

# PENNSYLVANIA BULLETIN

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## **Agencies in this issue**

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Department of Aging

Department of Agriculture

Department of Banking and Securities

Department of Conservation and Natural  
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Department of Environmental Protection

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Department of Human Services

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Department of Revenue

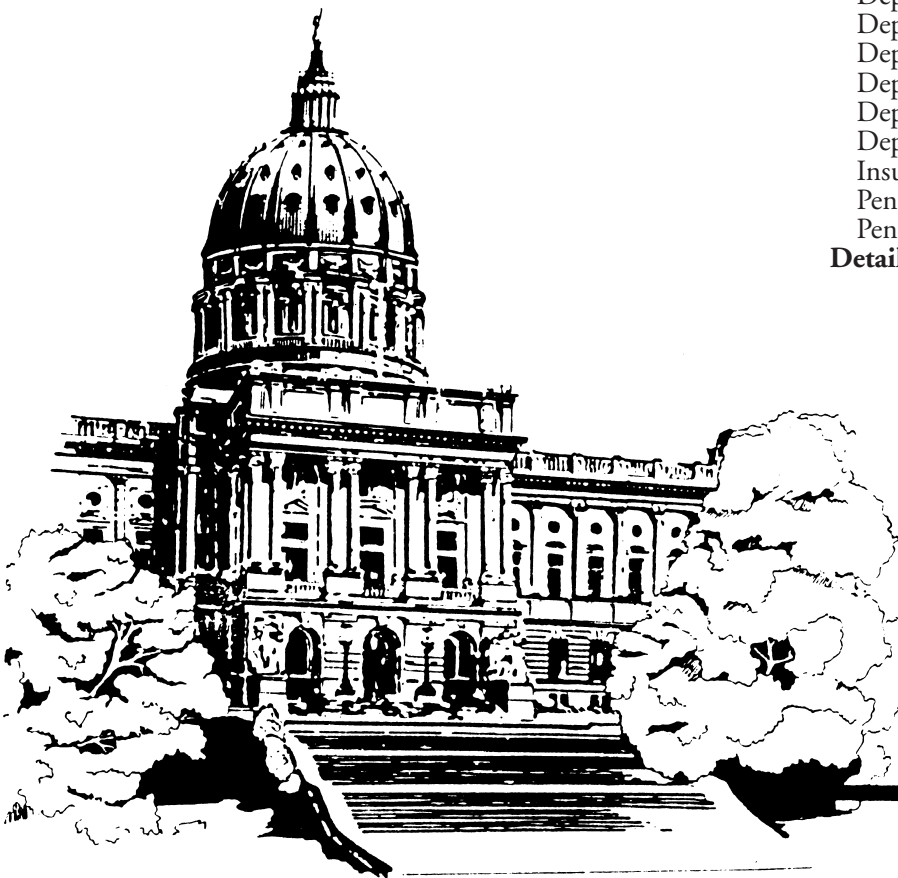
Department of Transportation

Insurance Department

Pennsylvania Infrastructure Investment Authority

Pennsylvania Public Utility Commission

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

**No. 535, June 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 COURTS

## Title 201—RULES OF JUDICIAL ADMINISTRATION

[ 201 PA. CODE CH. 7 ]

### Amendment of Rule 701 of the Rules of Judicial Administration; No. 516 Judicial Administration Doc.

#### Order

*Per Curiam*

And Now, this 23rd day of May, 2019, *It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 701 of the Rules of Judicial Administration is amended in the following form.

To the extent that notice of proposed rulemaking would otherwise be required by Pa.R.J.A. No. 103, the immediate promulgation of the amendment is found to be in the interest of efficient administration.

This Order shall be processed in accordance with Pa.R.J.A. No. 103(b), and the amendment shall be effective January 6, 2020.

#### Annex A

### TITLE 201. RULES OF JUDICIAL ADMINISTRATION

#### CHAPTER 7. ASSIGNMENT OF JUDGES

#### ASSIGNMENT AND TRANSFER OF JUDGES

#### Rule 701. Assignment of judges to courts.

(A) *Conditions Applicable for the Certification of Senior Magisterial District Judges, Judges or Justices.*

(1) To be eligible for senior certification, a magisterial district judge, judge or justice:

(a) shall have served as a magisterial district judge, judge or justice, whether or not continuously or on the same court, by election or appointment for an aggregate period equaling ten years;

(b) shall not have been defeated for reelection or retention; and

(c) shall be at least sixty-five years of age on the date on which he or she begins senior service, or have a combination of years of judicial service plus age that totals at least seventy for magisterial district judges or at least eighty for judges and justices. However, this subsection (c) shall not apply to those serving in senior status as of the effective date of this rule.

(2) In addition to paragraph (1), any duly elected magisterial district judge, judge or justice, having an aggregate of five years of judicial service, who is required to retire due to mandatory retirement age, shall be eligible for certification.

**(3) Judges seeking senior status must apply for such status immediately upon retirement. Thereafter, requests for senior status shall be granted only upon application to and approval by the Supreme**

**Court, which approval will be granted only upon a showing of compelling and exceptional circumstances.**

**Official Note: As a matter of state law passed to conform with federal law, judges who otherwise qualify for senior service but retire before age 62 cannot serve as senior judges and simultaneously receive their state pension until they have reached age 62 or have been an annuitant (retiree) for one year, whichever is earlier. See 71 Pa.C.S. § 5706(a)(1), (2) & (a.4). Such judges must choose between (1) receiving their pension but delaying senior service (accepting judicial assignments) until they reach one of those thresholds, or (2) delaying receipt of their pension (and associated retiree medical benefits) while serving as a senior judge (accepting assignments) during that period. Judges who retire before age 62 and who seek senior status must apply immediately upon retirement but may request to delay service. Delaying service will not affect the applicability of the relevant code of judicial conduct, including but not limited to those provisions regulating personal and extrajudicial activity, see Pa. Code of Jud. Conduct (Canon 3); Pa. Rules Governing Standards of Conduct of Magisterial District Judges (Canon 3), and political activity, see Pa. Code of Jud. Conduct (Canon 4); Pa. Rules Governing Standards of Conduct of Magisterial District Judges (Canon 4).**

[ (3) ] (4) Senior status shall end on the last day of the calendar year in which a magisterial district judge, judge or justice attains age seventy-eight; however, those serving in senior status as of the effective date of this rule who were previously excepted from the age seventy-five limitation pursuant to the amendment of January 1, 1999 may continue to serve until the last day of the calendar year in which they attain age eighty.

[ (4) ] (5) For certification of senior status, a magisterial district judge, judge or justice shall verify such additional information as required by the application for certification forms authorized under paragraph (B) below.

[ (5) ] (6) A magisterial district judge, judge or justice may only be certified for senior status for a maximum of ten years, absent extraordinary circumstances, as determined by the Chief Justice. However, those serving in senior status as of the effective date of this rule may continue to serve until subject to the age limit of paragraph [ (3) ] (4) above.

[ (6) ] (7) Certification of a magisterial district judge, judge or justice for senior status shall be subject to the pleasure of the Supreme Court. The Supreme Court at any time, in the exercise of its sole discretion, may rescind or revoke a senior certification.

**Official Note:** Paragraph [ (6) ] (7) was added in 2016 to clarify that certification of senior status is (and always has been) a matter that is subject to the pleasure of the Supreme Court.

\* \* \* \* \*

[Pa.B. Doc. No. 19-852. Filed for public inspection June 7, 2019, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### BERKS COUNTY

#### Amendments to Local Rules; No. 19-1 Prothonotary

##### Order

*And Now*, this 15th day of May, 2019, the following amendments to Berks County Rules of Civil Procedure 1302(c) shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*, in accordance with Pa.R.J.A. No. 103(d)(5)(iii).

(New language is bold and underscored, and deleted language is shown bracketed and bold.)

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

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

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

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

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

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

THOMAS G. PARISI,  
*President Judge*

#### Rule 1302. Administration.

...

(c) Every attorney admitted to practice before the Supreme Court of Pennsylvania [ **with a primary office located** ] **who primarily practices** in Berks County shall file with Court Administration appropriate information on a form designated by Court Administration for this purpose, indicating whether or not said attorney is practicing alone, is a member of a firm, or is associated in some way with one or more other lawyers (either in private practice or as an employee of some public office such as the district attorney's office, public defender's office, legal aid, etc.). Said attorney shall also notify Court Administration on said form whether said attorney is willing to serve as an arbitrator, [ **the location of his/her primary office** ] **whether he-she primarily practices in Berks County**, whether he-she is admitted to practice law in the Commonwealth of Pennsylvania and any qualifications for chairperson as required in B.R.C.P. 1302.2. Any change in status in this regard shall immediately be reported to Court Administration.

...

[Pa.B. Doc. No. 19-853. Filed for public inspection June 7, 2019, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### BUCKS COUNTY

#### Order Promulgating Rules of Civil Procedure 212.7 Case Management Orders, 212.8 Case Intervention Program and 241 Attorney and Party Contact Information; Administrative Order No. 94

##### Order

*And Now*, this 15th day of May 2019, pursuant to Pa.R.C.P. No. 239, Bucks County Rules of Civil Procedure 212.7 Case Management Orders, 212.8 Case Intervention Program and 241 Attorney and Party Contact Information, are promulgated as follows:

#### Rule 212.7. Case Management Orders.

(a) Case Management Orders may be submitted for Court approval by agreement of all parties to a matter by filing with the Office of the Prothonotary. Such agreed Case Management Orders shall be substantially in the form approved by the Court and available at <http://buckscounty.org/Courts/DocketForms>. At a minimum, every agreed Case Management Order shall contain the following, subject to rejection from filing by the Office of the Prothonotary or the Office of the Court Administrator:

(1) current contact information for all parties and counsel, including mailing address, telephone number, and email address;

(2) the type of proceeding necessary, i.e., arbitration or trial;

(3) the estimated amount of time, in days, necessary for such proceeding; and

(4) the date on which the Office of the Court Administrator shall consider the matter ready for listing for arbitration or trial.

*Note:* This rule does not apply to cases requiring a date certain trial listing. A case management order in such cases will be entered only after a conference with the Office of the Court Administrator, Calendar, or other designated Court staff. See <http://buckscounty.org/Courts/CourtAdministration/Calendar> for more information regarding date certain listing.

A specific date, i.e., month, date and year, on which the case will be considered ready for listing is required to be included in an agreed Case Management Order. A general, indefinite or contingent time frame, e.g., "30 days from the disposition of any motion for summary judgment," is not acceptable and will subject the order to rejection by the Prothonotary or the Office of the Court Administrator.

(b) Amendments to Case Management Orders are discouraged, but may be submitted by agreement of all parties and shall meet the minimum requirements of subsection (a) above.

(c) In the case that the parties are unable to reach agreement as to the terms of a Case Management Order or an amendment thereof, any party may file a motion for a case management conference. Upon review of the motion and in the Court's discretion, a conference may be scheduled at which the sole issue before the Court shall be determination and entry of a Case Management Order.

#### Rule 212.8. Case Intervention Program.

(a) The Court will enter a Case Intervention Order on or about the date one year from the date of initial filing in all civil cases, excluding Family Court matters, which have not been:

- listed for trial or arbitration;
- made subject to a Case Management Order; or
- otherwise resolved of record.

*Note:* This rule does not apply to any action filed in the Criminal and Orphans' Court divisions. For the purpose of this rule, "Family Court matters" are actions before the Domestic Relations Section, including actions pursuant to the Protection from Abuse Act (Pa.R.C.P. No. 1901 et seq.), actions for Support (Pa.R.C.P. No. 1910.1 et seq.), actions for Custody (Pa.R.C.P. No. 1915.1 et seq.), and actions for Divorce (Pa.R.C.P. No. 1920.1 et seq.).

(b) The Case Intervention Order will direct the parties, within seven months of entry of the order, to:

(1) list the matter for trial or arbitration pursuant to B.C.R.C.P. No. \*261;

(2) submit to the Court an agreed Case Management Order in a required form promulgated by the Court; or

(3) where the parties believe the case will require a date certain trial listing, take the appropriate steps for entry of a date certain Case Management Order.

*Note:* See <http://buckscounty.org/Courts/CourtAdministration/Calendar> for information regarding date certain listing.

(c) Should the parties fail to take one of the three actions enumerated by the Case Intervention Order within the given seven month time frame, the Court will enter a Case Management Order, sua sponte, which will authorize the Court Administrator to list the matter for trial or arbitration at any time after 22 months have passed from the date of initial filing.

(d) Amendment of any Case Management Order entered sua sponte will not be ordered by the Court absent agreement of all parties or extraordinary circumstances.

*Explanatory Comment:* The purpose of this rule is to create a procedure whereby all civil cases will be either subject to a Case Management Order or eligible to be listed for arbitration or trial prior to the passage of two years from the date of initial filing.

An agreed Case Management Order form has been promulgated by the Court, and any agreed Case Management Order must comply in substance with that form. See B.C.R.C.P. No. 212.7, Case Management Orders, for further information.

Where the parties fail to list the matter for trial or arbitration, or to agree to the terms of a Case Management Order within seven months of entry of the Case Intervention Order, it is the Court's intent that the sua sponte Case Management Order will be final and binding. As such, except by agreement among all parties, any sua sponte Case Management Order will not be amended absent truly extraordinary circumstances. Discovery disputes, outstanding motions and attorney/witness availability will not be considered "extraordinary circumstances" for the purposes of this rule.

**Rule 241. Attorney and Party Contact Information.**

(a) It is the sole responsibility of attorneys and unrepresented parties in matters before the Court to maintain current and accurate contact information with the Court. The term "contact information" shall include a valid mailing address and telephone number for the attorney or unrepresented party, and if the attorney or unrepresented party is a registered e-filer, it shall further include a valid email address for the party or attorney.

(b) The failure of any attorney or unrepresented party to maintain current and accurate contact information with the Court may result in the attorney or unrepresented party failing to receive timely notice of Court orders, scheduled case events and other proceedings. Such failure will not be considered by the Court as an excuse for the attorney's or unrepresented party's failure to timely file responsive documents, appear for scheduled proceedings, or comply with Court orders.

*Note:* A form Praeceptum for Change of Address/Contact Information has been approved by the Court and is available at <http://buckscounty.org/government/RowOfficers/Prothonotary/Forms>. A valid email address must be provided when registering to use to Prothonotary's e-filing system, and may be updated as necessary using that system.

This Rule shall take effect thirty (30) days from the date of publication in the *Pennsylvania Bulletin*.

*By the Court*

WALLACE H. BATEMAN, Jr.,  
*President Judge*

[Pa.B. Doc. No. 19-854. Filed for public inspection June 7, 2019, 9:00 a.m.]

**DISCIPLINARY BOARD OF  
THE SUPREME COURT**

**Notice of Suspension**

Notice is hereby given that James Herbert Wolfe, III having been suspended from the practice of law in New Jersey; the Supreme Court of Pennsylvania issued an Order dated May 17, 2019 suspending James Herbert Wolfe, III from the practice of law in this Commonwealth for a period of one year, effective June 16, 2019. 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. 19-855. Filed for public inspection June 7, 2019, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF AGING

### Pennsylvania Long-Term Care Council; Time Change of June 12, 2019, Meeting

The Pennsylvania Long-Term Care Council's (Council) June 12, 2019, meeting, regularly scheduled to begin at 10 a.m., will now begin at 9 a.m.

The meeting will be held at the Pennsylvania Farm Show Complex and Expo Center, Keystone Conference Center, 2300 North Cameron Street, Harrisburg, PA. The Keystone Conference Center is located on the second floor of the Maclay Street side of the Farm Show Complex.

Persons with any questions or in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Charles Quinnan, Council Executive Director, (717) 705-7296, [cquinnan@pa.gov](mailto:cquinnan@pa.gov).

ROBERT TORRES,  
*Acting Secretary*

[Pa.B. Doc. No. 19-856. Filed for public inspection June 7, 2019, 9:00 a.m.]

## DEPARTMENT OF AGRICULTURE

### Fertilizer Nutrient Values

The Secretary of Agriculture, under the authority of 3 Pa.C.S. § 6710 (relating to commercial value), establishes the commercial values per pound of nitrogen, available phosphate and soluble potash.

The values are established as follows:

Nitrogen	\$0.49 per pound
Available phosphate	\$0.39 per pound
Soluble potash	\$0.33 per pound

#### *Further Information*

Further information is available by contacting David Dressler, Agronomic Program Specialist, Bureau of Plant Industry, Department of Agriculture, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 772-5215.

#### *Effective Date*

These commercial values are effective beginning July 1, 2019, and shall remain effective until further notice.

RUSSELL C. REDDING,  
*Secretary*

[Pa.B. Doc. No. 19-857. Filed for public inspection June 7, 2019, 9:00 a.m.]

## DEPARTMENT OF AGRICULTURE

### General Quarantine Order; Swine Exhibition Requirements

#### *Recitals*

A. African Swine Fever is a highly contagious hemorrhagic viral disease affecting domestic and wild swine.

B. There is no vaccine to protect swine against African Swine Fever, nor is there a known cure or treatment for this dangerous transmissible disease.

C. African Swine Fever has a high environmental resistance and can be spread by domestic or wild swine, whether alive or dead, and pork products.

D. African Swine Fever is known to be transmissible from infected to uninfected swine through contact and via contaminated feed and fomites (non-living objects) such as shoes, clothes, vehicles, equipment and any other goods, products, facilities, containers and other objects with which infected swine—alive or dead—may come into contact.

E. Section 2321 of the Domestic Animal Law (Law) establishes a list of “dangerous transmissible disease” and provides for the designation of additional dangerous transmissible diseases through regulation or temporary order (3 Pa.C.S.A. § 2321).

F. African swine fever (ASF) is specifically designated as a dangerous transmissible disease at section 2321(a)(3) of the Law (3 Pa.C.S.A. § 2321(a)(3)).

G. The Domestic Animal Law (Law) (3 Pa.C.S.A. §§ 2301—2389) and section 1702 of the Administrative Code of 1929 (71 P.S. § 442), provides the Pennsylvania Department of Agriculture (PDA) broad authority to regulate the keeping and handling of domestic animals to exclude, contain or eliminate dangerous transmissible diseases, such as ASF.

H. This includes authority, set forth at section 2329 of the Law, to establish and enforce quarantine orders “Whenever a dangerous transmissible disease...exists anywhere within or outside of this Commonwealth...” (3 Pa.C.S.A. § 2329(a)).

I. Section 2329(d) of the Law provides specific authority to establish and enforce a general quarantine order against “...any area or locality within this Commonwealth for any of the reasons set forth in subsection (a) to prevent a dangerous transmissible disease...from being carried into, within, from or out of the area or locality that is subject to the quarantine. A general quarantine order may include any domestic animals, conveyances, containers, goods, products or materials that may carry dangerous transmissible disease...and may include any area or locality, including all buildings, structures, premises and equipment located therein.” (3 Pa.C.S.A. § 2329(d))

J. ASF is found in countries around the world, particularly in sub-Saharan Africa. More recently, it has spread through China, Mongolia and Vietnam. Since August 2018, China has confirmed more than 50 cases of ASF. The disease is also spreading within the European Union (EU), and the virus has reached 10 member states of the EU.

K. ASF presents serious threats to animal health and the economic vitality of the Commonwealth's swine production industry. Introduction of ASF into the commercial swine herds of this Commonwealth would result in severe economic losses to the infected herd owners as well as loss of valuable National and International trade opportunities for all Pennsylvania's pork producers.

L. The PDA through this Quarantine Order establishes reasonable requirements to allow for movement of swine and products within this Commonwealth for exhibition

purposes, while protecting against the introduction of ASF into this Commonwealth's commercial production swine population.

*Order of Quarantine:*

With the foregoing recitals incorporated into this Order of Quarantine by reference, the Pennsylvania Department of Agriculture (PDA) under authority of the Domestic Animal Law, at 3 Pa.C.S.A. § 2329(d) and section 1702 of the Administrative Code of 1929 (71 P.S. § 442), hereby establishes a General Order of Quarantine related to the dangerous transmissible disease African Swine Fever (ASF) and the shipment and holding of swine, alive or dead, and any conveyances, containers, goods, products or materials capable of harboring ASF, within and through the Commonwealth of Pennsylvania. The following requirements and restrictions are hereby established with respect to the exhibition of swine within this Commonwealth:

1. *Quarantine Area.* The area covered by this General Quarantine Order is the entire Commonwealth of Pennsylvania and shall be in effect until further order of the Department.

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

*Accredited veterinarian.* A licensed veterinarian jointly accredited by APHIS-USDA and the Department in the state the veterinarian is licensed to perform official duties on behalf of APHIS-USDA or the Department in the state the veterinarian is licensed to practice veterinary medicine. See accreditation standards established by 9 CFR Parts 160 and 161 (relating to definition of terms; and requirements and standards for accredited veterinarians and suspension or revocation of such accreditation).

*Breeding swine*—A sexually intact swine over 6 months of age or older or a sexually intact swine 5 months of age or younger selected for producing offspring.

*Certificate of Veterinary Inspection (ICVI).* An official document issued by a federal, state, tribal, or accredited veterinarian certifying that the animals identified on the document have been inspected and were found to satisfy the regulations pertaining to their intended movement—within the same state, between states, or internationally.

*Direct movement to slaughter.* Transported to a facility for slaughter, without stops or unloading except for feeding and watering during which the animals are not commingled with any other animals.

*Exhibition.* A show or display of animals.

*Market swine.* A barrow or gilt swine that weighs between 220 and 280 pounds, is approximately 6 months old, and was raised for slaughter.

*Recognized slaughter establishment.* A slaughter establishment operated under the Federal Meat Inspection Act (21 U.S.C.A. §§ 601—623, 641—645, 661, 671—680 and 691) or a State inspected slaughter establishment.

*Slaughter market.* An animal market approved by the Department for the sale of slaughter animals in accordance with Chapter 5 (relating to animal markets) and the act of June 22, 1931 (P.L. 650, No. 225) (3 P.S. §§ 431—439), known as the Farm Animal Dealer or Broker License Law.

3. Beginning June 1, 2019, no swine species shall be exhibited in this Commonwealth unless each animal meets all of the following criteria:

a. Is accompanied by a CVI that was issued not more than 30 days before the date of the show.

b. Shall be permanently identified by an official ear tag and the ear tag number recorded on the CVI. Forms of official ear tag identification include:

- i. USDA-issued metal ear tag with a US shield
- ii. ISO-compliant 15-digit ear tag starting with “840”
- iii. plastic show-issued stamped ear tag (Pennsylvania origin market hogs only)

c. Has been visually inspected for signs of disease prior to unloading at the exhibition by an accredited veterinarian.

4. All breeding swine exhibitions are to occur prior to the arrival of any market swine. Breeding swine must be removed from the exhibition premises prior to any market swine arriving and the exhibition premises shall be cleaned and decontaminated prior to the arrival of any other swine in accordance with the following requirements:

a. A building or pen used to house swine on a fair or exhibition premises shall be kept in a sanitary condition and shall be cleaned and disinfected after removal of each group of swine by fair/show personnel.

5. All market swine exhibited shall move direct to slaughter following the exhibition and may not be diverted to premises other than a recognized slaughter establishment or a slaughter market.

6. All conveyances, containers, goods, products or materials in contact with swine being shipped within or through the Commonwealth of Pennsylvania for exhibition shall be cleaned and decontaminated in accordance with the following:

a. A conveyance used for the transportation of swine to fairs and shows shall be cleaned and disinfected by an exhibitor prior to each use and shall be free of visible accumulations of manure.

7. *Violations/Penalties.* Any person violating the requirements of this Order shall be subject to enforcement and penalties as are allowed under the provisions of the Domestic Animal Law (3 Pa.C.S.A. § 2301 et seq.), which include, revocation of license, criminal prosecution and/or civil penalties of up to \$10,000 per violation and injunctive relief.

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

9. *Contact information.* Questions regarding this General Quarantine Order is to the Commonwealth of Pennsylvania, Department of Agriculture, Bureau of Animal Health, 2301 North Cameron Street, Harrisburg, PA 17110 or by telephone at 717-772-2852, or email at RA-ahds@pa.gov.

10. *Effective Date.* This Order is immediately effective as of June 1, 2019 or upon the date of publication in the *Pennsylvania Bulletin*, whichever date is sooner, and shall remain in effect unless rescinded or modified by subsequent order.

RUSSELL C. REDDING,  
*Secretary*

[Pa.B. Doc. No. 19-858. Filed for public inspection June 7, 2019, 9:00 a.m.]

## DEPARTMENT OF AGRICULTURE

### Interstate and International Quarantine Order; Swine Exhibition Requirements

#### *Recitals*

A. African swine fever is a highly contagious hemorrhagic viral disease affecting domestic and wild swine. There is no treatment for or approved vaccine against ASF. African swine fever virus (ASFV) can be spread by live or dead pigs, domestic or wild, and pork products. Transmission can also occur via contaminated feed and fomites (non-living objects) such as shoes, clothes, vehicles, equipment etc., due to the high environmental resistance of ASFV.

B. Section 2321 of the Domestic Animal Law (Law) establishes a list of “dangerous transmissible disease” and provides for the designation of additional dangerous transmissible diseases through regulation or temporary order (3 Pa.C.S.A. § 2321).

C. African swine fever (ASF) is specifically designated as a dangerous transmissible disease at section 2321(a)(3) of the Law (3 Pa.C.S.A. § 2321(a)(3)).

D. The Domestic Animal Law (Law) (3 Pa.C.S.A. §§ 2301–2389) and section 1702 of the Administrative Code of 1929 (71 P.S. § 442), provides the Pennsylvania Department of Agriculture (PDA) broad authority to regulate the keeping and handling of domestic animals to exclude, contain or eliminate dangerous transmissible diseases, such as ASF.

E. This includes authority, set forth at section 2329 of the Law, to establish and enforce quarantine orders “Whenever a dangerous transmissible disease. . .exists anywhere within or outside of this Commonwealth. . .” (3 Pa.C.S.A. § 2329(a)).

F. Section 2329(c) of the Law provides specific authority to establish and enforce an interstate and international quarantine order against “. . .any place or places outside this Commonwealth for any of the reasons set forth in subsection (a) or where dangerous transmissible diseases. . .are reported to exist and such order may “. . .prohibit the bringing of any domestic animals, conveyances, containers, goods, products or materials into this Commonwealth except in accordance with the requirements set forth in the quarantine order. . .” (3 Pa.C.S.A. § 2329(c)).

G. ASF is found in countries around the world, particularly in sub-Saharan Africa. More recently, it has spread through China, Mongolia and Vietnam. Since August 2018, China has confirmed more than 50 cases of ASF. The disease is also spreading within the European Union (EU), and the virus has reached 10 member states of the EU.

H. ASF presents serious threats to animal health and the economic vitality of the Commonwealth’s swine production industry. Introduction of ASF into the commercial swine herds of this Commonwealth would result in severe economic losses to the infected herd owners as well as loss of valuable National and International trade opportunities for all Pennsylvania’s pork producers.

I. The PDA through this Quarantine Order establishes reasonable requirements to allow for movement of swine and products into and within this Commonwealth for exhibition purposes, while protecting against the introduction of ASF into this Commonwealth’s commercial production swine population.

#### *Order of Quarantine:*

With the foregoing recitals incorporated into this Order of Quarantine by reference, the Pennsylvania Department of Agriculture (PDA) under authority of the Domestic Animal Law, at 3 Pa.C.S.A. § 2329(c) and section 1702 of the Administrative Code of 1929 (71 P.S. § 442), hereby establishes an Interstate and International Order of Quarantine related to the dangerous transmissible disease African Swine Fever (ASF) and the importation or shipment of swine, alive or dead, and any conveyances, containers, goods, products or materials capable of harboring ASF, into and through the Commonwealth of Pennsylvania. The following terms, requirements and restrictions are hereby established with respect to the exhibition of swine within this Commonwealth:

1. *Quarantine Area.* This Interstate and International Quarantine Order is applicable to all states and territories of the United States and foreign countries and the entire Commonwealth of Pennsylvania and shall be in effect until this Order is specifically rescinded or revised in writing by the PDA.

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

*Accredited veterinarian.* A licensed veterinarian jointly accredited by APHIS-USDA and the Department in the state the veterinarian is licensed to perform official duties on behalf of APHIS-USDA or the Department in the state the veterinarian is licensed to practice veterinary medicine. See accreditation standards established by 9 CFR Parts 160 and 161 (relating to definition of terms; and requirements and standards for accredited veterinarians and suspension or revocation of such accreditation).

*Breeding swine*—A sexually intact swine over 6 months of age or older or a sexually intact swine 5 months of age or younger selected for producing offspring.

*Direct movement to slaughter.* Transported to a facility for slaughter, without stops or unloading except for feeding and watering during which the animals are not commingled with any other animals.

*Exhibition.* A show or display of animals.

*Interstate Certificate of Veterinary Inspection (ICVI).* An official document issued by a federal, state, tribal, or accredited veterinarian certifying that the animals identified on the document have been inspected and were found to satisfy the regulations pertaining to their intended movement—within the same state, between states, or internationally.

*Market swine.* A barrow or gilt swine that weighs between 220 and 280 pounds, is approximately 6 months old, and was raised for slaughter.

*Recognized slaughter establishment.* A slaughter establishment operated under the Federal Meat Inspection Act (21 U.S.C.A. §§ 601–623, 641–645, 661, 671–680 and 691) or a State inspected slaughter establishment.

*Slaughter market.* An animal market approved by the Department for the sale of slaughter animals in accordance with Chapter 5 (relating to animal markets) and the act of June 22, 1931 (P.L. 650, No. 225) (3 P.S. §§ 431–439), known as the Farm Animal Dealer or Broker License Law.

3. Beginning June 1, 2019, no swine species shall be exhibited in this Commonwealth unless each animal meets all of the following criteria:

a. Is accompanied by an ICVI that was issued not more than 30 days before the date of the show.

b. Shall be permanently identified by an official ear tag and the ear tag number recorded on the CVI.

c. Forms of official ear tag identification include:

- i. USDA-issued metal ear tag with a US shield
- ii. ISO-compliant 15-digit ear tag starting with "840"

d. Has been visually inspected for signs of disease prior to unloading at the exhibition by an accredited veterinarian.

4. All breeding swine exhibitions are to occur prior to the arrival of any market swine. Breeding swine shall be removed from the exhibition premises prior to any market swine arriving and the exhibition premises shall be cleaned and decontaminated prior to the arrival of any other swine in accordance with the following requirements:

a. A building or pen used to house swine on a fair or exhibition premises shall be kept in a sanitary condition and shall be cleaned and disinfected after removal of each group of swine by fair or show personnel.

5. All market swine exhibited shall move direct to slaughter following the exhibition and may not be diverted to premises other than a recognized slaughter establishment or a slaughter market.

6. All conveyances, containers, goods, products or materials in contact with swine being shipped or imported into the Commonwealth of Pennsylvania for exhibition shall be cleaned and decontaminated in accordance with the following:

a. A conveyance used for the transportation of swine to fairs and shows shall be cleaned and disinfected by an exhibitor prior to each use and shall be free of visible accumulations of manure.

7. All swine imported into the Commonwealth for exhibition shall meet interstate health requirements established at section 3.131 of PDA's regulations (7 Pa. Code § 3.131).

8. *Violations and Penalties.* Any person violating the requirements of this Quarantine Order shall be subject to enforcement and penalties as are allowed under the provisions of the Domestic Animal Law (3 Pa.C.S.A. § 2301 et seq.), which include, revocation of license, criminal prosecution and/or civil penalties of up to \$10,000 per violation and injunctive relief.

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

10. *Contact information.* Questions regarding this Interstate and International Quarantine Order is to the Commonwealth of Pennsylvania, Department of Agriculture, Bureau of Animal Health, 2301 North Cameron Street, Harrisburg, PA 17110 or by telephone at 717-772-2852, or email at RA-ahds@pa.gov.

11. *Effective Date.* This Order is immediately effective as of June 1, 2019 or upon the date of publication in the *Pennsylvania Bulletin*, whichever date is sooner, and shall remain in effect unless rescinded or modified by subsequent order.

RUSSELL C. REDDING,  
*Secretary*

[Pa.B. Doc. No. 19-859. Filed for public inspection June 7, 2019, 9:00 a.m.]

## DEPARTMENT OF BANKING AND SECURITIES

### Actions on Applications

The Department of Banking and Securities (Department), under the authority in the Banking Code of 1965 (7 P.S. §§ 101—2204), the Department of Banking and Securities Code (71 P.S. §§ 733-1—733-1203) and 17 Pa.C.S. (relating to Credit Union Code), has taken the following actions on applications received for the week ending May 28, 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, Bank Supervision or Credit Union and Trust Supervision (as applicable), 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, for banks (717) 783-8240 and for credit unions and trust companies (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

#### Articles of Amendment

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
05-23-2019	LINKBANK West Chester Chester County	Filed
	Amendment to Article II of the institution's Articles of Incorporation provides for the main office of the bank to be relocated from 605 Willowbrook Lane, West Chester, Chester County, PA, to 3045 Market Street, Camp Hill, Cumberland County, PA.	
	Articles of Amendment provide for the institution's Articles of Incorporation to be amended and restated in their entirety.	

## 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. 19-860. Filed for public inspection June 7, 2019, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### Retention of Engineering Firms for Dam and Hydraulic Structure Design and Analysis; Project Reference No. FDC-500-815

The Department of Conservation and Natural Resources (Department) is seeking proposals from interested and qualified engineering firms, under open-end contracts, for the engineering design, inspection and related environmental and geotechnical services for dam and hydraulic structure design and analysis projects located on State Parks and State Forests land in this Commonwealth. The contracts will be for a 12-month period with four 12-month extensions possible. Projects will be assigned on an as-needed basis to ensure proper and safe operation of Department infrastructure and facilities.

Letters of Interest for this project will only be accepted from individuals, firms or corporations duly authorized to engage in the practice of engineering. If an individual, firm or corporation not authorized to engage in the practice of engineering desires to submit a Letter of Interest, the individual, firm or corporation may do so as part of a joint venture with an individual, firm or corporation which is permitted under State law to engage in the practice of engineering.

The services may encompass a wide range of civil and structural design efforts with the possibility of several different types of projects being designed under short completion schedules. The anticipated types of projects may include, but are not limited to, dam and control structure modification, rehabilitation and upgrades, slope and stability analysis of concrete and earthen dams, structural analysis of spillways and retaining walls, hydraulic and hydrologic evaluation for existing spillways, proposed dam structure modifications, inspection of dams, and preparation of emergency action plans.

Typically, the engineering firm shall be required to furnish a complete set of contract documents (plans and specifications), suitable for public bid and in accordance with a prescribed Department format, and in accordance with applicable State and Federal codes and requirements. A quality assurance program shall be in place by the engineering firm assuring that all documents are acceptable and of the highest quality prior to submission of said documents to the Department.

#### *Background*

Established on July 1, 1995, the Department is charged with maintaining and preserving the 121 State Parks; managing the 2.2 million acres of State Forest land; providing information on the Commonwealth's ecological and geologic resources; and establishing community conservation partnerships with grants and technical assistance to benefit rivers, trails, greenways, local parks and recreation, regional heritage parks, open space and natural areas.

The Bureau of Facility Design and Construction (Bureau) provides multidisciplinary facility and infrastructure technical support to the other bureaus in the Department in the areas of project design, project inspections, construction management, contract administration, surveying and other technical advice and consultation. This Bureau is comprised of three Divisions: Dams, Bridges and Roadways Engineering; Environmental Engineering and Architecture; and Field Engineering and Contracts Management.

The Bureau's Central Office (located in Harrisburg) is responsible for the development of architectural, landscape architectural, water and sanitary, bridge and roadway and civil and environmental projects required to support the Department's facility construction and maintenance program. The Central Office is comprised of five sections: Architectural Design, Landscape Design, Sanitary and Water Management, Bridges and Road Management and Civil Design. In addition to project design, staff also provides technical architectural and engineering support and advice to assist field operation in State Parks and State Forests.

The Bureau also has four field offices: Northcentral Office in Emporium; Western Office in Moraine State Park; Southcentral Office in Shawnee State Park; and Eastern Office in Nockamixon State Park. Each office is responsible for providing direct engineering and technical support to the State Parks and State Forests field operation staff in their area. Staff is responsible for project inspection and construction management to ensure contractor compliance with the construction contract documents as well as some project design.

### PART I GENERAL REQUIREMENTS

#### I-1. *Specific Requirements.*

The engineering firm may be required to perform any or all of the following duties: attend site visits; prepare minutes; perform necessary field surveys; plot topography and cross sections; develop erosion and sediment control plans; prepare permit applications, prepare type, size and location reports; prepare construction drawings, specifications and estimates; complete field geotechnical investigations; procure core borings; provide soil, foundation and geotechnical investigation engineering reports; investigate utility involvement; evaluate alternatives, using benefit/cost analysis; develop other details and narratives; inspect major and unusual structures; develop rehabilitation strategies; and also, review shop drawings, catalog cuts, submittals and occasional attendance at construction job conferences may be required.

The services anticipated under the contract may include project planning, scoping and programming; budget estimating; site visits; existing facility review, assessment and documenting; perform necessary field surveys; plot topography and cross sections; procure core borings; provide soil, infiltration and foundation engineering reports; investigate utility involvement; evaluate alternatives using benefit/cost analysis; inspect simple, major and un-



usual structures; develop rehabilitation strategies; conceptual design; design development; construction documentation including preparation of drawings and specifications; cost estimating; permit preparation and submission; and construction administration including construction submission review and construction inspection. Permitting services may include 25 Pa. Code Chapters 102 and 105 (relating to erosion and sediment control; and dam safety and waterway management), sanitary permits, National Pollutant Discharge Elimination System permits, erosion and sediment control plans, water encroachment plans and storm water management plans.

Areas of related environmental studies associated with these design projects may include, but are not limited to, wetlands, soil, geology 25 Pa. Code Chapters 102 and 105, Army Corps of Engineers 404 permits, Act 537 planning and Department of Environmental Protection water quality management requirements. The environmental studies shall be conducted in accordance with accepted analysis techniques and methodologies and may include any or all of the following in order to ensure a complete environmental investigation has been performed: provide all necessary environmental services, material and equipment necessary to collect, analyze and organize data, assess impacts, prepare reports and design mitigation plans. The reports and other graphic material to be prepared may include, but are not limited to, plans of study, meeting minutes, preparation of permit application documents, mitigation plans and reports, and wetland and floodplain findings.

Projects will be located throughout this Commonwealth. Travel to the project sites will be required. Project assignment will be through individual project Work Orders. The scope of the Work Order may range from full responsibility for all aspects of the design to a collaborative design effort with Department in-house staff where only one or more specific design disciplines are required. Work Orders may be for a single phase or portion of a project such as conceptual design, or for all phases of the entire project. The work shall be identified in the Work Order by a series of tasks that encompass the full scope of the project. The number and description of the tasks will vary based on a project's scope and complexity. A typical Work Order will require formal submissions at the end of the Sketch (10%), Preliminary (50%), Pre-Final (95%) and Final (100%) design stages. Complexity may require more or less submissions for certain projects. The Consultant will be required to develop and maintain a detailed project schedule showing all related project tasks including design phases, submissions, review periods and timelines for required permits. The project schedule shall identify the critical path for completion for the project. A Bureau Project Coordinator will be assigned to each Work Order. The Project Coordinator may change from project to project. A Performance Review may be performed by the Project Coordinator at the completion of the Work Order and used in assigning additional projects to the Consultant.

The Department's standard contract method is multiple prime, design-bid-build, although other nonbid construction methods, including construction by Department staff and volunteer organizations, may be used. The Consultant will be required to prepare construction documents appropriate to the construction method selected by the Department.

The Consultant will be required to submit project data and documents in both written and electronic form. Drawings will be required to comply with the Department's computer aided drafting (CAD) standard. Three-

dimensional drawings will be expected throughout the design process; and presentation renderings may be required at the completion of design.

I-2. *Qualifications.* The Consultant shall have staff available to provide rapid services associated with assigned projects. The Consultant may be called upon to provide services on multiple projects at the same time. The Consultant shall have demonstrated knowledge of the building design and construction methods.

The following minimum qualifications will be expected of all Consultants:

- Possess current professional registrations required to perform required services.
- Be licensed to conduct business in this Commonwealth.
- Have sufficient staff or subconsultants experienced in the various required services.
- Have an established quality control (QC) and quality assurance (QA) program for checking documents for accuracy, consistency, coordination, quality and compliance with all necessary codes and regulations.
- Have design capabilities in digital format (AutoCAD).
- Have the ability to produce 3-dimensional drawings in to further illustrate design intent.

I-3. *Addenda to the Request for Proposals (RFP).* If the Department deems it necessary to revise any part of this RFP before the proposal response date, the Issuing Office will post an addendum to the Department web site at <https://www.dcnr.pa.gov/Business/ConstructionBids/Pages/default.aspx>. It is the Offeror's responsibility to periodically check the web site for any new information or addenda to the RFP. Answers to the questions asked during the questions and answers period also will be posted, as necessary, to the web site as an addendum to the RFP.

## PART II PROPOSAL REQUIREMENTS

Offerors must submit their proposals in the format, including heading descriptions, outlined as follows. To be considered, the proposal must respond to all requirements in this part of the RFP. Offerors should provide any other information thought to be relevant, but not applicable to the enumerated categories, as an appendix to the proposal.

II-1. *Requirements.* Proposals shall include the following items and information:

- Letter of Interest including the Consultant's Federal identification number and the project reference number.
- A description of the Consultant's understanding of the Department's needs and the services required. This description shall include why and how the Consultant is qualified to provide these services.
- A description of the Consultant's project approach and methodology, including the approach to the managerial, technical and administrative aspects of the project. Describe how the scope, schedule, budget and quality of a project are managed and controlled. Address communication and coordination strategies internal to the design team, with the client and with other outside agencies. Describe how an integrated design process is approached and has been used on past projects.
- A description of the Consultant's sustainable design experience, including specialized knowledge and expertise in as many of the following areas of sustainable design as possible: environmentally sound site design and planning, sustainability performance standards for energy efficiency, water efficiency, environmentally sound materials, construction waste management and prevention, low

maintenance design and materials. Include a description of how sustainable design is made an integral part of the Consultant's design process.

- A detailed description of the Consultant's QC and QA program, including how subconsultants are included in this program. Describe what steps are taken to assure accurate, fully coordinated construction documents. Provide the name of the person responsible for QC and describe their qualifications to perform this task.

- A description of the Consultant's qualifications to complete the required services. Include firm history and experience on similar projects. Describe the resources of the firm, including number/discipline of personnel, ability to respond to schedule acceleration, and the like. Describe roles and experience of proposed subconsultants.

- Resumes of personnel who will be involved in providing the services described herein to the Department. Describe their relevant experience, years of experience, what roles they will fill in providing the required services and percent of time they will be committing to Department-assigned projects. The resumes must include their professional education and professional registrations and licenses. Provide resumes of subconsultant's personnel.

- A description of the Consultant's ability to work on multiple projects of various sizes at the same time.

- A list of at least three of the Consultant's most recent completed projects similar to the projects anticipated under the contract. In addition to photographs and a descriptive narrative, the list shall include the client, contact person and contact information, the completion date, the estimated or actual total construction cost, the estimated or actual construction cost of the portion of the work which the firm designed, the firm's project manager and the names of all of the firm's personnel who made contributions to the project.

- A standard Department of General Services (DGS) Form 150-ASP indicating the individual in charge. The Form 150-ASP is available by downloading from the DGS Home Page on the Internet at <https://www.dgs.pa.gov/Businesses> (search for document Form 150-ASP). A sample of this form is found in Appendix A. This form should be submitted electronically on the CD or flash drive as per Part II, II-2 of the RFP. The electronic submission instructions on the DGS web site are DGS projects only. Additional information pertinent to this firm's qualifications to do the work of this contract may be included.

II-2. *Number of Copies.* Offeror's Proposals must be submitted electronically on a CD or flash drive in quantity of seven each and include DGS Form 150-ASP. A Small Diverse Business (SDB) and Small Business (SB) proposal must be provided in the Excel document on the CD or flash drive. Submittals must be accompanied by the Letter of Interest and received no later than 4 p.m. on July 17, 2019. The assignment and services will be made to one or more of the firms responding to this notice. However, the Department reserves the right to reject all Letters of Interest submitted, cancel the solicitation requested under this notice, or readvertise solicitation for this service, or both.

II-3. *SDB Participation Submittal General Information.* Please refer to and/or complete all four tabs on the SDBSB Participation Submittal Information Excel Spreadsheet. These tabs include SDBSB Language, Submittal, Listing, and Letter of Intent. These are also included in this RFP as Appendices B through E. The

completed forms must be on the CD or flash drive per RFP instructions II-2. A model of SDBSB Subcontract is found in Appendix F.

For credit in the RFP scoring process, a SB must complete the DGS/Bureau of Diversity, Inclusion and Small Business Opportunities (BDISBO) self-certification process. Additional information on this process can be found at <https://www.dgs.pa.gov/Small%20Business%20Contracting%20Program/Pages/default.aspx>.

For credit in the RFP scoring process, a SDB must complete the DGS verification process. Additional information on this process can be found at <https://www.dgs.pa.gov/Small%20Diverse%20Business%20Program/Pages/default.aspx>.

The Department's directory of self-certified SB and DGS/BDISBO-verified SDB can be accessed from <https://www.dgs.pa.gov/Small%20Diverse%20Business%20Program/Small-Diverse-Business-Verification/Pages/default.aspx>.

Questions regarding the SDB and SB Programs, including questions about the self-certification and verification processes, can be directed to the Department of General Services, Bureau of Diversity, Inclusion and Small Business Opportunities, Room 611, North Office Building, Harrisburg, PA 17120, (717) 783-3119, fax (717) 787-7052, RA-BDISBOVerification@pa.gov, [www.dgs.pa.gov](http://www.dgs.pa.gov).

II-4. *Debriefing.* The Department will not offer a debriefing session to the unsuccessful firms. The Department disclaims any liability whatsoever to its review of the proposal submitted and in formulating a recommendation for selections. Recommendations made by the Department shall be final.

### PART III CRITERIA FOR SELECTION

III-1. *Selection Criteria.* The engineering consulting firm will be evaluated upon, but not limited to, the following criteria:

A. Consultant's experience on past projects of similar scope, type and size.

B. Consultant's staff qualifications, experience and ability to perform the required services, including available manpower to perform the required services. This includes the qualifications, experience and abilities of subconsultant's staff.

C. Consultant's understanding of the problem and the services required.

D. Consultant's project approach and methodology.

E. QC and QA program and procedures.

F. Equitable distribution of contracts.

G. SDB and SB Participation per criteria in Appendix B, Small Diverse Business (SDB) and Small Business (SB) Participation Submittal Language.

III-2. *Number of Contracts.* The Department may select more than one firm.

### PART IV MAILING AND CONTACT INFORMATION

Firms interested in performing the required services for this project are invited to submit Letters of Interest to Alfred Uzokwe, Sr., PE, Director, Bureau of Facility Design and Construction, Rachel Carson State Office Building, 8th Floor, 400 Market Street, P.O. Box 8451 Harrisburg, PA 17105-8451. Contact Edward Raptosh at (717) 783-3329 for general information concerning this RFP.

CINDY ADAMS DUNN,  
Secretary

APPENDIX A  
FORM ASP-150



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF GENERAL SERVICES  
ASP-150 (Rev. 05/14)

**DESIGN PROFESSIONAL SELECTION  
APPLICATION FOR SPECIFIC PROJECT**

<b>Section 1 – Project Information</b>				
1. PROJECT NUMBER:		2. PROJECT TITLE:		
3. DISTANCE BETWEEN FIRM LOCATION AND PROJECT (in miles):				
<b>Section 2 – Firm Information</b>				
4. FIRM NAME:		5. SAP NUMBER:		
6. STREET ADDRESS:		7. CITY/STATE:	8. ZIP CODE:	
9. PHONE NUMBER:				
10. SMALL BUSINESS / SMALL DIVERSE BUSINESS INFO. SMALL BUSINESS SELF-CERTIFICATION #: SMALL DIVERSE BUSINESS TYPE: <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> VBE <input type="checkbox"/> SDVBE				
11. TYPE OF FIRM: <input type="checkbox"/> ARCHITECT <input type="checkbox"/> ENGINEER <input type="checkbox"/> OTHER If Other, please specify: _____				
12. LEGAL STRUCTURE OF FIRM: <input type="checkbox"/> SOLE PROPRIETORSHIP <input type="checkbox"/> PARTNERSHIP <input type="checkbox"/> CORPORATION <input type="checkbox"/> LLC <input type="checkbox"/> JV				
<i>BY SUBMITTING AN ASP-150 FORM, ALL ENTITIES OF THE JOINT VENTURE REPRESENT THAT THE JV AGREEMENT IS FULLY EXECUTED AND BOTH NAMES LISTED IN ITEM 14 ARE AUTHORIZED TO BIND THE JV. DO NOT ATTACH THE JV AGREEMENT. DO NOT SUBMIT AN ASP-150 FORM AND ATTEMPT AFTER SELECTION TO FORMALIZE THE JV AGREEMENT.</i>				
13. FOR CORPORATIONS, STATE IN WHICH THE FIRM IS INCORPORATED:				
14. LIST PERSONS AUTHORIZED TO SIGN A CONTRACT BETWEEN THE FIRM AND COMMONWEALTH OF PENNSYLVANIA				
<b>NAME</b>	<b>TITLE</b>	<b>PA REGISTRATION NUMBER</b>	<b>EMAIL ADDRESS</b>	
<b>Section 3 – Personnel</b>				
15. LIST THE NUMBER OF FULL TIME PERSONNEL CURRENTLY EMPLOYED BY THE FIRM. EACH PERSON SHOULD BE COUNTED ONLY ONCE.				
<b>Discipline</b>	<b>Registered</b>	<b>Professional Degree</b>	<b>Other</b>	<b>Total</b>
Architects				
Engineers, Civil				
Engineers, Structural				
Engineers, Mechanical				
Engineers, Electrical				
Engineers, Other				
Landscape Architects				
Other				
<b>TOTAL EMPLOYEES</b>				



<b>16. LIST UP TO THREE CONSULTANTS WHO WILL BE RETAINED TO ASSIST IN THE DESIGN PROCESS.</b>	
<b>1</b>	FIRM NAME: _____ ADDRESS: _____
	# OF PROJECTS COMPLETED TOGETHER: _____ \$ OF PROJECTS COMPLETED TOGETHER: \$ _____
	DESCRIBE PAST PROJECTS WORKED TOGETHER AND SCOPE OF WORK FOR THIS PROJECT:     
	REGISTRATION EXPIRATION: _____
	SMALL BUSINESS CERTIFICATION NUMBER: _____
	SMALL DIVERSE BUSINESS: <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> VBE <input type="checkbox"/> SDVBE
<b>2</b>	FIRM NAME: _____ ADDRESS: _____
	# OF PROJECTS COMPLETED TOGETHER: _____ \$ OF PROJECTS COMPLETED TOGETHER: \$ _____
	DESCRIBE PAST PROJECTS WORKED TOGETHER AND SCOPE OF WORK FOR THIS PROJECT:     
	REGISTRATION EXPIRATION: _____
	SMALL BUSINESS CERTIFICATION NUMBER: _____
	SMALL DIVERSE BUSINESS: <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> VBE <input type="checkbox"/> SDVBE
<b>3</b>	FIRM NAME: _____ ADDRESS: _____
	# OF PROJECTS COMPLETED TOGETHER: _____ \$ OF PROJECTS COMPLETED TOGETHER: \$ _____
	DESCRIBE PAST PROJECTS WORKED TOGETHER AND SCOPE OF WORK FOR THIS PROJECT:     
	REGISTRATION EXPIRATION: _____
	SMALL BUSINESS CERTIFICATION NUMBER: _____
	SMALL DIVERSE BUSINESS: <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> VBE <input type="checkbox"/> SDVBE



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF GENERAL SERVICES  
ASP-150 (Rev. 05/14)

17. LIST UP TO 5 INDIVIDUALS WHO WILL BE WORKING ON THIS PROJECT. ANYONE WITH A PENNSYLVANIA PROFESSIONAL REGISTRATION MUST COMPLETE THE REGISTRATION INFORMATION. IF NOT REGISTERED IN PENNSYLVANIA, INDICATE STATE(S) IN WHICH THEY ARE REGISTERED.

1	NAME:		FIRM:	
	REGISTRATION #:		REGISTRATION EXPIRATION:	
	PHYSICAL LOCATION WHILE ON THIS PROJECT:			
	GENERAL WORK ASSIGNMENT ON THIS PROJECT:			
	SPECIALTY/DISCIPLINE:			
	DEGREE:		YEAR GRADUATED:	SCHOOL:
2	NAME:		FIRM:	
	REGISTRATION #:		REGISTRATION EXPIRATION:	
	PHYSICAL LOCATION WHILE ON THIS PROJECT:			
	GENERAL WORK ASSIGNMENT ON THIS PROJECT:			
	SPECIALTY/DISCIPLINE:			
	DEGREE:		YEAR GRADUATED:	SCHOOL:
3	NAME:		FIRM:	
	REGISTRATION #:		REGISTRATION EXPIRATION:	
	PHYSICAL LOCATION WHILE ON THIS PROJECT:			
	GENERAL WORK ASSIGNMENT ON THIS PROJECT:			
	SPECIALTY/DISCIPLINE:			
	DEGREE:		YEAR GRADUATED:	SCHOOL:



4	NAME:		FIRM:	
	REGISTRATION #:		REGISTRATION EXPIRATION:	
	PHYSICAL LOCATION WHILE ON THIS PROJECT:			
	GENERAL WORK ASSIGNMENT ON THIS PROJECT:			
	SPECIALTY/DISCIPLINE:			
	DEGREE:		YEAR GRADUATED:	SCHOOL:

5	NAME:		FIRM:	
	REGISTRATION #:		REGISTRATION EXPIRATION:	
	PHYSICAL LOCATION WHILE ON THIS PROJECT:			
	GENERAL WORK ASSIGNMENT ON THIS PROJECT:			
	SPECIALTY/DISCIPLINE:			
	DEGREE:		YEAR GRADUATED:	SCHOOL:

**Section 4 – Experience**

**18. LIST YOUR FIRM'S COMMONWEALTH PROJECTS CURRENTLY IN DESIGN OR BID PHASE:**

Project Name	Agency	Final Design Due Date or Bid Date:

**19. LIST YOUR FIRM'S COMMONWEALTH PROJECTS CURRENTLY IN CONSTRUCTION:**

Project Name	Agency	Scheduled Completion Date	Current Change Order % Rate



COMMONWEALTH OF PENNSYLVANIA  
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20. DESCRIBE UP TO THREE PROJECTS FOR ANY TYPE OF OWNER THAT BEST ILLUSTRATE YOUR FIRM'S QUALIFICATIONS TO DESIGN THIS SPECIFIC PROJECT. DO NOT LIST PROJECTS PERFORMED ONLY BY CONSULTANTS.

1	PROJECT NAME:	
	LOCATION:	OWNER:
	WORK PERFORMED BY FIRM ON THIS PROJECT:	
	TOTAL AWARDED CONSTRUCTION CONTRACTS:	\$
	TOTAL FINAL CONSTRUCTION CONTRACTS:	\$
	ORIGINAL COMPLETION DATE:	ACTUAL COMPLETION DATE:
	COMMENTS:	
2	PROJECT NAME:	
	LOCATION:	OWNER:
	WORK PERFORMED BY FIRM ON THIS PROJECT:	
	TOTAL AWARDED CONSTRUCTION CONTRACTS:	\$
	TOTAL FINAL CONSTRUCTION CONTRACTS:	\$
	ORIGINAL COMPLETION DATE:	ACTUAL COMPLETION DATE:
	COMMENTS:	
3	PROJECT NAME:	
	LOCATION:	OWNER:
	WORK PERFORMED BY FIRM ON THIS PROJECT:	
	TOTAL AWARDED CONSTRUCTION CONTRACTS:	\$
	TOTAL FINAL CONSTRUCTION CONTRACTS:	\$
	ORIGINAL COMPLETION DATE:	ACTUAL COMPLETION DATE:
	COMMENTS:	



COMMONWEALTH OF PENNSYLVANIA  
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21. YOU MAY USE THIS SPACE TO PROVIDE ANY ADDITIONAL COMMENTS OR DESCRIPTION OF RELEVANT INFORMATION SUPPORTING YOUR QUALIFICATIONS. **DO NOT EXCEED THIS SPACE LIMIT. THIS SPACE MUST ALSO INCLUDE ANY INFORMATION RELATING TO PARAGRAPH #2 AND PARAGRAPH #3 OF THE CERTIFICATION AND SIGNATURE PAGE.**





COMMONWEALTH OF PENNSYLVANIA  
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## Certification and Signature

My firm believes we have the qualifications and capacity to provide design services for the project identified on Page 1. All of the information set forth on this ASP-150 form is accurate and true as of this date.

1. The firm consents to the evaluation of its performance by the Department and understands that any such evaluation may be used in future selections. Furthermore, the firm has notified our consultants that their performance will be evaluated and they have consented to this evaluation; and
2. To the best of the knowledge of the person signing this form, the firm, its affiliates, subsidiaries, officers, directors, and employees are not currently under investigation by any governmental agency and have not in the last four(4) years been convicted or found liable for any act prohibited by State or Federal law in any jurisdiction, involving conspiracy or collusion with respect to bidding or proposing on any public contract, except as disclosed in Paragraph 21; and
3. To the best of the knowledge of the person signing this, the firm, except as otherwise disclosed in Paragraph 21, has no outstanding, delinquent obligations to the Commonwealth including, but not limited to, any state tax liability not being contested on appeal or other obligation of the firm that is owed to the Commonwealth; and
4. The firm is not currently under suspension or debarment by the Commonwealth, or any other state, or the federal government; and
5. The firm has not, under separate contract with DGS or any other agency, made any recommendations to DGS or any other agency concerning the need for the services described for this project; and
6. The firm, by submitting this form, authorizes all Commonwealth agencies to release to the Commonwealth information related to liabilities to the Commonwealth including, but not limited to, taxes, unemployment compensation, and workers' compensation liabilities; and
7. Until the firm receives a fully executed and approved written contract from DGS there is no legal and valid contract, in law or in equity; and
8. The firm agrees that we have familiarized ourselves with the following Commonwealth of Pennsylvania contract provisions set forth on the DGS website and will comply with them in submitting this form and in performing the contract:
  - Nondiscrimination/Sexual Harassment Clause
  - Contractor Responsibility Provisions
  - Tax Liability Certification
  - Environmental Statement
  - Americans Disabilities Act
  - Compliance with State and Federal Statutes, Rules and Regulations
  - Contractor Integrity Provisions

I state that \_\_\_\_\_ (**Name of firm**) submits this form and understands and acknowledges that the above representations are material and important, and will be relied upon by the Selections Committee and the Department of General Services in determining whether my firm is selected for a design contract with the Commonwealth. I understand and my firm understands that any written false statement in this application which we do not believe to be true is and shall be treated as fraudulent concealment from the Selections Committee and the Department of General Services of the true facts relating to the submission of this application. A misrepresentation shall be punishable under 18 Pa. C.S. § 4904.

<b>Business is a Sole Proprietor:</b>		
Witness:	Owner:	Date:
<b>Business is a Partnership:</b>		
Witness:	General Partner:	Date:
<b>Business is a Corporation:</b>		
Secretary/Treasurer:	President:	Date:
<b>Business is a Limited Liability Company:</b>		
Witness:	President:	Date:
<b>Business is a Joint Venture:</b>		
Partner:	Partner:	Date:

APPENDIX (B)  
SMALL DIVERSE BUSINESS (SDB) AND SMALL BUSINESS (SB)  
PARTICIPATION SUBMITTAL LANGUAGE

**SMALL DIVERSE BUSINESS AND SMALL BUSINESS PARTICIPATION  
SUBMITTAL**

**A. General Information.** The Issuing Office encourages participation by Small Diverse Businesses (SDB) and Small Businesses (SB) as prime contractors and encourages all prime contractors to make significant commitments to use SDBs and SBs as subcontractors and suppliers.

A SB must meet each of the following requirements:

- △ The business must be for-profit, United States business;
- △ The business must be independently owned;
- △ The business may not be dominant in its field of operation;
- △ The business may not employ more than 100 full-time or full-time equivalent employees;
- △ The business, by type, may not exceed the following three-year average gross sales:
  - o Procurement Goods and Services: \$20 million
  - o Construction: \$20 million
  - o Building Design Services: \$7 million
  - o Information Technology Goods and Services: \$25 million

For credit in the RFP scoring process, a SB must complete the Department of General Services (DGS)/Bureau of Diversity, Inclusion and Small Business Opportunities (BDISBO) self-certification process. Additional information on this process can be found here: [Small Business Self-Certification.](#)

A SDB is a DGS-verified minority-owned small business, woman-owned small business, veteran-owned small business, service-disabled veteran-owned small business, LGBT-owned small business, Disability-owned small business, or other small businesses as approved by DGS, that are owned and controlled by a majority of persons, not limited to members of minority groups, who have been deprived of the opportunity to develop and maintain a competitive position in the economy because of social disadvantages.

For credit in the RFP scoring process, a SDB must complete the DGS verification process. Additional information on this process can be found here: [Small Diverse Business Verification.](#)

An Offeror that qualifies as a SDB or SB and submits a proposal as a prime contractor is not prohibited from being included as a subcontractor in separate proposals submitted by other Offerors. A SDB or SB may be included as a subcontractor with as many prime contractors as it chooses in separate proposals.

The Department's directory of self-certified SBs and DGS/BDISBO-verified SDBs can be accessed here: [Find Small and Small Diverse Businesses.](#)

**B. SDB and SB Participation Evaluation.** BDISBO has established the minimum evaluation weight for the SDB and SB Participation criterion for this RFP as 20% of the total points.

- 1) The SDB and SB point allocation is based entirely on the percentage of the contract cost committed to SDB and SB participation. If the proposer is a SDB, 100% of the contract cost is allocated to SDB participation. If the proposer is a SB, 100% of the contract cost is allocated to SB participation.
- 2) A total combined SDB/SB commitment less than one percent (1%) of the total contract cost is considered de minimis and will receive no SDB or SB points.
- 3) Based on a maximum total of 200 available points for the SDB/SB Participation Submittal, the scoring mechanism is as follows:

$$\text{SDB and SB Raw Score} = 200 (\text{SDB}\% + (1/3 * \text{SB } \%))$$

- 4) The SDB and SB Raw Score is capped at 200.

The Offeror with the highest raw score will receive 200 points. Each Offeror's raw score will be pro-rated against the Highest Offeror's raw score by applying the formula set forth here: RFP Scoring Formula.

- 5) The Offeror's prior performance in meeting its contractual obligations, SDBs and SBs will be considered by BDISBO during the scoring process. To the extent the Offeror has failed to meet prior contractual commitments, BDISBO may recommend to the Issuing Office that the Offeror be determined non-responsible for the the limited purpose of eligibility to receive SDB and SB points.

Questions regarding the SDB and SB Programs, including questions about the self-certification and verification processes can be directed to:

Department of General Services  
 Bureau of Diversity, Inclusion and Small Business Opportunities (BDISBO)  
 Room 611, North Office Building  
 Harrisburg, PA 17125  
 Phone: (717) 783-3119  
 Fax: (717) 787-7052  
 Email: [RA-BDISBOVerification@pa.gov](mailto:RA-BDISBOVerification@pa.gov)  
 Website: [www.dgs.pa.gov](http://www.dgs.pa.gov)

**C. SDB/SB Participation Submittal.** All Offerors are required to submit the attached SDB/SB Participation Submittal Form in its entirety and related Letter(s) of Intent. **To receive points for SDB or SB participation commitments, the SDB or SB must be listed in the Department's directory of self-certified SBs and DGS/BDISBO-verified SDBs as of the proposal due date and time. BDISBO reserves the right to adjust overall SDB or SB commitments to correctly align with the SDB or SB status of a prime contractor or subcontractor as of the solicitation due date and time, and also to reflect the correct sum of individual subcontracting commitments listed within the Letters of Intent.**

If there are multiple Letters of Intent, please combine them into one document and upload them with your response. The Letter(s) of Intent must be signed by both the Offeror and the SDB or SB for each of the identified SDB or SB subcontractors. Please use the attached Letter of Intent template and include all highlighted information.

Each SDB or SB commitment credited by BDISBO along with the overall percentage of SDB and SB commitments will become contractual obligations of the selected Offeror.

**Offerors will not receive credit for any commitments for which information as above is not included in the SDB/SB Participation Submittal. Offerors will not receive credit for stating that they will find a SDB or SB after the contract is awarded.**

**Equal employment opportunity and contract compliance statements referring to company equal employment opportunity policies or past contract compliance practices do not constitute proof of SDB and/or SB Status or entitle an Offeror to receive credit for SDB or SB participation.**

#### **D. Contract Requirements.**

All contracts containing SDB and SB Participation must contain the following contract provisions to be maintained through the initial contract term and any subsequent options or renewals:

1. Each SDB and SB commitment which was credited by BDISBO and the total percentage of such SDB and SB commitments made at the time of proposal submittal, BAFO, or contract negotiations, as applicable, become contractual obligations of the selected Offeror upon execution of its contract with the Commonwealth.
2. All SDB and SB subcontractors credited by BDISBO must perform at least 50% of the work subcontracted to them.
3. The individual percentage commitments made to SDBs and SBs cannot be altered without written approval from BDISBO.
4. SDB and SB commitments must be maintained in the event the contract is assigned to another prime contractor.
5. The selected Offeror and each SDB and SB for which a commitment was credited by BDISBO must submit a final, definitive subcontract agreement signed by the selected Offeror and the SDB and/or SB to BDISBO within 30 days of the final execution date of the Commonwealth contract. A Model Subcontract Agreement which may be used to satisfy this requirement is provided as an attachment – **Model Form of Small Diverse and Small Business Subcontract Agreement**. The subcontract must contain:
  - a) The specific work, supplies or services the SDB and/or SB will perform; location for work performed; how the work, supplies or services relate to the project; and the specific timeframe during the initial term and any extensions, options and renewals of the prime contract when the work, supplies or services will be provided or performed.

- b) The fixed percentage commitment and associated estimated dollar value that each SDB and/or SB will receive based on the final negotiated cost for the initial term of the prime contract.
  - c) Payment terms indicating that the SDB and/or SB will be paid for work satisfactorily completed within 14 days of the selected Offeror's receipt of payment from the Commonwealth for such work.
  - d) Commercially reasonable terms for the applicable business/industry that are no less favorable than the terms of the selected Offeror's contract with the Commonwealth and that do not place disproportionate risk on the SDB and/or SB relative to the nature and level of the SDB's and/or SB's participation in the project.
6. If the selected Offeror and a SDB or SB credited by BDISBO cannot agree upon a definitive subcontract within 30 days of the final execution date of the Commonwealth contract, the selected Offeror must notify BDISBO.
7. The Selected Offeror shall complete the Prime Contractor's Quarterly Utilization Report and submit it to the contracting officer of the Issuing Office and BDISBO within ten (10) business days at the end of each quarter of the contract term and any subsequent options or renewals. This information will be used to track and confirm the actual dollar amount paid to SDB and SB subcontractors and suppliers and will serve as a record of fulfillment of the the contractual commitment. If there was no activity during the quarter, the form must be completed by stating "No activity in this quarter." A late fee of \$100.00 per day may be assessed against the Selected Offeror if the Utilization Report is not submitted in accordance with the schedule above.
8. The Selected Offeror shall notify the Contracting Officer of the Issuing Office and BDISBO when circumstances arise that may negatively impact the selected Offeror's ability to comply with SDB and/or SB commitments and to provide a corrective action plan. Disputes will be decided by the Issuing Office and DGS.
9. If the Selected Offeror fails to satisfy its SDB and/or SB commitment(s), it may be subject to a range of sanctions BDISBO deems appropriate. Such sanctions include, but are not limited to, one or more of the following: a determination that the selected Offeror is not responsible under the Contractor Responsibility Program; withholding of payments; suspension or termination of the contract together with consequential damages; revocation of the selected Offeror's SDB and/or SB status; and/or suspension or debarment from future contracting opportunities with the Commonwealth.

APPENDIX (C)  
SUBMITTAL

<b>SMALL DIVERSE BUSINESS (SDB) AND SMALL BUSINESS (SB) PARTICIPATION SUBMITTAL</b>	
<b>Project Description:</b>	<i>Retention of XXXXXXXXXXXX Firms</i>
<b>RFP #:</b>	<i>FDC-500-XXX</i>
<b>Proposal Due Date:</b>	<i>XXXXXXX</i>
<b>Commonwealth Agency Name:</b>	<i>DCNR / FDC</i>
<b>OFFEROR (Prime Consultant) INFORMATION</b>	
<b>Offeror Company's Name:</b>	
<b>Offeror Contact Name:</b>	<b>Email:</b>
<b>Title:</b>	<b>Phone:</b>
Is your firm a DGS-Verified Small Diverse Business?	NO ▼ Verif Exp: <input type="text"/>
Is your firm a DGS-Self-Certified Small Business?	NO ▼ Cert Exp: <input type="text"/>
To confirm your company's SDB/SB status and expiration, please click or use the following link: <a href="http://www.dgs.internet.state.pa.us/suppliersearch">http://www.dgs.internet.state.pa.us/suppliersearch</a>	
<b>SUBCONTRACTING CONSULTANT INFORMATION</b>	
<b>Percentage Commitment for SDB and SB Consultant Participation</b>	
Commitment percentages will automatically calculate in the SDB/SB fields below after you have completed the SDB and SB Consultant Listing on the "Listing" tab.	
After examination of the contract documents, which are made a part hereof as if fully set forth herein, the Offeror commits to the following percentages of the total contract cost for Small Diverse Business and Small Business consultant participation.	
<b>Small Diverse Business Subcontracting percentage commitment:</b>	
(Do not include any commitments made to consultants that only qualify as Small Businesses)	
<b>12.000%</b>	
<b>Small Business Subcontracting percentage commitment:</b>	
(Do not include any commitments made to consultants that qualify as Small Diverse Businesses)	
<b>0.000%</b>	
BDISBO-DCNR-5/18	

Appendix D  
Listing

<p align="center"><b>SMALL DIVERSE BUSINESS (SDB) AND SMALL BUSINESS (SB) PARTICIPATION SUBMITTAL</b></p> <p><b>Listing SDB and SB Consultants</b> The Offeror must list in the chart below the SDBs and SBs that will be used to meet the percentage commitments provided above, along with the requested information about each SDB and SB Consultant. Include as many pages as necessary. Offerors must also include a Letter of Intent (LOI) for each SDB/SB listed. <b>To receive points for SDB or SB participation commitments, the SDB or SB must be listed in the Department's directory of self-certified SBs and DGS/BDISBO-verified SDBs as of the proposal due date and time.</b> The directory of self-certified SBs and DGS/BDISBO-verified SDBs can be accessed at the following link: <a href="http://www.dgs.internet.state.pa.us/suppliersearch">http://www.dgs.internet.state.pa.us/suppliersearch</a></p> <p>SDB/SB name, percent commitment to SDB/SB, and estimated \$ value of commitment will automatically populate in the LOI tabs.</p>						
<p align="center"><b>Offeror Company's Name: FDC-500-XXX</b></p>						
SDB/SB Subcontractor Name	SDB or SB	Primary Contact Name	Description of Services or Supplies to be Provided	% of Total Contract Cost Committed	Will SDB/SB be used for Options/Renewals? (YES/NO)	
All	SDB	tere	ssge	12.000%	YES	▶
	▶					▶
	▶					▶
	▶					▶
	▶					▶
	▶					▶
	▶					▶
	▶					▶
<b>Total SDB % Commitment:</b>	<b>12.000%</b>					
<b>Total SB % Commitment:</b>						

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Appendix E  
Letter of Intent

MM/DD/YYYY	
[SDB/SB Contact Name] [Title] [SDB/SB Company Name] [Address] [City, State, Zip] [Email] [Phone #]	<b>Offeror:</b> <b>RFP:</b> FDC-500-XXX
Dear: [SDB/SB Contact Name]	
This letter serves as confirmation of the intent of this offeror to utilize <b>All</b> on the above-referenced RFP issued by <b>DCNR / FDC</b>	
If Offeror is the successful vendor, the referenced SDB/SB shall perform the following work, goods or services during the initial term of the prime contract and during any extensions, options or renewal periods of the prime contract exercised by the Commonwealth, as more specifically set forth below: <i>[Identify the specific time periods during the initial contract term and any extensions, options and renewals when the work, goods or services will be provided or performed]</i>	
Identify the specific work, goods or services the SDB/SB will perform below: <i>[Identify the specific work, goods or services the SDB/SB will perform]</i>	
These services represent <b>12.000%</b> (fixed percentage) of the total cost in the Offeror's cost submittal for the initial term of the contract.	
The above-referenced SDB/SB represents that it meets the small or small diverse business requirements set forth in the RFP and all required documentation has been provided to the Offeror for its SDB/SB submission.	
We look forward to the opportunity to serve <b>DCNR / FDC</b> on this project. If you have any questions concerning our small business or small diverse business commitment, please feel free to contact me at the number below.	
Sincerely,	Acknowledged,
<b>X</b>	<b>X</b>
Offeror Contact Name:	[SDB/SB Contact Name]
Title:	[Title]
Offeror Company's Name:	[SDB/SB Company Name]
BDISBO-DCNR-5/18	



## APPENDIX [F]

MODEL FORM OF SMALL DIVERSE AND SMALL BUSINESS  
SUBCONTRACTOR AGREEMENT

## AGREEMENT

Now, therefore, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and intending to be legally bound, the Parties hereby agree as follows:

1. Subcontractor Representations. Subcontractor represents and warrants to Contractor as follows:

(a) Subcontractor is self-certified as a Small Business in accordance with the requirements and procedures established by the Bureau of Diversity, Inclusion and Small Business Opportunities; [Subcontractor is also verified as a Small Diverse Business by the Bureau of Diversity, Inclusion and Small Business Opportunities in accordance with the requirements and procedures established by the Bureau;]

(b) Subcontractor possesses the necessary knowledge, experience, expertise, capital, resources and personnel required to perform the Services it will provide under this Subcontract;

(c) Subcontractor (i) is duly organized, validly existing and in good standing under the laws of its state of incorporation or organization, (ii) has the power and authority to own its properties and to carry on business as now being conducted, and (iii) has the power to execute and deliver this Subcontract;

(d) The execution and performance by Subcontractor of the terms and provisions of this Subcontract have been duly authorized by all requisite action, and neither the execution nor the performance of this Subcontract by Subcontractor will violate any provision of law, any order of any court or other agency of government, the organizational documents of Subcontractor or any indenture, agreement or other instrument to which Subcontractor is a party, or by which Subcontractor is bound, or be in conflict with, result in a breach of, or constitute (with due notice or lapse of time or both) a default under, or except as may be provided by this Subcontract, result in the creation or imposition of any lien, charge or encumbrance of any nature whatsoever upon any of the property or assets of Subcontractor pursuant to, any such indenture agreement or instrument;

(e) Subcontractor has obtained all licenses, permits and approvals required to perform the Services it will provide under this Subcontract; and

(f) Subcontractor is not under suspension or debarment by the Commonwealth or any other governmental entity, instrumentality or authority.

2. Contractor Representations. Contractor represents and warrants to Subcontractor as follows:

(a) Contractor (i) is duly organized, validly existing and in good standing under the laws of its state of incorporation or organization, (ii) has the power and authority to own its properties and to carry on business as now being conducted, and (iii) has the power to execute and deliver this Subcontract;

(b) The execution and performance by Contractor of the terms and provisions of this Subcontract by Contractor have been duly authorized by all requisite action, and neither the execution nor the performance of this Subcontract will violate any provision of law, any order of any court or other agency of government, the organizational documents of Contractor or any indenture, agreement or other instrument to which Contractor is a party, or by which Contractor is bound, or be in conflict with, result in a breach of, or constitute (with due notice or lapse of time or both) a default under, or except as may be provided by this Subcontract, result in the creation or imposition of any lien, charge or encumbrance of any nature whatsoever upon any of the property or assets of Contractor pursuant to, any such indenture agreement or instrument;

(c) Contractor has obtained all licenses, permits and approvals required to perform the Services to be provided by Contractor under the Prime Contract; and

(d) Contractor is not under suspension or debarment by the Commonwealth or any other governmental entity, instrumentality or authority.

3. Relationship of the Parties. The provisions of this Subcontract are not intended to create, nor shall be deemed or construed to create, any joint venture, partnership or other relationship between Contractor and Subcontractor, other than that of independent entities contracting with each other solely for the purpose of carrying out the provisions of this Subcontract. Neither of the Parties to this Subcontract, nor any of their respective employees, agents, or other representatives, shall be construed to be the agent, employee or representative of the other party. Neither party shall have the authority to bind the other party, nor shall a party be responsible for the acts or omissions of the other party, unless otherwise stated in this Subcontract. Similarly, the Parties expressly acknowledge that neither the Contractor nor the Subcontractor is an agent, employee or representative of the Commonwealth and each party covenants not to represent itself accordingly.

4. Prime Contract Flow-Down.

(a) General. This agreement is a subcontract under the Prime Contract and all provisions of the Prime Contract and any amendments thereto applicable to the Services being performed by the Subcontractor shall extend to and be binding upon the Parties as part of this Subcontract.

(b) Specific. The Parties agree to comply with the following provisions of the Prime Contract, which are incorporated herein by reference:

- (1) The Americans with Disabilities Act Provisions.
- (2) Nondiscrimination/Sexual Harassment Clause.
- (3) Contractor Integrity Provisions.
- (4) Contractor Responsibility Provisions.

(c) **Termination.** Should the Prime Contract be terminated pursuant to the terms and conditions provided in the Procurement, such termination shall have the same effect on this Subcontract. Payment for Services provided as of the date of termination must be made in accordance with the Section 13 of this Subcontract.

(d) **Audit Provisions.** The Commonwealth shall have the right, at reasonable times and at a site designated by the Commonwealth, to audit the books, documents, and records of the Parties to the extent that the books, documents, and records relate to the Parties' compliance with the provisions set forth in subsection (b) above or to the Small Diverse Business or Small Business Commitment effectuated through this Subcontract. The Parties shall preserve such books, documents, and records for a period of three years from the date of final payment hereunder. The Parties shall give full and free access to all such records to the Commonwealth and/or its authorized representatives.

5. **Order of Precedence.** The Letter of Intent, Procurement and Prime Contract are incorporated herein by reference into this Subcontract. In the event of any conflict or inconsistency among the individual components of this Subcontract, such conflict or inconsistency shall be resolved by observing the following order of precedence:

- (a) This Subcontract;
- (b) The Letter of Intent;
- (c) The Prime Contract; and
- (d) The Procurement.

6. **Further Action.** The Parties shall take such actions and complete, execute and deliver any and all documents or instruments necessary to carry out the terms and provisions of this Subcontract, to effectuate the purpose of this Subcontract, and to fulfill the obligations of each party hereunder.

7. **Description of Services.** Subcontractor will perform the following Services for the Contractor which Contractor is obligated to provide to the Commonwealth under the Prime Contract:

[DESCRIBE IN DETAIL THE SPECIFIC SUPPLIES, SERVICES OR CONSTRUCTION THE SUBCONTRACTOR WILL PROVIDE OR PERFORM]

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8. Small Diverse Business or Small Business Commitment. The above-referenced Services represent \_\_\_ % of the final negotiated total cost for the initial term of the Prime Contract. Any proposed change to the Small Diverse Business or Small Business Commitment must be submitted in writing to the Bureau which will make a recommendation to the Commonwealth Contracting Officer regarding a course of action.

9. Performance of Services. Subcontractor may not subcontract more than 50% of the work subcontracted to it hereunder without written permission from the Bureau. Subcontractor will perform the Services strictly in accordance with any applicable plans and specifications as contained in the Prime Contract and the reasonable deadlines set by Contractor in view of the requirements of the Prime Contract, and in a good workmanlike manner consistent with industry standards, meeting all applicable local, state and federal laws, regulations and policies.

10. Location of Services. Subcontractor will provide the Services at the following address(es):

\_\_\_\_\_  
\_\_\_\_\_.

11. Timeframe for Performance of Services. The Services will be provided by Subcontractor during the initial term of the Prime Contract, and during any extensions, options or renewal periods of the Prime Contract exercised by the Commonwealth, as more specifically set forth below:

[IDENTIFY THE SPECIFIC TIME PERIODS DURING THE INITIAL CONTRACT TERM AND EXTENSIONS, OPTIONS AND RENEWALS WHEN THE SUBCONTRACTOR WILL PERFORM COMPONENT SERVICES]

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

12. Pricing of Services. Subcontractor shall provide or perform the Services at the pricing specified in Exhibit \_\_\_ to this Subcontract. [ATTACH A BILL OF MATERIALS, RATE CARD OR OTHER APPROPRIATE COST SHEET COVERING THE SERVICES TO BE PROVIDED.]

13. Payment for Services. Contractor shall exert reasonable and diligent efforts to collect prompt payment from the Commonwealth. Contractor shall pay Subcontractor in proportion to amounts received from the Commonwealth which are attributable to the Services performed by Subcontractor. Contractor shall pay Subcontractor within fourteen (14) days after the Contractor receives such payment from the Commonwealth, unless the parties expressly agree upon a different payment schedule or structure as set forth below:

\_\_\_\_\_

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14. Utilization Reports. Both the Contractor and Subcontractor shall complete Quarterly Utilization Reports (or similar type documents containing the same information) and submit them to the Contracting Officer and to the Bureau within ten (10) business days at the end of each quarter. This information will be used to determine the actual dollar amount paid to Subcontractor and will also serve as a record of fulfillment of Contractor's Small Diverse Business and Small Business Commitments. If there was no activity during the quarter, then the form must be completed by stating "No activity in this quarter." A late fee of \$100.00 per day may be assessed against the Contractor if its Utilization Report is not submitted in accordance with the schedule above.

15. Change Orders. If the Commonwealth issues any change order or other formal contract instrument either expanding or limiting the work to be performed under the Prime Contract, the Parties shall accept such Change Orders. Contractor agrees to provide Subcontractor with written notice of any such change orders that affect the Services to be provided by the Subcontractor hereunder as soon as practical after Contractor receives such notice. Any resulting increase or decrease in the Services, Small Diverse Business or Small Business Commitment provided for in Paragraphs 7 or 8 above must be in writing, mutually agreed to, and signed by both Parties and communicated to the Bureau. If the Parties are unable to reach an agreement regarding any adjustment to the Services, Small Diverse Business or Small Business Commitment necessitated by a Commonwealth Change Order, the Parties must submit the matter in writing to the Bureau which will make a recommendation to the Contracting Officer regarding a course of action.

16. Force Majeure. Neither party will incur any liability to the other if its performance of any obligation under this Subcontract is prevented or delayed by causes beyond its control and without the fault or negligence of either party. Causes beyond a party's control may include, but are not limited to, acts of God or war, changes in controlling law, regulations, orders or the requirements of any governmental entity, severe weather conditions, civil disorders, natural disasters, fire, epidemic and quarantines, general strikes throughout the trade, and freight embargoes. The existence of such causes beyond a party's control shall extend the period for performance to such extent as may be necessary to enable complete performance in the exercise of reasonable diligence after the causes have been removed.

17. Dispute Resolution.

(a) The Parties will attempt to resolve any dispute arising out of or relating to this Subcontract through friendly negotiations.

(1) The Parties expressly acknowledge and confer upon the Bureau and Contracting Officer the authority to adjudicate disputes that the Parties cannot resolve amicably concerning the Parties' compliance with their Small Diverse Business and Small Business Commitments as provided in the Prime Contract and this Subcontract.

(2) The Bureau may recommend to the Contracting Officer a range of sanctions it deems appropriate if the Bureau determines a party has failed to satisfy or perform its Small Diverse Business or Small Business commitment. Such sanctions include, but are not limited to, one or more of the following: a determination that the party is not responsible under the Contractor Responsibility Program; withholding of Prime Contract and/or Subcontract payments; suspension or termination of the Prime Contract and/or Subcontract together with consequential damages; revocation of the party's Small Business self-certification status and/or Small Diverse Business verification status; and/or suspension or debarment of one or both parties from future contracting opportunities with the Commonwealth.

(3) The Parties' acknowledge that their prior performance in meeting their Small Diverse Businesses and Small Businesses contractual obligations will be considered by the Bureau during future procurement scoring processes. To the extent a party has failed to meet prior contractual commitments, the Bureau may recommend to the Issuing Office that the party be determined non-responsible for the limited purpose of eligibility to receive SDB/SB points or consideration as a qualified Small Diverse Business or Small Business.

(b) Nothing herein shall be construed to prevent either party from seeking such relief as provided by law in a court or tribunal of competent jurisdiction.

18. Notices. Any written notice to any party under this Subcontract shall be deemed sufficient if delivered personally, or by facsimile, telecopy, electronic or digital transmission (provided such delivery is confirmed), or by a recognized overnight courier service (e.g., DHL, Federal Express, etc.) with confirmed receipt, or by certified or registered United States mail, postage prepaid, return receipt requested, and sent to the following:

If to Contractor:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If to Subcontractor:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

19. Waiver. No waiver by either party of any breach of this Subcontract shall be deemed to waive any other breach. No acceptance of payment or performance after any breach shall be deemed a waiver of any breach. No failure or delay to exercise any right by a party upon another's default shall prevent that party from later exercising that right, nor shall such failure or delay operate as a waiver of any default.

20. Severability. If any provision of this Subcontract shall be held to be invalid or unenforceable for any reason, the remaining provisions shall continue to be valid and enforceable. If a court finds that any provision of this Subcontract is invalid or unenforceable, but that by limiting such provision it would become valid and enforceable, then such provision shall be deemed to be written, construed, and enforced as so limited.
21. Assignment. Neither party may assign or transfer this Subcontract without the prior written consent of the Commonwealth. If Contractor's Prime Contract with the Commonwealth is assigned to another contractor, the new contractor must maintain the Small Diverse Business and Small Business Commitment set forth in the Prime Contract as implemented through this Subcontract.
22. Applicable Law. This Subcontract shall be governed by the laws of the Commonwealth of Pennsylvania.
23. Entire Agreement. This Subcontract constitutes the entire agreement of the Parties regarding the subject of this Subcontract as of the date of execution. No other agreement or understandings, verbal or written, expressed or implied, are a part of this Subcontract unless specified herein.
24. Amendment. This Subcontract may be modified or amended only if made in writing and signed by both Parties. Any proposed change to the Contractor's Small Diverse Business or Small Business Commitment to Subcontractor must be submitted in writing to the Bureau which will make a recommendation to the Contracting Officer regarding a course of action.
25. Binding Effect. This Subcontract shall be binding upon, and inure to the benefit of, the Parties and their respective heirs, representatives, successors and assigns.
26. Counterparts. This Subcontract may be executed by the Parties in counterparts, each of which together shall be deemed an original but all of which together shall constitute one and the same instrument. A party's delivery of a duly executed signature page of this Subcontract in electronic format shall have the same force and effect as delivery of an original signature page.

### ADDITIONAL TERMS AND CONDITIONS

[THE PARTIES MAY INCLUDE ADDITIONAL TERMS AND CONDITIONS APPROPRIATE FOR THE SERVICES TO BE PROVIDED SO LONG AS THEY ARE COMMERCIALY REASONABLE TERMS FOR THE APPLICABLE BUSINESS OR INDUSTRY, ARE NO LESS FAVORABLE THAN THE TERMS OF THE PRIME CONTRACT, AND DO NOT PLACE DISPROPORTIONATE RISK ON THE SMALL DIVERSE BUSINESS OR SMALL BUSINESS RELATIVE TO THE NATURE AND LEVEL OF THE SMALL DIVERSE BUSINESS' OR SMALL BUSINESS' PARTICIPATION IN THE PROJECT. SUCH TERMS MAY INCLUDE:

Background Checks  
Confidentiality/Disclosure of Information

- Data Security
- Insurance
- Invoicing Requirements
- Environmental Protection
- Intellectual Property Rights
- Record Retention/Audits
- Service Level Agreements (SLAs) (consistent with Prime Contract SLAs)
- Public Works Construction Requirements (including Bonding, E-Verify, Prevailing Wage, and Prompt Payment provisions)

**IN WITNESS WHEREOF**, the Parties hereto have caused this Subcontract to be executed by their duly authorized officers as set forth below.

Contractor

Subcontractor

*Insert Company Name*

*Insert Company Name*

By: \_\_\_\_\_  
Signature

By: \_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

[Pa.B. Doc. No. 19-861. Filed for public inspection June 7, 2019, 9:00 a.m.]

## **DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES**

### **Retention of Firms for Design Review Services; Project Reference No. FDC-500-816**

The Department of Conservation and Natural Resources (Department) is seeking proposals from interested and qualified professional firms for open-end contracts for design submission and document review of various environmental, civil, architectural and site development projects located on State Park and State Forest land in this Commonwealth. Each contract will be for a 12-month period with four 12-month extensions possible. Projects will be assigned on an as-needed basis to ensure proper and safe operation of Department infrastructure and facilities.

The number of open-end contracts and the dollar amount of each contract shall be at the discretion of the

Department for the first year. The extent of the work for the subsequent 4 years of the contract will be dependent on the availability of additional funds and additional projects for those years, also at the discretion of the Department.

Letters of Interest for this project will be accepted from individuals or firms or corporations duly authorized to engage in the practice of engineering or architecture, or both. If an individual, firm or corporation not authorized to engage in the practice of engineering or architecture, or both, desires to submit a Letter of Interest, the individual, firm or corporation may do so as part of a joint venture with an individual, firm or corporation which is permitted under State law to engage in the practice of engineering or architecture, or both, in this Commonwealth, or must specifically employ professionals licensed in this Commonwealth to perform and oversee the required services.



### Background

Established on July 1, 1995, the Department is charged with maintaining and preserving the 121 State Parks; managing the 2.2 million acres of State Forest land; providing information on the Commonwealth's ecological and geologic resources; and establishing community conservation partnerships with grants and technical assistance to benefit rivers, trails, greenways, local parks and recreation, regional heritage parks, open space and natural areas.

The Bureau of Facility Design and Construction (Bureau) provides multidisciplinary facility and infrastructure technical support to the other bureaus in the Department in the areas of project design, project inspections, construction management, contract administration, surveying and other technical advice and consultation. This Bureau is comprised of three Divisions: Dams, Bridges and Roadways Engineering; Environmental Engineering and Architecture; and Field Engineering and Contracts Management.

The Bureau's Central Office (located in Harrisburg) is responsible for the development of architectural, landscape architectural, water and sanitary, bridge and roadway and civil and environmental projects required to support the Department's facility construction and maintenance program. The Central Office is comprised of five sections: Architectural Design, Landscape Design, Sanitary and Water Management, Bridges and Road Management and Civil Design. In addition to project design, staff also provides technical architectural and engineering support and advice to assist field operation in State Parks and State Forests.

The Bureau also has four field offices: Northcentral Office in Emporium; Western Office in Moraine State Park; Southcentral Office in Shawnee State Park; and Eastern Office in Nockamixon State Park. Each office is responsible for providing direct engineering and technical support to the State Parks and Forests field operation staff in their area. Staff is responsible for project inspection and construction management to ensure contractor compliance with the construction contract documents as well as some project design.

## PART I GENERAL REQUIREMENTS

I-1. *Specific Requirements.* The open-ended design review services work will include design submission and document review for projects involving the replacement, rehabilitation/repair or new construction of a wide range of facilities located in State Parks and State Forests throughout this Commonwealth, including, but not limited to: roads; bridges; dams; water and sewer systems and treatment facilities; site/land development; buildings of various types including associated architectural, site, civil, landscape, structural, mechanical, plumbing and electrical disciplines. And may occasionally include review of other related engineering work such as environmental and wetland assessments, environmental studies, environmental permitting, and other civil/environmental engineering related work as assigned by the Department. Estimated size of projects will generally range from \$300,000 to \$6 million in total construction cost.

The services anticipated under the contract may include review of design and construction documents at various stages of the project, review of documents for quality control (QC) purposes, review of documents for constructability, value engineering reviews, review of construction cost estimates, review of project schedules, review of construction submittals and review of change order proposals.

Project assignment will be through individual project Work Orders. A Bureau Coordinator will be assigned to each Work Order. The Bureau Coordinator may change from project to project. The Bureau Coordinator will be the primary coordinator of the project and will perform reviews related to design aesthetic, scope compliance, operational controls and maintainability. A Performance Review may be performed by the Project Coordinator at the completion of the Work Order and used in assigning additional projects to the Consultant.

The Department's standard contract method is multiple prime, design-bid-build, although other nonbid construction methods, including construction by Department staff and volunteer organizations, may be used.

I-2. *Qualifications.* The Consultant shall have staff available to provide rapid services associated with assigned projects. The Consultant may be called upon to provide services on multiple projects at the same time. The Consultant shall have demonstrated knowledge of the building design and construction methods, construction document preparation, construction estimating and Quality Assurance (QA)/QC review.

The following minimum qualification will be expected of all Consultants:

- Possess current professional registrations required to perform required services.
- Be licensed to conduct business in this Commonwealth.
- Have sufficient staff or subconsultants experienced in the various required services.
- Have an established quality control and assurance program for checking documents for accuracy, consistency, coordination, quality and compliance with all necessary codes and regulations.

I-3. *Addenda to the Request for Proposals (RFP).* If the Department deems it necessary to revise any part of this RFP before the proposal response date, the Issuing Office will post an addendum to the Department web site at <https://www.dcnr.pa.gov/Business/ConstructionBids/Pages/default.aspx>. It is the Offeror's responsibility to periodically check the web site for any new information or addenda to the RFP. Answers to the questions asked during the questions and answers period also will be posted, as necessary, to the web site as an addendum to the RFP.

## PART II PROPOSAL REQUIREMENTS

Offerors must submit their proposals in the format, including heading descriptions, outlined as follows. To be considered, the proposal must respond to all requirements in this part of the RFP. Offerors should provide any other information thought to be relevant, but not applicable to the enumerated categories, as an appendix to the proposal.

II-1. *Requirements.* Proposals shall include the following items and information:

- Letter of Interest including the Consultant's Federal identification number and the project reference number.
- A description of the Consultant's understanding of the Department's needs and the services required. This description shall include why and how the Consultant is qualified to provide these services.
- A description of the Consultant's project approach and methodology, including the approach to the managerial, technical and administrative aspects of the project. Describe how the scope, schedule, budget and quality of a project are managed and controlled. Address communica-

tion and coordination strategies internal to the team, with the client and with other outside agencies.

- A detailed description of the Consultant's QC and QA program, including how subconsultants are included in this program. Provide the name of the person responsible for QC and describe their qualifications to perform this task.

- A description of the Consultant's qualifications to complete the required services. Include firm history and experience on similar projects. Describe the resources of the firm, including number/discipline of personnel, ability to respond to schedule acceleration, and the like. Describe roles and experience of proposed subconsultants.

- Resumes of personnel who will be involved in providing the services described herein to the Department. Describe their relevant experience, years of experience, what roles they will fill in providing the required services, and percent of time they will be committing to Department-assigned projects. The resumes must include their professional education and professional registrations and licenses. Provide resumes of subconsultant's personnel.

- A description of the Consultant's ability to work on multiple projects of various sizes at the same time.

- A list of at least three of the Consultant's most recent completed projects similar to the projects anticipated under the contract. In addition to photographs and a descriptive narrative, the list shall include the client, contact person and contact information, the completion date, the estimated or actual total construction cost, the estimated or actual construction cost of the portion of the work which the firm designed, the firm's Project Manager, and the names of all of the firm's personnel who made contributions to the project.

- A standard Department of General Services (DGS) Form 150-ASP indicating the individual in charge. The Form 150-ASP is available by downloading from the DGS Home Page on the Internet at <https://www.dgs.pa.gov/Businesses> (search for document Form 150-ASP). A sample of this form is found in Appendix A. This form should be submitted electronically on the CD or flash drive as per Part II, II-2 of the RFP. The electronic submission instructions on the DGS web site are for DGS projects only. Additional information pertinent to this firm's qualifications to do the work of this contract may be included.

II-2. *Number of Copies.* Offeror's Proposals must be submitted electronically on a CD or flash drive in quantity of seven each and include DGS Form 150-ASP. A Small Diverse Business (SDB) and Small Business (SB) proposal must be provided in the Excel document on the CD or flash drive. Submittals must be accompanied by the Letter of Interest and received no later than 4 p.m. on July 17, 2019. The assignment and services will be made to one or more of the firms responding to this notice. However, the Department reserves the right to reject all Letters of Interest submitted, cancel the solicitation requested under this notice, or readvertise solicitation for this service, or both.

II-3. *SDB Participation Submittal General Information.* Please refer to and/or complete all four tabs on the SDBSB Participation Submittal Information Excel Spreadsheet. These tabs include SDBSB Language, Submittal, Listing, and Letter of Intent. These are also included in this RFP as Appendices B through E. The completed forms must be on the CD or flash drive per RFP instructions II-2. A model of SDBSB Subcontract is found in Appendix F.

For credit in the RFP scoring process, a SB must complete the DGS/Bureau of Diversity, Inclusion and Small Business Opportunities (BDISBO) self-certification process. Additional information on this process can be found at <https://www.dgs.pa.gov/Small%20Business%20Contracting%20Program/Pages/default.aspx>.

For credit in the RFP scoring process, a SDB must complete the DGS verification process. Additional information on this process can be found at <https://www.dgs.pa.gov/Small%20Diverse%20Business%20Program/Pages/default.aspx>.

The Department's directory of self-certified SB and DGS/BDISBO-verified SDB can be accessed from <https://www.dgs.pa.gov/Small%20Diverse%20Business%20Program/Small-Diverse-Business-Verification/Pages/default.aspx>.

Questions regarding the SDB and SB Programs, including questions about the self-certification and verification processes, can be directed to the Department of General Services, Bureau of Diversity, Inclusion and Small Business Opportunities, Room 611, North Office Building, Harrisburg, PA 17120, (717) 783-3119, fax (717) 787-7052, RA-BDISBOVerification@pa.gov, [www.dgs.pa.gov](http://www.dgs.pa.gov).

II-4. *Debriefing.* The Department will not offer a debriefing session to the unsuccessful firms. The Department disclaims any liability whatsoever to its review of the proposal submitted and in formulating a recommendation for selections. Recommendations made by the Department shall be final.

### PART III CRITERIA FOR SELECTION

III-1. *Selection Criteria.* The design review services firm will be evaluated upon, but not limited to, the following criteria:

A. Consultant's experience on past projects of similar scope, type and size.

B. Consultant's staff qualifications, experience and ability to perform the required services, including available manpower to perform the required services. This includes the qualifications, experience and abilities of subconsultant's staff.

C. Consultant's understanding of the problem and the services required.

D. Consultant's project approach and methodology.

E. Knowledge and experience with environmentally sustainable design.

F. QC and QA program and procedures.

G. Equitable distribution of contracts.

H. SDB and SB Participation per criteria in Appendix B, Small Diverse Business (SDB) and Small Business (SB) Participation Submittal Language

III-2. *Number of Contracts.* The Department may select more than one firm.

### PART IV MAILING AND CONTACT INFORMATION

Firms interested in performing the required services for this project are invited to submit Letters of Interest to Alfred Uzokwe, Sr., PE, Director, Bureau of Facility Design and Construction, Rachel Carson State Office Building, 8th Floor, 400 Market Street, P.O. Box 8451, Harrisburg, PA 17105-8451. Contact Jim Long at (717) 783-3333 for general information concerning this RFP.

CINDY ADAMS DUNN,  
Secretary

APPENDIX A  
FORM ASP-150



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF GENERAL SERVICES  
ASP-150 (Rev. 05/14)

**DESIGN PROFESSIONAL SELECTION  
APPLICATION FOR SPECIFIC PROJECT**

<b>Section 1 – Project Information</b>				
1. PROJECT NUMBER:		2. PROJECT TITLE:		
3. DISTANCE BETWEEN FIRM LOCATION AND PROJECT (in miles):				
<b>Section 2 – Firm Information</b>				
4. FIRM NAME:		5. SAP NUMBER:		
6. STREET ADDRESS:		7. CITY/STATE:	8. ZIP CODE:	
9. PHONE NUMBER:				
10. SMALL BUSINESS / SMALL DIVERSE BUSINESS INFO. SMALL BUSINESS SELF-CERTIFICATION #: SMALL DIVERSE BUSINESS TYPE: <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> VBE <input type="checkbox"/> SDVBE				
11. TYPE OF FIRM: <input type="checkbox"/> ARCHITECT <input type="checkbox"/> ENGINEER <input type="checkbox"/> OTHER If Other, please specify: _____				
12. LEGAL STRUCTURE OF FIRM: <input type="checkbox"/> SOLE PROPRIETORSHIP <input type="checkbox"/> PARTNERSHIP <input type="checkbox"/> CORPORATION <input type="checkbox"/> LLC <input type="checkbox"/> JV				
<i>BY SUBMITTING AN ASP-150 FORM, ALL ENTITIES OF THE JOINT VENTURE REPRESENT THAT THE JV AGREEMENT IS FULLY EXECUTED AND BOTH NAMES LISTED IN ITEM 14 ARE AUTHORIZED TO BIND THE JV. DO NOT ATTACH THE JV AGREEMENT. DO NOT SUBMIT AN ASP-150 FORM AND ATTEMPT AFTER SELECTION TO FORMALIZE THE JV AGREEMENT.</i>				
13. FOR CORPORATIONS, STATE IN WHICH THE FIRM IS INCORPORATED:				
14. LIST PERSONS AUTHORIZED TO SIGN A CONTRACT BETWEEN THE FIRM AND COMMONWEALTH OF PENNSYLVANIA				
<b>NAME</b>	<b>TITLE</b>	<b>PA REGISTRATION NUMBER</b>	<b>EMAIL ADDRESS</b>	
<b>Section 3 – Personnel</b>				
15. LIST THE NUMBER OF FULL TIME PERSONNEL CURRENTLY EMPLOYED BY THE FIRM. EACH PERSON SHOULD BE COUNTED ONLY ONCE.				
<b>Discipline</b>	<b>Registered</b>	<b>Professional Degree</b>	<b>Other</b>	<b>Total</b>
Architects				
Engineers, Civil				
Engineers, Structural				
Engineers, Mechanical				
Engineers, Electrical				
Engineers, Other				
Landscape Architects				
Other				
<b>TOTAL EMPLOYEES</b>				



16. LIST UP TO THREE CONSULTANTS WHO WILL BE RETAINED TO ASSIST IN THE DESIGN PROCESS.		
1	FIRM NAME:	ADDRESS:
	# OF PROJECTS COMPLETED TOGETHER:	\$ OF PROJECTS COMPLETED TOGETHER: \$
	DESCRIBE PAST PROJECTS WORKED TOGETHER AND SCOPE OF WORK FOR THIS PROJECT:	
	REGISTRATION EXPIRATION:	
	SMALL BUSINESS CERTIFICATION NUMBER:	
SMALL DIVERSE BUSINESS: <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> VBE <input type="checkbox"/> SDVBE		
2	FIRM NAME:	ADDRESS:
	# OF PROJECTS COMPLETED TOGETHER:	\$ OF PROJECTS COMPLETED TOGETHER: \$
	DESCRIBE PAST PROJECTS WORKED TOGETHER AND SCOPE OF WORK FOR THIS PROJECT:	
	REGISTRATION EXPIRATION:	
	SMALL BUSINESS CERTIFICATION NUMBER:	
SMALL DIVERSE BUSINESS: <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> VBE <input type="checkbox"/> SDVBE		
3	FIRM NAME:	ADDRESS:
	# OF PROJECTS COMPLETED TOGETHER:	\$ OF PROJECTS COMPLETED TOGETHER: \$
	DESCRIBE PAST PROJECTS WORKED TOGETHER AND SCOPE OF WORK FOR THIS PROJECT:	
	REGISTRATION EXPIRATION:	
	SMALL BUSINESS CERTIFICATION NUMBER:	
SMALL DIVERSE BUSINESS: <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> VBE <input type="checkbox"/> SDVBE		



COMMONWEALTH OF PENNSYLVANIA  
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17. LIST UP TO 5 INDIVIDUALS WHO WILL BE WORKING ON THIS PROJECT. ANYONE WITH A PENNSYLVANIA PROFESSIONAL REGISTRATION MUST COMPLETE THE REGISTRATION INFORMATION. IF NOT REGISTERED IN PENNSYLVANIA, INDICATE STATE(S) IN WHICH THEY ARE REGISTERED.

1	NAME:		FIRM:	
	REGISTRATION #:		REGISTRATION EXPIRATION:	
	PHYSICAL LOCATION WHILE ON THIS PROJECT:			
	GENERAL WORK ASSIGNMENT ON THIS PROJECT:			
	SPECIALTY/DISCIPLINE:			
	DEGREE:		YEAR GRADUATED:	SCHOOL:
2	NAME:		FIRM:	
	REGISTRATION #:		REGISTRATION EXPIRATION:	
	PHYSICAL LOCATION WHILE ON THIS PROJECT:			
	GENERAL WORK ASSIGNMENT ON THIS PROJECT:			
	SPECIALTY/DISCIPLINE:			
	DEGREE:		YEAR GRADUATED:	SCHOOL:
3	NAME:		FIRM:	
	REGISTRATION #:		REGISTRATION EXPIRATION:	
	PHYSICAL LOCATION WHILE ON THIS PROJECT:			
	GENERAL WORK ASSIGNMENT ON THIS PROJECT:			
	SPECIALTY/DISCIPLINE:			
	DEGREE:		YEAR GRADUATED:	SCHOOL:



4	NAME:		FIRM:	
	REGISTRATION #:		REGISTRATION EXPIRATION:	
	PHYSICAL LOCATION WHILE ON THIS PROJECT:			
	GENERAL WORK ASSIGNMENT ON THIS PROJECT:			
	SPECIALTY/DISCIPLINE:			
	DEGREE:		YEAR GRADUATED:	SCHOOL:

5	NAME:		FIRM:	
	REGISTRATION #:		REGISTRATION EXPIRATION:	
	PHYSICAL LOCATION WHILE ON THIS PROJECT:			
	GENERAL WORK ASSIGNMENT ON THIS PROJECT:			
	SPECIALTY/DISCIPLINE:			
	DEGREE:		YEAR GRADUATED:	SCHOOL:

**Section 4 – Experience**

18. LIST YOUR FIRM'S COMMONWEALTH PROJECTS CURRENTLY IN **DESIGN OR BID PHASE**:

Project Name	Agency	Final Design Due Date or Bid Date:

19. LIST YOUR FIRM'S COMMONWEALTH PROJECTS CURRENTLY IN **CONSTRUCTION**:

Project Name	Agency	Scheduled Completion Date	Current Change Order % Rate



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20. DESCRIBE UP TO THREE PROJECTS FOR ANY TYPE OF OWNER THAT BEST ILLUSTRATE YOUR FIRM'S QUALIFICATIONS TO DESIGN THIS SPECIFIC PROJECT. DO NOT LIST PROJECTS PERFORMED ONLY BY CONSULTANTS.

1	PROJECT NAME:	
	LOCATION:	OWNER:
	WORK PERFORMED BY FIRM ON THIS PROJECT:	
	TOTAL AWARDED CONSTRUCTION CONTRACTS:	\$
	TOTAL FINAL CONSTRUCTION CONTRACTS:	\$
	ORIGINAL COMPLETION DATE:	ACTUAL COMPLETION DATE:
	COMMENTS:	
2	PROJECT NAME:	
	LOCATION:	OWNER:
	WORK PERFORMED BY FIRM ON THIS PROJECT:	
	TOTAL AWARDED CONSTRUCTION CONTRACTS:	\$
	TOTAL FINAL CONSTRUCTION CONTRACTS:	\$
	ORIGINAL COMPLETION DATE:	ACTUAL COMPLETION DATE:
	COMMENTS:	
3	PROJECT NAME:	
	LOCATION:	OWNER:
	WORK PERFORMED BY FIRM ON THIS PROJECT:	
	TOTAL AWARDED CONSTRUCTION CONTRACTS:	\$
	TOTAL FINAL CONSTRUCTION CONTRACTS:	\$
	ORIGINAL COMPLETION DATE:	ACTUAL COMPLETION DATE:
	COMMENTS:	



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21. YOU MAY USE THIS SPACE TO PROVIDE ANY ADDITIONAL COMMENTS OR DESCRIPTION OF RELEVANT INFORMATION SUPPORTING YOUR QUALIFICATIONS. **DO NOT EXCEED THIS SPACE LIMIT. THIS SPACE MUST ALSO INCLUDE ANY INFORMATION RELATING TO PARAGRAPH #2 AND PARAGRAPH #3 OF THE CERTIFICATION AND SIGNATURE PAGE.**





COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF GENERAL SERVICES  
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## Certification and Signature

My firm believes we have the qualifications and capacity to provide design services for the project identified on Page 1. All of the information set forth on this ASP-150 form is accurate and true as of this date.

1. The firm consents to the evaluation of its performance by the Department and understands that any such evaluation may be used in future selections. Furthermore, the firm has notified our consultants that their performance will be evaluated and they have consented to this evaluation; and
2. To the best knowledge of the person signing this form, the firm, its affiliates, subsidiaries, officers, directors, and employees are not currently under investigation by any governmental agency and have not in the last four(4) years been convicted or found liable for any act prohibited by State or Federal law in any jurisdiction, involving conspiracy or collusion with respect to bidding or proposing on any public contract, except as disclosed in Paragraph 21; and
3. To the best of the knowledge of the person signing this, the firm, except as otherwise disclosed in Paragraph 21, has no outstanding, delinquent obligations to the Commonwealth including, but not limited to, any state tax liability not being contested on appeal or other obligation of the firm that is owed to the Commonwealth; and
4. The firm is not currently under suspension or debarment by the Commonwealth, or any other state, or the federal government; and
5. The firm has not, under separate contract with DGS or any other agency, made any recommendations to DGS or any other agency concerning the need for the services described for this project; and
6. The firm, by submitting this form, authorizes all Commonwealth agencies to release to the Commonwealth information related to liabilities to the Commonwealth including, but not limited to, taxes, unemployment compensation, and workers' compensation liabilities; and
7. Until the firm receives a fully executed and approved written contract from DGS there is no legal and valid contract, in law or in equity; and
8. The firm agrees that we have familiarized ourselves with the following Commonwealth of Pennsylvania contract provisions set forth on the DGS website and will comply with them in submitting this form and in performing the contract:
  - Nondiscrimination/Sexual Harassment Clause
  - Tax Liability Certification
  - Americans Disabilities Act
  - Contractor Integrity Provisions
  - Contractor Responsibility Provisions
  - Environmental Statement
  - Compliance with State and Federal Statutes, Rules and Regulations

I state that \_\_\_\_\_ (**Name of firm**) submits this form and understands and acknowledges that the above representations are material and important, and will be relied upon by the Selections Committee and the Department of General Services in determining whether my firm is selected for a design contract with the Commonwealth. I understand and my firm understands that any written false statement in this application which we do not believe to be true is and shall be treated as fraudulent concealment from the Selections Committee and the Department of General Services of the true facts relating to the submission of this application. A misrepresentation shall be punishable under 18 Pa. C.S. § 4904.

<b>Business is a Sole Proprietor:</b>		
Witness:	Owner:	Date:
<b>Business is a Partnership:</b>		
Witness:	General Partner:	Date:
<b>Business is a Corporation:</b>		
Secretary/Treasurer:	President:	Date:
<b>Business is a Limited Liability Company:</b>		
Witness:	President:	Date:
<b>Business is a Joint Venture:</b>		
Partner:	Partner:	Date:

APPENDIX (B)  
SMALL DIVERSE BUSINESS (SDB) AND SMALL BUSINESS (SB)  
PARTICIPATION SUBMITTAL LANGUAGE

**SMALL DIVERSE BUSINESS AND SMALL BUSINESS PARTICIPATION  
SUBMITTAL**

**A. General Information.** The Issuing Office encourages participation by Small Diverse Businesses (SDB) and Small Businesses (SB) as prime contractors and encourages all prime contractors to make significant commitments to use SDBs and SBs as subcontractors and suppliers.

A SB must meet each of the following requirements:

- △ The business must be for-profit, United States business;
- △ The business must be independently owned;
- △ The business may not be dominant in its field of operation;
- △ The business may not employ more than 100 full-time or full-time equivalent employees;
- △ The business, by type, may not exceed the following three-year average gross sales:
  - o Procurement Goods and Services: \$20 million
  - o Construction: \$20 million
  - o Building Design Services: \$7 million
  - o Information Technology Goods and Services: \$25 million

For credit in the RFP scoring process, a SB must complete the Department of General Services (DGS)/Bureau of Diversity, Inclusion and Small Business Opportunities (BDISBO) self-certification process. Additional information on this process can be found here: [Small Business Self-Certification.](#)

A SDB is a DGS-verified minority-owned small business, woman-owned small business, veteran-owned small business, service-disabled veteran-owned small business, LGBT-owned small business, Disability-owned small business, or other small businesses as approved by DGS, that are owned and controlled by a majority of persons, not limited to members of minority groups, who have been deprived of the opportunity to develop and maintain a competitive position in the economy because of social disadvantages.

For credit in the RFP scoring process, a SDB must complete the DGS verification process. Additional information on this process can be found here: [Small Diverse Business Verification.](#)

An Offeror that qualifies as a SDB or SB and submits a proposal as a prime contractor is not prohibited from being included as a subcontractor in separate proposals submitted by other Offerors. A SDB or SB may be included as a subcontractor with as many prime contractors as it chooses in separate proposals.

The Department's directory of self-certified SBs and DGS/BDISBO-verified SDBs can be accessed here: [Find Small and Small Diverse Businesses.](#)

**B. SDB and SB Participation Evaluation.** BDISBO has established the minimum evaluation weight for the SDB and SB Participation criterion for this RFP as 20% of the total points.

- 1) The SDB and SB point allocation is based entirely on the percentage of the contract cost committed to SDB and SB participation. If the proposer is a SDB, 100% of the contract cost is allocated to SDB participation. If the proposer is a SB, 100% of the contract cost is allocated to SB participation.
- 2) A total combined SDB/SB commitment less than one percent (1%) of the total contract cost is considered de minimis and will receive no SDB or SB points.
- 3) Based on a maximum total of 200 available points for the SDB/SB Participation Submittal, the scoring mechanism is as follows:

$$\text{SDB and SB Raw Score} = 200 (\text{SDB}\% + (1/3 * \text{SB}\%))$$

- 4) The SDB and SB Raw Score is capped at 200.

The Offeror with the highest raw score will receive 200 points. Each Offeror's raw score will be pro-rated against the Highest Offeror's raw score by applying the formula set forth here: RFP Scoring Formula.

- 5) The Offeror's prior performance in meeting its contractual obligations, SDBs and SBs will be considered by BDISBO during the scoring process. To the extent the Offeror has failed to meet prior contractual commitments, BDISBO may recommend to the Issuing Office that the Offeror be determined non-responsible for the the limited purpose of eligibility to receive SDB and SB points.

Questions regarding the SDB and SB Programs, including questions about the self-certification and verification processes can be directed to:

Department of General Services  
 Bureau of Diversity, Inclusion and Small Business Opportunities (BDISBO)  
 Room 611, North Office Building  
 Harrisburg, PA 17125  
 Phone: (717) 783-3119  
 Fax: (717) 787-7052  
 Email: [RA-BDISBOVerification@pa.gov](mailto:RA-BDISBOVerification@pa.gov)  
 Website: [www.dgs.pa.gov](http://www.dgs.pa.gov)

**C. SDB/SB Participation Submittal.** All Offerors are required to submit the attached SDB/SB Participation Submittal Form in its entirety and related Letter(s) of Intent. **To receive points for SDB or SB participation commitments, the SDB or SB must be listed in the Department's directory of self-certified SBs and DGS/BDISBO-verified SDBs as of the proposal due date and time. BDISBO reserves the right to adjust overall SDB or SB commitments to correctly align with the SDB or SB status of a prime contractor or subcontractor as of the solicitation due date and time, and also to reflect the correct sum of individual subcontracting commitments listed within the Letters of Intent.**

If there are multiple Letters of Intent, please combine them into one document and upload them with your response. The Letter(s) of Intent must be signed by both the Offeror and the SDB or SB for each of the identified SDB or SB subcontractors. Please use the attached Letter of Intent template and include all highlighted information.

Each SDB or SB commitment credited by BDISBO along with the overall percentage of SDB and SB commitments will become contractual obligations of the selected Offeror.

**Offerors will not receive credit for any commitments for which information as above is not included in the SDB/SB Participation Submittal. Offerors will not receive credit for stating that they will find a SDB or SB after the contract is awarded.**

**Equal employment opportunity and contract compliance statements referring to company equal employment opportunity policies or past contract compliance practices do not constitute proof of SDB and/or SB Status or entitle an Offeror to receive credit for SDB or SB participation.**

#### **D. Contract Requirements.**

All contracts containing SDB and SB Participation must contain the following contract provisions to be maintained through the initial contract term and any subsequent options or renewals:

1. Each SDB and SB commitment which was credited by BDISBO and the total percentage of such SDB and SB commitments made at the time of proposal submittal, BAFO, or contract negotiations, as applicable, become contractual obligations of the selected Offeror upon execution of its contract with the Commonwealth.
2. All SDB and SB subcontractors credited by BDISBO must perform at least 50% of the work subcontracted to them.
3. The individual percentage commitments made to SDBs and SBs cannot be altered without written approval from BDISBO.
4. SDB and SB commitments must be maintained in the event the contract is assigned to another prime contractor.
5. The selected Offeror and each SDB and SB for which a commitment was credited by BDISBO must submit a final, definitive subcontract agreement signed by the selected Offeror and the SDB and/or SB to BDISBO within 30 days of the final execution date of the Commonwealth contract. A Model Subcontract Agreement which may be used to satisfy this requirement is provided as an attachment – **Model Form of Small Diverse and Small Business Subcontract Agreement**. The subcontract must contain:
  - a) The specific work, supplies or services the SDB and/or SB will perform; location for work performed; how the work, supplies or services relate to the project; and the specific timeframe during the initial term and any extensions, options and renewals of the prime contract when the work, supplies or services will be provided or performed.

- b) The fixed percentage commitment and associated estimated dollar value that each SDB and/or SB will receive based on the final negotiated cost for the initial term of the prime contract.
  - c) Payment terms indicating that the SDB and/or SB will be paid for work satisfactorily completed within 14 days of the selected Offeror's receipt of payment from the Commonwealth for such work.
  - d) Commercially reasonable terms for the applicable business/industry that are no less favorable than the terms of the selected Offeror's contract with the Commonwealth and that do not place disproportionate risk on the SDB and/or SB relative to the nature and level of the SDB's and/or SB's participation in the project.
6. If the selected Offeror and a SDB or SB credited by BDISBO cannot agree upon a definitive subcontract within 30 days of the final execution date of the Commonwealth contract, the selected Offeror must notify BDISBO.
7. The Selected Offeror shall complete the Prime Contractor's Quarterly Utilization Report and submit it to the contracting officer of the Issuing Office and BDISBO within ten (10) business days at the end of each quarter of the contract term and any subsequent options or renewals. This information will be used to track and confirm the actual dollar amount paid to SDB and SB subcontractors and suppliers and will serve as a record of fulfillment of the the contractual commitment. If there was no activity during the quarter, the form must be completed by stating "No activity in this quarter." A late fee of \$100.00 per day may be assessed against the Selected Offeror if the Utilization Report is not submitted in accordance with the schedule above.
8. The Selected Offeror shall notify the Contracting Officer of the Issuing Office and BDISBO when circumstances arise that may negatively impact the selected Offeror's ability to comply with SDB and/or SB commitments and to provide a corrective action plan. Disputes will be decided by the Issuing Office and DGS.
9. If the Selected Offeror fails to satisfy its SDB and/or SB commitment(s), it may be subject to a range of sanctions BDISBO deems appropriate. Such sanctions include, but are not limited to, one or more of the following: a determination that the selected Offeror is not responsible under the Contractor Responsibility Program; withholding of payments; suspension or termination of the contract together with consequential damages; revocation of the selected Offeror's SDB and/or SB status; and/or suspension or debarment from future contracting opportunities with the Commonwealth.

APPENDIX (C)  
SUBMITTAL

<b>SMALL DIVERSE BUSINESS (SDB) AND SMALL BUSINESS (SB) PARTICIPATION SUBMITTAL</b>	
<b>Project Description:</b>	<i>Retention of XXXXXXXXXXXX Firms</i>
<b>RFP #:</b>	<i>FDC-500-XXX</i>
<b>Proposal Due Date:</b>	<i>XXXXXXX</i>
<b>Commonwealth Agency Name:</b>	<i>DCNR / FDC</i>
<b>OFFEROR (Prime Consultant) INFORMATION</b>	
<b>Offeror Company's Name:</b>	
<b>Offeror Contact Name:</b>	<b>Email:</b>
<b>Title:</b>	<b>Phone:</b>
<b>Is your firm a DGS-Verified Small Diverse Business?</b>	<b>NO</b> ▼ <b>Verif Exp:</b>
<b>Is your firm a DGS-Self-Certified Small Business?</b>	<b>NO</b> ▼ <b>Cert Exp:</b>
To confirm your company's SDB/SB status and expiration, please click or use the following link: <a href="http://www.dgs.internet.state.pa.us/suppliersearch">http://www.dgs.internet.state.pa.us/suppliersearch</a>	
<b>SUBCONTRACTING CONSULTANT INFORMATION</b>	
<b>Percentage Commitment for SDB and SB Consultant Participation</b>	
<b>Commitment percentages will automatically calculate in the SDB/SB fields below after you have completed the SDB and SB Consultant Listing on the "Listing" tab.</b>	
After examination of the contract documents, which are made a part hereof as if fully set forth herein, the Offeror commits to the following percentages of the total contract cost for Small Diverse Business and Small Business consultant participation.	
<b>Small Diverse Business Subcontracting percentage commitment:</b> (Do not include any commitments made to consultants that only qualify as Small Businesses)	
<b>12.000%</b>	
<b>Small Business Subcontracting percentage commitment:</b> (Do not include any commitments made to consultants that qualify as Small Diverse Businesses)	
<b>0.000%</b>	
<small>BDISBO-DCNR-5/18</small>	

Appendix D  
Listing

<p align="center"><b>SMALL DIVERSE BUSINESS (SDB) AND SMALL BUSINESS (SB) PARTICIPATION SUBMITTAL</b></p> <p><b>Listing SDB and SB Consultants</b> The Offeror must list in the chart below the SDBs and SBs that will be used to meet the percentage commitments provided above, along with the requested information about each SDB and SB Consultant. Include as many pages as necessary. Offerors must also include a Letter of Intent (LOI) for each SDB/SB listed. <b>To receive points for SDB or SB participation commitments, the SDB or SB must be listed in the Department's directory of self-certified SBs and DGS/BDISBO-verified SDBs as of the proposal due date and time.</b> The directory of self-certified SBs and DGS/BDISBO-verified SDBs can be accessed at the following link: <a href="http://www.dgs.internet.state.pa.us/suppliersearch">http://www.dgs.internet.state.pa.us/suppliersearch</a></p> <p>SDB/SB name, percent commitment to SDB/SB, and estimated \$ value of commitment will automatically populate in the LOI tabs.</p>						
<p align="center"><b>Offeror Company's Name: FDC-500-XXX</b></p>						
SDB/SB Subcontractor Name	SDB or SB	Primary Contact Name	Description of Services or Supplies to be Provided	% of Total Contract Cost Committed	Will SDB/SB be used for Options/Renewals? (YES/NO)	
All	SDB	tere	ssge	12.000%	YES	▶
	▶					▶
	▶					▶
	▶					▶
	▶					▶
	▶					▶
	▶					▶
	▶					▶
	▶					▶
<b>Total SDB % Commitment:</b>	<b>12.000%</b>					
<b>Total SB % Commitment:</b>						

BDISBO-DCNR-5/18

Appendix E  
Letter of Intent

MM/DD/YYYY	
[SDB/SB Contact Name] [Title] [SDB/SB Company Name] [Address] [City, State, Zip] [Email] [Phone #]	<b>Offeror:</b> <b>RFP:</b> FDC-500-XXX
Dear: [SDB/SB Contact Name]	
This letter serves as confirmation of the intent of this offeror to utilize <b>All</b> on the above-referenced RFP issued by <b>DCNR / FDC</b>	
If Offeror is the successful vendor, the referenced SDB/SB shall perform the following work, goods or services during the initial term of the prime contract and during any extensions, options or renewal periods of the prime contract exercised by the Commonwealth, as more specifically set forth below: <i>[Identify the specific time periods during the initial contract term and any extensions, options and renewals when the work, goods or services will be provided or performed]</i>	
Identify the specific work, goods or services the SDB/SB will perform below: <i>[Identify the specific work, goods or services the SDB/SB will perform]</i>	
These services represent <b>12.000%</b> (fixed percentage) of the total cost in the Offeror's cost submittal for the initial term of the contract.	
The above-referenced SDB/SB represents that it meets the small or small diverse business requirements set forth in the RFP and all required documentation has been provided to the Offeror for its SDB/SB submission.	
We look forward to the opportunity to serve <b>DCNR / FDC</b> on this project. If you have any questions concerning our small business or small diverse business commitment, please feel free to contact me at the number below.	
Sincerely,	Acknowledged,
<b>X</b>	<b>X</b>
Offeror Contact Name:	[SDB/SB Contact Name]
Title:	[Title]
Offeror Company's Name:	[SDB/SB Company Name]
BDISBO-DCNR-5/18	



## APPENDIX [F]

MODEL FORM OF SMALL DIVERSE AND SMALL BUSINESS  
SUBCONTRACTOR AGREEMENT

## AGREEMENT

Now, therefore, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and intending to be legally bound, the Parties hereby agree as follows:

1. Subcontractor Representations. Subcontractor represents and warrants to Contractor as follows:

(a) Subcontractor is self-certified as a Small Business in accordance with the requirements and procedures established by the Bureau of Diversity, Inclusion and Small Business Opportunities; [Subcontractor is also verified as a Small Diverse Business by the Bureau of Diversity, Inclusion and Small Business Opportunities in accordance with the requirements and procedures established by the Bureau;]

(b) Subcontractor possesses the necessary knowledge, experience, expertise, capital, resources and personnel required to perform the Services it will provide under this Subcontract;

(c) Subcontractor (i) is duly organized, validly existing and in good standing under the laws of its state of incorporation or organization, (ii) has the power and authority to own its properties and to carry on business as now being conducted, and (iii) has the power to execute and deliver this Subcontract;

(d) The execution and performance by Subcontractor of the terms and provisions of this Subcontract have been duly authorized by all requisite action, and neither the execution nor the performance of this Subcontract by Subcontractor will violate any provision of law, any order of any court or other agency of government, the organizational documents of Subcontractor or any indenture, agreement or other instrument to which Subcontractor is a party, or by which Subcontractor is bound, or be in conflict with, result in a breach of, or constitute (with due notice or lapse of time or both) a default under, or except as may be provided by this Subcontract, result in the creation or imposition of any lien, charge or encumbrance of any nature whatsoever upon any of the property or assets of Subcontractor pursuant to, any such indenture agreement or instrument;

(e) Subcontractor has obtained all licenses, permits and approvals required to perform the Services it will provide under this Subcontract; and

(f) Subcontractor is not under suspension or debarment by the Commonwealth or any other governmental entity, instrumentality or authority.

2. Contractor Representations. Contractor represents and warrants to Subcontractor as follows:

(a) Contractor (i) is duly organized, validly existing and in good standing under the laws of its state of incorporation or organization, (ii) has the power and authority to own its properties and to carry on business as now being conducted, and (iii) has the power to execute and deliver this Subcontract;

(b) The execution and performance by Contractor of the terms and provisions of this Subcontract by Contractor have been duly authorized by all requisite action, and neither the execution nor the performance of this Subcontract will violate any provision of law, any order of any court or other agency of government, the organizational documents of Contractor or any indenture, agreement or other instrument to which Contractor is a party, or by which Contractor is bound, or be in conflict with, result in a breach of, or constitute (with due notice or lapse of time or both) a default under, or except as may be provided by this Subcontract, result in the creation or imposition of any lien, charge or encumbrance of any nature whatsoever upon any of the property or assets of Contractor pursuant to, any such indenture agreement or instrument;

(c) Contractor has obtained all licenses, permits and approvals required to perform the Services to be provided by Contractor under the Prime Contract; and

(d) Contractor is not under suspension or debarment by the Commonwealth or any other governmental entity, instrumentality or authority.

3. Relationship of the Parties. The provisions of this Subcontract are not intended to create, nor shall be deemed or construed to create, any joint venture, partnership or other relationship between Contractor and Subcontractor, other than that of independent entities contracting with each other solely for the purpose of carrying out the provisions of this Subcontract. Neither of the Parties to this Subcontract, nor any of their respective employees, agents, or other representatives, shall be construed to be the agent, employee or representative of the other party. Neither party shall have the authority to bind the other party, nor shall a party be responsible for the acts or omissions of the other party, unless otherwise stated in this Subcontract. Similarly, the Parties expressly acknowledge that neither the Contractor nor the Subcontractor is an agent, employee or representative of the Commonwealth and each party covenants not to represent itself accordingly.

4. Prime Contract Flow-Down.

(a) General. This agreement is a subcontract under the Prime Contract and all provisions of the Prime Contract and any amendments thereto applicable to the Services being performed by the Subcontractor shall extend to and be binding upon the Parties as part of this Subcontract.

(b) Specific. The Parties agree to comply with the following provisions of the Prime Contract, which are incorporated herein by reference:

- (1) The Americans with Disabilities Act Provisions.
- (2) Nondiscrimination/Sexual Harassment Clause.
- (3) Contractor Integrity Provisions.
- (4) Contractor Responsibility Provisions.

(c) **Termination.** Should the Prime Contract be terminated pursuant to the terms and conditions provided in the Procurement, such termination shall have the same effect on this Subcontract. Payment for Services provided as of the date of termination must be made in accordance with the Section 13 of this Subcontract.

(d) **Audit Provisions.** The Commonwealth shall have the right, at reasonable times and at a site designated by the Commonwealth, to audit the books, documents, and records of the Parties to the extent that the books, documents, and records relate to the Parties' compliance with the provisions set forth in subsection (b) above or to the Small Diverse Business or Small Business Commitment effectuated through this Subcontract. The Parties shall preserve such books, documents, and records for a period of three years from the date of final payment hereunder. The Parties shall give full and free access to all such records to the Commonwealth and/or its authorized representatives.

5. **Order of Precedence.** The Letter of Intent, Procurement and Prime Contract are incorporated herein by reference into this Subcontract. In the event of any conflict or inconsistency among the individual components of this Subcontract, such conflict or inconsistency shall be resolved by observing the following order of precedence:

- (a) This Subcontract;
- (b) The Letter of Intent;
- (c) The Prime Contract; and
- (d) The Procurement.

6. **Further Action.** The Parties shall take such actions and complete, execute and deliver any and all documents or instruments necessary to carry out the terms and provisions of this Subcontract, to effectuate the purpose of this Subcontract, and to fulfill the obligations of each party hereunder.

7. **Description of Services.** Subcontractor will perform the following Services for the Contractor which Contractor is obligated to provide to the Commonwealth under the Prime Contract:

[DESCRIBE IN DETAIL THE SPECIFIC SUPPLIES, SERVICES OR CONSTRUCTION THE SUBCONTRACTOR WILL PROVIDE OR PERFORM]

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8. Small Diverse Business or Small Business Commitment. The above-referenced Services represent \_\_\_ % of the final negotiated total cost for the initial term of the Prime Contract. Any proposed change to the Small Diverse Business or Small Business Commitment must be submitted in writing to the Bureau which will make a recommendation to the Commonwealth Contracting Officer regarding a course of action.

9. Performance of Services. Subcontractor may not subcontract more than 50% of the work subcontracted to it hereunder without written permission from the Bureau. Subcontractor will perform the Services strictly in accordance with any applicable plans and specifications as contained in the Prime Contract and the reasonable deadlines set by Contractor in view of the requirements of the Prime Contract, and in a good workmanlike manner consistent with industry standards, meeting all applicable local, state and federal laws, regulations and policies.

10. Location of Services. Subcontractor will provide the Services at the following address(es):

\_\_\_\_\_  
\_\_\_\_\_.

11. Timeframe for Performance of Services. The Services will be provided by Subcontractor during the initial term of the Prime Contract, and during any extensions, options or renewal periods of the Prime Contract exercised by the Commonwealth, as more specifically set forth below:

[IDENTIFY THE SPECIFIC TIME PERIODS DURING THE INITIAL CONTRACT TERM AND EXTENSIONS, OPTIONS AND RENEWALS WHEN THE SUBCONTRACTOR WILL PERFORM COMPONENT SERVICES]

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

12. Pricing of Services. Subcontractor shall provide or perform the Services at the pricing specified in Exhibit \_\_\_ to this Subcontract. [ATTACH A BILL OF MATERIALS, RATE CARD OR OTHER APPROPRIATE COST SHEET COVERING THE SERVICES TO BE PROVIDED.]

13. Payment for Services. Contractor shall exert reasonable and diligent efforts to collect prompt payment from the Commonwealth. Contractor shall pay Subcontractor in proportion to amounts received from the Commonwealth which are attributable to the Services performed by Subcontractor. Contractor shall pay Subcontractor within fourteen (14) days after the Contractor receives such payment from the Commonwealth, unless the parties expressly agree upon a different payment schedule or structure as set forth below:

\_\_\_\_\_

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14. Utilization Reports. Both the Contractor and Subcontractor shall complete Quarterly Utilization Reports (or similar type documents containing the same information) and submit them to the Contracting Officer and to the Bureau within ten (10) business days at the end of each quarter. This information will be used to determine the actual dollar amount paid to Subcontractor and will also serve as a record of fulfillment of Contractor's Small Diverse Business and Small Business Commitments. If there was no activity during the quarter, then the form must be completed by stating "No activity in this quarter." A late fee of \$100.00 per day may be assessed against the Contractor if its Utilization Report is not submitted in accordance with the schedule above.

15. Change Orders. If the Commonwealth issues any change order or other formal contract instrument either expanding or limiting the work to be performed under the Prime Contract, the Parties shall accept such Change Orders. Contractor agrees to provide Subcontractor with written notice of any such change orders that affect the Services to be provided by the Subcontractor hereunder as soon as practical after Contractor receives such notice. Any resulting increase or decrease in the Services, Small Diverse Business or Small Business Commitment provided for in Paragraphs 7 or 8 above must be in writing, mutually agreed to, and signed by both Parties and communicated to the Bureau. If the Parties are unable to reach an agreement regarding any adjustment to the Services, Small Diverse Business or Small Business Commitment necessitated by a Commonwealth Change Order, the Parties must submit the matter in writing to the Bureau which will make a recommendation to the Contracting Officer regarding a course of action.

16. Force Majeure. Neither party will incur any liability to the other if its performance of any obligation under this Subcontract is prevented or delayed by causes beyond its control and without the fault or negligence of either party. Causes beyond a party's control may include, but are not limited to, acts of God or war, changes in controlling law, regulations, orders or the requirements of any governmental entity, severe weather conditions, civil disorders, natural disasters, fire, epidemic and quarantines, general strikes throughout the trade, and freight embargoes. The existence of such causes beyond a party's control shall extend the period for performance to such extent as may be necessary to enable complete performance in the exercise of reasonable diligence after the causes have been removed.

17. Dispute Resolution.

(a) The Parties will attempt to resolve any dispute arising out of or relating to this Subcontract through friendly negotiations.

(1) The Parties expressly acknowledge and confer upon the Bureau and Contracting Officer the authority to adjudicate disputes that the Parties cannot resolve amicably concerning the Parties' compliance with their Small Diverse Business and Small Business Commitments as provided in the Prime Contract and this Subcontract.

(2) The Bureau may recommend to the Contracting Officer a range of sanctions it deems appropriate if the Bureau determines a party has failed to satisfy or perform its Small Diverse Business or Small Business commitment. Such sanctions include, but are not limited to, one or more of the following: a determination that the party is not responsible under the Contractor Responsibility Program; withholding of Prime Contract and/or Subcontract payments; suspension or termination of the Prime Contract and/or Subcontract together with consequential damages; revocation of the party's Small Business self-certification status and/or Small Diverse Business verification status; and/or suspension or debarment of one or both parties from future contracting opportunities with the Commonwealth.

(3) The Parties' acknowledge that their prior performance in meeting their Small Diverse Businesses and Small Businesses contractual obligations will be considered by the Bureau during future procurement scoring processes. To the extent a party has failed to meet prior contractual commitments, the Bureau may recommend to the Issuing Office that the party be determined non-responsible for the limited purpose of eligibility to receive SDB/SB points or consideration as a qualified Small Diverse Business or Small Business.

(b) Nothing herein shall be construed to prevent either party from seeking such relief as provided by law in a court or tribunal of competent jurisdiction.

18. Notices. Any written notice to any party under this Subcontract shall be deemed sufficient if delivered personally, or by facsimile, telecopy, electronic or digital transmission (provided such delivery is confirmed), or by a recognized overnight courier service (e.g., DHL, Federal Express, etc.) with confirmed receipt, or by certified or registered United States mail, postage prepaid, return receipt requested, and sent to the following:

If to Contractor:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If to Subcontractor:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

19. Waiver. No waiver by either party of any breach of this Subcontract shall be deemed to waive any other breach. No acceptance of payment or performance after any breach shall be deemed a waiver of any breach. No failure or delay to exercise any right by a party upon another's default shall prevent that party from later exercising that right, nor shall such failure or delay operate as a waiver of any default.

20. Severability. If any provision of this Subcontract shall be held to be invalid or unenforceable for any reason, the remaining provisions shall continue to be valid and enforceable. If a court finds that any provision of this Subcontract is invalid or unenforceable, but that by limiting such provision it would become valid and enforceable, then such provision shall be deemed to be written, construed, and enforced as so limited.
21. Assignment. Neither party may assign or transfer this Subcontract without the prior written consent of the Commonwealth. If Contractor's Prime Contract with the Commonwealth is assigned to another contractor, the new contractor must maintain the Small Diverse Business and Small Business Commitment set forth in the Prime Contract as implemented through this Subcontract.
22. Applicable Law. This Subcontract shall be governed by the laws of the Commonwealth of Pennsylvania.
23. Entire Agreement. This Subcontract constitutes the entire agreement of the Parties regarding the subject of this Subcontract as of the date of execution. No other agreement or understandings, verbal or written, expressed or implied, are a part of this Subcontract unless specified herein.
24. Amendment. This Subcontract may be modified or amended only if made in writing and signed by both Parties. Any proposed change to the Contractor's Small Diverse Business or Small Business Commitment to Subcontractor must be submitted in writing to the Bureau which will make a recommendation to the Contracting Officer regarding a course of action.
25. Binding Effect. This Subcontract shall be binding upon, and inure to the benefit of, the Parties and their respective heirs, representatives, successors and assigns.
26. Counterparts. This Subcontract may be executed by the Parties in counterparts, each of which together shall be deemed an original but all of which together shall constitute one and the same instrument. A party's delivery of a duly executed signature page of this Subcontract in electronic format shall have the same force and effect as delivery of an original signature page.

### **ADDITIONAL TERMS AND CONDITIONS**

[THE PARTIES MAY INCLUDE ADDITIONAL TERMS AND CONDITIONS APPROPRIATE FOR THE SERVICES TO BE PROVIDED SO LONG AS THEY ARE COMMERCIALY REASONABLE TERMS FOR THE APPLICABLE BUSINESS OR INDUSTRY, ARE NO LESS FAVORABLE THAN THE TERMS OF THE PRIME CONTRACT, AND DO NOT PLACE DISPROPORTIONATE RISK ON THE SMALL DIVERSE BUSINESS OR SMALL BUSINESS RELATIVE TO THE NATURE AND LEVEL OF THE SMALL DIVERSE BUSINESS' OR SMALL BUSINESS' PARTICIPATION IN THE PROJECT. SUCH TERMS MAY INCLUDE:

Background Checks  
Confidentiality/Disclosure of Information

- Data Security
- Insurance
- Invoicing Requirements
- Environmental Protection
- Intellectual Property Rights
- Record Retention/Audits
- Service Level Agreements (SLAs) (consistent with Prime Contract SLAs)
- Public Works Construction Requirements (including Bonding, E-Verify, Prevailing Wage, and Prompt Payment provisions)

**IN WITNESS WHEREOF**, the Parties hereto have caused this Subcontract to be executed by their duly authorized officers as set forth below.

Contractor

Subcontractor

*Insert Company Name*

*Insert Company Name*

By: \_\_\_\_\_  
Signature

By: \_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

[Pa.B. Doc. No. 19-862. Filed for public inspection June 7, 2019, 9:00 a.m.]

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Applications, Actions and Special Notices**

**APPLICATIONS**

**THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT  
APPLICATIONS FOR NATIONAL POLLUTANT DISCHARGE ELIMINATION  
SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM)  
PERMITS**

This notice provides information about persons who have applied for a new, amended or renewed NPDES or WQM permit, a permit waiver for certain stormwater discharges or submitted a Notice of Intent (NOI) for coverage under a General Permit. The applications concern, but are not limited to, discharges regarding industrial, animal or sewage waste, discharges to groundwater, discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities or concentrated animal feeding operations (CAFO). This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).



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

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

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

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

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

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

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

### **I. NPDES Renewal Applications.**

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

<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>
PA0084107 SW	Cycle Chem, Inc. 550 Industrial Drive Lewisberry, PA 17339-9537	York/ Fairview Township	UNT Fishing Creek (7F)	Y
PA0086312 SEW	Quaker Station Apartments 623 Old Quaker Road Lewisberry, PA 17339	York/ Fairview Township	UNT Bennett Run (7F)	Y
PA0248568 SEW	Barbara & James Angelo Residence 12295 Turkey Farm Road Huntingdon, PA 16647	Huntingdon/ Walker Township	UNT Crooked Creek (11B)	Y
PA0083992 SEW	Dolores J. Carrigan 112 Pond View Lane Clearville, PA 15535-8418	Bedford/ Southampton Township	Wills/Town Creeks (13A)	Y
PA0082163 SEW	New Life for Girls P.O. Box 2170 Dover, PA 17315-0170	York/ Conewago Township	UNT Laurel Run (7F)	Y
PA0086932 SEW	Yorkana MHP P.O. Box 247 Silver Springs, PA 17575	York/ Lower Windsor Township	UNT Cabin Creek (7I)	Y
PA0055352 SEW	Berks Properties, Inc. 3613 Seisholtzville Rd Hereford, PA 18056	Berks/ Hereford Township	W. Branch Perkioment Creek (3E)	Y
Pa0261106 INDUSTRIAL	Voith Seimens Hydro 716 East Berlin Road York, PA 17408	York/ West Manchester Township	Codorus Creek (7H)	Y

*Northcentral Region: Clean Water Program Manager, 208 West Third Street, Williamsport, PA 17701.*

<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>
PA0101427 (Sewage)	Brian J. Buchsen 383 Irish Farm Road Coudersport, PA 16915-8095	Potter County Sweden Township	UNT to Trout Run (HQ-CWF) (16-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>
PA0025810 (Sewage)	Shade Central City Joint Authority 429 Sunshine Avenue Central City, PA 15926	Somerset County Shade Township	Dark Shade Creek (CWF) (18-E)	No

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

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

**PA0276197**, Storm Water, SIC Code 3089, **Ico Polymers North American Inc.**, 6355 Farm Bureau Road, Allentown, PA 18106. Facility Name: ICO Polymers North America Inc. This proposed facility is located in Upper Macungie Township, **Lehigh County**.

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

The receiving stream(s), Unnamed Tributary to Cedar Creek (HQ-CWF, MF), is located in State Water Plan watershed 2-C and is classified for High Quality—Cold Water and Migratory Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	100.0	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

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.

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

**PA0247910**, Sewage, SIC Code 4952, **Bethel Township Municipal Authority Berks County**, P.O. Box 274, Bethel, PA 19507-0274. Facility Name: Bethel Township Frystown STP. This existing facility is located in Bethel 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), Little Swatara Creek (CWF), is located in State Water Plan watershed 7-D and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .0724 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	15.0	24.0	XXX	25.0	40.0	50.0

Parameters	Mass Units (lbs/day)		Instant. Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Biochemical Oxygen Demand (BOD <sub>5</sub> )						
Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids	18.0	27.0	XXX	30.0	45.0	60.0
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	Report	XXX	Report
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N (Total Load, lbs) (lbs)	Report	XXX	XXX	XXX	XXX	XXX
Total Nitrogen	Total Mo	XXX	XXX	Report	XXX	XXX
Total Nitrogen (Total Load, lbs) (lbs)	Report	XXX	XXX	XXX	XXX	XXX
Ammonia-Nitrogen	Total Mo					
Nov 1 - Apr 30	Report	XXX	XXX	Report	XXX	XXX
May 1 - Oct 31	Report	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen (Total Load, lbs) (lbs)	Report	XXX	XXX	XXX	XXX	XXX
Total Kjeldahl Nitrogen	Total Mo	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen (Total Load, lbs) (lbs)	Report	XXX	XXX	XXX	XXX	XXX
Total Phosphorus	Total Mo					
Total Phosphorus (Total Load, lbs) (lbs)	Report	XXX	XXX	Report	XXX	XXX
	Report	XXX	XXX	XXX	XXX	XXX

Sludge use and disposal description and location(s): Offsite disposal at another treatment facility.

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

- N/A

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.**

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

**WQM Permit No. 1319401**, Sewage, **Blue Ridge Real Estate Co. Jack Frost STP**, P.O. Box 707, Blakeslee, PA 18610-0707.

This proposed facility is located in Kidder Township, **Carbon County**.

Description of Proposed Action/Activity: Treatment Plant modification involving new grinder pumps in aerated equalization tank.

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

**WQM Permit No. 0719403**, Sewerage, **Frankstown Township**.

This proposed facility is located in Frankstown Township, **Blair County**.

Description of Proposed Action/Activity: Replacement of existing sanitary sewer.

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

**WQM Permit No. 2519413**, Sewage, **Mark Gennuso**, 5371 Bear Creek Road, Fairview, PA 16415.

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

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

**WQM Permit No. 1619402**, Sewage, **PA American Water Co.**, 425 Waterworks Road, Clarion, PA 16214-2343.

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

Description of Proposed Action/Activity: Replacement of an existing lift station and wastewater conveyance system sewers.

**WQM Permit No. 4319406**, Sewage, **Ashley & Timothy Blodgett**, 2914 Mercer Butler Pike, Slippery Rock, PA 16057.

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

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

**WQM Permit No. 4369409 A-1**, Sewage, **Henions Family Enterprise LLC**, 1337 Butler Pike, Mercer, PA 16137-6211.

This existing facility is located in Findley Township, **Mercer County**.

Description of Proposed Action/Activity: Upgrade wastewater treatment plant to add flow equalization, aeration/clarifier tanks and a sludge holding tank.

**WQM Permit No. 3298401 A-1**, Sewage, **John & Lynae Williams**, 2212 Anthony Run Road, Indiana, PA 15701-4413.

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

Description of Proposed Action/Activity: Installation of sodium bisulfite tablet feeder and air diffuser.

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD390118	Prologis LP 1 Meadowlands Plaza Ste 100 East Rutherford, PA 07073	Lehigh	Alburtis Boro Lower Macungie Twp	Swabia Creek (HQ-CWF, MF)
PAD390128	Lehigh Carbon Community College 4525 Education Park Dr Schnecksville, PA 18078	Lehigh	N Whitehall Twp	UNT to Jordan Creek (HQ-CWF, MF)

*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>
PAD480044 A-1	Michael Tuskes Stone Creek Development Corp 4511 Falmer Dr Bethlehem, PA 18020	Northampton	Upper Nazareth Twp	Monocacy Creek (HQ-CWF, MF)

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

<i>Permit No.</i>	<i>Applicant &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Stream Name</i>
PAD300008	Contura Pennsylvania Land, LLC P.O. Box 1020 Waynesburg, PA 15370	Greene County	Center Township	Pursley Creek (HQ-WWF); Stewart Run (HQ-WWF)
PAD630040	Washington County Planning Commission 100 West Beau Street Suite 701 Washington, PA 15301	Washington County	Cross Creek Township	Cross Creek (HQ-WWF)

*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.*

*Crawford County Conservation District, 21742 German Road, Meadville, PA 16335, 814-763-5269.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD320005	Hillsdale Mennonite Church 112 Winemiller Lane Clymer, PA 15728	Indiana	Green Township	Cush Cushion Creek HQ-CWF

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD200006	LORD Corporation 601 South Street Saegertown, PA 16433	Crawford	Saegertown Borough	Woodcock Creek CWF

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


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PAG-12            CAFOs

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**CAFO Notices of Intent Received.**


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

**NPDES Permit No. PA0233846**, CAFO, **Drew E Remley**, 1170 Salt Spring Road, Roaring Branch, PA 17765-8824.

This existing facility is located in Liberty Township, **Tioga County**.

Description of size and scope of existing operation/activity: Beef (Finishing), Swine (Finishing): 1,583.56 AEUs.

The receiving stream, Unnamed Tributary to Salt Spring Run (EV (existing use)), is in watershed 10-A and classified for: High Quality—Cold Water, High Quality Waters—Cold Water Fishes, and Migratory Fish.

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

**NPDES Permit No. PA0260631**, CAFO, **Peach Glen Farm LLC**, 367 Georgetown Road, Gardners, PA 17324-9066.

This existing facility is located in Dickinson Township, **Cumberland County**.

Description of size and scope of existing operation/activity: Swine (Grow—Finish), Poultry (Turkey): 546.54 AEUs.

The receiving stream, Unnamed Tributary to Tagg Run (HQ-CWF, MF) and Unnamed Tributary to Tagg Run (HQ-CWF), is in watershed 7-E and classified for: High Quality—Cold Water, High Quality Waters—Cold Water Fishes, and Migratory Fish.

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

**NPDES Permit No. PAG123887**, CAFO, **Malcolm J. Sonnen**, 101 Sonnens Road, Richland, PA 17087-9401.

This proposed facility is located in Millcreek Township, **Lebanon County**.

Description of size and scope of proposed operation/activity: Poultry (Layers): 239.96.

The receiving stream, Unnamed Tributary to Mill Creek (TSE, MF), is in watershed 3-C and classified for: Migratory Fishes and Trout Stocking.

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

**NPDES Permit No. PA0246468**, CAFO, **Virgil Gutshall Jr.**, 1400 Fowler Hollow Road, Blain, PA 17006-6260.

This existing facility is located in Jackson Township, **Perry County**.

Description of size and scope of existing operation/activity: Swine (Grow—Finish): 386.59 AEUs.

The receiving stream, Unnamed Tributary to Sherman Creek (HQ-CWF, MF) and Unnamed Tributary to Sherman Creek (HQ-CWF), is in watershed 7-A and classified for: High Quality—Cold Water, High Quality Waters—Cold Water Fishes, and Migratory Fish.

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

**Application No. PA0281727**, Concentrated Animal Feeding Operation (CAFO), **Hamilton Farms LLC (Hamilton Farm LLC CAFO)**, 10049 Ferguson Valley Road, Lewistown, PA 17044-8601.

Hamilton Farms LLC has submitted an application for an Individual NPDES permit for a new CAFO known as Hamilton Farm LLC CAFO, located in Adams Township, **Snyder County**.

The CAFO is situated near Unnamed Tributary of North Branch Middle Creek (CWF, MF) in Watershed 6-A, which is classified for Cold Water Fishes and Migratory Fishes. The CAFO is designed to maintain an animal population of approximately 756.74 animal equivalent units (AEUs) consisting of 5,400 finishing swine. Manure is collected in separate reception pits that are located underbarn which ultimately feed the manure to the HDPE lagoon outside of the barns. A release or discharge to waters of the Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 100-year, 24-hour storm event.

The Department has conducted administrative and technical reviews of the application. Based on the preliminary review and application of lawful standards and regulations, the Department has made a tentative determination to issue an NPDES permit for the operation subject to the terms and conditions and monitoring and reporting requirements specified in the permit.

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

The Environmental Protection Agency (EPA) permit waiver provision under 40 CFR 123.24(e) does not apply to this NPDES permit.

## 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>
Jeffrey & Christopher Werner Werner Acres LLC 897 North Lancaster Street Jonestown, PA 17038	Lebanon	728.7	775.56	Poultry Rabbits	NA	Renewal
Kulp Family Dairy LLC 1691 Millerstown Rd Martinsburg, PA 16662	Blair, Bedford	2,577.9	4,606.6	Dairy C	Clover Creek—HQ Yellow Creek—HQ Middle Run—HQ	Renewal
Dry Run Farm, LP 18104 Stone Bridge Road Spring Run, PA 17262	Franklin	5.2	328.19	Swine	None	Renewal
Country View Family Farms, LLC Willow Hill Farm 12598 Creek Road Fannettsburg, PA 17221	Franklin	121	3,271.5	Swine	NA	Renewal

<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>
Country View Family Farms, LLC New Hope Farm 23177 Back Road Concord, PA 17217	Franklin	29	3,001.95	Swine	NA	Renewal
Flintrock Farms Dan Heller 16 East Brubaker Valley Road Lititz, PA 17543	Lancaster	51.6	650.5	Broilers/ Horses	NA	R
Windy Ridge Breeder Farm 166 Dugan Lane Lock Haven, PA 17745	Clinton	134.2 (17.9 available for manure)	275.86	Poultry	HQ-CWF	Renewal
Aspen Perry Farm 2127 Oak Hall Road Newport, PA 17074	Perry	85.9	2,061.92	Swine	HQ CWF	Renewal
Linford Snyder 3304 Mountain Road Hamburg, PA 19526	Berks	303.4	254.92	Layers Sheep Steers	N/A	Renewal

**PUBLIC WATER SUPPLY (PWS) PERMITS**

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

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

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

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

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

**SAFE DRINKING WATER**

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

*Northeast Region: Safe Drinking Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

**Application No. 5219501, Public Water Supply.**

Applicant	<b>Aqua Pennsylvania, Inc.</b> 1775 North Main Street Honesdale, PA 18431
Municipality	Palmyra Township
County	<b>Pike</b>
Type of Facility	Public Water Supply
Consulting Engineer	Daniel Hopkins, P.E. Entech Engineering, Inc. 201 Penn Street Suite 3 P.O. Box 32 Reading, PA 19601
Application Received Date	May 16, 2019
Description of Action	The applicant is proposing to replace the existing Woodmont Water System well house with a new above-ground well house. The existing facilities will be demolished and the storage and hydro-pneumatic tanks will be removed and taken out of service. The proposed project includes the following work: new yard piping from the existing well to the new well house; a new 36-inch diameter, 15-foot long chlorine contact pipe; a new 1,150 gallon vertical storage tank; two (2) new booster pumps and a new 264 gallon hydro-pneumatic storage tank; and a phosphate feed system for corrosion control.

**Application No. 4519504**, Public Water Supply.

Applicant **Brookdale Enterprises LLC**  
2455 Back Mountain Road  
Scotrun, PA 18355-7758

Municipality Pocono Township  
County **Monroe**

Responsible Official Robert Hackenberg, President  
Type of Facility Public Water Supply  
Consulting Engineer Sarah Bue-Morris, P.E.  
Bue-Morris Associates Inc.  
P.O. Box 201  
Newfoundland, PA 18445-0201

Application Received Date May 17, 2019

Description of Action This application proposes water system rehabilitation, including corrosion control treatment for lead and copper by addition of caustic soda and ortho/poly phosphate, for a nontransient noncommunity water system. The system is supplied by three wells, Wells # 1, # 2 and # 5.

*Southcentral Region: Safe Drinking Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Permit No. 0618518**, Public Water Supply.

Applicant **Hamburg Commerce Park, Inc**

Municipality Perry Township  
County **Berks**

Responsible Official Anthony Scarcia  
Authorized Representative  
74 West Broad Street  
Bethlehem, PA 18018

Type of Facility Public Water Supply  
Consulting Engineer Jeremy S. Madaras, P.E.  
J.S. Madaras Consulting LLC  
250 Indian Lane  
Boyertown, PA 19512

Application Withdrawn: 5/22/2019

Description of Action Construction of a new water system consisting of one (1) groundwater well rated for 65 gpm, 5-micron cartridge filtration, water softening for hardness removal, sodium hypochlorite disinfection with 4-log treatment of viruses, pH adjustment with sodium hydroxide for general corrosion control, a 750-gallon finished water storage tank, booster pump station, distribution system, and a 300,000-gallon elevated water storage tank. The system is poised to eventually interconnect with the Perry Township Municipal Authority.

**Permit No. 6718512**, Public Water Supply.

Applicant **The York Water Company**

Municipality York Township  
County **York**

Responsible Official Mark S. Snyder  
Engineering Manager  
130 East Market Street  
P.O. Box 15089  
York, PA 17405-7089

Type of Facility Public Water Supply  
Consulting Engineer Mark S. Snyder, P.E.  
The York Water Company  
130 East Market Street  
P.O. Box 15089  
York, PA 17405-7089

Application Withdrawn: 5/22/2019

Description of Action An interconnect will be installed which will enable the Dallastown-Yoe Water Authority to purchase up to 250,000 gallons per day from the York Water Company.

*Southwest Region: Safe Drinking Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Permit No. 0419508**, Public Water Supply.

Applicant **UMH Properties, Inc.**  
150 Clay Street  
Suite 450  
Morgantown, WV 26501

[Township or Borough] Independence Township  
Responsible Official Jeffrey V. Yorick  
Vice President of Engineering  
UMH Properties, Inc.  
150 Clay Street  
Suite 450  
Morgantown, WV 26501

Type of Facility Independence MHP  
Consulting Engineer Harshman CE Group, LLC  
100 Courson Hill Road  
Washington, PA 15301

Application Received Date May 6, 2019

Description of Action Modification of the permitted production capacity of Well # 6; installation of greensand filters and the addition of sodium hypochlorite.

**Permit No. 0219512**, Public Water Supply.

Applicant **Wilksburg Penn Joint Water Authority**  
2200 Robinson Boulevard  
Pittsburgh, PA 15221

[Township or Borough] City of Pittsburgh and Penn Hills Township  
Responsible Official Nick Bianchi, Executive Director  
Wilksburg Penn Joint Water Authority  
2200 Robinson Boulevard  
Pittsburgh, PA 15221



Type of Facility Water system  
 Consulting Engineer MS Consultants, Inc.  
 Airport Office Park 4  
 Second Floor  
 333 Rouser Road  
 Coraopolis, PA 15221  
 Application Received Date May 24, 2019  
 Description of Action Installation of mixing systems in  
 the Braddock Hills Water Tanks  
 A and B; and the Lougeay Water  
 Tank.

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

**Permit No. 4310505-MA1, Public Water Supply.**

Applicant **Aqua Pennsylvania, Inc.**  
 Township or Borough City of Sharon  
 County **Mercer County**  
 Responsible Official Patrick Burke  
 Type of Facility Public Water Supply  
 Consulting Engineer Jason Marie  
 Mott MacDonald  
 325 Chestnut Street  
 Philadelphia, PA 19106

Application Received Date May 15, 2019

Description of Action Use of existing UV system for  
 disinfection credits.

**Permit No. 3790501-MA8, Public Water Supply.**

Applicant **PA American Water Company**  
 Township or Borough Ellwood City Borough  
 County **Lawrence County**  
 Responsible Official Ralph Wawrzyniakowski  
 Type of Facility Public Water Supply  
 Consulting Engineer Kristina Marshall  
 Application Received Date May 16, 2019  
 Description of Action Rehabilitation of West Side  
 Tank.

**Permit No. 4397502-T1-MA4, Public Water Supply.**

Applicant **Aqua PA, Inc.**  
 Township or Borough City of Sharon  
 County **Mercer**  
 Responsible Official James Willard  
 Type of Facility Public Water Supply  
 Consulting Engineer Mark Widdersheim  
 Entech Engineering  
 400 Rouser Road  
 Coraopolis, PA 15108

Application Received Date May 16, 2019

Description of Action Operational adjustments to  
 remain in compliance with Bin 2  
 LT2 Classification.

**MINOR AMENDMENT**

**Applications Received Under the Pennsylvania Safe  
 Drinking Water Act.**

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

**Application No. 3019503MA, Minor Amendment.**

Applicant **Southwestern Pennsylvania  
 Water Authority**  
 1442 Jefferson Road  
 Jefferson, PA 15344

[Township or Borough] Center Township

Responsible Official Timothy Faddis, Manager  
 Southwestern Pennsylvania  
 Water Authority  
 1442 Jefferson Road  
 Jefferson, PA 15344

Type of Facility Water system

Consulting Engineer Bankson Engineers, Inc.  
 267 Blue Run Road  
 Suite 200  
 Cheswick, PA 15024

Application Received Date May 20, 2019

Description of Action Installation of the CNX Center  
 Township water meter vault.

**Application No. 3013501WMP23, Minor Amendment.**

Applicant **Southwestern Pennsylvania  
 Water Authority**  
 1442 Jefferson Road  
 Jefferson, PA 15344

[Township or Borough] Center Township

Responsible Official Timothy Faddis, Manager  
 Southwestern Pennsylvania  
 Water Authority  
 1442 Jefferson Road  
 Jefferson, PA 15344

Type of Facility Water system

Consulting Engineer Bankson Engineers, Inc.  
 267 Blue Run Road  
 Suite 200  
 Cheswick, PA 15024

Application Received Date May 20, 2019

Description of Action Proposed CNX Center Township  
 water meter vault as a bulk  
 water load-out station.

**Application No. 3019504MA, Minor Amendment.**

Applicant **Southwestern Pennsylvania  
 Water Authority**  
 1442 Jefferson Road  
 Jefferson, PA 15344

[Township or Borough] Richhill Township

Responsible Official Timothy Faddis, Manager  
 Southwestern Pennsylvania  
 Water Authority  
 1442 Jefferson Road  
 Jefferson, PA 15344

Type of Facility Water system

Consulting Engineer Bankson Engineers, Inc.  
267 Blue Run Road  
Suite 200  
Cheswick, PA 15024

Application Received Date May 20, 2019

Description of Action Installation of the RHL8  
Crabapple water meter vault.

**Application No. 3013501WMP24**, Minor Amendment.

Applicant **Southwestern Pennsylvania  
Water Authority**  
1442 Jefferson Road  
Jefferson, PA 15344

[Township or Borough] Richhill Township

Responsible Official Timothy Faddis, Manager  
Southwestern Pennsylvania  
Water Authority  
1442 Jefferson Road  
Jefferson, PA 15344

Type of Facility Water system

Consulting Engineer Bankson Engineers, Inc.  
267 Blue Run Road  
Suite 200  
Cheswick, PA 15024

Application Received Date May 20, 2019

Description of Action Proposed RHL8 Crabapple water  
meter vault as a bulk water  
load-out station.

**Application No. 0418502GWR-1**, Minor Amendment.

Applicant **UMH Properties, Inc.**  
150 Clay Street  
Suite 450  
Morgantown, WV 26501

[Township or Borough] Independence Township

Responsible Official Jeffrey V. Yorick  
Vice President of Engineering  
UMH Properties, Inc.  
150 Clay Street  
Suite 450  
Morgantown, WV 26501

Type of Facility Independence MHP

Consulting Engineer Harshman CE Group, LLC  
100 Courson Hill Road  
Washington, PA 15301

Application Received Date May 6, 2019

Description of Action Modification of the groundwater  
approval permit to include the  
proposed production capacity  
change for Well # 6.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 1

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P.S. §§ 6026.302—6026.305) require the Department to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. A person intending to use the background standard, Statewide health standard, the site-specific standard or intend to remediate a site as a special industrial area shall file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of cleanup standards or receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the following site, proposed for remediation to a site-specific standard or as a special industrial area, the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified as follows. During this comment period, the municipality may request that the person identified as the remediator of the site develop and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

For further information concerning the content of a Notice of Intent to Remediate, contact the environmental cleanup program manager in the Department regional office listed before the notice. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following Notices of Intent to Remediate:

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

**Pocono Mobile Home Estates-Seclow Property**, 346 Upper PMHE South Drive, Middle Smithfield Township, **Monroe County**. Geological & Environmental Associates, 430 West Mountain Road, Plymouth, PA 18651, on behalf of April Seclow, 346 Upper PMHE South Drive, East Stroudsburg, PA 18302, submitted a Notice of Intent to Remediate. Soil contamination was caused by a release from an aboveground storage tank that contained heating

oil. Future use of the site will be residential. The Notice of Intent to Remediate was published in the *Pocono Record* on May 9, 2019.

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

**Sondh Freight Systems Diesel Fuel & Motor Oil Cleanup**, US Route 15N near River Road, Lewisburg, East Buffalo Township, **Union County**. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857, on behalf of Sondh Freight Systems, Inc., 135 Oatfield Road, Brampton, ON L6R 1Y6, has submitted a Notice of Intent to Remediate site soil contaminated with diesel fuel and motor oil. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was published in *The Daily Item* on May 1, 2019.

#### MUNICIPAL WASTE GENERAL PERMITS

**Application(s) Received Under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities and the Beneficial Use of Municipal Waste.**

*Northeast Region: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

**General Permit Application No. WMGM039. Crushcrete Inc.**, 1035 Mauch Chunk Road, Bethlehem, PA 18018. A permit renewal application for continued coverage under General Permit WMGM039 for the recycling and beneficial use of pre- and post-consumer asphalt roofing shingles to be used as an ingredient in asphalt paving materials, a component in subbase material, dust control, and as a component and/or ingredient in fuel. The facility is located in the City of Bethlehem, **Northampton County**. The application was received by the Regional Office on May 16, 2019 and deemed administratively complete on May 20, 2019.

Comments concerning the application should be directed to Roger Bellas, Environmental Program Manager, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915 at 570-826-2511. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

**Renewal Application(s) received under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities and the Beneficial Use of Municipal Waste.**

*Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**General Permit Application No. WMGM039SC006. Blair County Resource Recovery Facility, Inc.** has submitted a general permit renewal application for its facility located at 1356 Old Fifth Ave. Road, Altoona, PA 16603 in Logan Township, **Blair County**. This general permit authorizes the processing and beneficial use of post-consumer asphalt shingles and pre-consumer asphalt shingles as an ingredient in hot-mix and cold-mix asphalt paving material, a component of a sub-base material, as

dust control on rural roads when applied with a binder, and as a component or ingredient in fuel used in cement or manufacturing or in the generation of electricity or steam. The application for renewal was determined to be complete on May 28, 2019.

Persons interested in obtaining more information about the general permit renewal application may contact Mr. John Oren, PE, Permits Section Chief, Southcentral Regional Office, Waste Management Program at 717-705-4706. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

#### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

**Application Received Under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

*Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401.*

**Permit Application No. 101710. Envirowaste, LLC**, 13 Pattison Avenue, Philadelphia, PA 19148-5607. This major permit modification application proposes several modifications at the Envirowaste, LLC Municipal Solid Waste (MSW) and Construction/Demolition Waste (C&D) Transfer Facility, located at 13 Pattison Avenue, City and **County of Philadelphia**. Proposed modifications include the following: a) increase the total daily waste limit for direct transfer and processing from 1,000 tons per day to 1,400 tons per day; b) restrict the daily limit for C&D waste processed under General Permit No. WMGM043SE001 to 200 tons per day; c) allow acceptance of up to 1,200 tons per day of either MSW received from private collectors or C&D for direct transfer only; d) expand and improve the transfer/processing building to accommodate the increase in the daily volume and provide additional storage; and e) reduce the DEP authorized permit boundary, eliminating outside storage of processed materials under WMGM043SE001. The application was received by the Southeast Regional Office on May 17, 2019.

Comments concerning the application should be directed to the Waste Management Program Manager, Department of Environmental Protection (DEP) 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

#### 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

**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.**

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481. Contact: David Balog, New Source Review Chief—Telephone: 814-332-6328.*

**10-335D: Penn United Technologies** (795 N. Pike Road, Cabot, PA 16023), for the proposed construction of a dipping operation with hot air chamber controlled by a thermal oxidizer in Jefferson Township, **Butler County**. This is a State Only 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.**

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

*Contact: James A. Beach, New Source Review Chief—Telephone: 484-250-5920.*

**09-0142E: Bank of America National Association** (35 Runaway Drive, Levittown, PA 19057-4700). Plan approval application for the modification of the engine-specific operating hour limits to combined group-level operating hour limits at their data center facility in Bristol Township, **Bucks County**. This will allow flexibility in their operation while maintaining the existing emission limits. As a result of potential emissions of NO<sub>x</sub> and VOC, the facility remains as a State-Only facility. The Plan Approval will contain recordkeeping requirements and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

*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.*

**28-05015C: Blue Ridge Landfill Co.** (P.O. Box 399, Scotland, PA 17254-0399) for the Blue Ridge Landfill in Greene Township, **Franklin County**. Plan Approval No. 28-05015C will authorize installation of a new enclosed landfill gas flare. The estimated potential emissions from the new flare, at the gas flow rate of 2,500 scfm, will be NO<sub>x</sub> 19.7 tpy, CO 65.7 tpy, SO<sub>x</sub> 32.2 tpy, VOC 0.7 tpy, 5.6 tpy of PM<sub>10</sub>, and 1.4 tpy HAPs. Review by DEP 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. The plan approval will include provisions derived from 40 CFR Subpart XXX—Standards of Performance for Municipal Solid Waste Landfills That Commenced Construction, Reconstruction, or Modification After July 17, 2014, and 40 CFR Part 63, Subpart AAAA—National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills. 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 Title V Operating Permit pursuant to the administrative amendment provisions of 25 Pa. Code § 127.450.

OPERATING PERMITS

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

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

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

**46-00048: Wyeth Pharmaceuticals** (500 Arcola Road, Colleagueville, PA 19426) for renewal of the Title V Operating Permit for its corporate, subsidiary, and regional management offices in Upper Providence Township, **Montgomery County**. Wyeth Pharmaceuticals is a major facility for nitrogen oxide (NO<sub>x</sub>) emissions. The facility is comprised of five (5) dual-fired boilers and nine (9) diesel-fired emergency electric generators. There have been no changes to any of the existing sources at the facility. There have been no new sources added. The renewal does not authorize any increase in air emissions of regulated pollutants above previously approved levels. The permit will include monitoring, record keeping, and reporting requirements designed to address all applicable air quality requirements.

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

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

**25-00783: Haysite Reinforced Plastics, LLC** (5599 Perry Highway, Erie, PA 16509). In accordance with 25 Pa. Code §§ 129.96—129.100, the Pennsylvania Department of Environmental Protection (the Department) has made a preliminary determination to approve an alternate Reasonably Available Control Technology (RACT II) plan and seeks approval of an amendment to the State Implementation Plan (SIP) for the plastics manufacturing facility owned and operated by Haysite Reinforced Plastics, LLC, in Millcreek Township, **Erie County**. And in accordance with 25 Pa. Code § 127.521, the Department of Environmental Protection intends to re-issue a Title V Operating Permit for the facility. The facility is located at 5599 Perry Highway, Erie, PA 16509. The facility's repre-

sentative to contact concerning this application is Heather Ravenscroft, Environmental Compliance Manager.

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

The proposed amendments to the RACT II determination, if finally approved, will be incorporated into the revised operating permit for the facility. The relevant RACT II requirements will be submitted to the U.S. Environmental Protection Agency (EPA) as a revision to Pennsylvania's SIP and will remain in effect until replaced pursuant to 40 CFR 51 and approval by the EPA. Requirements that are not part of the RACT II determination will be excluded from the SIP submittal; this includes the provisions of the Department's presumptive RACT II requirements in accordance with 25 Pa. Code § 129.97, as they apply to existing sources at this facility.

The facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments due to its potential to emit VOC and HAP. The facility is therefore subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapter G.

The facility's emission sources include two 4 million Btu/hr natural gas fueled boilers; 10 natural gas fueled space heaters and 5 natural gas fueled furnaces, all rated 250,000 Btu/hr or less; 9 flat sheet molding presses; 14 compression molding machines; 5 pultrusion molding machines and saws; a sheet molding compound machine; a mix room; and a sheet sander and a panel saw. The facility is a major facility due to its potential to emit Styrene, both a HAP and a VOC. Actual 2018 emissions are as follows: 24.15 tons VOC, 24.07 tons HAPs, 1.52 ton NO<sub>x</sub>, 0.01 ton SO<sub>x</sub>, 1.28 ton CO, and 0.12 ton PM<sub>10</sub>. This facility is subject to 40 CFR Part 63 Subpart WWWW, NESHAPs for Reinforced Plastic Composites Production. The facility also has a 30 hp natural gas fueled emergency generator subject to 40 CFR Part 63 Subpart ZZZZ.

The following is a summary of the proposed amendments to the RACT II determination for this facility that will be submitted to the EPA as a SIP revision:

Source	RACT II Requirement
Flat Sheet Molding:	<ul style="list-style-type: none"> <li>VOC emissions shall not exceed 58.995 tpy based on an emission factor of 7.68 # of VOC/ton product.</li> <li>Emissions shall not exceed 9.22 # of VOC/ton product.</li> </ul>
Compression Molding:	<ul style="list-style-type: none"> <li>VOC emissions shall not exceed 17.16 tpy based on an emission factor of 7.69 # of VOC/ton product.</li> <li>Emissions shall not exceed 9.23 # of VOC/ton product.</li> </ul>
Pultrusion Molding:	<ul style="list-style-type: none"> <li>VOC emissions shall not exceed 108.51 tpy based on an emission factor of 17.92 # of VOC/ton product for Pullers 3 &amp; 4 and based on an emission factor of 7.17 # of VOC/ton product for Puller 5 &amp; 6.</li> <li>Emissions shall not exceed 21.50 # of VOC/ton product for Puller 3 &amp; 4.</li> <li>Emissions shall not exceed 8.60 # of VOC/ton product for Puller 5 &amp; 6.</li> </ul>
Mix Room:	<ul style="list-style-type: none"> <li>VOC emissions shall not exceed 17.19 tpy based on an emission factor of 10.26 # of VOC/ton product.</li> <li>Emissions shall not exceed 12.31 # of VOC/ton product.</li> </ul>

*Public hearing.* If requested by July 8, 2019, a public hearing will be held to accept oral comments on the proposed operating permit revision and the proposed SIP revision. If requested, the hearing will be held on July 15, 2019, at 10 a.m. at the DEP Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335. To request a hearing, to register to speak at a hearing, or to inquire if a hearing will be held, please contact the Communications Office at 717-787-1323. The last day to pre-register to speak at a hearing, if one is held, will be July 8, 2019. If we do not receive any pre-registered speakers by this date, the hearing will be cancelled.

Please note that any updates made to any aspect of the hearing, including whether or not a hearing will be held, will be posted online at <http://www.dep.pa.gov/About/Regional/NorthwestRegion/Community-Information/Pages/RACT-II.aspx>.

We ask that you contact the Communications Office at 717-787-1323 or monitor our web site to determine if a hearing will be held.

Persons wishing to present testimony at the hearing should contact the Communications Office at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to a maximum of 10 minutes per individual and 2 written copies of the oral testimony are requested. Each organization is requested to designate one witness to present testimony on its behalf. Persons unable to attend the hearing, if it is held, may submit 3 copies of a written statement and exhibits within 10 days thereafter to Eric A. Gustafson, Environmental Program Manager, Pennsylvania Department of Environmental Protection, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335.

Persons wishing to file a written protest or provide comments or additional information, which they believe should be considered prior to the issuance of a permit, may submit the information to Eric A. Gustafson, Environmental Program Manager, Pennsylvania Department of Environmental Protection, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335. A 30-day comment period from June 8, 2019, will exist for the submission of comments, protests and information. Each submission must contain the name, address and telephone number of the person submitting the comments; identification of the proposed permit number 25-00783 and concise statements regarding the relevancy of the information or objections to issuance of the permit or the proposed RACT II Plan.

All pertinent documents are available for public review between 8 a.m. and 4 p.m. at the DEP Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335. Appointments for scheduling a review may be made by calling the Department at 814-332-6078.

Persons with a disability who wish to comment and require an auxiliary aid, service, or other accommodations to do so should contact Virginia Cain, Environmental Community Relations Specialist, at 484-250-5808 or the Pennsylvania AT&T Relay Service at 1-800-654-5984 (TDD) to discuss how the Department may accommodate your needs.

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

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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.*

**09-00199: Mars Fishcare, N.A., Inc.** (50 East Hamilton St., Chalfont, PA 18914) for a non-Title V, State Only, Natural Minor operating permit in Chalfont Borough, **Bucks County**. The permit is for the operation of an existing bulk material handling pneumatic conveying system, a dust collector and a vacuum filter receiver system. The system will emit 1.03 ton of particulate matter per year. The facility's potential to emit criteria pollutants is less than major thresholds; therefore the facility is a Natural Minor. This action is a second renewal of the State Only Operating Permit. The permit was initially issued on 9-4-2009 and renewed on 9-18-2014. The renewed permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**09-00219: Premium Excavating, LLC** (269 Canal Road, Fairless Hills, PA 19030) for operation of a crusher unit and a screener unit, and their associated diesel engines at Falls Township, **Bucks County**. This action is a renewal of a State Only Operating Permit (Natural Minor). The proposed renewal contains monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

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

**39-00051: Jaindl Farms, LLC** (3150 Coffeetown Rd, Orefield, PA 18069-2511) The Department intends to issue a State-Only (Synthetic Minor) Operating Permit for operation of sources at a turkey and turkey egg agriculture facility in North Whitehall Township, **Lehigh County**. The sources include one # 2 fuel oil-fired boiler and one propane-fired boiler. The proposed permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

*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.*

**21-05010: NRG Rema LLC—Mountain** (218A Zion Road, Mount Holly Springs, PA 17065) for the operation of an electric generation, peaking station in South Middleton Township, **Cumberland County**. This is for renewal of the existing state-only permit. The 2018 air emissions from the facility were 42.70 tpy NO<sub>x</sub>, 6.60 tpy SO<sub>2</sub>, and less than 1 tpy each of VOC, CO, HAP and PM. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

**28-03022: New Enterprise Stone & Lime Co., Inc.** (169 Quarry Road, Chambersburg, PA 17201) for the operation of a sandstone crushing facility in Guilford Township, **Franklin County**. This is for renewal of the existing State-only permit. Potential air emissions from the facility are estimated at 23.45 tpy PM. The Operating

Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

**01-03030: Cargill, Inc.** (1892 York Road, Gettysburg, PA 17325) for the operation of an animal feed processing mill in Straban Township, **Adams County**. This is for renewal of the existing state-only permit. Potential air emissions from the facility are estimated at 29.2 tpy PM, 5.31 tpy NO<sub>x</sub>, 1.33 tpy CO, 7.44 tpy SO<sub>x</sub>, and less than 1 tpy VOC and HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

**06-05114: Birchcraft Kitchens, Inc.** (425 Richmond Street, Reading, PA 19605) for the wood cabinet manufacturing plant located in the City of Reading, **Berks County**. This is for renewal of the existing state-only permit. The actual emissions from the facility in 2017 are estimated at 7.92 tons of VOC and less than a ton of other pollutants. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 25 Pa. Code § 129.52.

**67-05111: Johnson Controls Inc., East York Plant** (1499 East Philadelphia Street, York, PA 17403) for the operation of a spray coating operation in Spring Garden Township, **York County**. This is for renewal of the existing state-only permit. The 2018 air emissions from the facility were 11.67 tons VOC, 1.05 ton NO<sub>x</sub> and less than 1 ton each of CO, HAP, PM, and SO<sub>x</sub>. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

**28-05029: Fayetteville Contractors, Inc.** (3185 Lincoln Way East, Fayetteville, PA 17222) for the operation of a batch asphalt plant in Antrim Township, **Franklin County**. This is for renewal of the existing state-only permit. Potential air emissions from the facility are estimated at 6.48 tpy PM, 28.8 tpy NO<sub>x</sub>, 96 tpy CO, 1.97 tpy VOC, 21.1 tpy SO<sub>2</sub>, and 3.6 tpy HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

**21-03049: Pyrotek, Inc.** (1285 Claremont Road, Carlisle, PA 17013) for the operation of a refractory machining facility in Middlesex Township, **Cumberland County**. This is for renewal of the existing State-only permit. Potential air emissions from the facility are estimated at 46.24 tpy PM and less than 1 tpy CO, NO<sub>x</sub>, VOC, SO<sub>2</sub> and HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

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

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

**10-00374: Three Rivers Aggregates, LLC, Black Run Plant** (144 Brandon Road, Slippery Rock, PA 16057), the Department intends to issue the renewal of the State-Only Operating Permit of a nonmetallic mineral

processing plant that produces sand and gravel located in Worth Township, **Butler County**. Permitted air contamination sources at the facility are crushing operations, screening operations, conveying systems, stockpiles, roadways, and truck load-out. The facility is subject to 3,000-hour/year operating hours restriction and 400 tons/hour and 1,000,000 tons/year throughput restrictions established through PA 10-374A. Crushing and screening operations at the facility are subject to 40 CFR 60 Subpart 000 pertaining to Standards of Performances (NSPS) for Nonmetallic Mineral Processing Plants. In this renewal, a work practice condition on water spray operation has been added pursuant to 40 CFR 60 Subpart 000.

**25-01025: Erie Cemetery Association** (2116 Chestnut St., Erie, PA 16502-2617). The Department is providing notice that they intend to renew a State Only Natural Minor Operating Permit for operation of the cremation facility located in the City of Erie, **Erie County**. The facility's primary emission sources consist of two human cremators and their secondary chambers. The potential emissions of the primary pollutants from the facility are as follows: 2.102 TPY (tons per year) NO<sub>x</sub>, 1.766 TPY CO, 0.116 TPY VOC, 0.001 TPY Pb, 0.06 TPY filterable PM<sub>10</sub> and PM<sub>2.5</sub>, and 0.013 TPY SO<sub>x</sub>; thus, the facility is a natural minor. The crematories are subject to Plan Approval 25-1025A which includes opacity limitations, monitoring, recordkeeping, and work practice requirements. 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.

**33-00175: Matson Lumber Corsica** (1065 Route 322, Brookville, PA 15825). The Department is providing notice that they intend to renew a State Only Natural Minor Operating Permit for the lumber processing facility located in Union Township, **Jefferson County**. The facility's primary emission sources include two (2) natural gas-fired stand-by boilers, the 400 hp wood-fired boiler, and a boiler feed system through a cyclone. The potential emissions of the primary pollutants from the facility are as follows: 23.05 TPY (tons per year) NO<sub>x</sub>, 53.79 TPY CO, 2.33 TPY VOC, 19.84 TPY filterable PM<sub>10</sub>, 12.59 TPY PM<sub>2.5</sub>, and 2.13 TPY SO<sub>x</sub>; thus, the facility is a natural minor. The wood boiler is subject to 40 CFR 60 Subpart Dc, Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units, and 40 CFR 63 Subpart JJJJJJ, NESHAP for Industrial, Commercial, and Institutional Boilers Area Sources. 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.

**42-00215: Kane Area School District—Kane Area High School** (400 West Hemlock Avenue, Kane, PA 16735-1644) the Department intends to re-issue the Natural Minor Operating Permit for this educational facility in Wetmore Township, **McKean County**. The facility's primary emissions are from a Wood Fired Boiler (7.1 MMBtu/hr) controlled by a multicyclone and (2) Natural Gas Fired Boilers (2.79 MMBtu/hr each) used to provide comfort heat and hot water to the school. There is also an Emergency Power Generator (125 HP) powered by a natural gas engine to provide limited power in the event of a power outage. The generator was installed in Summer 2018 and is subject to the requirement of 40 CFR Part 60 Subpart IIII pertaining to Standards of Performance for Stationary Spark Ignition Internal Combustion Engines. The engine is an EPA certified engine.

### 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.*

**32753702 and NPDES No. PA0235849. Homer City Generation, LP**, (1750 Power Plant Road, Homer City, PA 15748). To renew the permit for the Homer City Refuse Disposal Facility in Center Township, **Indiana County** and related NPES permit. No additional discharges. The application was considered administratively complete on May 17, 2019. Application received April 17, 2019.

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

**Permit No. 56070107 and NPDES No. PA 0262382, Fieg Brothers**, P.O. Box 38, Berlin, PA 15530, permit renewal for the continued operation and restoration of a bituminous surface & auger mine in Brothersvalley & Summit Townships, **Somerset County**, affecting 267.7 acres. Receiving streams: Piney Run, Buffalo Creek, Casselman River, classified for the following uses: cold water fishes & warm water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: May 22, 2019.

*New Stanton District Office: P.O. Box 133, 131 Broadview Road, New Stanton, PA 15672, 724-925-5500.*

**03803044 and NPDES Permit No. PA0126375. Rosebud Mining Company** (301 Market Street, Kittanning, PA 16201). Renewal application for continued mining to an existing bituminous surface mine, located in East Franklin Township, **Armstrong County**, affecting 97.9 acres. Receiving streams: unnamed tributaries to Limestone Run, classified for the following use: WWF. PA-American Water Company and Cadogan Water District are potable water supply intakes within 10 miles downstream from the point of discharge. Renewal application received: May 20, 2019.

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

**Permit No. 35840203R7. CSY, Inc.**, (400 Mill Street, Dunmore, PA 18512), renewal of an existing anthracite coal refuse reprocessing and surface mine operation in the City of Scranton and Taylor Borough, **Lackawanna County** affecting 61.5 acres, receiving stream: Lackawanna River, classified for the following uses: cold water and migratory fishes. Application received: May 10, 2019.

**Permit No. 35970201C. APHC II, Inc.**, (148 Adams Avenue, Scranton, PA 18503), correction to an existing anthracite coal refuse reprocessing operation to reduce the permitted acres from 26.8 acres to 10.0 acres in the City of Scranton, **Lackawanna County**, receiving stream: Lackawanna River, classified for the following uses: cold water and migratory fishes. Application received: May 13, 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.

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

**6775SM1. National Limestone Quarry, Inc.** (P.O. Box 397, Middleburg, PA 17842). Permit revision to deepen the final pit floor elevation from 600 feet MSL to 550 feet MSL and new bond increment on a large noncoal surface mine in Franklin and Beaver Townships, **Snyder County** affecting 71.9 acres. Receiving stream(s): Unnamed Tributaries to Middle Creek classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: May 20, 2019.

*New Stanton District Office: P.O. Box 133, 131 Broadview Road, New Stanton, PA 15672, 724-925-5500.*

**03920301 and NPDES Permit No. PA0097250. Continental Clay Company** (260 Oak Avenue, P.O. Box 1013, Kittanning, PA 16201). Revision application for land use change from pastureland to industrial/commercial to an existing bituminous underground mine, located in Rayburn Township, **Armstrong County**, affecting 334.5 acres. Receiving streams: unnamed tributaries to Allegheny River, classified for the following use: CWF. PA American Water Company—Kittanning is the potable water supply intake within 10 miles downstream from the point of discharge. Application received: May 23, 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*

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

**NPDES No. PA0248894 (Mining Permit No. 4072SM22), Penn Coal Land, Inc.,** P.O. Box 68 Boswell, PA 15531, renewal of an NPDES permit for treatment of a post-mining discharge in Somerset Township, **Somerset County**, affecting 90 acres. Receiving stream: unnamed tributary to Kimberly Run, classified for the following use: cold water fishes. This receiving stream is included in the Coxes Creek TMDL. Application received: April 8, 2019.

The following outfall discharges to an unnamed tributary of Kimberly Run.

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>		
001	N		
<i>Outfalls: 001 (All Weather Conditions)</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	2.0	4.0	5.0
Total Suspended Solids (mg/l)	35.0	70.0	90.0
Sulfate (mg/L)		Monitor & Report	
Flow (gpm)		Monitor & Report	
Temperature (°C)		Monitor & Report	
Specific Conductivity (µmhos/cm)		Monitor & Report	
pH (S.U.): Must be between 6.0 and 10.0 standard units at all times.			
Alkalinity must exceed acidity at all times.			

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

**NPDES PA0611034 (Mining Permit No. 17714022), A. W. Long Coal Company,** 127 Logan Street, Philipsburg, PA 16866, renewal of an NPDES permit for coal surface mining in Morris Township, **Clearfield County**, affecting 149.6 acres. Receiving stream(s): Unnamed Tributaries to Moshannon Creek and Moshannon Creek classified for the following use(s): CWF. Moshannon Creek TMDL. Application received: March 13, 2019.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described previously for coal mining activities.

The following outfalls discharge to Moshannon Creek.

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
005	N
009	N
010	N
013	N

The following outfalls discharge to Hawk Run.

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
002	N
003	N
006	N
007	N
008	N
011	N
012	N

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

Parameter	Minimum	30-Day Average	Daily Maximum	Instant. Maximum
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		1.9	3.8	4.75
Aluminum (mg/l)		0.75	0.75	0.75
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35.0	70.0	90.0
Osmotic Pressure (milliosmoles/kg)				

<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.

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

#### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E51-295: Philadelphia Water Department (PWD), 1101 Market Street, Philadelphia, ACOE Philadelphia District.**

Philadelphia Water Department is proposing to remove an existing outfall and, in its place, construct and main-

tain a larger 48-inch by 76-inch concrete outfall resulting in 92 linear feet (2,881 square feet) of temporary stream impacts, 75 linear feet (6,630 square feet) of permanent stream impact, 91 linear feet (1,223 square feet) of temporary floodway impact and 44 linear feet (409 square feet) of permanent floodway impact within the Delaware River (WWF-MF). This activity also includes construction of temporary coffer dam and the permanent placement of riprap rock apron and concrete end wall. This project is located at the end of Levick Street at the Delaware River and is associated with the SR 0095, Section BS1 Project in Philadelphia. (USGS PA Frankford Quadrangle—Latitude 40.015885, Longitude 75.052429 W).

*Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, Telephone 570-826-2511.*

**E3902219-002. City of Allentown, 435 Hamilton Street, Allentown, PA 18101, in Allentown City, Lehigh County, U.S. Army Corps of Engineers, Philadelphia District.**

To construct and maintain the following water obstructions and encroachments associated with the Gordon Street Bridge replacement:

1. To remove an existing bridge structure and to construct and maintain a 56.7-foot long, 112-foot span composite prestressed concrete PA Bulb-Tee bridge crossing of Jordan Creek (TSF, MF) having a 9.1-foot underclearance, and R-8 riprap placed adjacent to each abutment.

2. To remove and relocate an existing stormwater outfall along the western bank of Jordan Creek (TSF, MF) consisting of approximately 150-LF of two (2) 60-inch diameter reinforced concrete pipes, concrete endwall, and R-8 riprap apron.

3. To remove and relocate an existing sanitary sewer line within the floodway of Jordan Creek (TSF, MF) consisting of a 24-inch diameter pipe and two (2) concrete manholes.

4. To remove and relocate an existing stormwater outfall along the eastern bank to Jordan Creek (TSF, MF) consisting of approximately 65-LF of a 54-inch diameter reinforced concrete pipe, concrete endwall, and R-8 riprap apron.

5. To remove and relocate an existing water line crossing of Jordan Creek (TSF, MF) consisting of approximately 100-LF of 8-inch diameter ductile iron pipe.

The project is located approximately 0.3 mile east of the intersection of North 5th Street and West Gordon Street (Allentown East, PA Quadrangle Latitude: 40° 36' 37"; Longitude: -75° 27' 55") in Allentown City, Lehigh County. (Allentown East, PA Quadrangle, Latitude: 40° 36' 37"; Longitude: -75° 27' 55").

**E5402219-003. Pine Grove Township**, 175 Oak Grove Road, Pine Grove, PA 17963, in Pine Grove Township, **Schuylkill County**, U.S. Army Corps of Engineers, Baltimore District.

To construct and maintain the following water obstructions and encroachments associated with the Swopes Valley Road (T-649) Bridge Replacement over Swope Valley Run (CWF, MF).

1) To remove an existing bridge structure and to construct and maintain a 58.0-foot long, 28.0-foot span single cell precast open-bottom arch culvert crossing of Swope Valley Run (CWF, MF) having a 7.0-foot underclearance to the normal flow elevation, R-8 riprap, and precast concrete upstream and downstream wingwalls. This crossing will permanently impact 0.01 acre of PEM Wetlands (EV).

2) To re-establish an existing stormwater outfall along the western bank to Swopes Valley Run (CWF, MF) consisting of approximately 225-LF of an 18-inch diameter pipe and a riprap apron.

The project is located at the intersection of Swopes Valley Road (T-649) and SR 645 (Geary Wolfe Road) (Pine Grove & Swatara Hill, PA Quadrangle Latitude: 40° 31' 26.0" Longitude: -76° 23' 10.0") in Pine Grove Township, Schuylkill County.

(Pine Grove & Swatara Hill, PA Quadrangle, Latitude: 40° 31' 26"; Longitude: -76° 23' 10").

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

**E1006219-001, Forest Edge LP**, P.O. Box 97, Mars, PA 16046. Forest Edge PDG Phase III, in Cranberry Township, **Butler County**, ACOE Pittsburgh District (Mars, PA Quadrangle N: 40° 42' 26"; W: 80° 3' 4").

The applicant proposes to construct phase III of a residential development associated roadways, utilities, and stormwater management facilities. The project will permanently impact a total of 0.20 acre of PEM/PSS wetlands and temporarily impact 20 linear feet of a UNT to Kaufman Run (WWF) for a temporary road crossing. The applicant proposes to mitigate for wetland impacts by purchasing credits in the Robinson Fork Mitigation Bank.

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

**E5829-144: Rush Township**, Repsol Oil & Gas USA, 337 Daniel Zenker Drive, Horseheads, NY 14845; Rush Township, **Susquehanna County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) a permanent access road utilizing a 48-inch HDPE × 42 lineal feet culvert permanently impacting 48 lineal feet of an unnamed tributary to North Branch Wyalusing Creek (CWF, MF) (Lawton, PA Quadrangle; Latitude: 41° 48' 39", Longitude: -76° 07' 06");

2) a temporary timber bridge stream crossing and a wetland mitigation area impacting 16 lineal feet of an unnamed tributary to North Branch Wyalusing Creek (CWF, MF) (Lawton, PA Quadrangle; Latitude: 41° 48' 40", Longitude: -76° 07' 08");

3) a permanent access road crossing impacting 6,435 square feet (0.15 acre) of a palustrine emergent wetland (PEM) (Lawton, PA Quadrangle; Latitude: 41° 48' 39", Longitude: -76° 07' 07");

4) a permanent access road crossing utilizing three 12-inch diameter culverts impacting 10,835 square feet (0.25 acre) of a palustrine emergent wetland (PEM) (Lawton, PA Quadrangle; Latitude: 41° 48' 40", Longitude: -76° 07' 05");

5) three culvert discharge aprons impacting 88 square feet (0.01 acre) of a palustrine emergent wetland (PEM) (Lawton, PA Quadrangle; Latitude: 41° 48' 40", Longitude: -76° 07' 05");

6) a permanent access road crossing impacting 1,466 square feet (0.03 acre) of a palustrine emergent wetland (PEM) (Lawton, PA Quadrangle; Latitude: 41° 48' 42", Longitude: -76° 07' 01").

The Warner W. (05-121) Well Site project consists of remediating unpermitted third party impacts to multiple resources and utilizing previously impacted areas for construction of a well pad access road located in Rush Township, Susquehanna County. The project will result in 64 lineal feet of stream impacts and 18,824 square feet (0.43 acre) of palustrine emergent (PEM) wetland impacts to resources previously impacted by the landowner to provide permanent access for development of Marcellus Shale natural gas formations. The project is providing 8,150 square feet (0.19 acre) of wetland mitigation for permanent impacts; and, will additionally remediate third party impacts totaling 93,741 square feet (2.15 acres) of stream floodway impacts and 58,435 square feet (1.34 acre) of palustrine emergent wetlands (PEM).

*Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636.*

**E08-505. Wyalusing Borough**, 50 Senate Street, P.O. Box 131, Wyalusing, PA 18853, Wyalusing Township, **Bradford County**, U.S. Army Corps of Engineers, Baltimore District. Wyalusing Borough has applied for a joint permit in order to install a new pipe culvert in Brewer Creek to allow access to Borough land. Presently, the crossing of this creek exists as a ford crossing in another location. The proposed culvert will be installed as a low-flow stream crossing, allowing higher streamflow to pass over the top of the roadway to limit any impacts on the 100-year floodplain. The crossing is in the same location as a previously permitted temporary crossing installed (via GP-8) during oil and gas activities on the same lands. The temporary crossing has been removed, but a gas pipeline right-of-way exists across Brewer Creek.

The project is located at Quadrangle: Laceyville, Wyalusing; Latitude: 41° 41' 39", Longitude: -76° 14' 56".

**E4104119-007 PA DOT Engineering District 3-0**, 715 Jordan Ave., Montoursville, PA 17754. SR 4001, Section 020, Segment 0270, Offset 0000, Bridge Rehabilitation, Pine Township, **Lycoming County**, Baltimore ACOE (English Center, PA Quadrangle N: 41° 26' 05"; W: -77° 17' 21").

PA DOT proposes to Rehabilitate a Single Lane, Single Span Steel Suspension Bridge. The existing bridge has a span of 295.5 Ft., a skew of 90 degrees, an underclearance of 14.4 Ft., and a low chord of 881.45 Ft. and a hydraulic opening of 3,407 Ft<sup>2</sup>. The proposed rehabilitated structure has a span of 295.5 Ft., a skew of 90 degrees, an underclearance of 14.8 Ft., and a low chord of 881.80 Ft. and a hydraulic opening of 3,501 Ft<sup>2</sup>. The existing historic structure rehabilitation includes sub-structure replacement and superstructure rehabilitation. Coordination on the historic structure includes a no effect finding. A temporary two span bridge will be constructed

approximately 135 L.F. downstream and will remain in place for the duration of the three construction seasons expected to complete the project. The project will include two proposed outfalls to the receiving stream. The project will temporarily and permanently impact 0.01 acre of jurisdictional wetlands. Little Pine Creek and Tributaries are classified as an Exceptional Value Stream by 25 Pa. Code Chapter 93 Water Quality Standards and a Stocked and Wild Trout Stream by PA Fish and Boat Commission.

**E0804119-007 PA DOT Engineering District 3-0**, 715 Jordan Ave., Montoursville, PA 17754. SR 1049, Section 022, Segment 0270, Offset 0000, Bridge Replacement, Windham Township, **Bradford County**, Baltimore ACOE (Windham, PA Quadrangle N: 41° 58' 27"; W: -76° 18' 43").

PA DOT proposes to replace a Single Lane, Single Span Concrete Encased Steel I-Beam Bridge with a Single Span Pre-Cast Concrete Box Culvert. The existing bridge has a span of 14 Ft., a skew of 61 degrees, an underclearance of 7.0 Ft., and a low chord of 959.91 Ft. and a hydraulic opening of 126 Ft<sup>2</sup>. The proposed box culvert has a span of 18 Ft., a skew of 60 degrees, an underclearance of 7.5 Ft., and a low chord of 958.57 Ft. and a hydraulic opening of 135 Ft<sup>2</sup>. The proposed structure will utilize R-8 Rip Rap, choked with native streambed material as scour protection at the inlet and outlet. The proposed structure is beyond the thresholds to meet GP-11. A detour will be utilized to convey traffic during construction. The project will not impact any jurisdictional wetlands. Cold Brook is classified as a Cold Water Fishery by 25 Pa. Code Chapter 93 Water Quality Standards.

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## ACTIONS

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### THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

#### FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

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

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

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

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

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

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

**I. NPDES Renewal Permit Actions.**

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0060151 (Sewage)	Camp Na'arim 209 Burns Road Waymart, PA 18472	Wayne County Clinton Township	Unnamed Tributary to Van Auken Creek (HQ-TSF, MF) (1-B)	Yes
PA0060712 (Sewage)	Grace & Truth Evangelistic Association— Rock Mountain Bible Camp STP Stone House Road Susquehanna, PA 18847-8243	Susquehanna County Gibson Township	Unnamed Tributary to Tunkhannock Creek (CWF, MF) (4-F)	Yes
PA0063053 (Industrial)	Tamaqua Area Authority Water System Still Creek 320 E Broad Street Tamaqua, PA 18252-2138	Schuylkill County Rush Township	Little Schuylkill River (CWF, MF) (3-A)	No
PA0063223 (Sewage)	Martha J Vetter Res 1562 River Road Damascus, PA 18415-3003	Wayne County Damascus Township	Delaware River (CWF, MF) (1-A)	Yes
PA0021873 (Sewage)	Jim Thorpe WWTP 1/2 Mile South of Laurel St. Jim Thorpe, PA 18229	Carbon County Jim Thorpe Borough	Lehigh River (TSF, MF) (2-B)	Yes
PA0053261 (Industrial)	Praxair, Inc. 90 Commerce Way Stockertown, PA 18083	Northampton County Stockertown Borough	Bushkill Creek (HQ-CWF, MF) (1-F)	Yes

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

<i>UNT</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0266792 (SEW)	Leamer Residence 179 Atlas Drive Holidaysburg, PA 16648	Frankstown Twp. Blair County	UNT to Bigger Run in Watershed(s) (8A)	Y
PA0266784 (SEW)	Glenda P. Perry 218 Snyder Hollow Rd. New Providence, PA 17560	Providence Twp. Lancaster County	Huber Run in Watershed(s) 7-K	Y
PA0022233 (SEW)	Ron Cooper Ardentsville Boro Munic Auth 1 Chestnut St P.O. Box 508 Ardentsville, PA 17303	Ardentsville Borough Adams County	Conewage Creek Watershed(s) 7-F	Y
PA0081116 (SEW)	Bruce Bennett Solanco School District 121 S. Hess Street Quarryville, PA 17566-1225	East Drumore Township Lancaster County	UNT to Stewart Run Watershed(s) 7-K	Y
PA0088277 (SEW)	Wanda Stover Summit Ridge Homeowners Assoc 1013 N George St York, PA 17404-2025	Berwick Township Adams County	UNT Beaver Creek Watershed(s) 7-F	Y
PA0087882 (SEW)	Visaggios Inc. 6990 Wertzville Road Enola, PA 17025-1037	Silver Spring Township, Cumberland County	Simmons Creek (WWF) in Watershed(s) 7-B	Y
PA0259951 (SEW)	Jody O Bradley 3143 Schellsburg Road Claysburg, PA 16625	Greenfield Township Blair County	Unnamed Tributary of Smoky Run in Watershed(s) 11-A	Y
PA0081582 (SEW)	Possum Valley Mun Auth. 609 Clearview Rd Aspers, PA 17304	Menallen Township Adams County	Opossum Creek Watershed(s) 7-F	Y
PA0083569 (SEW)	Riverview Homeowners Association 656 Excavating Drive Roaring Spring, PA 16673-8538	West Providence Township Bedford County	Raystown Branch Juniata River in Watershed(s) 11-C	Y

<i>UNT</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0084417 (SEW)	Quad B Enterprises LLC 5067 Spring Road Shermans Dale, PA 17090-8317	Carroll Township Perry County	Unnamed Tributary to Sherman Creek in Watershed(s) 7-A	Y
PA0085014 (SEW)	Conestoga Township 3959 Main Street Conestoga, PA 17516-9616	Conestoga Township, Lancaster County	Pequea Creek in Watershed(s) 7-K	Y
PA0081396 (SEW)	Peifer & Gross Inc. P.O. Box 506 Elizabethtown, PA 17022-0506	Newberry Township York County	UNT to Bennett Run in Watershed(s) 7-F	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PAS604803 (Stormwater)	Burns Salvage & Excavating 101 Valley View Road Bellefonte, PA 16823-8705	Centre County Benner Township	Unnamed Tributary of Spring Creek (CWF) (9-C)	Yes
PA0022195 (Sewage)	Catawissa Borough Wastewater Treatment Plant 307 Main Street Catawissa, PA 17820-1315	Columbia County Catawissa Borough	Catawissa Creek (TSF) (5-E)	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>
PA0217689 (Industrial)	Joseph A Berkley WTP West View Water Authority 210 Perry Highway Pittsburgh, PA 15229-1862	Allegheny County Neville Township	Ohio River (WWF) (20-G)	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>
PA0103471 (Sewage)	Shenango Township STP 155 Campground Road West Middlesex, PA 16159	Mercer County Shenango Township	Shenango River (WWF) (20-A)	Yes
PA0238724 (Sewage)	Frelighs Whispering Pines MHP 26330 North Hickernell Road Springboro, PA 16435	Erie County Girard Township	Unnamed Tributary to the Elk Creek (WWF, MF) (15-A)	Yes
PA0238945 (Sewage)	Pulaski Township STP 1172 State Route 208 Pulaski, PA 16143	Lawrence County Pulaski Township	Shenango River (WWF) (20-A)	Yes

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

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

**NPDES Permit No. PA0045985**, Sewage, SIC Code 4952, **Mountaintop Area Joint Sanitary Authority WWTP**, Luzerne County, 290 Morio Drive, Mountain Top, PA 18707.

This existing facility is located in Dorrance Township, **Luzerne County**.

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

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

**NPDES Permit No. PA0266876**, Sewerage, **Jonathon Wickstrom**, 14 Petsch Road, Reading, PA 19606.

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

Description of Proposed Action/Activity: Permit authorization for the discharge to watershed 3-C.

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

**NPDES Permit No. PA0234028**, Sewage, SIC Code 4952, **University Area Joint Authority**, 1576 Spring Valley Road, State College, PA 16801-8499.

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

Description of Existing Action/Activity: Issuance of an NPDES Permit for an existing discharge of treated sewage as beneficial reuse water.

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

**NPDES Permit No. PA0255360**, Storm Water, SIC Code 4225, 4491, **Three Rivers Marine & Rail Terminal LLC**, 17 Arentzen Boulevard, Suite 206, Charleroi, PA 15022.

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

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

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

**NPDES Permit No. PA0272001**, Sewage, SIC Code 8800, Jerry Park, 10518 Scandia Road, Russell, PA 16345.

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

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

### **III. WQM Industrial Waste and Sewerage Actions under The Clean Streams Law.**

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

**WQM Permit No. 3618402**, Sewerage, **Perry, Glenda P.**, 218 Snyder Hollow Road, New Providence, PA 17560.

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

Description of Proposed Action/Activity:

This General Permit approves construction and operation of sewage facilities consisting of:

- 1,000-gallon primary treatment tank with effluent filter
- Premiere Tech EC7-500P-P-Pack Coco Filter
- Ultraviolet disinfection unit
- 4" diameter PVC outfall line to Huber Run

**WQM Permit No. 0618405**, Sewerage, **Jonathon Wickstrom**, 14 Petsch Road, Reading, PA 19606.

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

Description of Proposed Action/Activity: This permit approves for the construction/operation of a small flow sewage treatment system to serve their single family residence.

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

**WQM Permit No. 1992410 A-3**, Sewage, SIC Code 4952, **Benton Borough Municipal Water & Sewer Authority** **Columbia County**, P.O. Box 516, Benton, PA 17814-0516.

This existing facility is located in Benton Borough, **Columbia County**.

Description of Proposed Action/Activity: Improvements to the equalization tank, aeration tanks, clarifiers, and chlorination system as described in Water Quality Management Permit Application No. 1992410-A-3.

**WQM Permit No. 5399401 A-1**, Sewage, SIC Code 4952, **Ulysses Municipal Authority**, 522 Main Street, Ulysses, PA 16948-9602.

This existing facility is located in Ulysses Borough, **Potter County**.

Description of Proposed Action/Activity: Alteration of the existing dechlorination method.

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

**WQM Permit No. 6219404**, Sewage, **Jerry Park**, 10518 Scandia Road, Russell, PA 16345.

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

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



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**IV. NPDES Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4) Individual Permits Issued.**


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

<i>NPDES Permit No.</i>	<i>Permittee Name &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>
PAI136105	North Huntingdon Township 11279 Center Highway North Huntingdon, PA 15642-2018	North Huntingdon Township, Westmoreland	Youghiogheny River (WWF) Brush Creek (TSF), and Long Run (HQ-TSF)	N	Y

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


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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>
PAD090037 (Formerly PAI010907019)	The Pennsylvania Turnpike Commission 700 South Eisenhower Boulevard Middletown, PA 17057-5529	Bucks	Bristol Township	Neshaminy Creek WWF-MF
PAD090036	Theresa Byrne 801 Cherry Lane Southampton, PA 18966-3906	Bucks	Solebury Township	Aquetong Creek HQ-CWF-MF
PAD150120	Griffiths Construction, Inc. 851 Kimberton Road Chester Springs, PA 19425	Chester	Charlestown Township	Tributary to Tributary to Picking Creek POI No. 1 HQ-TSF
PAD150110	Jay Ranalli 205 Hilloch Drive West Chester, PA 19380-6607	Chester	West Vincent Township	Unnamed Tributary to Pickering Creek HQ-TSF
PAD150119	West Vincent Township 729 St. Matthews Road Chester Springs, PA 19425	Chester	West Vincent Township	Unnamed Tributary to Pickering Creek HQ-TSF-MF
PAD460037	Judd Associates, LP 1750 Walton Road Blue Bell, PA 19422-2306	Montgomery	Whitemarsh Township	Wissahickon Creek TSF-MF
PAD510032	Provco Penrose, LLC 795 East Lancaster Avenue Building No. 2 Suite 200 Villanova, PA 19085-1525	Philadelphia	City of Philadelphia	Schuylkill River WWF-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>
PAD140044	State College Borough Water Authority 1201 West Branch Road State College, PA 16801	Centre	Ferguson Twp	Beaver Branch HQ-CWF

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

McKean County Conservation District, 17137 Route 6, Smethport, PA 16749, 814-887-4001.

**NPDES**

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD420005	Bradford City Water Authority 28 Kennedy Street Bradford, PA 16701	McKean	Bradford Township Bradford City	Kissem Run HQ-CWF, UNTs to W Branch Tunungwant Creek HQ-CWF, W Branch Tunungwant Creek HQ-CWF, Langmade Brook HQ-CWF, Marilla Brook CWF, UNTs W Branch Tunungwant Creek CWF, Gates Hollow CWF, Bennett Brook CWF, UNTs to Bennett Brook CWF

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

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

**List of NPDES and/or Other General Permit Types.**

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

*General Permit Type—PAG-02*

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

<i>Facility Location &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>
Northampton Township Bucks County	PAC090200	Spring Mill Associates, LP 409 Stenton Avenue Flourtown, PA 19031-1327	Unnamed Tributary to Little Neshaminy Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

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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>
Warminster Township Bucks County	PAC090019	Lidl US Operations, LLC 3500 South Clark Street Arlington, VA 22202-4045	Neshaminy Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Newtown Township Delaware County	PAC230092	Marple Newtown School District 40 Media Line Road Newtown Square, PA 19073	Saw Mill Run CWF-MF Foxes Run CWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Marple Township Delaware County	PAC230107	Marple Newtown School District 40 Media Line Road Newtown Square, PA 19073	Unnamed Tributary to Darby Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Chester Delaware County	PAC230094	Covanta Delaware Valley LP 10 Highland Avenue Chester, PA 19013-2231	Delaware River WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Whitpain Township Montgomery County	PAC460362	Whitpain Township 960 Wentz Road Blue Bell, PA 19422-1835	Tributary to Stony Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Abington Township Montgomery County	PAC460369	Mediplex Property Group Abington LLC 500 Office Center Drive Suite 400 Fort Washington, PA 19046-3234	Pennypack Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Hanover Township Montgomery County	PAC460071	Upper Perkiomen School District 2229 East Buck Road Pennsburg, PA 18073	Perkiomen Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lower Merion Township Montgomery County	PAC460363	Lower Merion School District 301 East Montgomery Avenue Ardmore, PA 19003	Unnamed Tributary to Gulph Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAC510117	NP Roosevelt Industrial II, LLC c/o NorthPoint Development, LLC 4825 NW 41st Street Suite 500 Riverside, MO 64150	Walton Run WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAC510095	339-341 Lehigh EAT LLC AMERCO Real Estate Company/U-Haul International 2727 North Central Avenue No. 5N Phoenix, AR 85004-1120	Delaware River WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAC510041	Clarkmore LP 1735 Market Street Suite A443 Philadelphia, PA 19103	Schuylkill River WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

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

*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>
PAC390083	Robert Kern 719 Pearson St The Villages, FL 32162 Sarah E Kern 439 N Houck Rd, Apt 3 Harrisburg, PA 17105	Lehigh	N Whitehall Twp	Fells Creek (CWF, MF)
PAC390084	Robert Kern 719 Pearson St The Villages, FL 32162 Sarah E Kern 439 N Houck Rd, Apt 3 Harrisburg, PA 17105	Lehigh	N Whitehall Twp	Fells Creek (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>
PAC400095	Kno LLC Neil Nelson 2220 Riverview Ave Bloomsburg, PA 17815	Luzerne	Nescopeck Twp	UNT to Nescopeck Creek (CWF, MF)

*Wyoming County Conservation District, 31 Hollow Crest Road, Tunkhannock, PA 18657.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAC660017	Lemon Twp & Tunkhannock Twp Joint Municipal Sewer Authority 113 Tunkhannock Twp Dr Tunkhannock, PA 18657	Wyoming	Tunkhannock Twp Lemon Twp	Tunkhannock Creek (TSF, 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>
Cumberland Township Adams County Issued	PAC010099	Edward Steinour 294 Lewis Circle Easton, PA 18045	Marsh Creek (WWF, MF)	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325-3404 717.334.0636
Mount Joy Township Adams County Issued	PAC010103	Donald D. Hostetter 4749 Hanover Road Hanover, PA 17331	UNT Little Run (WWF, MF)	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325-3404 717.334.0636
Gettysburg Borough Adams County Issued	PAC010102	Borough of Gettysburg 59 East High Street Gettysburg, PA 17325	Stevens Run (WWF, MF)	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325-3404 717.334.0636

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<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>
Swatara Township Dauphin County Issued	PAC220156	Volant Development Company 230 South 10th Street Lemoyne, PA 17043	Spring Creek (CWF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
Derry Township Dauphin County Issued	PAC220161	PA American Water Company 200 East Canal Road Hummelstown, PA 17036	Swatara Creek (WWF, MF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
Conewago Township Londonderry Township Dauphin County Issued	PAC220056	Deodate Associates, LP 4400 Deer Path Road Suite 201 Harrisburg, PA 17110	Brills Run (TSF) UNT Brills Run (TSF) UNT Lynch Run (TSF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
Lower Swatara Township Londonderry Township Dauphin County Issued	PAC220166	PA Department of Transportation 2140 Herr Street Harrisburg, PA 17103-1699	Laurel Run (WWF) UNT Laurel Run (WWF) UNTs Susquehanna River (WWF) Swatara Creek (WWF) UNTs Swatara Creek (WWF) Iron Run (WWF) UNT Iron Run (WWF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
Derry Township Dauphin County Issued	PAC220106	Milton Hershey School P.O. Box 830 Hershey, PA 17033-0830	Spring Creek (WWF, MF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
Lower Paxton Township Dauphin County Issued	PAC220043	Lower Paxton Township Authority 425 Prince Street Harrisburg, PA 17109-3054	Beaver Creek (WWF, MF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
Lower Paxton Township Dauphin County Issued	PAC220014	Triple Crown Corporation 5351 Jaycee Avenue Harrisburg, PA 17112	Paxton Creek (WWF, MF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
Providence Township Lancaster County Issued	PAC360372	Laura & Mike Findley 197 Sawmill Road New Providence, PA 17560	UNT Big Beaver Creek (TSF, MF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5

<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>
East Earl Township Lancaster County Issued	PAG02003614069	Twin Springs LLC 1647 Union Grove Road East Earl, PA 17519	Shirks Run (WWF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
East Cocalico Township Lancaster County Issued	PAC360382	Members 1st Federal Credit Union 2050 North Reading Road Denver, PA 17517	Stony Run (WWF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
West Lampeter Township Lancaster County Issued	PAC360340	Willow Valley Retirement Communities 100 Willow Valley Lakes Drive Willow Street, PA 17584	UNT Big Spring Run (WWF, MF) UNT Pequea Creek (WWF, MF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
Strasburg Township Lancaster County Issued	PAC360379	Keith Martin 464 Weaver Road Strasburg, PA 17579	UNTs Little Beaver Creek (TSF, MF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
West Lampeter Township Lancaster County Issued	PAC360395	Desmond Construction Company 1085 Manheim Pike Lancaster, PA 17601	UNT Mill Creek (WWF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
Mount Joy Borough Lancaster County Issued	PAC360401	Florin Hill Partnership 1190 Dillerville Road Lancaster, PA 17601	UNT Donegal Creek (CWF, MF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
West Cocalico Township Lancaster County Issued	PAC360380	Tina Weiler 1243 Swamp Bridge Road Denver, PA 17517	UNT Indian Run (WWF, TSF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
East Lampeter Township Lancaster County Issued	PAC360378	Wharton Realty Group 8 Industrial Way East Eatontown, NJ 07724	UNT Mill Creek (WWF, MF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
Windsor Township York County Issued	PAC670293	Reistville Builders LLC 720 Ramona Road Myerstown, PA 17067	Kreutz Creek (WWF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717.840.7430

*Facility Location:  
Municipality &  
County*Hellam Township  
York County  
Issued

Permit No.

PAC670275

Applicant Name &amp; Address

Barry L & Melissa L Groff  
3115 Nolt Road  
Apartment 17  
Lancaster, PA 17601Receiving  
Water/UseUNT Susquehanna  
River  
(WWF)Contact Office &  
Phone No.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*Spring Twp,  
Centre Cnty

Permit No.

PAC140080  
Renewal  
Previously  
PAG02001414006

Applicant Name &amp; Address

Bellefonte Borough  
236 W. Lamb Street  
Bellefonte, PA 16823 &  
Bellefonte Little League  
P.O. Box 517  
Bellefonte, PA 16823Receiving  
Water/UseTributary to Spring  
Creek  
CWFContact Office &  
Phone No.Centre County  
Conservation District  
414 Holmes Ave  
Ste 4  
Bellefonte, PA 16823  
(814) 355-6817City of DuBois,  
Clearfield Cnty

Permit No.

PAC170025

DuBois Regional  
Medical Center  
100 Hospital Ave  
DuBois, PA 15801Receiving  
Water/UseTNU Pentz Run  
CWFClearfield County  
Conservation District  
511 Spruce St  
Ste 6  
Clearfield, PA 16830  
(814) 765-2629City of Lock Haven,  
Clinton Cnty

Permit No.

PAC180010

Lock Haven University  
401 N. Fairview Street  
Lock Haven, PA 17745Receiving  
Water/UseLusk Run  
CWF & West Branch  
Susquehanna River  
WWFClinton County  
Conservation District  
45 Cooperation Ln  
Mill Hall, PA 17751  
(570) 726-3798*Southwest Region: Waterways & Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222, Dana Drake,  
Waterways and Wetlands Program Manager, 412-442-4000.**Facility Location and  
Municipality*

Findlay Township

Permit No.

PAC020356

Applicant Name and Address

Tomson, LLC  
3287 Sunnyside Road  
Bethel Park, PA 15102Receiving  
Water/UseSouth Fork Montour  
Run  
(TSF)Contact Office and  
Phone No.Allegheny County  
Conservation District  
River Walk Corporate  
Centre  
33 Terminal Way  
Suite 325b  
Pittsburgh, PA 15219  
(412) 241-7645Homestead Borough  
and  
West Homestead  
Borough

Permit No.

PAC020369

EPC Real Estate Group, LLC  
411 Nichols Road  
Suite 225  
Kansas City, MO 64112Receiving  
Water/UseMonongahela River  
(WWF)Allegheny County  
Conservation  
District River Walk  
Corporate Centre  
33 Terminal Way  
Suite 325b  
Pittsburgh, PA 15219  
(412) 241-7645

Marshall Township

Permit No.

PAC020336

Columbia Gas of Pennsylvania  
2021 West State Street  
New Castle, PA 16101Receiving  
Water/UseBrush Creek  
(WWF)Allegheny County  
Conservation District  
River Walk Corporate  
Centre  
33 Terminal Way  
Suite 325b  
Pittsburgh, PA 15219  
(412) 241-7645

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Phone No.</i>
Bethel Park Township	PAC020106	Murphy, O'Neil and Murphy 360 Southridge Drive Pittsburgh, PA 15241	Brush Creek (WWF); Chartiers Creek (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 (412) 241-7645
Neville Township	PAC020408	Gottlieb, Inc. 5603 Grand Avenue Pittsburgh, PA 15225	Ohio River (WWF-N)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 (412) 241-7645
South Fayette Township	PAC020403	Keystone 76 Development, LLC 100 Crestview Manor Pittsburgh, PA 15228	Fishing Run (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 (412) 241-7645
Kennedy Township	PAC020384	FC Kennedy, LLC Three Gateway Center Suite 200 Pittsburgh, PA 15222	UNT to Ohio River (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 (412) 241-7645
Findlay Township	PAC020344	Imperial Land Corporation 1009 Beaver Grade Road Suite 210 Moon, PA 15108	Potato Garden Run (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 (412) 241-7645
Jefferson Hills Borough	PAC020399	West Jefferson Hills School District 835 Old Clairton Road Jefferson Hills, PA 15025	Peters Creek (TSF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 (412) 241-7645
Rankin Borough and Swissvale Borough	PAC020375	County of Allegheny 542 Forbes Avenue Room 501 Pittsburgh, PA 15219	Monongahela River (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 (412) 241-7645
Harrison Township	PAC0200410	Maronda Homes, Inc. 11 Timberglen Drive Imperial, PA 15126	Allegheny River (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 (412) 241-7645



NOTICES

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<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Phone No.</i>
Bethel Park Township	PAC020373	Englert Farms 409 Horning Road Pittsburgh, PA 15236	UNT to Lick Run (TSF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 (412) 241-7645
Collier Township	PAC020003	Maronda Homes, Inc. 11 Timberglen Drive Imperial, PA 15126	UNT to Thomas Run (TSF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 (412) 241-7645
Adams Township	PAC110049	Forest Hills School District P.O. Box 158 549 Locust Street Sidman, PA 15955	South Fork Little Conemaugh River (CWF)	Cambria County Conservation District 401 Candlelight Drive Suite 229 Ebensburg, PA 15931 (814) 472-2120

*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>
Marshall Township, Cranberry Township, Butler County	PAC100152	Regional Industrial Development Corporation of Southwestern PA 611 William Penn Place Suite 600 Pittsburgh, PA 15219	Brush Creek WWF	Butler County Conservation District 122 McCune Drive Butler, PA 16001 724-284-5270
Millcreek Township, Erie County	PAC250063	Millcreek Township School District 3740 West 26th Street Erie, PA 16506	UNT Lake Erie WWF, MF	Erie County Conservation District 1927 Wager Road Erie, PA 16509 814-825-6403
New Castle City, Taylor Township, Shenango Township, Lawrence County	PAC370032	Columbia Gas of PA 2021 West State Street New Castle, PA 16101	Shenango River WWF, UNTs Shenango River WWF	Lawrence County Conservation District 430 Court Street New Castle, PA 16101 724-652-4512
Cranberry Township, Butler County	PAC100137	Park Meadows LLC Mr. Brian Singer P.O. Box 97 Mars, PA 16046	UNT to Wolfe Run Creek WWF	Butler County Conservation District 122 McCune Drive Butler, PA 16001 724-284-5270
City of St. Marys, Elk County	PAC240009	St. Marys Water Authority 429 Ridgway Road P.O. Box 33 St. Marys, PA 15857	UNT to Iron Run CWF, Iron Run CWF	Elk County Conservation District 850 Washington Street St. Marys, PA 15857 814-776-5373

*Cambria District: Environmental Program Manager, 286 Industrial Park Road, Ebensburg, PA 15931-4119.*

*Facility Location:  
Municipality &  
County*

<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>
East Bethlehem Township, Washington County	PAC 680020	Bureau of Abandoned Mine Reclamation Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119	Monongahela River (WWF), Unnamed Tributary to Monongahela River (WWF) and Unnamed Tributary to Black Dog Hollow (WWF)	Attention: Patrick M. Webb PA DEP Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119 814-472-1800

*General Permit Type—PAG-3*

*Facility Location &  
Municipality*

<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>
Walker Township/ Juniata County	PAG033607	Deamer Trucking, Ltd	UNT Cedar Spring Run/ TSF, MF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Sayre Borough Bradford County	PAG034859	Fort Worth Pipe Savage Service 60 Dominic Pace Sayre, PA 18840	Cayuta Creek (WWF, MF)—4-B	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101 Williamsport, PA 17701-6448 570.327.3636
Tarentum Borough Allegheny County	PAR606209	Greco Recycling Service Inc. P.O. Box 229 Pittsburgh Road Tarentum, PA 15084	Allegheny River (WWF)—18-A	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000
Upper Turkeyfoot Township Somerset County	PAR226111	King & Bungard Lumber Co. Inc. 668 Casselman Road Markleton, PA 15551-8812	Unnamed Tributaries of Casselman River (WWF)—19-F	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000
Vanport Township Beaver County	PAG036256	Esmark Realty LLC 685 State Avenue Vanport, PA 15009-9502	Unnamed Tributary to Ohio River (WWF)—20-B	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000

*General Permit Type—PAG-7*

*Facility Location &  
County/Municipality*

<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>
City of Wilmington (WPC) East 12th Street and Hay Road Wilmington, DE 19809 New Castle/ Wilmington	PAG079611	Veolia Water North America 53 State Street # 14 Boston, MA 02109	City of Wilmington (WPC) East 12th Street and Hay Road Wilmington, DE 19809	DEP—Bureau of Clean Water 400 Market Street P.O. Box 8774 Harrisburg, PA 17105-8774. Telephone: 717-787-4090

*General Permit Type—PAG-10**Facility Location  
Municipality &  
County*Cumberland  
Township  
Greene County*Permit No.*  
PAG106218*Applicant Name & Address*  
Kiewit Power Constructors Co.  
278 Thomas Road  
Carmichaels, PA 15320*Receiving  
Water/Use*  
Monongahela River  
(WWF)—19-B*Contact Office &  
Phone No.*DEP Southwest  
Regional Office  
Clean Water Program  
400 Waterfront Drive  
Pittsburgh, PA  
15222-4745  
412.442.4000*General Permit Type—PAG-12**Facility Location:  
Municipality &  
County*Washington  
Township,  
Schuylkill County*Permit No.*  
PAG122216*Applicant Name & Address*  
Jairus L Musser  
280 Deck Drive  
Myerstown, PA 17067*Receiving  
Water/Use*  
Watershed(s)  
7-D*Contact Office &  
Phone No.*DEP Southcentral  
Regional Office  
Clean Water Program  
909 Elmerton Avenue  
Harrisburg, PA  
17110-8200  
717.705.4800*General Permit Type—PAG-13**Facility Location:  
Municipality &  
County*Rapho Township  
Lancaster County*Permit No.*  
PAG133564*Applicant Name & Address*  
Rapho Township  
Lancaster County  
971 N Colebrook Road  
Manheim, PA 17545-9680*Receiving  
Water/Use*  
Chiques Creek  
(WWF, MF),  
Dellinger Run  
(WWF, MF),  
Little Chiques Creek  
(TSE, MF), and  
Unnamed Tributary  
to Rife Run  
(WWF, MF)—7-G*Contact Office &  
Phone No.*DEP Southcentral  
Regional Office  
Clean Water Program  
909 Elmerton Avenue  
Harrisburg, PA  
17110-8200  
717.705.4800**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>
Alan Waybright 473 Mount Rock Road Newville, PA 17241	Cumberland	144.7	2,618.5	Holstein Dairy	NA	Approved
Beaver Ridge Farms 1400 Fowler Hollow Blain, PA 17006	Perry	209.3	437.78	Swine Grow to Finish	Shermans Creek/HQ	Approved

### PUBLIC WATER SUPPLY PERMITS

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

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

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

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

#### SAFE DRINKING WATER

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

*Southcentral Region: Safe Drinking Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Permit No. 0719502 MA, Minor Amendment, Public Water Supply.**

Applicant	<b>Bellmead Townhouses</b>
Municipality	Antis Township
County	<b>Blair</b>
Responsible Official	Scott Grace, Owner 2005 Parkway Drive Altoona, PA 16602

Type of Facility	Permit for the replacement of the media in the two (2) existing filters in response to the presence of cyanobacteria and cyanotoxins in the filtered water.
Consulting Engineer	David M. Cunningham, P.E. Keller Engineers, Inc. 420 Allegheny Street Hollidaysburg, PA 16648
Permit to Construct Issued	5/21/2019

**Permit No. 5019506 MA, Minor Amendment, Public Water Supply.**

Applicant	<b>Robert L. Brunner</b>
Municipality	Carroll Township
County	<b>Perry</b>
Responsible Official	Robert L. Brunner, Owner P.O. Box 310 Shermans Dale, PA 17090

Type of Facility Modifications to the 4-log treatment system.

Consulting Engineer	Randolph S. Bailey, P.E. Wm. F. Hill & Assoc., Inc. 207 Baltimore Street Gettysburg, PA 17325
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Permit to Construct Issued 5/24/2019

**Operation Permit No. 0616512 issued to: Reading Area Water Authority (PWS ID No. 3060059), Ontelaunee Township, Berks County on 5/15/2019 for facilities approved under Construction Permit No. 0616512.**

**Operation Permit No. 3617516 MA issued to: Mount Joy Borough Authority (PWS ID No. 7360091), East Donegal Township, Lancaster County on 5/21/2019 for facilities approved under Construction Permit No. 3617516 MA.**

**Operation Permit No. 0618512 issued to: New Morgan Borough Utilities Authority (PWS ID No. 3060803), New Morgan Borough, Berks County on 5/21/2019 for facilities approved under Construction Permit No. 0618512.**

**Operation Permit No. 3618526 MA issued to: Spring Hollow Properties, LLC (PWS ID No. 7360092), Rapho Township, Lancaster County on 5/21/2019 for facilities at Pinehurst Manor MHP approved under Construction Permit No. 3618526 MA.**

**Operation Permit No. 6719507 MA** issued to: **Hanover Municipal Water Works (PWS ID No. 7670076)**, Hanover Borough, **York County** on 5/21/2019 for facilities submitted under Application No. 6719507 MA.

*Northcentral Region: Safe Drinking Water Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.*

**Permit No. MA—GWR—Construction—Public Water Supply.**

Applicant	<b>Benton Foundry</b>
Township/Borough	Sugarloaf Township
County	<b>Columbia County</b>
Responsible Official	Mr. Kevin J. Trychta Benton Foundry 5297 State Route 487 Benton, PA 17814
Type of Facility	Public Water Supply— Construction
Consulting Engineer	Mr. Hartline, E.I.T Mid-Penn Engineering Corporation 2049 West Market St. Lewisburg, PA 17837
Permit Issued	May 14, 2019
Description of Action	Approves a 4-log inactivation of viruses for Well No. 1 (Entry Point 101) at Benton Foundry, including an existing 20-gpm well pump, pressure tank, flow meter, sodium hypochlorite disinfection tank, a 4,000-gallon unbaffled storage tank, a Peristaltic Chemical fee pump, a pump control module (PCM), a 1-inch stainless check valve upstream of the injection pump, 1-inch PVC tubing and a heat conditioned room to maintain water temperature at 5.0° Celsius or higher.

**Benner Township Water Authority (Public Water Supply), Centre County:** On May 15, 2019, the Safe Drinking Water Program approved the Source Water Protection (SWP) plan for the Benner Township Water Authority 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. 5516501MA—Operation—Public Water Supply.**

Applicant	<b>Selinsgrove Center</b>
Township/Borough	Penn Township
County	<b>Snyder County</b>
Responsible Official	Mr. Anthony Kern Chief Financial Officer 1000 Route 522 Selinsgrove, PA 17870
Type of Facility	Public Water Supply— Operation

Consulting Engineer	Mr. Michael J. Peleschak Alfred Benesch & Company 400 One Norwegian Plaza Pottsville, PA 17901
Permit Issued	May 20, 2019
Description of Action	Approves Selinsgrove Center to operate rehabilitation Water Towers A, C, and D.
<b>Permit No. 4119503MA—Construction—Public Water Supply.</b>	
Applicant	<b>Williamsport Municipal Water Authority</b>
Township/Borough	City of Williamsport
County	<b>Lycoming County</b>
Responsible Official	Mr. Michael D. Miller Executive Director Williamsport Municipal Water Authority 253 West Fourth Street Williamsport, PA 17701
Type of Facility	Public Water Supply— Construction
Consulting Engineer	Mr. Erin N. Threet, P.E. Herbert, Rowland & Grubic, Inc. 776 Bull Run Crossing Suite 200 Lewisburg, PA 17837
Permit Issued	May 23, 2019
Description of Action	Authorizes Williamsport, Municipal Water Authority to decommission the existing, wood-staved, 5,000-gal, bulk, aluminum-sulfate, storage tank 001A in a containment area in the lower level of WMWA Filtration Plant, 1600 Mosquito Valley Rd., and to replace this tank with four new 1,250-gal cross-linked polyethylene tanks and associated piping that are NSF std. 61 certified.

**Permit No. 4907502-T1-A2—Operation—Public Water Supply.**

Applicant	<b>Cherokee Pharmaceuticals, LLC</b>
Township/Borough	Riverside Borough
County	<b>Northumberland County</b>
Responsible Official	Mr. Thomas P. Forrestal Cherokee Pharmaceuticals, LLC 100 Avenue C Riverside, PA 17868
Type of Facility	Public Water Supply— Operation
Consulting Engineer	N/A
Permit Issued	May 23, 2019
Description of Action	Authorizes replacement of the old Accelerator No. 1 with a static mixer, flocculation unit, and inclined plate settling-tank.

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

**Operations Permit** issued to: **Southwestern Pennsylvania Water Authority**, P.O. Box 187, 1442 Jefferson Road, Jefferson, PA 15344, (PWSID # 5300017) Whiteley Township, **Greene County** on May 16, 2019 for the operation of facilities approved under Construction Permit # 3015511MA.

**Operations Permit** issued to: **Southwestern Pennsylvania Water Authority**, P.O. Box 187, 1442 Jefferson Road, Jefferson, PA 15344, (PWSID # 5300017) Franklin and Wayne Townships, **Greene County** on May 24, 2019 for the operation of facilities approved under Construction Permit # 3019501MA.

**Operations Permit** issued to: **Municipal Authority of the Borough of Somerset**, 347 West Union Street, P.O. Box 71, Somerset, PA 15501, (PWSID # 4560042) Somerset Township, **Somerset County** on May 16, 2019 for the operation of facilities approved under Construction Permit # 5618510MA.

**Permit No. 0218535MA, Minor Amendment.** Public Water Supply.

Applicant	<b>Pennsylvania American Water Company</b> 852 Wesley Drive Mechanicsburg, PA 17055
[Borough or Township]	Union Township
County	<b>Washington</b>
Type of Facility	Aldrich Purification Unit # 8
Consulting Engineer	Pennsylvania American Water Company 852 Wesley Drive Mechanicsburg, PA 17055
Permit to Construct Issued	May 16, 2019

**Permit No. 3019501MA, Minor Amendment.** Public Water Supply.

Applicant	<b>Southwestern Pennsylvania Water Authority</b> P.O. Box 187 1442 Jefferson Road Jefferson, PA 15344
[Borough or Township]	Amwell Township
County	<b>Washington</b>
Type of Facility	Amity Ridge Road meter vault
Consulting Engineer	Bankson Engineers, Inc. 267 Blue Run Road Suite 200 Cheswick, PA 15024
Permit to Construct Issued	May 24, 2019

### WATER ALLOCATIONS

**Actions taken on applications received under the Act of June 24, 1939 (P.L. 842, No. 365) (35 P.S. §§ 631—641) relating to the acquisition of rights to divert waters of the Commonwealth.**

*Northcentral Region: Water Supply Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.*

**WA 14-130C**, Water Allocations. **Millheim Borough**, 225 East Main Street, P.O. Box 421, Millheim, PA 16854, Millheim Borough, **Centre County**. Grants the Borough of Millheim the right to withdraw up to a maximum of 180,000 gallons per day, when available, from an intake on Elk Creek, located in Penn Township, Centre County, and up to a maximum of 160,000 gallons per day, when available, from an intake on Phillips Creek, located in Penn Township, Centre County, but not more than a maximum of 180,000 gallons per day from both sources combined.

## 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.*

**Brenner Recycling**, 282 South Wyoming Street, Hazleton City, **Luzerne County**. Environmental Products & Services of Vermont, 1539 Bobali Drive, Harrisburg, PA 17104, on behalf of Graham Packaging, 360

Maplewood Drive, Hazleton, PA 18202, submitted a final report. Soil was contaminated by a release of hydraulic oil. The report is intended to document remediation of the site to meet non-residential Statewide Health Standards.

**Former Tyler Pipe**, 101 North Church Street, Macungie Borough and Lower Macungie Township, **Lehigh County**. Haley & Aldrich, 6500 Rockside Road, Suite 200, Cleveland, OH 44131, on behalf of McWane, Inc., 2900 Highway 280 South, Suite 250, Birmingham, AL 35223, submitted a remedial investigation report and risk assessment concerning remediation of site soils and groundwater contaminated at this former foundry operation. The report is intended to document remediation of the site to meet the Site-Specific Standard.

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

**Raimo Unit Well Pad**, 5662 Posted Lane, Monroeton, Overton Township, **Bradford County**. Woodard & Curran, 300 Penn Center Blvd, Suite 800, Pittsburgh, PA 15235, on behalf of Chief Oil & Gas, LLC, 1720 Sycamore Rd, Montoursville, PA 17754 has submitted a Final Remedial Action Completion Report concerning remediation of site soils contaminated with base oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Coldstream B**, 2323 Coldstream Road, Frenchville, PA 16836, Goshen Township, **Clearfield County**. Moody and Associates, Inc., 199 South Johnsonville Road, Bldg # 2, Suite 101, Houston, PA 15342, on behalf of Greylock Production, LLC, 500 Corporate Landing, Charleston, WV 25311, has submitted a Cleanup Plan concerning remediation of site soil and groundwater contaminated with brine-related constituents. The report is intended to document remediation of the site to meet the Background, Statewide Health, and Site-Specific Standards.

**COP Tract 729 Pad E Moore Road Extension**, Cummings Township, **Lycoming County**. Moody and Associates, Inc., 685 Broad Street Extension, Suite 1, Waverly, NY 14892 on behalf of Pennsylvania General Energy Company, LLC, 120 Market Street, Warren, PA 16365, has submitted a Final Report concerning remediation of site soil contaminated with production fluid. The report is intended to document remediation of the site to meet the Background and Statewide Health Standard.

**Sondh Freight Systems Diesel Fuel & Motor Oil Cleanup**, US Route 15N near River Road, Lewisburg, East Buffalo Township, **Union County**. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857, on behalf of Sondh Freight Systems, Inc., 135 Oatfield Road, Brampton, ON L6R 1Y6, has submitted a Final Report concerning site soil contaminated with diesel fuel and motor oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

*Northwest Region: Environmental Cleanup & Brownfields Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**Crawford Property**, 3716 Stevenson Hill Road, Washington Township, **Jefferson County**. Converse Consultants, 2738 West College Avenue, State College, PA 16801, on behalf of The Estate of Althea Crawford, 3716 Stevenson Hill Road, Falls Creek, PA 15840, submitted a Final Report concerning the remediation of site soil and site groundwater contaminated with 1,2,4-Trimethylbenzene, 1,3,5-Trimethylbenzene, Toluene, Ethylbenzene, Cumene, Naphthalene, Benzene, and MTBE. 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

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**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).**

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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:

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

**Dulcey BRA Pad**, Wilmot Township, **Bradford County**. Creston Environmental, LLC, P.O. Box 1373, Camp Hill, PA 17001 on behalf of Chesapeake Appalachia, LLC, 300 North 2nd Street, Harrisburg, PA 17101, has submitted a Final Report concerning remediation of site soils contaminated with produced water. The report dem-

onstrated attainment of the Statewide Health standard and was approved by the Department on May 21, 2019.

**Wallace Transport Project**, Greene Township, **Clinton County**. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857, on behalf of Wallace Transport, 532 Peterbilt Lane, Woodland, PA 16881, has submitted a Final Report concerning remediation of site soil contaminated with diesel fuel & motor oil. The report demonstrated attainment of the Statewide Health Standard and was approved by the Department on May 17, 2019.

**COP Tract 729 Pad E Moore Road Extension**, Cummings Township, **Lycoming County**. Moody and Associates, Inc., 685 Broad Street Extension, Suite 1, Waverly, NY 14892 on behalf of Pennsylvania General Energy Company, LLC, 120 Market Street, Warren, PA 16365, has submitted a Final Report concerning remediation of site soil contaminated with production fluid. The report demonstrated attainment of the Background and Statewide Health Standards and was approved by the Department on May 15, 2019.

**PGE Pine Hill Wharton Pad A**, Wharton Township, **Potter County**. Penn Environmental & Remediation, 13180 Route 6, Mansfield, PA 16933 on behalf of Pennsylvania General Energy Co., 120 Market St, Warren, PA 16365 has submitted a Final Report concerning remediation of site soil contaminated with production fluid. The report demonstrated attainment of the Background and Statewide Health standards and was approved by the Department on May 20, 2019.

**EQT Former S Pad Impoundment**, 782 Antrim Road, Duncan Township, **Tioga County**. Groundwater Sciences Corporation, 2601 Market Place St, Suite 310, Harrisburg, PA 17110, on behalf of EQT Production Company, 625 Liberty Avenue, Pittsburgh, PA 15222, has submitted a Final Report concerning remediation of site soil and groundwater contaminated with flowback fluid. The report demonstrated attainment of the Statewide Health Standard and was approved by the Department on May 16, 2019.

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

**Wilkes University—University Towers**, 10 East South Street, Wilkes-Barre City, **Luzerne County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Wilkes University, 84 West South Street, Wilkes-Barre, PA 18766, submitted a Final Report concerning remediation of a release of heating oil to soil. The report documented remediation of the site to meet residential Statewide Health Standards and was approved by DEP on May 20, 2019.

**Vitali Property**, 14025 Upper Maple Drive, Newton Township, **Lackawanna County**. Crawford Environmental Services, 20 Cardinal Drive, Birdsboro, PA 19508, on behalf of Fred Lance Fuel Company, 201 Monroe Street, Old Forge, PA 18518, submitted a Final Report concerning remediation of soil and groundwater contaminated as the result of a release of heating oil. The report documented remediation of the site to meet residential Statewide Health Standards and was approved by DEP on May 22, 2019.

**Jairdullo Property**, 3341 Sherwood Road, Palmer Township, **Northampton County**. JMT Industrial & Environmental Contracting, 710 Uhler Road, Easton, PA 18045, on behalf of Vincent and Sharon Jairdullo, 3341 Sherwood Road, Easton, PA 18045, submitted a Final

Report concerning remediation of soil contaminated by releases from an underground storage tank that contained heating oil. The report documented remediation of the site to meet residential Statewide Health Standards and was approved by DEP on May 28, 2019.

#### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

**Permits issued under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal area or Site.**

*Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200.*

**Permit No. 100945, Community Refuse Service, LLC (Cumberland County Landfill)**, 620 Newville Road, Newburg, PA 17240.

A major permit modification was issued on May 15, 2019, to Solid Waste Permit No. 100945, Community Refuse Services, LLC (Cumberland County Landfill), to increase the average daily volume from 2,500 tons per day to 2,950 tons per day.

#### 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.**

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

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

**GP4-67-03064: Motor Technology, Inc.** (515 Willow Spring Lane, York, PA 17406) on May 17, 2019, for two existing burn-off ovens, under GP4, at the electric motor repair facility located in East Manchester Township, **York County**. The general permit authorization was renewed.

**GP4-31-03007A: Huntingdon Electric Motor Services, Inc.** (7th & Penn Streets, Huntingdon, PA 16652) on May 24, 2019, for one (1) new burn-off oven and one (1) existing burn-off oven, under GP4, at the electrical equipment servicing facility located in Huntingdon Borough, **Huntingdon County**.

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

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

**AG5-59-00006A: SWEPI LP** (150 N. Dairy Ashford, Houston, TX 77079) on May 15, 2019, for the construction and operation of one 1,380 bhp Caterpillar G3516B LE, 4-stroke, ultra-lean burn, natural gas-fired compressor engine equipped with a catalytic oxidizer; two 10,000 gallon tanks for the collection and storage of drain and produced waters; various fugitive emissions from fittings/connections, blowdowns, controllers and pigging operations, pursuant to the General Plan Approval and/or General Operating Permit for Natural Gas Compression Stations, Processing Plants, and Transmission Stations



(BAQ-GPA/GP-5) at the Showalter 822 Compressor Station located in Chatham Township, **Tioga County**.

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

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

**GP2-10-312A: Purvis Brothers Inc.** (321 Mars Valencia Rd., Mars, PA 16046) on May 22, 2019, for the authority to continue operation of an existing storage tank (002A) (BAQ-GPS/GP2) located at their facility in Adams Township, **Butler County**.

**GP9-20-145B: Vitro Flat Glass** (5123 Victory Blvd, Cochranon, PA 16314) on May 22, 2019, for the authority to operate a Cummins 1250 kW Diesel Model DQGAE internal combustion engine (BAQ-GPS/GP9) located at their facility in Greenwood Township, **Crawford County**.

**Plan Approvals Issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.**

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

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

**40-00123C: Vita Line Products Inc.** (1111 N. Park Drive, Humboldt Industrial Park, Hazle Twp., PA 18202-9720) on May 22, 2019 for the installation of a new odor control unit at the site located in Hazle Twp., **Luzerne County**.

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

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

**67-03181A: Hartenstein Funeral & Cremation Care, Inc.** (19 South Main Street, Stewartstown, PA 17363) on May 22, 2019, for the construction of a human crematory at the facility located in Stewartstown Borough, **York County**. The unit will be a Matthews Environmental IE43-PPI (Power Pak I) multiple-chamber crematory.

**06-05112E: WBLF Acquisition Co. LLC—Western Berks Landfill** (455 Poplar Neck Road, Birdsboro, PA 19508) on May 22, 2019, for the installation of a fourth 1,148 bHP (856 kW) Caterpillar C3516 LE engine as part of the facility's on-site landfill gas (LFG) to energy plant in Cumru Township, **Berks County**.

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

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

**20-194F: Lord Corp.** (601 South St., Saegertown, PA 16433), on May 14, 2019 issued a Plan Approval for the installation of a CM-100 curative production line in Saegertown Borough, **Crawford County**. This is a Title V facility.

**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

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

*Contact: James A. Beach, New Source Review Chief—Telephone: 484-250-5920.*

**09-0174G: Liberty Coating Co LLC** (21 Steel Rd S, Morrisville, PA 19067-3614) On May 24, 2019, for the installation and operation of an internal and external abrasive blasting operation with dust collection at the facility located in Falls Township, **Bucks County**.

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

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

**18-00011K: Croda, Inc.** (8 Croda Way, Mill Hall, PA 17751) on May 20, 2019, to incorporate design changes for the proposed Combined Heat and Power (CHP) unit and revise the short-term carbon monoxide emission limitation from 1.35 ppm to 3.6 ppm (at 15% O<sub>2</sub>) for the proposed project at their Mill Hall Facility located in Bald Eagle Township, **Clinton County**. The plan approval has been revised.

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

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

**42-095C: Georgia Pacific Corrugated, LLC—Bradford Plant** (One Owens Way, Bradford, PA 16701) on May 23, 2019, effective May 31, 2019, has issued a plan approval extension for the installation of a cyclone as replacement for existing control devices associated with Source ED 101 in Bradford Township, **McKean County**. This is a State Only facility. This expires November 30, 2019.

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

*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.*

**28-05012: Volvo Construction Equipment North America LLC** (312 Volvo Way, Shippensburg, PA 17257-9209) on May 16, 2019, for the renewal of the facility's Title V operating permit at the construction equipment manufacturing facility located in Shippensburg Borough, **Franklin County**. The Title V permit renewal also incorporated approval of a Reasonably Available Control Technology 2 (RACT 2) plan for the Source 199 cleanup/miscellaneous solvent operations. These RACT changes will be submitted to US EPA for approval and incorporation into Pennsylvania's State Implementation Plan (SIP). Requirements that are not part of the RACT approval will be excluded from the SIP submittal.

**36-05025: Texas Eastern Transmission LP** (5400 Westheimer Court, Houston, TX 77056) on May 23, 2019,

for the Marietta natural gas compressor station located in East Donegal Township, **Lancaster County**. The Title V permit was renewed.

**06-05069: East Penn Manufacturing Co., Inc.** (Deka Road, P.O. Box 147, Lyon Station, PA 19536) on May 21, 2019, for the significant modification of the facility's Title V operating permit at the lead acid battery assembly facility located in Richmond Township, **Berks County**. The Title V permit significant modification, in addition to other changes outlined in DEP's review materials, incorporated approval of a Reasonably Available Control Technology 2 (RACT 2) plan for Source 213 (miscellaneous chemicals) and Source 605 (Battery Finishing). These case-by-case RACT 2 changes will be submitted to US EPA for approval and incorporation into Pennsylvania's State Implementation Plan (SIP). Requirements that are not part of the RACT approval will be excluded from the SIP submittal.

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

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

**61-00011: Sasol Chemicals (USA) LLC** (292 State Route 8, Oil City, PA 16301), on May 21, 2019, the Department issued the renewal of the Title V Operating Permit of a facility that manufactures industrial organic chemicals located in Cornplanter Township, **Venango County**. Permitted sources at the facility included a gas-fired/oil-fired boiler, furnaces, dryers, distillation columns, process vessels, storage tanks, fire pump engines, and miscellaneous chemical process manufacturing equipment. The facility is Title V because of its potential to emit VOCs. The facility has been subject to Federal and State regulations that include 40 CFR 60 Subpart VV, 40 CFR 63 Subparts ZZZZ and JJJJJJ, Compliance Assurance Monitoring (40 CFR Part 64), and RACT I (25 Pa. Code §§ 129.91—129.95). In this renewal, permit changes for the gas-fired/oil-fired boiler include addition of 25 Pa. Code § 123.22's provisions for fuel oil, addition of operating hour restriction to ensure gas-fired boiler status, and update of 40 CFR 63 Subpart JJJJJJ. For the two fire pump engines, permit change is addition of operating hour restrictions to demonstrate compliance with existing NO<sub>x</sub> limits. The RACT II alternative requirements (Case-by-Case) for the two distillation columns and dryers will be reviewed separate from this renewal. Pursuant to § 129.96(a) and (c), none of the sources are subject to RACT II presumptive requirements.

**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.**

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

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

**48-00064: Ungerer & Company** (110 N. Commerce Way, Bethlehem, PA 18017-8932). On May 20, 2019 the Department issued a renewal State-Only Natural Minor Permit for Ungerer & Company (Bethlehem Plant), located in Hanover Township, **Northampton County**. Operations performed at this facility include mixing, blending, and manufacturing of fragrances and flavors. The sources are considered minor emission sources of nitrogen oxide (NO<sub>x</sub>), sulfur oxides (SO<sub>x</sub>), carbon monox-

ide (CO), total suspended particulate (TSP) and VOC's. The permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

**66-00006: Geary Enterprises Concrete** (316 Post Hill Road, Falls, PA 18515-7897). On May 20, 2019, the Department issued a renewal State-Only (Natural Minor) Permit for crushed and broken stone mining and quarrying operations in Falls Township, **Wyoming County**. The primary sources consist of crushers, screens, and conveyors. The sources are considered minor emission sources of nitrogen oxide (NO<sub>x</sub>), sulfur oxides (SO<sub>x</sub>), carbon monoxide (CO), total suspended particulate (TSP), and volatile organic compounds (VOC) emissions. The operating permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

*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.*

**21-03021: Amsted Rail Company, Inc.** (3420 Simpson Ferry Road, Camp Hill, PA 17011-6410) on May 17, 2019, for the railcar coupling production and repair facility located in Lower Allen Township, **Cumberland County**. The State-only permit was renewed.

**01-03012: International Paper Co.** (136 East York Street, P.O. Box 808, Biglerville, PA 17307-0808) on May 16, 2019, for the solid fiber container manufacturing facility located in Biglerville Borough, **Adams County**. The State-only permit was renewed.

**67-05099: Kinsley Construction, Inc.** (1110 East Princess Street, York, PA 17403-2543) on May 20, 2019, for the steel fabrication facility located in York City, **York County**. The State-only permit was renewed.

**36-05107: Pepperidge Farm, Inc.** (2195 North Reading Road, Denver, PA 17517-9112) on May 21, 2019, for the commercial bakery facility located in East Cocalico Township, **Lancaster County**. The State-only permit was renewed.

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

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

**49-00054: Meckley's Limestone Products, Inc.** (P.O. Box 503, Herndon, PA 17830-0503) on May 21, 2019 for their facility in Lower Mahanoy Township, **Northumberland County**. All applicable Federal and State regulatory requirements including testing, monitoring, recordkeeping, reporting, and work practice conditions to assure compliance with the applicable requirements have been included in the renewal SMOP 49-00054.

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

*Contact: Matt Williams, Facilities Permitting Chief at Telephone: 814-332-6940.*

**37-00181: American Hard Chrome LLC** (925 Industrial Drive, New Castle, PA 16101). On May 21, 2019, the Department issued the renewal State Only Natural Minor

Operating Permit for operation of the hard chrome plating facility located in the City of New Castle, **Lawrence County**. The facility's primary emission sources include miscellaneous natural gas combustion, natural gas-fired space heaters, four (4) chrome plating tanks, and miscellaneous VOC sources. The potential emissions of the primary pollutants from the facility are as follows: 2.194 TPY (tons per year) NO<sub>x</sub>, 0.974 TPY CO, 0.324 TPY VOC, 0.112 TPY total HAPs, 0.001 TPY Chromium, 0.057 TPY filterable PM<sub>10</sub> and PM<sub>2.5</sub>, and 0.013 TPY SO<sub>x</sub>; thus, the facility is a natural minor. The chrome plating tanks are subject to 40 CFR Part 63 Subpart N, the NESHAP for Chromium Emissions from Hard Chromium Electroplating and Chromium Anodizing Tanks. 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.

**43-00363: Pennex Aluminum Company**, (93 Werner Road, Greenville, PA 16125-9499). On May 21, 2019, the Department issued a Natural Minor State-Only Operating Permit to a facility which performs supplies aluminum extrusions from casting billets to extruding custom shapes. This facility is located in Sugar Grove Township, **Mercer County**. The primary sources at the facility are the holding furnace, two (2) melting furnaces, two (2) homogenizing furnaces, and three (3) billet saws. Site level emission totals have been calculated for all applicable criteria pollutants and are below Title V levels. This facility estimates the following site level totals: PM<sub>10</sub>, 11.52 tons per year (tpy), SO<sub>x</sub>, 0.24 tpy; CO, 33.08 tpy; NO<sub>x</sub>, 36.05 tpy; VOC, 2.17 tpy and HAPs, 3.0 tpy. The permit contains emission restrictions, along with testing, monitoring, recordkeeping, reporting, work practice and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act (35 P.S. §§ 4001–4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

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

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

**15-00078: Janssen Biotech Inc** (200 Great Valley Parkway, Malvern, PA 19355) On May 24, 2019, for a minor modification of SMOP No. 15-00078, for its facility located in East Whiteland Township, **Chester County**. The minor modification addressed Source ID 107 & 109 (Generators 1 & 2). The Sources are being retrofitted with a diesel oxidation catalyst (DOC) system, so the generators can comply with 40 C.F.R. 63 Subpart ZZZZ in order to be used for Demand Response. The DOC will reduce the CO emissions by 70% or reduce the CO concentration to less than 23 ppmvd at 15% oxygen. The change was approved through RFD # 7592 on March 20, 2019. The modified SMOP 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. 15-00078 is issued under the Air Pollution Control Act (35 P.S. §§ 4001–4015) and 25 Pa. Code § 127.462.

**15-00148: Helicopter Support Inc., dba Sikorsky Commercial Inc.** (110 East Stewart Huston Drive, Coatesville, PA 19320) On May 24, 2019 for the facility

located in Sadsbury Township, **Chester County**. The facility is in the aerospace manufacturing sector and performs processes relating to the assembly of commercial helicopter aircraft including. The facility is synthetic minor for volatile organic compounds (VOC) and hazardous air pollutants (HAP). The amendment incorporates a change in the responsible official from Michael Binder (Safety Systems Manager) to Christopher Czyzewski (General Manager Sr.).

*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.*

**07-05001: Appvion Operations, Inc.** (100 Paper Mill Road, Roaring Spring, PA 16673-1488) on May 14, 2019, for the pulp and paper mill facility located in Roaring Spring Borough, **Blair County**. The Title V permit was administratively amended in order to incorporate the requirements of Plan Approval No. 07-05001F.

## ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1–1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301–3326); The Clean Streams Law; the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51–30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1–1406.20a).** The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P.S. §§ 4001–4014); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1–693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101–6018.1002).

### Coal Permits Issued

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

**17841607 and NPDES No. PA0100803. Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201). To revise the NPDES permit for the Bigler Coal Preparation Plant in Bradford Township, **Clearfield County** for a DEP initiated revision to remove phenols monitoring for Outfall 002. No additional discharges. The application was considered administratively complete on September 25, 2018. Application received: September 25, 2018. Permit issued: May 24, 2019.

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

**33080101. MSM Coal Company, Inc.** (P.O. Box 243, DuBois, PA 15801). Renewal of an existing bituminous surface mine in Pine Creek Township, **Jefferson County** affecting 23.4 acres. This renewal is issued for reclamation only. Receiving streams: Cable Run. Application received: March 4, 2019. Permit issued: May 21, 2019.

*New Stanton District Office: P.O. Box 133, 131 Broadview Road, New Stanton, PA 15672, 724-925-5500.*

**30850103 and NPDES Permit No. PA0589756. Patriot Mining Company, LLC** (100 Tygart Drive, Grafton, WV 26354). Permit renewal issued for continued treatment to an existing bituminous surface mine, located in Nicholson Township, **Fayette County**, affecting 127.4 acres. Receiving streams: unnamed tributary to Whiteley Creek. Application received: July 3, 2017. Renewal permit issued: May 22, 2019.

*Noncoal Permits Issued*

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

**10180305. Three Rivers Aggregates, LLC** (1807 Shenango Road, New Galilee, PA 16141). Commencement, operation and restoration of a large industrial minerals mine in Worth Township, **Butler County** affecting 31.0 acres. This application includes a land use change from forestland to unmanaged natural habitat. Receiving streams: Unnamed tributary to Black Run. Application received: November 5, 2018. Permit issued: May 16, 2019.

**PAM618075. Three Rivers Aggregates, LLC** (1807 Shenango Road, New Galilee, PA 16141). General NPDES Permit for stormwater discharges associated with mining activity on Surface Mining Permit No. 10180305 in Worth Township, **Butler County**. Receiving streams: Unnamed tributary to Black Run. Application received: November 5, 2018. Permit issued: May 16, 2019.

**24589-10180305-E-1. Three Rivers Aggregates, LLC** (1807 Shenango Road, New Galilee, PA 16141). Application for a stream encroachment to build a haul road crossing over an unnamed tributary to Black Run in Worth Township, **Butler County**. Receiving streams: Unnamed tributary to Black Run. Application received: November 5, 2018. Permit issued: May 16, 2019.

**PAM619003. J. J. Cline Excavating** (628 Hadley Road, Greenville, PA 16125). General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 43992803 in Perry Township, **Mercer County**. Receiving streams: Unnamed tributary to Little Shenango River. Application received: May 1, 2019. Permit issued: May 21, 2019.

**ACTIONS ON BLASTING ACTIVITY APPLICATIONS**

**Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

*Blasting Permits Issued*

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

**04194001. Wampum Hardware Co.** (636 Paden Road, New Galilee, PA 16141). Blasting activity permit to blast at Zelenople Airport in Franklin Township, **Beaver County**. This blasting activity permit will expire on December 28, 2019. Permit issued: May 16, 2019.

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

**08194103. Maine Drilling & Blasting, Inc.** (P.O. Box 1140, Gardiner, ME 04345). Blasting for pipeline located

in Columbia and Armenia Townships, **Bradford County** with an expiration date of May 23, 2020. Permit issued: May 23, 2019.

**08194104. Maine Drilling & Blasting, Inc.** (P.O. Box 1140, Gardiner, ME 04345). Blasting for pipeline located in Columbia Township and Sylvania Borough, **Bradford County** with an expiration date of May 23, 2020. Permit issued: May 23, 2019.

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

**Permit No. 06194113. J Roy's, Inc.**, (P.O. Box 125, Bowmansville, PA 17507), construction blasting for Advanced Disposal Landfill in Cumru Township, **Berks County** with an expiration date of May 2, 2020. Permit issued: May 20, 2019.

**Permit No. 06194114. Schlouch, Inc.**, (P.O. Box 69, Blandon, PA 19510), construction blasting for Hamburg Commerce Lot 1 in Perry and Windsor Townships, **Berks County** with an expiration date of May 10, 2010. Permit issued: May 20, 2019.

**Permit No. 15194103. Brubacher Excavating, Inc.**, (825 Reading Road, Bowmansville, PA 17507), construction blasting for Wayne Glen in Tredyffrin Township, **Chester County** with an expiration date of May 15, 2020. Permit issued: May 21, 2019.

**Permit No. 67194108. Maine Drilling & Blasting, Inc.**, (P.O. Box 1140, Gardiner, ME 04345), construction blasting for Fox Run Interceptor in Dover Township, **York County** with an expiration date of May 6, 2020. Permit issued: May 23, 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**

*Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636.*

**E57-140. Department of Conservation and Natural Resources,** Rachel Carson State Office Building, P.O. Box 8451, Harrisburg, PA 17105-8451, Fox Township, **Sullivan County,** U.S. Army Corps of Engineers, Baltimore District. DCNR has applied for a joint permit to construct a new roadway alignment for Mill Creek, constructing a new culvert structure on UNT to West Branch Mill Creek installing rock protection at the existing bridge on Mill Creek Road over East Branch Mill Creek and removal of pipe culverts and three (3) box culverts over West Branch Mill Creek on the abandoned portion of Mill Creek Road due to the October 2016 flood event.

The project is located at Quadrangle: Barbours; Latitude: 41° 29' 01", Longitude: -76° 45' 31".

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

**E5829-140: Auburn and Springville Townships, Williams Field Services Company, LLC,** 400 IST Center, Suite 404, Horseheads, NY 14845; Auburn and Springville Townships, **Susquehanna County,** ACOE Baltimore District.

To construct, operate, and maintain:

1) a temporary timber mat crossing impacting 302 square feet (0.01 acre) of a palustrine emergent wetland (PEM) (Springville, PA Quadrangle; Latitude: 41° 39' 26", Longitude: -75° 56' 51"),

2) a temporary timber mat crossing impacting 503 square feet (0.01 acre) of a palustrine emergent wetland (PEM) (Springville, PA Quadrangle; Latitude: 41° 39' 37", Longitude: -75° 57' 01"),

3) a 12-inch diameter steel natural gas gathering pipeline and temporary timber mat crossing impacting 2,216 square feet (0.05 acre) of a palustrine emergent wetland (PEM) and 1,498 square feet (0.03 acre) of palustrine forested wetland (PFO) (Springville, PA Quadrangle; Latitude: 41° 39' 41", Longitude: -75° 57' 03"),

4) a 12-inch diameter steel natural gas gathering pipeline and temporary timber mat bridge crossing impacting 109 lineal feet of an unnamed tributary to West Branch Meshoppen Creek (CWF, MF) (Springville, PA Quadrangle; Latitude: 41° 40' 03", Longitude: -75° 57' 12"),

5) a 12-inch diameter steel natural gas gathering pipeline and temporary timber mat bridge crossing impacting

147 lineal feet of West Branch Meshoppen Creek (CWF, MF) (Springville, PA Quadrangle; Latitude: 41° 40' 24", Longitude: -75° 57' 22"),

6) a 12-inch diameter steel natural gas gathering pipeline and temporary timber mat crossing impacting 7,103 square feet (0.16 acre) of a palustrine emergent wetland (PEM) and 1,992 square feet (0.05 acre) of palustrine scrub-shrub wetland (PSS) (Springville, PA Quadrangle; Latitude: 41° 40' 24", Longitude: -75° 57' 23"),

7) a temporary timber mat crossing impacting 716 square feet (0.02 acre) of a palustrine emergent wetland (PEM) and 944 square feet (0.02 acre) of palustrine forested wetland (PFO) (Springville, PA Quadrangle; Latitude: 41° 40' 27", Longitude: -75° 57' 34"),

8) a 12-inch diameter steel natural gas gathering pipeline and temporary timber mat crossing impacting 273 square feet (0.01 acre) of a palustrine emergent wetland (PEM) and 3,842 square feet (0.09 acre) of palustrine forested wetland (PFO) (Springville, PA Quadrangle; Latitude: 41° 40' 26", Longitude: -75° 58' 17"),

9) a 12-inch diameter steel natural gas gathering pipeline and temporary timber mat bridge crossing impacting 123 lineal feet of an unnamed tributary to West Branch Meshoppen Creek (CWF, MF) (Springville, PA Quadrangle; Latitude: 41° 40' 26", Longitude: -75° 58' 17").

The natural gas gathering pipeline project consists of constructing approximately 12,596 lineal feet of 12-inch steel natural gas pipeline located in Auburn and Springville Townships, Susquehanna County. The project will result in 379 lineal feet of stream impacts, 10,308 square feet (0.24 acre) of palustrine emergent wetland, 1,992 square feet (0.05 acre) of palustrine scrub-shrub wetland, and 6,011 square feet (0.14 acre) of palustrine forested wetland impacts to provide safe reliable conveyance of Marcellus Shale natural gas to market.

**E5829-136: Bridgewater Township, Williams Field Services Company, LLC,** 310 State Route 92 North, Tunkhannock, PA 18657; Bridgewater Township, **Susquehanna County,** ACOE Baltimore District.

To construct, operate, and maintain:

1) a 12-inch diameter steel natural gas gathering pipeline and temporary timber mat crossing impacting 700 square feet (0.02 acre) of a palustrine emergent wetland (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 48' 36", Longitude: -75° 51' 30"),

2) a 12-inch diameter steel natural gas gathering pipeline and temporary timber mat bridge crossing impacting 51 lineal feet of a tributary to Meshoppen Creek (CWF, MF) (Montrose East, PA Quadrangle; Latitude: 41° 48' 34", Longitude: -75° 51' 30"),

3) a 12-inch diameter steel natural gas gathering pipeline and temporary timber mat crossing impacting 1,706 square feet (0.02 acre) of a palustrine emergent wetland (PEM) and 453 square feet (0.01 acre) of a palustrine scrub-shrub wetland (Montrose East, PA Quadrangle; Latitude: 41° 48' 29", Longitude: -75° 51' 21"),

4) a 12-inch diameter steel natural gas gathering pipeline and temporary timber mat bridge crossing impacting 40 lineal feet of a tributary to Meshoppen Creek (CWF, MF) (Montrose East, PA Quadrangle; Latitude: 41° 48' 26", Longitude: -75° 51' 19"),

5) a 12-inch diameter steel natural gas gathering pipeline and temporary timber mat crossing impacting 867 square feet (0.02 acre) of a palustrine emergent wetland (PEM), 2,524 square feet (0.06 acre) of a palustrine scrub-shrub wetland, and 1,860 square feet (0.04 acre) of

palustrine forested wetland (Montrose East, PA Quadrangle; Latitude: 41° 48' 26", Longitude: -75° 51' 18"),

6) a 12-inch diameter steel natural gas gathering pipeline and temporary timber mat crossing impacting 2,644 square feet (0.06 acre) of a palustrine emergent wetland (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 48' 21", Longitude: -75° 50' 57"),

7) a temporary timber mat crossing impacting 1,140 square feet (0.03 acre) of a palustrine emergent wetland (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 48' 24", Longitude: -75° 50' 51"),

8) a 12-inch diameter steel natural gas gathering pipeline and temporary timber mat bridge crossing impacting 50 lineal feet of a tributary to Meshoppen Creek (CWF, MF) (Montrose East, PA Quadrangle; Latitude: 41° 48' 34", Longitude: -75° 50' 40"),

9) a temporary timber mat crossing impacting 423 square feet (0.01 acre) of a palustrine emergent wetland (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 48' 41", Longitude: -75° 50' 19"),

10) a 12-inch diameter steel natural gas gathering pipeline and temporary timber mat bridge crossing impacting 50 lineal feet of Meshoppen Creek (CWF, MF) (Montrose East, PA Quadrangle; Latitude: 41° 48' 42", Longitude: -75° 50' 19"),

11) a 12-inch diameter steel natural gas gathering pipeline and temporary timber mat crossing impacting 4,306 square feet (0.10 acre) of a palustrine emergent wetland (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 48' 41", Longitude: -75° 50' 17"),

12) a 12-inch diameter steel natural gas gathering pipeline and temporary timber mat crossing impacting 2,385 square feet (0.06 acre) of a palustrine emergent wetland (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 48' 42" Longitude: -75° 50' 10"),

13) a 12-inch diameter steel natural gas gathering pipeline and temporary timber mat bridge crossing impacting 50 lineal feet of a tributary to Meshoppen Creek (CWF, MF) (Montrose East, PA Quadrangle; Latitude: 41° 48' 43", Longitude: -75° 50' 08"),

14) a temporary timber mat crossing impacting 997 square feet (0.02 acre) of a palustrine emergent wetland (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 48' 44", Longitude: -75° 49' 38"),

15) a 12-inch diameter steel natural gas gathering pipeline and temporary timber mat crossing impacting 2,309 square feet (0.05 acre) of a palustrine emergent wetland (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 48' 42", Longitude: -75° 49' 39"),

16) a 12-inch diameter steel natural gas gathering pipeline and temporary timber mat bridge crossing impacting 50 lineal feet of a tributary to Meshoppen Creek (CWF, MF) (Montrose East, PA Quadrangle; Latitude: 41° 48' 40", Longitude: -75° 49' 38"),

17) a 12-inch diameter steel natural gas gathering pipeline and temporary timber mat crossing impacting 1,820 square feet (0.04 acre) of a palustrine emergent wetland (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 48' 18", Longitude: -75° 49' 33"),

18) a 12-inch diameter steel natural gas gathering pipeline and temporary timber mat bridge crossing impacting 54 lineal feet of a tributary to Meshoppen Creek (CWF, MF) (Montrose East, PA Quadrangle; Latitude: 41° 48' 16", Longitude: -75° 49' 33"),

19) a 12-inch diameter steel natural gas gathering pipeline and temporary timber mat crossing impacting 9,370 square feet (0.22 acre) of a palustrine emergent

wetland (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 48' 14", Longitude: -75° 49' 33"),

20) a 12-inch diameter steel natural gas gathering pipeline and temporary timber mat crossing impacting 3,687 square feet (0.08 acre) of a palustrine emergent wetland (PEM) and 425 square feet (0.01 acre) of palustrine open water wetland (Montrose East, PA Quadrangle; Latitude: 41° 48' 09", Longitude: -75° 49' 32").

The natural gas gathering pipeline project consists of constructing approximately 3.3 miles of 12-inch steel natural gas pipeline located in Bridgewater Township, Susquehanna County. The project will result in 345 lineal feet of stream impacts, 32,354 square feet (0.74 acre) of palustrine emergent wetland impacts, 2,977 square feet (0.07 acre) of palustrine scrub-shrub wetland impacts, 1,820 square feet (0.04 acre) of palustrine forested wetland, and 425 square feet (0.01 acre) of palustrine open water wetland impacts to provide safe reliable conveyance of Marcellus Shale natural gas to market.

**E5829-139: Forest Lake Township, Williams Field Services Company, LLC**, 400 IST Center, Suite 404, Horseheads, NY 14845; Forest Lake 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 bridge crossing impacting 49 lineal feet of an unnamed tributary to Middle Branch Wyalusing Creek (CWF, MF) (Montrose West, PA Quadrangle; Latitude: 41° 51' 02", Longitude: -75° 59' 37"),

2) a 16-inch diameter steel natural gas gathering pipeline and temporary timber mat crossing impacting 971 square feet (0.02 acre) of a palustrine emergent wetland (PEM) (Montrose West, PA Quadrangle; Latitude: 41° 51' 08", Longitude: -75° 59' 20"),

3) a temporary timber mat bridge crossing impacting 40 lineal feet of an unnamed tributary to Middle Branch Wyalusing Creek (CWF, MF) (Montrose West, PA Quadrangle; Latitude: 41° 51' 08", Longitude: -75° 59' 21"),

4) a 16-inch diameter steel natural gas gathering pipeline and temporary timber mat crossing impacting 2,580 square feet (0.06 acre) of a palustrine emergent wetland (PEM) (Montrose West, PA Quadrangle; Latitude: 41° 51' 08", Longitude: -75° 59' 18"),

5) a temporary timber mat bridge crossing impacting 75 lineal feet of an unnamed tributary to Middle Branch Wyalusing Creek (CWF, MF) (Montrose West, PA Quadrangle; Latitude: 41° 51' 08", Longitude: -75° 59' 18"),

6) a 16-inch diameter steel natural gas gathering pipeline and temporary timber mat crossing impacting 6,029 square feet (0.14 acre) of a palustrine emergent wetland (PEM) (Montrose West, PA Quadrangle; Latitude: 41° 51' 12", Longitude: -75° 59' 16"),

7) a 16-inch diameter steel natural gas gathering pipeline and temporary timber mat bridge crossing impacting 55 lineal feet of a tributary to Middle Branch Wyalusing Creek (CWF, MF) (Montrose West, PA Quadrangle; Latitude: 41° 51' 12", Longitude: -75° 59' 16").

The natural gas gathering pipeline project consists of constructing approximately 1.1 mile of 16-inch steel natural gas pipeline located in Forest Lake Township, Susquehanna County. The project will result in 150 lineal feet of stream impacts and 9,580 square feet (0.22 acre) of palustrine emergent wetland impacts to provide safe reliable conveyance of Marcellus Shale natural gas to market.

**E5929-088: SWEPI LP**, 150 N. Dairy Ashford, E1296-E, Houston, TX 77079, Charleston Township, Tioga County, ACOE Baltimore District.

The removal of a well pad and access road impacting 11,125 square feet of a palustrine emergent (PEM) wetland (Crooked Creek, PA Quadrangle 41° 46' 55"N, 77° 13' 29"W). The impacts are a result from the previous well pad owner constructing the pad over the emergent wetland in Charleston Township, Tioga County. Along with the restoration of the 11,125 square feet (0.26 acre) of wetlands on-site, the permittee will provide 22,250 square feet (0.52 acre) of off-site compensatory mitigation at the Butters Mitigation Site (Blossburg, PA Quadrangle 41° 44' 55"N, 77° 03' 16"W).

**EROSION AND SEDIMENT CONTROL**

The following Erosion and Sediment Control permits have been issued.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Ap-

peals 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.

*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.*

<i>ESCP No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
ESG003219001	Columbia Gas Transmission LLC 1700 McCorkle Avenue, SE Charleston, WV 25314	Indiana	Conemaugh, Black Lick, White, Cherryhill, Green and Montgomery Townships	Elders Run, Roaring Run, Stewart Run, Muddy Run, Cherry Run, UNT Yellow Creek, UNT Two Lick Creek, Allen Run, Penn Run, Browns Run, S Branch Two Lick Creek, Whitaker Run, Rock Run, Isenberg Run, Cush Cusion Creek, Hazlet Run, UNT W Branch Susquehanna

*Northwest Region: Oil and Gas Program Manager, 230 Chestnut St., Meadville, PA 16335.*

ESCGP-3 # ESX120630013-01—Marchand Pad 3  
Applicant CNX Gas Company LLC  
Contact Sarah Weigand  
Address 1000 Consol Energy Drive  
City Canonsburg State PA Zip Code 15317  
County Indiana Township North Mahoning  
Receiving Stream(s) and Classification(s) UNTs to Tributary 47525 to Mudlick Run

ESCGP-3#ESG081019001-00—LamperskiWellPadExpansion  
Applicant PennEnergy Resources, LLC  
Contact Mr. Richard M. Watson  
Address 1000 Commerce Drive Park Place One, Suite 400  
City Pittsburgh State PA Zip Code 15275  
County Butler Township Forward  
Receiving Stream(s) and Classification(s) Connoquenessing Creek WWF

ESCGP-3 # ESG130830009-01—West Branch Pad N Pipe line Renewal  
Applicant Seneca Resources LLC  
Contact Mr. Doug Kepler  
Address 5800 Corporate Drive, Suite 300  
City Pittsburgh State PA Zip Code 15237  
County Elk & McKean Townships Jones, Sergeant & Norwich  
Receiving Stream(s) and Classification(s) Straight Creek HQ CWF EV, South Fork West Branch Potato Creek, HQ CWF, Dead Mans Lick HQ, CWF, MF Elk Fork EV, MF

ESCGP-3 # ESG082419001-00—Warrant 3781 1401 2H  
Applicant SWEPI LP  
Contact Jason Shoemaker  
Address 150 North Dairy Ashford Bldg E 12th Floor  
City Houston State TX Zip Code 77079  
County Elk Township Highland Township  
Receiving Stream(s) and Classification(s) Iron Run HQ-CWF, Chaffee Run HQ-CWF

*Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

ESCGP-3 # ESG295719003-00  
 Applicant Name Chief Oil & Gas LLC  
 Contact Person Jeffrey J. Deegan  
 Address 1720 Sycamore Road  
 City, State, Zip Montoursville, PA 17754-9306  
 County Sullivan  
 Township(s) Fox Twp.  
 Receiving Stream(s) and Classification(s) Receiving Watershed: Schrader Creek (EV, MF)  
 Secondary Receiving Water: Towanda Creek (TSF, MF)

ESCGP-3 # ESG290519001-00  
 Applicant Name Columbia Gas Transmission, LLC  
 Contact Person Columbia Gas Transmission, LLC  
 Address P.O. Box 1273; 1700 Maccorkle Avenue SE  
 City, State, Zip Charleston, WV 25325-1273  
 County Bedford  
 Township(s) Southampton Twp.  
 Receiving Stream(s) and Classification(s) Receiving Watershed: UTs of Wilson Run (HQ, CWF-MF)  
 Secondary Receiving Water: Town Creek, Basin (HQ, CWF-MF)

ESCGP-3 # ESG296619001-00  
 Applicant Name Appalachia Midstream Services, LLC  
 Contact Person Scott Kinter  
 Address 400 IST Center, Suite 404  
 City, State, Zip Horseheads, NY 14845  
 County Wyoming  
 Township(s) Forkston & North Branch Twps.  
 Receiving Stream(s) and Classification(s) Receiving Watershed: Douglas Hollow (CWF, MF), UNT to North Branch Mehoopany Creek (CWF, MF), Farr Hollow (CWF, MF)  
 Secondary Receiving Water: North Branch Mehoopany Creek (CWF, MF), Mehoopany Creek (CWF, MF), North Branch Mehoopany Creek (CWF, MF)

## CORRECTIVE ACTION UNDER ACT 32, 1989

### PREAMBLE 2

**The following plans and reports were submitted under the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104).**

Provisions of 25 Pa. Code Chapter 245 Subchapter D, Administration of the Storage Tank and Spill Prevention Program, require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A remedial action plan is submitted to summarize the site characterization, document the design and construction details for the remedial action, and describe how the remedial action will attain the selected remediation standard. The remedial action plan also provides results of studies performed and data collected to support the remedial action and a description of postremediation care requirements. A remedial action completion report is submitted to document cleanup of a release of a regulated substance at a site to the selected remediation standard. A remedial action completion report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or non-residential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical re-

sults 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.*

**Ferraris Svc Ctr**, 46-42445, 2295 Huntington Pike, Lower Moreland Township, **Montgomery County**. Boucher & James, Inc., 1546 Ferry Road Building, Doylestown, PA 18901, on behalf of Ferrari Sunoco Service Center, 2295 Huntingdon Valley, PA 19006 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.

**Broad & Diamond BP**, 51-21007, 2040 N Broad St, **City of Philadelphia**. Envirotrac Ltd., 3070 Bristol Pike, Building 1, Suite 221, Bensalem, PA 19020, on behalf of Lukoil North America LLC, 302 Harper Drive, Suite 303, Moorestown, NJ 08057 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.

**Lukoil 69235**, 46-41507, 3401 W Moreland Rd, Upper Moreland Township, **Montgomery County**. Envirotrac Ltd., 3070 Bristol Pike, Building 1, Suite 221, Bensalem, PA 19020, on behalf of Sanneet Inc., 2042 Broad Street, Philadelphia, PA 19121 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.

**Kieffers Appliance**, 46-41569, 785 Sumneytown Pike, Upper Gwynedd Township, **Montgomery County**. Earth Engineering Incorporated, 115 West Germantown Pike, Suite 200, East Norriton, PA 1940 on behalf of Marie Paone, 960 Pinehurst Drive, Chester Springs, PA 19425 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 residential Statewide health standards.

**Sunoco 0363 9408**, 51-24214, 4500 Baltimore Ave., **City of Philadelphia**. Groundwater & Environmental Services, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341, on behalf of Evergreen Resources Management Operations, 2 Righter Parkway, Suite 120, Wilmington, DE 19803 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.

**James Amen & Sons**, 51-43605, 6564 Haverford Ave., **City of Philadelphia**. Langan Engineering and Environmental Services, Inc., P.O. Box 1569, Warrington, PA



18976, on behalf of Red Leaf Development and Investment Associates, Inc. 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.

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

**PA0215 Newfoundland**, Storage Tank ID # 64-12561, 1042 Main Street, Dreher Township, **Wayne County**. Synergy Environmental, 155 Railroad Plaza, First Floor, Royersford, PA 19468, on behalf of Dunne Manning Realty LP, 645 Hamilton Street, Suite 500, Allentown, PA 18101, 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 Statewide Health Standards.

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

**Lamar Travel Center**, Storage Tank Primary ID # 18-05853, 5600 Nittany Valley Drive, Lamar, Porter Township, **Clinton County**. Leidos, Inc., 6310 Allentown Boulevard, Harrisburg, PA 17112, on behalf of TA Operating LLC, 24601 Center Ridge Road, Westlake, OH 44145-5634, submitted a Revised Remedial Action Plan concerning remediation of site groundwater contaminated with diesel fuel. The Revised Remedial Action Plan 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.*

**Former East McKeesport Texaco**, Storage Tank Primary Facility ID # 02-21391, 1153 Fifth Avenue, East McKeesport, PA 15035, East McKeesport Borough, **Allegheny County**. DMS Environmental Services, LLC, 103 South Spring Street, Bellefonte, PA 16823, on behalf of Golden Oil Company, P.O. Box 275, 1600 Oakdale Road, Oakdale, PA 15071, 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 the Statewide health standard.

**Cuddy Associates**, Storage Tank Primary Facility ID # 02-04161, Old Route 50 and Route 978 Junction, Cuddy, PA 15031, South Fayette Township, **Allegheny County**. Letterle and Associates, Inc., 2859 Oxford Boulevard, Allison Park, PA 15101, on behalf of John Kosky, P.O. Box 136, Cuddy, PA 15031, 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.

**Former Campbells Run Rd Texaco**, Storage Tank Primary Facility ID # 02-05278, Campbells Run and Boyce Roads, Pittsburgh, PA 15205, Collier Township, **Allegheny County**. CORE Environmental Services, Inc., 3960 William Flinn Highway, Suite 1000, Allison Park, PA 15101, on behalf of Kehm Oil Company, 1600 Oakdale Road, P.O. Box 130, Oakdale, PA 15071, 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 site-specific standard.

**Former BP Site # 00999C**, Storage Tank Primary Facility ID # 65-80298, 2401 Freeport Road, New Kensington, PA 15068, City of New Kensington, **Westmoreland County**. Parsons, 3606 Park 42 Drive, Box 13, Sharonville, OH 45241, on behalf of BP Products North America, Inc., 150 West Warrenville Road, MC 600 1015F, Naperville, IL 60563, 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.

**Ben Avon Mini Mart**, Storage Tank Primary Facility ID # 02-36089, 200 Division Avenue, Pittsburgh, PA 15202, Ben Avon Borough, **Allegheny County**. CORE Environmental Services, Inc., 3960 William Flinn Highway, Suite 1000, Allison Park, PA 15101, on behalf of HALP Enterprise, Inc., 200 Division Avenue, Pittsburgh, PA 15202, 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 the site-specific standard.

## CORRECTIVE ACTION UNDER ACT 32, 1989

### PREAMBLE 3

**The DEP has taken action on the following plans and reports under the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104).**

Provisions of 25 Pa. Code Chapter 245 Subchapter D, Administration of the Storage Tank and Spill Prevention Program, require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports.

A remedial action plan is submitted to summarize the site characterization, document the design and construction details for the remedial action, and describe how the remedial action will attain the selected remediation standard. The remedial action plan also provides results of studies performed and data collected to support the remedial action and a description of postremediation care requirements. A remedial action completion report is submitted to document cleanup of a release of a regulated substance at a site to the selected remediation standard. A remedial action completion report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or non-residential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

The DEP may approve or disapprove plans and reports submitted. This notice provides the DEP's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, please contact the Environmental Cleanup Program Manager in the DEP Regional Office under which the notice of the plan or report appears. If information concerning a report is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the DEP through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The DEP has received the following plans and reports:

*Southeast Region: Environmental Cleanup & Brownfields Program Manager, 2 East Main Street, Norristown, PA 19401.*

**Wolfsons**, 51-08329, 959 N 8th St, **City of Philadelphia**. Aquaterra Technologies, Inc., P.O. Box 744, West Chester, PA 19381, on behalf of Wolfson's Inc., 959 North 8th Street, Philadelphia, PA 19123-1303 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum products. The report demonstrated attainment of site-specific standards for soil and nonresidential Statewide health standards for groundwater and was approved by the DEP on May 17, 2019.

**Rdm Mgmt**, 23-16851, 1406 Naamans Creek Rd., Bethel Township, **Delaware County**. Marshall Geoscience, Inc., 170 First Avenue, Collegeville, PA 19426, on behalf of RDM Management, LLC, 5101 Pennell Road, Media, PA 19063 submitted a Site Characterization Report 310(b) concerning remediation of soil contaminated with petroleum products. The Site Characterization Report 310(b) demonstrated attainment of residential Statewide health standards and was approved by the DEP on May 15, 2019.

**Getty 69218**, 51-12152, 8005 Ogontz Ave., **City of Philadelphia**. Envirotrac Ltd., 3070 Bristol Pike, Building 1, Suite 221, Bensalem, PA 19020, on behalf of LUKOIL North America, LLC, 302 Harper Drive, Suite 303, Moorestown, NJ 08057 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum products. The Remedial Action Plan was acceptable to meet site specific standards and was approved by the DEP on May 15, 2019.

**Eddington Supply**, 09-41185, 2734 Bristol Pike, Bensalem Township, **Bucks County**. Advanced GeoServices, 1878 Marleton Pike East, Suite 10, Cherry Hill, NJ 08003, on behalf of Cook Property Management, LLC, 77 Township Line Road, Suite 250, Yardley, PA 19067 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum products. The Remedial Action Plan was acceptable to meet site specific standards and was approved by the DEP on May 21, 2019.

**Horsleys 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 Remedial Action Plan and Remedial Action Completion Report demonstrated attainment of nonresidential Statewide health standard and was approved by the DEP on May 21, 2019.

**Monroe Energy**, 23-41511, 4101 Post Rd., Trainer Borough, **Delaware County**. GHD, 410 Eagleview Boulevard, Suite 110, Exton, PA 19341, on behalf of Phillips 66 Remediation Management, 1400 Park Ave., Linden, NJ 07036 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum products. The Remedial Action Completion Report demonstrated attainment of nonresidential Statewide health standards and site specific standards and was approved by the DEP on May 10, 2019.

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

**Pilot Travel Center # 298**, Storage Tank ID # 40-51882, 1114 State Route 93, Sugarloaf Township, **Luzerne County**. Sovereign Consulting Inc., 359 Northgate Drive, Suite 400, Warrendale, PA 15086, on behalf of Pilot Travel Centers LLC, P.O. Box 10146, 5508 Lonas Drive, Knoxville, TN 37939, has submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with gasoline. The Remedial Action Plan was not acceptable to meet the Non-Residential Statewide Health Standards and was disapproved by DEP on May 21, 2019.

**Losch Building**, Storage Tank ID # 54-52708, 400 West Columbia Street, Schuylkill Haven Borough, **Schuylkill County**. United Environmental Services, P.O. Box 701, Schuylkill Haven, PA 17972 on behalf of Losch Boiler Sales and Service Company, 3023 Sequoia Drive, Macungie, PA 18062 has submitted a combined Site Characterization Report and Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum. The combined report was acceptable to meet Site-Specific Standards and was approved by DEP on May 21, 2019.

**Prem Ventures (former Shavertown Service)**, Storage Tank ID # 40-14479, 125 North Memorial Highway, Kingston Township, **Luzerne County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Prem Ventures LLC, 799 Coon Road, Wyoming, PA 18644, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with gasoline. The Remedial Action Plan was acceptable to meet nonresidential Statewide Health Standards and was approved by DEP on May 23, 2019.

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

**Former SureHeat OFC Facility**, Storage Tank Primary Facility ID # 22-25108, 600 East Emaus St., Middletown, PA 17057, Middletown Borough, **Dauphin County**, Letterle & Associates, Inc., 2022 Axemann Road, Suite 201, Bellefonte, PA 16823, on behalf of Middletown & Hummelstown Railroad, 136 Brown St., Middletown, PA 17057, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with Diesel Fuel constituents. The Remedial Action Completion Report demonstrated attainment of the Residential Used Aquifer Statewide Health Standard and was approved by the Department on May 15, 2019.

**Former Barry Bohn Automotive**, Storage Tank Primary Facility ID # 06-39794, 750 Lancaster Avenue, Reading, PA 19607, **Berks County**, Center Point Tank Services, Inc., 536 E. Benjamin Franklin Highway, Douglasville, PA 19518 on behalf of BDM Rentals, 401 Morgantown Road, Reading, PA 19611 submitted a Remedial Action Completion Report concerning remediation of groundwater contaminated with petroleum constituents. The Remedial Action Completion Report demonstrated attainment of a combination of the Used Aquifer Non-Residential Statewide Health Standards and Site-Specific Standards and was approved by the Department on May 15, 2019.

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

**Cowden's Family Market**, Storage Tank Primary Facility ID # 41-70437, 3725 Lycoming Creek Road, Cogan Station, Lycoming Township, **Lycoming County**. BlackRock Environmental, LLC, P.O. Box 299, Nazareth, PA 18064, on behalf of Cowden's Family Market, 3725

Lycoming Creek Road, Cogan Station, PA 17728, has submitted a Remedial Action Completion Report concerning remediation of groundwater contaminated with unleaded gasoline. The Remedial Action Completion Report demonstrated attainment of the Statewide Health Standard and was approved by DEP on March 14, 2019.

**Former Exxon Station # 22091**, Storage Tank Primary Facility ID # 49-06873, 424 East Sunbury Street, Shamokin, **Northumberland County**. Groundwater & Environmental Services, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341, on behalf of Former Exxon Station # 22091, 424 East Sunbury Street, Shamokin, PA, submitted a Remedial Action Completion Report concerning remediation of groundwater and soil contaminated with light petroleum products, specifically gasoline. The Remedial Action Completion Report demonstrated attainment of the Statewide Health and Site-Specific Standards and was approved by DEP on March 21, 2019.

**Rich Oil Company**, Storage Tank Primary Facility ID # 49-25326, 1072 Point Township Drive, Northumberland, PA 17857, **Northumberland County**. Quad Three Group Inc, 37 North Washington Street, Wilkes-Barre, PA 18701, on behalf of Rich Oil Company, 1072 Point Township Drive, Northumberland, PA 17857 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum hydrocarbons. The Remedial Action Completion Report demonstrated attainment of the Statewide Health Standard and was approved by DEP on April 19, 2019.

**Lamar Travel Center**, Storage Tank Primary ID # 18-05853, 5600 Nittany Valley Drive, Lamar, Porter Township, **Clinton County**. Leidos, Inc., 6310 Allentown Boulevard, Harrisburg, PA 17112, on behalf of TA Operating LLC, 24601 Center Ridge Road, Westlake, OH 44145-5634, submitted a Revised Remedial Action Plan concerning remediation of site groundwater contaminated with diesel fuel. The Revised Remedial Action Plan demonstrated attainment of the residential Statewide Health Standard and was approved by DEP on April 19, 2019.

*Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Former Tunstall's Service Somerset Pike # 1357**, Storage Tank Primary Facility ID # 56-05887, 10770 Somerset Pike, Somerset, PA 15501, Lincoln Township, **Somerset County**. GeoServices, Ltd., 1525 Cedar Cliff Drive, Camp Hill, PA 17011, on behalf of Navan Fuel Corporation, 106 2nd Street, Hicksville, NY 11801, submitted a Site Characterization-Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum products. The Site Characterization-Remedial Action Completion Report was acceptable to meet the Statewide Health Standard for soil and groundwater and was approved by the Department on May 14, 2019.

**Former Pacific Pride**, Storage Tank Primary Facility ID # 02-37407, 1030 Transit Boulevard, Bethel Park, PA 15102, Bethel Park Borough, **Allegheny County**. Apex Companies, LLC, 1600 Commerce Circle, Trafford, PA 15085, on behalf of Guttman Oil Company, 200 Speers Street, Belle Vernon, PA 15012, submitted a Site Characterization-Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum products. The Site Characterization-Remedial Action Plan was acceptable to meet the Statewide Health Standard for soil and groundwater and was approved by the Department on May 14, 2019.

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

**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 Remedial Action Plan was acceptable to meet the Statewide Health Standard and was approved by the Department on May 15, 2019.

**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 Remedial Action Plan was acceptable to meet the Statewide Health Standard and was approved by the Department on May 17, 2019.

**Sheetz 153**, Storage Tank Primary Facility ID # 20-31643, 18425 Smock Highway, Vernon Township, **Crawford County**. EnviroTrac, Ltd., 176 Thorn Hill Road, Warrendale, PA 16365, on behalf of Sheetz, Inc., 5700 Sixth Avenue, Altoona, PA 16602 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with benzene, toluene, ethylbenzene, xylenes, cumene, naphthalene, MTBE, 1,2,4 trimethylbenzene, and 1,3,5 trimethylbenzene. The Remedial Action Plan was not acceptable to meet a combination Site-Specific and Statewide Health Standards and was disapproved by DEP on May 21, 2019.

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## SPECIAL NOTICES

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### AIR QUALITY

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

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

**25-00783: Haysite Reinforced Plastics, LLC** (5599 Perry Highway, Erie, PA 16509). In accordance with 25 Pa. Code §§ 129.96—129.100, the Pennsylvania Department of Environmental Protection (the Department) has made a preliminary determination to approve an alternate Reasonably Available Control Technology (RACT II) plan and seeks approval of an amendment to the State Implementation Plan (SIP) for the plastics manufacturing facility owned and operated by Haysite Reinforced Plastics, LLC, in Millcreek Township, **Erie County**. And in accordance with 25 Pa. Code § 127.521, the Department of Environmental Protection intends to re-issue a Title V Operating Permit for the facility. The facility is located at 5599 Perry Highway, Erie, PA 16509. The facility's representative to contact concerning this application is Ms. Heather Ravenscroft, Environmental Compliance Manager.

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

The proposed amendments to the RACT II determination, if finally approved, will be incorporated into the revised operating permit for the facility. The relevant RACT II requirements will be submitted to the U.S. Environmental Protection Agency (EPA) as a revision to Pennsylvania's SIP and will remain in effect until replaced pursuant to 40 CFR 51 and approval by the EPA. Requirements that are not part of the RACT II determination will be excluded from the SIP submittal; this includes the provisions of the Department's presumptive RACT II requirements in accordance with 25 Pa. Code § 129.97, as they apply to existing sources at this facility.

The facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments due to its potential to emit VOC and HAP. The facility is therefore subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapter G.

The facility's emission sources include two 4 million Btu/hr natural gas fueled boilers; 10 natural gas fueled space heaters and 5 natural gas fueled furnaces, all rated 250,000 Btu/hr or less; 9 flat sheet molding presses; 14 compression molding machines; 5 pultrusion molding machines and saws; a sheet molding compound machine; a mix room; and a sheet sander and a panel saw. The facility is a major facility due to its potential to emit Styrene, both a HAP and a VOC. Actual 2018 emissions are as follows: 24.15 tons VOC, 24.07 tons HAPs, 1.52 ton NO<sub>x</sub>, 0.01 ton SO<sub>x</sub>, 1.28 ton CO, and 0.12 ton PM<sub>10</sub>. This facility is subject to 40 CFR Part 63 Subpart WWWW, NESHAPs for Reinforced Plastic Composites Production. The facility also has a 30 hp natural gas fueled emergency generator subject to 40 CFR Part 63 Subpart ZZZZ.

The following is a summary of the proposed amendments to the RACT II determination for this facility that will be submitted to the EPA as a SIP revision:

Source	RACT II Requirement
Flat Sheet Molding:	<ul style="list-style-type: none"> <li>• VOC emissions shall not exceed 58.995 tpy based on an emission factor of 7.68 # of VOC/ton product.</li> <li>• Emissions shall not exceed 9.22 # of VOC/ton product</li> </ul>
Compression Molding:	<ul style="list-style-type: none"> <li>• VOC emissions shall not exceed 17.16 tpy based on an emission factor of 7.69 # of VOC/ton product.</li> <li>• Emissions shall not exceed 9.23 # of VOC/ton product</li> </ul>
Pultrusion Molding:	<ul style="list-style-type: none"> <li>• VOC emissions shall not exceed 108.51 tpy based on an emission factor of 17.92 # of VOC/ton product for Pullers 3 &amp; 4 and based on an emission factor of 7.17 # of VOC/ton product for Puller 5 &amp; 6.</li> <li>• Emissions shall not exceed 21.50 # of VOC/ton product for Puller 3 &amp; 4.</li> <li>• Emissions shall not exceed 8.60 # of VOC/ton product for Puller 5 &amp; 6.</li> </ul>
Mix Room:	<ul style="list-style-type: none"> <li>• VOC emissions shall not exceed 17.19 tpy based on an emission factor of 10.26 # of VOC/ton product.</li> <li>• Emissions shall not exceed 12.31 # of VOC/ton product.</li> </ul>

*Public hearing.* If requested by July 8, 2019, a public hearing will be held to accept oral comments on the proposed operating permit revision and the proposed SIP revision. If requested, the hearing will be held on July 15, 2019, at 10 a.m. at the DEP Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335. To request a hearing, to register to speak at a hearing, or to inquire if a hearing will be held, please contact the Communications Office at 717-787-1323. The last day to pre-register to speak at a hearing, if one is held, will be July 8, 2019. If we do not receive any pre-registered speakers by this date, the hearing will be cancelled.

Please note that any updates made to any aspect of the hearing, including whether or not a hearing will be held, will be posted online at: <http://www.dep.pa.gov/About/Regional/NorthwestRegion/Community-Information/Pages/RACT-II.aspx>.

We ask that you contact the Communications Office at 717-787-1323 or monitor our web site to determine if a hearing will be held.

Persons wishing to present testimony at the hearing should contact the Communications Office at least one week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to a maximum of 10 minutes per individual and 2 written copies of the oral testimony are requested. Each organization is requested to designate one witness to present testimony on its behalf. Persons unable to attend the hearing, if it is held, may submit 3 copies of a written statement and exhibits within 10 days thereafter to Eric

A. Gustafson, Environmental Program Manager, Pennsylvania Department of Environmental Protection, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335.

Persons wishing to file a written protest or provide comments or additional information, which they believe should be considered prior to the issuance of a permit, may submit the information to Eric A. Gustafson, Environmental Program Manager, Pennsylvania Department of Environmental Protection, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335. A 30-day comment period from June 8, 2019, will exist for the submission of comments, protests and information. Each submission must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit number 25-00783 and concise statements regarding the relevancy of the information or objections to issuance of the permit or the proposed RACT II Plan.

All pertinent documents are available for public review between 8 a.m. and 4 p.m. at the DEP Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335. Appointments for scheduling a review may be made by calling the Department at 814-332-6078.

Persons with a disability who wish to comment and require an auxiliary aid, service, or other accommodations to do so should contact Virginia Cain, Environmental Community Relations Specialist, at 484-250-5808 or the

Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate your needs.

**Notice of Advertisement for Proposals for Municipal Solid Waste Disposal Capacity, Wayne County**

In accordance with the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act, Act 101 of July 28, 1988 as amended, and Chapter 272 of the Pennsylvania Rules and Regulations, 25 Pa. Code, the County of Wayne is hereby soliciting disposal capacity for municipal solid waste (MSW), including construction and demolition (C/D) waste and municipal sewage sludge (Sludge). Disposal capacity shall be provided for a term of ten (10) years. Wayne County hereby seeks responses from qualified facilities to provide processing/disposal capacity for the County-generated MSW, to begin on or after July 1, 2020.

The County of Wayne will receive sealed proposals until 4 p.m., prevailing local time, Wednesday, July 10, 2019, at the Wayne County Recycling Center, 66 Volunteer Drive, Honesdale, PA 18431. Written questions are due 3:30 p.m., Monday, June 17, 2019 and shall be sent via e-mail to the attention of Randy Heller, Recycling/Solid Waste Coordinator, RHellerwaynecounty@pa.gov. Proposals will be publicly opened at the regular meeting of the Wayne County Commissioners at 10:30 a.m., prevailing local time, July 11, 2019, at the Commissioners' Conference Room, 3rd Floor, Wayne County Courthouse, Honesdale, PA 18431.

Copies of the proposal documents may be purchased on or after release, Monday, June 3, 2019 from the Wayne County Recycling Center, 66 Volunteer Drive, Honesdale, PA 18431 by phone request at (570) 253-9727. A prepaid and non-refundable amount of \$50.00 is required per proposal via checks made payable to: Wayne County.

All responses shall include completed Submittal Forms contained in Appendix A of the RFP. Respondents shall submit one (1) original hard copy labeled as "Original" containing the original signature forms and other original documents plus one (1) copy to the address listed above, Attention: Randy Heller. Include with your submission, a removeable storage device or "slip drive" containing electronic files in Adobe PDF format including 1) the entire RFP response and 2) a separate PDF file containing only the completed Submittal Forms. Sealed RFP response envelopes shall be clearly labeled with the following information written on the outside:

*Proposal:* Wayne County Municipal Waste Disposal/Processing Capacity

*Due Date:* Wednesday, July 10, 2019, 4 p.m. Eastern Standard Time

*Submitted to:* Wayne County

*Submitted by:* (Company Name of Vendor; Address of Vendor)

*Authorized Official:* (Name of Vendor's Authorized Official)

**Notice of Public Hearing**

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

Notice is hereby given that the Pennsylvania Department of Environmental Protection, District Mining Operations, 25 Technology Drive, Coal Center, PA 15423, has received a request for a public hearing on the draft NPDES Permit amendment for the Bailey Central Mine

Complex Coal Refuse Disposal Areas No. 7 & No. 8 (NPDES No. PA0236268/Mining Permit No. 30130701) owned/operated by Consol Pennsylvania Coal Company LLC (CPCC), 1000 Consol Energy Drive, Canonsburg, PA 15317. The draft effluent limitations for the NPDES permit amendment were published in the *Pennsylvania Bulletin*, Volume 49, No. 15 on April 13, 2019 and Volume 49, No. 17 on April 27, 2019. The site currently has one outfall (801). This permit amendment proposes to add two additional (2) NPDES outfalls associated with Coal Refuse Disposal Area No. 7, a proposed fine coal slurry impoundment, located in Morris Township, Greene County (701 and 702).

The draft NPDES permit includes effluent limitations for Outfalls 701 and 702 associated with the construction and operation of Coal Refuse Disposal Area No. 7. This includes effluent limitations for iron, manganese, aluminum, pH, alkalinity, total suspended solids and total dissolved solids.

Outfall 701—Lat: 39° 57' 57.9" Long: -80° 22' 33.2"—UNT 32758 of Enlow Fork

Outfall 702—Lat: 39° 57' 56.6" Long: -80° 22' 34.5"—UNT 32758 of Enlow Fork

The Department will hold a public hearing on the draft NPDES permit amendment and application at the Morris Township Community Center, Rt. 18 Browns Creek Road, Nineveh, PA on Wednesday, July 17, 2019, from 1 p.m. until 3 p.m. The nature of the public hearing is to solicit concerns and comments regarding the draft amended NPDES permit for the Bailey Central Mine Complex Coal Refuse Disposal Areas No. 7 & No. 8. The public hearing will be held in accordance with 25 Pa. Code § 92a.83.

The public hearing is being held at the request of Center For Coalfield Justice and residents, to state their concerns about the proposed effluent limitations and concerns about impacts to the protected uses of the stream.

A Department representative will be available to receive both written and oral testimony regarding the draft NPDES permit. Testimony will be placed into public record for the draft NPDES permit and considered by Department staff in the review process. A court stenographer will be present to document the expressed concerns.

If you are a person with a disability wishing to attend this public hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings, please contact Bonnie Herbert at 724.769.1100 to discuss how we may accommodate your needs. If necessary, you may use the Pennsylvania AT&T Relay Service by calling (800) 654.5984 (TDD Users) or (800) 654.5988 (Voice users) and request that your call be relayed to Bonnie Herbert at 724.769.1100.

Copies of the draft NPDES permit and associated documents are on file for public review, by appointment, at the Department of Environmental Protection, District Mining Operations, 25 Technology Drive, California Technology Park, Coal Center, PA 15423, Phone: 724-769-1100.

[Pa.B. Doc. No. 19-863. Filed for public inspection June 7, 2019, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Mining and Reclamation Advisory Board Meeting

The Mining and Reclamation Advisory Board will meet on Thursday, July 18, 2019, at 9 a.m. at the Pottsville District Mining Office, 5 West Laurel Boulevard, Pottsville, PA 17901. The meeting will also be offered in a conference call format.

Questions concerning the July 18, 2019, meeting can be directed to Daniel E. Snowden at [dsnowden@pa.gov](mailto:dsnowden@pa.gov) or (717) 783-8846. The agenda and meeting materials will be available through the Public Participation tab on the Department of Environmental Protection's (Department) web site at [www.dep.pa.gov](http://www.dep.pa.gov) (select "Public Participation," then "Advisory Committees," then "Mining Advisory Committees," then "Mining and Reclamation Advisory Board").

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Daniel E. Snowden at (717) 783-8846, or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 19-864. Filed for public inspection June 7, 2019, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Oil and Gas Technical Advisory Board Meeting Cancellation

The June 20, 2019, meeting of the Oil and Gas Technical Advisory Board (Board) is cancelled. The next regular Board meeting is scheduled for Thursday, September 19, 2019, at 10 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning the September 20, 2019, meeting should be directed to Todd M. Wallace, Office of Oil and Gas Management, at [twallace@pa.gov](mailto:twallace@pa.gov) or (717) 783-9438. The agenda and meeting materials will be available through the Public Participation tab on the Department of Environmental Protection's (Department) web site at [www.dep.pa.gov](http://www.dep.pa.gov) (select "Public Participation," then "Advisory Committees," then "Oil and Gas Advisory Committees," then "Oil and Gas Technical Advisory Board").

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Todd M. Wallace at (717) 783-9438, or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 19-865. Filed for public inspection June 7, 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(j) (relating to prevention, control and surveillance of tuberculosis (TB)):

Squirrel Hill Wellness and Rehabilitation Center  
2025 Wightman Street  
Pittsburgh, PA 15217  
FAC ID # 231602

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building):

St. John Specialty Care Center  
P.O. Box 928  
500 Wittenberg Way  
Mars, PA 16046  
FAC ID # 970802

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](mailto: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. 19-866. Filed for public inspection June 7, 2019, 9:00 a.m.]

## DEPARTMENT OF HUMAN SERVICES

### Availability of Amendments to the Office of Developmental Programs' Consolidated, Community Living and Person/Family Directed Support Waivers

The Department of Human Services (Department) is making available for public review and comment the Office of Developmental Programs' proposed amendments to the Consolidated, Community Living and Person/Family Directed Support (P/FDS) waivers.

### Background

Whenever substantive changes are made to an approved waiver, the Department must submit an amendment to the Centers for Medicare & Medicaid Services for approval. The Department proposes to amend the Consolidated, Community Living and P/FDS waivers effective October 1, 2019, as follows:

- Increase the number of individuals served in the Consolidated and Community Living waivers as provided for in the Governor's proposed budget to support more people in the community.
- Adds planning requirements for Administrative Entities to address access to needed waiver services upon graduation to individuals who will graduate from special education and who are not eligible to continue their education through the next year.
- Provide for support of children with medical needs who transition from a facility that does not meet waiver home and community-based settings requirements to live with their families or, if living with their family is not possible, in the home of another nurturing caregiver.
- Increase community participation of waiver participants through changes in service definitions, such as the addition of an on-call and remote support component to the Community Participation Support service and clarification as to where newly enrolled licensed facilities can be located.
- Increase competitive integrated employment of waiver participants by allowing Supported Employment services to be provided when a waiver participant has received an offer of competitive integrated employment and the Office of Vocational Rehabilitation has not made an eligibility determination at that time and by clarifying where Advanced Supported Employment services can be provided.
- Develop and support qualified staff by extending the timeframe by which requirements for employment credentials or certificates must be obtained to July 1, 2019, for Supported Employment, Small Group Employment and the prevocational component of the Community Participation Support service.
- Promote health, wellness and safety by clarifying that Supports Coordinators should review information in health risk screening tools when applicable and determine whether there have been any changes in orders, plans or medical interventions prescribed or recommended by medical or behavioral professionals when Supports Coordinators monitor a waiver participant's health and safety and develop Individual Support Plans.
- Clarify the role direct service professionals perform through Communication Specialist services.

The proposed amendments to the Consolidated, P/FDS and Community Living waivers effective October 1, 2019, are available at <http://www.dhs.pa.gov/provider/developmentalprograms/waiveramendment/>.

### Fiscal Impact

It is anticipated that there will be an additional cost of \$30.412 million (\$15.003 million in State Funds) to the Commonwealth in Fiscal Year (FY) 2019-2020 and an annualized cost of \$60.823 million (\$29.429 million in State Funds) in FY 2020-2021 and subsequent years to serve additional participants in the waivers. The amount of funding available for this program is dependent upon the funds appropriated by the General Assembly for the

forthcoming fiscal year; therefore, until a budget bill is passed and enacted, the fiscal impact is estimated.

### Public Comment

Interested persons are invited to submit written comments regarding the proposed waiver amendments. Comments should be addressed to Julie Mochon, Department of Human Services, Office of Developmental Programs, 625 Forster Street, Room 510, Harrisburg, PA 17120. Comments may also be submitted to the Department at [RA-odpcomment@pa.gov](mailto:RA-odpcomment@pa.gov). Comments received within 30 days of publication of this notice will be reviewed and considered for revisions to the proposed waiver amendments.

The Department will also hold two webinars to receive comments on the proposed waiver amendments. Dates, times and links for registration to attend these webinars are as follows:

June 20, 2019  
1 p.m. to 3 p.m.

June 24, 2019  
10 a.m. to 12 p.m.

The following link must be used to register for either of the webinars: <https://attendee.gotowebinar.com/rt/4851348065616833282>. Participants are able to participate in the webinar by phone, but will need a computer to provide comments during the webinar. To assist the Department in accurately capturing comments provided during the webinars, individuals are asked to submit a written copy of their comments by e-mail or mail to the previously listed address.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service by dialing 711 or by using one of the toll free numbers: (800) 654-5984 (TDD users), (800) 654-5988 (voice users), (844) 308-9292 (Speech-to-Speech) or (844) 308-9291 (Spanish).

Copies of this notice and waiver amendments may be obtained at the regional Office of Developmental Programs in the corresponding regions:

• *Western Region:* Piatt Place, Room 4900, 301 5th Avenue, Pittsburgh, PA 15222, (412) 565-5144

• *Northeast Region:* Room 315, Scranton State Office Building, 100 Lackawanna Avenue, Scranton, PA 18503, (570) 963-4749

• *Southeast Region:* 801 Market Street, Suite 5071, Philadelphia, PA 19107, (215) 560-2242 or (215) 560-2245

• *Central Region:* P.O. Box 2675, DGS Annex Complex, Harrisburg, PA 17105, (717) 772-6507

TERESA D. MILLER,  
*Secretary*

**Fiscal Note:** 14-NOT-1336. (1) General Fund; (2) Implementing Year 2019-20 is \$15,003,000; (3) 1st Succeeding Year 2020-21 through 5th Succeeding Year 2024-25 are \$29,429,000; (4) 2018-19 Program—\$1,644,000,000; 2017-18 Program—\$1,528,000,000; 2016-17 Program—\$1,349,000,000; (7) Intellectual Disabilities—Community Waiver Program; (8) recommends adoption. Funds have been included in the Governor's proposed budget to cover the 2019-2020 increase. The enacted budget is pending.

[Pa.B. Doc. No. 19-867. Filed for public inspection June 7, 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 Medical Assistance (MA) hospitals. These payments are intended to promote the availability of professional medical services to MA populations in less urbanized areas of this Commonwealth by supporting medical education and academic medical programs. 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. 7714 (December 15, 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 \$5.864 million (\$2.800 million in State general funds and \$3.064 million in Federal funds).

TERESA D. MILLER,  
*Secretary*

**Fiscal Note:** 14-NOT-1334. (1) General Fund; (2) Implementing Year 2018-19 is \$2,800,000; (3) 1st Succeeding Year 2019-20 through 5th Succeeding Year 2023-24 are \$0; (4) 2017-18 Program—\$24,681,000; 2016-17 Program—\$21,181,000; 2015-16 Program—\$17,431,000; (7) MA—Academic Medical Centers; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 19-868. Filed for public inspection June 7, 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 made to qualifying Medical Assistance (MA) enrolled acute care general hospitals which provide a high volume of inpatient services to MA eligible and low-income populations. These payments are intended to promote access to medically necessary inpatient services for MA eligible and low-income persons. 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. 7715 (December 15, 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 \$0.730 million (\$0.349 million in State general funds and \$0.381 million in Federal funds).

TERESA D. MILLER,  
*Secretary*

**Fiscal Note:** 14-NOT-1333. (1) General Fund; (2) Implementing Year 2018-19 is \$349,000; (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) MA—Fee-for-Service; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 19-869. Filed for public inspection June 7, 2019, 9:00 a.m.]

## DEPARTMENT OF HUMAN SERVICES

### Disproportionate Share Payments to Qualifying Teaching 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 teaching hospitals that provide psychiatric services to Medical Assistance (MA) beneficiaries. These payments are intended to help offset medical education costs of psychiatrists which are incurred by hospitals providing assistance to MA beneficiaries and uninsured persons. 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. 7716 (December 15, 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 \$0.500 million (\$0.239 million in State general funds and \$0.261 million in Federal funds).

TERESA D. MILLER,  
*Secretary*

**Fiscal Note:** 14-NOT-1335. (1) General Fund; (2) Implementing Year 2018-19 is \$239,000; (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) MA—Fee-for-Service; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 19-870. Filed for public inspection June 7, 2019, 9:00 a.m.]



## DEPARTMENT OF HUMAN SERVICES

### Payments to County Nursing Facilities; Medical Assistance Day One Incentive Payments for the First Two Quarters of Fiscal Year 2018-2019

This notice announces that the Department of Human Services (Department) made Medical Assistance Day One Incentive (MDOI) payments to each qualified county nursing facility for the first and second quarters of Fiscal Year (FY) 2018-2019.

#### *Payment Information*

The Department made county nursing facility MDOI payments for July 1, 2018, through September 30, 2018, and October 1, 2018, through December 31, 2018, quarters of FY 2018-2019.

Payment information for the county nursing facility MDOI payments was posted to the Department's web site at <http://www.dhs.pa.gov/provider/longtermcarecasemix/information/countymdoi/index.htm>.

#### *Appeals*

If a facility wishes to appeal, the facility must file a written request for a hearing with the Department's Bureau of Hearings and Appeals, 2330 Vartan Way, Second Floor, Harrisburg, PA 17110-9721, within 30 days of the date of the publication of this notice. A copy should be sent to the Department of Human Services, Office of Long-Term Living, Attention: Bureau of Finance, Division of Rate Setting and Auditing, 555 Walnut Street, Forum Place, 6th Floor, P.O. Box 8025, Harrisburg, PA 17105-8025 and to the Department of Human Services, Office of General Counsel, Health and Welfare Building, Third Floor West, P.O. Box 2675, Harrisburg, PA 17105-2675.

Appeals of Medical Assistance providers are governed by 55 Pa. Code Chapter 41 (relating to Medical Assistance provider appeal procedures). Individuals should review those regulations carefully. Among other things, they specify what information individuals must include in the written request for hearing, and how the Bureau of Hearings and Appeals will determine whether the request for hearing was filed on time.

#### *Questions or Comments*

For questions or comments regarding these payments, contact the Department of Human Services, Office of Long-Term Living, Bureau of Finance, Attention: Diane Bamford, (717) 787-1171, RA-PWOLTLNFRates@pa.gov.

TERESA D. MILLER,  
*Secretary*

**Fiscal Note:** 14-NOT-1337. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 19-871. Filed for public inspection June 7, 2019, 9:00 a.m.]

## DEPARTMENT OF LABOR AND INDUSTRY

### Uniform Construction Code Review and Advisory Council 2018 Triennial Code Review Public Comment Period

The Department of Labor and Industry (Department) is seeking public comment on the 2018 International Code Council codes. The public comment period will open on Thursday, June 13, 2019, and last 120 days, closing on Thursday, October 10, 2019. The submission will be located on the Department's web site at [www.dli.pa.gov](http://www.dli.pa.gov). Individuals with any further questions should contact Nathan Clark, (717) 772-9162.

W. GERARD OLEKSIK,  
*Secretary*

[Pa.B. Doc. No. 19-872. Filed for public inspection June 7, 2019, 9:00 a.m.]

## DEPARTMENT OF LABOR AND INDUSTRY

### Uniform Construction Code Review and Advisory Council 2018 Triennial Code Review Technical Advisory Participation

The Department of Labor and Industry (Department) is seeking individuals interested in serving on the 2018 Uniform Construction Code Review and Advisory Council's Technical Advisory Committees. The committees shall be charged with assisting the Uniform Construction Code Review and Advisory Council in their review of the 2018 International Code Council codes. The application period will open on Thursday, June 13, 2019, and last 30 days, closing on Friday, July 12, 2019. The submission form will be located on the Department's web site at [www.dli.pa.gov](http://www.dli.pa.gov). Individuals with any further questions should contact Nathan Clark, (717) 772-9162.

W. GERARD OLEKSIK,  
*Secretary*

[Pa.B. Doc. No. 19-873. Filed for public inspection June 7, 2019, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Life Estate and Remainder Factors; Pennsylvania Realty Transfer Tax

In accordance with 61 Pa. Code § 91.165(d) (relating to reservations or conveyances of life estates), the Department of Revenue (Department) is required to periodically publish notice of the Life Estate and Remainder Factors and their effective date to be used for the calculation of the taxable value of a Life Estate and Remainder Interest in real estate.

Section 91.165(d)(1) of 61 Pa. Code provides that the factors will be based upon tables published by the Internal Revenue Service (IRS) for calculating the present worth of a Life Estate and Remainder Interest. See <https://www.irs.gov/retirement-plans/actuarial-tables>. The IRS table of factors to be used is the table based upon an average interest rate for the 36 months prior to publication of the factors in the *Pennsylvania Bulletin*. The average interest rate rounded to the nearest two tenths of a percent for the 36 months prior to publication of this notice (June 2016—May 2019) is 2.6%.

Effective July 1, 2019, the Department is updating the Life Estate and Remainder Factors to account for changes in mortality and interest rates as follows:

**Pennsylvania Realty Transfer Tax  
Factors for Conveyances or Reservations of  
Life Estate and Remainder Interests in Real Estate**

*IRS Publication 1457  
Table S (2.6)  
Single Life Factors Based on Life Table 2000CM  
Interest at 2.6 Percent*

<i>Age</i>	<i>Life Estate</i>	<i>Remainder</i>
0	0.84352	0.15648
1	0.84542	0.15458
2	0.84183	0.15817
3	0.83800	0.16200
4	0.83400	0.16600
5	0.82987	0.17013
6	0.82560	0.17440
7	0.82121	0.17879
8	0.81670	0.18330
9	0.81205	0.18795
10	0.80727	0.19273
11	0.80236	0.19764
12	0.79732	0.20268
13	0.79218	0.20782
14	0.78697	0.21303
15	0.78171	0.21829
16	0.77642	0.22358
17	0.77107	0.22893
18	0.76566	0.23434
19	0.76017	0.23983
20	0.75457	0.24543
21	0.74886	0.25114
22	0.74303	0.25697
23	0.73707	0.26293
24	0.73096	0.26904
25	0.72466	0.27534
26	0.71818	0.28182
27	0.71151	0.28849
28	0.70465	0.29535
29	0.69763	0.30237
30	0.69044	0.30956
31	0.68309	0.31691

<i>Age</i>	<i>Life Estate</i>	<i>Remainder</i>
32	0.67558	0.32442
33	0.66789	0.33211
34	0.66007	0.33993
35	0.65208	0.34792
36	0.64394	0.35606
37	0.63565	0.36435
38	0.62719	0.37281
39	0.61859	0.38141
40	0.60984	0.39016
41	0.60094	0.39906
42	0.59191	0.40809
43	0.58271	0.41729
44	0.57337	0.42663
45	0.56389	0.43611
46	0.55426	0.44574
47	0.54450	0.45550
48	0.53460	0.46540
49	0.52455	0.47545
50	0.51434	0.48566
51	0.50398	0.49602
52	0.49347	0.50653
53	0.48282	0.51718
54	0.47204	0.52796
55	0.46116	0.53884
56	0.45022	0.54978
57	0.43922	0.56078
58	0.42818	0.57182
59	0.41710	0.58290
60	0.40595	0.59405
61	0.39476	0.60524
62	0.38355	0.61645
63	0.37234	0.62766
64	0.36113	0.63887
65	0.34991	0.65009
66	0.33860	0.66140
67	0.32723	0.67277
68	0.31584	0.68416
69	0.30447	0.69553
70	0.29312	0.70688
71	0.28181	0.71819
72	0.27055	0.72945
73	0.25939	0.74061
74	0.24836	0.75164
75	0.23751	0.76249
76	0.22686	0.77314
77	0.21642	0.78358
78	0.20620	0.79380
79	0.19622	0.80378

Age	Life Estate	Remainder
80	0.18649	0.81351
81	0.17702	0.82298
82	0.16783	0.83217
83	0.15893	0.84107
84	0.15032	0.84968
85	0.14202	0.85798
86	0.13403	0.86597
87	0.12637	0.87363
88	0.11901	0.88099
89	0.11199	0.88801
90	0.10529	0.89471
91	0.09891	0.90109
92	0.09286	0.90714
93	0.08713	0.91287
94	0.08170	0.91830
95	0.07658	0.92342
96	0.07176	0.92824

Age	Life Estate	Remainder
97	0.06724	0.93276
98	0.06299	0.93701
99	0.05899	0.94101
100	0.05527	0.94473
101	0.05176	0.94824
102	0.04851	0.95149
103	0.04530	0.95470
104	0.04234	0.95766
105	0.03943	0.96057
106	0.03580	0.96420
107	0.03171	0.96829
108	0.02518	0.97482
109	0.01267	0.98733

C. DANIEL HASSELL,  
Secretary

[Pa.B. Doc. No. 19-874. Filed for public inspection June 7, 2019, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Chili Pepper Payout Fast Play Lottery Game 5057; Change to Game Rules

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) 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 changes to the Pennsylvania Chili Pepper Payout Fast Play lottery game rules that were published at 49 Pa.B. 2322 (May 4, 2019).

The Pennsylvania Lottery has altered a portion of the rules associated with the Chili Pepper Payout Fast Play Lottery Game. Pursuant to this change, the Prize Chart has been updated to include the correct approximate number of winners, amounts of prizes and approximate chances of winning. The correct version of this document is as follows, with ellipses referring to the existing text as it appeared at 49 Pa.B. 2322—2326:

\* \* \* \* \*

7. *Number and Description of Prizes and Approximate Chances of Winning:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate chances of winning:

<i>When Any Of YOUR NUMBERS Match Any WINNING NUMBER, Win Prize Shown Under The Matching Number. Win With:</i>	<i>SPICY BONUS:</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 3,600,000 Tickets</i>
	\$5	\$5	12.5	288,000
\$5		\$5	14.29	252,000
\$5 × 2		\$10	100	36,000
\$5	\$5	\$10	50	72,000
	\$10	\$10	49.5	72,720
\$10		\$10	100	36,000
\$5 × 3		\$15	250	14,400
\$5 × 2	\$5	\$15	66.67	54,000
	\$15	\$15	62.5	57,600
\$15		\$15	200	18,000
\$5 × 4		\$20	666.67	5,400
\$10 + \$5	\$5	\$20	666.67	5,400
\$10	\$10	\$20	1,000	3,600
\$15	\$5	\$20	1,000	3,600
	\$20	\$20	1,000	3,600

<i>When Any Of YOUR NUMBERS Match Any WINNING NUMBER, Win Prize Shown Under The Matching Number: Win With:</i>	<i>SPICY BONUS:</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 3,600,000 Tickets</i>
\$20		\$20	1,000	3,600
\$10 × 3		\$30	10,000	360
\$15 × 2		\$30	5,000	720
\$5 × 4	\$10	\$30	5,000	720
\$10 + \$5	\$15	\$30	5,000	720
\$20	\$10	\$30	5,000	720
\$30		\$30	5,000	720
\$10 × 5		\$50	3,000	1,200
(\$10 × 4) + (\$5 × 2)		\$50	3,000	1,200
(\$15 × 2) + (\$5 × 2)	\$10	\$50	3,000	1,200
\$20 × 2	\$10	\$50	3,000	1,200
\$30	\$20	\$50	3,000	1,200
	\$50	\$50	6,000	600
\$50		\$50	6,000	600
\$50 × 2		\$100	24,000	150
\$20 × 5		\$100	24,000	150
(\$20 × 2) + (\$10 × 4) + (\$5 × 4)		\$100	24,000	150
(\$20 × 2) + (\$15 × 2) + (\$10 × 2)	\$10	\$100	24,000	150
(\$15 × 4) + (\$10 × 3)	\$10	\$100	12,000	300
\$30 × 3	\$10	\$100	24,000	150
	\$100	\$100	24,000	150
\$100		\$100	24,000	150
\$500 × 2		\$1,000	240,000	15
(\$250 × 3) + (\$50 × 4) + (\$10 × 5)		\$1,000	240,000	15
(\$250 × 2) + (\$100 × 2) + (\$50 × 4)	\$100	\$1,000	240,000	15
\$1,000		\$1,000	240,000	15
PROGRESSIVE TOP PRIZE		\$50,000*	180,000	20

\* \* \* \* \*

C. DANIEL HASSELL,  
*Secretary*

[Pa.B. Doc. No. 19-875. Filed for public inspection June 7, 2019, 9:00 a.m.]

**DEPARTMENT OF  
TRANSPORTATION**

**Automated Red Light Enforcement Transportation Enhancement Grants Program Applications; Amended Online Application**

The notice titled “Automated Red Light Enforcement Transportation Enhancement Grants Program Applications,” published at 49 Pa.B. 2687 (May 25, 2019), is amended to reflect that the online application can be located at <https://www.dotgrants.penndot.gov/ARLE>.

Applications will be accepted until July 1, 2019.

LESLIE S. RICHARDS,  
*Secretary*

[Pa.B. Doc. No. 19-876. Filed for public inspection June 7, 2019, 9:00 a.m.]

**DEPARTMENT OF  
TRANSPORTATION**

**State Transportation Commission Meeting**

The State Transportation Commission (Commission) will hold a meeting on Thursday, June 13, 2019, from 10 a.m. to 12 p.m. at the Doubletree Pittsburgh Meadow Lands Hotel, 340 Race Track Road, Washington, PA. For more information, contact the Commission, (717) 787-2913, RA-PennDOTSTC@pa.gov.

LESLIE S. RICHARDS,  
*Secretary*

[Pa.B. Doc. No. 19-877. Filed for public inspection June 7, 2019, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insured has requested a hearing as authorized by the act of June 17, 1998 (P.L. 464, No. 68) (Act 68) in connection with the termination of the insured's automobile insurance policy. The hearing will be held in accordance with the requirements of Act 68; 2 Pa.C.S. §§ 501—508, 561—588 and 701—704 (relating to Administrative Agency Law); 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearing will be held as follows. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in Room 2019, Piatt Building, 301 5th Avenue, Pittsburgh, PA 15222.

Appeal of Scott Luedtke; Esurance Property and Casualty Insurance Company; File No. 19-176-235962; Doc. No. P19-05-018; July 24, 2019, 2 p.m.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Joseph Korman, (717) 787-4429, jkorman@pa.gov.

JESSICA K. ALTMAN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 19-878. Filed for public inspection June 7, 2019, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Review Procedure Hearings under the Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (act) (40 P.S. § 1171.8) in connection with the company's termination of the insureds' homeowner's policy. The hearing will be held in accordance with the requirements of the act; 2 Pa.C.S. §§ 501—508, 561—588 and 701—704 (relating to Administrative Agency Law); 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearing will be held as follows. Failure by the appellants to appear at the scheduled hearing may result in dismissal with prejudice.

The hearing will be held in Hearing Room 2019, Piatt Building, 301 5th Avenue, Pittsburgh, PA 15222.

Appeal of Regis R. and Susan E. Preston; Tuscarora Wayne Insurance Company; File No. 19-178-236229; Doc. No. P19-05-019; July 24, 2019, 3 p.m.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Joseph Korman, (717) 787-4429, jkorman@pa.gov.

JESSICA K. ALTMAN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 19-879. Filed for public inspection June 7, 2019, 9:00 a.m.]

## PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY

### DEPARTMENT OF ENVIRONMENTAL PROTECTION

#### Environmental Assessment Approval for PENNVEST Funding Consideration

*Scope:* Clean Water and Drinking Water State Revolving Fund Projects for July 17, 2019, Pennsylvania Infrastructure Investment Authority (PENNVEST) Board Meeting Consideration

*Description:* PENNVEST, which administers the Commonwealth's Clean Water Fund (CWSRF) and Drinking Water State Revolving Funds (DWSRF), is intended to be the funding source for the following projects. The Department of Environmental Protection's (Department) review of these projects, and the information received in the Environmental Report for these projects, has not identified any significant, adverse environmental impact resulting from any of the proposed projects. The Department hereby approves the Environmental Assessment for each project. If no significant comments are received during this comment period, the Environmental Assessment will be considered approved and funding for the project will be considered by PENNVEST.

To be considered, the Department must receive comments on this approval on or by July 8, 2019. Electronic comments should be submitted using the Department's eComment site at [www.ahs.dep.pa.gov/eComment](http://www.ahs.dep.pa.gov/eComment). Written comments can be submitted by e-mail to [ecomment@pa.gov](mailto:ecomment@pa.gov) or by mail to the Policy Office, Department of Environmental Protection, Rachel Carson State Office Building, P.O. Box 2063, Harrisburg, PA 17105-2063. Use "PENNVEST SRF-Environmental Assessment" as the subject line in written communication.

For more information about the approval of the following Environmental Assessments or the Clean Water and Drinking Water State Revolving Loan Programs contact Richard Wright at [riwright@pa.gov](mailto:riwright@pa.gov) or the Bureau of Clean Water, Department of Environmental Protection, P.O. Box 8774, Harrisburg, PA 17105-8774, (717) 772-4059, or visit the Department's web site at <http://www.dep.pa.gov/Business/Water/CleanWater/InfrastructureFinance/Pages/default.aspx>.

Any comments received during the comment period, along with the Department's comment and response document will be available on the Department's web site at <http://www.dep.pa.gov/Business/Water/CleanWater/InfrastructureFinance/Pages/EnvironmentalReview.aspx>.

Upon their approval the full list of approved projects and their costs can be found in a press release on PENNVEST's web site at [www.pennvest.pa.gov](http://www.pennvest.pa.gov).

*CWSRF Projects Being Considered:*

<i>Applicant:</i>	Forest Hills Municipal Authority
<i>County:</i>	Cambria
<i>Applicant Address:</i>	900 Locust Street Saint Michael, PA 15951

*Project Description:* This is a sanitary sewer project within Adams Township, Cambria County. The Forest Hills Municipal Authority (FHMA) South of Salix Sanitary Sewer Extension Project is anticipated to install approximately 23,000 linear feet of gravity fed sanitary collection line, 200 linear feet of low-pressure sanitary line, approximately 1,900 linear feet of force main, 93 manholes, 8 cleanouts, 3 grinder pumps, and corresponding appurtenances along portions of Peaceful Valley Road, Krayn Road, Old Luther Street, Beech Street, Hemlock Street and Oak Street. In addition, the proposed project includes the construction of a pump station and an associated electrical upgrade necessary to pump sewage from the new collection system to the existing gravity system in Salix. Flows from the project are then anticipated to be transported and treated by the FHMA South Fork Regional Wastewater Treatment Plant which has a design capacity of approximately 1.2 million gallons per day (mgd). Based on historic average daily flows received at the plant, there is more than enough reserve capacity available to accommodate additional flows upon project completion.

*Problem Description:* Adams Township residents in the Luther/Salix Airport development area and along a portion of Peaceful Valley Road currently do not have access to public sewer service and rely on onlot systems for sewer treatment. A number of these onlot systems have started to show signs of failure and are increasingly becoming an environmental and public health concern. In order to address this issue, the FHMA has planned to extend the municipal sanitary sewer collection system from Salix to the Salix Airport development and a portion of Peaceful Valley Road. The proposed project is anticipated to provide 145 residential homes access to public sanitary sewer service, thus eliminating the requisite use of onlot systems within the project area.

<i>Applicant:</i>	Connellsville Municipal Authority
<i>County:</i>	Fayette
<i>Applicant Address:</i>	P.O. Box 925 Connellsville, PA 15425

*Project Description:* This is a wastewater improvements project to increase capacity and eliminate combined sewer overflows (CSO). The proposed project will expand the existing hydraulic capacity of the wastewater treatment plant from 3.24 mgd to 4.4 mgd; expand the peak hydraulic capacity from 7.0 mgd to 24.0 mgd; reduce the quantity and frequency of CSO discharges to less than 85%; add one new pump station along Connell Run; and upgrade the existing West Side Pump Station along with new forcemains and interceptors.

*Problem Description:* The Connellsville Municipal Authority (CMA) has 19 CSOs that discharge during wet weather to the Youghiogheny River. These CSOs impact a public beach and are also upstream of a public water supply drinking water intake. The CMA must construct additional treatment facilities to be in compliance with the presumptive approach as listed in section 3.2.1.2 of the United States Environmental Protection Agency's Long-Term Control Plan (LTCP). This project will meet the objective of the LTCP by addressing three specific areas: 1—No more than four CSOs in any given year; 2—The elimination or capture, or both, of no less than 85% by volume of the combined sewage collected in the sewage system during precipitation events; and 3—The elimination and/or removal of the pollutants identified as causing water quality impairment.

<i>Applicant:</i>	Jamestown Municipal Authority
<i>County:</i>	Mercer
<i>Applicant Address:</i>	414 Spring Street Jamestown, PA 16134

*Project Description:* This is a wastewater improvements project for the replacement of the Liberty Street Pump Station, as well as upgrades to the Jamestown Water Pollution Control Plant. The upgrades include replacement of the influent interceptor sewer, a new mechanical bar screen and channel, a new influent pump station, improvements to the aeration tanks, addition of four new clarifiers, making repairs to the existing clarifiers, replacement of the disinfection system with ultraviolet, removal of existing sludge holding tank and replacement with two new sludge holding tanks with increased capacity.

*Problem Description:* The Borough of Jamestown is being proactive in addressing aged process equipment at both the Jamestown Municipal Authority Water Pollution Control Plant and the Liberty Street Pump Station.

<i>Applicant:</i>	New Castle Sanitation Authority
<i>County:</i>	Lawrence
<i>Applicant Address:</i>	102 East Washington Street New Castle, PA 16101

*Project Description:* This is a new headworks and wet weather treatment facility project. The new headworks will consist of two new mechanical bar screens with the existing being abandoned, the two aerated grit chambers

will be abandoned, two new vortex grit chambers, one new aeration tank will be added to the existing six tanks, a new final clarifier will be added to the existing six, and the four primary clarifiers and chlorine contact tank will remain as is for Phase I. A wet weather Biologically Enhanced High Rate Clarification facility will be constructed for excess flow.

*Problem Description:* This project is part of a Consent Order and Agreement from the Department to eliminate secondary bypassing of flows as well as general upgrades. This project provides the elimination of wet weather bypasses of blended sewage to the waters of this Commonwealth.

<i>Applicant:</i>	Upper Augusta Township
<i>County:</i>	Northumberland
<i>Applicant Address:</i>	2087 Snyderstown Road Sunbury, PA 17801

*Project Description:* This is a sanitary sewer replacement and extension project to convey domestic wastewater from the village of Mount Pleasant to the Sunbury Municipal Authority's (SMA) collection system for disposal at the SMA wastewater treatment facility. The project is being undertaken to eliminate 46 residential septic tanks and the existing Mount Pleasant wastewater treatment plant, which has consistently failed to achieve compliance with discharge limits. The Borough plans to construct a new sanitary sewage pumping station, a booster pump station, and a total of 14,500 linear feet of sewage pipeline. The Borough will also decommission 46 septic tanks.

*Problem Description:* The existing Mount Pleasant wastewater treatment facility discharges treated sewage effluent to an unnamed tributary to the Susquehanna River. As currently configured, this treatment facility is unable to consistently meet effluent limitations for ammonia-nitrogen. Under a Consent Order and Agreement, Upper Augusta Township agreed to initiate corrective action to comply with effluent limits. Eliminating the 46 residential septic tanks is expected to improve public health by eliminating the risk that these tanks could fail. Eliminating the non-compliant wastewater treatment facility will provide environmental benefits by reducing nitrogen loading to the Susquehanna River.

<i>Applicant:</i>	Westfield Borough
<i>County:</i>	Tioga
<i>Applicant Address:</i>	1488 Broughton Hollow Road Westfield, PA 16950

*Project Description:* This is a wastewater treatment plant upgrade project. The upgrades include a new influent pump station, a mechanically cleaned influent screen, a bypass bar screen, an aerated grit removal system, an oxidation ditch, two secondary clarifiers, two sludge digestion tanks, a chemical feed system and a new chlorine disinfection system.

*Problem Description:* The Westfield Borough Wastewater Treatment Plant receives over two times more wastewater than it was designed to handle. As a result, the

plant's discharge chronically violates ammonia-nitrogen limits. Under a Consent Order and Agreement, the Borough is obligated to upgrade and increase the capacity of its wastewater treatment facility to comply with effluent limits. Effluent from the upgraded wastewater treatment facility is expected to comply with regulatory limits. This will provide environmental benefits by reducing pollutant loads to the Cowanesque River.

*DWSRF Projects Being Considered:*

<i>Applicant:</i>	Bradford City Water Authority
<i>County:</i>	McKean
<i>Applicant Address:</i>	28 Kennedy Street Bradford, PA 16701

*Project Description:* Bradford City Water Authority proposes installation of approximately 34,200 linear feet of 24-inch diameter water transmission main from the water treatment plant to Reservoir # 4. Installation will also include functioning shutoff valves, hydrants and services.

*Problem Description:* The existing 24-inch diameter finished water transmission main from the water treatment plant to Reservoir # 4 had a catastrophic break resulting in a water outage which took several weeks to complete repairs and restore service and resume normal operations. Installation of the new 24-inch diameter waterline will provide redundant facilities and allow the existing main to serve in a reserve manner.

<i>Applicant:</i>	Municipal Authority of the City of Corry
<i>County:</i>	Erie
<i>Applicant Address:</i>	100 South Center Street Corry, PA 16407

*Project Description:* The Municipal Authority of the City of Corry proposes construction of a new garage/chlorination water treatment building off of Sciota Road. Construction activities also include the construction of a new 2.9-million-gallon (mg) finished water storage tank or two 1.45 mg each finished water storage tanks to replace the existing 3.0 mg finished water storage reservoir. Replacement of two existing in-ground booster pump stations located at Center Street and Union Street with new above ground pump stations is also proposed.

*Problem Description:* The existing water treatment building is uninhabitable due to structural issues, roof collapse and mold. The new building will provide a secure location for the relocation of the liquid chlorination system, instrumentation, an office for personnel and garage space for equipment maintenance. The existing water storage reservoir is over 90 years old and experiences leakage, has corroded steel roof supports which allow air borne debris to enter and the existing valves are inoperable. Also, the existing reservoir is at the end of the runway at the Corry Regional Airport, directly in the flight path; therefore, the Federal Aviation Administration has requested the reservoir be relocated outside of the airport runway flight path. The new tanks, one 2.9 mg or two 1.45 mg, bid dependent, will address all existing deficiencies. The existing storage reservoir will be demolished following tanks construction. The existing booster

stations, consisting of manholes, are equipped with only one pump per station and do not have standby power, are unsafe and unreliable. Each new booster station will be housed in a building equipped with two pumps for redundancy plus a jockey pump and standby electric generator.

<i>Applicant:</i>	Indiana County Municipal Services Authority
<i>County:</i>	Indiana
<i>Applicant Address:</i>	602 Kolter Drive Indiana, PA 15701

*Project Description:* The Indiana County Municipal Services Authority has proposed construction of a new water treatment plant that will serve Plumville Borough; installation of new waterlines to interconnect the Plumville Water System and the Crooked Creek Water System; installation of new waterlines to service Grove Chapel and the Village of Home up to the Borough of Marion Center; installation of a water storage tank near Marion Center; installation of a waterline to service the Spirit Life drug addiction treatment center; and install a new pressure reducing vault. In total, there will be approximately 110,050 linear feet of new waterline installed.

*Problem Description:* The Marion Center area has no public water and minimal fire protection. The Marion Center High School operates its own treatment system that is antiquated and has lead, copper and bacteria issues. A random sampling showed 41% of the properties tested positive for bacterial contamination in the form of total coliforms. The Spirit Life Area, which includes a drug rehabilitation facility, experiences poor/low water quality. The current Plumville water treatment plant consists of a well that is chlorinated by sodium hypochlorite and provides no treatment for secondary contaminants. Recent raw water quality testing shows an upward trend in iron and manganese levels in the well. This project proposes the addition of a greensand filtration system for iron and manganese removal.

<i>Applicant:</i>	State College Borough Water Authority
<i>County:</i>	Centre
<i>Applicant Address:</i>	1201 West Branch Road State College, PA 16801

*Project Description:* State College Borough Water Authority (SCBWA) proposes to construct a new membrane filter water treatment plant and related appurtenances. The proposal will consist of the replacement of the well pumps in the Nixon and Kocher Wells and the construction of a new treatment plant, including chemical addition, ultraviolet disinfection, membrane/granular activated carbon filtration and 4-log inactivation of viruses.

*Problem Description:* The project intends to allow for system redundancy to address potential concerns related to the effect of prolonged droughts and emerging contaminants such as pharmaceuticals, endocrine disrupters, various synthetic and organic compounds. Although the existing well fields are currently meeting all applicable regulations, SCBWA is taking a proactive approach to address the possibility that in the future the sources may

be considered groundwater under the direct influence of surface water.

PATRICK McDONNELL,  
*Secretary*  
*Department of Environmental Protection*

BRION JOHNSON,  
*Executive Director*  
*Pennsylvania Infrastructure Investment Authority*  
(Pa.B. Doc. No. 19-880. Filed for public inspection June 7, 2019, 9:00 a.m.)

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Electric Generation Supplier License Cancellations of Companies with an Expired Financial Security or Insufficient Financial Security Amount

Public Meeting held  
May 23, 2019

*Commissioners Present:* Gladys Brown Dutrieuille, Chairperson; David W. Sweet, Vice Chairperson; Norman J. Kennard; Andrew G. Place; John F. Coleman, Jr.

*Electric Generation Supplier License Cancellations of  
Companies with an Expired Financial Security or  
Insufficient Financial Security Amount; M-2019-3006865*

#### Tentative Order

*By the Commission:*

The Commission's regulations at 52 Pa. Code § 54.40(a) state that an Electric Generation Supplier (EGS) license will not be issued or remain in force until the licensee furnishes a bond or other security approved by the Commission. In addition, 52 Pa. Code § 54.40(d) states that the maintenance of an EGS license is contingent on the licensee providing proof to the Commission that a bond or other approved security in the amount directed by the Commission has been obtained.

Each EGS must file an original bond, letter of credit, continuation certificate, amendment, or other approved financial instrument with Rosemary Chiavetta, Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120 prior to the EGS's current security expiration date. Each financial instrument must be an original document that displays a "wet" signature or digital signature, preferable in blue ink, and displays a "raised seal" or original notary stamp. The name of the principal on the original financial instrument must match exactly with the name that appears on the EGS's license issued by the Commission.

Failure to file before the financial security's expiration date may cause Commission staff to initiate a formal proceeding that may lead to the following: cancellation of each company's electric supplier license, removal of each company's information from the Commission's website and notification to all electric distribution companies, in which each company is licensed to do business, of the cancellation of the license.

As of May 14, 2019, each EGS listed in the Supplier Table below has not provided proof to the Commission that it has a bond or other approved security in the amount directed by the Commission, to replace its expired bond.



*Supplier Table—List of Electric Generation Suppliers*

<i>Docket Number</i>	<i>Company Name</i>	<i>Financial Security Expiration Date</i>	<i>Commission Approved Amount</i>
A-2017-2616814	AEGEAN ENERGY ADVISORS, LLC	5/11/2019	Yes
A-2012-2305629	EGP ENERGY SOLUTIONS, LLC	5/11/2019	Yes
A-2010-2179537	EMEX, LLC	5/6/2019	Yes
A-2017-2608070	SUSTAINABLE ENERGY SERVICES, INC.	4/30/2019	Yes

As part of its EGS license validation procedures, the Commission's Bureau of Technical Utility Services sent a 90-day Security Renewal Notice Letter to each entity in the Supplier Table above stating that original documentation of a bond, or other approved security in the amount directed by the Commission, must be filed within 30 days prior to each entity's security expiration date. None of the companies listed in the Supplier Table provided the required documentation.

Based on the above facts, we tentatively conclude that the EGSs listed in the Supplier Table are not in compliance with 52 Pa. Code § 54.40(a) and (d) and therefore it is appropriate to initiate the cancellation process for the EGS license of each company listed in the Supplier Table, without the necessity of a formal complaint, as being in the public interest; *Therefore*,

*It Is Ordered That:*

1. Cancellation of the Electric Generation Supplier License of each company listed in the Supplier Table is hereby tentatively approved as being in the public interest.
2. The Secretary serve a copy of this Tentative Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Bureau of Investigation & Enforcement, the Department of Revenue—Bureau of Corporation Taxes, all electric distribution companies, all of the Electric Generation Suppliers in the Supplier Table and publish a copy of this Tentative Order in the *Pennsylvania Bulletin* with a 30-day comment period.
3. Absent the filing of adverse public comment or the filing of an approved security within 30 days after publication in the *Pennsylvania Bulletin*, the Bureau of Technical Utility Services shall prepare a Final Order for entry by the Secretary.
4. Upon entry of the Final Order described in Ordering Paragraph No. 3 above, each company listed in the Supplier Table will be stricken from all active utility lists maintained by the Commission's Bureau of Technical Utility Services and the Assessment Section of the Bureau of Administration, removed from the Commission's website, and notifications be sent to all electric distribution companies in which the Electric Generation Suppliers are licensed to do business.
5. Upon entry of the Final Order described in Ordering Paragraph No. 3, each electric distribution company in which the Electric Generation Suppliers are licensed to do business, shall return the customers of the Electric Generation Suppliers to default service.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 19-881. Filed for public inspection June 7, 2019, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Petition of YourTel America, Inc., d/b/a TerraCom, Petition for Expansion of its Eligible Telecommu- nications Carrier Designation

Public Meeting held  
May 23, 2019

*Commissioners Present:* Gladys Brown Dutrieuille, Chairperson; David W. Sweet, Vice Chairperson; Norman J. Kennard; Andrew G. Place; John F. Coleman, Jr.

*Petition of YourTel America, Inc., d/b/a TerraCom,  
Petition for Expansion of its Eligible Telecommunications  
Carrier Designation; P-2011-2226044*

#### Order

*By the Commission:*

On November 2, 2018, YourTel America, Inc., d/b/a TerraCom (TerraCom) filed a Petition to Amend its Eligible Telecommunications Carrier (ETC) designation to expand its existing wireless Lifeline-only ETC service throughout the Commonwealth for purposes of low income support from the federal universal service fund (USF) mechanism. In its Petition, TerraCom contends that the extension of its ETC designation will provide additional Pennsylvanians with a valuable, low-cost alternative to traditional landline service. The Petition was published in the *Pennsylvania Bulletin* on April 20, 2019 at 49 Pa.B. 1973. No Comments were filed in response to this Petition.

We have reviewed TerraCom's Petition as supplemented and determined that it continues to meet the statutory and applicable minimum standards necessary under state and federal law to expand its service territory to provide wireless Lifeline-only ETC service throughout the Commonwealth of Pennsylvania. Specifically, TerraCom has previously satisfied and continues to satisfy all requirements for limited ETC designation as required by Section 214 of the Act,<sup>1</sup> the Federal Communication Commission's (FCC) regulations,<sup>2</sup> Section 3019(f) of the Public Utility Code<sup>3</sup> and the Commission's orders on ETC designation. We hereby conclude that it is in the public interest to designate TerraCom as a statewide ETC thereby permitting TerraCom to receive federal USF support for providing Lifeline service to eligible low-income customers or households throughout the Commonwealth of Pennsylvania.

<sup>1</sup> 47 U.S.C. 214(e).

<sup>2</sup> 47 CFR §§ 54.101; 54.201; 54.203; 54.205—54.209; 54.410; 54.416; 54.417 and 54.422.

<sup>3</sup> 66 Pa.C.S. § 3019(f).

## Background

### A. FCC and State ETC Orders

In 2005, the Federal Communication Commission, in the Matter of Federal-State Joint Board on Universal Service, First Report and Order, CC Docket No. 96-45, 20 FCC Rcd 6371 (First Universal Service Report and Order or 2005 ETC Order) addressed the minimum requirements<sup>4</sup> for a telecommunications carrier to be designated as an ETC, and thus eligible to receive federal USF support. Specifically, consistent with the recommendations of the Federal-State Joint Board on Universal Service (Joint Board), the FCC adopted additional mandatory requirements for ETC designation proceedings in accordance with Section 214(e)(6) of the federal Communications Act of 1934, as amended (Act). Additionally, as recommended by the Joint Board, the FCC encouraged states that exercise jurisdiction over ETC designations to adopt these same requirements when deciding whether a common carrier should be designated as an ETC.

Accordingly, on August 2, 2010, the Commission entered its order adopting the Final Policy Statement on Commonwealth of Pennsylvania Guidelines for Designation and Annual Recertification as an Eligible Telecommunications Carrier (ETC) for Purposes of Federal Universal Service Support at Docket No. M-2010-2164741 (ETC Guidelines Order), which codifies the guidelines at 52 Pa. Code § 69.2501 (ETC Guidelines). By Secretarial Letter dated September 10, 2010, the Commission notified all carriers and interested parties on pending ETC petitions of the newly adopted ETC guidelines and invited carriers to supplement their petitions, consistent with the guidelines.

Subsequently, the FCC has issued several orders affecting pending petitions for ETC designation in Pennsylvania.<sup>5</sup> Significantly, the FCC's recent order, Lifeline and Link Up Reform and Modernization, et al., Report and Order and Further Notice of Proposed Rulemaking, WC Dkt. Nos. 11-42 et al., FCC 12-11 (rel. Feb. 6, 2012) (Lifeline Reform Order), directly affects all pending ETC petitions before this Commission. Thus, our review of TerraCom's Petition will be performed consistent with the FCC's recent Lifeline Reform Order and amended federal regulations governing ETC status, which we have adopted and implemented in the Commonwealth as the minimum standards applicable to ETC designation. All minimum federal requirements of the FCC's Lifeline Reform Order not expressly discussed herein are nonetheless applicable to ETC designation in Pennsylvania. This Commission continues to reserve its right to impose separate state-specific requirements where necessary for the protection of the Commonwealth's consumers.

Concomitantly, in order to continue the mission of assisting qualifying low-income Americans to get and stay connected in today's technological climate, while at the same time relieving some of the burden on the entities providing this service, the FCC also had begun restructuring the federal USF Lifeline program.<sup>6</sup> In its 2012 Lifeline Reform Order, the FCC eliminated the previous system of tiered support and set an interim funding rate

<sup>4</sup> See Federal-State Joint Board on Universal Service, CC Docket No. 96-45, Report and Order, 12 FCC Rcd 877 (1997).

<sup>5</sup> Virginia Cellular, LLC Petition for Designation as an Eligible Telecommunications Carrier for the Commonwealth of Virginia, Memorandum Opinion and Order, CC Docket 96-45, 19 FCC Rcd 1563 (2004) (Virginia Cellular ETC Designation Order); Highland Cellular, Inc. Petition for Designation as an Eligible Telecommunications Carrier for the Commonwealth of Virginia, Memorandum Opinion and Order, CC Docket 96-45, 19 FCC Rcd 6422 (2004) (Highland Cellular ETC Designation Order).

<sup>6</sup> Lifeline and Link Up Reform and Modernization, et al., Report and Order and Further Notice of Proposed Rulemaking, 27 FCC Rcd 6656 (2012) (2012 Lifeline Reform Order or Lifeline FNPRM).

of \$9.25 per month and per eligible subscriber or household effective May 1, 2012.<sup>7</sup> The FCC has issued three later Lifeline reform orders establishing a number of additional enhancements to the federal Lifeline Program, further connecting low-income Americans to voice services and, now, broadband.<sup>8</sup>

By Commission Order entered October 14, 2011, YourTel America, Inc. (YourTel), a wireless carrier, was granted approval to provide Lifeline-only ETC service in the service territories of Verizon Pennsylvania, LLC (Verizon PA) and Verizon North, LLC (Verizon North).<sup>9</sup> By letter dated October 15, 2015, YourTel notified the Commission that effective November 30, 2015, it would complete an internal corporate reorganization whereby it would become a wholly-owned subsidiary of TerraCom, Inc. YourTel filed this notice in compliance with 52 Pa. Code § 69.601, which requires Pennsylvania ETCs to petition the Commission for renewal of ETC designation in the event of a change in corporate control.<sup>10</sup> The letter stated that the reorganization would not result in any substantial change to the corporate management of YourTel and would not have an adverse impact on any of its Lifeline service offerings.

On September 19, 2016, YourTel filed a Petition for Waiver<sup>11</sup> of the obligation to petition for renewal of its ETC designation, reiterating that the stock purchase agreement involved a change in ownership at the parent company level only and did not directly affect YourTel as YourTel will continue to be an indirect wholly-owned subsidiary of TerraCom and would continue to be the operating company and the ETC. The only change noticeable to customers would be the name change, as YourTel would do business under the name TerraCom.

By Order entered December 8, 2016, the Commission granted YourTel's Petition for Waiver. The Commission determined that the circumstances of YourTel's case did not warrant requiring YourTel to file a petition seeking a new ETC designation. The Commission reasoned that the transaction resulting in the change of ownership at the corporate parent of YourTel: (1) did not substantially impact the ETC's corporate management; (2) did not adversely impact the ETC's provision of Lifeline service to its Pennsylvania customers.<sup>12</sup>

### B. TerraCom's Petition and Supplements

In the instant Petition, TerraCom asserts that it has operated as a wireless Lifeline-only ETC providing wireless service in its current service territories in accordance with all state and federal regulations since 2011.<sup>13</sup> A

<sup>7</sup> At the current time, federal rules limit the \$9.25 Lifeline support to either voice or broadband service. The Lifeline subscriber's \$9.25 support is applicable to whatever service a Lifeline consumer may choose to purchase but subscribers cannot receive the \$9.25 support separately for each service. However, Lifeline also supports broadband-voice bundles so consumers choosing a bundled package containing voice and broadband service can apply the \$9.25 support to that bundle.

<sup>8</sup> Lifeline and Link Up Reform and Modernization et al., Second Further Notice of Proposed Rulemaking, Order on Reconsideration, Second Report and Order, and Memorandum Opinion and Order, 30 FCC Rcd 7818 (2015) (2015 Lifeline FNPRM); Lifeline and Link Up Reform and Modernization et al., Third Report and Order, Further Report and Order, and Order on Reconsideration, 31 FCC Rcd 3962, 4038, para. 211 (2016) (2016 Lifeline Order); Fourth Report and Order, Order on Reconsideration, Memorandum Opinion and Order, Notice of Proposed Rulemaking, and Notice of Inquiry, 32 FCC Rcd 10475 (2017), vacated and remanded, *National Lifeline Association et al. v. FCC*, Docket Nos. 18-1026, Order issued February 1, 2019 (D.C. Cir. 2019) (2017 Lifeline NPRM and NOD) (collectively Lifeline Reform Orders).

<sup>9</sup> Petition of YourTel America, Inc., for Limited Designation as an Eligible Telecommunications Carrier for the Purpose of Offering of Offering Lifeline and Link and Link Up Service, Docket No. P-2011-2226044, (Order entered October 14, 2011) (Designation Order).

<sup>10</sup> Designation Order p. 20.

<sup>11</sup> Petition of YourTel America, Inc., d/b/a TerraCom to Maintain its ETC Status Post-Corporate Parent Change of Ownership, Docket No. P-2011-2226044. (Waiver Order).

<sup>12</sup> Waiver Order, Ordering Paragraph No. 1, p. 6.

<sup>13</sup> YourTel 2018 Petition p. 2.

review of Commission records revealed that TerraCom was not the subject of any consumer or Commission-initiated complaints.

Finally, in its Petition, TerraCom asserts that expansion of its ETC designation will make Lifeline available to many more eligible Pennsylvania residents or households. TerraCom explains that since its 2011 ETC designation, it has expanded its service offering by presenting new and unique plans as it expands and invests in Pennsylvania. Pursuant to its Designation Order, TerraCom has notified the Commission regarding these additions, changes and/or new offerings that are in addition to its Lifeline offerings and will continue to do so.<sup>14</sup> TerraCom states that it is committed to investing in Pennsylvania and the infrastructure necessary to serve Pennsylvania customers.<sup>15</sup>

The Commission notes that this is the first Petition filed by an existing ETC to expand its limited ETC designation service area to provide wireless Lifeline service on a statewide basis. We take note that in 2010, this Commission granted Virgin Mobile USA, L.P.'s ETC Petition to provide statewide wireless Lifeline services in Pennsylvania.<sup>16</sup> The Commission also notes that the legal standard for an ETC designation is the same whether an ETC Petitioner is seeking statewide designation or territory-specific designation. That standard is whether an ETC Petitioner meets the statutory criteria and applicable minimum standards necessary under federal and state law to obtain ETC designation. The request for statewide or limited ETC designation is simply based upon the Petitioner's business plan and in what ILEC territories it seeks to obtain an ETC designation.

#### *Discussion*

In reviewing ETC Petitions, the Commission's usual course of business is to address whether the Petitioner satisfies the applicable federal and state criteria including the financial and technical ability to provide the services and functionalities supported by the universal service programs. We emphasize that TerraCom is an existing Lifeline-only ETC and is currently providing Lifeline service to customers in Pennsylvania. We further emphasize that this Commission previously found TerraCom to be financially and technically fit to provide Lifeline service in the Commonwealth. Also, there is no evidence that the Petitioner has substantial quality of service concerns or issues with waste, fraud, and abuse surrounding its participation in the Lifeline program. With that in mind, we now review TerraCom's petition to expand its Lifeline service offerings throughout the Commonwealth of Pennsylvania.

### **I. TerraCom Satisfies Federal Requirements for Statewide ETC Designation**

#### *A. TerraCom Satisfies the Requirements of 47 U.S.C. § 214(e)*

Section 214(e)(1) of the Act provides that applicants for ETC designation must be common carriers that will offer all of the services supported by the federal USF either using their own facilities or a combination of their own facilities and the resale of another carrier's services. Applicants must also commit to advertise the availability and rates of service.

<sup>14</sup> YourTel notified the Commission of changes to its Lifeline offerings by letters dated February 26, 2013, April 3, 2013, September 10, 2014, October 29, 2015 and December 2, 2016. TerraCom notified the Commission of changes to its Lifeline offerings by letters dated June 26, 2017, November 6, 2017 and November 27, 2018.

<sup>15</sup> Petition at p. 4.

<sup>16</sup> See Petition of Virgin Mobile USA, L.P. for Limited Designation as an ETC for the Purpose of Offering Lifeline Service, Docket No. P-2010-2155915 (Order Entered December 22, 2010). (Virgin Mobile).

Section 153(10) of the Act defines a common carrier as "any person engaged as a common carrier for hire, in interstate or foreign communications by wire or radio. . ." <sup>17</sup> The FCC has determined on numerous occasions that providers of mobile wireless services shall be treated as common carriers for regulatory purposes. As a provider of wireless telecommunications services, TerraCom is a common carrier. Additionally, TerraCom has been providing Lifeline services as a designated ETC since 2011. TerraCom is also in compliance with the advertising requirements. TerraCom continues to advertise the availability of its Lifeline services using media of general circulation. And TerraCom continues to provide BCS with copies of its advertising, promotional and general Lifeline program-related customer notices and communications.<sup>18</sup>

#### *B. TerraCom Satisfies the Requirements of FCC Rules and Orders Governing ETC Designations*

##### *1. 47 CFR § 54.101*

TerraCom attests that it currently provides all of the services and functionalities supported by the federal universal service program as set forth in Section 54.101(a) of the FCC's regulations throughout its designated service territory in the Commonwealth of Pennsylvania. The Commission concludes that, as an existing Lifeline provider in good standing, TerraCom satisfies this requirement. Petition at p. 3.

##### *a. Voice Grade Access to the Public Switched Telephone Network*

TerraCom provides voice grade access to the public switched telephone network (PSTN) and offers its customers services for connection to the PSTN at band width rates that comply with FCC's regulations.<sup>19</sup> Petition at p. 3. The Commission concludes that, as an existing Lifeline provider in good standing, TerraCom satisfies this requirement.

##### *b. Minutes of Use for Local Service*

As part of the voice grade access to the PSTN, an ETC must provide local calling services to its customers at no additional charge. The FCC has determined that a carrier satisfies the local usage requirements when it offers customers rate plans containing varying amounts of local usage.<sup>20</sup> Pursuant to 54.408, effective December 1, 2018, the minimum service standard for mobile voice is 1,000 minutes.<sup>21</sup>

TerraCom is an existing ETC that continues to comply with the requirement of offering local calling plans as well as providing its Lifeline customers with access to a variety of other features including voice mail, caller I.D., call waiting services, and enhanced 911 (E911) capabilities and directory assistance. Petition at p. 3. Since TerraCom's Lifeline local calling plans offer customers a bucket of minutes, this meets the local calling requirement of 47 CFR § 54.101.

##### *c. Access to Emergency Services*

As an existing ETC, TerraCom provides access to 911 and E911 emergency services for all of its wireless customers and will offer these same services to its Lifeline customers throughout the Commonwealth of Pennsylvania.<sup>22</sup>

<sup>17</sup> 47 U.S.C. § 153(10).

<sup>18</sup> See Petition at p. 3.

<sup>19</sup> See 47 U.S.C. § 4.102(a)(1).

<sup>20</sup> See e.g., Farmers Cellular, Inc. 18 FCC Rcd 3848, 3852 (2003); Pine Belt Cellular, Inc. and Pine Belt PCS, Inc., 17 FCC Rcd 9589, 9593 (2002); Western Wireless Corp., Petition for Designation as an Eligible Telecommunications Carrier in the State of Wyoming, 16 FCC Rcd 48, 52 (2000).

<sup>21</sup> 47 CFR § 54.408(b)(2)(D)(3)(a)(6).

<sup>22</sup> See Petition at p. 4.

d. *Toll Limitation Services*

Under the new language of 47 CFR § 54.400, the FCC has defined three terms addressing the service provided by an ETC by which a subscriber may prevent toll charges from accumulation beyond a set point. Specifically, Subsection 54.400(b) of the FCC's regulations define "toll blocking" as the service a subscriber may elect to not allow outgoing toll calls. Subsection (c) defines "toll control service" as the service a subscriber may elect to specify a set amount of toll usage allowed per month or per billing cycle. Subsection (d) defines "toll limitation service" as a generic term covering either toll blocking or toll control service for ETCs that are incapable of providing both, or covering both where an ETC is capable of providing both.

TerraCom provides its wireless services on a prepaid or pay-in-advance basis. TerraCom's service is not offered on a distance-sensitive basis and minutes are not charged separately for local or domestic long-distance services. Customers must specifically authorize access for international services, for which additional charges may apply. Therefore, the nature of TerraCom's service eliminates concern that low-income customers will incur significant charges of long-distance charges.<sup>23</sup>

Accordingly, TerraCom satisfies 47 CFR § 54.101(a)(1) of the FCC's regulations.

e. *Eligible Broadband Internet Access Services*

An ETC must offer Broadband Internet Access Service (BIAS) that provides the capability to transmit data to and receive data by wire or radio from all or substantially all Internet endpoints, including any capabilities that are incidental to and enable the operation of the communications service, but excluding dial-up service.<sup>24</sup> TerraCom's website states that it provides 2GB of data at no charge each month to all of its Lifeline customers.<sup>25</sup> This is consistent with TerraCom's most recent Lifeline service offering update provided in writing to the Commission in November 2018.<sup>26</sup> In addition, TerraCom attests that it operates in compliance with all federal ETC requirements, which would include BIAS-related requirements. Petition at p. 2-3. Accordingly, TerraCom satisfies 47 CFR § 54.101(a)(2) of the FCC's regulations.

2. *47 CFR § 54.201*

*Definition of ETC*

Pursuant to Section 153(10) of the Act, "common carrier" is defined as "any person engaged as a common carrier for hire, in interstate or foreign communications by wire or radio[.]" 47 U.S.C. § 153(10). A carrier is eligible under 47 CFR § 54.201 so long as it offers the services set forth in Section 54.101, either through its own facilities or a combination of its own facilities and the resale of another carrier's services, and advertises the availability of the federal universal support services using media of general distribution. Common carriers that provide services consistent with the requirements of Section 214(e) may be designated ETCs. TerraCom previously demonstrated that it can provide the supported services over its own existing network infrastructure in combination with services obtained by other carriers in Pennsylvania. Petition at p. 2. Accordingly, TerraCom has met this requirement.

<sup>23</sup> See YourTel's original petition p. 9.

<sup>24</sup> 47 CFR §§ 54.101(a)(2) and (c).

<sup>25</sup> See <https://www.terracomwireless.com/lifeline-free-plans.php>. Visited May 16, 2019.

<sup>26</sup> YourTel most recently notified the Commission of changes to its Lifeline offerings in a letter dated November 27, 2018.

3. *47 CFR § 54.202*

*Additional Requirements*

TerraCom also meets the additional requirements for ETC designation set forth in 47 CFR § 54.202, as discussed below.

a. *47 CFR § 54.202(a)(1)*

*Compliance with Service Requirements*

In order to satisfy these criteria, an ETC applicant must demonstrate its commitment and ability to provide the supported services throughout the designated service area: (1) by providing services to all customers making a reasonable request for services within the ETC's designated service area; and (2) by submitting a "five year plan that describes with specificity proposed improvements or upgrades to the applicant's network throughout its proposed service area."

As part of its Lifeline-only ETC designation received in 2011, TerraCom committed to providing services throughout its proposed service area—the Verizon PA and Verizon North service territories—to all customers making a reasonable request for service. Based on TerraCom's representations in its Petition that it meets all of the federal ETC requirements, which would include the above "reasonable request for services" requirement, we believe TerraCom has demonstrated its commitment to providing Lifeline service throughout Pennsylvania to all customers making a reasonable request for service. Therefore, we find that TerraCom meets the requirements of Section 54.202(a)(1).

The "five-year plan" requirement set forth in 47 CFR § 54.202(a)(1)(ii) is not applicable to TerraCom's Petition for ETC expansion. TerraCom is a Lifeline-only ETC and seeks to expand its ETC designation in Pennsylvania only for purposes of participation in the USF's Low-Income program. TerraCom does not seek ETC designation to offer services supported by the federal high-cost program. Because TerraCom will not offer services supported by the federal high-cost program, the "five-year plan" requirements do not apply to the instant request.

b. *47 CFR § 54.202(a)(2)*

*Functionality in Emergency Situations*

An ETC applicant is required to demonstrate its ability to remain functional in emergency situations. In order to satisfy this criterion, an applicant must demonstrate it has a reasonable amount of back-up power to ensure functionality without an external power source, is able to reroute traffic around damaged facilities, and can manage traffic spikes resulting from emergency situations.

TerraCom currently provides 911 and E911 services to its wireless Lifeline subscribers. Petition at p. 3. Moreover, pursuant to 47 CFR § 54.422(b)(4), TerraCom must provide to the FCC annual certification that it is "able to function in emergency situations as set forth in § 54.202(a)(2)." TerraCom has provided such certification and therefore, is complying with this rule. TerraCom in its Petition represents that it meets all of the federal ETC requirements, which would include the above emergency functionality requirements. Accordingly, we find that TerraCom meets the requirements of Section 54.202(a)(2).

c. *47 CFR § 54.202(a)(3)*

*Customer Service and Service Quality Standards*

A carrier seeking an ETC designation must demonstrate its commitment to meeting consumer protection and service quality standards in its application. TerraCom

asserts that as an ETC since 2011, it has demonstrated a history of complying with various consumer protection and service standards. TerraCom certifies that it will continue its commitment to meeting consumer protection and service quality standards with the provisioning of Lifeline service to its customers.

TerraCom certifies that it has satisfied applicable consumer protection and service quality standards, as required by 47 CFR § 54.202(a)(3). Additionally, TerraCom will continue to cooperate with BCS in resolving any Lifeline-related consumer complaints. We find that TerraCom continues to meet the requirements of Section 54.202(a)(3).

d. 47 CFR § 54.202(a)(4)

*Financial and Technical Ability*

Generally, carriers seeking only low-income support under Subpart E, 47 CFR §§ 54.400–54.422, must demonstrate they possess the financial and technical ability to provide Lifeline service. TerraCom is seeking statewide expansion of its Lifeline-only ETC designation and must demonstrate financial and technical ability to provide Lifeline Service and all other services.

TerraCom has been providing Lifeline services to Pennsylvania consumers since 2011, and this Commission previously found TerraCom to be financially and technically fit to provide Lifeline service in the Verizon PA and Verizon North service territories. There is a rebuttable presumption that TerraCom continues to satisfy the requirement for financial and technical fitness. *Rural Tel. Co. Coalition v. Pa. PUC*, 941 A.2d 751 (Pa. Cmwlth. 2008) (CLEC applicant that is currently providing services in Pennsylvania has a rebuttable presumption of fitness to provide services in other portions of Pennsylvania). Accordingly, TerraCom meets the requirements of 47 CFR § 54.202(a)(4) and, at this time, is deemed financially and technically capable of continuing to provide Lifeline service in accordance with the FCC's rules. However, if additional information becomes available that casts doubt on TerraCom's financial integrity, we reserve the right to re-visit our determination in this area.

e. 47 CFR §§ 54.202(a)(5) and 54.202(a)(6)

*Terms and Conditions of Lifeline Plans*

Carriers seeking only low-income support under Subpart E, 47 CFR §§ 54.400–54.422, must submit the terms and conditions of the plans offered to Lifeline subscribers. TerraCom's service offerings for Lifeline customers were approved in its 2011 Designation Order. Additionally, in compliance with its Designation Order, TerraCom has notified the Commission regarding these additions, changes and/or new offerings that are in addition to its Lifeline offerings and will continue to do so.<sup>27</sup> We find that TerraCom meets the requirements of Sections 54.202(a)(5) and 54.202(a)(6).

f. 47 CFR § 54.202(b)

*Public Interest Standard*

This rule requires that the ETC designation be in the "public interest." In determining whether granting TerraCom's Petition for ETC expansion is in the public interest, the Commission takes into account the benefits of increased consumer choice when conducting its public

interest analysis.<sup>28</sup> In particular, granting an ETC designation may serve the public interest by providing a choice of service offerings in rural and high-cost areas.<sup>29</sup> However, the value of increased competition, by itself, may not satisfy the public interest test.<sup>30</sup>

Additionally, in doing its public interest analysis, the Commission will also consider the particular advantages and disadvantages of an ETC's service offering. Thus, TerraCom's request for ETC expansion must be examined in light of the Act's goals of providing low-income consumers with access to telecommunications services.

TerraCom's Petition for ETC expansion is in the public interest, as required by 47 CFR § 54.202(b). The primary purpose of universal service is to ensure that Consumers—especially low-income consumers—receive affordable and comparable telecommunications services. Expanding TerraCom's ETC designation to provide statewide wireless Lifeline service in Pennsylvania will further the public interest by making Lifeline service available to more Pennsylvania residents or households. Expanding TerraCom's ETC designation will provide an additional valuable alternative to the existing Lifeline services currently available outside the Verizon PA and Verizon North service territories, thereby providing Commonwealth consumers, especially low-income consumers, with lower prices and higher quality services, which is a vital economic resource for low-income consumers that leads to improved wage levels and personal safety. Many lower-income customers in Pennsylvania have yet to reap the full benefits of the intensely competitive wireless market. Therefore, as in the Virgin Mobil case, granting TerraCom's Petition to expand its Lifeline service territory as an ETC in Pennsylvania will enable it to expand the availability of affordable telecommunications services to qualifying Pennsylvania consumers.

g. 47 CFR § 54.202(c)

*Tribal Lands*

ETC designation to serve any tribal lands is inapplicable in Pennsylvania, making 47 CFR § 54.202(d) inapplicable to TerraCom's Petition.

4. 47 CFR § 54.203

*ETCs for Unserved Areas*

Because TerraCom's Petition does not involve service to an unserved area, 47 CFR § 54.203 is not applicable.

5. 47 CFR § 54.205

*Relinquishment of Universal Service*

If at some point in the future TerraCom seeks to relinquish its ETC designation, TerraCom agrees to comply with the requirements of 47 CFR § 54.205.

6. 47 CFR § 54.207

*Service Areas*

Because TerraCom does not request redefinition of any rural local exchange carrier (RLEC) study area or grant of forbearance from the FCC in connection with its proposed ETC service area, Section 54.207 is not applicable.

We note that TerraCom's ETC expansion request encompasses providing Lifeline service to both rural and non-rural areas. This expansion would permit TerraCom

<sup>27</sup> YourTel notified the Commission of changes to its Lifeline offerings by letters dated February 26, 2013, April 3, 2013, September 10, 2014, October 29, 2015 and December 2, 2016. TerraCom notified the Commission of changes to its Lifeline offerings by letters dated June 26, 2017, November 6, 2017, and November 27, 2018.

<sup>28</sup> See Advantage Cellular ETC Designation Order at para. 18; Highland Cellular ETC Designation Order, 19 FCC Red at 6424, para. 4; Virginia Cellular ETC Designation Order, 19 FCC Red at 1565, para. 4.

<sup>29</sup> See Virginia Cellular ETC Designation Order, 19 FCC Red at 1569, para. 12.

<sup>30</sup> See Highland Cellular ETC Designation Order, 19 FCC Red at 6424, para. 4; Virginia Cellular ETC Designation Order, 19 FCC Red at 1565, para. 4.

to provide Lifeline service in RLEC territories and might seemingly appear to trigger a review of whether 47 U.S.C. § 214(e)(5) of the Act and 47 CFR § 54.207 are applicable in this situation. Section 214(e)(5) provides:

The term “service area” means a geographic area established by a State commission (or the Commission under paragraph 6) for the purpose of determining universal service obligations and support mechanisms. In the case of an area served by a rural telephone company, “service area” means such company’s “study area” unless and until the FCC and the States, after taking into account recommendations of a Federal-State Joint Board instituted under section 410(c) of this title, establish a different definition of service for such company.

However, pursuant to Section 10 of the Communications Act of 1934, as amended, the FCC granted limited forbearance for Lifeline-only ETCs from the requirement of Section 214(e)(5) of the Act and Section 54.207(b) of the FCC rules that the service area of an ETC conform to the service area of a rural telephone company serving the same area.<sup>31</sup> Accordingly, even if TerraCom’s expansion request to obtain ETC designation on a statewide basis encompasses designated service areas that are smaller than the rural telephone company’s service area, Section 214(e)(5) of the Act and Section 54.207(b) of the FCC’s rules do not apply, and the Commission does not need to redefine or seek to amend the RLEC’s service area.

Admittedly, this limited forbearance is inapplicable to a high-cost ETC seeking to expand its limited designated service areas that is not a Connect America Fund Phase II Auction 903 winning bidder. In such a circumstance, the carrier must satisfy all of the statutory requirements applicable to ETCs under Section 214(e)(5) and 54.207(b) for other reasons.<sup>32</sup> Since TerraCom is a Lifeline-only ETC, however, it is not necessary to apply these sections to TerraCom’s request. Moreover, absent any pending complaints or lack of compliance with applicable reporting requirements, TerraCom has a rebuttable presumption that it can provide Lifeline service in the service areas of the rural ILEC(s) for which it now seeks to expand its provision of Lifeline service. Rural Tel. Co. Coalition. For these reasons, Section 54.207 is not applicable to TerraCom’s Petition.

### C. Certification of Eligibility for Benefits under the Anti-Drug Abuse Act

Petitioners must certify that neither the petitioner nor any party to the petition is subject to a denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, as implemented in Section 1.2002 of the FCC’s rules.<sup>33</sup> TerraCom has submitted a certification that satisfies the requirements of the Anti-Drug Abuse Act of 1988, as codified in Sections 1.2001—1.2003 of the FCC’s rules.<sup>34</sup>

## II. Federal Requirements of Eligible Telecommunications Carriers for Universal Service Support for Low-Income Consumers

The major goal of the FCC’s Lifeline Reform Order was to implement procedures designed to preserve the federal USF resources and prevent waste, fraud and abuse. To that end, the FCC codified rules governing the entire

process of Lifeline reimbursement from the federal USF. These changes establish defined terms governing the provision of low-income support and establish parameters governing a carrier’s duties and eligibility for USF low income support. Specifically, revised 47 CFR § 54.400 establishes relevant terms and definition for provision of Lifeline; 47 CFR § 54.401 defines Lifeline as a non-transferrable retail service; 47 CFR § 54.403 establishes the Lifeline support amounts for which ETCs may seek from the USF; and 47 CFR § 54.404 requires the creation of a National Lifeline Accountability Database, which intends to provide a national database for ETCs to cross-check subscriber eligibility as a means to eliminate the USF support for duplicative or otherwise ineligible subscribers.

Further, the Lifeline Reform Order instituted substantial changes which impact consumer qualification for Lifeline, including: 47 CFR § 54.409 (Subscriber Eligibility Determination); 47 CFR § 54.410 (Annual Certifications by ETCs); 47 CFR § 54.416 (Record Keeping Requirements); and 47 CFR § 54.417 (Annual Reporting for ETCs that Receive Low-income Support). These regulations govern the prerequisite duties of an ETC seeking low income support from the USF.

All current and future ETCs must meet the minimum standards set forth in the FCC’s Lifeline Reform Orders. All minimum federal requirements of the FCC’s Lifeline Reform Order not expressly discussed herein, are nonetheless applicable to ETC designation requests in Pennsylvania, this includes any subsequent developments in those federal requirements. TerraCom does offer and meet minimum standards for mobile voice and mobile broadband.<sup>35</sup>

### A. The FCC’s Rules Governing Lifeline

#### 1. 47 CFR § 54.410

#### *Subscriber Eligibility Determination and Certification*

The requirements for subscriber eligibility determination and certification requirements in Section 54.410 are the major requirements established to prevent waste, fraud, and abuse. These requirements pertain to consumer eligibility factors for Lifeline and the corresponding obligation for verification of that eligibility. The FCC’s further requirements for specific formats and process for accomplishing verification are additional requirements for ETC designation. This section further requires that every consumer’s eligibility be recertified annually.

In its 2016 Lifeline Order, the FCC established the National Verifier as the entity designated to make eligibility determinations and perform a variety of other functions necessary to enroll eligible subscribers or households into the Lifeline Program. As outlined in the 2016 Lifeline Order, “[t]he Commission’s key objectives for the National Verifier are to protect against and reduce waste, fraud, and abuse; to lower costs to the Fund and Lifeline providers through administrative efficiencies; and to better serve eligible beneficiaries by facilitating choice and improving the enrollment experience.”<sup>36</sup> The National Verifier is a centralized system that determines whether subscribers are eligible for Lifeline. The Universal Service Administrative Company (USAC) manages the National Verifier and its customer service department, the Lifeline Support Center. Service providers can help Lifeline consumers obtain an eligibility decision from the National Verifier through the service provider portal, or consumers

<sup>31</sup> See generally, In the Matter of Telecommunications Carriers Eligible for Support et al., 28 FCC Rcd. 4859 (2013).

<sup>32</sup> See generally, Connect America Fund et al., Report and Order and Further Notice of Proposed Rulemaking, 31 FCC Rcd 5949, 6005-09, paras. 157—168 (2016) (Phase II Auction Order).

<sup>33</sup> See 47 CFR § 1.2002.

<sup>34</sup> TerraCom response to Staff request, May 9, 2019.

<sup>35</sup> See [http://www.puc.pa.gov/Telecom/pdf/ETC\\_Wireless\\_Lifeline\\_Providers.pdf](http://www.puc.pa.gov/Telecom/pdf/ETC_Wireless_Lifeline_Providers.pdf).

<sup>36</sup> 2016 Lifeline Order, 31 FCC Rcd at 4007, para. 128.

can apply on their own by mail or online. USAC will determine if the applicant is eligible for Lifeline.

The National Verifier was fully launched in Pennsylvania in March of 2019. Because the National Verifier has launched in Pennsylvania, it is the only means used for eligibility determination now and into the future. New and potential Lifeline consumers will receive their initial income-based eligibility determination by signing into CheckLifeline.org from any computer or mobile device to create an account, receive an eligibility decision, and use the list of service providers in their area to contact one to enroll. TerraCom must use the National Verifier to determine eligibility for its potential Lifeline customers given USAC's implementation of the National Verifier in Pennsylvania.

The FCC modified Sections 54.410(b)(2)(ii), (c)(2)(ii), and (e) of its rules to clarify that, where use of the National Verifier determines the consumer's initial eligibility determination or recertification, the National Verifier is not required to deliver copies of those certifications to the ETC. The FCC determined that this amendment to the rules was consistent with its goals that the National Verifier ease burdens on Lifeline service providers while improving privacy and security for consumers applying to participate in the program.

Further, this amendment brings Section 54.410 of the rules in line with the FCC's stated intent in the 2016 Lifeline Order that Lifeline providers would not be required to retain eligibility documentation for eligibility determinations made by the National Verifier as it presents unnecessary risk to the privacy and security of subscriber information. Thus, TerraCom is not required to retain documentation of eligibility criteria and provide subscribers with form eligibility certifications which provide notice to the subscribers of the Lifeline plan eligibility rules and requires that subscribers provide detailed personal and billing information.<sup>37</sup>

For low-income consumers residing in group facilities or at an address shared by multiple households, the FCC's "One Per-Household rule" establishes that a "household" is defined as "any individual or group of individuals who are living at the same address as one economic unit." An adult is any person eighteen years or older. 47 CFR § 54.400(h). Lifeline applicants may demonstrate at the time of enrollment that another Lifeline recipient resides at their address as part of a separate household.

Finally, Section 54.410(f) of the federal rules provides for an annual recertification process by which each subscriber's eligibility for Lifeline service must be recertified. 47 CFR § 54.410(f). In Pennsylvania, service providers must use the National Verifier, which has assumed the responsibility for annual recertification where it has been launched in a state. Lifeline subscribers will be recertified either automatically through the National Verifier's state/federal data sources or receive a recertification request from USAC.

TerraCom has been compliant with the FCC's rules regarding verification of consumer eligibility to participate in the Lifeline program in accordance with the applicable FCC rules. This includes the FCC's Lifeline Reform Orders' amendment to the minimum eligibility criteria for consumers to receive Lifeline support, the revision to the eligibility determination process using the National Verifier, and the modification of the annual

recertification process as the National Verifier will also recertify subscribers each year. TerraCom certifies that it will continue to do so.<sup>38</sup>

## 2. 47 CFR §§ 54.416, 54.417 and 54.422

### *Annual Certifications Recordkeeping and Reporting*

As previously noted, the FCC's rules contain certain annual certification, recordkeeping, and reporting requirements for ETCs participating in the Lifeline program. For one, a service provider must annually certify to USAC that it complies with all applicable federal Lifeline certification procedures to recertify the continued eligibility of all of its Lifeline subscribers.<sup>39</sup> Consistent with our prior discussion related to Section 54.410(f), TerraCom's Lifeline subscribers will be recertified either automatically through the National Verifier's state/federal data sources, or receive a recertification request from USAC. In any event, TerraCom in its Petition represents that it will continue to comply with all FCC rules and regulations. Petition at p. 3.

### *B. TerraCom Satisfies all the Federal Requirements Regarding Lifeline*

TerraCom is obligated to offer Lifeline-supported services throughout its designated service area and is obligated to comply with the rules and requirements of the federal Lifeline program. This obligation includes, inter alia, compliance with the FCC's rules for determining subscriber eligibility and annual recertification. Based upon our review of TerraCom's Petition, as supplemented, we determine that TerraCom satisfies all the applicable and relevant FCC rules and federal requirements regarding Lifeline.

## **III. Pennsylvania-Specific Requirements for ETC Designation**

In addition to the minimum federal standards above, through our ETC Guidelines, TerraCom must comply with Pennsylvania statutory law and Commission orders which govern Pennsylvania's Lifeline program.<sup>40</sup> 52 Pa. Code § 69.2501(b).

### *A. Section 3019(f) Requirements*

Section 3019(f) of the Pennsylvania Public Utility Code, 66 Pa.C.S. § 3019(f), and the Commission's PA Lifeline Order set forth the minimum Pennsylvania requirements for ETCs seeking low income support from the federal Lifeline Program. Section 3019(f) includes the following requirements for ETCs:

- (1) All eligible telecommunications carriers certified to provide local exchange telecommunications service shall provide Lifeline service to all eligible telecommunications customers who subscribe to such service.
- (2) All eligible telecommunications customers who subscribe to Lifeline service shall be permitted to subscribe to any number of other eligible telecommunications carrier telecommunications services at the tariffed rates for such services.
- (3) Whenever a prospective customer seeks to subscribe to local exchange telecommunications service from an eligible telecommunications carrier, the carrier shall explicitly advise the customer of the availability of Lifeline service and shall make reasonable efforts where appropriate to determine whether the

<sup>38</sup> Petition at p. 5.

<sup>39</sup> 47 CFR § 54.416.

<sup>40</sup> Because the FCC's Lifeline Reform Order discontinued the Link-Up support from the federal USF, all references to Link-Up programs are now inapplicable.

<sup>37</sup> 47 CFR § 54.410(c) and (d).

customer qualifies for such service and, if so, whether the customer wishes to subscribe to the service.

(4) Eligible telecommunications carriers shall inform existing customers of the availability of Lifeline services twice annually by bill insert or message. The notice shall be conspicuous and shall provide appropriate eligibility, benefits and contact information for customers who wish to learn of the Lifeline service subscription requirements.

(5) Eligible telecommunications carriers shall provide the Department of Public Welfare<sup>41</sup> with Lifeline service descriptions and subscription forms, contact telephone numbers, and a listing of the geographic area or areas they serve, for use by the Department of Public Welfare in providing the notifications required by this paragraph.

(6) No eligible telecommunications carrier shall be required to provide after the effective date of this section any new Lifeline service discount that is not fully subsidized by the Federal Universal Service fund.

As an existing ETC, TerraCom certifies that it has and will continue to comply with each of the Section 3019(f) requirements. TerraCom will provide its prepaid Lifeline service to all eligible telecommunications customers who wish to subscribe to such service and who reside within TerraCom's service area. The Company will also agree to permit eligible customers to subscribe to any number of its other telecommunications services at the standard rates for such services. TerraCom has established protocols so that whenever a prospective customer in Pennsylvania seeks to subscribe to TerraCom's service, TerraCom will explicitly advise the customer of the availability of Lifeline service and shall meet federal requirements to determine whether the customer qualifies for such service and, if so, whether the customer wishes to subscribe to the service. Petition at p. 3.

Furthermore, as an existing ETC, TerraCom has and will continue to: (1) inform existing customers of the availability of Lifeline service twice annually by bill insert, in compliance with Section 3019(f)(4); and (2) provide the Commonwealth's DHS with its Lifeline service descriptions and subscription forms, contact telephone numbers and a listing of the geographic area or areas it serves for use by DHS in providing the notification under Section 3019(f)(5). Petition at p. 3.

#### *B. Other Pennsylvania Requirements and Relevant Reporting Requirements*<sup>42</sup>

In addition to the Pennsylvania statutory requirements, the Commission has established Lifeline eligibility criteria, as well as procedures for certification and verification of a consumer's initial and continuing eligibility.<sup>43</sup> Additionally, ETCs are further ordered to report to the Commission annual changes in Pennsylvania Lifeline enrollment.<sup>44</sup> The Commission continues to reserve our right to impose separate state-specific requirements where necessary for the protection of the Commonwealth's consumers.

<sup>41</sup> The Department of Public Welfare is now known as the Pennsylvania Department of Human Services (DHS).

<sup>42</sup> We note that many Pennsylvania-specific requirements set forth in our PA Lifeline Order such as the requirements for certification and verification of a customer's initial and continued eligibility for Lifeline services have been impacted by Lifeline developments at the federal level. For example, the creation of the NLAD at 47 CFR § 54.404, has led to changes in the Pennsylvania-specific requirements for eligibility verification.

<sup>43</sup> In Re: Lifeline and Link-up Programs, Docket No. M-00051871 (Order entered May 23, 2005) (PA Lifeline Order).

<sup>44</sup> Re: Section 3015(f) Review Regarding Lifeline Tracking Report, Accident Report, and Services Outage Report, 100 Pa. P.U.C. 553 (Dec. 30, 2005) (Tracking Report Order).

#### *1. Compliance with Eligibility Certification and Verification*

As a condition of its ETC designation, TerraCom must independently certify a Lifeline applicant's eligibility for service. Compliance with the Lifeline eligibility verification requirements are essential for prevention of waste, fraud and abuse. In particular, all ETCs designated by this Commission are required to take the necessary steps to ensure that Lifeline support paid by the federal USF to the carrier is remitted only for eligible low-income consumers or households.

As stated above, with launch of NLAD in Pennsylvania, TerraCom must use the National Verifier when helping consumers apply to the Lifeline Program. In addition, TerraCom must include a public education component as part of its Lifeline outreach program to ensure that consumers are aware of and can participate in, the eligibility determination from the National Verifier.

By our PA Lifeline Order we also required eligibility be confirmed annually and required:<sup>45</sup>

That LECs offering Lifeline . . . services are directed to recertify their Lifeline . . . customers at least annually in accordance with FCC procedures established at 47 C.F.R. § 54.410 (relating to certification and verification of consumer qualifications for Lifeline)[.]

Id. at 27.

TerraCom is directed, as a condition of continuing its ETC designation, to ensure all of its Lifeline subscribers are recertified. As previously discussed, the National Verifier assumed the responsibility for annual recertification in Pennsylvania as of March 5, 2019, and TerraCom's Lifeline subscribers must be recertified either automatically through the National Verifier's state/federal data sources or receive a recertification request from USAC.

Prior to recertification, however, we note that the FCC has adopted a reverification process that must occur to determine the continued eligibility of existing Lifeline subscribers. Reverification is the one-time process by the National Verifier to confirm that all existing Lifeline subscribers meet the eligibility standards. Reverification will be performed in groups based on subscribers' enrollment dates. Reverification will reset a subscriber's anniversary date. Subscribers will then be recertified one year after the date that they are successfully reverified.<sup>46</sup> Thereafter, Lifeline subscribers will be recertified either automatically through the National Verifier's state/federal data sources or receive a recertification request from USAC.

#### *2. Compliance with the Tracking Report Order*

As a condition of ETC designation, ETCs are required under Pennsylvania law to report to the Commission annual changes in Lifeline enrollment, per our Tracking Report Order. TerraCom has and will continue to fully comply with the Commission's annual Lifeline Tracking Report requirement.

Further, in order to ensure the Pennsylvania Lifeline program advances the Commonwealth's universal service policy, TerraCom is required to continue to provide to BCS a copy of its annual Lifeline Eligible Telecommunications Carrier Certification Form, FCC Form 555, that it

<sup>45</sup> Both Pennsylvania and the FCC eliminated the Lifeline's subscriber ability to self-certify annually.

<sup>46</sup> See generally PA Lifeline Order and 47 CFR § 54.410.



files with USAC.<sup>47</sup> The FCC Form 555 reports the results of the annual recertification process and includes data accuracy certifications.

### 3. *Consumer Lifeline-Related Complaints Processed by the Bureau of Consumer Services*

As a final condition of expanded designation, TerraCom agrees to continue to work with BCS to resolve informal complaints and to submit to Commission jurisdiction on formal complaints filed by TerraCom Lifeline customers on Lifeline-related issues.<sup>48</sup> Specifically, BCS will address Lifeline-related issues which pertain to the consumers' rights under its Wireless Terms and Conditions of Service including: (1) eligibility disputes; (2) program offering issues; and (3) limited equipment-related issues.

TerraCom has and will continue to provide notice to consumers in its Pennsylvania promotional materials as well as Pennsylvania-specific information on its web page of their right to contact BCS and of the Commission's contact information, if Lifeline service-related complaints brought to TerraCom's customer service division are not resolved. In addition, we expect TerraCom to continue to consult with BCS in preparation of Pennsylvania promotional materials to ensure that they further the delivery of voice and broadband services in a comprehensible fashion in Pennsylvania.

Adherence to these Pennsylvania-specific requirements applicable to ETCs designated by the Commission will assure uniformity among Lifeline services offered by different ETCs, will provide consumer protection for low-income consumers, and will enable BCS to monitor Lifeline Program effectiveness in Pennsylvania.

### 4. *Change in Corporate Control and Renewed ETC Designation*

In the event of a change of or transfer in corporate control, as defined in the Commission's regulations at 52 Pa. Code § 63.322, TerraCom will have to petition this Commission for a renewal of its ETC status. Corporate changes of control may also be accompanied with changes in ETC status of a particular telecommunications entity with reference to the various and evolving support mechanisms of the federal USF. In this respect, this Commission is lawfully entitled to timely re-examine any such changes and ascertain whether a particular telecommunications entity should continue with an ETC designation. For this reason, we shall require TerraCom to file for renewal of its ETC designation at the same time it files any application for a change or transfer of control under our regulations.

### 5. *Provision of ETC Application, Annual Certification and Promotional Materials to the Bureau of Consumer Services*

All ETCs are required to supply the Commission's BCS with copies of subscriber Lifeline applications, annual certifications, promotional/advertising materials, and Lifeline-related customer notices for review for consistency with eligibility determination criteria and annual certification requirements as well as plain language requirements. Accordingly, as a condition of receiving expanded ETC designation, TerraCom is directed to continue to provide the Commission with copies of any and all reports submitted to USAC, and, upon request, provide BCS with copies of subscriber Lifeline applications,

promotional/advertising materials, annual certifications reports, and Lifeline-related customer notices. Any failure of TerraCom to comply with these requirements will be a basis for revocation of its ETC designation or other enforcement action.

### C. *TerraCom Wireless Satisfies All Pennsylvania-Specific Requirements for Lifeline*

In addition to the minimum federal standards mentioned above, all ETCs are required to comply with Pennsylvania law and Commission orders which govern Pennsylvania's Lifeline programs. 52 Pa. Code § 69.2501(b). As already determined above, and as an existing ETC, TerraCom commits to: (1) abide by the applicable eligibility certification and verification requirements set forth in the Commission's PA Lifeline Order; (2) abide by the applicable requirements set forth in the Commission's Tracking Report Order; and (3) have consumer Lifeline-related complaints which are unresolved by TerraCom's customer service, handled by BCS as appropriate and, if not, be resolved through formal or informal Commission processes. Petition at p. 3.

### *Conclusion*

In consideration of TerraCom's Petition as supplemented, we conclude TerraCom satisfies all federal and Pennsylvania-specific requirements for expansion of its ETC designation. As an ETC, TerraCom must meet the minimum standards set forth in the FCC's Lifeline Reform Orders, reporting and performance metrics set forth in the USF/ICC Transformation Order, and all related regulations. Further, in Pennsylvania, TerraCom must satisfy the Commission's requirements in the Public Utility Code, our ETC Guidelines, and all related orders. Granting TerraCom's ETC expansion request is in accord with Section 214 of the Act, the FCC's regulations and orders related to ETC designation, Section 3019(f) of the Public Utility Code, and the Commissions orders on ETC designation. 47 U.S.C. § 214; 47 CFR §§ 54.201, et seq.; and 66 Pa.C.S. § 3019(f); *Therefore*,

### *It Is Ordered That:*

1. The Petition of YourTel America, Inc., d/b/a TerraCom, for Expansion of its Eligible Telecommunications Carrier Designation in the Commonwealth of Pennsylvania is granted, subject to the terms and conditions set forth in this order.

2. The Commission hereby approves YourTel America, Inc., d/b/a TerraCom's Petition for Expansion of its Eligible Telecommunications Carrier Designation to provide Lifeline-only ETC service throughout the Commonwealth of Pennsylvania.

3. The FCC rules regarding the redefinition process as it relates to YourTel America, Inc., d/b/a TerraCom are inapplicable as set forth in this Order.

4. YourTel America, Inc., d/b/a TerraCom, shall provide the Bureau of Consumer Services with copies of subscriber Lifeline applications and annual certification and promotional materials for review for consistency with eligibility determination criteria and annual certification requirements.

5. YourTel America, Inc., d/b/a TerraCom, shall comply with the FCC's reverification procedures by using the National Verifier.

6. YourTel America, Inc., d/b/a TerraCom, shall continue to provide notice to consumers in its Pennsylvania promotional materials as well as Pennsylvania-specific information on its web page of their right to contact BCS

<sup>47</sup> As previously stated in the discussion of Section 54.410 of the FCC regulations, ETCs designated in Pennsylvania must provide our BCS copies of the reports submitted to USAC for purposes of low-income USF support, these reports include, among others, those listed in our PA Lifeline and Tracking Report Orders.

<sup>48</sup> BCS has TerraCom's current contact information for TerraCom staff to resolve Lifeline-related issues.

and of the Commission's contact information if Lifeline service-related complaints brought to TerraCom are not resolved. We also expect TerraCom to continue to consult with BCS in preparation of Pennsylvania promotional materials.

7. The failure of YourTel America, Inc., d/b/a TerraCom, to comply with any of the provisions of this Order may result in revocation of its ETC designation(s) for purposes of receiving federal Universal Service Fund support and the federal Lifeline support or be subject to further Commission process.

8. YourTel America, Inc., d/b/a TerraCom, shall petition this Commission for any future change to the wireless Lifeline service offerings provided through this ETC designation as described herein which represents a limitation or reduction of Lifeline services/equipment provided free of charge, and shall provide notice to this Commission of any addition, change or new offering which is in addition to the wireless Lifeline offering.

9. YourTel America, Inc., d/b/a TerraCom, shall petition this Commission for renewal of its Eligible Telecommunications Carrier status at the same time it files any application for a change or transfer of control as defined at 52 Pa. Code § 63.322.

10. The Secretary shall serve a copy of this Order on YourTel America, Inc. d/b/a TerraCom, on the Office of Consumer Advocate, and the Office of Small Business Advocate.

11. A copy of this Order be published in the *Pennsylvania Bulletin*.

12. This docket be marked closed.

ROSEMARY CHIAVETTA,  
Secretary

[Pa.B. Doc. No. 19-882. Filed for public inspection June 7, 2019, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Recalculation of the Pennsylvania Telecommunications Relay Service Surcharge

Public Meeting held  
May 23, 2019

*Commissioners Present:* Gladys Brown Dutrieuille, Chairperson; David W. Sweet, Vice Chairperson; Norman J. Kennard, statement follows, dissenting; Andrew G. Place; John F. Coleman, Jr., statement follows, dissenting

*Recalculation of the Pennsylvania Telecommunications Relay Service Surcharge; M-2019-3006851; M-00900239*

#### Order

*By the Commission:*

In accordance with our May 29, 1990 Order at Docket No. M-00900239 establishing the Pennsylvania Telecommunications Relay Service (TRS or Relay)<sup>1</sup> and surcharge funding mechanism (TRS surcharge) and subsequent

<sup>1</sup> Additional information on TRS may be found at [http://www.puc.pa.gov/utility\\_industry/telecommunications/telecommunications\\_relay\\_service.aspx](http://www.puc.pa.gov/utility_industry/telecommunications/telecommunications_relay_service.aspx).

Commission orders and legislation,<sup>2</sup> we have completed the annual recalculation of the TRS surcharge as it will apply only to residential and business wireline access lines for July 1, 2019, through June 30, 2020. The TRS surcharge rate for residential and business access lines shall be set at \$0.08 per month.

#### Background

The annual TRS surcharge recalculation is dependent on data from several sources. Local Exchange Carriers (LECs<sup>3</sup>) submit annual wireline access line counts pursuant to 52 Pa. Code § 63.37. The traditional relay provider, Hamilton Relay, Inc.,<sup>4</sup> submitted the estimated minutes of use and charges for July 1, 2019, through June 30, 2020. Hamilton Telephone Company d/b/a Hamilton Telecommunications submitted the estimated minutes-of-use report for the Captioned Telephone Relay Service<sup>5</sup> (CTRS). The Office of Vocational Rehabilitation (OVR), Department of Labor and Industry, submitted the 2019-2020 TDDP budget and the 2019-2020 PMASP budget. The surcharge also funds TRS Advisory Board activities and Fund administration costs. U.S. Bank,<sup>6</sup> the Fund Administrator, provided a statement of the financial status of the Fund.<sup>7</sup>

#### Calculation for 2019-2020

Combined residential and business wireline access lines reported by LECs for 2018 and adjusted for Centrex lines are estimated to be 4,240,000. Based upon the number of access lines, projected program costs (Relay, CTRS, TDDP, and PMASP), anticipated Pennsylvania TRS Advisory Board<sup>8</sup> expenses, TRS Fund administration costs, and the financial status of the TRS Fund, the 2019-2020 TRS surcharge rate for residential and business access lines will remain at the current rate of \$0.08 per month.

This rate is the same as the current rate and will not require the LECs to file tariff supplements. Despite a net positive position in the TRS fund, the Commission has retained this rate over the past several years to provide for a cautious approach to uncertainty related to potential federal funding changes.<sup>9</sup> That rate also ensures that the program has adequate resources to support the Wireless

<sup>2</sup> See Act 34 of 1995, 35 P.S. §§ 6701.1–6701.4 (the statutory provisions were amended by Act 181 of 2002 to be more inclusive of persons with disabilities), establishing the Telecommunication Device Distribution Program (TDDP) to be funded by the TRS surcharge and which codified Relay and use of the TRS surcharge funding mechanism; and Act 174 of 2004, 35 P.S. § 6701.3a, which established the Print Media Access System Program (PMASP) which may be funded in part or in whole by the TRS surcharge. PMASP is a reading service for persons with certain vision-related physical disabilities. The law is now called the "Universal Telecommunications and Print Media Access Act."

<sup>3</sup> LECs include both incumbent and competitive local exchange carriers.

<sup>4</sup> Hamilton Relay, Inc. (Hamilton) holds the TRS Certificate of Public Convenience to provide TRS throughout the Commonwealth of Pennsylvania. The Commission approved Hamilton's Application by order entered December 4, 2014 at Docket No. A-2014-2447601.

<sup>5</sup> Hamilton Telecommunications, an affiliate of Hamilton Relay, provides CTRS pursuant to contract which ends June 30, 2019. The Commission is currently conducting RFP-2019-1 for CTRS services in Pennsylvania.

<sup>6</sup> As a result of mergers, acquisitions, and name changes, Fund administration has been handled by Hamilton Bank (1990), CoreStates Bank N.A. (1995), First Union National Bank (1999), Wachovia Bank, N.A. (2002), and U.S. Bank Institutional Trust & Custody (2006).

<sup>7</sup> Separate accounts are maintained for the portions of the surcharge allocated to Relay, TDDP, and PMASP. TRS Advisory Board expenses, CTRS, and outreach activities are funded from the Relay account; TRS Fund administration costs are drawn from each respective account.

<sup>8</sup> The Pennsylvania TRS Advisory Board was established pursuant to Commission Order entered May 29, 1990. The TRS Advisory Board's By-Laws and quarterly meeting schedule can be found at: [http://www.puc.pa.gov/utility\\_industry/telecommunications/telecommunications\\_relay\\_service/trs\\_advisory\\_board.aspx](http://www.puc.pa.gov/utility_industry/telecommunications/telecommunications_relay_service/trs_advisory_board.aspx).

<sup>9</sup> See, e.g., Recalculation of the Pennsylvania Telecommunications Relay Service Surcharge, Docket Nos. M-2018-2640814, M-00900239 (Order entered June 13, 2018); Recalculation of the Pennsylvania Telecommunications Relay Service Surcharge, Docket Nos. M-2017-2582552, M-00900239 (Order entered June 27, 2017). See also In re Misuse of Internet Protocol (IP) Captioned Telephone Service, et al., CG Docket Nos. 13-24 and 03-123 (FCC, Rel. June 8, 2018), Report and Order, Declaratory Ruling, Further Notice of Proposed Rulemaking, and Notice of Inquiry, slip op. FCC 18-79.

Expansion Initiative (WEI). All TRS surcharge revenues shall continue to be remitted to the Fund Administrator.<sup>10</sup>

Effective July 1, 2019, the monthly surcharge allocation for each fund account will be as follows:<sup>11</sup>

	2019-2020	
	Monthly Surcharge Percentage Residence %	Business %
Relay	85.0	85.0
TDDP	10.0	10.0
PMASP	5.0	5.0
Total Percentage	100.0	100.0

#### Operations for 2019-2020

We shall continue our active oversight of the operations of the Pennsylvania Telecommunications Relay Service. Further, in accordance with 35 P.S. §§ 6701.3a & 4, we shall continue to collaborate with OVR and its TDDP administrator<sup>12</sup> to ensure adequate funding for distribution of TDDP equipment to qualified Pennsylvanians. Further, we shall continue to assist OVR in its mission to ensure adequate funding for PMASP.

#### Audits

The Bureau of Audits (Audits) released its most recent TRS Audit Report on June 14, 2017 at Docket No. D-2016-2556222 for the twelve-month periods ended February 29, 2016, February 28, 2015, February 28, 2014, and February 28, 2013. Audits has finished an audit of the TDDP and the PMASP for the twelve-month periods ended June 30, 2016, June 30, 2015, and June 30, 2014, at Docket No. D-2018-3001207 and expects to release the audit report in May 2019.

#### Service of Paper Copies

In the past, our practice has been to serve the annual TRS surcharge recalculation order on every LEC in the Commonwealth in addition to each Relay service provider, the Office of Vocational Rehabilitation, the Office of Consumer Advocate, the Office of Small Business Advo-

cate, the Pennsylvania Telephone Association, and the Fund Administrator. Consistent with the TRS surcharge recalculation order entered May 23, 2013, at Docket No. M-2013-2341301, we now serve paper copies of the annual TRS surcharge recalculation order only when there is a change in the TRS surcharge rate or other provision in the order requiring that the LECs file a tariff supplement or take other action. As this order does not change the TRS surcharge rate, paper copies of the order will not be served. Additionally, we will continue to publish the order in the *Pennsylvania Bulletin* and on the Commission's website.

#### Conclusion

The Commission has completed the annual recalculation of the TRS surcharge rate. Consistent with our prior determinations regarding the fund, the TRS surcharge rate for residential and business access lines to be applied beginning July 1, 2019, through June 30, 2020, will remain at \$0.08 per month. We also note that paper copies of this order will not be served on the LECs as there is no change in the set surcharge rate or to impose new requirements on the LECs requiring tariff changes in response to this Order; *Therefore,*

#### *It Is Ordered That:*

1. For the period of July 1, 2019, through June 30, 2020, the TRS surcharge rate for residential and business access lines shall be set at \$0.08 per month, unless the Commission takes further action to revise the TRS surcharge rate prior to June 30, 2020.

2. All local exchange carriers are directed to use the attached blank remittance form to remit the monthly TRS surcharge collections to the Fund Administrator. The blank remittance form shall be posted to the Commission's web site. All local exchange carriers are required to collect and remit the TRS surcharge revenue with the completed remittance form monthly by the 20th of each month.

3. A copy of this Order be published in the *Pennsylvania Bulletin*.

4. A copy of this Order be posted to the Commission's website.

ROSEMARY CHIAVETTA,  
*Secretary*

<sup>10</sup> U.S. Bank Institutional Trust & Custody, Attn: Dina Buccieri, 50 S. 16th Street, Suite 2000, Philadelphia, PA 19102. Remittances are payable to the "PA Relay Service Fund" and designated for Relay. Bank wire instructions can be found on the remittance form.

<sup>11</sup> The TRS surcharge appears as a single line item on customers' bills but actually has three components (Relay, TDDP traditional and WEI, and PMASP).

<sup>12</sup> As of January 1, 2007, the TDDP is administered by Pennsylvania's Initiative on Assistive Technology, Institute on Disabilities, Temple University.

**REMITTANCE FORM FOR MONTHLY TRS SURCHARGE COLLECTIONS**

Effective July 1, 2019 through June 30, 2020

M-2019-3006851

All local exchange carriers are required to collect and remit the TRS surcharge revenue monthly, by the 20th of each month using the following format for the monthly remittance:

*Pennsylvania TRS Surcharge*

For the Month Ending \_\_\_\_\_

Number of Residential access lines \_\_\_\_\_  
 × \$0.08 per line \_\_\_\_\_

Allocated:

TRS Relay 85.0 percent \_\_\_\_\_  
 TDDP 10.0 percent \_\_\_\_\_  
 PMASP 5.0 percent \_\_\_\_\_

Number of Business access lines \_\_\_\_\_  
 × \$0.08 per line \_\_\_\_\_

Allocated:

TRS Relay 85.0 percent \_\_\_\_\_  
 TDDP 10.0 percent \_\_\_\_\_  
 PMASP 5.0 percent \_\_\_\_\_  
 Total Remittance \_\_\_\_\_

Make check payable to: Pennsylvania TRS Fund

Mail Report and payment to:	Wire Instructions:
U.S. Bank Institutional Trust & Custody Attn: Dina Buccieri 50 S. 16th Street, Suite 2000 Philadelphia, PA 19102	BANK U.S. Bank N.A ADDRESS 60 Livingston Avenue St Paul, MN 55107-2292 ABA 091 000 022 BNF ITC Depository South & East ACCOUNT 173 103 781 832 OBI PA Relay ATTN: Dina Buccieri

Remittance for:

Company Name: \_\_\_\_\_  
 Utility Code: \_\_\_\_\_  
 Contact Person: \_\_\_\_\_  
 Voice Phone Number: (\_\_\_\_) \_\_\_\_\_ FAX: (\_\_\_\_) \_\_\_\_\_  
 E-mail address \_\_\_\_\_  
 Authorized Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Please direct any questions regarding the TRS Surcharge remittance to Mr. Eric Jeschke at (717) 783-3850 or ejeschke@pa.gov.

**Statement of Commissioner Norman J. Kennard**

Before the Pennsylvania Public Utility Commission (Commission) is the establishment of the Pennsylvania Telecommunications Relay Service (TRS) surcharge funding mechanism (TRS surcharge) for the period July 1, 2019 through June 30, 2020.

The current TRS surcharge rate for residential and business access lines is \$0.08 per month. At this rate, the TRS fund continues to be massively over-collected. As of April 30, 2019, there is a total consolidated cash balance of over \$12 million in the TRS fund. This balance is over 13 times greater than the \$900,000 operating reserve that

we have deemed prudent to ensure operation of these programs and services.

Although the per-customer impact of reducing the monthly TRS surcharge is minimal on a per customer basis, the aggregate amount collected is not. Last year, the amount collected was about \$4.2 million. The same \$0.08 cents surcharge, going forward, is anticipated to recover \$4,070,400 annually. On the other hand, the fund spent \$2,606,880 last year, and the budget for next year is \$2,727,192. At the \$0.08 cents per month surcharge rate, the fund is projected to grow by another \$1,343,208 this year.

Based on the current regulatory landscape, I do not support growing the already excessive TRS fund. First, I note that since our approval of the TRS surcharge for 2018-2019, the Commission has approved the Wireless Expansion Initiative and its corresponding budget (which is included in the 2020 TRS fund projections), thereby removing the cost uncertainty associated with deploying a permanent wireless device distribution program. Second, the Commission's ability to respond to any changes in TRS funding which may occur at the federal level would not be compromised by reducing the surcharge. Additionally, because the TRS surcharge is set on an annual basis, any need for additional funding in the future can be adequately addressed in future surcharge years.

For these reasons, I do not support the \$0.08 TRS surcharge. To gradually reduce the war chest that has been accumulated over time, I would reduce the surcharge to \$0.04 per line per month.

NORMAN J. KENNARD,  
*Commissioner*

#### Statement of Commissioner John F. Coleman, Jr.

Before the Commission is the establishment the Pennsylvania Telecommunications Relay Service surcharge funding mechanism (TRS surcharge) for the period July 1, 2019 through June 30, 2020.<sup>13</sup> The past two years, our annual TRS surcharge recalculation has been the source of some considerable debate among the Commissioners.

The current recommendation is to keep the TRS surcharge rate for residential and business access lines at \$.08 per line per month, despite a TRS fund balance that keeps growing and will continue to grow. The bottom line is that the \$.08 rate is producing a year-after-year surplus that is resulting in a large over collection of the TRS fund. As of April 30, 2019, the \$.08 surcharge rate has produced a total consolidated cash balance of over \$12 million, an increase of approximately \$1.8 million from last year's fund balance. And, based on the projected revenues and expenses for this surcharge year, the TRS fund balance is projected to grow by over \$1.3 million by this time next year.

As I have advocated the last two surcharge years, I would lower the TRS surcharge rate to \$.04 per line per month to gradually reduce the fund balance over time.

I note that a reduction in the TRS surcharge rate to \$.04 would not result in an immediate reduction of the fund surplus to zero. Rather, the surplus would be reduced gradually over time by approximately \$700,000 annually. This gradual reduction would leave plenty of flexibility to address any future changes in the TRS landscape, including any changes that may occur at the federal level.<sup>14</sup> In addition, the TRS surcharge is set on an annual basis, which means that the surcharge rate can be adjusted in future surcharge years to address the need for any additional TRS funding that may arise.

JOHN F. COLEMAN, Jr.,  
*Commissioner*

[Pa.B. Doc. No. 19-883. Filed for public inspection June 7, 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 24, 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-2019-3008599. Ryan Purnell** (2672 Almond Street, Philadelphia, Philadelphia County, PA 19125) for the right to begin to transport, as a common carrier, by motor vehicle, persons in limousine service, between points in the Counties of Adams, Berks, Blair, Bradford, Bucks, Cameron, Carbon, Centre, Chester, Clearfield, Clinton, Columbia, Cumberland, Dauphin, Delaware, Franklin, Huntingdon, Juniata, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Mifflin, Monroe, Montgomery, Montour, Northampton, Northumberland, Perry, Pike, Potter, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming and York.

**A-2019-3009604. Medportation, LLC** (57 Bellwood Drive, Feasterville, Bucks County, PA 19053) for the right to begin to transport, as a common carrier, by motor vehicles, persons in nonemergency medical paratransit service, between points in the Counties of Bucks and Montgomery, and the City and County of Philadelphia.

**A-2019-3009677. Thule Transportation, LLC** (1137 Passmore Street, 1st Floor, Philadelphia, Philadelphia County, PA 19111) for the right to begin to transport, as a common carrier, by wheelchair and scooter accessible motor vehicles, persons in paratransit service, from points in the City and County of Philadelphia to points in the Counties of Bucks, Chester, Delaware and Montgomery, and return.

**A-2019-3010018. Reuben L. Ruppert** (4061 Flint Valley Road, Mount Pleasant Mills, Snyder County, PA 17853) for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles from points in Snyder County to points in Pennsylvania, and return.

**A-2019-3010019. John Womer** (308 Snacker Road, Mount Pleasant Mills, Snyder County, PA 17853) in paratransit service, limited to persons whose personal

<sup>13</sup> The TRS surcharge funds three individual programs that make up the TRS fund.  
<sup>14</sup> I note that since our approval of the TRS surcharge last year, the Commission has approved a permanent wireless distribution program as part of the Telecommunications Device Distribution Program (TDDP), which is reflected in the 2019-2020 proposed TDDP budget.

convictions prevent them from owning or operating motor vehicles, from points in Lancaster County, to points in Pennsylvania, and return.

**A-2019-3010023. Lonnie Brown, t/a BLB Express** (826 Mitchell Road, Indiana, Indiana County, PA 15701) persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in Indiana County, to points in Pennsylvania, and return.

**A-2019-3010034. Angela Miller** (181 Black Mill Road, Sunbury, Northumberland County, PA 17801) in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in Northumberland and Dauphin Counties, to points in Pennsylvania, and return.

**A-2019-3010053. Black and Black Transportation, LLC** (1410 Lincoln Avenue, Prospect Park, Delaware County, PA 19076) for the right to begin to transport, as a common carrier, by motor vehicle, persons in limousine service, between points in Pennsylvania, excluding points in the Counties of Lehigh and Montgomery, and the City and County of Philadelphia.

**Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under the application.**

**A-2019-3010061. Renegade Tours, Inc., t/a Renegade Wine Tours, Inc.** (8368 Oswald Drive, Germansville, Lehigh County, PA 18053) for the approval of the transfer of 100 shares of the issued stock, from Rodney Detrick (51 shares) and Britton Detrick (49 shares), to Edward Brown.

**Application of the following for approval to begin operating as contract carriers for transportation of persons as described under the application.**

**A-2019-3009497. Transit With Care, LLC** (564 Carson Terrace, Huntingdon Valley, Montgomery County, PA 19006) for Aging with Care, LLC, between points in the City and County of Philadelphia. *Attorney:* Mark Feinman, 8171 Castor Avenue, Philadelphia, PA 19152.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 19-884. Filed for public inspection June 7, 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 24, 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. Thomas W. Bleem, t/a T & R Trucking; Docket No. C-2019-3009687

#### 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 Thomas W. Bleem, t/a T & R Trucking, (respondent) is under suspension effective April 25, 2019 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 1040 West Corydon Street, Bradford, PA 16701.

3. That respondent was issued a Certificate of Public Convenience by this Commission on January 06, 2011, at A-8912729.

4. That respondent has failed to maintain evidence of Liability 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-8912729 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  
400 North Street  
Harrisburg, PA 17120

#### 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: 5/7/2019

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  
400 North Street  
Harrisburg, PA 17120

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  
400 North Street  
Harrisburg, PA 17120

Or, emailed to Mr. Swindler at: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint

by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility Services  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, PA 17120

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, PA 17120

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. 19-885. Filed for public inspection June 7, 2019, 9:00 a.m.]

