall Andrews 421 Penn Grant Road Lancaster, PA 17602	Lancaster	290	1,161.52	Poultry	HQ	A
Hershey Farms, LLC Jim Hershey 338 Sunnyburn Rd Elizabethtown, PA 17022	Lancaster	550	862.14	Poultry/Swine	NA	A
Bacon Acres— Jay & Beth Hess 1151 Pequea Creek Rd Conestoga, PA 17516	Lancaster	320	550.16	Broilers	NA	A
Brubaker Run Farms, LLC Robert Brubaker Jr. 2871 North Colebrook Rd Manheim, PA 17545	Lancaster	7.3	247.28	Broilers	NA	A
Robert Brubaker, Jr. 2871 N. Colebrook Rd Manheim, PA 17545 Camp Road Farm (2205 Camp Road)	Lancaster	9.5	505.75	Broilers	NA	A
The Barley Farms— Jeffrey Barley 862 Donnerville Road Millersville, PA 17551	Lancaster	450	355.57	Pullets/Steers	NA	A
Eugene Nolt 143 Kurtz Rd New Holland, PA 17557	Lancaster	64	664.29	Beef/Swine	NA	A
Dale Frank 3167 Bossler Road Elizabethtown, PA 17022	Lancaster	500	1.43	Swine/Beef	NA	A
Bleacher Farms, LLC 1206 Breneman Rd Conestoga, PA 17516	Lancaster	80.6	254.34	Layer	NA	A
Rohrer Dairy Farms, LLC 124 Charlestown Road Washington Boro, PA 17582	Lancaster	1,037.6	2,811.12	Dairy	NA	A

## 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. 1519501**, Public Water Supply.  
 Applicant **Tel Hai Retirement Community**  
 1200 Tel Hai Circle  
 P.O. Box 190  
 Honey Brook, PA 19344  
 Township Honey Brook  
 County **Chester**  
 Type of Facility PWS  
 Consulting Engineer James R. Holley & Associates, Inc.  
 18 S. George Street, # 300  
 York, PA 17401  
 Permit to Construct Issued May 1, 2019

**Operations Permit # 4619505** issued to **Horsham Water & Sewer Authority**, 617 Horsham Road, Horsham, PA 19044, **PWS ID # 146033**, Horsham Township, **Montgomery County** on April 28, 2019 for the operation of Granular Activated Carbon Filtration at Well No. 20 facilities approved under construction permit # 4619524.

**Operations Permit # 0917524** issued to **Delaware Valley University**, 700 East Butler Avenue, Doylestown, PA 18901, **PWS ID # 1090084**, Doylestown Township, **Bucks County** on May 1, 2019 for the operation of Orthophosphate Sequestering and Caustic Soda for corrosion control and pH adjustment at Well Nos. 4 and 5 approved under construction permit # 0917524.

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

**Permit No. 0716503**, Public Water Supply.  
 Applicant **Borough of Tyrone**  
 Municipality Tyrone Borough  
 County **Blair**  
 Responsible Official Phyllis J. Garhart  
 Borough Manager  
 1100 Logan Avenue  
 Tyrone, PA 16686  
 Type of Facility Rehabilitation of 23rd Street water storage tank and booster pump station.  
 Consulting Engineer Kevin J. Nester, P.E.  
 GHD, Inc.  
 321 Washington Street  
 Huntingdon, PA 16652  
 Permit to Construct Issued 5/2/2019

**Permit No. 2818503**, Public Water Supply.  
 Applicant **Chambersburg Borough**  
 Municipality Greene Township  
 County **Franklin**  
 Responsible Official Lance D. Anderson  
 Water Superintendent  
 100 South Second Street  
 Chambersburg, PA 17201

Type of Facility Change in pH and alkalinity adjusting chemicals from hydrated lime to sodium hydroxide and from soda ash to sodium bicarbonate.  
 Consulting Engineer Peter Lusardi, P.E.  
 GHD, Inc.  
 1240 N. Mountain Rd.  
 Harrisburg, PA 17112  
 Permit to Construct Issued 4/25/2019

**Permit No. 0518502**, Public Water Supply.  
 Applicant **Langdondale Country Store**  
 Municipality Broad Top Township  
 County **Bedford**  
 Responsible Official Lori A. Buseck  
 Owner  
 1020 Sandy Run Road  
 Hopewell, PA 16650

Type of Facility New transient noncommunity water system consisting of one (1) well rated for 7 gallons per minute with greensand filtration for iron and manganese removal.

Consulting Engineer Stephen M. Sewalk, P.E.  
 The EADS Group, Inc  
 227 Franklin Street  
 Johnstown, PA 15901  
 Permit to Construct Issued 4/25/2019

**Permit No. 2819501**, Public Water Supply.  
 Applicant **Waynesboro Borough Authority**  
 Municipality Quincy Township  
 County **Franklin**  
 Responsible Official S. Leiter Pryor  
 Director of Borough Utilities  
 57 East Main Street  
 Waynesboro, PA 17268

Type of Facility Upgrades to pumping facilities, chemical facilities, filtration facilities, electrical and SCADA systems, and wastewater residual facilities at the existing EP 101 water treatment plant.

Consulting Engineer Matthew J. Carnish, P.E.  
 Gannett Fleming Inc  
 P.O. Box 6700  
 Harrisburg, PA 17106-7100  
 Permit to Construct Issued 4/30/2019

**Permit No. 2819503 MA**, Public Water Supply.  
 Applicant **Antrim Township Municipal Authority Water System**  
 Municipality Antrim Township  
 County **Franklin**  
 Responsible Official Rodney G. Rose Esq  
 Vice Chairman  
 10655 Antrim Church Road  
 Greencastle, PA 17225

Type of Facility Well No. 2 pump replacement.  
 Consulting Engineer Michael H. Shiffler, P.E.  
 Shelly Witter & Fox/Fox & Associates Inc  
 11142 Williamsport Pike  
 Greencastle, PA 17225  
 Permit to Construct 5/1/2019  
 Issued

**Operation Permit No. 2116504 MA** issued to: **Shippensburg Borough Authority PA (PWS ID No. 7210043)**, Shippensburg Borough, **Cumberland County** on 5/6/2019 for facilities approved under Construction Permit No. 2116504 MA.

**Comprehensive Operation Permit No. 7360642** issued to: **Faith Outreach Center (PWS ID No. 7360642)**, East Donegal Township, **Lancaster County** on 5/2/2019 for the operation of facilities approved under Construction Permit No. 3619501.

**Operation Permit No. 5019501** issued to: **The Love Shack (PWS ID No. 7500872)**, Carroll Township, **Perry County** on 5/6/2019 for facilities approved under Construction Permit No. 5019501.

**Operation Permit No. 2119504 MA** issued to: **Middlesex Township Municipal Authority (PWS ID No. 7210063)**, Middlesex Township, **Cumberland County** on 4/25/2019 for facilities approved under Construction Permit No. 2119504 MA.

**Transferred Comprehensive Operation Permit No. 3060042** issued to: **LNK Divisions, Inc. (PWS ID No. 3060042)**, Greenwich Township, **Berks County** on 4/22/2019. Action is for a Change in Ownership for Green Acres Mobile Home Park, Berks County for the operation of facilities previously issued to Green Acres MHP.

**Transferred Comprehensive Operation Permit No. 7210065** issued to: **CV Estates Management, LLC (PWS ID No. 7210065)**, Upper Frankford Township, **Cumberland County** on 5/2/2019. Action is for a Change in Ownership for Country View Estates, Cumberland County for the operation of facilities previously issued to John and Heidi Walter.

**Operation Permit No. 2119505 MA** issued to: **SUEZ Water Pennsylvania (PWS ID No. 7210028)**, Silver Spring Township, **Cumberland County** on 5/6/2019 for facilities at Mechanicsburg System approved under Construction Permit No. 2119505 MA.

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

**Permit No. 1719501MA—Construction—Public Water Supply.**

Applicant **Pike Township Municipal Authority**  
 Township/Borough Pike Township  
 County **Clearfield County**  
 Responsible Official Mr. Randy Bloom, Manager  
 Pike Township Municipal Authority  
 P.O. Box 27  
 Curwensville, PA 16833  
 Type of Facility Public Water  
 Supply—Construction

Consulting Engineer Mr. Patrick J. Ward  
 Uni-Tec Consulting Engineers, Inc.  
 2007 Cato Avenue  
 State College, PA 16801  
 Permit Issued May 3, 2019  
 Description of Action Authorizes the Pike Township Municipal Authority as a minor amendment to PWS Permit No. 1717506 to replace: 10 horsepower (hp) duplex booster-pump system configured to accept a third booster pump with a 7.5 hp triplex booster pump system and to replace 6-inch diameter piping from existing watermain to Jo-Lin Pump Station and 6-inch diameter piping from J-Lin Pump Station to existing watermain with 4-inch diameter inlet and outlet piping.

**Permit No. 1717508 (partial permit part 1)—Operation—Public Water Supply.**

Applicant **Clearfield Municipal Authority**  
 Township/Borough Lawrence Township  
 County **Clearfield County**  
 Responsible Official Mr. John Williams  
 Clearfield Municipal Authority  
 107 East Market Street  
 Clearfield, PA 16830  
 Type of Facility Public Water Supply—Operation  
 Consulting Engineer Mr. James Potopa, P.E.  
 Gwin Dobson & Foreman, Inc.  
 3121 Fairway Dr.  
 Altoona, PA 16602-4496  
 Permit Issued May 3, 2019  
 Description of Action Authorizes the operation of only the recent installed distribution and transmission lines along Carbon Mine Road (T-580) and the northwestern end of Antes Hill Road (T-564). All other components of Construction Permit No. 1717508 are specifically excluded from this partial operation permit.

**McClure Municipal Authority (Public Water Supply), Snyder County:** On May 7, 2019, the Safe Drinking Water Program approved the Source Water Protection (SWP) plan for the McClure Municipal Authority community water system. The personnel involved with the development of this SWP are to be commended for taking these proactive steps to protect these water sources for their community. Development of the SWP plan was funded by the Department of Environmental Protection (Mark R. Stephens, P.G., (570) 327-3422).

**Permit No. MA-GWR—Construction & Operation—Public Water Supply.**

Applicant **That Dam Bar & Pizza Barn**  
 Township/Borough Tioga Township  
 County **Tioga County**

Responsible Official	Ms. Maria Phelps That Dam Bar & Pizza Barn 101 West Main Street Elkland, PA 16920	Consulting Engineer	Timothy K. Steed Hunt Engineers, Architects, Surveyors Airport Corporate Park 100 Hunt Center Horseheads, NY 14845-1019
Type of Facility	Public Water Supply— Construction & Operation	Permit Issued	May 3, 2019
Consulting Engineer	Mr. Joseph Lichty, P.E. Lichty Engineering 687 Berkshire Dr State College, PA 16803-3342	Description of Action	Authorizes Genesee Township Water Authority to operate Hickox Well No. 3 as an additional source of supply and to operate the new piping and equipment installed inside the control building, including chemical injection ports for sodium hypochlorite and blended phosphate. This permit will cancel Permit Nos. 1052-T1 and 48833-T1. The distribution portion of Permit No. 1052-T1 has been incorporated into this operation Permit.
Permit Issued	May 6, 2019		
Description of Action	Authorizes the 4-Log inactivation of viruses for Well No. 1 (Entry Point 100) at That Dam Bar & Pizza Barn, including an existing 8-gpm Goulds J5SH jet pump, pressure tank, sodium hypochlorite disinfection tank, two new 120-gallon retention tanks connected in series, a Peristaltic Chemical feed meter pump and injection assembly, a new flow control device and distribution system.		
<b>Permit No. 5317502MA—Operation—Public Water Supply.</b>			
Applicant	<b>Genesee Township Water Authority</b>	Applicant	<b>Jersey Shore Area Joint Water Authority</b>
Township/Borough	Genesee Township	Township/Borough	Pine Creek Township
County	<b>Potter County</b>	County	<b>Clinton County</b>
Responsible Official	Mr. Donald Reed Jr. Chairman Genesee Township Water Authority P.O. Box 3 Genesee, PA 16923	Responsible Official	Ms. Judith Cohick Jersey Shore Area Joint Water Authority 1111 Bardo Avenue P.O. Box 5046 Jersey Shore, PA 17740
Type of Facility	Public Water Supply—Operation	Type of Facility	Public Water Supply—Operation
Consulting Engineer	Timothy K. Steed Hunt Engineers, Architects, Surveyors Airport Corporate Park 100 Hunt Center Horseheads, NY 14845-1019	Consulting Engineer	N/A
Permit Issued	May 3, 2019	Permit Issued	May 7, 2019
Description of Action	Authorizes the operation of the 138,000-gallon, glass-coated, bolted-steel, water-storage tank.	Description of Action	Authorizes operation of a Hach TU5300 SC online laser turbidimeter to measure combined filter effluent turbidities at the Pine Creek Filter Plant.
<i>Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.</i>			
<b>Permit No. 3218512, Public Water Supply.</b>			
Applicant	<b>Genesee Township Water Authority</b>	Applicant	<b>Indiana County Municipal Services Authority</b>
Township/Borough	Genesee Township	[Borough or Township]	Rayne Township
County	<b>Potter County</b>	County	<b>Indiana</b>
Responsible Official	Mr. Donald Reed Jr. Chairman Genesee Township Water Authority P.O. Box 3 Genesee, PA 16923	Type of Facility	Plumville water treatment plant
Type of Facility	Public Water Supply— Operation	Consulting Engineer	Gibson-Thomas Engineering Co., Inc. 1004 Ligonier Street P.O. Box 853 Latrobe, PA 15650
		Permit to Construct Issued	May 1, 2019



**Permit No. 3218514**, Public Water Supply.

Applicant **Indiana County Municipal Services Authority**  
602 Kolter Drive  
Indiana, PA 15701

[Borough or Township] South Mahoning, Washington and Rayne Townships

County **Indiana**

Type of Facility Marion Center tank and waterlines

Consulting Engineer Gibson-Thomas Engineering Co., Inc.  
1004 Ligonier Street  
P.O. Box 853  
Latrobe, PA 15650

Permit to Construct Issued May 1, 2019

**Operations Permit** issued to: **Springdale Borough**, 325 School Street, Springdale, PA 15144, (**PWSID # 5020053**) Springdale Borough, **Allegheny County** on May 2, 2019 for the operation of facilities approved under Construction Permit # 0217525MA.

**Operations Permit** issued to: **Springdale Borough**, 325 School Street, Springdale, PA 15144, (**PWSID # 5020053**) Springdale Borough, **Allegheny County** on May 2, 2019 for the operation of facilities approved under Construction Permit # 0217526MA.

**Operations Permit** issued to: **Springdale Borough**, 325 School Street, Springdale, PA 15144, (**PWSID # 5020053**) Springdale Borough, **Allegheny County** on May 2, 2019 for the operation of facilities approved under Construction Permit # 0217527MA.

**Operations Permit** issued to: **Municipal Authority of Westmoreland County**, 124 Park & Pool Road, New Stanton, PA 15672, (**PWSID # 5260036**) Hempfield Township, **Westmoreland County** on April 26, 2019 for the operation of facilities approved under Construction Permit # 2618514MA.

**Operations Permit** issued to: **Municipal Authority of Westmoreland County**, 124 Park & Pool Road, New Stanton, PA 15672, (**PWSID # 5260036**) Hempfield Township, **Westmoreland County** on April 30, 2019 for the operation of facilities approved under Construction Permit # 6513515MA-1.

**Operations Permit** issued to: **Municipal Authority of Westmoreland County**, 124 Park & Pool Road, New Stanton, PA 15672, (**PWSID # 5260036**) Borough of South Greensburg, **Westmoreland County** on April 30, 2019 for the operation of facilities approved under Construction Permit # 6513516MA-1.

**Operations Permit** issued to: **Southwestern Pennsylvania Water Authority**, P.O. Box 187, 1442 Jefferson Road, Jefferson, PA 15344, (**PWSID # 5300017**) Franklin, Washington and Morris Townships, **Greene County** on April 30, 2019 for the operation of facilities approved under Construction Permit # 3017505MA.

**Permit No. 0218534MA**, Minor Amendment, Public Water Supply.

Applicant **Pennsylvania American Water Company**  
852 Wesley Drive  
Mechanicsburg, PA 17055

[Borough or Township] City of Pittsburgh

County **Allegheny**

Type of Facility Hays Mine backwash clarifier 2

Consulting Engineer Pennsylvania American Water Company  
852 Wesley Drive  
Mechanicsburg, PA 17055

Permit to Construct Issued April 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.

*Northcentral Region: Clean Water Program Manager, 208 West Third Street, Williamsport, PA 17701.*

#### Plan Location:

Borough or Township	Borough or Township Address	County
State College Borough	243 South Allen Street State College, PA 16801	Centre

*Plan Description:* The approved plan calls for The Pennsylvania State University to upgrade two separate sections, totaling approximately 890 feet, of their existing sanitary sewer collection system, whose sewage flows are treated at the university wastewater treatment plant, within the portion of their campus that resides within State College Borough. The proposed upgrades will increase pipe sizing to match modern requirements and the existing immediate downstream pipe size. The Pennsylvania State University will pay for the project using their own monies. The Department's review of the sewage facilities update has not identified any significant environmental impacts resulting from the proposed plan. Any required NPDES Permits or WQM Permits must be obtained in the name of The Pennsylvania State University.

#### 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.*

**Schilling Property**, 1636 North 5th Street, Stroud Township, **Monroe County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Penny Wise Fuel, 219 Shine Hill Road, Henryville, PA 18332, submitted a Final Report concerning remediation of soil contaminated by a release of heating oil from an aboveground storage tank. The report is intended to document remediation of the site to meet Statewide Health Standards.

**WR 79 Mitchell Well Pad**, 483 South Bailey Road, Franklin Township, **Susquehanna County**. Resource Environmental Management, 50 Maple Street, Montrose, PA 18801, on behalf of SWN Production Company LLC, 917 SR 92 North, Tunkhannock, PA 18657, submitted a Final Report concerning remediation of a release of brine from an aboveground storage (frac) tank to soil. The report is intended to document remediation of the site to meet a combination of Background and Statewide Health Standards.

**Hazleton City Highway Garage**, 215 North Cedar Street, Hazleton City, **Luzerne County**. Barry Isett & Associates, 100 West Broad Street, Hazleton, PA 18201, on behalf of City of Hazleton Public Works Department, 40 North Church Street, Hazleton, PA 18201, submitted a Notice of Intent to Remediate. Soil was contaminated by a release of used motor oil from an aboveground storage tank. The report is intended to document remediation of the site to meet Statewide Health Standards.

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

**Tim Lee Residence**, 90 Knight Road, Gettysburg, PA 17325, Cumberland Township, **Adams County**. Environmental Products & Services of Vermont, Inc., 1539 Bobali Drive, Harrisburg, PA 17104, on behalf of Tim Lee, 90 Knight Road, Gettysburg, PA 17325, submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Birdsboro Power LLC/Former Armorcast Facility**, 1 Armorcast Road, Birdsboro, PA 19508, Birdsboro Borough and Union Township, **Berks County**. AMO Envi-

ronmental Decisions, Inc., on behalf of Power Plan Management Services, LLC, 1 Armorcast Road, Birdsboro, PA 19508-2017, submitted a Final Report concerning remediation of contaminated site soil. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

*Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**Cascade Express, Inc. Project**, Lewis Township, **Union County**. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857 on behalf of Cascade Express, Inc., 4616 Longview Drive, North Highlands, CA 95660 has submitted a Final Report concerning remediation of site soils contaminated with diesel fuel, motor oil and antifreeze. The report is intended to document remediation of the site to meet the Statewide Health Standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995  
PREAMBLE 3

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

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in 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.*

**Lancaster Junction/Buckeye Pipeline**, 2810 Weaver Road, Lancaster, PA 17601, Manheim Township, **Lancaster County**. GES, Incorporated, 440 Creamery Way, Exton, PA 19341, on behalf of Buckeye Partners, 5 TEK Park, 9999 Hamilton Boulevard, Breinigsville, PA 18031, and Fred Hess, 2810 Weaver Road, Lancaster, PA 17601, submitted a Final Report concerning remediation of groundwater contaminated with unleaded gasoline. The Final Report demonstrated attainment of the Residential Statewide Health Standard and was approved by the Department on April 29, 2019.

**Birdsboro Power LLC/Former Armorcast Facility**, 1 Armorcast Road, Birdsboro, PA 19508, Birdsboro Borough and Union Township, **Berks County**. AMO Environmental Decisions, Inc., on behalf of Power Plan Management Services, LLC, 1 Armorcast Road, Birdsboro, PA 19508-2017, submitted a Final Report concerning remediation of contaminated site soil. The Final Report was administratively incomplete and was disapproved by the Department on May 3, 2019.

**Esterly Concrete Company/Diesel & UMO Release**, 500 Plum Creek Road ROW, Leesport, PA 19533, Penn Township, **Berks County**. Crawford Environmental Services, 20 Cardinal Drive, Birdsboro, PA 19508, on behalf of PennDOT Maintenance Berks, 4680 Fifth Street Highway, Temple, PA 19560, submitted a Final Report concerning remediation of site soil contaminated with diesel fuel and used motor oil. The Final Report did not demonstrate attainment of the Residential Statewide Health Standard and was disapproved by the Department on May 6, 2019.

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

**Dorney Park and Wildwater Kingdom**, 3830 Dorney Park Road, South Whitehall Township, **Lehigh County**. Barry Isett & Associates, 85 South Route 100, Allentown, PA 18106, on behalf of Dorney Park and Wildwater Kingdom, 3830 Dorney Park Road, Allentown, PA 18104, submitted a Final Report concerning remediation of a release of heating oil to soil at a greenhouse. The report was intended to document remediation of the site to meet non-residential Statewide Health Standards but was disapproved by DEP on May 6, 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 Final Report concerning remediation of a release of brine to soil and groundwater. The report was intended to document remediation of the site to meet a combination of Background and Statewide Health Standards. The Final Report for soil was approved by DEP on May 6,

2019 but the Final Report for groundwater was disapproved by DEP on May 6, 2019. The groundwater case remains open.

*Northwest Region: Environmental Cleanup & Brownfields Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**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 was disapproved by the Department on April 30, 2019.

#### HAZARDOUS WASTE TRANSPORTER LICENSE

**Actions on applications for Hazardous Waste Transporter License received under the Solid Waste Management Act of July 7, 1980 (P.L. 380, No. 97) (35 P.S. §§ 6018.101—6018.1003) and regulations to transport hazardous waste.**

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P.O. Box 69170, Harrisburg, PA 17106-9170.*

*Renewal Applications Received*

**EQ Industrial Services, Inc.**, 17440 College Parkway, Livonia, MI 48152. License No. PA-AH 0615. Effective May 02, 2019.

**Kuhnle Brothers, Inc.**, P.O. Box 375, Newbury, OH 44065. License No. PA-AH 0655. Effective May 03, 2019.

**Environmental Waste Minimization, Inc.**, 14 Brick Kiln Ct, Northampton, PA 18067. License No. PA-AH 0682. Effective May 03, 2019.

*Transporter Licenses Reissued*

**EQ Industrial Services, Inc.**, 17440 College Parkway, Livonia, MI 48152. License No. PA-AH 0615. Effective May 02, 2019.

**Kuhnle Brothers, Inc.**, P.O. Box 375, Newbury, OH 44065. License No. PA-AH 0655. Effective May 03, 2019.

**Environmental Waste Minimization, Inc.**, 14 Brick Kiln Ct, Northampton, PA 18067. License No. PA-AH 0682. Effective May 03, 2019.

*New Applications Received*

**Best Dedicated LLC**, 829 Graves Street, Kernersville, NC 27284. License No. PA-AH 0886. Effective May 06, 2019.

*New Transporter Licenses Issued*

**Best Dedicated LLC**, 829 Graves Street, Kernersville, NC 27284. License No. PA-AH 0886. Effective May 06, 2019.

#### REGULATED MEDICAL AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSES

**Actions on applications for Regulated Medical and Chemotherapeutic Waste Transporter License received under the Solid Waste Management Act of July 7, 1980 (P.L. 380, No. 97) (35 P.S. §§ 6018.101—6018.1003) and Act 93 of June 28, 1988 (P.L. 525, No. 93) and regulations to transport regulated medical and chemotherapeutic waste.**

*Renewal Applications Received*

**S-J Transportation Co., Inc.**, 1176 US Route 40, Woodstown, NJ 08098. License No. PA-HC 0031. Effective May 01, 2019.

**R. Mor Enterprises Inc dba NJ Medical Waste**, 11 Harts Lane, East Brunswick, NJ 08816. License No. PA-HC 0246. Effective May 02, 2019.

*Regulated Medical and Chemotherapeutic Waste Transporter License Reissued*

**S-J Transportation Co., Inc.**, 1176 US Route 40, Woodstown, NJ 08098. License No. PA-HC 0031. Effective May 01, 2019.

**R. Mor Enterprises Inc dba NJ Medical Waste**, 11 Harts Lane, East Brunswick, NJ 08816. License No. PA-HC 0246. Effective May 02, 2019.

**HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES**

**Permits issued under the Solid Waste Management Act of July 7, 1980 (P.L. 380, No. 97) (35 P.S. §§ 6018.101—6018.1003) and Regulations to Operate a Hazardous Waste Treatment, Storage, or Disposal Facility.**

*Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401.*

**PAR000538058. Sunoco Partners Marketing & Terminals, LP**, Marcus Hook Plant, 100 Green Street, Marcus Hook, PA 19061-4800. This Class 1 permit modification is to reflect the transfer of the RCRA Part B Permit No. PAD980550594 ("RCRA permit") from Sunoco, Inc., (R&M) to Sunoco Partners Marketing & Terminals, LP. The permit transfer was requested to reflect an asset purchase and associated transfer of permit responsibilities and liabilities related to the acquisition of land, structures and appurtenances involved with active operations at the former Marcus Hook Refinery, now known as the Marcus Hook Industrial Complex (MHIC) located at 100 Green Street in the Borough of Marcus Hook, Delaware County. The permit was issued by the Southeast Regional Office on April 25, 2019.

Comments concerning the application should be directed to the Pennsylvania Department of Environmental Protection ("DEP") Waste Management Program Manager, Southeast Regional Office, 2 East Main Street, Norristown, PA 19401-4915. Persons interested in obtaining more information about the general permit application may contact the Southeast Regional Office by telephone at 484.250.5960. TDD users may contact the DEP through the Pennsylvania AT&T Relay Service, (800) 654.5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

**AIR QUALITY**

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

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

*Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2531.*

**GP3-58-062: L&D Stoneworks Inc** (2774 Stone Street, Montrose, PA 18801) on April 23, 2019 for the construction and operation of a Portable Crushing Operation with watersprays at the Millard Quarry site located in Jessup Twp., Susquehanna County.

**GP9-58-062: L&D Stoneworks Inc** (2774 Stone Street, Montrose, PA 18801) on April 23, 2019 for the construction and operation of diesel engines at the Millard Quarry site located in Jessup Twp., Susquehanna County.

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

*Contact: Ed Orris, P.E., New Source Review Chief—Telephone: 412-442-4168.*

**GP5A-04-00750 or AG5A-04-00001A: Range Resources Appalachia, LLC** (3000 Town Center Boulevard, Canonsburg, PA 15317) on April 26, 2019, received authorization under GP-5A for construction and/or operation of sources and controls associated with a natural gas well pad at its Jodikinos Carol 11380 facility located in Independence Township, Beaver County.

**Plan Approvals Issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.**

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

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

**46-0005AT: Merck, Sharp & Dohme, Corp.** (770 Sumneytown Pike, West Point, PA 19486-0004) on May 6, 2019, for the installation of a natural gas fired emergency generator in Building 46 to upgrade the electric infrastructure and improve reliability in support of the operations in this building at an existing permitted Title V facility in Upper Gwynedd Township, Montgomery County.

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

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

**54-00054A: Commonwealth Environmental Systems, L.P.** (99 Commonwealth Road, Hegins, PA 17938) issued on April 18, 2019 for the installation and operation of one (1) landfill gas flare (incinerator), to remove the operating hour restriction for CD02 flare and revision of CD01's and CD02's flares operating capacity at the existing facility located in Foster Township, Schuylkill County.

**39-00055A: B. Braun Medical, Inc.** (901 Marcon Blvd., Allentown, PA 18109) issued on May 6, 2019 for the expansion of surgical and medical instrument apparatus manufacturing operations at the existing facility located in Hanover Township, Lehigh County.

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

*Contact: Ed Orris, P.E., New Source Review Chief—Telephone: 412-442-4168.*

**04-00445C: VEKA Incorporated** (100 VEKA Drive, Fombell, PA 16123) plan approval effective on May 2, 2019, to authorize construction and temporary operation

of one (1) replacement lamination line (Line # 1) and the installation of automated primer and adhesive material delivery systems on an existing lamination line (Line # 2) at its Fombell Plant located in Marion Township, **Beaver 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.**

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

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

**17-00071A: Continental Carbonic Products, Inc.** (40 Technology Drive, Clearfield, PA 17802) was issued an extension of the temporary authorization to operate under plan approval pending issuance of an operating permit for an additional 180 days from May 4, 2019 to October 31, 2019. The source is located in the Borough of Clearfield, **Clearfield 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.*

**PA-65-00080A Extension: Duraloy Technologies, Inc.** (120 Bridge Street, Scottsdale, PA 15683-1748) plan approval extension issuance date effective May 28, 2019, for the approval of a Stack Test Protocol from the Department and to perform VOC emission test upon the Foundry Sand Reclamation Unit Stack at their Scottsdale facility located in Scottsdale Borough, **Westmoreland County**.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481.*

*Contact: David Balog, New Source Review Chief—Telephone: 814-332-6328.*

**43-377A: Austin Rubber Company, LLC** (93 Werner Rd, Greenville, PA 16125) on April 25, 2019, effective April 30, 2019, has issued a plan approval extension for the installation and operation of a rubber devulcanization facility in Sugar Grove Township, **Mercer County**. This expires October 31, 2019.

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

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

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

**59-00002: Dominion Energy Transmission, Inc.** (5000 Dominion Blvd., Glen Allen, VA 23060) on May 2, 2019, in accordance with the minor operating permit modification requirements of 25 Pa. Code § 127.462, to allow fuel tariff documentation or contract to verify the sulfur content of the fuel used in Sources P101, P102, and P201 at the facility located in Farmington Township, **Tioga County**.

**53-00004: Dominion Energy Transmission, Inc.** (5000 Dominion Blvd., Glen Allen, VA 23060) on May 2, 2019, in accordance with the minor operating permit

modification requirements of 25 Pa. Code § 127.462, to revise the logbook requirements for the weekly fugitive emissions inspections and the monthly AVO requirement to allow for uneditable electronic records at the facility located in Harrison Township, **Potter County**.

**59-00005: Dominion Energy Transmission, Inc.** (5000 Dominion Blvd., Glen Allen, VA 23060) on May 2, 2019, in accordance with the minor operating permit modification requirements of 25 Pa. Code § 127.462, to revise the logbook requirements for the weekly fugitive emissions inspections and the monthly AVO requirement to allow for uneditable electronic records and to allow fuel tariff documentation or contract to verify the sulfur content of the fuel used in Sources P101 through P107 at the facility located in Clymer Township, **Tioga County**.

**53-00007: Dominion Energy Transmission, Inc.** (5000 Dominion Blvd., Glen Allen, VA 23060) on May 2, 2019, in accordance with the minor operating permit modification requirements of 25 Pa. Code § 127.462, to allow fuel tariff documentation or contract to verify the sulfur content of the fuel used in Sources P101 through P104 and P201 at the facility located in Genesee Township, **Potter County**.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481.*

*Contact: David Balog, New Source Review Chief—Telephone: 814-332-6328.*

**24-00012: GrafTech USA, LLC** (800 Theresia St., Saint Marys, PA 15857-1831). On May 1, 2019, the Department issued a modification of the Title V Operating Permit to incorporate RACT II case-by-case requirements for the graphite electrode manufacturing facility. The facility is major for VOC and not NO<sub>x</sub>; thus, the RACT II Review only addresses emissions of VOC. The facility's primary emission sources include coke unloading, storage, preheaters, screening, crushing, the petroleum coke flour mill, pitch impregnation, mixer, feeder, scale, three (3) natural gas-fueled emergency generators, one (1) diesel-fueled emergency generator, the 48" extrusion press system, a burn-off oven, L.G. coke screening, liquid pitch storage and distribution, air/vegetable oil quench system, pitch storage and coke handling in plant 3, (16) carbottom furnaces, (20) longitudinal graphitizers, sagger sand handling system, (3) parts cleaners, the graphite bagging system, and machining operations. This RACT II major modification addresses two VOC emission sources subject to an alternative RACT proposal pursuant to 25 Pa. Code § 129.99(c), Source 186 (Carbottom Furnaces) and Source 187 (Longitudinal Graphitizers). There are no presumptive RACT II requirements for either source and each has a potential to emit greater than 2.7 tpy of VOC. There are no other VOC emission sources at the facility with a PTE equal to or greater than 1 tpy; thus, all other VOC sources are exempt from RACT II. The highest actual emissions reported in the previous five years are 58.8 tons of VOC from the facility in 2014, which includes 36.98 tons of VOC from 186 and 21.51 tons of VOC from 187. The permit contains emission restrictions, recordkeeping, work practices, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

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

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

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

**23-00091: Union Packaging LLC** (6250 Baltimore Avenue, Yeadon, PA 19050) on May 6, 2019, for the renewal of the State Only Operating Permit for the operation of rotogravure and flexographic presses located at the facility in Yeadon Borough, **Delaware County**.

**46-00191: Merck & Co, Inc.** (351 North Summeytown Pike, North Wales, PA 19454) on May 6, 2019, for the renewal of a State Only Operating Permit for the operation of boilers, generators, and miscellaneous combustion sources at their office complex in Upper Gwynedd Township, **Montgomery County**.

**46-00206: DRG Pennbrook, LLC** (1180 Church Road, Lansdale, PA 19446), on May 6, 2019, for the renewal of a Natural Minor Operating Permit for operation of natural gas fired generators at the facility located in Lansdale Borough, **Montgomery County**.

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

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

**39-00092: Hale Trailer Brake & Wheel, Inc.** (Rt. 73 and Cooper Road, P.O. Box 1400, Voorhees, NJ 08043). On April 30, 2019 the Department issued a renewal State-Only Natural Minor Permit for the Hale Trailer located in Upper Macungie Township, **Lehigh County**. This facility operates a spray paint booth with drying oven. The source is considered a minor emission source of nitrogen oxide (NO<sub>x</sub>), sulfur oxides (SO<sub>x</sub>), carbon monoxide (CO), total suspended particulate (TSP) and VOC's. The issued 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.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481.*

Contact: *Matt Williams, Facilities Permitting Chief at Telephone: 814-332-6940.*

**20-00123: LORD Corporation Cambridge Springs** (124 Grant St, Cambridge Springs, PA 16403-1014). On May 1, 2019, the Department issued the renewal State Only Synthetic Minor Operating Permit for operation of the manufacturing facility located in Cambridge Springs Borough, **Crawford County**. The primary operations at the facility include surface preparation of metal components, application of adhesives, and bonding of the metal components with the rubber materials. Additionally, there are various natural gas-fired boilers and heaters for comfort heat, hot water, and process heating, finishing processes, an emergency fire pump, and an emergency generator. The potential emissions of the primary pollutants from the facility after permit limitations are as follows: 15.80 TPY (tons per year) NO<sub>x</sub>, 11.54 TPY CO, 49.9 TPY VOC, 24.9 TPY total HAPs, 9.9 TPY individual HAPs, 3.97 TPY filterable PM<sub>10</sub> and PM<sub>2.5</sub>, and 0.08 TPY SO<sub>x</sub>; thus, the facility is a synthetic minor. The facility was previously a Title V facility but has elected to restrict the facility's potential VOC and HAP emissions below Title V thresholds. The newer boiler is subject to 40 CFR 60 Subpart Dc, Standards of Performance for Small Steam Generating Units. Surface coating processes that utilize chromium-containing material are subject to 40 CFR 63 Subpart HHHHHH, NESHAP for Paint Stripping and Miscellaneous Surface Coating Operations at Area

Sources. Non-adhesive surface coating processes are subject to facility-wide emission limits to qualify for exemption from 25 Pa. Code §§ 129.52 and 129.52d. The new walk-in spray booth and drying/staging oven permitted under Plan Approval 20-123F are subject to 25 Pa. Code § 129.77, control of emissions from the use or application of adhesives, sealants, primers, and solvents recordkeeping requirements due to the noncompliance of the surface coatings used. The emergency generator is subject to 40 CFR 60 Subpart JJJJJ, Standards of Performance for Stationary Spark Ignition Internal Combustion Engines. The emergency fire pump is subject to 40 CFR 63 Subpart ZZZZ, NESHAP for Stationary Reciprocating Internal Combustion Engines. The renewal permit contains emission restrictions, recordkeeping, work practices, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

**20-00302: ITU AbsorbTech, Inc.** (818 W. Spring St., Titusville, PA 16354), on May 6, 2019, the Department issued the renewal of the State-Only Operating Permit of an industrial launderer located in Titusville City, **Crawford County**. Permitted sources at the facility include solvent recovery dryers, washers, dryers, two boilers, a steam tunnel, and a wastewater treatment system. To be Synthetic Minor, the facility is subject to a VOC restriction of 49 TPY and to towel throughput restrictions of 1,100,000 lbs/yr for solvent recovered print towels, 25,000 lbs/yr for non-solvent recovered print towels, and 2,200,000 lbs/yr for other towels. The facility has been complying with conditions of the Malodor Prevention Plan submitted in 2012. In this renewal, permit changes include the removal of a previously permitted washer and the update of number of units for solvent recovery dryers, washers, and boilers. There are no new permit requirements added in this renewal.

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**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.**

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

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

**46-00031: Glaxosmithkline** (1250 S. Collegeville Road, Upper Providence Township, **Montgomery County**) on May 6, 2019, for a Title V Operating Permit (TVOP) Minor Modification. The following changes were made to the permit:

1. Facility wide HAP status changed from Major to Minor Area Source. An enforceable HAP emission limit (24.9 tpy for total combined HAPs and 9.9 tpy for any single HAP) was added to Section C of the permit.
2. The change in HAP status from Major to Minor no longer subjects GSK to Major Source Boiler MACT Rule (40 CFR Part 63, Subpart DDDDD) but now subjects GSK to Area Source Boiler MACT Rule (40 CFR Part 63, Subpart JJJJJJ).
3. Source ID 030 (Boiler MACT # 2 Fuel oil & Natural gas) conditions # 001 thru # 015 referencing Subpart DDDDD were deleted. All new conditions were added to this Source ID to reflect applicability of Subpart JJJJJJ.

The modified TVOP includes monitoring, recordkeeping, reporting, and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

Minor modification of TVOP No. 46-00031 is issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code § 127.462.

*Philadelphia: Air Management Services, 321 University Avenue, Philadelphia, PA 19104-4543, Contact: Edward Wiener, Chief, Source Registration at 215.685.9476.*

**OP19-000003: S.D. Richman Sons, Inc.** (2435 Wheatshaf 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.

## 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

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

**33110105. Strishock, LLC** (P.O. Box 1006, DuBois, PA 15801). Revision to an existing bituminous surface mine to add 1.0 acre in Pine Creek Township, **Jefferson County** affecting a total of 86.0 acres. Receiving streams: Unnamed tributary to Mill Creek. Application received: February 14, 2019. Permit issued: May 1, 2019.

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

**17793123 and NPDES PA0089603. Strishock, LLC** (220 Hillcrest Drive, DuBois, PA 15801). Permit renewal for passive treatment system on a bituminous surface coal mine located in Union and Brady Townships, **Clearfield County** affecting 102.8 acres. Receiving stream(s): Sugar Camp Run and Laborde Branch classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: September 13, 2018. Permit issued: April 29, 2019.

**12060101 and NPDES PA0256366. Allegheny Enterprises, Inc.** (3885 Roller Coaster Road, Corsica, PA 15829). Permit renewal for reclamation only of a bituminous surface coal mine located in Lumber and Shippen

Townships, **Clearfield County** affecting 293.8 acres. Receiving stream(s): Finley Run, Reed Hollow, and Portable Run classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: October 9, 2018. Permit issued: April 25, 2019.

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

**26743202 and NPDES Permit No. PA0069736. Bute Coal Recovery, LLC** (195 Enterprise Lane, Connelville, PA 15425). Permit issued for commencement, operation and restoration of a bituminous surface mine, located in Dunbar and North Union Townships, **Fayette County**, affecting 150.1 acres. Receiving streams: Rankin Run to Redstone Creek to Monongahela River. Application received: July 2, 2018. Permit issued: May 6, 2019.

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

**Permit No. 54030103R3. Jett Contracting Company**, (231 Winfield Drive, Brockton, PA 17925), renewal of an existing anthracite surface mine operation in Blythe Township, **Schuylkill County** affecting 116.0 acres, receiving stream: Morgans Run. Application received: October 16, 2018. Renewal issued: May 6, 2019.

**Permit No. 54030103C6. Jett Contracting Company**, (231 Winfield Drive, Brockton, PA 17925), correction to update the post-mining land use to unmanaged natural habitat of an existing anthracite surface mine operation in Blythe Township, **Schuylkill County** affecting 116.0 acres, receiving stream: Morgans Run. Application received: October 16, 2018. Renewal issued: May 6, 2019.

**Permit No. PAM13068R. Jett Contracting Company**, (231 Winfield Drive, Brockton, PA 17925), renewal of General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 54030103 in Blythe Township, **Schuylkill County**, receiving stream: Morgans Run. Application received: October 16, 2018. Renewal issued: May 6, 2019.

### Noncoal Permits Issued

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

**20910303. Don & Randy Ferris, Inc.** (23733 Mackey Hill Road, Cambridge Springs, PA 16403). Renewal of NPDES No. PA0259454, Rockdale Township, **Crawford County**. Receiving streams: Kelly Run and unnamed tributary to Muddy Creek. Application received: February 26, 2019. Permit issued: May 1, 2019.

**3072SM3. Allegheny Mineral Corporation** (P.O. Box 1022, Kittanning, PA 16201). Renewal of NPDES No. PA0605336, Marion and Mercer Townships, **Butler County**. Receiving streams: two unnamed tributaries to McMurray Run, McMurray Run, one unnamed tributary to North Branch Slippery Rock Creek, and North Branch Slippery Rock Creek. Application received: February 25, 2019. Permit issued: May 1, 2019.

**43180303. Doren, Inc.** (2313 State Route 18, Wampum, PA 16157). Commencement, operation and restoration of a large industrial minerals mine in Jefferson Township, **Mercer County** affecting 23.0 acres. Receiving streams: Unnamed tributary to Lackawannock Creek and unnamed tributary to Shenango River. Application received: November 29, 2018. Permit issued: May 1, 2019.

**PAM618081. Doren, Inc.** (2313 State Route 18, Wampum, PA 16157). General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 43180303 in Jefferson Township, **Mercer County**. Receiving streams: Unnamed tributary to Lackawannock Creek and unnamed tributary to Shenango River. Application received: November 29, 2018. Permit issued: May 1, 2019.

**30127-43180303-E-1. Doren, Inc.** (2313 State Route 18, Wampum, PA 16157). Application for a stream encroachment to allow mining activity within 50 feet but no mineral extraction within 100 feet of unnamed tributary No. 1 to the Shenango River. Receiving streams: Unnamed tributary to Lackawannock Creek and unnamed tributary to Shenango River. Application received: November 29, 2018. Permit issued: May 1, 2019.

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

**1479401 and NPDES PA0118001. Graymont (PA) Inc.** (375 Graymont Road, Bellefonte, PA 16823). Renewal for an existing NPDES on a large noncoal surface mining site located in Spring Township, **Centre County** affecting 257.8 acres. Receiving stream(s): Logan Branch classified for the following use(s): CWF, MF. Application received: December 20, 2018. Permit issued: April 25, 2019.

**14120302 and NPDES PA0118001. Graymont (PA) Inc.** (375 Graymont Road, Bellefonte, PA 16823). Renewal for an existing NPDES on a large noncoal surface mining site located in Spring Township, **Centre County** affecting 67.3 acres. Receiving stream(s): Logan Branch classified for the following use(s): CWF, MF. Application received: December 20, 2018. Permit issued: April 25, 2019.

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

**Permit No. PAM118043. HMMK, Inc.**, (P.O. Box 79, Skippack, PA 19474), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 54980301 in Foster Township, **Schuylkill County**, receiving stream: Swatara Creek. Application received: October 4, 2018. Permit issued: May 2, 2019.

**Permit No. 7973SM3C4 and NPDES Permit No. PA0594369. Naceville Materials**, (350 South Main Street, Suite 207, Doylestown, PA 18901), renewal of an NPDES Permit for discharge of treated mine drainage from a quarry operation in Wrightstown Township, **Bucks County**, receiving stream: unnamed tributary to Mill Creek. Application received: November 29, 2018. Renewal issued: May 2, 2019.

**Permit No. PAM118040. Pottsville Materials, LLC**, (P.O. Box 196, Skippack, PA 19474), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 54090301 in New Castle Township, **Schuylkill County**, receiving streams: Mill Creek and East Branch Schuylkill River. Application received: August 14, 2018. Permit issued: May 3, 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

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

**57194101. Meshoppen Blasting Inc.** (Frantz Road, P.O. Box 127, Meshoppen, PA 18630). Blasting for construction of the Chesapeake Pond Family Gas Well Pad located in Colley Township, **Sullivan County** and Wilmot Township, **Bradford County** with an expiration date of April 16, 2020. Permit issued: April 30, 2019.

**14194105. Douglas Explosives, Inc.** (2052 Philipsburg Bigler Highway, Philipsburg, PA 16866). Blasting for construction of Grays Wood Phase 2 located in Patton Township, **Centre County** with an expiration date of December 30, 2019. Permit issued: May 2, 2019.

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

**Permit No. 15194102. American Rock Mechanics, Inc.**, (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for Greystone Hall in West Goshen Township, **Chester County** with an expiration date of April 23, 2020. Permit issued: April 30, 2019.

**Permit No. 22194105. Maine Drilling & Blasting, Inc.**, (P.O. Box 1140, Gardiner, ME 04345), construction blasting for East Point Trade Center in Derry Township, **Dauphin County** with an expiration date of April 23, 2020. Permit issued: April 30, 2019.

**Permit No. 23194105. Brubacher Excavating, Inc.**, (825 Reading Road, Bowmansville, PA 17507), construction blasting for Franklin Mint in Middletown Township, **Delaware County** with an expiration date of April 25, 2020. Permit issued: April 30, 2019.

**Permit No. 36194120. M & J Explosives, LLC**, (P.O. Box 1248, Carlisle, PA 17013), construction blasting for Lancaster Evangelical Free Church in Warwick Township, **Lancaster County** with an expiration date of April 23, 2020. Permit issued: April 30, 2019.

**Permit No. 13194101. Silver Valley Consulting**, (102 Lamp Post Lane, Stroudsburg, PA 18360), construction blasting for Frable Project, 350 Trachville Road in Towamensing Township, **Carbon County** with an expiration date of October 31, 2019. Permit issued: May 2, 2019.

**Permit No. 22194107. Maine Drilling & Blasting, Inc.**, (P.O. Box 1140, Gardiner, ME 04345), construction blasting for Mindy Meadows in Lower Paxton Township, **Dauphin County** with an expiration date of April 26, 2020. Permit issued: May 2, 2019.

**Permit No. 46194106. Brubacher Excavating, Inc.**, (825 Reading Road, Bowmansville, PA 17507), construction blasting for 476 Turnpike Utilities in Lower Salford, Salford and Franconia Townships, **Montgomery County** with an expiration date of April 12, 2020. Permit issued: May 2, 2019.

**Permit No. 48194106. Maine Drilling & Blasting, Inc.**, (P.O. Box 1140, Gardiner, ME 04345), construction blasting for Lehigh Valley Hospital Swale in Lower Nazareth Township, **Northampton County** with an expiration date of April 25, 2020. Permit issued: May 2, 2019.

**Permit No. 23194104. Maine Drilling & Blasting, Inc.**, (P.O. Box 1140, Gardiner, ME 04345), construction blasting for Franklin Mint in Middletown Township, **Delaware County** with an expiration date of April 24, 2020. Permit issued: May 6, 2019.



**Permit No. 52194102. Holbert Explosives, Inc.,** (237 Mast Hope Plank Road, Suite A, Lackawaxen, PA 18435), construction blasting for Summers Glen in Lackawaxen Township, **Pike County** with an expiration date of April 30, 2020. Permit issued: May 6, 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**

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

**E65-993, Victory Automotive Group, LLC**, 64 Greensburg Street, Delmont, PA 15626, Salem Township, **Westmoreland County**, Pittsburgh ACOE District.

Has been given consent to:

1. Construct and maintain an extension to an existing network of stream enclosures that currently totals over 735 linear feet. (The existing stream enclosure network is comprised of a 230-foot long, 8-foot wide, 7-foot high box culvert; a 150-foot long, 8-foot wide, 7-foot high arch culvert; a 300-foot long, 60" RCP; and a 55-foot long 72" RCP.) The proposed structure will connect to the existing box culvert and is proposed to be a 164-foot long, 8-foot wide, 7-foot high precast concrete box culvert. This enclosure will permanently impact 164 linear feet of Unnamed Tributary (UNT) to Beaver Run (HQ-CWF) (aka Stream 1);

2. Relocate an existing, under-ground sanitary sewer line out of the stream channel and onto the adjacent riparian area which will permanently impact 35 linear feet of Stream 1 and 0.01 acre of PEM wetland (aka Wetland 1), and temporarily impact 65 linear feet of Stream 1, 41 linear feet of another UNT to Beaver Run (HQ-CWF) (aka Stream 2), and 0.04 acre of PEM wetland (aka Wetland 1);

For the purpose of developing a Chrysler Millennium vehicle sales and service facility including paved vehicle displays and paved parking areas. Wetland impacts will be restored on-site. Stream impacts will be mitigated for with the purchase of stream credits from the Enlow Fork Mitigation Bank located in Washington County, PA. The proposed project is located along William Penn Highway (Route 22) between Argenta Way and Cloverleaf Drive (USGS Slickville Quadrangle, Lat: 40° 23' 56.9"; Long: -79° 34' 54.9") in Salem Township, Westmoreland County, PA.

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

**E5829-137: Bridgewater Township, Williams Field Services Company, LLC**; 400 IST Center, Suite 404, Horseheads, NY, 14845; Bridgewater Township, **Susquehanna County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) a 16-inch diameter steel natural gas gathering pipeline and temporary timber mat crossing impacting 18,964 square feet (0.44 acre) of a palustrine emergent wetland (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 51' 03", Longitude: -75° 52' 18"),

2) a 16-inch diameter steel natural gas gathering pipeline and temporary timber mat crossing impacting 19,321 square feet (0.44 acre) of a palustrine emergent wetland (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 51' 04", Longitude: -75° 52' 08"),

3) a 16-inch diameter steel natural gas gathering pipeline and temporary timber mat crossing impacting 1,567 square feet (0.04 acre) of a palustrine emergent wetland (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 51' 09", Longitude: -75° 51' 58"),

4) a temporary timber mat crossing impacting 2,132 square feet (0.05 acre) of a palustrine emergent wetland (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 51' 20", Longitude: -75° 51' 43"),

5) a 16-inch diameter steel natural gas gathering pipeline and temporary timber mat crossing impacting 2,956 square feet (0.07 acre) of a palustrine emergent wetland (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 51' 22", Longitude: -75° 51' 39"),

6) a 16-inch diameter steel natural gas gathering pipeline and temporary timber mat crossing impacting 4,766 square feet (0.11 acre) of a palustrine emergent wetland (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 51' 28", Longitude: -75° 51' 29"),

7) a temporary timber mat bridge crossing impacting 26,263 square feet of floodway impacts to an unnamed tributary to Snake Creek (CWF, MF) (Montrose East, PA Quadrangle; Latitude: 41° 51' 25", Longitude: -75° 51' 37"),

8) a 16-inch diameter steel natural gas gathering pipeline and temporary timber mat crossing impacting 14,893 square feet (0.34 acre) of a palustrine emergent wetland (PEM) and 4,932 square feet (0.11 acre) of palustrine scrub-shrub wetland (PSS) (Montrose East, PA Quadrangle; Latitude: 41° 51' 28", Longitude: -75° 51' 24"),

9) a 16-inch diameter steel natural gas gathering pipeline and temporary timber mat bridge crossing impacting 144 lineal feet and 5,008 square feet of floodway impacts to Snake Creek (CWF, MF) (Montrose East, PA Quadrangle; Latitude: 41° 51' 31", Longitude: -75° 51' 21").

The natural gas gathering pipeline project consists of constructing approximately 1.75 mile 16-inch steel natural gas pipeline located in Bridgewater Township, Susquehanna County. The project will result in 144 lineal feet of stream impacts, 64,599 square feet (1.48 acre) of palustrine emergent wetland impacts, and 4,932 square feet (0.11 acre) of palustrine scrub-shrub wetland impacts to provide safe reliable conveyance of Marcellus Shale natural gas to market.

#### EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

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

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

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

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

ESCGP-3 # ESG294119005-00

Applicant Name Seneca Resources Company LLC

Contact Person Doug Kepler

Address 5800 Corporate Drive, Suite 300

City, State, Zip Pittsburgh, PA 15237

County Lycoming

Township(s) Lewis Twp.

Receiving Stream(s) and Classification(s) Primary Watershed(s): Lycoming Creek (EV, CWF, MF).

Secondary Watershed(s): West Branch Susquehanna River (WWF, 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.*

**PMG 2508**, 09-14447, 403 N. Main St., Telford Borough, **Bucks County**. WSP-USA, 4 Westchester Park Drive, Suite 175, White Plains, NY 10604, on behalf of Cumberland Farms, Inc. submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum products. The report is intended to document remediation of the site to meet site specific standards.

**Horsley Auto Svc**, 46-30090, 925 Montgomery Ave, Lower Merion Township, **Montgomery County**. Penn E&R, Inc., 2755 Bergey Road, Hatfield, PA 19440, on behalf of MBA Equities LTD, 114 Forest Avenue, Suite 100, Narberth, PA 19401, submitted a Remedial Action Plan and a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum products. The report is intended to document remediation of the site to meet Statewide health standards.

**Doaba Oil**, 09-31765, 236 Lincoln Hwy, Falls Township, **Bucks County**. Leidos, 6310 Allentown Boulevard, Harrisburg, PA 17112, on behalf of Platt-Lineman, 325 West Route 130 & Lincoln Avenue, Burlington, NJ 08016 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum products. The report is intended to document remediation of the site to meet site specific standards.

**7 Eleven 25546**, 46-24582, 1972 W. Main St., West Norriton Township, **Montgomery County**. AECOM, 510 Carnegie Center, Princeton, NJ 08540, on behalf of 7-Eleven, Inc., P.O. Box 711, Dallas, TX 75221-0711, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum products. The report is intended to document remediation of the site to meet site specific standards.

**1892 S State Rd Upper Darby**, 23-07042, 1892 S. State Rd., Upper Darby Township, **Delaware County**. Synergy Environmental, Inc., 155 Rail Road Plaza, First Floor, Royersford, PA 19468, on behalf of 1892 S. State Road Upper Darby, LLC, 645 Hamilton Street, Suite 500, Allentown, PA 18101, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum products. The report is intended to document remediation of the site to meet site specific standards.

**Wawa Lansdale PA**, 46-33834, 1857 N. Broad St., Hatfield Township, **Montgomery County**. Aquaterra Technologies, Inc., P.O. Box 744, West Chester, PA 19381, on behalf of Wawa, Inc., 260 W. Baltimore Pike, Wawa, PA 19063, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum products. The report is intended to document remediation of the site to meet site specific standards.

**ISG Plate**, 46-01858, 900 Conshohocken Rd., Plymouth Township, **Montgomery County**. Comstock Environmental Services LLC, P.O. Box 509, Lafayette Hill, PA 19444, on behalf of ISG Plate, Inc., 900 Conshohocken Road, Plymouth Meeting, PA 19462 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet the nonresidential Statewide health standards.

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

**Quinn's Café**, Storage Tank ID # 35-20617, 224 Main Street, Archbald Borough, **Lackawanna County**. LaBella Associates, 1000 Dunham Drive, Suite B, Dunmore, PA 18512, on behalf of DK & DK LLC, 224 Main Street, Archbald, PA 18403, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with gasoline. The report is intended to document remediation of the site to meet the Statewide Health Standards.

**Pump N Pantry 003**, Storage Tank ID # 58-13085, 493 Main Street, New Milford Borough, **Susquehanna County**, Resource Environmental Management, 50 Maple Street, Montrose, PA 18801, on behalf of Pump N Pantry Inc., 754 Grow Avenue, Montrose, PA 18801, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with gasoline and kerosene. The report is intended to document remediation of the site to meet the Statewide Health Standards.

*Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Rutter's Farm Store No. 38**, Storage Tank Primary Facility ID # 67-26968, 700 West Market Street, York, PA 17406, Hellam Township, **York County**, United Environmental Services, Inc., P.O. Box 701, Schuylkill Haven, PA 17972 on behalf of CHR Corporation, 2295 Susquehanna Trail, 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.

*Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**Sheffield Pit Stop**, Storage Tank Primary Facility ID # 62-90017, 30 South Main Street, Sheffield Township, **Warren County**. Alliance Environmental, Inc., on behalf of Sheffield Pit Stop, LLC, 30 South Main Street, Sheffield, PA 16347 submitted a Remedial Action Plan concerning remediation of groundwater contaminated with Benzene, Toluene, Ethylbenzene, Xylenes, Cumene, Naphthalene, MTBE, 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.

**Sheetz 58**, Storage Tank Primary Facility ID # 16-29460, 1281 E Main Street, Clarion Borough, **Clarion County**. Mountain Research LLC, 825 25th Street, Altoona, PA 16601-1901 on behalf of Sheetz, Inc., 5700 6th Avenue, Altoona, PA 16602-1111, submitted a Remedial Action Plan concerning remediation of groundwater contaminated with benzene, trimethyl benzene, and MTBE. The report is intended to document remediation of the site to meet the Statewide Health standard.

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

**Blairsville Pacific Pride**, Storage Tank Primary Facility ID # 65-27481, 2262 Route 217 South, Blairsville, PA 15717, Derry Township, **Westmoreland County**. Letterle and Associates, Inc., 2859 Oxford Boulevard, Allison Park, PA 15101, on behalf of Lockard Co., 4470 West Pike Road, Indiana, PA 15701, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum products. The report is intended to document remediation of the site to meet the statewide health 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:

*Southeast Region: Environmental Cleanup & Brownfields Program Manager, 2 East Main Street, Norristown, PA 19401.*

**Wayne BP**, 23-29806, 306 E. Lancaster Ave., Radnor Township, **Delaware County**. Comstock Environmental Services LLC, P.O. Box 509, Lafayette Hill, PA 19444, on behalf of 1747 Springhouse Rd., Chester Springs, PA 19425 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum products. The Remedial Action Plan was acceptable to meet nonresidential Statewide health standards and was approved by the DEP on May 3, 2019.

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

**Jordan Sunoco (former Kresge Texaco)**, Storage Tank ID # 39-24262, 1209 MacArthur Road, Whitehall Township, **Lehigh County**. United Environmental Services, P.O. Box 701, Schuylkill Haven, PA 17972, on behalf of Jordan Star Inc., P.O. Box 159, Macungie, PA 18062, submitted a combined Site Characterization Report and Remedial Action Plan concerning remediation of soil and groundwater contaminated with gasoline. The combined report was acceptable to meet Site-Specific Standards and was approved by DEP on May 6, 2019.

**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 Remedial Action Completion Report demonstrated attainment of the residential Statewide Health Standards for groundwater and was approved by DEP on May 6, 2019.

*Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Rutter's Store No. 24**, Storage Tank Primary Facility ID # 67-38001, 2600 Delta Road, Brogue, PA 17309, Chanceford 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 a combination of Statewide Health Standard and Site-Specific Standard. The Remedial Action Plan was acceptable to meet a combination of Statewide Health Standard and Site-Specific Standard and was approved by the Department on May 6, 2019.

**Hollerbush Garage**, Storage Tank Primary Facility ID # 67-63088, 135 Taylor Road, Etters, PA 17319, Newberry Township, **York County**, United Environmental Services, Inc., P.O. Box 701, Schuylkill Haven, PA 17972, on behalf of Larry Hollerbush, 135 Taylor Road, Etters, PA 17319 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. The Remedial Action Plan was acceptable to meet the Statewide Health Standard and was approved with modification by the Department on May 7, 2019.

*Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**Sheetz 216**, Storage Tank Primary Facility ID # 49-22052, 38 S Market St, Elysburg, PA 17824, Ralpho Township, **Northumberland County**. Mountain Research, 825 25th St, Altoona, PA 16601, on behalf of Sheetz, Inc, Altoona, PA submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with benzene, toluene, ethylbenzene, total xylenes, methyl tert butyl ether, cumene, and naphthalene. The Remedial Action Completion Report demonstrated attainment of the Statewide Health Standard(s) and was approved by DEP on April 16, 2019.

**Mifflinville Truck Plaza**, Storage Tank Primary Facility ID # 19-70580, Interstate 80 Exit 242, Mifflin Township, **Columbia County**. Mobile Environmental Analytical, Inc., 1365 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 soil contaminated with petroleum. The Remedial Action Completion Report demonstrated attainment of the Statewide Health Standard(s) and was approved by DEP on April 16, 2019.

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

**Honey Bear Mini Mart (North Washington)**, Storage Tank Primary Facility ID # 65-80141, 698 Route 66, Apollo, PA 15613, Washington Township, **Westmoreland County**. Insite Group Inc., 611 South Irvine Avenue, Sharon, PA 16146, on behalf of Graft Oil Company, P.O. Box 899, Connellsville, PA 15425 submitted a Remedial

Action Plan concerning remediation of soil and groundwater contaminated with petroleum products. The Remedial Action Plan with Modifications was acceptable to meet the Statewide Health Standard for soil and groundwater and was approved by the Department on May 1, 2019.

**Sunoco # 0002-4190**, Storage Tank Primary Facility ID # 02-32312, 1721 Banksville Road, Pittsburgh, PA 15216, City of Pittsburgh, **Allegheny County**. Groundwater and Environmental Services, Inc., 301 Commerce Park Drive, Cranberry Township, PA 16066, on behalf of Evergreen Resources Group, LLC, 2 Righter Parkway, Suite 120, Wilmington, DE 19803 submitted a Revised Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum products. The Remedial Action Plan was acceptable to meet the Statewide Health Standard for soil and groundwater and was approved by the Department on May 1, 2019.

**Former Gulf Station**, Primary Facility ID # 02-09208, 500 McNeilly Road, Pittsburgh, PA 15226, Baldwin Township, **Allegheny County**. Arcadis U.S. Inc., 10 Friends Lane, Suite 100, Newtown, PA 18940, on behalf of Chevron U.S.A. Inc., Chevron Environmental Management Company, 1500 Louisiana Street, Houston, TX 77002, submitted a Remedial Action Completion Report concerning the remediation of soil and groundwater contaminated with petroleum products. The Remedial Action Completion Report was acceptable to meet the Statewide Health Standard for soil and groundwater and was approved by the Department on May 1, 2019.

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## SPECIAL NOTICES

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### AIR QUALITY

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

*Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2531.*

**Notice of Proposed Revision to the State Implementation Plan (SIP) for Oxides of Nitrogen (NO<sub>x</sub>), Volatile Organic Compounds (VOC), Notice of Public Hearing, and Notice of Intent to Issue Revised Air Quality Operating Permit 66-00001**

Approval of a Reasonably Available Control Technology (RACT II) plan for **Procter & Gamble Paper Products Company (P&G)** located in Washington Township, **Wyoming County**. In accordance with 25 Pa. Code §§ 129.96—129.100, the Department of Environmental Protection (Department) has made a preliminary determination to approve a RACT II plan and an amendment to the SIP for the paper-making process owned and operated by P&G.

The proposed SIP revision does not adopt any new regulations. It incorporates the provisions and requirements contained in the amended RACT II approval for the facility, which are intended to satisfy the requirements for the 1997 National Ambient Air Quality Standard (NAAQS) and the 2008 NAAQS for ozone.

The proposed amendments to the RACT II determination, if finally approved, will be incorporated into a revised operating permit (66-00001) for the facility. The relevant RACT II requirements will be submitted to U.S. EPA as a revision to Pennsylvania's SIP and will remain in effect until replaced pursuant to 40 CFR Part 51 and approval by United States Environmental Protection Agency (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 proposed

amendments to the RACT II determination for this operation that will be submitted to the EPA as a SIP revision:

- P&G has requested to add the following emissions limits:
  - A NO<sub>x</sub> emissions limit of 0.25 lb/MMBtu for the following sources: 031, 032A, 034A.
  - A NO<sub>x</sub> emissions limit of 0.17 lb/MMBtu for the following sources: 501, 502, 503, 505, and 506.
  - A NO<sub>x</sub> emissions limit of 0.10 lb/MMBtu for the following sources: 504.
  - A NO<sub>x</sub> emissions limit of 0.24 lb/MMBtu when firing natural gas and 0.41 lb/MMBtu when firing paper fines for source 033A.
  - An emissions limit of 9 ppmvd VOC at 15% O<sub>2</sub> and 42 ppmvd NO<sub>x</sub> at 15% O<sub>2</sub> for source 035.
  - An emissions limit of 5 ppmvd VOC at 15% O<sub>2</sub> and 42 ppmvd NO<sub>x</sub> at 15% O<sub>2</sub> for source 038.
  - A NO<sub>x</sub> emissions limit of 0.14 lb/MMBtu on a 3-hr average for sources 507 and 508.
  - A VOC emissions limit of 105 tons/year for source ED1.
- The maintenance of sources in accordance with manufacturers specifications and use of good operating practices is RACT for VOC for the following sources: 031, 032A, 033A, 034A, 101, 102, 103, 104, 105, 109, 110, 501, 502, 503, 504, 505, 506, 507, 508, CP02, DP18, ED1, PG9, and DC1, and for NO<sub>x</sub> for the following sources: 101, 102, 103, 104, 105, 108, 109, 110, and CP02.
- The following sources are exempt from RACT II requirements for VOC (106, 107, and 108) and for NO<sub>x</sub> (106 and 107).
- P&G will meet the presumptive RACT II VOC emissions limit for sources 035 and 038, and the NO<sub>x</sub> emissions limit for sources 035, 038, and 504.
- P&G has requested that sources CP2, CV1, CV2, and ST5 be exempt from RACT II requirements for VOC due to these sources being subject to 25 Pa. Code § 129.52, 25 Pa. Code § 129.67, and/or 25 Pa. Code § 129.77.
- P&G has requested that the use of low-VOC additives be RACT for VOC for sources DP18 and PG9.
- P&G has requested that the continued closure of source LF1 be RACT for VOC.

The operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Persons wishing to file a written protest or provide comments or request a public hearing, which they believe should be considered prior to the issuance of a permit, may submit the information to Mark Wejkszner, Air Quality Program Manager, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915. A 30-day comment period from the Date of Publication in the *Pennsylvania Bulletin* will exist for the submission of comments, protests and hearing request. Each submission must contain the name, address and telephone number of the person submitting the comments, identification of the proposed RACT II Operating Permit including the permit

number and a concise statement regarding the relevancy of the information or objections to issuance of the proposed RACT II Plan. 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 the Department determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Raymond Kempa, Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.

All pertinent application documents are available for public review between 8 a.m. and 4 p.m. at the Department Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915. Appointments for scheduling a review may be made by calling (570) 826-2419. Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should contact Colleen Connolly at (570) 826-2035 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how PADEP may accommodate your needs.

### Notice of Certification to Perform Radon-Related Activities in Pennsylvania

In the month of April 2019 the Department of Environmental Protection of the Commonwealth of Pennsylvania, under the authority contained in the Radon Certification Act, act of July 9, 1987, P.L. 238, No. 43 (63 P.S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed as follows to perform radon-related activities in this Commonwealth. The period of certification is 2 years. (For a complete list of persons currently certified to perform radon-related activities in this Commonwealth and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P.O. Box 8469, Harrisburg, PA 17105-8469, (1-800-23RADON).)

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Rick Aspinwall	3691 E. Brandon Way Doylestown, PA 18902	Testing
Matthew Beinhaur HEI Radon, LLC	810 Main Street Strattanville, PA 16258	Mitigation
Scott Bobowicz Historic Home Inspections, LP	2110 S. Eagle Road # 334 Newtown, PA 18940	Testing
Robert Bolus, Jr.	3608 Springer Street Moosic, PA 18507	Testing
Jason Boni Guardian Home Inspection	10021 Rinamin Road Wexford, PA 15090	Testing
Michael Bonura, Jr.	720 Anderson Street New Kensington, PA 15068	Testing
Michael Bonura, Jr. Restoration Contracting Services	720 Anderson Street New Kensington, PA 15068	Mitigation
Terry Campbell	6192 Boxer Drive Bethel Park, PA 15102	Testing
James Cortez, P.E.	166 Dickson Avenue Pittsburgh, PA 15202	Testing
George Curry	P.O. Box 508 Medford, NJ 08055	Testing
Bill Ditchey	401 S. Pine Street Mount Carmel, PA 17851	Testing
Kim Fella	P.O. Box 543 Fleetwood, PA 19522	Testing
Michael Fella	P.O. Box 543 Fleetwood, PA 19522	Testing
Albert Gallucci	44 Country Club Road W Northampton, PA 18067	Mitigation
Timothy Gentry	P.O. Box 1956 Horsham, PA 19044	Mitigation
Shawn Heisse	116 Trenton Circle Fairless Hills, PA 19030	Testing
Home Pro Systems of DelawareValley, Inc.	6301 Hilltop Drive Brookhaven, PA 19015	Testing
Corwin Jackson	5656 Cricket Lane Bensalem, PA 19020	Testing

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Stephanie Lamb Hillmann Consulting, LLC	1600 Route 22 E Union, NJ 07083	Testing
William Lewellen	14501 George Carter Way # 110 Chantilly, VA 20151	Testing
Joshua Lindner	240 Colfax Street Springdale, PA 15144	Testing
John Madrak	8201 Henry Avenue Apt. L8 Philadelphia, PA 19128	Testing
Marc Marino	P.O. Box 1143 Oaks, PA 19456	Testing
Marc Marino Radon Rid, LLC	P.O. Box 1143 Oaks, PA 19456	Mitigation
Dan Meske	5 Glenwood Drive Bloomsburg, PA 17815	Testing
Donald Minehart	2400 Oxford Drive #412 Pittsburgh, PA 15102	Testing
Neil Minnucci	955 Allentown Road Lansdale, PA 19446	Testing
Northern Radon Solutions	100 4th Street Suite 31 Honesdale, PA 18431	Mitigation
Philip Parke, Sr.	P.O. Box 30308 Wilmington, DE 19805	Testing
Robert Pecca	404 Richmond Road Bangor, PA 18013	Testing
Robert Petrillo	P.O. Box 587 Dunmore, PA 18512	Testing
Harvey Ricci SPY Inspection Services, Inc.	14 E. Main Street Suite 100 Lansdale, PA 19446	Testing
Clifford Rogers, III	1738 N. 3rd Street Suite A Harrisburg, PA 17102	Testing
Joel Ruch	201 Furnace Road Lewisburg, PA 17837	Testing
Ronald Rusnock	P.O. Box 2245 Hazleton, PA 18201	Testing
Mike Sheely	1000 Wolfe Road Enola, PA 17025	Mitigation
Christopher Urban	P.O. Box 20 Elrama, PA 15038	Testing
Peter Weber	6 Boors Cove Lane West Grove, PA 19390	Testing
Peter Weber Atlantic Radon Systems, Inc.	6 Boors Cove Lane West Grove, PA 19390	Mitigation
John Wechter	72 Gristmill Lane Linfield, PA 19468	Testing

**Proposed State Water Quality Certification  
Required by Section 401 of the Clean Water Act for  
the Army Corps of Engineers Indian Rock  
Dam/Codorus Creek Flood Risk Management  
Maintenance Project**

*Southcentral Region: Waterways and Wetlands Program  
Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**DEP File No.: WQ6703219-001. U.S. Army Corps of Engineers**, Baltimore District, 2 Hopkins Plaza, Baltimore, MD 21201-2930. Indian Rock Dam/Codorus Creek Flood Risk Management Maintenance Project in York City, **York County** (York, PA Quadrangles, from Lat: 39° 56' 52.81"; Long: -76° 44' 42.61" to Lat: 39° 59' 28.31"; Long: -76° 43' 24.58").

On April 15, 2019, ACOE requested a state water quality certification from the Department of Environmental Protection (Department), as required by Section 401 of the Clean Water Act (33 U.S.C.A. § 1341), to ensure that the operation and maintenance of the Indian Rock Dam/Codorus Creek Flood Risk Management (FRM) Maintenance Project will protect water quality in this Commonwealth through compliance with State water quality standards and associated State law requirements, which are consistent with the requirements of the Clean Water Act.

The proposed project consists of floodwall replacement near Penn Street Bridge, masonry floodwall repairs near Market Street Bridge, riprap repair and installation near South Richland Avenue Bridge and drainage conduit maintenance, repair or abandonment throughout the FRM project.

The Department anticipates issuing a State water quality certification to the applicant for the Indian Rock Dam/Codorus Creek Flood Risk Management (FRM) Maintenance Project that will require compliance with the following State water quality permitting programs, criteria and conditions established pursuant to State law to ensure that the Indian Rock Dam/Codorus Creek Flood Risk Management (FRM) Maintenance Project does not violate applicable state water quality standards set forth in 25 Pa. Code Chapter 93:

1. *Erosion and Sediment Control Permit*—Applicant shall comply with the Department's Chapter 102 Erosion and Sediment Control requirements pursuant to the Commonwealth's Clean Streams Law and Storm Water Management Act (32 P.S. §§ 680.1—680.17), and all applicable implementing regulations (25 Pa. Code Chapter 102).

2. *Water Quality Monitoring*—The Department retains the right to specify additional studies or monitoring to ensure that the receiving water quality is not adversely impacted by any operational and construction process that may be employed by Applicant.

3. *Inspection*—The Indian Rock Dam/Codorus Creek Flood Risk Management Maintenance Project, including all relevant records, are subject to inspection at reasonable hours and intervals by an authorized representative of the Department to determine compliance with this State Water Quality Certification, including all required State water quality permits and State water quality standards. A copy of this certification shall be available for inspection by the Department, or an authorized representative thereof, during such inspections of the Indian Rock Dam/Codorus Creek Flood Risk Management Maintenance Project.

4. *Transfer of Projects*—If Applicant intends to transfer any legal or equitable interest in the Indian Rock Dam/

Codorus Creek Flood Risk Management Maintenance Project which is affected by this State Water Quality Certification, Applicant shall serve a copy of this certification upon the prospective transferee of the legal and equitable interest at least thirty (30) days prior to the contemplated transfer and shall simultaneously inform the Department Regional Office of such intent. Notice to the Department shall include a transfer agreement signed by the existing and new owners containing a specific date for transfer of certification responsibility, coverage, and liability between them.

5. *Correspondence*—All correspondence with and submittals to the Department concerning this State Water Quality Certification shall be addressed to: Department of Environmental Protection, Southcentral Regional Office, Program Manager, Waterways and Wetlands, 909 Elmerton Avenue, Harrisburg, PA 17110

6. *Reservation of Rights*—The Department may suspend or revoke this State Water Quality Certification if it determines that Applicant has not complied with the terms and conditions of this certification. The Department may require additional measures to achieve compliance with applicable law, subject to Applicant's applicable procedural and substantive rights.

7. *Other Laws*—Nothing in this State Water Quality Certification shall be construed to preclude the institution of any legal action or relieve Applicant from any responsibilities, liabilities, or penalties established pursuant to any applicable federal or state law or regulation.

8. *Severability*—The provisions of this State Water Quality Certification are severable and should any provision of this certification be declared invalid or unenforceable, the remainder of the certification shall not be affected thereby.

Prior to issuance of the final State Water Quality Certification, the Department will consider all relevant and timely comments, suggestions or objections submitted to the Department within 30 days of this notice. Written comments should be submitted by e-mail to RA-EPWW-SCRO@pa.gov or by mail at the previously listed address or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) and should be directed to Program Manager, Waterways and Wetlands Program. Comments must be submitted in writing and contain the name, address and telephone number of the person commenting and a concise statement of comments, objections or suggestions on this proposal. No comments submitted by facsimile will be accepted.

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

**TREATMENT PLANT REHABILITATION PROJECT  
ADVERTISEMENT**

The following rehabilitation project is currently being advertised:

At the direction of Woodland's Bank, the Administrator of the Antrim Treatment Trust, the Department of Environmental Protection is soliciting interest/cost proposals from eligible contractors to carry out the rehabilitation of the Antrim Mine Drainage Treatment Plant in Duncan Township, Tioga County, PA. Plans and specifications for the rehabilitation have been developed by BioMost, Inc. of Mars, PA.

A pre-proposal site meeting is scheduled for Wednesday, May 22, 2019 at 10 a.m. to review plans at the plant with all interested parties. Representatives of BioMost, Inc. will be on hand to explain the tasks to be carried out to



complete the project. A phased or divided approach with multiple smaller contracts will be considered.

This is the second pre-proposal meeting set to be scheduled. Representatives of the Antrim Treatment Trust deemed that there was insufficient contractor representation at the first meeting to assure competitive bidding.

To assure an adequate number of specification packages at the site meeting, preregistration is necessary via a letter of interest or verbal confirmation. Preregister through Aaron Pontzer, Mining Permit and Compliance Specialist, Moshannon District Office, Department of Environmental Protection, 186 Enterprise Drive, Philipsburg, PA 16866, no later than 3:30 p.m., May 20, 2019. Telephone inquiries shall be directed to Aaron Pontzer at 814.342.8200.

*Project Overview:* Rehabilitation of the treatment plant will include but is not limited to the following tasks: preparations, recovery, and transport of an existing 50 ton, 40-foot tall, 12-foot diameter lime silo from Summerville, PA to Antrim; site preparation at Antrim including excavation, preparation of new concrete footers or foundations, and drilling through existing foundations; extensive relocation and replumbing of multiple lines up to 12 inches in diameter; installation of new plumbing; setting of prestressed concrete tankage with chemical feed and air blower systems; setting of the lime silo; installation of electrical conduit; setting of multiple pumps; replumbing to existing clarifier tank; revegetation of all disturbed areas; implementation of erosion and sedimentation controls and removal of those controls when stabilization is achieved.

[Pa.B. Doc. No. 19-757. Filed for public inspection May 17, 2019, 9:00 a.m.]

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Pennsylvania's Draft Phase 3 Chesapeake Bay Watershed Implementation Plan**

On April 12, 2019, the Department of Environmental Protection (Department) opened for public comment the draft Phase 3 Chesapeake Bay Watershed Implementation Plan (WIP). The Phase 3 WIP specifies the steps the Commonwealth will take through 2025 to meet local

water pollution reduction goals in the Chesapeake Bay watershed as required by the Chesapeake Bay Total Maximum Daily Load. By this notice, the Department is providing clarification that the public comment period includes supporting documentation for the draft WIP, including:

- The Progress and Tracking Template
- The Department of Defense Plan
- The BMP Verification Program Plan
- The documents relative to the County Planning Process, to include:
  - o Narrative Template
  - o Community Clean Water Guide
  - o Technical Toolbox
  - o Planning and Progress Template
  - o Programmatic Recommendations Template

Supporting documents can be found on the Department's web site at [www.dep.pa.gov/chesapeakebay/phase3](http://www.dep.pa.gov/chesapeakebay/phase3). The final Countywide Action Plans for Lancaster, York, Adams and Franklin Counties can also be found on this web site for informational purposes only. Questions regarding the draft Phase 3 WIP can be e-mailed to [RA-EPChesBay@pa.gov](mailto:RA-EPChesBay@pa.gov).

The Department reminds interested persons that comments will be accepted through Friday, June 7, 2019. Comments submitted by facsimile will not be accepted. Comments, including comments submitted by e-mail, must include the originator's name and address. Commentators are encouraged to submit comments using the Department's eComment tool at [www.ahs.dep.pa.gov/eComment](http://www.ahs.dep.pa.gov/eComment) or by e-mail to [ecomment@pa.gov](mailto:ecomment@pa.gov). Written comments can be mailed to the Department of Environmental Protection, Policy Office, Rachel Carson State Office Building, P.O. Box 2063, Harrisburg, PA 17105-2063.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Brian Chalfant at (717) 783-8073 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TTD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 19-758. Filed for public inspection May 17, 2019, 9:00 a.m.]

**DEPARTMENT OF HEALTH**

**Ambulatory Surgical Facilities; Requests for Exceptions**

The following ambulatory surgical facilities (ASF) have filed requests for exceptions under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license ASFs under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b). The following requests for exceptions relate to regulations governing ASF licensure in 28 Pa. Code Chapters 51 and 551—571 (relating to general information; and ambulatory surgical facilities).

<i>Facility Name</i>	<i>Regulation</i>
Abington Memorial Hospital—Asplundh Surgery Center	28 Pa. Code § 553.2 (relating to ownership)
	28 Pa. Code § 553.3 (relating to governing body responsibilities)
	28 Pa. Code § 553.31(a) and (b) (relating to administrative responsibilities)
	28 Pa. Code § 553.4 (relating to other functions)

<i>Facility Name</i>	<i>Regulation</i>
	28 Pa. Code § 555.1 (relating to principle)
	28 Pa. Code § 555.2 (relating to medical staff membership)
	28 Pa. Code § 555.3 (relating to requirements for membership and privileges)
	28 Pa. Code § 555.4 (relating to clinical activities and duties of physician assistants and certified registered nurse practitioners)
	28 Pa. Code § 557.2 (relating to plan)
	28 Pa. Code § 557.3 (relating to Quality Assurance and Improvement Program)
	28 Pa. Code § 563.1 (relating to principle)
	28 Pa. Code § 563.2 (relating to organization and staffing)
	28 Pa. Code § 567.2 (relating to committee responsibilities)
	28 Pa. Code § 567.3 (relating to policies and procedures)
Abington Memorial Hospital Endoscopy Center	28 Pa. Code § 553.2
	28 Pa. Code § 553.3
	28 Pa. Code § 553.31(a) and (b)
	28 Pa. Code § 553.4
	28 Pa. Code § 555.1
	28 Pa. Code § 555.2
	28 Pa. Code § 555.3
	28 Pa. Code § 555.4
	28 Pa. Code § 557.2
	28 Pa. Code § 557.3
	28 Pa. Code § 563.1
	28 Pa. Code § 563.2
	28 Pa. Code § 567.2
	28 Pa. Code § 567.3
Children's Hospital of Philadelphia— Bucks Specialty Care and Ambulatory Surgery Center	28 Pa. Code § 553.31
Children's Hospital of Philadelphia— King of Prussia Specialty Care and Ambulatory Surgery Center	28 Pa. Code § 553.31
Conemaugh Neurology, Pain & Outpatient Surgery Center	28 Pa. Code § 555.1
	28 Pa. Code § 555.2
	28 Pa. Code § 555.3
	28 Pa. Code § 555.4
Main Line Spine Surgery Center, Inc.	28 Pa. Code § 551.21(d)(1) (relating to criteria for ambulatory surgery)
Muve Warminster Ambulatory Surgical Center, LLC	28 Pa. Code § 551.21(d)(1)
Pittsburgh Center for Reproductive Services, LLC	28 Pa. Code § 555.2
	28 Pa. Code § 555.3
South Hills Endoscopy Center	28 Pa. Code § 551.21(d)(1) and (3)
UPMC Specialty Care York Endoscopy	28 Pa. Code § 551.3 (relating to definitions), specifically subparagraph (ii) of the definition of "classification levels," regarding Class B facilities PS III patients
WellSpan Surgical Center—Gettysburg	28 Pa. Code § 563.2(b)
WellSpan Surgical Center—Hanover	28 Pa. Code § 551.21(d)(3)
	28 Pa. Code § 563.2(b)

The following ASF has filed a request for exception under 28 Pa. Code § 153.1 (relating to minimum standards). Requests for exceptions under this section relate to *Guidelines for Design and Construction of Hospitals and of Outpatient Facilities*, as published by the Field Guidelines Institute (FGI). The following list includes the citation to the section of the FGI *Guidelines* for which the hospital is seeking an exception and the year of publication.

<i>Facility Name</i>	<i>Guidelines Section and Relating to</i>	<i>Yr<sup>1</sup></i>
Surgery Center at Penn Medicine University City	2.7-7.2.2.1(2) (relating to corridor width)	18-O

<sup>1</sup> 2018 Year FGI Regulations were split into 2 books; *Hospitals, and Outpatient Facilities* as indicated by “-O.”

These previously listed requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov. Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed address. Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980; or for speech and/or hearing-impaired persons, call the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

RACHEL L. LEVINE, MD,  
Secretary

[Pa.B. Doc. No. 19-759. Filed for public inspection May 17, 2019, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Hospitals; Requests for Exceptions

The following hospitals have filed requests for exceptions under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license hospitals under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b). The following requests for exceptions relate to regulations governing hospital licensure in 28 Pa. Code Chapters 51 and 101—158 (relating to general information; and general and special hospitals).

<i>Facility Name</i>	<i>Regulation and relating to</i>
Indiana Regional Medical Center	28 Pa. Code § 105.11(b) (relating to access)
Bryn Mawr Hospital	28 Pa. Code § 107.1 (relating to principle)
Lankenau Medical Center	28 Pa. Code § 107.1
Paoli Hospital	28 Pa. Code § 107.1
PAM Specialty Hospital of Wilkes-Barre	28 Pa. Code § 107.61 (relating to written orders)
Uniontown Hospital	28 Pa. Code § 107.64 (relating to administration of drugs)
Jeanes Hospital	28 Pa. Code § 138.15 (relating to high-risk cardiac catheterizations)
Geisinger Jersey Shore Hospital	28 Pa. Code § 146.1(a) (relating to principle)
UPMC Presbyterian Shadyside— UPMC Western Psychiatric Hospital	28 Pa. Code § 123.14 (relating to written policies)

The following hospitals have filed requests for exceptions under 28 Pa. Code § 153.1 (relating to minimum standards). Requests for exceptions under this section relate to minimum standards that hospitals must comply with under the *Guidelines for Design and Construction of Hospitals and Outpatient Facilities—2014 Edition*, or *Guidelines for Design and Construction of Hospitals—2018 Edition*, *Guidelines for Design and Construction of Outpatient Facilities—2018 Edition*. The following list includes the citation to the section under the *Guidelines* that the hospital is seeking an exception.

<i>Facility Name</i>	<i>FGI Guidelines Section and relating to</i>	<i>Yr<sup>1</sup></i>
Butler Memorial Hospital	2.1-2.2.6.3(2) (relating to hand-washing stations)	18
Geisinger-Bloomsburg Hospital	2.1-2.8.8.1(2)(a) (relating to medication safety zones)	18
	2.1-2.8.8.1(2)(d) (relating to lighting)	18
Grand View Health	2.1-3.5.8.19(2)(b) (relating to size of ultrasound processing rooms)	18-O
Penn Highlands DuBois—Dermatology Services (529 Sunflower Drive)	2.1-3.2.1.2(3)(e) (relating to hand-washing stations)	18-O

<i>Facility Name</i>	<i>FGI Guidelines Section and relating to</i>	<i>Yr<sup>1</sup></i>
	A2.1-7.2.2.3(2) (relating to door openings)	18-O
Penn Highlands DuBois— Ophthalmology (529 Sunflower Drive)	2.1-3.2.1.2(3)(e)	18-O
	2.1-3.8.8.2(1)(a)(ii) (relating to hand-washing stations)	18-O
	A2.1-7.2.2.3(2)	18-O
UPMC Bedford—John Murtha Regional Cancer Center	2.1-3.2.1.2(2)(a)(i) (relating to area)	18-O
	2.1-3.2.1.2(2)(a)(ii) (relating to clearances)	18-O
	2.1-3.8.7.3 (relating to additional requirements for hand-washing stations)	18-O
	2.6-3.1.2.2(1)(a) (relating to clearances)	18-O
	2.6-3.8.2.1 (relating to nurse stations)	18-O

<sup>1</sup> 2018 Year FGI Regulations for Outpatient Facilities are indicated by “-O.”

The previously listed requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov. Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed address. Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or for speech and/or hearing impaired persons, call the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

RACHEL L. LEVINE, MD,  
*Secretary*

[Pa.B. Doc. No. 19-760. Filed for public inspection May 17, 2019, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Long-Term Care Nursing Facilities; Requests for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 201.22(e) (relating to prevention, control and surveillance of tuberculosis (TB)):

Pocopson Home  
1695 Lenape Road  
West Chester, PA 19382-6800  
FAC ID # 162002

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.36(h) (relating to bathing facilities):

Susquehanna Health Skilled Nursing and Rehabilitation Center  
215 East Water Street  
Muncy, PA 17756  
FAC ID # 134302

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.67(k) (relating to electric requirements for existing and new construction):

The Lutheran Home at Johnstown  
807 Groucher Street  
Johnstown, PA 15905  
FAC ID # 270102

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed address.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing-impaired persons, call the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

RACHEL L. LEVINE, MD,  
*Secretary*

[Pa.B. Doc. No. 19-761. Filed for public inspection May 17, 2019, 9:00 a.m.]

## DEPARTMENT OF HUMAN SERVICES

### Disproportionate Share Payments to Qualifying Hospitals

The Department of Human Services (Department) is providing final notice of its funding allocation for Fiscal Year (FY) 2018-2019 disproportionate share hospital payments to qualifying acute care general hospitals that serve the indigent population of cities in this Commonwealth with an average per capita income significantly below the Statewide average. These payments are intended to provide additional financial support to hospitals that serve an inordinate amount of low-income individuals and Medical Assistance beneficiaries in impoverished areas of this Commonwealth. The Department is not otherwise changing the qualifying criteria or payment methodology for these payments.

The Department published notice of its intent to allocate funding for these payments at 48 Pa.B. 7461 (December 1, 2018). The Department received no comments during the 30-day comment period and will implement the change as described in the notice of intent.

#### *Fiscal Impact*

The FY 2018-2019 impact, as a result of the funding allocation for these payments, is \$14.636 million (\$6.989 million in State general funds and \$7.647 million in Federal funds).

TERESA D. MILLER,  
*Secretary*

**Fiscal Note:** 14-NOT-1332. (1) General Fund; (2) Implementing Year 2018-19 is \$6,989,000; (3) 1st Succeeding Year 2019-20 through 5th Succeeding Year 2023-24 are \$0; (4) 2017-18 Program—\$477,690,000; 2016-17 Program—\$450,970,000; 2015-16 Program—\$392,918,000; (7) Medical Assistance—Fee-for-Service; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 19-762. Filed for public inspection May 17, 2019, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Lottery Product Notice; WebCash

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314), under Title 4, Amusements (4 Pa.C.S. §§ 501—505), and 61 Pa. Code § 803.11 (relating to powers and duties of the Secretary of Revenue), the Secretary of Revenue hereby provides public notice of a new lottery product, WebCash, by which registered iLottery players can fund their lottery accounts.

The rules contained herein shall become effective upon publication.

1. *Definitions:* The words and terms, when used in this notice, have the meanings under 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

2. *Purpose:* This notice authorizes Lottery to sell WebCash to players. WebCash may be used to fund lottery accounts in order to purchase plays, chances or shares of any iLottery game available through the Penn-

sylvania Lottery's iLottery Web site (hereinafter referred to as the iLottery Web site) or through the Pennsylvania Lottery's Official Mobile Application (hereinafter referred to as the Lottery Mobile App).

#### 3. *Procedures for Purchasing WebCash:*

(a) Players may purchase WebCash for a minimum amount of \$10 and a maximum amount of \$1,000, per transaction.

(b) WebCash may only be purchased in whole dollar increments.

(c) To purchase WebCash at an authorized retailer, a player must verbally request the amount of WebCash desired and remit a dollar amount equal to the amount of WebCash requested (referred to as the "purchase price") to the authorized retailer.

(d) To purchase WebCash at a Pennsylvania Lottery self-service terminal, the player must insert into the self-service terminal a dollar amount equal to the total purchase price, and manually enter the information into the Lottery self-service terminal.

(e) In return for the purchase price, the player will receive a paper WebCash voucher in the same dollar amount as the purchase price.

(f) A WebCash purchase may not be canceled or voided once printed by the Lottery terminal, even if printed in error.

(g) WebCash may be purchased using any payment method approved for use by the Lottery.

(h) Players may purchase WebCash at any authorized retailer during normal business hours.

4. *Eligibility.* In order to redeem a WebCash voucher, a person must meet all of the following requirements:

(a) A person must become a registered iLottery player by establishing a lottery account with the Lottery through the iLottery Web site, at <http://www.PAiLottery.com>, or by downloading the Lottery Mobile App.

(b) A registered iLottery player must be 18 years of age, or older.

(c) A registered iLottery player must agree to the PA iLottery Terms and Conditions for registration and participation in iLottery.

(d) A registered iLottery player shall abide by all other requirements of 4 Pa.C.S. §§ 501—505, as well as any regulations promulgated thereunder.

#### 5. *Redemption.*

(a) Registered iLottery players must sign into their lottery accounts to deposit WebCash.

(b) WebCash vouchers are identified with a unique identification number. Registered iLottery players must enter the unique WebCash voucher identification number on the iLottery Web site or the Lottery Mobile App to redeem and deposit the value of the WebCash voucher into the registered iLottery player's lottery account.

(c) A WebCash voucher containing a unique identification number shall be the only valid proof of purchase.

(d) Plays purchased using WebCash deposited into a registered iLottery player's lottery account must occur within the physical boundaries of this Commonwealth.

#### 6. *Purchase and Redemption Restrictions:*

(a) WebCash may not be purchased by any individual under the age of 18.

(b) WebCash may not be purchased or redeemed by an officer or employee of the Lottery, Lottery professional services contractors or subcontractors who are directly involved in the operation of the Lottery or the provision of iLottery related services, or to a spouse, child, brother, sister or parent residing in the same household of such officer, employee, contractor, or subcontractor.

(c) The PA iLottery Terms and Conditions apply to the use of a registered iLottery player's account and their use of WebCash. Use of WebCash that is inconsistent with the PA iLottery Terms and Conditions, the Lottery's regulations, and applicable law may result in a registered iLottery player's lottery account being suspended or closed.

(d) WebCash is a lottery product sold at authorized retailer locations and redeemed through the iLottery Web site or the Lottery Mobile App. Authorized retailers that redeem or attempt to redeem WebCash through a lottery account may have their retailer licenses suspended or revoked if the Lottery determines, in its sole discretion, that the authorized retailer has abused the WebCash lottery product solely to earn a commission on the sale of WebCash, or otherwise engage in activity prohibited by state or federal law, or the Lottery's rules, regulations, policies, guidelines, etc. and the like.

(e) Players may only redeem a WebCash voucher one time.

(f) WebCash vouchers may only be redeemed for the full value of the voucher.

(g) WebCash vouchers may only be redeemed by a registered iLottery player entering the unique identification number in their lottery account through the iLottery Web site or the Lottery Mobile App. WebCash vouchers cannot be redeemed at authorized retailers. WebCash may only be used to purchase lottery products available for purchase through the iLottery Web site at or the Lottery Mobile App.

(h) WebCash vouchers are not refundable.

(i) A registered iLottery player may be prohibited from purchasing plays, depositing or withdrawing money from the player's account or otherwise participating in iLottery and iLottery promotions subject to any responsible gambling limits, as set forth in the PA iLottery Terms and Conditions and as selected by the registered iLottery player, including deposit limits, spend limits, time-related limits or iLottery account access limits.

(j) If a registered iLottery player's deposit limit, self-exclusion, or other responsible gambling tools available through the registered iLottery player's lottery account prevent full redemption of the WebCash purchase, the registered iLottery player must wait to redeem the WebCash voucher.

(k) During any period of self-exclusion as provided for under 61 Pa. Code § 876.16, no self-excluded registered iLottery player shall redeem WebCash, purchase plays, deposit or withdraw funds from their lottery account or otherwise participate in iLottery and iLottery promotions prior to the conclusion of the self-exclusion period.

(l) The value of the WebCash voucher shall be equal to the purchase price printed on the WebCash voucher, when deposited into a registered iLottery player's lottery account.

(m) The Lottery may, in its sole discretion, offer promotional prizes relating to the purchase or redemption of WebCash. The PA iLottery Terms and Conditions shall apply to such promotional prizes and will be available through the iLottery Web site or the Lottery Mobile App.

#### 7. *WebCash Voucher Responsibility:*

(a) A WebCash voucher is a bearer document deemed to be owned by the person holding the voucher.

(b) The holder of a WebCash voucher has the sole responsibility for checking the accuracy and condition of the data printed on the WebCash voucher.

(c) The Commonwealth shall not be responsible for a lost or stolen WebCash voucher.

#### 8. *WebCash Voucher Validation and Requirements:*

(a) To be a valid WebCash voucher, the WebCash voucher must have been validly issued. The WebCash voucher data shall have been recorded on the Lottery's Central Computer System, the iLottery system, and the WebCash voucher data shall match the computer records in every respect.

(b) A WebCash voucher not passing the validation requirements in subsection (a) will be considered invalid. No deposit will be credited to the registered iLottery player's lottery account. The determination of the Secretary in this regard is final.

#### 9. *Retailer Compensation:*

(a) Authorized retailers may be entitled to compensation as determined by the Lottery.

(b) No authorized retailer or employee of an authorized retailer shall request, demand, or accept gratuities or any compensation other than as provided in subsection (a) in exchange for the performance of duties authorized pursuant to the Lottery retailer's license without the Lottery's prior written authorization.

10. *Retailer Incentive and Marketing Promotion Programs:* The Lottery may conduct a separate retailer incentive program for retailers who sell WebCash as authorized by 61 Pa. Code § 875.17 (relating to retailer promotion programs).

11. *Procedures and other information:* Additional procedures and information are set forth on the Lottery's publicly accessible web site, iLottery Web site or the Lottery Mobile App.

12. *Termination:* The Secretary may announce a termination date, after which WebCash shall no longer be sold or redeemed. The announcement will be disseminated through media used to advertise or promote WebCash or through normal communications methods.

#### 13. *Governing Law:*

(a) By purchasing a WebCash voucher, the purchaser agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), Title 4, Amusements (4 Pa.C.S. §§ 501—505), this notice, instructions, conditions, final decisions of the Secretary and procedures established by the Secretary for WebCash.

(b) By registering to participate in iLottery, the registered iLottery player agrees to comply with and abide by federal and state laws, the iLottery regulations, applicable game rules, the PA iLottery Terms and Conditions and final decisions of the Secretary.

14. *Applicability*: This notice applies only to the WebCash product as offered by the Lottery.

C. DANIEL HASSELL,  
*Secretary*

[Pa.B. Doc. No. 19-763. Filed for public inspection May 17, 2019, 9:00 a.m.]

**DEPARTMENT OF  
TRANSPORTATION**

**Application for Purchase of Right-of-Way**

Under 67 Pa. Code § 495.4(d) (relating to application procedure), an application to purchase Department of Transportation (Department) excess land has been submitted to the Department by Trustees of Joseph Procacci Building Trust, 3333 South Front Street, Philadelphia, PA 19148 seeking to purchase highway right-of-way located at approximately 3101 Front Street, Philadelphia, PA 19148, Philadelphia County, containing approximately 22,749 ± square feet/hectares, adjacent to SR 8003, Segment 10, for purposes of business ingress/egress.

Interested persons are invited to submit, within 30 days from the publication of this notice in the *Pennsylvania Bulletin*, written comments, suggestions or objections regarding the approval of this application to Kenneth M. McClain, PE, District Executive, Engineering District 6.0, 7000 Geerdes Boulevard, King of Prussia, PA 19406-1525.

Questions regarding this application or the proposed use may be directed to Barbara DiCianno, Right-of-Way Administrator, 7000 Geerdes Boulevard, King of Prussia, PA 19406, (610) 205-6504.

LESLIE S. RICHARDS,  
*Secretary*

[Pa.B. Doc. No. 19-764. Filed for public inspection May 17, 2019, 9:00 a.m.]

**DEPARTMENT OF  
TRANSPORTATION**

**Approval of Ignition Interlock Systems**

Under 75 Pa.C.S. § 3805(h) (relating to ignition interlock), the following ignition interlock systems comprise the Department of Transportation’s current approved list:

- (1) Alcohol Detection Systems, Inc.—ADS Determinator DM-909
- (2) Alcolock PA, Inc.—Alcolock GR
- (3) Consumer Safety Technology, LLC—eLERT Intoxalock Model 1001A
- (4) Draeger, Inc.—Draeger 7000
- (5) Guardian Interlock, LLC—AMS 2500
- (6) Interlock of PA.com, Inc.—WC-9000
- (7) # 1 A LifeSafer Distribution, Inc.—FC-250
- (8) Low Cost Interlock, Inc.—LCI-777
- (9) 1A Smart Start, LLC—SSI-20/30

LESLIE S. RICHARDS,  
*Secretary*

[Pa.B. Doc. No. 19-765. Filed for public inspection May 17, 2019, 9:00 a.m.]

**DEPARTMENT OF  
TRANSPORTATION**

**Public-Private Partnerships Board Meeting**

The Public-Private Partnerships Board will hold a meeting on May 30, 2019, from 1 p.m. to 3 p.m. in the KBMC Forest Room, Plaza Level, Keystone Building, Harrisburg, PA. For more information, contact Maddie Vergos, (717) 787-3154, mvergos@pa.gov.

LESLIE S. RICHARDS,  
*Secretary*

[Pa.B. Doc. No. 19-766. Filed for public inspection May 17, 2019, 9:00 a.m.]

**INDEPENDENT REGULATORY REVIEW COMMISSION**

**Notice of Comments Issued**

Section 5(g) of the Regulatory Review Act (71 P.S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b).

The Commission has issued comments on the following proposed regulation. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
54-93	Pennsylvania Liquor Control Board Proof of Recycling 49 Pa.B. 1029 (March 9, 2019)	4/8/19	5/8/19

**Pennsylvania Liquor Control Board Regulation  
# 54-93 (IRRC # 3224)**

**Proof of Recycling**

**May 8, 2019**

We submit for your consideration the following comments on the proposed rulemaking published in the March 9, 2019 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the Pennsylvania Liquor Control Board (Board) to respond to all comments received from us or any other source.

**1. Section 5.43. Proof of recycling.—Reasonableness of requirements; and Whether a less costly or less intrusive alternative method of achieving the goal of the regulation has been considered for regulations impacting small business.**

Representative John Lawrence and the Pennsylvania Restaurant and Lodging Association (PRLA) express concerns about the unintended consequences of the proposed rulemaking. They claim that the new recordkeeping requirements are overly burdensome especially for those licensees who voluntarily recycle at drop off locations. The potential for additional penalties, coupled with changes in the recycling industry, especially glass recycling, may result in licensees reevaluating their decision to recycle or to discard broken bottles in the trash. Licensees that abandon recycling efforts would contradict the purpose of the amendments to Act 77 of 1994 (Act 77) found in Section 491(5) which, according to Representative Lawrence and PRLA, is to encourage it.

“It shall be unlawful—

(5) Failure to Properly Dispose of Empty Liquor Containers. For any restaurant, hotel or club licensee, his servants, agents or employees, to fail to break any package in which liquors were contained, except those decanter packages that the board determines to be decorative, within twenty-four hours after the original contents were removed therefrom, *unless the licensee participates in either a municipal recycling program, in accordance with the act of July 28, 1988 (P.L. 556, No. 101),<sup>5</sup> known as the “Municipal Waste Planning, Recycling and Waste Reduction Act,” or a voluntary recycling program . . .* 47 P.S. § 4-491(5) (Emphasis added).

In response to Regulatory Analysis Form # 10, the Board explains that the intent behind the new requirements in Subsection (c) paragraph (3), which applies to licensees that recycle voluntarily at drop off locations, is to “ensure that the licensee has made the effort to become informed as to how to recycle in the county.” Under proposed Subsection (d), licensees that pay a municipality or private entity for curbside recycling and those that voluntarily recycle at drop off locations must maintain the “proof in writing” as part of their operating records in conformance with Section 493(12) (relating to Failure to have records on premises) of the Liquor Code.

Commentators are concerned that a minor oversight in recordkeeping could subject a licensee to additional penalties under the Liquor Code. Failure to provide “proof in writing” could result in a fine, suspension and/or revocation of license. 47 P.S. § 4-471(a) and (b). The Board should explain the reasonableness of the record keeping requirements and how the penalties for noncompliance are consistent with the Board’s stated intent. It should also address how the Board’s approach supports licensees’ efforts to recycle.

Representative Lawrence submits that “proof in writing” could be met by simply requiring licensees to post a placard indicating whether they participate in a municipal recycling program or a voluntary recycling program. PRLA contends that the proposed rulemaking does not recognize the challenges that have evolved since the enactment of Act 77 and calls for a “more holistic legislative fix.” Given the diverse viewpoints on how to improve upon the rulemaking, we would encourage the Board, as it prepares the final rulemaking, to communicate with the regulated community regarding its concerns. We will review the Board’s response to the issues raised by commentators as part of our consideration of the final regulation.

**2. Miscellaneous Clarity.**

• The Board’s response to RAF # 14 states that it circulated a copy of the proposed regulation to the Bureau of Liquor Code Enforcement. The Board does not indicate whether it sought input from the regulated community in the development of the regulation. In the RAF to the final form regulation, the Board should specify the extent to which it conducted outreach to licensees.

• Section 5.43(c)(3) contains a “Proof of Recycling” form within the text of the Annex. Section 2.12 of the *Pennsylvania Code and Bulletin Style Manual* recommends forms not be codified in the *Pennsylvania Code*. The manual recommends that the form be referred to in the regulation or the regulation should list the information to be required. Moreover, we are concerned that a licensee may not know how to obtain this form. The Board should either remove it from the Annex and make it available on its website or explain how incorporating it into the rulemaking is beneficial to the regulated community.

• Section 5.43(c)(4)(A) requests the name, location and hours of operation of the recycling facility where a licensee disposes recyclable materials. This information is similar to the information already required on the “Proof of Recycling Form.” § 5.43(c)(3) Since the Board wishes to have a licensee provide at least two additional records from the municipality with oversight of the drop off locations, we suggest the Board clarify the provision by removing the redundant information and revising the form in Section 5.43(c)(3) to include hours of operation of the recycling facility.

GEORGE D. BEDWICK,  
Chairperson

[Pa.B. Doc. No. 19-767. Filed for public inspection May 17, 2019, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Application and Request for a Certificate of Authority to Provide a Continuing Care Retirement Community by Ellen Memorial, LLC

Ellen Memorial, LLC has applied for a Certificate of Authority to operate a Continuing Care Retirement Community at Ellen Memorial Health Care Center in Honesdale, PA. The initial filing was received on May 3, 2019, and was made under the Continuing-Care Provider Registration and Disclosure Act (40 P.S. §§ 3201—3225).

Persons wishing to comment on the grounds of public or private interest to the issuance of a Certificate of Authority are invited to submit a written statement to the Insurance Department (Department) within 30 days from



the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient details to inform the Department of the exact basis of the statement. Written statements should be directed to Karen M. Feather, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, kfeather@pa.gov.

JESSICA K. ALTMAN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 19-768. Filed for public inspection May 17, 2019, 9:00 a.m.]

## LEGISLATIVE REFERENCE BUREAU

### Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of *Bulletin*). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

#### *Executive Board*

Resolution No. CB-19-001, Dated March 25, 2019. Authorizes the side letter with AFSCME to extend and revise the Pilot Lottery Program to motivate District Lottery Representatives and District Lottery Supervisors to increase the number of retail licensees and total retail sales effective January 1, 2019 through December 31, 2019.

#### *Governor's Office*

Manual No. 210.9—The Commonwealth of Pennsylvania General Records Retention and Disposition Schedule, Amended March 26, 2019.

Administrative Circular No. 19-03—Computation of Interest Penalties, Act 1982-266, Amended March 27, 2019.

Administrative Circular No. 19-04—Closing Instruction No. 2, Fiscal Year 2018-19; Pre-closing at May 13, 2019, Dated April 25, 2019.

Administrative Circular No. 19-05—Approval of 2019-20 Advancement Accounts and Completion of Form STD-133, Request for Approval of Advancement Account, Dated April 26, 2019.

DUANE M. SEARLE,  
*Director*  
*Pennsylvania Code and Bulletin*

[Pa.B. Doc. No. 19-769. Filed for public inspection May 17, 2019, 9:00 a.m.]

## OFFICE OF ADMINISTRATION

### Notice of Minimum Wage Increase under Executive Order 2016-02 Amended, Establishing a Minimum Wage for Employees of the Commonwealth and of Organizations Receiving State Contracts

Executive Order 2016-020, Minimum Wage for Employees for the Commonwealth and of Organizations Receiving State Contracts, was signed by Governor Tom Wolf on March 7, 2016 (the Original Executive Order). The Original Executive Order raised the hourly minimum wage paid to employees of Commonwealth agencies under the Governor's jurisdiction and paid by contractors to workers performing work on or in connection with covered State contracts, as described in the Original Executive Order, to \$10.15 per hour, beginning July 1, 2016; and beginning January 1, 2017, and annually thereafter, an amount determined in accordance with the methodology set forth in the Original Executive Order. Effective July 1, 2018, the minimum wage rate to be paid to workers performing work on or in connection with covered State contracts, as described in the Original Executive Order, increased to \$10.35 per hour.

On June 28, 2018, Executive Order 2016-02 Amended, Minimum Wage for Employees of the Commonwealth and of Organizations Receiving State Contracts (the Amended Executive Order), was signed by Governor Tom Wolf. The Amended Executive Order raised the hourly minimum wage paid to employees of Commonwealth agencies under the Governor's jurisdiction to \$12.00 per hour, beginning July 1, 2018, and paid by contractors to workers performing work on or in connection with covered State contracts, as described in the Amended Executive Order, to \$12.00 per hour, beginning on the effective date of the applicable contract or lease solicited or bilaterally modified on or after July 1, 2018; and beginning January 1, 2019, and annually thereafter, to an amount determined in accordance with the methodology set forth in the Amended Executive Order.

Under the Amended Executive Order, notice was provided at 49 Pa.B. 1009 (March 2, 2019) that beginning July 1, 2019, the minimum wage rate to be paid to employees of Commonwealth agencies under the jurisdiction of the Governor and workers performing work on or in connection with covered State contracts, as described in Section 2 of the Amended Executive Order, will increase to \$12.50 per hour.

In addition, the Original Executive Order continues to apply to workers performing work on or in connection with covered State contracts entered into after July 1, 2016, but prior to July 1, 2018, and such contracts have not been bilaterally modified to include the Amended Executive Order. Notice is hereby provided that beginning July 1, 2019, the minimum wage rate to be paid to workers performing work on or in connection with covered State contracts, as described in Section 2 of the Original Executive Order, will increase to \$10.60 per hour.

This notice is effective on May 18, 2019.

MICHAEL NEWSOME,  
*Secretary*

[Pa.B. Doc. No. 19-770. Filed for public inspection May 17, 2019, 9:00 a.m.]

**PENNSYLVANIA INFRASTRUCTURE  
INVESTMENT AUTHORITY  
DEPARTMENT OF  
ENVIRONMENTAL PROTECTION**

**Clean Water and Drinking Water State Revolving  
Fund Programs; Federal Fiscal Year 2019 In-  
tended Use Plans**

The Pennsylvania Infrastructure Investment Authority (PENNVEST) and the Department of Environmental Protection (Department) have prepared the Federal Fiscal Year (FY) 2019 Intended Use Plans (IUP). These plans include a list of drinking water, wastewater treatment, nonpoint source and pollution abatement projects to be considered for a design and engineering or construction loan or grant from funds the Commonwealth expects to receive from the Federal FY 2019 Drinking Water State Revolving Fund (DWSRF) and Clean Water State Revolving Fund (CWSRF) programs.

In accordance with United States Environmental Protection Agency (EPA) guidelines on the development of the IUPs, a public meeting has been scheduled for May 29, 2019, at 1:30 p.m. in the 2nd Floor Auditorium, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. This meeting is scheduled for the purpose of receiving comments from the public regarding the Federal FY 2019 IUPs. Interested persons are invited to express their views on the narrative portion of the IUPs, the DWSRF set-aside work plan or the priority rating or ranking of projects on the IUPs. Persons wishing to offer comments at the public meeting should contact the Division of Municipal Facilities at the address or telephone number listed as follows or by e-mail to [jaypatel@pa.gov](mailto:jaypatel@pa.gov) by 4 p.m. on May 28, 2019. When written statements are prepared and will be submitted at the meeting, speakers will be asked to restrict the oral portion of the statement to a summary of the written comments.

The projects to be considered for a loan or grant from the DWSRF and CWSRF programs must meet the Federal requirements for funding in accordance with the Federal Safe Drinking Water Act (42 U.S.C.A. §§ 300f—300j-27) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1388). Accordingly, the projects included in the IUPs are expected to meet the requirements applicable to the use of the DWSRF and CWSRF loan or grant funds. Projects listed in the FY 2019 IUPs are on the Commonwealth's Project Priority Lists (PPL) and are expected to proceed with design and engineering or construction within the next 2 years. A project must appear on a PENNVEST-approved IUP before it can receive a loan or grant from the State Revolving Fund programs. A project's readiness to proceed and the reasonable availability of alternative funds also have a bearing on project selection for the IUPs. Consequently, the rank ordered list of projects on the PPLs does not solely dictate the order in which projects will be chosen for inclusion in an IUP.

The DWSRF will be capitalized with an approximated maximum of \$31.6 million in Federal funds and \$6.3 million of State funds. Approximately \$8.5 million of these funds will be set aside for technical assistance to small systems, operator training and certification, and source water assessment and protection as authorized

under the Federal Safe Drinking Water Act. The DWSRF IUP also includes a narrative work plan that describes how these set-aside funds will be used. PENNVEST is also allocating an additional \$1.4 million for administrative purposes. Finally, an additional \$6.3 million must be set aside for additional subsidization to disadvantaged communities. The FY 2019 DWSRF grant does not have a requirement to set-aside funding for green infrastructure projects. However, the Commonwealth will continue to promote green infrastructure projects. These projects can fall into one of four categories: (1) water efficiency; (2) energy efficiency; (3) environmentally innovative; and (4) green stormwater infrastructure and meet the EPA criteria for green infrastructure.

The CWSRF will be capitalized with an approximated maximum of \$63 million of Federal funds and approximately \$12.6 million of State funds. One million dollars will be set aside for program administration costs. Finally, an approximated maximum of \$18.9 million may be set-aside for additional subsidization to disadvantaged communities and approximately \$6.3 million must be set-aside for green infrastructure projects that fall into one or more of the following categories: (1) water efficiency; (2) energy efficiency; (3) environmentally innovative; and (4) green stormwater infrastructure and meet the EPA criteria for green infrastructure.

It is not necessary to appear at the public meeting to present comments on the narrative portion of the IUPs, the set-aside work plan or the PPLs. Interested persons may also submit written comments to the Department through Monday, June 17, 2019. Comments, including comments submitted by e-mail, must include the originator's name and address. Commentators are encouraged to submit comments using the Department's online eComment system at [www.ahs.dep.pa.gov/eComment](http://www.ahs.dep.pa.gov/eComment) or by e-mail to [ecomment@pa.gov](mailto:ecomment@pa.gov). Written comments can also be submitted by mail to the Policy Office, Department of Environmental Protection, Rachel Carson State Office Building, P.O. Box 2063, Harrisburg, PA 17105-2063. Use "Clean Water and Drinking Water State Revolving Funds" as the subject line in written communication.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Jay Patel at (717) 705-4090 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

A copy of the IUPs, ranking frameworks, the PPLs and the DWSRF set-aside work plan may be obtained by contacting Jay Patel, Division of Municipal Facilities, at (717) 705-4090 or through the Department's web site at <http://www.dep.pa.gov/Business/Water/CleanWater/InfrastructureFinance>. The link to these documents is on the right-hand side of the page under "State Revolving Fund Intended Use Plan."

Department of Environmental Protection  
Bureau of Clean Water  
Division of Municipal Facilities  
P.O. Box 8774  
11th Floor, Rachel Carson State Office Building  
400 Market Street  
Harrisburg, PA 17101-8774  
(717) 705-4090

PENNVEST  
18th Floor, 333 Market Street  
Harrisburg, PA 17101-2210  
(717) 783-6589  
Toll Free: (877) 787-8137

PATRICK McDONNELL,  
*Secretary*  
*Department of Environmental Protection*  
*Vice Chairperson*  
*Pennsylvania Infrastructure Investment Authority*

BRION JOHNSON,  
*Executive Director*  
*Pennsylvania Infrastructure Investment Authority*

[Pa.B. Doc. No. 19-771. Filed for public inspection May 17, 2019, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Requesting Utility and Stakeholder Participation in the Universal Service Reporting Working Group; Doc. No. M-2017-2587711

On January 17, 2019, the Pennsylvania Public Utility Commission (Commission) entered an Order, releasing a staff report titled "Home Energy Affordability for Low-Income Customers in Pennsylvania" (Report). The Report found, inter alia, that inconsistencies and limitations in reported data impacted the analysis and evaluation of Customer Assistance Programs (CAPs).

In the January 17 Order, the Commission recognized the need for NGDCs and EDCs to (1) standardize data gathering and reporting; (2) establish standard definitions for terms; (3) track and report data consistently (e.g., income verification/confirmed low income); and (4) track and report additional data elements to enhance the evaluation of CAPs. January 17 Order at 18.

Therefore, the January 17 Order directed staff in the Bureau of Consumer Services (BCS) and the Law Bureau to convene, no later than July 31, 2019, a USR working group to standardize universal service reporting protocols for data definitions, tracking, and reporting. Additionally, the Commission directed all NGDCs and EDCs to participate in the USR working group. January 17 Order at 23.

The USR working group shall conclude its work no later than December 31, 2019 and BCS shall provide a consensus/non-consensus report to the Commission prior to January 31, 2020. January 17 Order at 23.

With this Secretarial Letter, the Commission announces establishment of the USR working group. The Commission invites interested stakeholders to participate. The first meeting of the working group will be held in July 2019, in the Keystone Building, Harrisburg. Utilities and interested stakeholders should email [ra-pc-uswg@pa.gov](mailto:ra-pc-uswg@pa.gov) by May 31, 2019 to inform the Commission of your intent to participate.<sup>1</sup> All utility participants and interested stakeholders will be provided with information and comment requests, and notified of specific meeting dates, times, and locations, via email.

<sup>1</sup> All utilities should inform the Commission of which staff members will be participating in the working group.

Please contact Eric Tuttle at [etuttle@pa.gov](mailto:etuttle@pa.gov) if you have any questions.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 19-772. Filed for public inspection May 17, 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 June 3, 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-2019-3008198. Pamela S. Noel, t/a P Noel Transport** (1666 Colonial Manor Drive, Lancaster, PA 17603) for the right to begin to transport persons, by motor vehicle, in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in the Counties of Chester, Lancaster and York, to points in Pennsylvania, and return.

**A-2019-3009430. Medical Transportation Providers, LLC** (2162 East Gordon Street, Philadelphia, Philadelphia County, PA 19125) for the right to begin to transport, as a common carrier, by motor vehicle, persons in nonemergency medical paratransit service, between points in the City of Philadelphia.

**A-2019-3009431. R & J Transport Service, LLC** (31 West Diamond Avenue, Hazleton, PA 18201) to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points within a 15-air mile radius of the City of Hazleton, Luzerne County, to points in Pennsylvania, and return.

**A-2019-3009478. Washington Hose Company No. 1** (376 East Lincoln Highway, Coatesville, Chester County, PA 19320) to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in Chester County, to points in Pennsylvania, and return.

**Applications 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 each application.**

**A-2019-3008201. American Twin Movers, Inc.** (P.O. Box 4482, Columbus, GA 31914) for the right to begin to transport, as a common carrier, by motor vehicle, household goods in use, between points in Pennsylvania.

**A-2019-3009236. Northeastern Movers, Inc.** (105 West Market Street, Scranton, PA 18508) for the right to begin to transport, as a common carrier, by motor vehicle, household goods in use, between points in Pennsylvania.

**A-2019-3009477. Established Moving & Storage of Pittsburgh, Inc.** (1 South Ocean Boulevard # 203, Boca Raton, FL 33432) for the right to begin to transport, as a common carrier, by motor vehicle, household goods in use, between points in Pennsylvania.

**Application 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 the application.**

**A-2019-3009665. George Kessler, t/a Hill Top Bus Line** (153 East Donner Avenue, Monessen, Westmoreland County, PA 15062) discontinuance of service and cancellation of certificate, to transport, as a common carrier, by motor vehicle, persons in scheduled route service, from points in the Counties of Westmoreland and Washington, as described in the original ordering paragraphs at A-00059114, F.1, Am. A, Am. B, Am. C and Folder 4.

ROSEMARY CHIAVETTA,  
Secretary

[Pa.B. Doc. No. 19-773. Filed for public inspection May 17, 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 June 3, 2019, and must be made with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120, with a copy to the First Deputy Chief Prosecutor, Pennsylvania Public Utility Commission.

### Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. ANJ Transportation, LLC; Docket No. C-2019-3008796

#### 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 respon-

sibilities. 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 ANJ Transportation, LLC, (respondent) is under suspension effective March 16, 2019 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 640 South Avenue, Apt. I-8, Secane, PA 19018.

3. That respondent was issued a Certificate of Public Convenience by this Commission on July 27, 2017, at A-6419601.

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-6419601 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: 3/27/2019

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](http://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-PCCmpltResp@pa.gov](mailto:RA-PCCmpltResp@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. Calvin Lee Lapp, t/a Lapp Transport; Docket No. C-2019-3008908**

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 Calvin Lee Lapp, t/a Lapp Transport, (respondent) is under suspension effective March 22, 2019 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 224 Cypress Lane, New Holland, PA 17557.

3. That respondent was issued a Certificate of Public Convenience by this Commission on February 27, 2018, at A-8920498.

4. That respondent has failed to maintain evidence of Liability insurance and Cargo insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-8920498 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: 4/2/2019

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](http://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-PCCmpltResp@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. 19-774. Filed for public inspection May 17, 2019, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Service of Notice of Telecommunications 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 June 3, 2019, and must be made with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120, with a copy to the First Deputy Chief Prosecutor, Pennsylvania Public Utility Commission.

### Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Quasar Communications Corp.; Docket No. C-2019-3007250

#### COMPLAINT

Now Comes the Bureau of Investigation and Enforcement ("I&E") of the Pennsylvania Public Utility Commission's ("Commission") by its prosecuting attorneys, pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701 and files this Formal Complaint against Quasar Communications Corp. ("Respondent") alleging violations of the Commission's regulations. In support of its Complaint, I&E respectfully represents the following:

#### I. Parties and Jurisdiction

1. The Pennsylvania Public Utility Commission, with a mailing address of P.O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement, which is the bureau established

to take enforcement actions against public utilities and other entities subject to the Commission's jurisdiction pursuant to 66 Pa.C.S. § 308.2(a)(11). See also Implementation of Act 129 of 2008; Organization of Bureaus and Offices, Docket No. M-2008-2071852 (Order entered August 11, 2011) at 5 (delegating authority to initiate proceedings that are prosecutory in nature to I&E).

3. Complainant is represented by:

Kourtney L. Myers  
Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265  
717.705.4366  
komyers@pa.gov

Michael L. Swindler  
Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265

4. Respondent is Quasar Communications Corp. and maintains its principal place of business at 15610 Boulder Oaks Drive, Houston, TX 77084, Attention: Elise Escamilla.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in conveying or transmitting messages or communications by telephone in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a Certificate of Public Convenience on or about August 19, 2004, at A-311327, for interexchange carrier reseller authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission to, inter alia, hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 63.171 of the Commission's regulations, 52 Pa. Code § 63.171, authorizes the Commission to initiate enforcement actions against telecommunications service providers that fail to pay, in a timely manner, any contributions required under the Commission's Universal Service regulations.

10. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations. Section 3301(a)-(b) of the Public Utility Code, 66 Pa.C.S. § 3301(a)-(b), allows for the imposition of a separate civil penalty for each violation and each day's continuance of such violation(s).

11. Respondent, in conveying or transmitting messages or communications by telephone, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

12. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has

jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

## II. Background

13. Section 3011 of the Public Utility Code, 66 Pa.C.S. § 3011, authorizes the Commission to establish a Universal Service Fund ("USF") to ensure the availability of basic telecommunications services to all Pennsylvania residents.

14. Pursuant to 52 Pa. Code § 63.164, the Commission established the size of the Pennsylvania USF and the assessment rate for contributing telecommunications providers<sup>1</sup> for the 2018 calendar year. Pennsylvania Universal Service Fund Annual Rate Adjustment, Docket No. M-00001337 (Order entered December 7, 2017).

15. Respondent is a contributing telecommunications provider.

16. On December 15, 2017, the Commission's third-party USF Administrator, GVNW Consulting, Inc. ("GVNW"), mailed to Respondent a Pennsylvania USF 2018 Remittance Voucher that was based on revenues for the 2016 calendar year that Respondent reported to GVNW in its Pennsylvania USF Administrator Development of Assessment Data Request. Respondent's total annual USF Assessment amount for 2018 was \$146.62.

17. Respondent's first monthly USF Assessment payment for 2018 was \$12.22 and due on January 16, 2018.

18. Respondent failed to timely pay its first monthly USF Assessment for 2018.

19. GVNW continued to mail to Respondent monthly USF vouchers for the 2018 calendar year.

20. On June 14, 2018, Respondent submitted payment in the amount of \$73.30 to be applied towards its USF Assessments for the 2018 calendar year.

21. Upon receipt of Respondent's payment, late fees in the amount of \$1.65 were added to Respondent's USF Assessment balance related to the 2018 calendar year.<sup>2</sup>

22. Subsequent to Respondent's payment, GVNW continued to mail to Respondent monthly USF vouchers for the 2018 calendar year.

23. On or about October 16, 2018, Spencer Nahf, of the Commission's Bureau of Technical Utility Services ("TUS"), contacted Respondent, by telephone, regarding payment of Respondent's remaining, outstanding USF Assessments related to the 2018 calendar year and left a voicemail for Respondent, which was not returned.

24. On October 17, 2018, I&E sent Respondent a notice regarding its remaining, outstanding USF Assessments related to the 2018 calendar year.

25. To date, Respondent has not submitted payment or contacted the Commission regarding its remaining, outstanding USF Assessment balance for the 2018 calendar year.

26. Respondent's current, outstanding USF Assessment balance related to the 2018 calendar year is \$74.97.<sup>3</sup>

<sup>1</sup> Contributing telecommunications providers are telecommunications carriers that provide intrastate telecommunications services.

<sup>2</sup> Pursuant to 52 Pa. Code § 63.169(b), late fees are charged at 1.5% per month pro rata per diem on the delinquent contribution.

<sup>3</sup> This amount does not include late fees for Respondent's remaining, outstanding USF Assessment balance related to the 2018 calendar year. The total amount of late fees due will be calculated upon receipt of payment of the remaining, outstanding USF Assessment balance by GVNW.

### III. Violation

27. All allegations in paragraphs 1—26 are incorporated as if fully set forth herein.

28. Respondent failed to satisfy its monthly Universal Service Fund Assessments for six (6) months of the 2018 calendar year. If proven, this is a violation of 52 Pa. Code §§ 63.161—63.171. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is 15% of the outstanding USF Assessments or a minimum of \$50, whichever is greater. Therefore, I&E's proposed civil penalty for this violation is \$50.

Wherefore, for all the foregoing reasons, the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement respectfully requests that:

(a) Respondent be ordered to pay its outstanding USF Assessments related to the 2018 calendar year, including late fees, and the requested civil penalty for the above-described violation; and

(b) If payment of the USF Assessments, late fees, and civil penalty is not made, the Bureau of Investigation and Enforcement requests that:

(1) the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent;

(2) this matter be referred to the Pennsylvania Office of Attorney General for appropriate action; and

(3) the Commission grant such other relief as it deems appropriate.

Respectfully submitted,  
Kourtney L. Myers  
Prosecutor

Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265  
717.705.4366  
komyers@pa.gov

Date: January 17, 2019

### VERIFICATION

I, Spencer Nahf, Fixed Utility Financial Analyst, Bureau of Technical Utility Services, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: January 17, 2019

Spencer Nahf, Fixed Utility Financial Analyst  
Technical Utility Services  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

### NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://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:

Kourtney L. Myers, Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Or emailed to Ms. Myers at: [komyers@pa.gov](mailto:komyers@pa.gov)

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the requested relief.

C. You may elect not to contest this Complaint by paying the past due USF Assessment, late fees, and civil penalty within 20 days.

Payment of the USF Assessment should be made payable to "PA USF" with your account number indicated, and mailed to:

PA USF  
1695 State Street  
East Petersburg, PA 17520

After making payment of the USF Assessment, please contact PA USF Administrator, GNVW Consulting, Inc. at (217) 862-1510 to obtain the current amount of late fees that are owed.

Payment of the civil penalty must be made by certified check or money order, made payable to the "Commonwealth of Pennsylvania," with the docket number indicated, and mailed to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the requested relief set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

ROSEMARY CHIAVETTA,  
Secretary

[Pa.B. Doc. No. 19-775. Filed for public inspection May 17, 2019, 9:00 a.m.]



## STATE HORSE RACING COMMISSION

### Receipt of Nonprimary Relocation Petitions

The State Horse Racing Commission (Commission) provides notice that it has received proper Nonprimary Relocation Statements (Petitions) filed by Mountainview Thoroughbred Racing Association, LLC and Penn National Turf Club, LLC (collectively Penn National) seeking approval from the Commission to relocate two of its presently existing operational nonprimary location facilities. The proposed relocation plans are subject to review by the Commission under its statutory and regulatory authority under 3 Pa.C.S. § 9331 (relating to pari-mutuel wagering at nonprimary locations), the Commission's Temporary Regulation Order issued and adopted on April 30, 2019, and the Commission's existing nonprimary

location regulations at 58 Pa. Code Chapter 171 (relating to nonprimary locations). Penn National seeks to relocate its facilities to the following locations:

1. York Petition: Penn National seeks approval to relocate its nonprimary facility presently located at 351 Loucks Road, York, PA 17404 (Present Site) to 2899 Whiteford Road, York, PA 17402 (Relocation Site).
2. Morgantown Petition: Penn National seeks approval to relocate its nonprimary facility presently located at 2090 Lincoln Highway East, Lancaster, PA 17602 (Present Site) to Reading Road, Morgantown, PA 19543 (Caernarvon Township) (Relocation Site).

THOMAS F. CHUCKAS, Jr.,

*Director*

*Bureau of Thoroughbred Horse Racing*

[Pa.B. Doc. No. 19-776. Filed for public inspection May 17, 2019, 9:00 a.m.]





