

PENNSYLVANIA BULLETIN

Volume 49

Number 26

Saturday, June 29, 2019 • Harrisburg, PA

Pages 3287—3458

Agencies in this issue

The Governor

The Courts

Department of Banking and Securities

Department of Education

Department of Environmental Protection

Department of General Services

Department of Health

Department of Human Services

Department of Revenue

Department of Transportation

Environmental Quality Board

Game Commission

Independent Regulatory Review Commission

Insurance Department

Pennsylvania Public Utility Commission

Philadelphia Parking Authority

State Charter School Appeal Board

State Employees' Retirement Board

State Horse Racing Commission

Thaddeus Stevens College of Technology

Detailed list of contents appears inside.



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

No. 535, June 2019

CUT ON DOTTED LINES AND ENCLOSE IN AN ENVELOPE

CHANGE NOTICE/NEW SUBSCRIPTION

If information on mailing label is incorrect, please email changes to info@pabulletin.com or mail to:

FRY COMMUNICATIONS, INC.
Attn: *Pennsylvania Bulletin*
800 W. Church Rd.
Mechanicsburg, PA 17055-3198

CUSTOMER NUMBER (6 digit number above name on mailing label)

NAME OF INDIVIDUAL

OFFICE NAME—TITLE

ADDRESS (Number and Street)

(City) (State) (Zip Code)

TYPE OR PRINT LEGIBLY

PENNSYLVANIA



BULLETIN

(ISSN 0162-2137)

The *Pennsylvania Bulletin* is published weekly by Fry Communications, Inc. for the Commonwealth of Pennsylvania, Legislative Reference Bureau, 641 Main Capitol Building, Harrisburg, Pennsylvania 17120, under the policy supervision and direction of the Joint Committee on Documents under 45 Pa.C.S. Part II (relating to publication and effectiveness of Commonwealth documents). The subscription rate is \$87.00 per year, postpaid to points in the United States. Individual copies are \$2.50. Checks for subscriptions and individual copies should be made payable to "*Fry Communications, Inc.*" Periodicals postage paid at Harrisburg, Pennsylvania.

Postmaster send address changes to:

FRY COMMUNICATIONS, Inc.
Attn: *Pennsylvania Bulletin*
800 West Church Road
Mechanicsburg, Pennsylvania 17055-3198
(717) 766-0211 ext. 2340
(800) 334-1429 ext. 2340 (toll free, out-of-State)
(800) 524-3232 ext. 2340 (toll free, in State)

Orders for subscriptions and other circulation matters should be sent to:

Fry Communications, Inc.
Attn: *Pennsylvania Bulletin*
800 West Church Road
Mechanicsburg, Pennsylvania 17055-3198

Copyright © 2019 Commonwealth of Pennsylvania

Editorial preparation, composition, printing and distribution of the *Pennsylvania Bulletin* is effected on behalf of the Commonwealth of Pennsylvania by FRY COMMUNICATIONS, Inc., 800 West Church Road, Mechanicsburg, Pennsylvania 17055-3198.

CONTENTS

THE GOVERNOR

Proclamations

Amendment to proclamation of disaster emergency.. 3295

Veto

Notice of veto; House Bill 800; Printer’s No. 1676 . . . 3296

THE COURTS

JUDICIAL SYSTEM GENERAL PROVISIONS

Proposed amendments to the case records public access policy of the Unified Judicial System 3298

LOCAL COURT RULES

Monroe County

Amendment of local orphans’ court rules; 61 AD 2019 3311

RULES OF CIVIL PROCEDURE

Order adopting Rule 1065.1 of the Pennsylvania Rules of Civil Procedure; No. 699 civil procedural rules doc. 3305

RULES OF CRIMINAL PROCEDURE

Proposed amendment of Pa.Rs.Crim.P. 117 and 456 . 3306

EXECUTIVE AND INDEPENDENT AGENCIES

DEPARTMENT OF BANKING AND SECURITIES

Notices

Actions on applications. 3323

DEPARTMENT OF EDUCATION

Notices

Application of Robert W. Watkins for reinstatement of teaching certificates; doc. No. RE-19-03 3323

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices

Applications, actions and special notices. 3324

Availability of technical guidance 3382

Bid opportunity. 3383

Public notice of the receipt of annual reports for concentrated animal feeding operations under the PAG-12 National Pollutant Discharge Elimination System general permit 3383

Small Business Compliance Advisory Committee meeting cancellation 3384

DEPARTMENT OF GENERAL SERVICES

Proposed Rulemaking

State Metrology Laboratory fee schedule 3313

DEPARTMENT OF HEALTH

Notices

Approved and required medications lists for emergency medical service agencies and emergency medical service providers. 3384

Emergency Medical Services Operating Fund funding priorities for Fiscal Year 2019-2020. 3390

Long-term care nursing facilities; requests for exception 3394

Scope of practice for air ambulance services 3394

Scope of practice for critical care transport emergency medical service providers. 3396

Scope of practice for emergency medical service providers. 3398

Vehicle, equipment and supply requirements for emergency medical services agencies 3404

DEPARTMENT OF HUMAN SERVICES

Notices

Managed Care Assessment Program 3412

Nursing Facility Assessment Program for fiscal year 2019-2020 3412

Payment for nursing facility services; nonpublic nursing facility supplemental payment and county nursing facility Medical Assistance Day One incentive payment for fiscal year 2019-2020 3413

Payment for nursing facility services provided by county and nonpublic nursing facilities; notice of change in methods and standards of setting payment rates; budget adjustment factor 3414

Payments to county nursing facilities; Medical Assistance Day One incentive payments for the third and fourth quarters of fiscal year 2018-2019 3416

Payments to nonpublic and county nursing facilities; proposed rates for State fiscal year 2019-2020 3416

DEPARTMENT OF REVENUE

Notices

Adjustment of program service revenue amounts. . . 3417

Pennsylvania Grumpy Cat® fast play game 5062. . . 3418

Pennsylvania Strike It Rich fast play game 5061 . . . 3422

Retail Incentive Program and related retailer incentive programs and promotions for fiscal year 2019-2020 3427

DEPARTMENT OF TRANSPORTATION

Notices

Application for lease of right-of-way. 3433

ENVIRONMENTAL QUALITY BOARD

Proposed Rulemaking

Acceptance of rulemaking petitions for study 3316

GAME COMMISSION

Notices

Chronic wasting disease—designation of disease management areas and endemic states and Canadian provinces order # 7. 3433

INDEPENDENT REGULATORY REVIEW COMMISSION

Notices

Notice of comments issued 3440

Available Online at <http://www.pabulletin.com>

INSURANCE DEPARTMENT

Notices

Continental General Insurance Company (GLTC-131962412); rate increase filing for several individual LTC forms 3443
 Insurance coverages or risks eligible for export by Insurance Commissioner 3443
 John Hancock Life Insurance Company (USA) (MULF-131964637); rate increase filing for several individual LTC forms 3444
 Review procedure hearings; cancellation or refusal of insurance 3444

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Proposed Rulemaking

Hazardous liquid public utility safety standards; advanced notice of proposed rulemaking 3316

Notices

Cancellation of certificates of public convenience for common carriers; failure to operate or report any operating revenue 3445
 Electric generation supplier license cancellations of companies with an expired financial security or insufficient financial security amount 3450
 Service of notice of motor carrier applications 3451

Service of notice of motor carrier formal complaints . 3451
 Tariff modifications and waivers of regulations 3454
 Water service 3454

PHILADELPHIA PARKING AUTHORITY

Notices

Service of default order (3 documents) 3454, 3455
 Service of notice of motor carrier applications in the City of Philadelphia 3456

STATE CHARTER SCHOOL APPEAL BOARD

Notices

Schedule of meetings 3456

STATE EMPLOYEES' RETIREMENT BOARD

Notices

Hearings scheduled 3456

STATE HORSE RACING COMMISSION

Notices

Timed workouts; thoroughbred horse racing 3457

THADDEUS STEVENS COLLEGE OF TECHNOLOGY

Notices

Request for bids 3457

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

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Rules and Regulations

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

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

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

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

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

**Subscription Information: (717) 766-0211
General Information and Finding Aids: (717) 783-1530**

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).

Reproduction, Dissemination or Publication of Information

Third parties may not take information from the *Pennsylvania Code* and *Pennsylvania Bulletin* and reproduce, disseminate or publish information except as provided by 1 Pa. Code § 3.44:

§ 3.44. General permission to reproduce content of *Code* and *Bulletin*.

Information published under this part, which information includes, but is not limited to, cross references, tables of cases, notes of decisions, tables of contents, indexes, source notes, authority notes, numerical lists and codification guides, other than the actual text of rules or regulations may be reproduced only with the written consent of the [Legislative Reference] Bureau. The information which appears on the same leaf with the text of a rule or regulation, however, may be incidentally reproduced in connection with the reproduction of the rule or regulation, if the reproduction is for the private use of a subscriber and not for resale. There are no other restrictions on the reproduction of information published under this part, and the Commonwealth hereby consents to a reproduction.

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.

4 Pa. Code (Administration)

Adopted Rules

1	438
5	438
6	593
7a	1993
601	1297
602	1297
603	1297
604	1297
605	1297
606	1297
607	1297

Statements of Policy

9	381, 844, 927, 2349, 2719
58	1792

22 Pa. Code (Education)

Proposed Rules

235	1905
-----	------

25 Pa. Code (Environmental Protection)

Adopted Rules

77	2491
----	------

Proposed Rules

91	1518, 1665
92a	1518, 1665
93	1367
121	1146, 1777
127	1146, 1777

28 Pa. Code (Health and Safety)

Proposed Rules

27	2605
----	------

34 Pa. Code (Labor and Industry)

Adopted Rules

401	3077
403	3077
405	3077

Proposed Rules

91	1657, 1791
93	1657, 1791
95	1657, 1791
111	1661

40 Pa. Code (Liquor)

Proposed Rules

5	1029
---	------

49 Pa. Code (Professional and Vocational Standards)

Adopted Rules

27	3210
----	------

Proposed Rules

21	458
23	922
33	1396

52 Pa. Code (Public Utilities)

Proposed Rules

59	3316
----	------

Adopted Rules

29	455
56	2815

Statements of Policy

69	466, 929, 3083
----	----------------

58 Pa. Code (Recreation)

Adopted Rules

65	3215
75	1323
133	1362
135	1363
139	2500
141	2506, 2507
147	1364
682a	2227
683a	2227
830	1024

Proposed Rules

111	1152
139	1390
141	1386, 1388, 2611, 2612, 2614
147	2616

61 Pa. Code (Revenue)

Proposed Rules

876	2242
-----	------

67 Pa. Code (Transportation)

Adopted Rules

171a	2001
------	------

70 Pa. Code (Weights, Measures and Standards)

Proposed Rules

110	3313
-----	------

101 Pa. Code (General Assembly)

Statements of Policy

701	1154
-----	------

201 Pa. Code (Rules of Judicial Administration)

Adopted Rules

7	2911
---	------

Proposed Rules

51	1645
----	------

204 Pa. Code (Judicial System General Provisions)

Adopted Rules

29	1997
71	705, 824
81	824, 2209
83	824, 915, 1020, 1772, 2209
89	443, 2217
93	443, 2215, 2216

Proposed Rules
 213 3298
 303 2103
 307 2103

210 Pa. Code (Appellate Procedure)
Adopted Rules
 1 1335
 5 1510
 17 832
 65 2218

Proposed Rules
 1 825
 3 10
 9 2712
 19 825
 21 825
 35 602

225 Pa. Code (Rules of Evidence)
Proposed Rules
 Article IV 2218
 Article IX 165, 1336

231 Pa. Code (Rules of Civil Procedure)
Adopted Rules
 200 169
 1000 608, 3305
 1900 1342
 1910 170
 1915 3058
 1920 3059
 2000 608
 2250 608

Proposed Rules
 5 444
 200 274
 1915 2714
 1930 2714

234 Pa. Code (Rules of Criminal Procedure)
Adopted Rules
 4 190, 1118

Proposed Rules
 1 3306
 2 1357, 1510
 4 833, 1122, 3306
 5 197, 833, 1357
 10 197

237 Pa. Code (Juvenile Rules)
Adopted Rules
 1 208, 610, 1142, 1512
 3 916
 5 208, 610, 916
 11 208, 610

Proposed Rules
 1 1897
 2 1898
 5 2474
 6 2474

246 Pa. Code (Minor Court Civil Rules)
Proposed Rules
 200 1900
 300 1900
 400 1900
 500 1900
 1200 1772

249 Pa. Code (Philadelphia Rules)
 Unclassified 1514, 1648, 1998, 2477

252 Pa. Code (Allegheny County Rules)
 Unclassified 2220, 2221

255 Pa. Code (Local Court Rules)
 Unclassified 12, 13, 14, 214, 215, 216, 274, 380, 445, 446,
 453, 616, 619, 706, 707, 838, 917, 918, 919, 920, 1020,
 1021, 1022, 1360, 1515, 1517, 1653, 1774, 2221, 2226,
 2342, 2346, 2347, 2348, 2488, 2489, 2603, 2604, 2716,
 2717, 2718, 2912, 3311

THE GOVERNOR

GOVERNOR'S OFFICE

Amendment to Proclamation of Disaster Emergency

June 14, 2019

Whereas, on January 10, 2018, I declared a disaster emergency due to the opioid crisis that is ravaging the country, including the Commonwealth of Pennsylvania and its citizens;

Whereas, my Proclamation of Disaster Emergency dated January 10, 2018, was renewed by Amendment to Proclamation of Disaster Emergency (1st Amendment) on April 4, 2018, for an additional ninety days. The April 4, 2018, 1st Amendment would have automatically expired by operation of law on July 3, 2018, unless further extended by my official renewal;

Whereas, I renewed the Proclamation of Disaster Emergency for an additional ninety days by official action on June 28, 2018. The June 28, 2018, Amendment to Proclamation of Disaster Emergency (2nd Amendment) was set to expire by operation of law on September 26, 2018, unless further extended by my official renewal;

Whereas, I renewed the Proclamation of Disaster Emergency for an additional ninety days by official action on September 24, 2018. The September 24, 2018, Amendment to Proclamation of Disaster Emergency (3rd Amendment) was set to expire by operation of law on December 23, 2018, unless further extended by my official renewal;

Whereas, I renewed the Proclamation of Disaster Emergency for an additional ninety days by official action on December 21, 2018. The December 21, 2018, Amendment to Proclamation of Disaster Emergency (4th Amendment) was set to expire by operation of law on March 21, 2019, unless further extended by my official renewal;

Whereas, I renewed the Proclamation of Disaster Emergency for an additional ninety days by official action on March 20, 2019. The March 20, 2019, Amendment to Proclamation of Disaster Emergency (5th Amendment) is set to expire by operation of law on June 18, 2019, unless further extended by my official renewal;

Whereas, the opioid crisis continues to be of such magnitude or severity that emergency action is necessary to protect the health, safety and welfare of affected citizens in Pennsylvania;

Whereas, the opioid crisis continues to be a public health emergency in Pennsylvania contributing to addiction, overdose emergencies and deaths; and

Whereas, investigations by the Opioid Unified Coordination Group indicate that additional resources of the Commonwealth may be needed to mitigate and contend with the magnitude and severity of this continuing and expanding disaster emergency.

Now Therefore, pursuant to the provisions of section 7301(c) of the Emergency Management Services Code, 35 Pa.C.S. § 7301(c), I do hereby order and direct as follows:

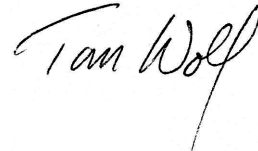
1. The Proclamation of Disaster Emergency of January 10, 2018, renewed by Amendments to Proclamation of Disaster Emergency dated April 4, 2018, June 28, 2018, September 24, 2018, December 21, 2018, and March 20, 2019, is renewed for an additional period of ninety days, and shall continue to apply to the Commonwealth of Pennsylvania.

2. All directives, authorized actions and provisions of the January 10, 2018, Proclamation of Disaster Emergency, and the April 4, 2018, June 28, 2018, September 24, 2018, December 21, 2018, and March 20, 2019, Amendments to Proclamation of Disaster Emergency shall remain in full

force and effect until either rescinded by me or terminated by operation of law ninety days following the effective date of this Proclamation Amendment.

3. This Proclamation Amendment shall take effect immediately.

Given under my hand and the Seal of the Governor, at the City of Harrisburg, this fourteenth day of June two thousand nineteen, the year of the commonwealth the two hundred and forty-third.



Governor

[Pa.B. Doc. No. 19-954. Filed for public inspection June 28, 2019, 9:00 a.m.]

GOVERNOR'S OFFICE

Notice of Veto; House Bill 800; Printer's No. 1676

June 18, 2019

To the Honorable House of Representatives
of the Commonwealth of Pennsylvania:

Pursuant to Article IV, Section 15 of the Pennsylvania Constitution, I am returning herewith, without my approval, House Bill 800, Printer's Number 1676.

The General Assembly and I are working very hard to adequately fund public education in this Commonwealth. The goal is to have an accountable system in place, and it is my belief that our current system is not funded sufficiently.

This legislation prompts a serious question: why would the Commonwealth allow for the expansion of the Education Investment Tax Credit (EITC) that supports private institutions while our current public-school system remains underfunded? We have public schools that are structurally deteriorating, contaminated by lead, and staffed by teachers who are not appropriately paid and overstretched in their responsibilities. Tackling these challenges, and others, should be our collective priority.

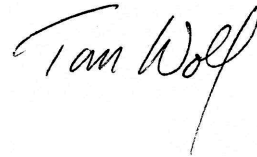
The EITC lacks proper accountability and oversight, and little is known about the educational outcomes of students participating in the program due to a reporting loophole in the current law. Even less is known about the scholarship organizations that retain up to twenty percent of each dollar that is supposed to pass through them and are subsidized heavily by taxpayers. Additionally, House Bill 800 seeks to increase the maximum annual household income limit to \$95,000, further deserting the program's original core principle.

I am also deeply concerned by the drastic escalation of the cost of this tax credit program. Initially, the annual cost of the tax credit program will be enlarged by \$100 million. Clearly, this is a considerable amount of revenue. Then, there are the automatic increases to the total amount of the program. According to the Department of Revenue, the amount of General Fund revenue that will be lost over the next five years on account of this bill is over \$650 million. This is a staggering sum in a relatively short period of time without a single dedicated revenue source.

Simply stated, the EITC program envisioned by House Bill 800 strays from the original stated intent of the program—to lift people out of poverty—and fails to provide any additional accountability or oversight for the tax dollars being expended.

For the reasons set forth above, I must withhold my signature from House Bill 800, Printer's Number 1676.

Sincerely,

A handwritten signature in black ink that reads "Tom Wolf". The signature is written in a cursive style with a long, sweeping underline that extends downwards.

Governor

[Pa.B. Doc. No. 19-955. Filed for public inspection June 28, 2019, 9:00 a.m.]

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART VII. ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

[204 PA. CODE CH. 213]

Proposed Amendments to the Case Records Public Access Policy of the Unified Judicial System

The Administrative Office of Pennsylvania Courts is considering recommending to the Supreme Court of Pennsylvania the adoption of amendments to the *Case Record Public Access Policy of the Unified Judicial System* that create a single, uniform method of filing confidential information throughout the courts of the Commonwealth as well as a few clarifying amendments.

Under consideration are proposed amendments to Sections 7.0(A) and (C) of the policy which would require litigants and attorneys to safeguard confidential information by using the Confidential Information Form. This would be a change for filers in the appellate courts and trial courts in seven counties which require the submission of filings with confidential information in two versions, a “Redacted Version” and “Unredacted Version.”

Additional proposed amendments are as follows:

- Section 7.0(A) requires filers to safeguard confidential information, even when applicable authority requires confidential information to be included;
- Sections 7.0(D) and 8.0(D) direct that the certification described in those sections is not required to appear on a separate piece of paper attached to each filing;
- The Commentary following Sections 7.0 and 8.0 reminds attorneys that Rules 1.1 and 1.6 of the Rules of Professional Conduct require familiarity and compliance with this policy; and
- Section 9.0(H) provides that an unredacted version of any document filed in accordance with a prior version of this policy is not accessible to the public.

Proposed new material is underlined and in bold-face type, and deleted material is bracketed and in bold-face type.

The Explanatory Report highlights the considerations in formulating this proposal. All interested persons are invited to submit suggestions, comments, or objections. In particular, comments regarding any impact upon affected constituencies and whether an implementation period of six months is sufficient are sought. All communications in reference to this proposal should be submitted no later than August 28, 2019 to:

Administrative Office of Pennsylvania Courts
ATTN: Public Access Comments
601 Commonwealth Avenue
P.O. Box 1500
Harrisburg, PA 17106
PublicAccessComments@pacourts.us

THOMAS B. DARR,
Court Administrator of Pennsylvania

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART VII. ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

CHAPTER 213. COURT RECORDS POLICIES

Subchapter D. CASE RECORDS PUBLIC ACCESS POLICY OF THE UNIFIED JUDICIAL SYSTEM OF PENNSYLVANIA

§ 213.81. Case Records Public Access Policy of the Unified Judicial System of Pennsylvania.

Section 1.0. Definitions.

A. “Abuse Victim” is a person for whom a protection order has been granted by a court pursuant to Pa.R.C.P. No. 1901 et seq. and 23 Pa.C.S. § 6101 et seq. or Pa.R.C.P. No. 1951 et seq. and 42 Pa.C.S. § 62A01 et seq. as well as Pa.R.C.P.M.D.J. No. 1201 et seq.

B. “Case Records” are (1) documents for any case filed with, accepted and maintained by a court or custodian; (2) dockets, indices, and documents (such as orders, opinions, judgments, decrees) for any case created and maintained by a court or custodian. This term does not include notes, memoranda, correspondence, drafts, worksheets, and work product of judges and court personnel. Unless otherwise provided in this policy, this definition applies equally to case records maintained in paper and electronic formats.

C. “Clerical errors” are errors or omissions appearing in a case record that are patently evident, as a result of court personnel’s action or inaction.

D. “Court” includes the Supreme Court, Superior Court, Commonwealth Court, Courts of Common Pleas, Philadelphia Municipal Court, and Magisterial District Courts.

E. “Court of Record” includes the Supreme Court, Superior Court, Commonwealth Court, Courts of Common Pleas, and Philadelphia Municipal Court.

F. “Court Facility” is the location or locations where case records are filed or maintained.

G. “Custodian” is any person responsible for maintaining case records or for processing public requests for access to case records.

H. “Docket” is a chronological index of filings, actions, and events in a particular case, which may include identifying information of the parties and counsel, a brief description or summary of the filings, actions, and events, and other case information.

I. “Financial Account Numbers” include financial institution account numbers, debit and credit card numbers, and methods of authentication used to secure accounts such as personal identification numbers, user names and passwords.

J. “Financial Source Documents” are:

1. Tax returns and schedules;
2. W-2 forms and schedules including 1099 forms or similar documents;
3. Wage stubs, earning statements, or other similar documents;
4. Credit card statements;

5. Financial institution statements;
6. Check registers;
7. Checks or equivalent; and
8. Loan application documents.

K. “Medical/psychological records” are records relating to the past, present, or future physical or mental health or condition of an individual.

L. “Minor” is a person under the age of eighteen.

M. “Party” is one who commences an action or against whom relief is sought in a matter.

N. “Public” is any person, member of the media, business, non-profit entity, organization or association. The term does not include a party to a case; the attorney(s) of record in a case; Unified Judicial System officials or employees if acting in their official capacities; or any federal, state, or local government entity, and employees or officials of such an entity if acting in their official capacities.

O. “Remote Access” is the ability to electronically search, inspect, print or copy information in a case record without visiting the court facility where the case record is maintained or available, or requesting the case record from the court or custodian pursuant to Section 4.0.

Commentary

Regarding Subsection B, “documents for any case filed with, accepted and maintained by a court or custodian” are those not created by a court or custodian, such as pleadings and motions. Indices are tools for identifying specific cases.

Regarding Subsection C, examples of clerical errors are the docket entry links to the wrong document or court personnel misspells a name in the caption.

Regarding Subsection G, the definition of “custodian” includes clerks of court, prothonotaries, clerks of orphans’ court and magisterial district judges, for example. The definition does not include those entities listed in Pa.R.A.P. 3191 who receive copies of briefs filed in an appellate court or a register of wills.

Regarding Subsection K, this definition is derived from the definition of “health information” provided in 45 C.F.R. § 160.103 (HIPAA). Examples of case records that would fall within this exclusion are: drug and alcohol treatment records, psychological reports in custody matters, and DNA reports.

Regarding Subsection M, *amici curiae* are not parties. See Pa.R.A.P. 531.

Regarding Subsection N, Unified Judicial System officials or employees include: judicial officers and their personal staff, administrative staff and other central staff, prothonotaries, clerks of the courts, clerks of the orphans’ court division, sheriffs, prison and correctional officials, and personnel of all the above.

Section 2.0. Statement of General Policy.

A. This policy shall govern access by the public to case records.

B. Security, possession, custody, and control of case records shall generally be the responsibility of the applicable custodian and designated staff.

C. Facilitating access by the public shall not substantially impede the orderly conduct of court business.

D. A court or custodian may not adopt more restrictive or expansive access protocols than provided for in this

policy. Nothing in this policy requires a court or custodian to provide remote access to case records. However, if a court or custodian chooses to provide remote access to any of its case records, access shall be provided in accordance with Section 10.0.

Commentary

The *Electronic Case Record Public Access Policy of the Unified Judicial System of Pennsylvania* provides for access to the statewide case management systems’ web docket sheets and requests for bulk data.

Section 3.0. Access to Case Records.

All case records shall be open to the public in accordance with this policy.

Section 4.0. Requesting Access to Case Records.

A. When desiring to inspect or copy case records, a member of the public shall make an oral request to the applicable custodian, unless otherwise provided by a local rule or an order issued by a court of record.

B. When the information that is the subject of the request is complex or voluminous, the custodian may require a written request. If the requestor does not submit a written request when required, access may be delayed until the written request is submitted or a time when an individual designated by the custodian is available to monitor such access to ensure the integrity of the case records is maintained.

C. Requests shall identify or describe the records sought with specificity to enable the custodian to ascertain which records are being requested.

Commentary

Public access requests to the courts and custodians are routinely straightforward and often involve a limited number of records. Therefore, artificial administrative barriers should not be erected so as to inhibit making these requests in an efficient manner.

This policy provides the courts and custodians latitude to establish appropriate administrative protocols for viewing/obtaining case records remotely. However, the definition of “remote access” in Section 1.0 clarifies that a request under this section is neither necessary nor expected under this policy.

Nonetheless, Subsection B provides a custodian with the flexibility to require that a more complex request be submitted in writing to avoid misunderstandings and errors that can often result in more time being expended to provide the requested information than is necessary. This approach is not novel; submission of a written request form has been a longstanding practice under the Unified Judicial System’s *Electronic Case Record Public Access Policy of the Unified Judicial System of Pennsylvania*.

Subsection C does not require a requestor to identify a case by party or case number in order to have access to the files, but the request shall clearly identify or describe the records requested so that court personnel can fulfill the request.

Written requests should be substantially in the format designed and published by the Administrative Office of Pennsylvania Courts.

Section 5.0. Responding to Requests for Access to Case Records.

A. A custodian shall fulfill a request for access to case records as promptly as possible under the circumstances existing at the time of the request.

B. If a custodian cannot fulfill the request promptly or at all, the custodian shall inform the requestor of the specific reason(s) why access to the information is being delayed or denied.

C. If a custodian denies a written request for access, the denial shall be in writing.

D. Except as provided in Subsection E, relief from a custodian's written denial may be sought by filing a motion or application with the court for which the custodian maintains the records.

E. Relief from a magisterial district court may be sought by filing an appeal with the president judge of the judicial district or the president judge's designee. Relief from a written denial by the Philadelphia Municipal Court may be sought by filing a motion with the president judge of Philadelphia Municipal Court or the president judge's designee.

Commentary

Given that most public access requests for case records are straightforward and usually involve a particular case or matter, custodians should process the same in an expeditious fashion.

There are a number of factors that can affect how quickly a custodian may respond to a request. For example, the custodian's response may be slowed if the request is vague, involves retrieval of a large number of case records, or involves information that is stored off-site. Ultimately, the goal is to respond timely to requests for case records.

In those unusual instances in which access to the case records cannot be granted in an expeditious fashion, the custodian shall inform the requestor of the specific reason(s) why access to the information is being delayed or denied, which may include:

- the request involves such voluminous amounts of information that the custodian is unable to fulfill the same without substantially impeding the orderly conduct of the court or custodian's office;
- records in closed cases are located at an off-site facility;
- a particular file is in use by a judge or court staff. If a judge or court staff needs the file for an extended period of time, special procedures should be considered, such as making a duplicate file that is always available for public inspection;
- the requestor failed to pay the appropriate fees, as established pursuant to Section 6.0 of this policy, associated with the request;
- the requested information is restricted from access pursuant to applicable authority, or any combination of factors listed above.

With respect to Subsection D, an aggrieved party may seek relief from a denial of a written request for access consistent with applicable authority (for example, in an appellate court, Pa.R.A.P. 123 sets forth procedures for applications for relief under certain circumstances, or pertinent motion practice at the trial court level).

Section 6.0. Fees.

A. Unless otherwise provided by applicable authority, fees for duplication by photocopying or printing from electronic media or microfilm shall not exceed \$0.25 per page.

B. Except as provided in Subsection C, a custodian shall establish a fee schedule that is (1) posted in the court facility in an area accessible to the public, and (2) posted on the custodian's website.

C. Any fee schedule for a magisterial district court shall be established by the president judge of the judicial district by local rule pursuant to Pa.R.J.A. No. 103(c). The fee schedule shall be publicly posted in an area accessible to the public.

Commentary

Reasonable fees may be imposed for providing public access to case records pursuant to this policy and in accordance with applicable authority. This section does not authorize fees for viewing records that are stored at the court facility.

To the extent that the custodian is not the court, approval of the fee schedule by the court may be necessary.

An example of applicable authority setting forth photocopying fees is 42 Pa.C.S. § 1725(c)(1)(ii) that provides the Clerk of Orphans' Court of the First Judicial District shall charge \$3 per page for a copy of any record. *See also* 42 P.S. § 21032.1 (providing authority for the establishment of fees in orphans' court in certain judicial districts). In addition, the copying fees for appellate court records are provided for in 204 Pa. Code § 155.1. However, copies of most appellate court opinions and orders are available for free on the Unified Judicial System's website, www.pacourts.us.

Section 7.0. Confidential Information.

A. [Unless required by applicable authority or as provided in Subsection C, the] The following information is confidential and shall be not included in any document filed with a court or custodian, except on a Confidential Information Form filed contemporaneously with the document:

1. Social Security Numbers;
2. Financial Account Numbers, except an active financial account number may be identified by the last four digits when the financial account is the subject of the case and cannot otherwise be identified;
3. Driver License Numbers;
4. State Identification (SID) Numbers;
5. Minors' names and dates of birth except when a minor is charged as a defendant in a criminal matter (see 42 Pa.C.S. § 6355); and
6. Abuse victim's address and other contact information, including employer's name, address and work schedule, in family court actions as defined by Pa.R.C.P. No. 1931(a), except for victim's name.

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

B. The Administrative Office of Pennsylvania Courts shall design and publish the Confidential Information Form.

C. [Instead of using the Confidential Information Form, a court of record may adopt a rule or order permitting the filing of any document in two versions, a "Redacted Version" and "Unredacted Version." The "Redacted Version" shall not include any information set forth in Subsection A, while the "Unredacted Version" shall include the information.

Redactions must be made in a manner that is visibly evident to the reader. This Subsection is not applicable to filings in a magisterial district court] Reserved.

D. Parties and their attorneys shall be solely responsible for complying with the provisions of this section and shall certify their compliance to the court. The certification that shall accompany each filing shall be substantially in the following form: "I certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents." **The certification language may be inserted in the document to be filed, thereby obviating the need for a separate certification form.**

E. A court or custodian is not required to review or redact any filed document for compliance with this section. A party's or attorney's failure to comply with this section shall not affect access to case records that are otherwise accessible.

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

G. If a filed document fails to comply with the requirements of this section, a magisterial district court may, upon request or its own initiative, with or without a hearing order the filed document redacted, amended or both.

H. This section shall apply to all documents for any case filed with a court or custodian on or after the effective date of this policy.

Commentary

[There is authority requiring information listed in Subsection A to appear on certain documents. For example, Pa.R.C.P. No. 1910.27 provides for inclusion of the plaintiff's and defendant's social security number on a complaint for support.]

This section is not applicable to cases that are sealed or exempted from public access pursuant to applicable authority, for example, cases filed under the Juvenile Act that are already protected by 42 Pa.C.S. § 6307, and Pa.Rs.J.C.P. 160 and 1160.

Attorneys are reminded that Rules 1.1 and 1.6 of the Rules of Professional Conduct require familiarity and compliance with this policy.

While Pa.R.C.P. No. 1931 is suspended in most judicial districts, the reference to the rule is merely for definitional purposes.

Unless constrained by applicable authority, court personnel and jurists are advised to refrain from inserting confidential information in court-generated case records (e.g., orders, notices) when inclusion of such information is not essential to the resolution of litigation, appropriate to further the establishment of precedent or the development of law, or necessary for administrative purposes. For example, if a court's opinion contains confidential information and, therefore, must be sealed or heavily redacted to avoid release of such information, this could impede the public's access to court records and ability to understand the court's decision.

[Whether] When using a Confidential Information Form **[or filing a redacted and unredacted version of a document in a court of record]**, the drafter shall indicate where in the document confidential information has been omitted **by use of an alternate reference**. For example, the drafter could insert minors' initials in the document, while listing full names on the Confidential Information Form. If more than one child has the same initials, a different moniker should be used (e.g., child one, child two, etc.). **The Confidential Information Form published by the Administrative Office of Pennsylvania Courts includes alternate references that should be used by the drafter.**

[The option to file a redacted and unredacted version of a document does not apply to filings in a magisterial district court.] Most filings in magisterial district courts are completed on statewide forms designed by the Administrative Office of Pennsylvania Courts. Safeguarding the information set forth in this Section for magisterial district courts is achieved through the use of a Confidential Information Form **[(see Subsection A)]** in tandem with other administrative protocols (e.g., **[instituting]** a public access copy page **that shields confidential information was added** to the citation form set).

With regard to Subsection D, the certification of compliance is required whether documents are filed in paper form or via an e-filing system. Moreover, the certification is required on every document filed with a court or custodian regardless of whether the filing contains "confidential information" requiring safeguarding under this policy. **The certification is included on many forms that parties and attorneys file with the magisterial district courts. For documents e-filed through PACFile, available in the appellate courts and some common pleas courts, the filer can certify compliance by checking a box. In addition, the Administrative Office of Pennsylvania Courts included the certification on the Confidential Information Form as well as created a sample stand-alone certification form that parties and attorneys may use or simply incorporate the language into their filed documents. This form may be found on the Unified Judicial System's website, www.pacourts.us.**

With regard to Subsection E, a court or custodian is not required to review or redact documents filed by a party or attorney for compliance with this section. However, such activities are not prohibited.

With regard to Subsection F, any party may make a motion to the court of record to cure any defect(s) in any filed document that does not comport with this section.

With regard to Subsection G, any party may file a request form designed and published by the Administrative Office of Pennsylvania Courts with a magisterial district court when there is an allegation that a filing was made with that court that does not comply with this policy.

Section 8.0. Confidential Documents.

A. Unless required by applicable authority, the following documents are confidential and shall be filed with a court or custodian under a cover sheet designated "Confidential Document Form":

1. Financial Source Documents;
2. Minors' educational records;
3. Medical/Psychological records;
4. Children and Youth Services' records;
5. Marital Property Inventory and Pre-Trial Statement as provided in Pa.R.C.P. No. 1920.33;
6. Income and Expense Statement as provided in Pa.R.C.P. No. 1910.27(c); and
7. Agreements between the parties as used in 23 Pa.C.S. § 3105.

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

B. The Administrative Office of Pennsylvania Courts shall design and publish the Confidential Document Form.

C. Confidential documents submitted with the Confidential Document Form shall not be accessible to the public, except as ordered by a court. However, the Confidential Document Form or a copy of it shall be accessible to the public.

D. Parties and their attorneys shall be solely responsible for complying with the provisions of this section and shall certify their compliance to the court. The certification that shall accompany each filing shall be substantially in the following form "I certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents." **The certification language may be inserted in the document to be filed, thereby obviating the need for a separate certification form.**

E. A court or custodian is not required to review any filed document for compliance with this section. A party's or attorney's failure to comply with this section shall not affect access to case records that are otherwise accessible.

F. If confidential documents are not submitted with the Confidential Document Form, a court of record may, upon motion or its own initiative, with or without a hearing, order that any such documents be sealed. A court of record may also impose appropriate sanctions for failing to comply with this section.

G. If a filed document fails to comply with the requirements of this section, a magisterial district court may, upon request or its own initiative, with or without a hearing, order that any such documents be sealed.

H. This section shall apply to all documents for any case filed with a court or custodian on or after the effective date of this policy.

Commentary

This section is not applicable to cases that are sealed or exempted from public access pursuant to applicable authority, such as Juvenile Act cases pursuant to 42 Pa.C.S. § 6307, and Pa.Rs.J.C.P. 160 and 1160.

Attorneys are reminded that Rules 1.1 and 1.6 of the Rules of Professional Conduct require familiarity and compliance with this policy.

Unless constrained by applicable authority, court personnel and jurists are advised to refrain from attaching confidential documents to court-generated case records (e.g., orders, notices) when inclusion of such information

is not essential to the resolution of litigation, appropriate to further the establishment of precedent or the development of law, or necessary for administrative purposes. For example, if a court's opinion contains confidential information and, therefore, must be sealed or heavily redacted to avoid release of such information, this could impede the public's access to court records and ability to understand the court's decision.

Examples of "agreements between the parties" as used in Subsection (A)(7) include **the following types of agreements:** marital settlement [**agreements**], post-nuptial, pre-nuptial, [**ante-nuptial, marital settlement,**] and property settlement. See 23 Pa.C.S. § 3105 for more information about agreements between parties.

With regard to Subsection D, the certification of compliance is required whether documents are filed in paper form or via an e-filing system. Moreover, the certification is required on every document filed with a court or custodian regardless of whether the filing contains a "confidential document" requiring safeguarding under this policy. **The certification is included on many forms that parties and attorneys file with the magisterial district courts. For documents e-filed through PACFile, available in the appellate courts and some common pleas courts, the filer can certify compliance by checking a box. In addition, the Administrative Office of Pennsylvania Courts included the certification on the Confidential Document Form as well as created a sample stand-alone certification form that parties and attorneys may use or simply incorporate the language into their filed documents. This form may be found on the Unified Judicial System's website, www.pacourts.us.**

With regard to Subsection E, if the party or party's attorney fails to use a cover sheet designated "Confidential Document Form" when filing a document deemed confidential pursuant to this section, the document may be released to the public.

With regard to Subsection F any party may make a motion to the court of record to cure any defect(s) in any filed document that does not comport with this section.

With regard to Subsection G, any party may file a request form designed and published by the Administrative Office of Pennsylvania Courts with a magisterial district court when there is an allegation that a filing was made with that court that does not comply with this policy.

Section 9.0. Limits on Public Access to Case Records at a Court Facility.

The following information shall not be accessible by the public at a court facility:

A. Case records in proceedings under 20 Pa.C.S. § 711(9), including but not limited to case records with regard to issues concerning recordation of birth and birth records, the alteration, amendment, or modification of such birth records, and the right to obtain a certified copy of the same, except for the docket and any court order or opinion;

B. Case records concerning incapacity proceedings filed pursuant to 20 Pa.C.S. §§ 5501—5555, except for the docket and any final decree adjudicating a person as incapacitated;

C. Any Confidential Information Form [**or any Unredacted Version of any document**] as set forth in Section 7.0;

D. Any document filed with a Confidential Document Form as set forth in Section 8.0;

E. Information sealed or protected pursuant to court order;

F. Information to which access is otherwise restricted by federal law, state law, or state court rule; and

G. Information presenting a risk to personal security, personal privacy, or the fair, impartial and orderly administration of justice, as determined by the Court Administrator of Pennsylvania with the approval of the Chief Justice. The Court Administrator shall publish notification of such determinations in the *Pennsylvania Bulletin* and on the Unified Judicial System's website.

H. The unredacted version of any document filed in accordance with a prior version of this policy.

Commentary

Unless constrained by applicable authority, court personnel and jurists are advised to refrain from inserting confidential information in or attaching confidential documents to court-generated case records (e.g., orders, notices) when inclusion of such information is not essential to the resolution of litigation, appropriate to further the establishment of precedent or the development of law, or necessary for administrative purposes. For example, if a court's opinion contains confidential information and, therefore, must be sealed or heavily redacted to avoid release of such information, this could impede the public's access to court records and ability to understand the court's decision.

With respect to Subsection F, Pennsylvania Rule of Appellate Procedure 104(a), Pa.R.A.P. 104(a), provides that the appellate courts may make and amend rules of court governing their practice. The Administrative Office of Pennsylvania Courts shall from time to time publish a list of applicable authorities that restrict public access to court records or information. This list shall be published on the Unified Judicial System's website and in the *Pennsylvania Bulletin*. In addition, all custodians shall post this list in their respective court facilities in areas accessible to the public and on the custodians' websites.

With respect to Subsection G, the Administrative Office of Pennsylvania Courts shall include any such determinations in the list of applicable authorities referenced above. The same provision appears in the *Electronic Case Record Public Access Policy of the Unified Judicial System of Pennsylvania*. The provision is intended to be a safety valve to address a future, extraordinary, unknown issue of statewide importance that might escape timely redress otherwise. It cannot be used by parties or courts in an individual case.

Section 10.0. Limits on Remote Access to Case Records.

A. The following information shall not be remotely accessible by the public:

1. The information set forth in Section 9.0;
2. In criminal cases, information that either specifically identifies or from which the identity of jurors, witnesses (other than expert witnesses), or victims could be ascertained, including names, addresses and phone numbers;
3. Transcripts lodged of record, excepting portions of transcripts when attached to a document filed with the court;

4. *In Forma Pauperis* petitions;

5. Case records in family court actions as defined in Pa.R.C.P. No. 1931(a), except for dockets, court orders and opinions;

6. Case records in actions governed by the Decedents, Estates and Fiduciaries Code, Adult Protective Services Act and the Older Adult Protective Services Act, except for dockets, court orders and opinions; and

7. Original and reproduced records filed in the Supreme Court, Superior Court or Commonwealth Court as set forth in Pa.R.A.P. 1921, 1951, 2151, 2152, and 2156.

B. With respect to Subsections A(5) and A(6), unless otherwise restricted pursuant to applicable authority, dockets available remotely shall contain only the following information:

1. A party's name;
2. The city, state, and ZIP code of a party's address;
3. Counsel of record's name and address;
4. Docket number;
5. Docket entries indicating generally what actions have been taken or are scheduled in a case;
6. Court orders and opinions;
7. Filing date of the case; and
8. Case type.

C. Case records remotely accessible by the public prior to the effective date of this policy shall be exempt from this section.

Commentary

Remote access to the electronic case record information residing in the Pennsylvania Appellate Court Case Management System (PACMS), the Common Pleas Case Management System (CPCMS) and the Magisterial District Judges System (MDJS) is provided via web dockets, available on <https://ujportal.pacourts.us/>, and is governed by the *Electronic Case Record Public Access Policy of the Unified Judicial System of Pennsylvania*.

Depending upon individual court resources, some courts have posted online docket information concerning civil matters. If a court elects to post online docket information concerning family court actions and actions governed by the Decedents, Estates and Fiduciaries Code, Adult Protective Services Act and the Older Adult Protective Services Act, the docket may only include the information set forth in Subsection B. This information will provide the public with an overview of the case, its proceedings and other pertinent details, including the court's decision. Release of such information will enhance the public's trust and confidence in the courts by increasing awareness of the procedures utilized to adjudicate the claims before the courts as well as the material relied upon in reaching determinations. This provision does not impact what information is maintained on the docket available at the court facility.

Access to portions of transcripts when attached to a document filed with the court in family court actions is governed by Subsection A(5). While Pa.R.C.P. No. 1931 is suspended in most judicial districts, the reference to the rule is merely for definitional purposes.

Section 11.0. Correcting Clerical Errors in Case Records.

A. A party, or the party's attorney, seeking to correct a clerical error in a case record may submit a written request for correction.

1. A request to correct a clerical error in a case record of the Supreme Court, Superior Court or Commonwealth Court shall be submitted to the prothonotary of the proper appellate court.

2. A request to correct a clerical error in a case record of a court of common pleas, the Philadelphia Municipal Court, or a magisterial district court shall be submitted to the applicable custodian.

B. The request shall be made on a form designed and published by the Administrative Office of Pennsylvania Courts.

C. The requestor shall specifically set forth on the request form the information that is alleged to be a clerical error and shall provide sufficient facts, including supporting documentation, that corroborate the requestor's allegation that the information in question is in error.

D. The requestor shall provide copies of the request to all parties to the case.

E. Within 10 business days of receipt of a request, the custodian shall respond in writing to the requestor and all parties to the case in one of the following manners:

1. The request does not contain sufficient information and facts to determine what information is alleged to be in error, and no further action will be taken on the request.

2. The request does not concern a case record that is covered by this policy, and no further action will be taken on the request.

3. A clerical error does exist in the case record and the information in question has been corrected.

4. A clerical error does not exist in the case record.

5. The request has been received and an additional period not exceeding 30 business days is necessary to complete a review of the request.

F. A requestor may seek review of the custodian's response under Subsections E(1)—(4) within 10 business days of the mailing date of the response.

1. The request for review shall be submitted on a form that is designed and published by the Administrative Office of Pennsylvania Courts.

2. The request shall be reviewed by the judge(s) who presided over the case. However, if the request for review concerns a magisterial district court's decision, it shall be reviewed by the president judge or his/her designee.

Commentary

Case records are as susceptible to clerical errors and omissions as any other public record. The power of the court to correct errors in its own records is inherent. *E.g.*, *Jackson v. Hendrick*, 746 A.2d 574 (Pa. 2000). It is important to emphasize that this section does not provide a party who is dissatisfied with a court's decision, ruling or judgment a new avenue to appeal the same by merely alleging there is an error in the court's decision, ruling or judgment. Rather, this section permits a party to "fix" information that appears in a case record which is not, for one reason or another, correct.

Particularly in the context of Internet publication of court records, a streamlined process is appropriate for addressing clerical errors to allow for prompt resolution of oversights and omissions. For example, to the extent that a docket in a court's case management system incorrectly reflects a court's order, or a scanning error occurred with regard to an uploaded document, such clerical inaccura-

cies may be promptly corrected by the appropriate court staff, upon notification, without a court order. Since 2007, the *Electronic Case Record Public Access Policy of the Unified Judicial System of Pennsylvania* has provided a similar procedure for any errors maintained on the web docket sheets of the PACMS, CPCMS and MDJS. The procedure has successfully addressed clerical errors on docket entries in a timely and administratively simple manner.

A party or party's attorney is not required to utilize the procedures set forth in this section before making a formal motion for correction of a case record in the first instance. Alleged inaccuracies in orders and judgments themselves must be brought to the attention of the court in accordance with existing procedures.

This section is not intended to provide relief for a party's or attorney's failure to comply with Sections 7.0 and 8.0 of this policy. Sections 7.0 and 8.0 already provide for remedial action in the event that non-compliance occurs.

With respect to this section, a custodian includes, but is not limited to, the county prothonotaries, clerks of orphans' court, clerks of the court, and magisterial district judges.

A log of all corrections made pursuant to this section may be maintained by the custodian, so that there is a record if an objection is made in the future. Such a log should remain confidential. It is suggested that custodians include a registry entry on the case docket when a request is received and a response is issued.

Section 12.0. Continuous Availability of Policy.

A copy of this policy shall be continuously available for public inspection in every court and custodian's office and posted on the Unified Judicial System's website.

EXPLANATORY REPORT

Proposed Amendments to the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania

Following the Supreme Court's Order of March 26, 2018, effective July 1, 2018, to amend and retitle the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* ("Policy") to include all courts of limited jurisdiction within its scope, the Court directed the Administrative Office of Pennsylvania Courts to propose a single, statewide approach for the treatment of confidential information by litigants and attorneys within all courts of this Commonwealth. The Administrative Office referred this matter for further study to the Committee established to monitor issues related to the implementation of this Policy.

Section 7.0(A) of the Policy defines "confidential information" as: social security numbers, financial account numbers (with a noted exception), driver license numbers, state identification numbers, minors' names and dates of birth (with a noted exception), and in family court actions an abuse victim's address and other contact information.

Currently, Section 7.0(C) of the Policy permits a court, other than a magisterial district court, to issue a rule or order requiring the filing of any document in two versions, a "Redacted Version" and "Unredacted Version," or to use a Confidential Information Form to safeguard confidential information. Sixty counties have protocols requiring litigants and attorneys to use the Confidential Information Form in the trial courts, while seven counties (including the largest three), the intermediate appellate

courts and the Supreme Court elected to require redacted/unredacted filings. For more detailed information, go to <http://www.pacourts.us/public-records/public-records-policies>. The Confidential Information Form is used in the magisterial district courts.

In order to achieve a uniform approach at all levels of court throughout the Commonwealth, the Committee is evaluating proposing amendments to Sections 7.0(A) and (C) of the Policy which would require litigants and attorneys to safeguard confidential information by using the Confidential Information Form.

There are several advantages to implementing this approach. Filers would only need to learn one method of safeguarding confidential information for any case filed in any court statewide. All of the magisterial district courts as well as the courts of common pleas of sixty counties are currently utilizing this method. Those counties represent a majority of new case filings statewide in the courts of common pleas. Many of those counties chose this option based upon limited record storage requirements (both physical and electronic) and the lack of fiscal and technical resources to implement electronic record keeping that could obviate storage concerns.

The Committee is aware that such a proposal would require court staff and filers in the appellate courts as well as in the trial courts of Allegheny, Beaver, Cambria, Montgomery, Northumberland, Philadelphia, and Washington counties to transition from the redacted/unredacted method to the Confidential Information Form method. The Committee realizes that there are likely to be associated costs and an implementation “learning curve.”

Further, the Committee proposes amendments to Section 7.0(A) to clarify that if applicable authority (i.e. rule, statute) requires confidential information, as defined in Section 7.0, to appear on certain documents, the filer must still follow the respective protocols to safeguard that information. Specifically, the litigant or attorney would only include the confidential information on the Confidential Information Form and use an “alternate reference” in the document filed with the court.

To clarify existing requirements, the Committee also proposes amendments to Sections 7.0(D) and 8.0(D) of the Policy to provide that the certification described in those Sections is not required to appear on a separate piece of paper attached to each filing. Rather, the certification has been included on many forms used in the courts such as the Confidential Information Form, Confidential Document Form, various magisterial district court forms, PACFile screens, etc. Thus, if a person is filing a form wherein the certification currently exists, there is no need to file a separate certification form. However, the Administrative Office of Pennsylvania Courts has created a sample Certification Form that parties and attorneys may use as a stand-alone document or incorporate in their documents when needed. This form is available on the Unified Judicial System’s website, www.pacourts.us.

In addition, proposed language to the Commentary following Sections 7.0 and 8.0 reminds attorneys that Rules 1.1 and 1.6 of the Rules of Professional Conduct require familiarity and compliance with this Policy. Proposed Section 9.0(H) provides that any unredacted version of any document filed in accordance with a prior version of this Policy is not accessible to the public.

If adopted by the Supreme Court, the amendments to this Policy would apply to all documents for any case filed with a court or custodian on or after the effective date of the amended Policy. See Sections 7.0(H) and 8.0(H).

[Pa.B. Doc. No. 19-956. Filed for public inspection June 28, 2019, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 1000]

Order Adopting Rule 1065.1 of the Pennsylvania Rules of Civil Procedure; No. 699 Civil Procedural Rules Doc.

Order

Per Curiam

And Now, this 17th day of June, 2019, upon the recommendation of the Civil Procedural Rules Committee; the proposal having been published for public comment at 48 Pa.B. 7624 (December 15, 2018):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 1065.1 of the Pennsylvania Rules of Civil Procedure is adopted in the following form.

This Order shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective June 19, 2019.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1000. ACTIONS

Subchapter D. ACTION TO QUIET TITLE

(Editor’s Note: The following rule is added and printed in regular type to enhance readability.)

Rule 1065.1. Notice. Claim for Adverse Possession.

(a) This rule governs an action to quiet title of property pursuant to Section 5527.1 of the Judicial Code, 42 Pa.C.S. § 5527.1.

Official Note: Section 5527.1 of the Judicial Code permits a party to seek to acquire title to real property by commencing an action to quiet title if the party has adversely possessed the real property for a period of not less than ten years.

(b) As used in this rule,

“plaintiff” means the possessor of real property who is seeking to quiet title to real property that he or she has adversely possessed for a period of not less than ten years.

“defendant” means the owner, the owner’s heirs, successors, and assigns, of the real property as recorded in the most recent deed filed in the Recorder of Deeds Office at the courthouse in the county in which the real property is located.

(c) Upon satisfying the requirements of Section 5527.1(a)-(b) of the Judicial Code and commencing an

action to quiet title, the plaintiff shall provide to the defendant the notice set forth in subdivision (d) of this rule.

(d) The notice shall be substantially in the following form:

(CAPTION)

**Notice Required by Section 5527.1
of the Judicial Code**

To the above-named defendant:

The plaintiff in the above-captioned matter has filed an action to quiet title pursuant to Section 5527.1 of the Judicial Code, 42 Pa.C.S. § 5527.1, seeking to acquire title by adverse possession of real property described as follows:

Street Address

City, State, Postal Zip Code

Deed Reference

Uniform Parcel Identifier or Tax Parcel Number

Metes and Bounds Description

If you wish to challenge the claim of adverse possession, you must respond to the action to quiet title within one year after this complaint and notice are served by commencing an action in ejectment against the plaintiff.

EXPLANATORY COMMENT

New Rule 1065.1 sets forth the form notice required by Section 5527.1 of the Judicial Code, 42 Pa.C.S. § 5527.1. Section 5527.1 provides for a ten-year limitation for adverse possession of real property under certain circumstances after which the adverse possessor may seek to acquire title to real property by filing an action to quiet title. Section 5527.1(c) requires the adverse possessor to provide notice relating to the respondent record owner's ability to cure the adverse possession. Section 5527.1(c)(3) directs that the notice is to be provided in a form approved by rule of the Pennsylvania Supreme Court and must include the following information: (1) that the record owners or their heirs, successors, and assigns shall have one year in which to respond to the quiet title action by commencing an action in ejectment against the adverse possessor to dispute the claim of adverse possession, (2) the metes and bounds description of the property, (3) deed reference, (4) street address, (5) postal zip code, and (5) uniform parcel identifier or tax parcel number. New Rule 1065.1 is intended to incorporate the requirements of Section 5527.1(c).

*By the Civil Procedural
Rules Committee*

DAVID L. KWASS,
Chair

[Pa.B. Doc. No. 19-957. Filed for public inspection June 28, 2019, 9:00 a.m.]

**Title 234—RULES OF
CRIMINAL PROCEDURE**

[234 PA. CODE CHS. 1 AND 4]

**Proposed Amendment of Pa.Rs.Crim.P. 117 and
456**

The Criminal Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the amendment of Rule 117 (Coverage: Issuing Warrants; Preliminary Arraignments and Summary Trials; and Setting and Accepting Bail) and Rule 456 (Default Procedures: Restitution, Fines, and Costs) for the reasons set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. No. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

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

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

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

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

All communications in reference to the proposal should be received by no later than Friday, August 30, 2019. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

*By the Criminal Procedural
Rules Committee*

BRIAN W. PERRY,
Chair

Annex A

**TITLE 234. RULES OF CRIMINAL PROCEDURE
CHAPTER 1. SCOPE OF RULES, CONSTRUCTION
AND DEFINITIONS, LOCAL RULES**

PART A. Business of the Courts

**Rule 117. Coverage: Issuing Warrants; Preliminary
Arraignments and Summary Trials; and Setting
and Accepting Bail.**

(A) The president judge of each judicial district shall ensure sufficient availability of issuing authorities to provide the services required by the Rules of Criminal Procedure as follows:

(1) continuous coverage for the issuance of search warrants pursuant to Rule 203 and arrest warrants pursuant to Rule 513;

(2) coverage using one or a combination of the systems of coverage set forth in paragraph (B) to:

(a) conduct summary trials or set collateral in summary cases following arrests with a **bench** warrant issued pursuant to Rule 430(A) as provided in Rule 431(B)(3) and following arrests without a warrant as provided in Rule 441(C), **and release defendants on recognizance or set collateral following arrests with a warrant issued pursuant to Rule 430(B)(3)(b) or Rule 456(B) as provided in Rule 456(C)**;

(b) conduct preliminary arraignments without unnecessary delay whenever a warrant of arrest is executed within the judicial district pursuant to Rule 516;

(c) set bail without unnecessary delay whenever an out-of-county warrant of arrest is executed within the judicial district pursuant to Rule 517(A);

(d) accept complaints and conduct preliminary arraignments without unnecessary delay whenever a case is initiated by an arrest without warrant pursuant to Rule 519(A)(1); and

(3) coverage during normal business hours for all other business.

(B) The president judge, taking into consideration the rights of the defendant and the judicial district's resources and coverage needs, by local rule promulgated pursuant to Rule 105, shall establish one or a combination of the following systems of coverage to provide the services enumerated in paragraph (A)(2):

(1) a traditional on-call system providing continuous coverage;

(2) an "after-hours court" or a "night court" staffed by an on-duty issuing authority and staff;

(3) a regional on-call system; or

(4) a schedule of specified times for after-hours coverage when the "duty" issuing authority will be available to conduct business.

(C) The president judge of each judicial district, by local rule promulgated pursuant to Rule 105, shall ensure that coverage is provided pursuant to Rule 520(B) to admit defendants to bail on any day and at any time in any case pending within the judicial district.

Comment

By this rule, the Supreme Court is clarifying the responsibility of president judges in supervising their respective judicial districts to ensure compliance with the statewide Rules of Criminal Procedure to prevent the violation of the rights of defendants caused by the lack of availability of the issuing authority. *See also* Rule 116 (General Supervisory Powers of President Judge) and Rule 131 (Location of Proceedings Before Issuing Authority).

Paragraph (A), derived from former Rule 132(A) (Continuous Availability), clarifies that it is the president judge's responsibility to make sure that there are issuing authorities available within his or her judicial district (1) on a continuous basis to issue search and arrest warrants, paragraph (A)(1); (2) pursuant to one or a combination of the systems of coverage enumerated in paragraph (B) to conduct summary trials and preliminary arraignments, and perform related duties, paragraph (A)(2); and (3) during normal business hours to conduct all other business of the minor judiciary, paragraph (A)(3). It is expected that the president judge will continue the established procedures in the judicial district or establish new procedures to ensure sufficient availability of issuing authorities consistent with this paragraph.

By providing the alternate systems of coverage in paragraph (B), this rule recognizes the differences in the geography and judicial resources of the judicial districts.

An issuing authority is "available" pursuant to paragraph (A) when he or she is able to communicate in person or by using advanced communication technology ("ACT") with the person requesting services pursuant to this rule. *See* Rule 103 for the definition of ACT. Concerning the use of ACT, *see* Rule 118 (Use of Two-Way Simultaneous Audio-Visual Communication in Criminal Proceedings). *See also* Rules 203, 513, 518, and 540 providing for the use of ACT to request and obtain warrants and conduct preliminary arraignments.

Nothing in this rule limits an issuing authority from exercising sound judicial discretion, within the parameters established by the president judge pursuant to paragraph (B), in deciding how to respond to a request for services outside normal business hours. *See, e.g.*, Rule 509, paragraphs (1) and (2), that authorize the use of summonses instead of warrants in certain court cases; and Rule 519(B) that requires the police officer to release a defendant arrested without a warrant in certain specified court cases.

In determining which system of coverage to elect, the president judge must consider the rights of the defendant, *see, e.g. Commonwealth v. Duncan*, 514 Pa. 395, 525 A.2d 1177 (1987), and the judicial district's resources and coverage needs, as well as the obligations of the police and attorney for the Commonwealth to ensure the defendant is brought before an issuing authority without unnecessary delay as required by law, *see, e.g.*, Rules 431, 441, 516, 517, and 519. *See also Commonwealth v. Perez*, 577 Pa. 360, 845 A.2d 779 (2004).

When the police must detain a defendant pursuant to these rules, 61 P.S. § 798 provides that the defendant may be housed for a period not to exceed 48 hours in "the borough and township lockups and city or county prisons."

The proceedings enumerated in paragraph (A)(2) include (1) setting bail before verdict pursuant to Rule 520(A) and Rule 540, and either admitting the defendant to bail or committing the defendant to jail, and (2) determining probable cause whenever a defendant is arrested without a warrant pursuant to Rule 540(E).

Pursuant to paragraph (C), the president judge also is responsible for making sure there is an issuing authority or other designated official available within the judicial district on a continuous basis to accept bail pursuant to Rule 520(B). The president judge, by local rule, may continue established procedures or establish new procedures for the after-hours acceptance of deposits of bail by an issuing authority, a representative of the office of the clerk of courts, or such other individual designated by the president judge. *See* Rule 535(A). Given the complexities of posting real estate to satisfy a monetary condition of release, posting of real estate may not be feasible outside normal business hours.

When the president judge designates another official to accept bail deposits, that official's authority is limited under this rule to accepting the bail deposit, and under Rule 525 to releasing the defendant upon execution of the bail bond. Pursuant to Rule 535(A), the official is authorized only to have the defendant execute the bail bond and to deliver the bail deposit and bail bond to the issuing authority or clerk of courts.

The local rule requirements in paragraphs (B) and (C):

(1) ensure there is adequate notice of (a) the system of coverage, thereby providing predictability in the issuing authority's duty schedule, and (b) the official authorized to accept bail; (2) promote the efficient administration of justice; and (3) provide a means for the Supreme Court to monitor the times and manner of coverage in each judicial district.

The local rules promulgated pursuant to this rule should include other relevant information, such as what are the normal business hours of operation or any special locations designated by the president judge to conduct business, that will assist the defendants, defense counsel, attorneys for the Commonwealth, police, and members of the public.

Concerning other requirements for continuous coverage by issuing authorities in Protection from Abuse Act cases, see 23 Pa.C.S. § 6110 and Pa.R.C.P.D.J. 1203.

Official Note: Former Rule 117 adopted September 20, 2002, effective January 1, 2003; renumbered Rule 118 June 30, 2005, effective August 1, 2006. New Rule 117 adopted June 30, 2005, effective August 1, 2006; Comment revised July 31, 2012, effective November 1, 2012[.] ; **amended** , 2019, effective , 2019.

Committee Explanatory Reports:

Final Report explaining the provisions of the new rule published with the Court's Order at 35 Pa.B. 3911 (July 16, 2005).

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

Report explaining the proposed amendment adding proceedings related to Rule 456 warrant to paragraph (A)(2)(a) published for comment at 49 Pa.B. 3310 (June 29, 2019).

CHAPTER 4. PROCEDURES IN SUMMARY CASES

PART E. General Procedures in Summary Cases

Rule 456. Default Procedures: Restitution, Fines, and Costs.

(A) When a defendant advises the issuing authority that a default on a single remittance or installment payment of restitution, fines, or costs is imminent, the issuing authority may schedule a hearing on the defendant's ability to pay. If a new payment schedule is ordered, the order shall state the date on which each payment is due, and the defendant shall be given a copy of the order.

(B) If a defendant defaults on the payment of fines and costs, or restitution, as ordered, the issuing authority shall notify the defendant in person or by first class mail that, unless within 10 days of the date on the default notice, the defendant pays the amount due as ordered, or appears before the issuing authority to explain why the defendant should not be imprisoned for nonpayment as provided by law, a **bench** warrant for the defendant's arrest may be issued.

(C) If the defendant appears pursuant to the 10-day notice in paragraph (B) or following an arrest for failing to respond to the 10-day notice in paragraph (B), the issuing authority shall conduct a hearing immediately to determine whether the defendant is financially able to pay as ordered.

(1) If the hearing cannot be held immediately, the issuing authority shall release the defendant on recognizance unless the issuing authority has reasonable grounds to believe that the defendant will not appear, in which case, the issuing authority may set collateral as provided in Rule 523.

(2) If collateral is set, the issuing authority shall state in writing the reason(s) why any collateral other than release on recognizance has been set and the facts that support a determination that the defendant has the ability to pay monetary collateral.

(3) If collateral is set and the defendant does not post collateral, the defendant shall not be detained without a hearing longer than 72 hours or the close of the next business day if the 72 hours expires on a non-business day.

(D) When a defendant appears pursuant to the notice in paragraph (B) or pursuant to [**an arrest**] a **bench** warrant issued for failure to respond to the notice as provided in paragraph (C):

(1) upon a determination that the defendant is financially able to pay as ordered, the issuing authority may impose any sanction provided by law.

(2) Upon a determination that the defendant is financially unable to pay as ordered, the issuing authority may order a schedule or reschedule for installment payments, or alter or amend the order as otherwise provided by law.

(3) At the conclusion of the hearing, the issuing authority shall:

(a) if the issuing authority has ordered a schedule of installment payments or a new schedule of installment payments, state the date on which each installment payment is due;

(b) advise the defendant of the right to appeal within 30 days for a hearing *de novo* in the court of common pleas, and that if an appeal is filed:

(i) the execution of the order will be stayed and the issuing authority may set bail or collateral; and

(ii) the defendant must appear for the hearing *de novo* in the court of common pleas or the appeal may be dismissed;

(c) if a sentence of imprisonment has been imposed, direct the defendant to appear for the execution of sentence on a date certain unless the defendant files a notice of appeal within the 30-day period; and

(d) issue a written order imposing sentence, signed by the issuing authority. The order shall include the information specified in paragraphs (D)(3)(a) through (D)(3)(c), and a copy of the order shall be given to the defendant.

(E) A defendant may appeal an issuing authority's determination pursuant to this rule by filing a notice of appeal within 30 days of the issuing authority's order. The appeal shall proceed as provided in Rules 460, 461, and 462.

Comment

The purpose of this rule is to provide the procedures governing defaults in the payment of restitution, fines, and costs.

Although most of this rule concerns the procedures followed by the issuing authority after a default occurs, paragraph (A) makes it clear that a defendant should be encouraged to seek a modification of the payment order

when the defendant knows default is likely, but before it happens. For fines and costs, see 42 Pa.C.S. § 9730(b)(3).

An issuing authority may at any time alter or amend an order of restitution. See 18 Pa.C.S. § 1106(c)(2) and (3).

When a defendant defaults on a payment of restitution, fines, or costs, paragraph (B) requires the issuing authority to notify the defendant of the default, and to provide the defendant with an opportunity to pay the amount due or appear within 10 days to explain why the defendant should not be imprisoned for nonpayment. Notice by first class mail is considered complete upon mailing to the defendant's last known address. See Rule 430(B)(4).

Except in cases under the Public School Code of 1949, 24 P.S. § 1-102, *et seq.*, in which the defendant is at least 15 years of age but not yet 17, if the defendant is under 18 years of age, the notice in paragraph (B) must inform the defendant and defendant's parents, guardian, or other custodian that, if payment is not received or the defendant does not appear within the 10-day time period, the issuing authority will certify notice of the failure to pay to the court of common pleas as required by the Juvenile Act, 42 Pa.C.S. § 6302, definition of "delinquent act," paragraph (2)(iv), and the case will proceed pursuant to the Rules of Juvenile Court Procedure and the Juvenile Act instead of these rules.

If the defendant is charged with a violation of the compulsory attendance requirements of the Public School Code of 1949, 24 P.S. § 1-102, *et seq.*; has attained the age of 15 but is not yet 17; and has failed to pay the fine, the issuing authority must issue the notice required by paragraph (B) to the defendant and the defendant's parents, guardian, or other custodian informing the defendant and defendant's parents, guardian, or other custodian that, if payment is not received or the defendant does not appear within the 10-day time period, the issuing authority may refer the defendant for commencement of dependency proceedings under 42 Pa.C.S. § 6303(a)(1). See 24 P.S. § 13-1333.3(f)(2) that provides for the adoption of a local policy for the referral of a case where a child has failed to satisfy a fine or costs to a juvenile probation officer for the commencement of dependency proceedings.

If the defendant is 18 years or older when the default in payment occurs, the issuing authority must proceed under these rules.

Pursuant to paragraph (C), the issuing authority must conduct a default hearing when a defendant responds to the 10-day notice as provided in paragraph (B), or when the defendant is arrested for failing to respond to the 10-day notice. If the default hearing cannot be held immediately, the issuing authority may set collateral as provided in Rule 523. However, the issuing authority should only set monetary collateral when he or she has determined that less restrictive conditions of release will not be effective in ensuring the defendant's appearance.

Concerning an issuing authority's availability, see Rule 117 (Coverage: Issuing Warrants; Preliminary Arraignments and Summary Trials; and Setting and Accepting Bail). Pursuant to Rule 117(B), when establishing the system of coverage best suited for the judicial district, the president judge may require defendants arrested on warrants issued pursuant to this rule after hours to be taken to the established night court, on-call, or duty issuing authority for a determination whether the defendant should be released on recognizance or be

required to post collateral for release. If released, the defendant will be given a notice to appear in the proper issuing authority's office the next business day. The defendant will also be permitted to pay the full amount of fines and costs.

Under paragraph (D)(1), when the issuing authority determines that a defendant is able to pay as ordered, the issuing authority may, as provided by law, impose imprisonment or other sanctions. In addition, delinquent restitution, fines, or court costs may be turned over to a private collection agency. See 42 Pa.C.S. §§ 9730(b)(2) and 9730.1(a).

When a defendant is in default of an installment payment, the issuing authority on his or her own motion or at the request of the defendant or the attorney for the Commonwealth must schedule a rehearing to determine the cause of the default. Before an issuing authority may impose a sentence of imprisonment as provided by law for nonpayment of restitution, fines, or costs, a hearing or rehearing must be held whenever a defendant alleges that his or her ability to pay has been diminished. See 42 Pa.C.S. § 9730(b). No defendant may be sentenced to imprisonment or probation if the right to counsel was not afforded at trial. See *Alabama v. Shelton*, 535 U.S. 654 (2002) and *Scott v. Illinois*, 440 U.S. 367 (1979). See also *Commonwealth v. Farmer*, 466 A.2d 677 (Pa. Super. 1983) (Whenever there is a likelihood in a proceeding that imprisonment will be imposed, counsel must be assigned) and (*Commonwealth v. Spontarelli*, 791 A.2d 1254 (Pa. Cmmw. 2002) (defendant is entitled to appointed counsel when tried for violation of municipal ordinance that permits imprisonment upon default of payment of the fine). See also Rules 121 and 122 (dealing with appearance or waiver of counsel).

When a rehearing is held on a payment schedule for fines or costs, the issuing authority may extend or accelerate the payment schedule, leave it unaltered, or sentence the defendant to a period of community service, as the issuing authority finds to be just and practicable under the circumstances. See 42 Pa.C.S. § 9730(b)(3).

This rule contemplates that when there has been an appeal pursuant to paragraph (E), the case would return to the issuing authority who presided at the default hearing for completion of the collection process.

Nothing in this rule is intended to preclude an issuing authority from imposing punishment for indirect criminal contempt when a defendant fails to pay fines and costs in accordance with an installment payment order, 42 Pa.C.S. §§ 4137(a)(4), 4138(a)(3), and 4139(a)(3), or fails to pay restitution, 42 Pa.C.S. § 4137(a)(3). Separate Rules of Criminal Procedure govern contempt adjudications. See Chapter 1 Part D.

Official Note: Adopted July 12, 1985, effective January 1, 1986; amended September 23, 1985, effective January 1, 1986; January 1, 1986 effective dates extended to July 1, 1986; Comment revised February 1, 1989, effective July 1, 1989; rescinded October 1, 1997, effective October 1, 1998. New Rule 85 adopted October 1, 1997, effective October 1, 1998; amended July 2, 1999, effective August 1, 1999; renumbered Rule 456 and amended March 1, 2000, effective April 1, 2001; Comment revised August 7, 2003, effective July 1, 2004; amended March 3, 2004, effective July 1, 2004; Comment revised April 1, 2005, effective October 1, 2005; Comment revised September 21, 2012, effective November 1, 2012; Comment revised January 17, 2013, effective May 1, 2013; amended

April 10, 2015, effective July 10, 2015; Comment revised December 21, 2018, effective May 1, 2019[.] **amended, 2019, effective, 2019.**

Committee Explanatory Reports:

Final Report explaining the new rule published with the Court's Order at 27 Pa.B. 5414 (October 18, 1997).

Final Report explaining the July 2, 1999 amendments to paragraph (C) published with the Court's Order at 29 Pa.B. 3718 (July 17, 1999).

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

Final Report explaining the August 7, 2003 changes to the Comment concerning failure to pay and juveniles published with the Court's Order at 33 Pa.B. 4293 (August 30, 2003).

Final Report explaining the March 3, 2004 amendment to paragraph (B) published with the Court's Order at 34 Pa.B. 1561 (March 20, 2004).

Final Report explaining the April 1, 2005 Comment revision concerning application of the Juvenile Court Procedural Rules published with the Court's Order at 35 Pa.B. 2213 (April 16, 2005).

Final Report explaining the September 21, 2012 Comment revision correcting the typographical error in the fourth paragraph published with the Court's Order at 42 Pa.B. 6251 (October 6, 2012).

Final Report explaining the January 17, 2013 revisions of the Comment concerning the Public School Code of 1949 published with the Court's Order at 43 Pa.B. 656 (February 2, 2013).

Final Report explaining the April 10, 2015 amendments concerning the setting of collateral published with the Court's Order at 45 Pa.B. 2045 (April 25, 2015).

Final Report explaining the December 21, 2018 revision of the Comment concerning commencement of dependency proceedings published with the Court's Order at 49 Pa.B. 196 (January 12, 2019).

Report explaining the proposed amendment concerning execution of warrants after normal business hours published for comment at 49 Pa.B. 3310 (June 29, 2019).

REPORT

Proposed Amendment of Pa.Rs.Crim.P. 117 and 456

RULE 117 AVAILABILITY AND PAYMENT DETERMINATION HEARINGS

The Committee has recently received inquiries related to the handling of delays in payment determination hearings when the defendant is arrested after normal business hours. In particular, the question was whether a "duty issuing authority," as provided under Rule 117, may conduct a hearing to determine release upon recognizance or to set collateral for a defendant arrested pursuant to Rule 456 (Default Procedures: Restitution, Fines, and Costs). The question arose because Rule 456 does not contain the statements regarding how after-hours arrests should be handled such as are contained in Rule 431 (Procedures When Defendant Arrested with Warrant).

Rule 117 requires that each president judge must ensure coverage by issuing authorities for various vital magisterial functions. Paragraph (A)(1) mandates continuous coverage, *i.e.*, 24 hours-a-day, for the issuance of search and arrest warrants. Paragraph (A)(2) provides

that the president judge may establish a system of coverage to ensure that other functions such as preliminary arraignments and the setting of bail are accomplished without unnecessary delay. Paragraph (B) provides for the types of systems that may be utilized, including on-call, night court, and duty magistrate options.

Rule 431 provides the procedures following the execution of arrest and bench warrants in summary cases that are issued pursuant to Rule 430.¹ Rule 431(C) establishes the procedures that follow the execution of a bench warrant. A defendant's first option is to pay the amount owed on the summary case to the police officer executing the warrant. Paragraph (C)(3) provides that, if the defendant cannot pay the police officer, he or she shall be taken before the "proper issuing authority when available pursuant to Rule 117 for a bench warrant hearing." The Comment to Rule 431 refers to Rule 130 (Venue) for the meaning of "proper issuing authority." The Comment further states:

Concerning an issuing authority's availability, see Rule 117 (Coverage: Issuing Warrants; Preliminary Arraignments and Summary Trials; and Setting and Accepting Bail). Pursuant to Rule 117(B), when establishing the system of coverage best suited for the judicial district, the president judge may require defendants arrested on summary case bench warrants after hours to be taken to the established night court where the defendant would be given a notice to appear in the proper issuing authority's office the next business day or be permitted to pay the full amount of fines and costs.

Rule 456 contains the procedures when a defendant defaults on payment of summary case assessments and includes the option of issuing a warrant when the defendant fails respond to the 10-day notice to appear before the issuing authority to explain the reason for the default. Rule 456(C) provides the procedures for payment determination hearings when the defaulting defendant responds to a 10-notice or has been arrested pursuant to the warrant issued for failing to respond to the 10-day notice. Paragraph (C) states that a hearing to determine whether the defendant is financially able to pay be held "immediately." Paragraph (C)(1) recognizes that, if a hearing cannot be held immediately, the issuing authority should release the defendant on recognizance or, if believed necessary, may set collateral. Paragraph (C)(3) provides that if the defendant cannot post collateral, the defendant may be held no longer than 72 hours without a payment determination hearing being held. Although Rule 456 does not use the term "proper issuing authority," the rule and the Final Report when these provision were adopted, 35 Pa.B. 3911 (July 16, 2005), clearly contemplates that these actions will be taken by the issuing authority who had issued the 10-day notice and the warrant.

Rule 456 does not specifically provide that a judicial officer other than the one that issued the warrant may hold the recognizance/collateral hearing.² Similarly, Rule 117 (Coverage: Issuing Warrants; Preliminary Arraignments and Summary Trials; and Setting and Accepting

¹ Rule 430(B)(3) provides for the issuance of bench warrants when (a) the defendant pleads guilty by mail and the money forwarded with the plea is less than the amount of the fine and costs in the citation, (b) the defendant has been sentenced to pay case assessments and has defaulted on the payment, or (c) the issuing authority has tried and sentenced the defendant *in absentia* to pay case assessments and the collateral deposited by the defendant is less than the amount of the assessments imposed.

² Rule 150 that provides procedures for bench warrants issued in court cases is also clear that, upon arrest, the defendant must be brought before the judicial officer who issued the warrant or "another judicial officer designated by the president judge. . . to conduct bench warrant hearings."

Bail) does not include payment determination hearings or recognizance/collateral hearings under Rule 456 as functions mandated for continuous coverage systems. This is complicated by the fact that Rule 456 does not provide for a specific time limit for the holding of a recognizance/collateral determination.

This has resulted in the interpretation in some jurisdictions, which utilize duty magisterial district judge (MDJ) systems, that a duty MDJ cannot make a recognizance/collateral determination under Rule 456 and that the only time limitation in this entire process is the 72-hour limit on incarceration contained in Paragraph (C)(3).

It was suggested that Rule 117 be amended to clarify this point by adding payment determination hearings and collateral/recognizance determinations to the list of functions contained in Rule 117(A)(2)(a) that can be undertaken by a duty MDJ. It also was suggested that the Comment to Rule 456 be revised to cross-reference to this proposed language in Rule 117.

The Committee concluded that a duty magistrate should be able to conduct the recognizance/collateral determination so as to not detain a defendant unduly. Therefore, a clarification in this area would be beneficial and has been added to Rule 117(A)(2)(a). However, the Committee believes that the payment determination hearings should not be included since this may result in a defendant having their payment determination hearing held by an MDJ who had not been the sentencing judge who would not have the same familiarity with the case and the defendant's circumstances.

Additionally, the Committee believes that, rather than a simple cross-reference to Rule 117 being added to the Rule 456 Comment, additional detail would be helpful. Therefore, language would be added to the Comment to Rule 456 to more clearly state that the duty or night court issuing authority could make the recognizance/collateral determination and provide notice that the defendant must appear before the proper issuing authority on the next business day. This language is derived from the Comment to Rule 430 noted above. This would be added in conjunction with the proposed change to Rule 117.

Generally, the rules have termed warrants issued to initiate a case as "arrest warrants" and all other warrants as "bench warrants." Rule 456 is somewhat vague regarding the nature of the warrant being issued. The Committee concluded that such warrants fall within the definition of a bench warrant and bench warrant procedures would be applicable in these situations. Therefore, this terminology would be clarified in the text of Rule 456.

[Pa.B. Doc. No. 19-958. Filed for public inspection June 28, 2019, 9:00 a.m.]

Title 255—LOCAL COURT RULES

MONROE COUNTY

Amendment of Local Orphans' Court Rules; 61 AD 2019

Order

And Now, this 12th day of June, 2019, it is *Ordered* that the Orphans' Court Rules of the Court of Common Pleas of the 43rd Judicial District of Pennsylvania,

Monroe County, are amended to include 14.3 and 14.8, to be effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

It Is Further Ordered that the District Court Administrator shall:

1. File one copy of these Rules with the Administrative Office of Pennsylvania Courts via email to adminrules@pacourts.us.

2. File two paper copies and one electronic copy of these Rules in a Microsoft Word format only on a CD-ROM to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. Arrange to have these Rules published on the Monroe County Bar Association website at www.monroebar.org.

4. Arrange to have these Rules, as well as all local rules, published on the 43rd Judicial District website at www.monroepacourts.us.

5. Keep these Rules, as well as all local rules of this Court, continuously available for public inspection and copying in the respective Monroe County filing office.

a. Upon request and payment of reasonable cost of reproduction and mailing, the respective filing office shall furnish to any person a copy of any local rule.

By the Court

MARGHERITA PATTI-WORTHINGTON,
President Judge

CHAPTER XIV—GUARDIANSHIP OF INCAPACITATED PERSONS

Rule 14.3. Alternative Proof of Incapacity; Expert Report in Lieu of In-Person or Deposition Testimony of Expert.

(a)(1) In a contested matter where no demand has been made for the testimony of the expert, the court may still require in-person or deposition testimony which shall be determined at time of hearing.

(a)(2) In an emergency guardianship proceeding, where a temporary guardian is sought pending a final hearing, an expert report may be offered in lieu of testimony, provided the petitioner(s) have attached a copy of the expert report concerning incapacity to the petition for guardianship.

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

(a) *Reporting.*

6. In addition to the requirements of the Pa. O.C. Rules for Guardianship Reporting, the guardian shall, within ten (10) days of the appointment as guardian, file a "List of Interested Parties Requiring Notice," using Form G-14.8(a)(6) provided in the Appendix to these rules, which shall include the names and addresses of all interested parties entitled to copies of the inventory, the annual reports of the guardian, and court orders. The interested parties shall be as determined by the court at the guardianship hearing. The Clerk of Orphans' Court shall mail a copy of all court orders to everyone set forth in the "List of Interested Parties Requiring Notice." The guardian shall send a copy of the inventory and the annual reports of the guardian to everyone set forth in the "List of Interested Parties Requiring Notice."

7. The guardian shall notify the Clerk of Orphans' Court of any change in address for the guardian and/or incapacitated person within thirty (30) days of the change.

8. Upon the death of the incapacitated person, the guardian shall file a notice of death within sixty (60) days

of the date of death, and otherwise comply with the requirements of Pa. O.C. Rule 14.8(a)(4).

APPENDIX—GUARDIANSHIPS

Form G-14.8(a)(6)

IN RE: _____ ,
 _____ ,
 An Alleged Incapacitated Person

: NO. _____ O.C. _____
 :
 :
 :
 :
 :
 :

LIST OF INTERESTED PARTIES REQUIRING NOTICE

The following parties were determined by the court to be interested parties and shall receive a copy of the inventory, annual reports and all court orders in this matter:

NAME	ADDRESS
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

GUARDIAN NAME

ADDRESS

TELEPHONE #

[Pa.B. Doc. No. 19-959. Filed for public inspection June 28, 2019, 9:00 a.m.]

PROPOSED RULEMAKING

DEPARTMENT OF GENERAL SERVICES

[70 PA. CODE CH. 110]

State Metrology Laboratory Fee Schedule

The Department of General Services (Department) proposes to amend § 110.2 (relating to State Metrology Laboratory fee schedule) to read as set forth in Annex A.

The proposed regulation increases the existing State Metrology Laboratory fees and updates description fields to accurately reflect the parameters and ranges covered under the National Institute of Standards and Technology (NIST) Office of Weights and Measures Certificate of Metrological Traceability and the NIST National Voluntary Laboratory Accreditation Program Scope of Accreditation used by the State Metrology Laboratory.

Authority

This proposed regulation is authorized under 3 Pa.C.S. §§ 4101—4194 (relating to Consolidated Weights and Measures Act) (act). Section 4178 of the act (relating to fees) requires that the Department establish, by regulation, fees for metrology laboratory calibration, type evaluation and other testing services. 3 Pa.C.S. § 4178. Section 4178 also provides that the Department shall alter these fees by regulation. This proposed rulemaking will increase fees to ensure the costs for the testing services rendered by the laboratory are borne by the parties who are receiving the services and not by the taxpayers.

Need for this Proposed Rulemaking

This proposed rulemaking fulfills the statutory requirement that the Department establish, charge, and collect the fees described section 4178 of the act. Currently, the State Metrology Laboratory (Laboratory) provides these services based upon a fee schedule established in 2010. This proposed rulemaking will allow the Commonwealth to charge an appropriate fee for the services provided, thus ensuring that the cost of performing these testing services is borne by the parties who are receiving the services and not by the taxpayers.

This proposed rulemaking will increase the fees charged for metrology laboratory calibration, type evaluation and other services performed by the Laboratory. These fees were last increased in 2010. The amount of that increase was based upon average metrology fees charged by other State metrology laboratories in 2006. By the time the Laboratory began charging the fees that were increased by regulation in 2010, the fees collected were insufficient to cover the costs for the testing services rendered by the Laboratory, and this trend continued. For example, in Fiscal Year (FY) 2014-2015, the costs for the testing services rendered by the Laboratory was \$615,560.98, and the fees collected totaled \$241,929.88, resulting in a shortfall of \$373,631.10. In FY 2015-2016, the cost to run the Laboratory was \$665,647.01, and the fees collected totaled \$250,297.07, resulting in a shortfall of \$415,349.94. In FY 2016-2017, the cost to run the Laboratory was \$681,688.15, and the fees collected totaled \$292,421.85, resulting in a shortfall of \$389,266.30. In FY 2017-2018, the cost to run the Laboratory was \$700,693.49, and the fees collected totaled \$247,403.86, resulting in a shortfall of \$453,289.63. Over the past 4 years, the Laboratory has had a total shortfall of

\$1,631,536.97. This \$1,631,536.97 has not been borne by the primarily commercial customers of the Laboratory. Instead, it has been borne by the taxpayers and will continue to be borne by the taxpayers unless the fees are increased to cover this shortfall.

This proposed rulemaking also updates the description fields to accurately reflect the parameters and ranges covered under the NIST Office of Weights and Measures Certificate of Metrological Traceability and the NIST National Voluntary Laboratory Accreditation Program Scope of Accreditation used by the Laboratory.

In summary, the Department is satisfied there is a need for this proposed rulemaking, and that it is otherwise consistent with Executive Order 1996-1 (see 4 Pa. Code §§ 1.371—1.382 (relating to Regulatory Review and Promulgation)).

Summary of this Proposed Rulemaking

This proposed rulemaking will increase the fees charged for metrology laboratory calibration, type evaluation and other services performed by the Laboratory in order to cover the costs for the testing services rendered by the Laboratory. The Department calculated each fee by averaging the fees reported from a 2013 survey the Department conducted of seven state-operated and one county-operated laboratories, then updating those averages by 16.71% which is the historical average fee increase calculated from data in the National Conference of Standards Laboratories State Laboratory Program Workload Surveys. The Department then rounded those fees to the nearest \$5.00. This proposed rulemaking also updates description fields to accurately reflect the parameters and ranges used by the Laboratory.

Persons Likely to be Affected

Persons engaged in the business of selling, installing, servicing and repairing various types of commercial weighting and measuring devices will be charged fees according to the proposed fee schedule. All Laboratory customers, including small businesses, have benefitted from the fees that have not increased since 2010 despite increasing personnel costs for Laboratory employees and increasing costs to maintain or replace Laboratory equipment.

Updates to the description fields will accurately reflect the parameters and ranges used by the Laboratory and should not affect any group or entity.

Fiscal Impact

Commonwealth

The estimated annual revenue to the Commonwealth (Department) from this proposed rulemaking is approximately \$645,094. This proposed rulemaking should not result in additional costs to the Commonwealth.

Political Subdivisions

No other government entity will incur any costs or realize any savings.

General Public

This proposed rulemaking will impose no costs and have no fiscal impact on the general public. However, the fee increase will ensure that the cost of performing Laboratory testing services is borne by the parties who are receiving the services and not by the taxpayers.

Private Sector

Persons engaged in the business of selling, installing, servicing and repairing various types of commercial weighting and measuring devices will be charged fees according to the proposed fee schedule. The anticipated fee per user is estimated to be \$1,405, which is a \$866 increase from the current \$539 average fee per user. All Laboratory customers, including small businesses, have benefitted from the fees that have not increased since 2010 despite increasing personnel costs for Laboratory employees and increasing costs to maintain or replace Laboratory equipment.

Paperwork Requirements

This proposed rulemaking will not result in an increase in paperwork for the Laboratory, which is already required to issue invoices, collect payments and transmit payments to the Treasury Department. Similarly, under section 4193(c) (relating to disposition of funds) of the act, the Treasury Department will have no increase in paperwork. There will be no increase in paperwork for the regulated community.

Effective Date

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

Sunset Date

There is no sunset date for this proposed rulemaking. The Department will review the efficacy of this regulation on an ongoing basis.

Public Comment Period and Contact Person

Interested persons are invited to submit written comments regarding this proposed rulemaking within 30 days

following publication in the *Pennsylvania Bulletin*. Comments are to be submitted to Mary W. Fox, Assistant Chief Counsel, Office of Chief Counsel, Department of General Services, 401 North Street, Room 603, Harrisburg, PA 17120, (717) 787-6789.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on June 18, 2019, the Department submitted a copy of this proposed rulemaking to the Independent Regulatory Review Commission (IRRC), the Chairpersons of the House and Senate State Government Committees, and the Legislative Reference Bureau. In addition to submitting this proposed rulemaking, the Department has provided IRRC, the Committees, and the LRB with a copy of a detailed Regulatory Analysis Form prepared by the Department. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to this proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final-form publication of this rulemaking by the Department, the General Assembly and the Governor.

CURTIS M. TOPPER,
Secretary

Fiscal Note: 08-27. No fiscal impact. The fee increases are necessary to cover the associated operating costs of the Laboratory; (8) recommends adoption.

Annex A

TITLE 70. WEIGHTS, MEASURES AND STANDARDS

PART V. STATE METROLOGY LABORATORY

CHAPTER 110. GENERAL PROVISIONS

§ 110.2. State Metrology Laboratory fee schedule.

* * * * *

(c) *Schedule of fees.* The State Metrology Laboratory shall charge the following fees for the indicated [**testing**] **calibration** services:

<i>General type of test</i>	<i>Description</i>	<i>Fee</i>
Precision mass	[Up to ASTM E 617 Class 2 or best calibration but not to a specific class to and including 30 kg. or 50 lb.] <u>ASTM or OIML Class weights calibrated by use of the Mass Code 50 lb to 0.001 lb, 30 kg to 1 mg</u>	[\$30 per weight] <u>\$75 per man-hour</u>
Precision mass	[ASTM E617 Class 3 and 4 and OIML Class F1 and F2 to and including 30 kg. or 50 lb.] <u>ASTM Class 1, 2, 3, 4 OIML Class E₂, F₁, F₂ or best calibration not to a specific class 1000 lb to 0.001 lb 30 kg to 1 mg</u>	[\$30] <u>\$65 per weight</u>

<i>General type of test</i>	<i>Description</i>	<i>Fee</i>
Ordinary mass, Small	[NIST Class F and ASTM E617 Classes 5, 6, 7 and OIML Class M1, M2 and M3 to and including 5 kg. or 10 lb.] NIST Class F ASTM 5, 6, 7 OIML M ₁ , M ₁₋₂ , M ₂ , M ₂₋₃ , M ₃ 10 lb to 0.001 lb 5 kg to 1 mg	[\$6] \$20 per weight (without adjustment) [\$10] \$40 per weight (with adjustment)
Ordinary mass, Medium	[NIST Class F and ASTM E617 Classes 5, 6 and 7 from 10 kg. or 20 lb. to 50 kg. or 100 lb.] NIST Class F ASTM 5, 6, 7 OIML M ₁ , M ₁₋₂ , M ₂ , M ₂₋₃ , M ₃ 100 lb to >10 lb 50 kg to >5 kg	[\$10] \$20 per weight (without adjustment) [\$20] \$40 per weight (with adjustment)
Ordinary mass, Large	[NIST Class F and ASTM E617 Classes 5, 6 and 7 from 100 kg. or 200 lb. to 2500 kg. or 5500 lb.] NIST Class F ASTM 5, 6, 7 OIML M ₁ , M ₁₋₂ , M ₂ , M ₂₋₃ , M ₃ 6,000 lb to >100 lb 2,500 kg to >50 kg	[\$20] \$45 per weight (without adjustment) [\$40] \$70 per weight (with adjustment)
Ordinary mass	Weight Carts 2,000 lb to 6,000 lb.	[\$210] \$315 per cart
Volume transfer	[5 gallon/20 liter test measures] Test Measures 5 gallon 5 liter to 20 liter	[\$45] \$120 per measure (includes adjustment)
Volume transfer	[10 gallon to 50 gallon] Provers 10 gallon to 100 gallon 40 liter to 378 liter	[\$150] \$440 per prover (includes adjustment)
[Volume transfer]	[51 to 100 gallon]	[\$150 per prover (includes adjustment)]
Volume transfer	[Greater than 100 gallon] Provers 101 gallon to 1,500 gallon 379 liter to 5,000 liter	[\$150] \$440 plus \$1 per each additional gallon over 100 [gallons] gallon (includes adjustment)
Gravimetric Calibrations	[Metal] Test Measures [to 5 gallon or 20 liter or 1 cubic foot] 1 gallon to 10 gallon 5 liter to 20 liter	[\$180] \$825 per item
Gravimetric Calibrations	Provers 11 gallon to 130 gallon 21 liter to 500 liter	\$1,640 per item
Length Calibrations	Metal Tapes [or Rules] to 200 feet	[\$15] \$40 per point tested
Timing Devices	Stopwatches to 24 hours	[\$30] \$70 per item
Wheel Load Weighers	NIST Handbook 44 Class III Scales to 20,000 lb	[\$20] \$70 per scale
Force Gauges	to 50 lbf	\$180 per gauge
Special Tests		\$75 per man-hour

(d) *Payment of fees.* A nonrefundable deposit for the estimated fee shall be submitted when the [**testing**] **calibration** request is made. Fees are payable at the time the metrology service is provided, regardless of whether the item [**tested**] **calibrated** is certified or approved.

[Pa.B. Doc. No. 19-960. Filed for public inspection June 28, 2019, 9:00 a.m.]

ENVIRONMENTAL QUALITY BOARD

Acceptance of Rulemaking Petitions for Study

On June 18, 2019, the Environmental Quality Board (Board) accepted two rulemaking petitions for study under 25 Pa. Code Chapter 23 (relating to Environmental Quality Board Policy for Processing Petitions—Statement of Policy). These petitions, submitted by Keystone Environmental, Inc. on behalf of MAX Environmental Technologies, Inc. (MAX), request the amendment of an existing regulatory exclusion from hazardous waste listing for wastewater sludge generated from the treatment disposal impoundment and landfill leachate and contact stormwater at the MAX Bulger and the MAX Yukon facilities.

Under the Board's acceptance of the petitions, the Department of Environmental Protection (Department) will prepare a report evaluating the petitions. This report will include a recommendation on whether the Board should proceed with a proposed rulemaking and, if so, the process that the Department would need to undertake to develop a proposed rulemaking.

The previously-referenced petitions are available to the public by contacting the Environment Quality Board, P.O. Box 8477, Harrisburg, PA 17105-8477, (717) 783-8727, and are available on the Department's web site at www.dep.pa.gov (select "Public Participation," then "Environmental Quality Board," then "2019 Meetings," then "Meeting Agendas/Minutes/Handouts; June 18, 2019").

PATRICK McDONNELL,
Chairperson

[Pa.B. Doc. No. 19-961. Filed for public inspection June 28, 2019, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CH. 59]

[L-2019-3010267]

Hazardous Liquid Public Utility Safety Standards; Advanced Notice of Proposed Rulemaking

Public Meeting held
June 13, 2019

Commissioners Present: Gladys Brown Dutrieuille, Chairperson; David W. Sweet, Vice Chairperson; Norman J. Kennard; Andrew G. Place; John F. Coleman, Jr.

*Hazardous Liquid Public Utility Safety Standards at
52 Pa. Code Chapter 59; L-2019-3010267*

Advance Notice of Proposed Rulemaking Order

By the Commission:

At present, Chapter 59 of the Public Utility Commission's (Commission) regulations is titled "Gas Service"

with its primary focus on the regulation of natural gas distribution service, safety and facilities. See 52 Pa. Code Ch. 59. The Commission seeks comments from interested persons regarding the amendment and enhancement of Chapter 59 to enable the Commission to more comprehensively regulate public utilities that transport petroleum products and other hazardous liquids in intrastate commerce.

Background

Under Section 501(b) of the Public Utility Code, the Commission has the general administrative power and authority to supervise and regulate all public utilities doing business within the Commonwealth and to make such regulations as may be necessary or proper in the exercise of its powers or for the performance of its duties. 66 Pa.C.S. § 501(b). Section 102, in pertinent part, defines a public utility as:

(1) Any person or corporations now or hereafter owning or operating in this Commonwealth equipment or facilities for:

...

(v) Transporting or conveying natural or artificial gas, crude oil, gasoline, or petroleum products, materials for refrigeration, or oxygen or nitrogen, or other fluid substance, by pipeline or conduit, for the public for compensation.

66 Pa.C.S. § 102, definition of public utility (1)(v). Accordingly, the Commission has jurisdiction over and authority to regulate, inter alia, petroleum products transported via pipeline or conduit for the public for compensation. 66 Pa.C.S. §§ 501(b), 102(1)(v). See also 66 Pa.C.S. § 506 (inspection of facilities and records). The term "petroleum products" includes refined petroleum products such as fuel oil and diesel as well as natural gas liquids such as ethane, benzene and propane. See e.g., *Petition of Granger Energy of Honey Brook, LLC*, Docket No. P-00032043 (Order entered September 8, 2004) ("petroleum products" as used in Section 102 of the Code, has a broad meaning as a "catch all phrase" to include what would otherwise be an exhaustive list of products); see also 49 CFR § 195.2 (defining a petroleum product as "flammable, toxic, or corrosive products obtained from distilling and processing of crude oil, unfinished oils, natural gas liquids, blend stocks and other miscellaneous hydrocarbon compounds").

Consistent with that authority, effective September 22, 2012, the Commission amended its regulations in Chapter 59 to regulate the safety of petroleum products pipelines by incorporating the federal pipeline safety laws at 49 CFR Part 195, relating to Transportation of Hazardous Liquids by Pipeline. See 42 Pa.B. 5967; Rulemaking Re Liquid Fuels Pipeline Regulations, Docket No. L-2008-2034622 (Order entered March 1, 2012).

The Commission participates in the pipeline safety program administered by the U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration (PHMSA) and is certified under 49 U.S.C.

§ 60105(a).¹ The Commission incorporated 49 CFR Part 195 in its regulations, in part, to comport with the requirements of PHMSA's pipeline safety program. Participating states must adopt the minimum Federal pipeline safety standards, although they may pass more stringent regulations. As explained in Appendix A to Part 195:

For the remainder of pipeline facilities, denominated "intrastate pipeline facilities," the [Hazardous Liquids Pipeline Safety Act] provides that the same Federal regulation and enforcement will apply unless a State certifies that it will assume those responsibilities. A certified State must adopt the same minimal standards but may adopt additional more stringent standards so long as they are compatible.

49 CFR Part 195, Appendix A to Part 195—Delineation Between Federal and State Jurisdiction—Statement of Agency Policy and Interpretation. As such, the Commission may adopt standards beyond the minimum federal pipeline safety standards.

Part 195 prescribes safety standards and reporting requirements for pipeline facilities used in the transportation of hazardous liquids. 49 CFR § 195.0 (Scope). Under Part 195, hazardous liquids include "petroleum products, anhydrous ammonia, or ethanol." 49 CFR § 195.2. In sequence, Part 195 addresses the following: General; Annual, Accident, and Safety-Related Condition Reporting; Design Requirements; Construction; Pressure Testing; Operation and Maintenance; Qualification of Pipeline Personnel; and Corrosion Control. See 49 CFR Subparts A—H.

At present, Section 59.33 of the Commission's regulations, incorporating Part 195, provides in relevant part, as follows:

(b) *Safety code.* The minimum safety standards for all natural gas and hazardous liquid public utilities in the Commonwealth shall be those included under the pipeline safety laws as found in 49 U.S.C.A. §§ 60101—60503 and as implemented at 49 CFR Parts 191—193, 195 and 199, including all subsequent amendments thereto. Future Federal amendments to 49 CFR Parts 191—193, 195 and 199, as amended or modified by the Federal government, shall have the effect of amending or modifying the Commission's regulations with regard to the minimum safety standards for all natural gas and hazardous liquid public utilities. The amendment or modification shall take effect 60 days after the effective date of the Federal amendment or modification, unless the Commission publishes a notice in the *Pennsylvania Bulletin* stating that the amendment or modification may not take effect.

(c) *Definition.* For the purposes of this section, "hazardous liquid public utility" means a person or corporation now or hereafter owning or operating in this Commonwealth equipment or facilities for transporting or conveying crude oil, gasoline, petroleum or petroleum products by pipeline or conduit, for the public for compensation.

52 Pa. Code §§ 59.33(b)-(c). The purpose of this Advance Notice of Proposed Rulemaking Order is for the Commission to seek comments from hazardous liquids public utilities and the public on amendments and enhance-

ments to Chapter 59 to more comprehensively regulate the design, construction, operations and maintenance of public utilities transporting petroleum products and other hazardous liquids under the jurisdiction of the Commission.

Discussion

I. Introduction

By describing certain subject areas for potential regulations later in this Order, the Commission does not intend to limit the scope of comments to these subject areas. We intend that the identified subject areas be used as starting points for detailed comments. While we encourage comments on any and all topics, we must note that the General Assembly enacted the Public Utility Code (Code) as the touchstone for the Commission's regulation of public utilities. The Commission's promulgation of regulations must also comply with the Commonwealth Documents Law, the Commonwealth Attorneys' Act and the Regulatory Review Act. Lastly, in light of the federal standards at 49 CFR Part 195, commenters must be mindful of the federal requirement for compatibility between PHMSA's regulations and any regulations the Commission may promulgate.

In addition, in enacting the Code, the General Assembly made certain legislative decisions that cannot be changed by a Commission regulation. For example, the Code's definition of public utility as "[a]ny person or corporation now or hereafter owning or operating in this Commonwealth equipment or facilities for...[t]ransporting or conveying natural or artificial gas, crude oil, gasoline, or petroleum products, materials for refrigeration, or oxygen or nitrogen, or other fluid substance, by pipeline or conduit, for the public for compensation" is binding upon the Commission. Similarly, the General Assembly granted the power of eminent domain to certain public utility corporations. See 15 Pa.C.S. §§ 1103, 1511. The General Assembly also restricted the Commission's role in eminent domain matters. See 15 Pa.C.S. § 1511(c) (requiring Commission preapproval of a public utility's exercise of eminent domain for certain aerial line construction). Commentators are forewarned that the Commission will not promulgate regulations inconsistent with these, and other, legislative requirements.²

With these guiding principles set forth, we will now address some of the subject areas where we believe additional regulations would be in the public interest.

II. Subject Areas

A. Construction

Below, the Commission provides an overview of the present minimum construction and design standards and seeks comment specifically on the areas of pipeline material and specification, cover over buried pipelines, underground clearances, and valves. We again note that comments are not limited to these areas. Interested parties may comment on other provisions of Part 195 relating to the construction and design of hazardous liquid public utilities that they believe the Commission should consider building upon through this rulemaking.

1. Pipeline Material and Specification

Section 195.8 provides that hazardous liquids must be transported in pipelines constructed with steel pipe. Specifically, Section 195.8 states, "[n]o person may trans-

¹ See Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, Appendix F—State Program Certification/Agreement Status (December 2016) available at <https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/docs/about-phmsa/working-phmsa/state-programs/56591/2017-appendix-f-state-program-certification-agreement-status.pdf>.

² For example, the Commission is required to comply with the Public Utility Confidential Security Information Disclosure Protection Act, Act 156 of 2006 (Act 156). The Commission and Commission staff are required to maintain confidential infrastructure information and are prohibited from releasing such information.

port any hazardous liquid...through a pipe that is constructed after October 1, 1970...of material other than steel.”³ 49 CFR § 195.8. Requirements as to the appropriate external coatings for steel pipelines are discussed below. See *infra*, Section II.B.8.

Any new pipe installed in a pipeline system must “be made of steel of the carbon, low alloy-high strength, or alloy type that is able to withstand the internal pressures and external loads and pressures anticipated for the pipeline system.” 49 CFR § 195.112(a). In addition, the pipe must be made according to “a written pipe specification that sets forth the chemical requirements for the pipe steel and mechanical tests for the pipe to provide pipe suitable for the use intended.” 49 CFR § 195.112(a).

When used pipe is installed in a pipeline system, the specification of the pipe must be known. 49 CFR § 195.114(a). In addition, the seam joint factor and the minimum yield strength or thickness must be determined in accordance with the relevant provisions of Section 195.106, relating to internal design pressure. 49 CFR § 195.114(a); see 49 CFR §§ 195.106(b)-(c), (e). Moreover, there may not be any buckles, cracks, grooves, gouges, dents, or other surface defects that exceed the maximum depth allowed by the specification to which the pipe was manufactured and corroded areas with remaining wall thickness less than the minimum required by the specification to which the pipe was manufactured. 49 CFR §§ 195.114(b)(1)–(3). If the pipe does not meet these requirements, it may still be used provided that the operating pressure is reduced according to the remaining wall thickness. 49 CFR § 195.114. Additional requirements regarding operating pressure are discussed below. See *infra*, Section II.B.3.

The Commission seeks comment regarding the treatment of hazardous liquid public utility pipelines constructed with materials other than coated steel, including bare steel and vintage materials. The Commission also seeks comment regarding the material and specification requirements for the installation of new pipe and used pipe, including reductions in operating pressures for used pipe. See *infra*, Section II.B.3.

2. Cover Over Buried Pipelines

Section 195.248 requires all pipe to be buried so that it is below the level of cultivation. 49 CFR § 195.248. For normal excavation, there must be at least: 36 inches in industrial, commercial, and residential areas; 48 inches in inland bodies of water with a width of at least 100 feet; 36 inches of cover in drainage ditches at public roads and railroads; 48 inches in deepwater port safety zones; 36 inches in offshore areas under water less than 12 feet deep; and 30 inches in any other area. 49 CFR § 195.248(a). For rock excavation, meaning any excavation that requires blasting or removal by equivalent means, there must be at least: 30 inches in industrial, commercial, and residential areas; 18 inches in inland bodies of water with a width of at least 100 feet; 36 inches of cover in drainage ditches at public roads and railroads; 24 inches in deepwater port safety zones; 18 inches in offshore areas under water less than 12 feet deep; and 18 inches in any other area. 49 CFR § 195.428(a).

³ An exception exists where the person has notified PHMSA of the following in writing at least 90 days before transportation is to begin: (1) whether a hazardous liquid...will be transported, (2) the chemical name, common name, properties, and characteristics of the hazardous liquid, and (3) the material used to construct the pipeline. 49 CFR § 195.8. If PHMSA determines that transportation in the proposed manner would be unduly hazardous, however, it will order the person not to do so until further notice. 49 CFR § 195.8.

The Commission seeks comment regarding the appropriate amount of cover for hazardous liquid public utility pipelines, including whether additional cover should be required at installation and how cover is to be maintained.

3. Underground Clearances

Section 195.250 provides that pipe installed underground must have at least a 12-inch clearance between the outside of the pipe and the extremity of any other underground structure. 49 CFR § 195.250. Where a 12-inch clearance is impracticable, the clearance may be reduced provided that adequate provisions are made for corrosion control. 49 CFR § 195.250.

The Commission seeks comment regarding the proper minimum amount of clearance between hazardous liquid public utility pipelines and underground structures, including other pipelines. Interested parties should also address pipeline stacking and the number of pipelines that may reasonably be stacked.

4. Valves

Section 195.258 requires valves be installed at a location that is accessible to authorized employees and protected from damage or tampering. 49 CFR § 195.258(a). Valves must be installed on: (1) the suction end and discharge end of a pump station to permit isolation of the pump station equipment in an emergency, (2) each line entering or leaving a breakout storage tank area to permit isolation of the tank area from other facilities, (3) each mainline at locations along the pipeline system that will minimize damage or pollution from accidental hazardous liquid discharge as appropriate for the terrain, (4) each lateral takeoff from a trunk line to permit shutting off the lateral without interrupting the flow in the trunk line, (5) each side of a water crossing over 100 feet wide, unless PHMSA finds that valves are not justified, and (6) each side of a reservoir holding water for human consumption. 49 CFR §§ 195.260(a)–(f).

The Commission seeks comments on the location of valves on hazardous liquid public utility pipelines, particularly as it pertains the third requirement above. See 49 CFR § 195.260(c). Interested parties should also discuss valve spacing for highly volatile liquid⁴ pipelines as well as the timeframe needed for installation of additional valves.

B. Operation and Maintenance

Below, the Commission provides an overview of the current minimum operation and maintenance standards and highlights the following areas for comment: pipeline conversion, construction compliance, pressure testing and maximum operating pressure, line markers, inspection of pipeline rights-of-way, emergency flow restricting devices, leak detection, and corrosion control and cathodic protection.

We note that comments are not limited to these areas. Interested parties may comment on other provisions of Part 195 relating to the operation and maintenance of hazardous liquid public utilities that they believe the Commission should consider strengthening through this rulemaking.

1. Pipeline Conversion

Section 195.5 provides a procedure for converting pipelines not used in service under Part 195 to service subject

⁴ A highly volatile liquid is a “hazardous liquid which will form a vapor cloud when released to the atmosphere and which has a vapor pressure exceeding 276 kPa (40 psia) at 37.8 °C (100 °F).” 49 CFR § 195.2.

to Part 195. Specifically, “a steel pipeline previously used in service not subject to this part qualifies for use under this part if the operator prepares and follows a written procedure.” 49 CFR § 195.5(a). The procedure must include: (1) a review of the design, construction, operation, and maintenance history of the pipeline, including appropriate tests where sufficient historical records are not available; (2) visual inspection of the pipeline right-of-way, all aboveground pipeline segments, and appropriately selected underground pipeline segments for physical defects and operating conditions that could reasonably be expected to impair the strength or tightness of the pipeline; (3) correction of all known defects in accordance with Part 195, and (4) testing to substantiate the maximum operating pressure under Section 195.406. 49 CFR §§ 195.5(a)(1)–(4). Further, a pipeline that qualifies under Section 195.5 must comply with the corrosion control requirements of Part 195 twelve months after it is placed into service. 49 CFR § 195.5(b).

The Commission seeks comment on the procedure used to bring hazardous liquid public utility pipelines into compliance with the requirements of Part 195 and whether enhancements are needed. The Commission further seeks comment on a repair schedule to comply with Part 195, taking into account items requiring immediate correction.

2. Construction Compliance

Section 195.401(c) provides that certain pipelines constructed after specified dates may not be operated, unless constructed in accordance with Part 195. 49 CFR § 195.401(c). These pipelines include: (1) interstate pipelines that transport hazardous liquids, other than low-stress pipelines, on which construction began after March 31, 1970; (2) interstate offshore gathering lines that transport hazardous liquids, on which construction began after July 31, 1977; (3) intrastate pipelines that transport hazardous liquids, on which construction began after October 20, 1985; and (4) low-stress pipelines on which construction began after August 10, 1994. 49 CFR §§ 195.401(c)(1)–(5).

The Commission seeks comment regarding the operation and maintenance of hazardous liquid public utility pipelines constructed prior to the dates contained in Section 195.401(c), including additional cathodic protection requirements for bare steel pipelines and other vintage pipelines.

3. Pressure Testing and Maximum Operating Pressure

Subpart E sets forth minimum requirements for the pressure testing of steel pipelines. 49 CFR § 195.300. Under Section 195.302, a pipeline may not be operated, unless it has been pressure tested without leakage and no segment of a pipeline that has been replaced, relocated, or otherwise changed may be returned to service until it has been pressure tested without leakage. 49 CFR § 195.302(a). The following hazardous liquid pipelines may be operated without pressure testing, if the maximum operating pressure is established under Section 195.406(a)(5), discussed below: interstate pipelines constructed before January 8, 1971, interstate offshore gathering lines constructed before August 1, 1977, intrastate pipelines constructed before October 21, 1985, and low-stress pipelines constructed before August 11, 1994, that transport highly volatile liquids. 49 CFR §§ 195.302(b)(1). In addition, any low-stress pipeline constructed before August 11, 1994, that does not transport highly volatile liquids need not be pressure tested. 49 CFR § 195.302(b)(3). Further, pressure testing is not required

for segments of older hazardous liquid pipelines subject to the risk-based criteria program under Section 195.303 that do not need to be tested based on that program. 49 CFR § 195.302(b)(4).

Section 195.303 provides that, for older hazardous liquid pipelines, operators may use a risk-based criteria program as an alternative to the pressure testing set forth in Section 195.302. 49 CFR § 195.303(a). Operators must assign a risk classification for each pipeline segment using a location indicator, product and volume indicators, and a probability of failure indicator. 49 CFR §§ 195.303(a)(1)–(3). The program provides for pressure testing for pipe segments constructed of electric resistance-welded pipe and lapwelded pipe manufactured before 1970 that are susceptible to longitudinal seam failures based on risk classification. 49 CFR § 195.303(c). For other segments, magnetic flux leakage or ultrasonic internal inspection surveys may be used. 49 CFR § 195.303(c).

Section 195.310 requires that a record be made of each pressure test and that the record of the latest test be retained as long as the facility is in use. 49 CFR § 195.310(a). Each record must include the following: (1) pressure recording charts; (2) test instrument calibration data; (3) the name of the operator, person responsible for making the test, and test company used; (4) the date and time of the test; (5) the minimum test pressure; (6) the test medium; (7) a description of the facility tested and apparatus; (8) an explanation of pressure discontinuities, (9) a profile showing elevation and test sites where elevation differences are greater than 100 feet in a section; and (10) the temperature of the test medium during the test period. 49 CFR §§ 195.310(b)(1)–(10).

Section 195.406 sets the maximum operating pressures, except for surge pressures and other variations from normal operations. 49 CFR § 195.406(a). Under Section 195.406, no operator may operate a pipeline at a pressure that exceeds: (1) the internal design pressure of the pipe under Section 195.106;⁵ (2) the design pressure of any other component of the pipeline; (3) 80 percent of the test pressure for any part of the pipeline pressure tested under Subpart E; (4) 80 percent of the factory test pressure for any individually installed component that is exempt from pressure testing; and (5) for pipelines that may be operated without pressure testing under Section 195.302(b)(1), 80 percent of the test pressure or highest operating pressure to which the pipeline was subjected for four or more continuous hours that can be shown by recording charts or logs made when the test was conducted. 49 CFR § 195.406(a).

The Commission seeks comment on pressure testing requirements for all public utility pipelines transporting hazardous liquids, including the frequency at which pressure testing should be conducted. The Commission also seeks comment on pressure testing record requirements and record requirements for maximum operating pressure. Interested parties should discuss industry standards as well as best practices.

4. Line Markers

Section 195.410 requires that operators place and maintain line markers over buried pipeline in certain areas. 49 CFR § 195.410(a). Line markers must be located at public road crossings, railroad crossings, and “in sufficient numbers along the remainder of each buried line so that

⁵ Section 195.106 sets forth a formula with which to determine the internal design pressure for the pipe in a pipeline, including the yield strength and seam joint factor and their respective standards. See 49 CFR § 195.106.

its location is accurately known.” 49 CFR § 195.140(a)(1). Line markers must also be located where pipeline is above ground in areas accessible to the public. 49 CFR § 195.410(c). Line markers are not required for pipelines located offshore or at crossings under waterways, or in heavily developed urban areas, such as downtown business centers, where markers are impractical and where the local government maintains current substructure records. 49 CFR § 195.410(b)(2). Line markers must state “Warning,” “Caution,” or “Danger” followed by “Petroleum (or the name of the hazardous liquid transported) Pipeline.” 49 CFR § 195.410(a)(2)(i). This statement must be printed on a background of sharply contrasting color and be at least one inch high with a stroke of one-quarter inch. 49 CFR § 195.410(a)(2)(i). Line markers must also state the name of the operator and a complete telephone number for the operator. 49 CFR § 195.410(a)(2)(ii).

The Commission seeks comment regarding the adequacy of line marker requirements for hazardous liquid public utilities. We also seek comment on the use of markers for assets attached to mains, such as valves.

5. Inspections of Pipeline Rights-of-Way

Pursuant to Section 195.412, operators “shall, at intervals not exceeding 3 weeks, but at least 26 times each calendar year, inspect the surface conditions on or adjacent to each pipeline right-of-way.” 49 CFR § 195.412(a). The inspection may be conducted by walking, driving, flying, or other appropriate means. 49 CFR § 195.412(a). In addition, operators must inspect crossings under a navigable waterway, with the exception offshore pipelines, at least once every 5 years. 49 CFR § 195.412(b).

The Commission seeks comment on the appropriate method of inspection and the frequency at which inspections should occur beyond the requirements of Part 195.

6. Emergency Flow Restricting Devices

Emergency flow restricting devices (EFRD) refer to either check valves, which permit flow in one direction and contain a mechanism to automatically prevent flow in the other direction, or remote-control valves, which are operated from a remote location and linked to a pipeline control center by fiber optics, microwave, telephone lines, or satellite. 49 CFR § 195.450. EFRDs are to be installed as a preventative measure for pipelines that could affect high consequence areas, which include commercially navigable waterways, high population areas,⁶ other populated areas,⁷ and unusually sensitive areas.⁸ 49 CFR §§ 195.450, 195.452(i)(1). Pursuant to Section 195.452(i)(4), “If an operator determines that an EFRD is needed on a pipeline segment to protect a high consequence area in the event of a hazardous liquid pipeline release, an operator must install the EFRD.” 49 CFR § 195.452(i)(4).

The Commission seeks comment regarding installation of remote-control valves on hazardous liquid public utility pipelines, including valve location, the number of valves and valve spacing in high consequence areas.

7. Leak Detection

Operators are required to have a means to detect leaks on pipeline systems. 49 CFR § 195.452(i)(3). For pipelines that could affect high consequence areas, operators must

evaluate their leak detection means and modify those means to protect the high consequence area. 49 CFR § 195.452(i)(3). In doing so, operators consider the length and size of the pipeline, type of product carried, proximity to the high consequence area, swiftness of the leak detection, location of the nearest response personnel, leak history, and risk assessment results. 49 CFR § 195.452(i)(3).

The Commission seeks comment on the leak survey requirements for hazardous liquid public utility pipelines as well as a discussion of whether minimum threshold requirements can be established for leak detection systems in all pipelines and what leak detection technologies are appropriate for use.

8. Corrosion Control and Cathodic Protection

Subpart H of Part 195 addresses corrosion control and cathodic protection for steel pipelines. 49 CFR § 195.551. With regard to external corrosion, Section 195.557 provides that buried or submerged pipelines must have an external coating for corrosion control if the pipeline is constructed, relocated, replaced, or otherwise changed after the Section 195.401(c) dates, or converted under Section 195.5 and has a coating that meets Section 195.559 requirements before it is placed in service or is a segment that is relocated, replaced, or substantially altered. 49 CFR §§ 195.557(a)-(b). Under Section 195.559, coatings for external corrosion control must be designed to mitigate corrosion, allow sufficient adhesion to metal surfaces to prevent the migration of moisture, resist cracking, resist damage due to handling and soil stress, support supplemental cathodic protection, and provide low moisture absorption and high electrical resistance, if the coating is of an insulating type. 49 CFR §§ 195.559(a)-(f).

Similarly, Section 195.563 provides that buried or submerged pipelines must have cathodic protection (CP) if the pipeline is constructed, relocated, replaced, or changed after the dates in Section 195.401(c) or converted under Section 195.5 and has cathodic protection that meets Section 195.571 requirements before it is placed in service or is a segment that is relocated, replaced, or substantially altered. 49 CFR §§ 195.563(a)-(b). Section 195.563 also requires that all other buried or submerged pipelines that have an effective external coating must also have cathodic protection, noting that an external coating is not effective if the current required to cathodically protect the pipeline is substantially the same as if the pipeline were bare. 49 CFR § 195.563(c), n. 1. Additionally, bare pipelines, breakout tank areas, and buried pumping stations must have cathodic protection in places where prior regulations required cathodic protection as part of electrical inspections. 49 CFR § 195.563(d). Unprotected pipe must be cathodically protected if required by Section 195.573(b), discussed below. 49 CFR § 195.563(e).

Section 195.573 sets forth standards for determining whether cathodic protection is adequate. 49 CFR § 195.573(a). For protected pipelines, tests must be conducted at least once a year with intervals not exceeding 15 months. 49 CFR § 195.573(a)(1). Where testing once a year is not practical for separately protected short sections of bare or ineffectively coated pipelines, tests should be conducted at least once every three years with intervals not exceeding 39 months. 49 CFR § 195.573(a)(1). Additionally, within two years after installing cathodic protection, the circumstances in which a close-interval survey (CIS) is practicable and necessary to comply with NACE SP0169-2007, Standard Practice, Control of Ero-

⁶ A high population area is “an urbanized area, as defined and delineated by the Census Bureau, that contains 50,000 or more people and has a population density of at least 1,000 people per square mile.” 49 CFR § 195.450.

⁷ A populated area is “a place, as defined and delineated by the Census Bureau, that contains a concentrated population, such as an incorporated or unincorporated city, town, village, or other designated residential or commercial area.” 49 CFR § 195.450.

⁸ An unusually sensitive area is “a drinking water or ecological resource area that is unusually sensitive to environmental damage from a hazardous liquid pipeline release.” 49 CFR § 195.6.

sion on Underground or Submerged Metallic Piping Systems, NACE International (March 15, 2007), should be determined.⁹ 49 CFR § 195.573(a)(2). For unprotected pipelines, reevaluation for cathodic protection in areas in which active corrosion is found should occur at least once every three years with intervals not exceeding 39 months. 49 CFR § 195.573(b)(2).

The internal effect of hazardous liquids being transported on the pipeline must also be investigated and mitigated. 49 CFR § 195.579(a). Section 195.579 requires that adequate steps must be taken to mitigate internal corrosion, including the use of inhibitors to protect the entire part of the pipeline system that they are designed to protect, the use of coupons or other monitoring equipment to determine the effectiveness of the inhibitors, and the examination of the coupons or other monitoring equipment at least twice a year with intervals not exceeding 7.5 months. 49 CFR §§ 195.579(b)(1)–(3). Pipe must be inspected for internal corrosion upon removing it from a pipeline; if there is internal corrosion requiring corrective action under Section 195.585, discussed below, a circumferential and longitudinal inspection must be undertaken to determine whether additional corrosion exists near the removed segment. 49 CFR § 195.579(c).

Operators conducting in-line inspections must comply with API Standard 1163, In-Line Inspection Systems Qualification, American Petroleum Institute, 2nd ed. (April 2013), as well as NACE SP0102-2010, Standard Practice, Inline Inspection of Pipelines, NACE International (March 13, 2010). 49 CFR § 195.591; see also 49 CFR § 195.3(g)(3). In-line inspection refers to the inspection of a pipeline from the interior using an in-line inspection tool, or a device that uses non-destructive techniques to inspect the pipeline; in-line inspection is also known as “intelligent or smart pigging.” 49 CFR § 195.2.

In terms of corrective action for corrosion, Section 195.585 provides that, if pipe is so corroded that the remaining wall thickness is less than required for the maximum operation pressure of the pipelines, the pipe must be replaced. 49 CFR § 195.585(a). However, replacing the pipe can be avoided by reducing the maximum operating pressure commensurate with the strength of the pipe needed based on the actual wall thickness or by repairing the pipe using a reliable method shown by engineering tests and analyses to permanently restore the pipe. 49 CFR §§ 195.585(a)(1)–(2).

The Commission seeks comment on the measures necessary to protect hazardous liquid public utility pipelines against both external and internal corrosion. In addition, the Commission seeks comment on what constitutes adequate cathodic protection. Interested parties should discuss tests to assess the adequacy of cathodic protection, including close-interval surveys, and the frequency at which tests should be conducted. Interested parties should also discuss the use of hydrostatic testing, or pipeline pigging, as it pertains to corrosion control and cathodic protection. Moreover, interested parties should discuss the use of in-line inspection and the appropriate

frequency of in-line inspection. Comments on these areas should identify industry standards and implementation timeframe for an appropriate inspection program, as well as best practices.

C. Additional Subject Areas for Public Comment

The Commission seeks public comment on the following additional areas for potential regulation:

1. Utility interactions with local government officials, including but not limited to such topics as emergency planning and emergency response coordination, periodic drills with utility/municipal coordination.
2. Requiring periodic public awareness meetings with municipal officials and the public.
3. Pennsylvania-specific enhancements to public utilities’ public awareness programs pursuant to 49 CFR § 195.440 and API Recommended Practice 1162.
4. Pennsylvania-specific enhancements for operator qualification.
5. Enhancing transparency while protecting confidential infrastructure security information.
6. Regulation of construction techniques such as horizontal directional drilling.
7. Accident and incident reporting criteria, notification criteria for reporting incidents or unusual events to local emergency officials.
8. Advance notification and/or Commission preapproval of major construction activities.
9. Odorant utilization.
10. Geophysical testing and baselining.
11. Protection of public and private water wells and supplies.
12. Land agents and eminent domain (see 52 Pa. Code § 57.91).
13. Background investigations of employees and contractors.
14. Integration of new regulations on existing facilities.

Conclusion

The Commission will consider extensively the safety standards applicable to hazardous liquid public utilities. The time is ripe to move forward with specific proposals to enhance pipeline safety in Pennsylvania. We must proceed expeditiously, but cautiously, acknowledging that our actions must be compatible with the federal pipeline safety laws at 49 CFR Part 195. Significant improvements to hazardous liquid public utility safety standards can be accomplished by building upon the federal pipeline safety laws. Through this order we invite comment on various issues to carefully begin the process of crafting new rules aimed at improving the safety of construction, operation, maintenance, and other functions of hazardous liquid public utilities.

Interested parties should comment on all matters discussed in this Order and on any other related matter they believe we should address. We urge interested parties to submit, along with their comments, any available data to support their position. This includes cost data, along with data for any alternatives proposed. Interested parties may also submit specific regulations for consideration by the Commission.

Due to the comprehensive nature of this proposed rulemaking and the complexity of the subject matter, interested parties will be given 60 days from the date of

⁹ As referenced in Part 195, Paragraph 10.1.1.3 of SP0196, provides: When practicable and determined necessary by sound engineering practice, a detailed (close-interval) potential survey should be conducted to:

- (a) assess the effectiveness of the CP system;
- (b) provide base line operating data;
- (c) locate areas of inadequate protection levels;
- (d) identify locations likely to be adversely affected by construction, stray currents, or other unusual environmental conditions; or
- (e) select areas to be monitored periodically.

NACE SP0169-2007, Standard Practice, Control of Erosion on Underground or Submerged Metallic Piping Systems, NACE International (March 15, 2007); see also 49 CFR § 195.3(g)(1).

publication in the *Pennsylvania Bulletin* to submit comments. The Commission is nonetheless committed to moving this rulemaking forward in a timely fashion.

Upon careful review and consideration of the comments received in response to this Advance Notice of Proposed Rulemaking, the Commission intends to issue a formal Notice of Proposed Rulemaking with proposed regulations; *Therefore,*

It Is Ordered:

1. That the Law Bureau shall duly deposit this Order with the Legislative Reference Bureau to be published in the *Pennsylvania Bulletin*.

2. That written comments referencing Docket No. L-2019-3010267 be submitted within 60 days of publication in the *Pennsylvania Bulletin* to the Pennsylvania Public Utility Commission, Attn: Secretary, 400 North Street, Harrisburg, PA 17120. Comments may also be filed electronically through the Commission's e-File System.

3. That this Order proposing to revise the regulations appearing in Title 52 of the *Pennsylvania Code* Chapter 59 (relating to Safety), be served on all jurisdictional hazardous liquid public utilities, the Bureau of Investigation and Enforcement, the Office of Consumer Advocate, and the Office of Small Business Advocate.

4. That a copy of this Order shall be posted on the Commission's website, www.pa.puc.gov, at the web page for Pipeline Safety.

5. The contact persons for this matter are Colin W. Scott, (717) 787-5949, colinscott@pa.gov; Hayley E. Dunn, (717) 214-9594, haydunn@pa.gov; and Erin N. Tate, (717) 214-1956, etate@pa.gov in the Law Bureau.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 19-962. Filed for public inspection June 28, 2019, 9:00 a.m.]

NOTICES

DEPARTMENT OF BANKING AND SECURITIES

Actions on Applications

The Department of Banking and Securities (Department), under the authority in the Banking Code of 1965 (7 P.S. §§ 101—2204), the Department of Banking and Securities Code (71 P.S. §§ 733-1—733-1203) and 17 Pa.C.S. (relating to Credit Union Code), has taken the following actions on applications received for the week ending June 18, 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

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
06-03-2019	Bank of Bird-in-Hand Bird-in-Hand Lancaster County	3314 Lincoln Highway East Paradise Lancaster County	Opened
06-14-2019	FNCB Bank Dunmore Lackawanna County	360 South Mountain Boulevard Mountain Top Luzerne County	Opened
06-17-2019	Noah Bank Elkins Park Montgomery County	350 North Broadway, Unit 352 Jericho Nassau County, NY	Opened

Articles of Amendment

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
06-12-2019	FNCB Bank Dunmore Lackawanna 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 102 East Drinker Street, Dunmore, Lackawanna County, PA, to 100 South Blakely Street, Dunmore, Lackawanna 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 includes public notices for more recently filed applications.

ROBIN L. WIESSMANN,
Secretary

[Pa.B. Doc. No. 19-963. Filed for public inspection June 28, 2019, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Application of Robert W. Watkins for Reinstatement of Teaching Certificates; Doc. No. RE-19-03

Notice of Opportunity for Hearing and Invitation to Protest

Under the Educator Discipline Act (act) (24 P.S. §§ 2070.1a—2070.18c), the Professional Standards and Practices Commission (Commission) will consider the

application of Robert W. Watkins for reinstatement of his teaching certificates.

Robert W. Watkins filed an application for reinstatement of his teaching certificates under section 16 of the act (24 P.S. § 2070.16), 1 Pa. Code §§ 35.1 and 35.2 (relating to applications) and 22 Pa. Code § 233.123 (relating to reinstatements). Robert W. Watkins waived his right to a hearing.

In accordance with the act, 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and 22 Pa. Code § 233.123(d), the Commission will

act upon the application without hearing, unless within 30 days after the publication of this notice in the *Pennsylvania Bulletin* a written request for public hearing is filed with the Commission, along with a notice of intervention, a petition to intervene or protest in accordance with 1 Pa. Code §§ 35.23 and 35.24 (relating to protests) or 1 Pa. Code §§ 35.27—35.32 (relating to intervention).

Petitions to intervene, protests and requests for hearing shall be filed with Shane Crosby, Executive Director, Professional Standards and Practices Commission, 333 Market Street, Harrisburg, PA 17126-0333, on or before

4 p.m. on the due date prescribed by this notice.

Persons with a disability who wish to attend the hearing, if held, and require an auxiliary aid, service or other accommodation to participate should contact Kyle Shemory at (717) 787-6576 to discuss how the Commission may best accommodate their needs.

PEDRO A. RIVERA,
Secretary

[Pa.B. Doc. No. 19-964. Filed for public inspection June 28, 2019, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

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

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

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

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

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

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

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

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

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

I. NPDES Renewal Applications.

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0061611 (Sewage)	Westfall WWTP 155 Westfall Town Drive Matamoras, PA 18336	Pike County Westfall Township	Delaware River (WWF, MF) (1-D)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0012998 (Industrial)	Atlas Minerals & Chemicals Mertztown Plant P.O. Box 38 1227 Valley Road Mertztown, PA 19539-0038	Berks County Longswamp Township	Toad Creek (HQ-CWF) (2-C)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0254151 (Industrial)	Sprague Energy, LLC Bridge Street Bulk Plant 1045 W Chestnut Street Washington, PA 15301-4136	Washington County Washington City	Catfish Creek (WWF) (20-F)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N?</i>
PA0103331 (Sewage)	Jackson Center Borough STP P.O. Box 38 Jackson Center, PA 16133	Mercer County Jackson Center Borough	Yellow Creek (TSF) (20-A)	Yes
PA0222488 (Sewage)	J&R Kabel SFTF 120 Winfield Road Sarver, PA 16055	Butler County Jefferson Township	Sarver Run (HQ-TSF) (18-F)	Yes
PA0033421 (Sewage)	Mercer Grove City KOA Campground 1337 Butler Pike Mercer, PA 16137-6211	Mercer County Findley Township	Unnamed Tributary to Pine Run (TSF) (20-A)	Yes
PA0102652 (Sewage)	Countryside MHP 27777 Franklin Road Suite 200 Southfield, MI 48034-8205	Erie County McKean Township	Unnamed Tributary to Elk Creek (15-A)	Yes
PA0272779 (Sewage)	Neshannock Creek Watershed Joint Municipal Authority WWTP 369 McClelland Road Mercer, PA 16137-6313	Mercer County East Lackawannock Township	Neshannock Creek (20-A)	Yes
PA0100757 (Sewage)	Country Corner RV Park P.O. Box 850 Cochranon, PA 16314-0850	Mercer County New Lebanon Borough	Mill Creek (CWF) (16-D)	Yes

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

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

PA0027294, Sewage, SIC Code 4952, **Bristol Borough Water & Sewer Authority**, 250 Pond Street, Bristol, PA 19007. Facility Name: Bristol Borough WPC Plant. This existing facility is located in Bristol Borough, **Bucks County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of 2.7 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum Monthly Average</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Total Dissolved Solids	XXX	XXX	XXX	1,000.0 Avg Qrtly	XXX	XXX
Total Nitrogen	Report Avg Qrtly	XXX	XXX	Report Avg Qrtly	XXX	XXX
Total Phosphorus	Report Avg Qrtly	XXX	XXX	Report Avg Qrtly	XXX	XXX
Toxicity, Chronic - Ceriodaphnia Survival (TUC)	XXX	XXX	XXX	XXX	Report	XXX
Toxicity, Chronic - Ceriodaphnia Reproduction (TUC)	XXX	XXX	XXX	XXX	Report	XXX
Toxicity, Chronic - Pimephales Survival (TUC)	XXX	XXX	XXX	XXX	Report	XXX
Toxicity, Chronic - Pimephales Growth (TUC)	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 2.7 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum Monthly Average</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
PCBs Dry Weather Analysis (pg/L)	XXX	XXX	XXX	XXX	Report	XXX
PCBs Wet Weather Analysis (pg/L)	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 2.7 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum Monthly Average</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	4.0 Inst Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	366	549	XXX	17	26 Wkly Avg	34
Carbonaceous Biochemical Oxygen Demand (CBOD ₅) Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Biochemical Oxygen Demand (BOD ₅) Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
CBOD ₅ Minimum % Removal (%) Percent Removal	XXX	XXX	88.50	XXX	XXX	XXX
Total Suspended Solids Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	676	1013	XXX	30	45 WklyAvg	60
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
May 1 - Sep 30	XXX	XXX	XXX	200.0 Geo Mean	XXX	1,000.0
Ammonia-Nitrogen	788	XXX	XXX	35	XXX	70

Sludge use and disposal description and location(s): Sent off-site for treatment and disposal (DELCORA).

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

- Proper sludge disposal
- TRC minimization
- Designation of responsible operator
- Operations and Maintenance plan

- WET Testing
- PCB Minimization Plan

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

The EPA Waiver is not in effect.

PA0024180, Sewage, SIC Code 4952, **Berks Montgomery Municipal Authority**, 136 Municipal Drive, Gilbertsville, PA 19525-9463. Facility Name: Swamp Creek STP. This existing facility is located in Douglass Township, **Montgomery 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), Swamp Creek (TSF, MF), is located in State Water Plan watershed 3-E and is classified for Migratory Fishes and Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 2.3 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Daily Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Total Dissolved Solids	XXX	XXX	XXX	1,000.0	XXX	2,500
Copper, Total	XXX	XXX	XXX	Avg Qrtly Report	XXX	XXX
Toxicity, Chronic - Ceriodaphnia Survival (TUc)	XXX	XXX	XXX	Avg Qrtly 1.77	XXX	XXX
Toxicity, Chronic - Ceriodaphnia Reproduction (TUc)	XXX	XXX	XXX	Daily Max 1.77	XXX	XXX
Toxicity, Chronic - Pimephales Survival (TUc)	XXX	XXX	XXX	Daily Max 1.77	XXX	XXX
Toxicity, Chronic - Pimephales Growth (TUc)	XXX	XXX	XXX	Daily Max 1.77	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 2.3 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Daily Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min 6.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅) Nov 1 - Apr 30	480	767	XXX	25	40	50
Carbonaceous Biochemical Oxygen Demand (CBOD ₅) May 1 - Oct 31	288	441	XXX	15	23	30
Carbonaceous Biochemical Oxygen Demand (CBOD ₅) Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Biochemical Oxygen Demand (BOD ₅) Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	575	863	XXX	30	45	60
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	1,000
Ultraviolet light transmittance (%)	XXX	XXX	Report	Geo Mean XXX	XXX	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen Nov 1 - Apr 30	104	XXX	XXX	5.4	XXX	10.8
May 1 - Oct 31	35	XXX	XXX	1.8	XXX	3.6
Total Kjeldahl Nitrogen	Report	XXX	XXX	Report	XXX	XXX

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Daily Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Total Phosphorus						
Nov 1 - Mar 31	38	XXX	XXX	2.0	XXX	4
Apr 1 - Oct 31	19	XXX	XXX	1.0	XXX	2
Aluminum, Total	XXX	XXX	XXX	0.85	1.3	1.7
					Daily Max	

Sludge use and disposal description and location(s): Sludge is dewatered through a belt filter press and solids are taken to the landfill.

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

Recommended Part C Conditions:

I. Other Requirements

A. No Stormwater

B. Acquire Necessary Property Rights

C. Sludge Disposal Requirements

D. Small Stream Discharge

E. Responsible Operator

F. Additional DRBC Requirements

G. DRBC 10% Rule

II. Solids Management

III. Whole Effluent Toxicity (WET)

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

The EPA Waiver is not in effect.

PA0050326 A-1, Industrial, SIC Code 3312, **ArcelorMittal Plate LLC**, 900 Conshohocken Road, Conshohocken, PA 19428-1038. Facility Name: ArcelorMittal Plate Conshohocken Plant. This existing facility is located in Plymouth Township, **Montgomery County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of 1.2 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Color (Pt-Co Units) (Pt-Co Units)	XXX	XXX	XXX	XXX	Report	XXX
Total Dissolved Solids	XXX	XXX	XXX	1,000.0	2,000.0	2,500
				Avg Qrtly		
Copper, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Dissolved	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Sulfate, Total	XXX	XXX	XXX	XXX	Report	XXX
Chloride	XXX	XXX	XXX	XXX	Report	XXX
Bromide	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 1.2 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
			Inst Min			
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.2
Temperature (deg F) (°F)	XXX	XXX	XXX	XXX	XXX	110
Total Suspended Solids	300	600	XXX	30	60	75
Oil and Grease	150	XXX	XXX	15	XXX	30

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Arsenic, Total	XXX	XXX	XXX	XXX	Report	XXX
Cadmium, Total	XXX	XXX	XXX	XXX	Report	XXX
Chromium, Total	XXX	XXX	XXX	XXX	Report	XXX
Copper, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Dissolved	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Manganese, Total	XXX	XXX	XXX	XXX	Report	XXX
Nickel, Total	XXX	XXX	XXX	XXX	Report	XXX

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Arsenic, Total	XXX	XXX	XXX	XXX	Report	XXX
Cadmium, Total	XXX	XXX	XXX	XXX	Report	XXX
Chromium, Total	XXX	XXX	XXX	XXX	Report	XXX
Copper, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Dissolved	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Manganese, Total	XXX	XXX	XXX	XXX	Report	XXX
Nickel, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 004 are based on a design flow of 0 MGD.—Final Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
PCBs Wet Weather Analysis (pg/L)	XXX	XXX	XXX	Report Daily Max	XXX	XXX

The proposed effluent limits for Outfall 004 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Arsenic, Total	XXX	XXX	XXX	XXX	Report	XXX
Cadmium, Total	XXX	XXX	XXX	XXX	Report	XXX
Chromium, Total	XXX	XXX	XXX	XXX	Report	XXX
Copper, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Dissolved	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Manganese, Total	XXX	XXX	XXX	XXX	Report	XXX
Nickel, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 005 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Arsenic, Total	XXX	XXX	XXX	XXX	Report	XXX
Cadmium, Total	XXX	XXX	XXX	XXX	Report	XXX
Chromium, Total	XXX	XXX	XXX	XXX	Report	XXX
Copper, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Dissolved	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Manganese, Total	XXX	XXX	XXX	XXX	Report	XXX
Nickel, Total	XXX	XXX	XXX	XXX	Report	XXX

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

- I. Other Requirements
 - A. Necessary Property Rights
 - B. Proper Sludge Disposal
 - C. Operation and Maintenance Plan
 - D. BAT/ELG reopener clause
 - E. TRC Minimization
 - F. 2°F Temperature Change
 - G. DRBC Additional Requirements
 - H. DRBC Docket
 - I. Remedial Measures if Public Nuisance
 - J. Instantaneous Maximum Limits
 - K. Discharge from Fire Hydrants
 - L. Treated Process Water for Dust Suppression
- II. WQBELs Below Quantitation Limits
- III. Chemical Additives
- IV. Requirements Applicable to Stormwater Outfalls
- V. PCB Monitoring

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

The EPA Waiver is not in effect.

PA0245119, Industrial, SIC Code 7538, **Dunne Manning Realty LP**, 645 Hamilton Avenue, Suite 500, Allentown, PA 18101. Facility Name: Eagle Valero GWCU. This proposed facility is located in Upper Uwchlan Township, **Chester County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of treated groundwater from petroleum contaminated groundwater remediation system.

The receiving stream, Unnamed Tributary to Pickering Creek (HQ-TSF, MF), is located in State Water Plan watershed 3-D and is classified for Migratory Fishes, and High-Quality Waters—Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .0144 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	6.0	XXX	XXX	XXX

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
Total Suspended Solids	XXX	XXX	XXX	5.0	10.0	12.5
Oil and Grease	XXX	XXX	XXX	5.0	10.0	12.5
Iron, Dissolved	XXX	XXX	XXX	0.3	0.3	0.3
Ethylbenzene	XXX	XXX	XXX	<0.0005	<0.0005	<0.0005
Benzene	XXX	XXX	XXX	<0.0005	<0.0005	<0.0005
BTEX, Total	XXX	XXX	XXX	Report	Report	XXX
Toluene	XXX	XXX	XXX	<0.0005	<0.0005	<0.0005
Xylenes, Total	XXX	XXX	XXX	Report	Report	XXX
MTBE	XXX	XXX	XXX	Report	Report	XXX

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

- A. Acquire Necessary Property Rights
- B. Proper Sludge Disposal
- C. BAT/ELG Reopener
- D. TMDL/WLA Analysis
- E. Start-Up Condition
- F. Continuous Operation

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

The EPA Waiver is in effect.

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

Application No. PA0260223, Concentrated Animal Feeding Operation (CAFO), **Scott Brinton (Riverview Farms CAFO)**, 323 Riverview Road, Peach Bottom, PA 17563-9691.

Scott Brinton has submitted an application for an Individual NPDES permit for a renewal of an CAFO known as Riverview Farms CAFO, located in Fulton Township, **Lancaster County**.

The CAFO is situated near Unnamed Tributary to Puddle Duck Creek and Haines Branch in Watershed 7-K. The CAFO is designed to maintain an animal population of approximately 626.10 animal equivalent units (AEUs) consisting of 3,000 grow—finish pigs, 12 dairy heifers, 8 dairy calves, and 40,000 layers. Manure is stored in an underbarn manure storage pit, while layer manure is stored in barn until flocks are cleaned out. 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 717-705-4732.

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

Application No. PA0088927, Concentrated Animal Feeding Operation (CAFO), **Keating John W Jr (Keating Farm CAFO)**, 1620 Beans Cove Road, Clearville, PA 15535-8037.

Keating John W Jr has submitted an application for an Individual NPDES permit for a renewal of an CAFO known as Keating Farm CAFO, located in Southampton Township, **Bedford County**.

The CAFO is situated near Unnamed Tributary to West Branch Octoraro Creek (HQ-CWF, MF) in Watershed 7-K, which is classified for High Quality—Cold Water and Migratory Fish. The CAFO is designed to maintain an animal population of approximately 612.03 animal equivalent units (AEUs) consisting of 3,500 swine (grow-finish), 44 beef cows, 40 beef calves, 4 beef heifers, 2 beef steers, and 2 beef bulls. Liquid manure is stored beneath the two barns in 170 ft × 61 ft × 8 ft and 215 ft × 82 ft × 8 ft storages. 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 717-705-4732.

PA0281760, Sewage, SIC Code 8811, **AJ Home Solutions**, 1000 North Prince Street, Lancaster, PA 17603. Facility Name: Lower Windsor York County. This proposed facility is located in Lower Windsor Township, **York County**.

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

The receiving stream(s), Fishing Creek (TSF, MF), is located in State Water Plan watershed 7-I and is classified for Migratory Fishes and Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly	Minimum	Annual Average	Maximum	
Flow (MGD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

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

The EPA Waiver is in effect.

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

PA0255483, Industrial, SIC Code 4941, **Gray Area Water Authority Of Jenner Township**, P.O. Box 118, Gray, PA 15544-1439. Facility Name: Gray Area Water Authority Of Jenner Township. This proposed facility is located in Jenner Township, **Somerset County**.

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

The receiving stream(s), Spruce Run (HQ-CWF), is located in State Water Plan watershed 18-E and is classified for High Quality Waters—Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.003 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly	Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Daily Min	9.0	XXX
Total Residual Chlorine (TRC)	XXX	XXX	0.5	1.0	XXX
Total Suspended Solids	XXX	XXX	8.6	13.4	XXX
Aluminum, Total	XXX	XXX	0.75	0.75	XXX
Barium, Total (ug/L)	XXX	XXX	Report	Report	XXX
Boron, Total (ug/L)	XXX	XXX	Report	Report	XXX
Iron, Total	XXX	XXX	1.5	3.0	XXX
Lead, Total (ug/L)	XXX	XXX	Report	Report	XXX
Magnesium, Total	XXX	XXX	1.0	2.0	XXX
Sulfate, Total	XXX	XXX	Report	Report	XXX
Bromide (ug/L)	XXX	XXX	43.0 µg/L	67.0 µg/L	XXX
Dissolved Iron	XXX	XXX	34.4 µg/L	53.6 µg/L	XXX

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 412-442-4000.

The EPA Waiver is not in effect.

III. WQM Industrial Waste and Sewerage Applications under The Clean Streams Law.

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

WQM Permit No. 6719404, Sewerage, **York Township Water and Sewer Authority**, 190 Oak Road, Dallastown, PA 17313.

This proposed facility is located in York Township, **York County**.

Description of Proposed Action/Activity: Seeking permit approval for the construction/operation of the replacement of the Green Valley Pump Station.

WQM Permit No. 6719403, Sewerage, **Stewartstown Borough Authority**, 6 North Main Street, Stewartstown, PA 17363.

This proposed facility is located in Stewartstown Borough, **York County**.

Description of Proposed Action/Activity: Seeking permit approval for the construction/operation of the Mayberry Pump Station and Improvements to Bailey's Pump Station No. 1 and High Street Pump Station No. 2.

WQM Permit No. 6719406, Sewerage, **AJ Home Solutions**, 175 Hakes Hollow Road, Wrightsville, PA 17368.

This proposed facility is located in Lower Windsor Township, **York County**.

Description of Proposed Action/Activity: Seeking permit approval for one new small flow treatment facility.

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

WQM Permit No. 0219402, Sewage, **Collier Township Municipal Authority Allegheny County**, 3300 Preble Avenue, Pittsburgh, PA 15233-1025.

This proposed facility is located in Collier Township, **Allegheny County**.

Description of Proposed Action/Activity: Installation of a low-pressure sewer system to serve seven dwellings along Summer Drive.

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

WQM Permit No. 1019404, Sewage, **Lori L Love**, 637 New Castle Road, Butler, PA 16001-8325.

This proposed facility is located in Connoquenessing Township, **Butler County**.

Description of Proposed Action/Activity: Small flow treatment facility to serve existing veterinary clinic and attached apartment.

WQM Permit No. 6219408, Sewage, **Matthew Getner**, 595 Irvine Run Road, Irvine, PA 16329.

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

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

WQM Permit No. 4319407, Sewage, **Steven Erdman**, 618 Conneaut Lake Road, Adamsville, PA 16110.

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

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

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

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

PAI130061, MS4, **Coatesville City Chester County**, 1 City Hall Place, Coatesville, PA 19320-3446. The application is for a renewal of an individual NPDES permit for the discharge of stormwater from a regulated municipal separate storm sewer system (MS4) to waters of the Commonwealth in Coatesville City, **Chester County**. The receiving stream(s), West Branch Brandywine Creek (WWF, MF) and Sucker Run (WWF, MF), is located in State Water Plan watershed 3-H and is classified for Migratory Fishes and Warm Water Fishes, aquatic life, water supply and recreation. The applicant is classified as a small MS4.

The applicant has submitted the following plan(s) with the application to reduce pollutant loads to impaired waters:

- Total Maximum Daily Load (TMDL) Plan

The Department has made a tentative determination to issue the NPDES permit. Written comments on the application and draft permit will be accepted for 30 days following publication of this notice. The period for comment may be extended at the discretion of DEP for one additional 15-day period. You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA waiver is in effect for small MS4s, and is not in effect for large MS4s.

PAI130534, MS4, **Upper Salford Township Montgomery County**, P.O. Box 100, Salfordville, PA 18958-0100. The application is for a renewal of an individual NPDES permit for the discharge of stormwater from a regulated municipal separate storm sewer system (MS4) to waters of the Commonwealth in Upper Salford Township, **Montgomery County**. The receiving stream(s), Unnamed Tributary to Vaughn Run (TSF, MF), Vaughn Run (TSF, MF), Unnamed Tributary of Perkiomen Creek (TSF, MF), Unnamed Tributary to East Branch Perkiomen Creek (TSF, MF), Unnamed Tributary to Perkiomen Creek (TSF, MF), Unnamed Tributary to Unami Creek (HQ-TSF, MF), and Unnamed Tributary of East Branch Perkiomen Creek (TSF, MF), is located in State Water Plan watershed 3-E and is classified for Migratory Fishes, Mi, Trout Stocking, and High Quality Waters—Trout Stocking, aquatic life, water supply and recreation. The applicant is classified as a small MS4.

The Department has made a tentative determination to issue the NPDES permit. Written comments on the application and draft permit will be accepted for 30 days following publication of this notice. The period for comment may be extended at the discretion of DEP for one additional 15-day period. You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA waiver is in effect for small MS4s, and is not in effect for large MS4s.

PAI130087, MS4, **New Hope Borough Bucks County**, 123 New Street, New Hope, PA 18938. The application is for a new individual NPDES permit for the discharge of stormwater from a regulated municipal separate storm sewer system (MS4) to waters of the Commonwealth in New Hope Borough, **Bucks County**. The receiving stream(s), Delaware River

(WWF, MF) and Aquetong Creek (HQ-CWF, MF), is located in State Water Plan watershed 2-E and is classified for Migratory Fishes, Warm Water Fishes, High Quality—Cold Water, and Migratory Fish, aquatic life, water supply and recreation. The applicant is classified as a small MS4.

The Department has made a tentative determination to issue the NPDES permit. Written comments on the application and draft permit will be accepted for 30 days following publication of this notice. The period for comment may be extended at the discretion of DEP for one additional 15-day period. You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA waiver is in effect for small MS4s, and is not in effect for large MS4s.

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD150118	French Creek TH, LP 126 East State Street Media, PA 19063-3431	Chester	Borough of Phoenixville	French Creek TSF-MF

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

Carbon County Conservation District, 5664 Interchange Road, Lehigh, PA 18235.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD130020	Broad Mtn Power LLC C/O Liberty Power 345 David Rd Ste 100 Oakville, ON L6J 2X1	Carbon	Nesquehoning Boro Packer Twp	Shed A: Oberson Run (HQ-CWF, MF) Shed B: Quakake Creek (HQ-CWF, MF) Shed C: Deep Run (EV, MF) Shed D: Broad Run (EV, MF) Shed E: Dennison Run (EV, MF) Shed F: Still Creek (HQ-CWF, MF) Shed G: Bear Creek (EV, MF) Shed H: Grassy Meadow Run (EV, MF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD390130	Jaindl Land Co 3150 Coffeetown Rd Orefield, PA 18069	Lehigh	Upper Macungie Twp	Little Lehigh Creek (HQ-CWF, MF)
PAD390133	County of Lehigh Bureau of Parks & Renovations 17 S 7th St Allentown, PA 18101	Lehigh	S Whitehall Twp	Cedar Creek (HQ-CWF, MF)

Luzerne Conservation District, 325 Smiths Pond Road, Shavertown, PA 18708.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD400023	Sand Springs Development Corp Michael Tuskes 4511 Falmer Dr Bethlehem, PA 18020	Luzerne	Butler Twp	Long Run (HQ-CWF, MF) UNT to Nescopeck Creek (CWF, MF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD480080	Donald Keeney D.L. Keeney General Contractors 3114 Bath Pike Nazareth, PA 18064	Northampton	Bath Boro	Monocacy Creek (HQ-CWF, MF)
PAD480095	Chrin Land Developers 400 S Greenwood Ave Easton, PA 18045	Northampton	Palmer Twp	Schoeneck Creek (WWF, MF) Bushkill Creek (HQ-CWF, MF)

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

<i>Permit #</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD210035	Joe LLC 1485 Fairmont Drive Harrisburg, PA 17109	Cumberland	Hampden Township Mechanicsburg Borough	Trindle Spring Run (HQ-CWF)

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD180022 Major Mod/ Renewal Previously PAI0418-15-001	Schrack Farms Partnership, LP 860 West Valley Road Loganton, PA 17747	Clinton	Greene Twp Logan Twp	Fishing Creek HQ-CWF

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

PAG-12 CAFOs

CAFO Notices of Intent Received.

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

NPDES Permit No. PAG123888, CAFO, Martin Kevin Z, 288 Shartlesville Road, Bernville, PA 19506.

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

Description of size and scope of proposed operation/activity: 144,000 Poultry Broilers; 394.95 AEU's.

The receiving stream, Northkill Creek (CWF, MF), is in watershed 3-C and classified for: Cold Water Fishes and Migratory Fishes.

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. PAG123889, CAFO, Klines Hillside Farm, 197 Coble Road, Chambersburg, PA 17202.

This proposed facility is located in Saint Thomas Township, **Franklin County**.

Description of size and scope of proposed operation/activity: 2200 Finishing Swine, 328.19 AEU's; 17,600 Turkey Hens, 201.67 AEU's; 3 Beef Finish Cattle, 2.85 AEU's.

The receiving stream, Unnamed Tributary of Back Creek (TSF) and Unnamed Tributary of Back Creek (TSF, MF), is in watershed 13-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. PAG124868, CAFO, Boyles Robert, 258 Mountain Road, Muncy Valley, PA 17758-9548.

This proposed facility is located in Franklin Township, **Lycoming County**.

Description of size and scope of proposed operation/activity: 4,200 Finishing Swine, 493.64 AEUs; 38 Beef Cows, 53.2 AEUs; 43 Beef Steers, 40.85 AEUs; 2 Beef Bulls, 3 AEUs.

The receiving stream, Unnamed Tributary to Beaver Run (CWF, MF), is in watershed 10-D and classified for: Cold Water Fishes and Migratory Fishes.

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.

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>
Matter Family Farms Dylan Matter 188 Cocolamus Creek Road Millerstown, PA 17062	Perry	32.3	85.00	Duck	NA	New
Schrack Farms Partnership 860 West Valley Road Loganton, PA 17747	Clinton	2,210.1	2,339.75	Dairy	HQ	Renewal
Reifsneider Farm 2596 New Bridgeville Rd Felton, PA 17322	York	27	275.65	Poultry	NA	Renewal
Swanger Ranch Paul Swanger 150 Kissel Barrick Road Bainbridge, PA 17502	Lancaster	12	336.95	Swine	NA	R
Noah W. Kreider & Sons, LLP Manheim Farm 1461 Lancaster Road Manheim, PA 17545	Lancaster	1,900	16,004.3	Dairy/ Poultry	NA	R
Blevins Blue Mountain Finishing Farm 10315 Otterbein Church Rd Newburg, PA 17240	Franklin	97	620.58	Swine	None	Renewal

PUBLIC WATER SUPPLY (PWS) PERMITS

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

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

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

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

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

SAFE DRINKING WATER

Applications taken under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17).

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

Permit No. 0119502, Public Water Supply.

Applicant **C&D Bar and Grill**
 Municipality Berwick Township
 County **Adams**
 Responsible Official Charlie Kalathas, Owner
 6465 York Road
 New Oxford, PA 17350
 Type of Facility Public Water Supply
 Consulting Engineer Michael J. Mehaffey, P.E.
 Gannett Fleming, Inc.
 P.O. Box 67100
 Harrisburg, PA 17106-7100
 Application Received: 5/30/2019
 Description of Action Installation of Well No. 2 as an additional source of supply. Treatment modifications include the additional of raw water storage tanks, booster pumps, additional GAC units for VOC removal and revision of the treatment flow path.

Northcentral Region: Safe Drinking Water Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.

Application No. 1419502—Construction—Public Water Supply.

Applicant **SCI-Rockview—Department of Corrections**
 Township/Borough Benner Township
 County **Centre County**
 Responsible Official Mr. John L. Hayles
 P.O. Box A
 Bellefonte, PA 16823
 Type of Facility Public Water Supply—Construction
 Consulting Engineer Mr. John R. Segursky, P.E.
 UNI-TEC Consulting Engineering, Inc.
 2007 Cato Avenue
 State College, PA 16801
 Application Received 06/10/2019
 Description of Action Authorizes construction of a water-softening facility on the finished-water line that is leaving the filtration plant.

Application No. 1719504—Construction—Public Water Supply.

Applicant **Aqua PA-Treasure Lake Division**
 Township/Borough Sandy Township
 County **Clearfield County**
 Responsible Official Mr. Patrick Burke
 Aqua Pennsylvania, Inc.
 204 East Sunbury Street
 Shamokin, PA 17872
 Type of Facility Public Water Supply—Construction
 Consulting Engineer Mr. Andrew R. Glitzer, P.E.
 GHD, Inc.
 321 Washington Street
 Huntingdon Borough, PA 16652
 Application Received 06/14/2019
 Description of Action Authorizes construction of a replacement treatment & pumping buildings, new process tanks & pumping stations, new chlorine contact pipe, new treatment equipment, & a new grinder pump station.

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

Permit No. 0419510, Public Water Supply.

Applicant **Blackhawk Area School District**
 500 Blackhawk Road
 Beaver Falls, PA 15010
 [Township or Borough] Darlington Township

Responsible Official Dr. Robert Postupac,
Superintendent
Blackhawk Area School District
256 Elmwood Boulevard
Darlington, PA 16115

Type of Facility Northwestern Primary

Consulting Engineer Widmer Engineering, Inc.
806 Lincoln Place
Beaver Falls, PA 15010

Application Received June 13, 2019

Date

Description of Action Installation of a corrosion control system.

Central Office: Bureau Director, Bureau of Safe Drinking Water, P.O. Box 8467, Harrisburg, PA 17105-8467.

Permit No. [9996434], Public Water Supply.

Applicant **[Creekside Springs LLC]**

[Township or Borough] [Salineville, Ohio]

Responsible Official [James Sas, Managing Partner]

Type of Facility [Out of State Bottled Water System]

Application Received [June 12, 2019]

Date

Description of Action [Applicant requesting Department approval to use alkaline water treatment and sell alkaline bottled water products in Pennsylvania.]

MINOR AMENDMENT

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

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

Application No. 0419511MA, Minor Amendment.

Applicant **Beaver Borough Municipal Authority**
469 Third Street
Beaver, PA 15009

[Township or Borough] Beaver Borough

Responsible Official Daniel J. Martone P.E.
Authority Engineer
Beaver Borough Municipal Authority
469 Third Street
Beaver, PA 15009

Type of Facility Water system

Consulting Engineer Civil & Environmental Consultants, Inc.
325 Seaboard Lane
Suite 170
Franklin, TN 37067

Application Received June 14, 2019

Date

Description of Action Change in chlorination system from gas chlorine to sodium hypochlorite.

Application No. 0219514MA, Minor Amendment.

Applicant **Springdale Township Water Department**
100 Plate Drive
P.O. Box 177
Harwick, PA 15049

[Township or Borough] Springdale Township

Responsible Official Anthony Rozzano, Board President
Springdale Township Water Department
100 Plate Drive
P.O. Box 177
Harwick, PA 15049

Type of Facility Water system

Consulting Engineer Senate Engineering Company
U-PARC
420 William Pitt Way
Pittsburgh, PA 15238

Application Received June 12, 2019

Date

Description of Action Installation of an interconnection with the Fawn Frazer Joint Water Authority.

Application No. 1116512-T1, Minor Amendment.

Applicant **Forest Hills Care Services, LLC**
365 Humbert Road
Sidman, PA 15955

[Township or Borough] Croyle Township

Responsible Official Christine Weaver, President
Forest Hills Care Services, LLC
365 Humbert Road
Sidman, PA 15955

Type of Facility Water system

Consulting Engineer N/A

Application Received May 22, 2019

Date

Description of Action Transfer of the Forest Hills Personal Care Home from Country Living Estates, Inc.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

**UNDER ACT 2, 1995
PREAMBLE 1**

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P.S. §§ 6026.302—6026.305) require the Department to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. A person intending to use the background standard, Statewide health standard, the site-specific standard or intend to remediate a site as a special industrial area shall file a Notice of Intent to

Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of cleanup standards or receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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

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

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

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

MBA Transport of Columbus, LLC, Interstate 80W at MM 191.0, Loganton, Greene Township, **Clinton County**. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857, on behalf of MBA Transport of Columbus, LLC, P.O. Box 24460, Columbus, OH 43224, has submitted a Notice of Intent to Remediate site soil contaminated with diesel fuel. The applicant proposes remediation of the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was published in *The Daily Item* on May 29, 2019.

Bond release proposal under the Solid Waste Management Act, the Act of July 7, 1980, P.L. 380, 35 P.S. §§ 6018.101—6018.1003 and regulations to operate a municipal or residual waste facility.

Southwest Regional Office: Regional Manager, Waste Management, 400 Waterfront Drive, Pittsburgh, PA 15222, Telephone 412-442-4000.

Range Resources-Appalachia, LLC, 3000 Town Center Boulevard, Canonsburg, PA 15317. The Department of Environmental Protection (DEP) is proposing to release

\$217,950.00 in bond liability for Range Resources-Appalachia, LLC for the clean closure of its Martin Tank Pad for the processing, transfer and beneficial use of oil and gas liquid waste under Residual Waste General Permit WMGR123SW030 located at 520 Linden Creek Road, Canonsburg, PA 15317, North Strabane Township, **Washington County**. Range Resources Appalachia LLC submitted a request for bond release on May 21, 2019.

Comments will be accepted on this request for up to 30 days from the date of the notice. Comments should be submitted to the DEP office listed above.

RESIDUAL WASTE GENERAL PERMITS

Permit(s) Modification and Renewal Under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.

Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.

General Permit No. WMGR040 Base. The Department of Environmental Protection is proposing modifications to Residual Waste General Permit WMGR040. This permit authorizes the operation of transfer facilities for the processing, prior to beneficial use, of waste oil (including waste oil mixed with hazardous waste in accordance with 25 Pa. Code §§ 298.10(b)(2)(ii) or (iii), or fuels mixed in accordance with 25 Pa. Code § 298.10(d)(1)); commercial fuel products exempt from regulation as hazardous waste under 40 CFR 261.2, as incorporated by reference under 25 Pa. Code § 261a.1, and modified at 25 Pa. Code § 261a.2; spent antifreeze; or waste oil/water mixtures. The approved processing is limited to the transfer from motor vehicles to rail cars for transport (rail transloading). The proposed amendments include the re-organization and re-formatting of the general permit for overall clarity and ease of use.

Written comments concerning the proposed modifications should be directed to Chris Solloway, Group Manager, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P.O. Box 69170, Harrisburg, PA 17106-9170. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984. Comments may also be submitted via e-mail at ra-epbenuseall@pa.gov. When submitting comment via e-mail, place "Comments on WMGR040" in the subject line. Faxed comments will not be accepted. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application. For more information, contact the Division of Municipal and Residual Waste at 717-787-7381.

REGISTRATION FOR RESIDUAL WASTE GENERAL PERMITS

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

Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Telephone 412-442-4000.

General Permit Application No. WMGR123SW036. Range Resources-Appalachia, LLC, 3000 Town Center Blvd., Canonsburg, PA 15317. A request for registration for coverage under General Permit WMGR123 to construct and operated the Imperial Land North Well Site facility for storage and reuse of oil and gas liquid waste at a site located in Robinson Township, **Washington County**. The application was received by the Department on June 5, 2019 and deemed administratively complete by the Regional Office on June 12, 2019.

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. 301352. Petroleum Recycling Corp, 3000 East Ontario Street, Philadelphia, PA 19134. This application is for 10-year permit renewal to continue to operate under Solid Waste Permit No. 301352 at the Petroleum Recycling Corp Facility, an existing waste oil processing facility, located at 3000 East Ontario Street in the City and **County of Philadelphia**. The application was received by the Southeast Regional Office on May 29, 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 re-

view during normal business hours at the appropriate Department Regional Office. Appointments for scheduling a review must be made by calling the appropriate Department Regional Office. The address and phone number of the Regional Office is listed before the application notices.

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

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

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

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

Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.

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

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

08-00010N: Global Tungsten & Powders Corp. (1 Hawes Street, Towanda, PA 18848) for the installation of a dust collector and HEPA filter on the existing Calciner # 7, to replace the current emissions control system consisting of a cyclone collector followed by a wet scrubber, at the Towanda Facility located in Towanda Borough, **Bradford County**.

The Department of Environmental Protection's (Department) review of the information submitted by Global Tungsten & Powders Corp. indicates that the control devices to be installed will comply with all regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirement of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, the Department proposes to issue a plan approval for the proposed installations.

There will be no increase in the emissions from Calciner # 7 or associated material handling equipment as a result of the proposed project. The following is a brief description of the conditions the Department intends to place in the plan approval in order to ensure compliance with all applicable air quality regulatory requirements:

The total emissions of particulate matter (both filterable and condensable) from the exhaust of the HEPA filter shall not exceed 0.47 lbs/hr and 2.04 tons/year. Calciner # 7 shall only be fired on natural gas or propane. The dust collector and HEPA filter shall have a combined control efficiency for filterable particulate matter of at least 99.5%. No more than 270 kg/hr of tungsten oxide may be produced in Calciner # 7. The dust collector and HEPA filter shall each be equipped with instrumentation to continuously monitor the pressure drop across the control device. The permittee shall record the pressure drop across the dust collector and the HEPA filter at least once per operating day. The permittee shall maintain records, including supporting calculations, as necessary to demonstrate compliance with the particulate matter emissions and hourly throughput limitations. These records shall be kept on site for a minimum of five years and shall be presented to the Department upon request. The permittee shall keep on hand sufficient quantity of spare fabric collector bags and filters for all collectors and filters at the facility in order to be able to immediately replace any bag or filter requiring replacement. Any air compressor used to provide compressed air to any of the collectors or filters shall be equipped with an air dryer and an oil trap.

The facility is a State Only facility. If 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 08-00010N, the requirements established in the plan approval will be incorporated into State Only Operating Permit 08-00010 pursuant to the administrative amendment provisions of 25 Pa. Code § 127.450.

All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

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

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

37-371A: R.G. Coating, LLC (P.O. Box 356, Pulaski, PA 16143) for the installation of a hot dip zinc galvanizing operation at their facility in Pulaski Township, **Lawrence County**. This is a Title V facility.

Notice is hereby given pursuant to 25 Pa. Code §§ 127.44(b) and 127.424(b), that the Pennsylvania Department of Environmental Protection (DEP) intends to issue Plan Approval 37-371A to R.G. Coating, LLC for the

installation of a hot dip zinc galvanizing operation at the company's proposed facility located on Route 551, Pulaski Township, Lawrence County. The Plan Approval will subsequently be incorporated into a State Only Operating Permit through an administrative amendment in accordance with 25 Pa. Code Section 127.450.

Plan Approval No. 37-371A is for the installation of a hot dip zinc galvanizing operation, with air emission sources consisting of a galvanizing kettle with three (3) associated baghouse(s), five (5) acid pickle tanks, each with an associated wet scrubber, and miscellaneous natural gas-fired process heaters. Based on the information provided by the applicant and DEP's own analysis, emissions from the subject source(s) will not exceed 0.62 ton of particulate matter and 1.34 ton of hydrochloric acid per year. The Plan Approval will contain additional monitoring, recordkeeping and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis, and other documents used in the evaluation are available for public inspection between the hours of 8 a.m. and 4 p.m. weekdays at the address shown below. To make an appointment, contact Records Management at 814-332-6340.

Anyone wishing to provide DEP with additional information they believe should be considered may submit the information to the address shown below. Comments must be received by the Department within 30 days of the last day of publication. Written comments should include the following:

1. Name, address, and telephone number of the person submitting comments.
2. Identification of the proposed Plan Approval; No. 37-371A.
3. Concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted on the comments received during the public comment period. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a local newspaper of general circulation or the *Pennsylvania Bulletin* or by telephone, where the Department determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Eric Gustafson, Regional Air Quality Manager, Department of Environmental Protection, Northwest Regional Office, 230 Chestnut St., Meadville, PA 16335, 814-332-6940.

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

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

46-0302: Susquehanna International Group, LLP (401 E. City Avenue, Bala Cynwyd, PA 19004) for the operation and maintenance of three emergency generator sets (two existing, one new; each with a diesel fuel-fired engine) at its data center/headquarters, which is located in Lower Merion Township, **Montgomery County**. The facility is a non-Title V facility.

Based on a maximum operating schedule of 440 hours per year for each emergency generator set, the potential nitrogen oxides (NO_x) emission rate for the facility is less

than 25 tons/yr, the major facility threshold for the Philadelphia Consolidated Metropolitan Statistical Area.

The engines of the existing emergency generator sets are exempt from the provisions of the National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines (40 CFR Part 63, Subpart ZZZZ), pursuant to 40 CFR 63.6585(f)(2). The engine of the new emergency generator set is subject to the provisions of Federal Standards of Performance for Stationary Compression Ignition Internal Combustion Engines (40 CFR Part 60, Subpart IIII). The plan approval will include monitoring, recordkeeping, reporting, and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

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.

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

Contact: Ed Orris, P.E., New Source Review Chief—Telephone: 412-442-4168.

03-00027 GenOn Northeast Management Co. (121 Champion Way, Canonsburg, PA 15317-5817) Approval of a Reasonably Available Control Technology (RACT II) plan for GenOn Northeast Management Company located in Plumcreek Township, **Armstrong County**.

<i>Source</i>	<i>Proposed NO_x RACT</i>	<i>TVOP No. 03-00027 Condition No.</i>
RACT II Source Group 031—Boiler 1 with Low NO _x Burner 032—Boiler 2 with Low NO _x Burner 037—Aux Boiler A 038—Aux Boiler B	25 Pa. Code § 129.98(a), (b), (e) NO _x emissions averaging plan	Section E, Condition # 001
	25 Pa. Code § 129.98(j) Reporting	Section E, Condition # 008

Public hearing. A public hearing will be held on September 11, 2019, from 9:00-9:30 a.m. at the Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. To register to speak at a hearing, or to inquire if a hearing will be held, please contact Thomas Joseph at 412-442-4336. The last day to pre-register to speak at a hearing will be July 29, 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 <https://www.dep.pa.gov/About/Regional/SouthwestRegion/Community%20Information/Pages/default.aspx>. We ask that you contact Thomas Joseph at 412-442-4336 or monitor our Web site to determine if a hearing will be held.

Persons wishing to present testimony at the hearing should contact Thomas Joseph at 412-442-4336 at least one week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to a maximum of 10 minutes per individual and two written copies of the oral testimony are requested. Each organization is requested to designate one witness to present testimony on its behalf. Persons unable to attend the hearing, if it is held, may submit three (3) copies of a

In accordance with 25 Pa. Code §§ 129.96—129.100, the Pennsylvania Department of Environmental Protection has made a preliminary determination to approve a RACT II plan and an amendment to the State Implementation Plan (SIP) for the Keystone Generating Station owned and operated by GenOn Northeast Management Company located at 313 Keystone Drive, in Plumcreek Township, Armstrong County.

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. Other sources at the facility meet the presumptive RACT II requirements of 25 Pa. Code Section 129.97.

The proposed amendments to the RACT II determination will be incorporated into a revised operating permit (TV-03-00027) for the facility. After the public participation requirements of 40 CFR 51.102 are met, including public hearings to be held on the dates and at the location advertised below, the relevant RACT II requirements will be submitted to the U.S. Environmental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan and will remain in effect until replaced pursuant to 40 CFR 51 and approval by the EPA. Requirements that are not part of the RACT II determination will be excluded from the SIP submittal.

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

written statement and exhibits within 10 days thereafter to Mark Gorog, Environmental Program Manager, Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222.

Persons wishing to file a written protest or provide comments or additional information, which they believe should be considered prior to the issuance of a permit, may submit the information to Mark Gorog, Environmental Program Manager, Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. A 30-day comment period from June 29, 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 RACT II Operating Permit including the permit number and a concise statement regarding the relevancy of the information or objections to issuance of the proposed RACT II Plan.

All pertinent documents are available for public review between 8 a.m. and 4 p.m. at the Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. Appointments for scheduling a review may be made online

at <https://www.dep.pa.gov/Citizens/PublicRecords/Pages/Informal-File-Review.aspx> or by calling the Department at 412-442-4000.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should contact Lauren Fraley at 412-442-4203 or the Pennsylvania AT&T Relay Service at 1-800-654-5984 (TDD) to discuss how the Department may accommodate your needs.

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

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

40-00007: Bemis Company, Inc. (20 Jaycee Drive, West Hazleton, PA 18202-1142). The Department intends to issue a renewal Title V Operating Permit for the manufacture of laminated and coating packaging in Hazle Township, **Luzerne County**. The facility is considered a major stationary source subject to Title V Operating Permit requirements of the Clean Air Act Amendments as adopted by the Commonwealth under 25 Pa. Code, Chapter 127, Subchapter G.

The main sources at this facility are eleven (11) Flexographic Printing Presses and three (3) Emergency Generators. The VOC emissions from the Presses are controlled by three (3) Catalytic Oxidizers and one (1) RTO (Regenerative Thermal Oxidizer).

The proposed Title V Operating Permit shall include emission restrictions, work practice standards and testing, monitoring, recordkeeping, and reporting requirements to ensure compliance with all applicable Federal and State air quality 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.

06-05064: Sunoco Partners Market & Terminal, LP (525 Fritztown Road, Sinking Spring, PA 19608-1509) for the bulk liquid petroleum fuel storage and loading operation at their Montello Terminal in Spring Township, **Berks County**. Actual emissions from the facility in 2018 were reported to be 0.19 ton CO, 0.08 ton NO_x, 13.53 tons VOC, 0.27 ton of a single HAP (hexane), and 0.98 ton of combined HAPs. The Title V Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from §§ 129.56, 129.59, 129.62, 40 CFR 63, Subpart R—National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations), 40 CFR 60, Subpart XX—Standards of Performance for Bulk Gasoline Terminals, 40 CFR 60, Subpart Kb—Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984, & 40 CFR 60 Subpart K—Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978.

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

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

47-00014: United States Gypsum Company (86 PPL Road, Danville, PA 17821) for a modification to their Title V Operating Permit for their Washingtonville Plant facility located in Derry Township, **Montour County**. This Title V facility is currently operating under Title V Permit No. 47-00014 issued on March 23, 2018. The facility's main sources include combustion units, dryer and hammer mills, calcining kettles, dry material handling sources and activities, and the board kiln dryer. Most of the air cleaning devices in operation at this facility are fabric collectors, which are subject to the Best Available Technology requirements as codified in 25 Pa. Code §§ 127.1 and 127.12. The type and quantity of pollutants emitted on a facility-wide potential emission basis are, as follows: NO_x—90 tons per year (tpy), CO—150 tpy, SO_x—1 tpy, particulate matter and PM₁₀—100 tpy, VOCs—49 tpy, HAPs—15 tpy, and GHGs. This permit modification only affects Source ID P115 (End Saw) and its fabric collector equipped to control particulate matter and PM₁₀ from the source.

The proposed permit revision from the company amends the maximum operating differential pressure limit for End Saw Fabric Collector (ID C115) based on the manufacturer recommended specification and its historical maximum differential pressure readings. No change in emissions or collector performance is expected to occur as a result. Additionally, a revision to clarify an excursion for the operating differential pressure limits was incorporated by the Department, along with additional monitoring for the inspection and maintenance of ID C115. Taken together, the above revisions satisfy the applicable Compliance Assurance Monitoring requirements as codified in 40 CFR Part 64.

The established emission and throughput restrictions along with the existing testing, monitoring, recordkeeping, reporting, work practice and additional requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. Except for the changes noted above for Source ID C115, no other changes to existing terms or conditions were made by the Department at this time during review of this significant permit modification application submission.

All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-3636.

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

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

46-00045: PECO Energy Company (300 Front St., Bldg. 3, West Conshohocken, PA 19428-2723) for renewal of the Title V Operating Permit for its gas plant in West Conshohocken Borough, Montgomery County. PECO Energy Corporation is a major facility for nitrogen oxide (NO_x) emissions. The facility is a manned natural gas compression and storage station which compresses (liquefies) and stores natural gas for use during the higher demand heating season. The permitted sources at the facility include a natural gas-fired combustion turbine,

three (3) natural gas-fired emergency electric generators and five (5) liquified natural gas (LNG) vaporizers.

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.

46-00037: Global Advanced Metals USA, Inc. (650 County Line Road, Boyertown, PA) for renewal of the Title V Operating Permit and the renewal of the Plantwide Applicability Limit (PAL) which expired on May 28, 2019 in Douglass Township, **Montgomery County**. The PAL was issued on May 29, 2009. In accordance with 25 Pa. Code § 127.218(k), DEP followed the procedures established in § 127.218 to complete the renewed PAL determination.

As a result of potential emissions of NO_x, VOCs and HAP, the facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments, and is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G.

The proposed Title V Operating Permit Renewal contains all up-to-date applicable requirements including monitoring, recordkeeping and reporting.

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

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

Contact: Ed Orris, P.E., New Source Review Chief—Telephone: 412-442-4168.

03-00076: Peoples Natural Gas Company, LLC (375 North Shore Drive, Suite 600, Pittsburgh, PA 15212) Synthetic Minor State-Only Operating Permit is for a natural gas compressor station located in South Bend Township, **Armstrong County**. In accordance with 25 Pa. Code § 127.424 and § 127.425, the Department of Environmental Protection (DEP) has received an application and is providing notice that it intends to issue an Air Quality Operating Permit for the above-mentioned facility. The compressor station is located off of Peoples Gas Road between Girty Road and Township Road T564. Sources of emissions consist of two 660-BHP compressor engines, one 1,000-BHP compressor engine, one dehydration unit and reboiler, one flare, five storage tanks, one ethylene glycol storage tank, one emergency generator, miscellaneous process equipment, miscellaneous sources and space heaters, one parts washer, and fugitive emissions. The facility is required to conduct regular surveys of the site to ensure compliance with visible, fugitive, and malodor emission requirements and maintain records of those surveys. Facility-wide potential emissions, which include operating restrictions, are projected to be 92.9 TPY NO_x, 46.9 TPY CO, 38.5 TPY VOC, 1.1 TPY PM and PM₁₀, 0.06 TPY SO_x, 12,754 TPY CO_{2e}, 10.6 TPY total HAP, and 4.5 TPY for single HAP (n-hexane). Actual emissions are projected to be 30.8 TPY NO_x, 20.9 TPY CO, 24.8 TPY VOC, 0.6 TPY PM and PM₁₀, 0.03 TPY SO_x, 5,977 TPY CO_{2e}, 9.0 TPY total HAP, and 2.7 TPY for single HAP (n-hexane). The air quality permit includes operation requirements, emission limits, monitoring requirements, and recordkeeping requirements for the site.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the State-Only Operating Permit may submit the information to Bradley Spayd, Air Quality Engineering Specialist, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. Written comments must contain the following: name, address and telephone number of the person submitting the comments, identification of the proposed Operating Permit (03-00076), and concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Bradley Spayd, Air Quality Engineering Specialist, at the above address.

All comments must be received prior to the close of business 30 days after the date of this publication.

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

32-00206: Rosebud Mining Company (301 Market Street, Kittanning, PA 16201), In accordance with 25 Pa. Code § 127.441 and 25 Pa. Code § 127.425, the Department is providing notice that they intend to issue a renewed, facility-wide, State Only Operating Permit for the continued operation of a coal preparation plant, known as the Clymer Tipple, located in Cherryhill Township, **Indiana County**.

Clymer Tipple contains air contamination sources consisting of conveyers, stockpiles, screens, a crusher, rail and truck unloading and loading operations. Air pollution prevention equipment at the facility includes enclosures, minimization of drop height, and watering of roads and material.

Annual potential emissions are 10.6 tons of PM₁₀, 2.0 tons of NO_x, 1.8 ton of PM_{2.5}, 0.9 ton of CO. Sources at Clymer Tipple are subject to 40 CFR Part 60, Subparts A and Y, and 25 Pa. Code Chapters 121–145. The permit includes emission limitations and operational, monitoring, reporting, and recordkeeping requirements for the plant.

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

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of this Title V Operating Permit may submit the information to Martin L. Hochhauser, P.E., Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222. Each written comment must contain the following: name, address and telephone number of the person submitting

the comments, identification of the proposed Operating Permit (specify Operating Permit SOOP-32-00206), and concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit.

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

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.

67-03117: GEA Systems North America LLC (3475 Board Road, York, PA 17406) for the operation of an industrial refrigeration and heating equipment manufacturing plant in Manchester Township, **York County**. This is for renewal of the existing state-only permit. 2018 actual air emissions from the facility are estimated at 37.99 tpy VOC, 10.28 tpy Total HAP, 8.42 tpy Individual HAP (xylene), less than 2 tons NO_x, and less than 1 ton each of CO, SO_x, 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.

67-03182: Separation Technologies LLC (1400 Wago Road, York Haven, PA 17370) to issue a State Only Operating Permit for the fly ash processing facility located in East Manchester Township, **York County**. The actual emissions from the facility in 2018 were reported and estimated to be 0.8 ton PM₁₀ and 0.6 ton PM_{2.5}, respectively. The Operating Permit will include emission limits and work practice standards along with testing, monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

06-05051: Morgan Truck Body LLC (P.O. Box 588, Morgantown, PA 19543) to issue a State-only operating permit renewal for the operation of a truck body manufacturing plant in Caernarvon Township, **Berks County**. This is for renewal of the existing state-only permit. The facility's annual emissions are projected to be 24.1 tons of VOCs, 2.1 tons of HAPs, and 1.3 ton of NO_x. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR Part 60 Subpart IIII—National Emission Standards for Compression Ignition Engines and 40 CFR Part 63, Subpart ZZZZ—National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.

38-03028: Brentwood Industries, Inc. (2101 Lehman Street, Lebanon, PA 17046-2757) to issue a Natural Minor

Operating Permit for the operation of a thermoformed products manufacturing facility in West Lebanon Township, **Lebanon County**. This is for renewal of the existing state-only permit. The facility has a potential to emit of less than 1 tpy each of VOC 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.

36-03116: Cargill Cocoa & Chocolate, Inc. (200 Chocolate Avenue, Mount Joy, PA 17552) to issue a Natural Minor Operating Permit for the operation of a chocolate manufacturing facility in Mount Joy Borough, **Lancaster County**. This is for renewal of the existing state-only permit. The facility has the potential to emit an estimated 5.3 tpy NO_x, 1.3 tpy CO, 52.9 tpy PM₁₀, 9.8 tpy VOC, and 1.8 tpy SO_x. 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.

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

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

08-00019: Bimbo Bakeries USA, Inc. (901 North Elmer Avenue, P.O. Box 158, Sayre, PA 18840-0158) to issue a renewal State Only (Synthetic Minor) Operating Permit for their Sayre Plant facility located in Sayre Borough, **Bradford County**. The facility is currently operating under State Only Operating Permit 08-00019. The facility's main sources include two 3.4 MMBtu/hr natural-gas-fired boilers and one bread oven, which is equipped with a catalytic oxidizer. The facility has potential annual emissions of 9.12 tons of carbon monoxide, 10.86 tons of nitrogen oxides, 0.07 ton of sulfur oxides, 7.43 tons of particulate matter (including particulate matter less than 10 microns and less than 2.5 microns), less than 50 tons of volatile organic compounds, less than 10 tons of any individual hazardous air pollutant, less than 25 tons of any combination of multiple hazardous air pollutants, and 11,807 tons of greenhouse gases (carbon dioxide equivalent). The emission limits, throughput limitations and work practice standards along with testing, monitoring, record keeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 25 Pa. Code Chapters 121—145. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

47-00011: Hanson Aggregates PA, LLC (7660 Imperial Way, Allentown, PA 18195) to issue a renewal State Only (Synthetic Minor) Operating Permit for the Milton Quarry stone processing plant located in Limestone Township, **Montour County**. The facility is currently operating under State Only (Synthetic Minor) Operating Permit 47-00011. The facility's sources include a limestone crushing plant consisting of multiple crushers, conveyors and screens, one cold cleaning degreaser, several fuel storage tanks and 0.5 mile of onsite unpaved haul roads. The facility has potential emissions of 0.05 TPY of CO; 0.18 TPY of NO_x; 0.06 TPY of SO_x; 12.58 TPY of PM/PM₁₀;

0.01 TPY of VOCs; 0.01 TPY of combined hazardous air pollutants; 202 TPY GHGs. Several pieces of the limestone processing equipment at this plant are subject to 40 CFR 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants. The emission limits and work practice standards along with testing, monitoring, record keeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of Title 25 Pa. Code Chapters 121—145, as well as 40 CFR Part 60. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

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

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

24-00111: Penn Highlands Elk (763 Johnsonburg Rd, Saint Marys, PA 15857), the Department intends to issue the renewal of the State-Only Operating Permit of a healthcare institution located in Saint Marys City, **Elk County**. Permitted air contamination sources are a biomass boiler, two gas-fired/oil-fired boilers, and two emergency generators. The facility is a Natural Minor and an area source for permitting and MACT purposes. The biomass boiler is subject to 40 CFR 60 Subpart Dc and 40 CFR 63 Subpart JJJJJJ. The gas-fired/oil-fired boilers are subject to 25 Pa. Code § 123.22. The emergency generators are subject to 40 CFR 63 Subpart ZZZZ. In this renewal, applicable changes in 25 Pa. Code § 123.22 as amended in 2013 are incorporated into the operating permit. Operating hour restrictions are added for the gas-fired/oil-fired boilers to assure exemption from 40 CFR 63 Subpart JJJJJJ. Source test submittals are updated in accordance with Source Testing Section's latest instructions.

27-00008: Northwest Hardwoods, Inc.—Endeavor Division, (10689 Campbell Road, Titusville, PA 16354). The Department intends to renew a State Only Operating Permit for the saw mill & dry kiln facility located in Hickory Township, **Forest County**. The primary sources at the facility are a 23.4 million Btu/hr wood-fueled boiler, wood drying kilns, saw mill operations, saw dust collection, and a parts washer. Potential Emissions for the site are less than the Title V thresholds. The facility is a Natural Minor. The 23.4 million Btu/hr boiler is subject to 40 CFR Part 63 Subpart JJJJJJ, the NESHAP for Area Source Boilers. It is also subject to 40 CFR Part 60 Subpart Dc, the Standard of Performance for Small ICI Steam Generating Units. The permit contains emission restrictions, recordkeeping, and work practice requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

10-00287: Minteq International Incorporated (395 Grove City Road, Slippery Rock, PA 16057) for renewal of a Synthetic Minor Permit to operate manufacturing equipment to produce clay refractory for glass furnace lining and ceramic shapes. The facility is located in Slippery Rock Township, **Butler County**. The sources at the facility include mixers, dryers, kilns, and the mold shop. Particulate from the mixers is controlled by three fabric filters. The facility has previously taken a restriction on VOC emissions from the facility. The VOC

emissions shall not exceed 49 tons per year. The facility is a Synthetic Minor. The potential emissions from the facility as stated in the renewal permit application are NO_x: 1.0 ton per year, PM: 19.0 TPY, PM₁₀: 19.0 TPY, PM_{2.5}: 19 TPY, SO₂: 0.3 TPY, VOC: 41.2 TPY, and, CO: 39.3 TPY. Actual VOC emissions, particulate matter, and CO emissions from the facility over the past five years have been less than 4.0 TPY, 5.0 TPY, and 1.0 TPY for each year, respectively.

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

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

09-00223: Morton Salt, Inc. (formerly International Salt Co., LLC; 12 Solar Drive, Fairless Hills, PA 19030), for the incorporation of Plan Approval No. 09-0223 for the truck unloading and loading stations, screw and belt conveyors, bucket elevators, scalping and product screens, crusher, fluid bed dryer, weighing and bagging operations, and bulk salt and finished product storage areas at its salt processing, packaging, and distribution facility located in Falls Township, **Bucks County**.

All process equipment and the bulk salt storage area are located within the same building (referred to as the "Process Building"), and particulate matter (PM) emissions from all process equipment except the fluid bed dryer are controlled by dust collectors that exhaust into the indoor atmosphere. PM emissions from the fluid bed dryer are routed to an associated high-efficiency multi-cyclone, which exhausts into the outdoor atmosphere. No significant physical changes have occurred at the facility since the Plan Approval was modified in 2016.

The potential (i.e., pre-control) PM emission rate for the fluid bed dryer is approximately 5,800 tons/yr. Based on a guaranteed (from the manufacturer) minimum filterable PM removal efficiency for the associated high-efficiency multi-cyclone of 99.895%, the maximum post-control PM emission rates for the fluid bed dryer are 1.39 lbs/hr and 6.09 tons/yr. Since the high-efficiency multi-cyclone is required to ensure that PM emissions from the fluid bed dryer do not exceed 100 tons/yr, the major facility threshold for the Philadelphia Consolidated Metropolitan Statistical Area, the facility is categorized as Synthetic Minor.

In 2017, Morton Salt, Inc., performed the following source testing for the facility:

- A stack test for the fluid bed dryer to demonstrate compliance with a filterable PM emission concentration restriction of 0.009 grains per dry standard cubic foot (gr/dscf), as measured at the stack of the associated high-efficiency multi-cyclone. The results of the stack test (0.0056 gr/dscf, 0.700 lbs/hr) demonstrated compliance with the filterable PM emission concentration restriction.

- A fugitive PM emission test for all fugitive emission points of the Process Building to demonstrate compliance with the prohibition on fugitive emissions from process equipment, pursuant to 25 Pa. Code § 123.1. The results of the fugitive PM emission test demonstrated compliance with the prohibition on fugitive emissions from process equipment for all fugitive emission points except one (the truck loading station), from which the average opacity observed over a 30-minute period was 2.0%. (Note: As fugitive emissions were observed at only one fugitive emission point, and complied with the opacity restriction of 7% for fugitive emissions from building openings (40 CFR 60.672(e)(1)), DEP considers them to be of minor significance with respect to causing air pollution.)

The bucket elevators, belt conveyors, scalping and product screens, crusher, weighing and bagging operations, and truck loading station are subject to all applicable provisions of the Federal Standards of Performance for Nonmetallic Mineral Processing Plants (40 CFR Part 60, Subpart OOO), and 25 Pa. Code § 123.1 (relating to prohibition of certain fugitive emissions). Since this equipment exhausts into the indoor atmosphere of the Process Building, the dust collectors are not subject to the visible emissions or bag leak detection system requirements specified in 40 CFR 60.674(c)-(d), respectively.

The SOOP will include monitoring, recordkeeping, reporting, and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

Philadelphia: Air Management Services, 321 University Avenue, Philadelphia, PA 19104-4543, Contact: Edward Wiener, Chief, Source Registration at (215) 685-9476.

The City of Philadelphia, Air Management Services (AMS) intends to renew a Minor State Only Operating Permit for the following facility:

OP18-000021: PECO Main Office Building (2301 Market St., Philadelphia, PA 19103) for the operation of an office building for an electric servicing company in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include three (3) emergency generators rated 1073 HP firing diesel fuel, one (1) emergency generator rated 536.4 HP firing diesel fuel, one (1) fire pump rated 208 HP firing diesel fuel, one (1) gasoline dispensing facility with two dispensers and less than 10,000 gallons maximum monthly throughput of regular gasoline, and two gasoline storage tanks with tank storage capacity of 8,000 gallons and 6,000 gallons of regular gasoline.

The changes made as part of the renewal includes the following:

- In Section A, updated the Responsible Official for the facility.
- In Table A1: Facility Inventory List, removed the 250 kW emergency generator, added the 400 kW (536.4 HP) emergency generator, updated the location of the fire pump, and added the gasoline dispensing facility.
- In Section D: Source Specific Requirements, added the opacity limits for the emergency generators, added the emission limitations for the gasoline dispensing facility, updated the requirements of 25 Pa. Code § 129.201-205, specified that compliance with the PM emission limit of 25 Pa. Code § 123.13(c)(1)(i) shall be based only on Method 5, updated the monitoring and recordkeeping requirements, and removed the Conditions related to Stage II vapor recovery for the gasoline dispensing facility.
- Added Section E: Non-Applicable Requirements.

The operating permit will be issued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information

are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

Persons wishing to file protest, comments, or request a public hearing on the above operating permit must submit the protest, comments or request for public hearing within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least thirty days before the hearing.

OPERATING PERMITS

PUBLIC HEARINGS

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

Contact: Ed Orris, P.E., New Source Review Chief—Telephone: 412-442-4168.

04-00235 First Energy Generation LLC (341 White Pond Dr, Akron, OH 44320) Approval of a Reasonably Available Control Technology (RACT II) plan for FirstEnergy Generation, LLC located in Shippingport Borough, **Beaver County**.

In accordance with 25 Pa. Code §§ 129.96—129.100, the Pennsylvania Department of Environmental Protection has made a determination for an alternative Reasonably Available Control Technology (RACT II) plan and seeks approval of the amendment to the State Implementation Plan (SIP) for the Bruce Mansfield Plant owned and operated by FirstEnergy Generation, LLC in Shippingport Borough, Beaver County.

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

The amendments to the RACT II determination have been incorporated into the revised operating permit TV-04-00235 for the facility. After the public participation requirements of 40 CFR 51.102 are met, including that public hearings to be held on the dates and at the location advertised below, the relevant RACT II requirements will be submitted to the U.S. Environmental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan and will remain in effect until replaced pursuant to 40 CFR 51 and approval by the EPA. Requirements that are not part of the RACT II determination will be excluded from the SIP submittal.

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

<i>Source</i>	<i>NO_x RACT</i>	<i>TVOP No. 04-00235 Condition No.</i>
Group 1 031—Foster Wheeler Unit 1 032 Foster Wheeler Unit 2 033—Foster Wheeler Unit 3	25 Pa. Code § 129.98 NO _x emissions averaging plan	Section E, Condition # 045

Public hearing. A public hearing will be held on September 11, 2019, from 9:30-10:00 a.m. at the Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. To register to speak at a hearing, or to inquire if a hearing will be held, please contact Thomas Joseph at 412-442-4336. The last day to pre-register to speak at the hearing will be July 29, 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 <https://www.dep.pa.gov/About/Regional/SouthwestRegion/Community%20Information/Pages/default.aspx>. We ask that you contact Thomas Joseph at 412-442-4336 or monitor our website to determine if a hearing will be held.

Persons wishing to present testimony at the hearing should contact Thomas Joseph at 412-442-4336 at least one week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to a maximum of 10 minutes per individual and two written copies of the oral testimony are requested. Each organization is requested to designate one witness to present testimony on its behalf. Persons unable to attend the hearing, if it is held, may submit three (3) copies of a written statement and exhibits within 10 days thereafter to Mark Gorog, Environmental Program Manager, Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222.

Persons wishing to file a written protest or provide comments or additional information may submit the information to Mark Gorog, Environmental Program Manager, Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. A 30-day comment period from June 29, 2019 will exist for the submission of comments, protests and information.

Each submission must contain the name, address and telephone number of the person submitting the comments, identification of the RACT II Operating Permit including the permit number and a concise statement regarding the relevancy of the information or objections to the RACT II Plan.

All pertinent documents are available for public review between 8 a.m. and 4 p.m. at the Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. Appointments for scheduling a review may be made online at <https://www.dep.pa.gov/Citizens/PublicRecords/Pages/Informal-File-Review.aspx> or by calling the Department at 412-442-4000.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should contact Lauren Fraley at 412-442-4203 or the Pennsylvania AT&T Relay Service at 1-800-654-5984 (TDD) to discuss how the Department may accommodate your needs.

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

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

Plan Approval Application No: 48-00111A. Notice is hereby given under 25 Pa. Code §§ 127.44(b)(5) and 127.424, that the Department of Environmental Protec-

tion (Department) is soliciting comments on the proposed Air Quality Plan Approval 48-00111A for Slate Belt Heat Recovery Center, LLC (the Permittee), 435 Williams Court, Baltimore, MD 21220-2888 to construct and operate a biosolids processing facility which will be sited on a parcel of land owned by Grand Central Sanitary Landfill (GCSL), in Plainfield Township, **Northampton County**, as described in the Permittee's May 18, 2018 Plan Approval Application and any other subsequent supplemental submissions.

Plan Approval No. 48-00111A is for the construction and operation of a biosolids processing facility consisting of following equipment: Installation of a thermal oil heater, thermal drying equipment to facilitate processing biosolids into a Class A dried biosolids product, product conveyance and storage equipment, a two-stage odor control system and a baghouse.

The proposed thermal oil heater will be designed to utilize natural gas or excess/available landfill gas as a fuel. The total maximum heat demand of the supplemental thermal oil heater is currently estimated to be 50.0 MMBtu/hr to support the dryer system without the waste heat.

The thermal dryer process will consist of two (2) fully enclosed indirectly heated belt dryers in parallel, each with a biosolids input capacity of approximately 200 wet tons per day, for a facility total throughput of 400 wet tons containing an average of approximately 21% solids per day. Sludge will be pressed to a granular shape by a roller or swivel press and dropped down onto the top belt of the drier in a uniform pile. Biosolids will be conveyed from a receiving/storage tank into an enclosed belt dryer system that circulates warm air to evaporate moisture from the biosolids.

The belt dryer system will be a potential odor source primarily of ammonia associated with the off-gassing from the heat treatment during the drying process. The belt dryers are fully enclosed and operate in a negative air pressure manner, such that all off-gassing during the thermal treatment of the biosolids is contained within the dryer system itself. The bulk of the airstream is recycled in the dryer system after moisture, containing ammonia, is condensed and transported to storage. There will be a small saturated airstream removed from each of the belt dryers, which will include the evaporated moisture and ammonia. This airstream is routed to a condenser that serves to knock out the majority of the moisture from the process, with the remaining air stream routed to the odor control system, which is designed to reduce ammonia.

The facility will include enclosed receiving units, covered aboveground process wastewater storage tank, covered product conveyance system, and covered product storage tanks. The biosolids receiving/storage process and waste water storage tank will be a potential odor source primarily of hydrogen sulfide (H₂S) and ammonia (NH₃) associated with biological activity during material storage. Potential odors from the receiving/storage process will be routed to the odor control system.

The product storage silo will have a dust collection system maintaining negative pressure on the headspace of the silo, which will be routed to the odor control system.

The wastewater storage tank has the potential to be a minor source of odor related to the ammonia (NH₃). Flow

from the covered wastewater storage tank will be routed to the odor control system.

The dust collector will remove dust from the enclosed product storage and conveyance operations. This control option is custom designed for this proposed dryer process and is expected to have a dust removal efficiency of at least 90%.

The company has proposed packed bed wet scrubbers to control odors associated with NH_3 and H_2S from the sludge drying operations. The system will be designed to remove 99% of H_2S & NH_3 .

Based on 8,760 hours of operation, as worst-case scenario the following potential emissions are expected from the facility.

Source	Pollutant lb/hr											
	PM	PM ₁₀	PM _{2.5}	NO _x	SO _x	CO	VOC	H ₂ S	NH ₃	CH ₂ O	CO _{2e}	Total HAPS
Drying Operations	0.39	0.39	0.39	—	—	0.39	1.54	0.01	0.04	—	—	—
Thermal oil heater	0.82	0.82	0.82	3.30	7.14	2.67	0.55	—	—	0.02	11,712	0.78
Product Storage and Conveyance	1.16	1.16	1.16	—	—	—	—	—	—	—	—	—

The facility will be subject to 25 Pa. Code § 127.12 (a) (5) Best Available Technology (BAT) requirements. The visible emission will be equal to or less than 10 % at any time. The company shall be subject to and comply with 25 Pa. Code § 123.31 for malodorous emissions.

The Plan Approval and subsequent Operating Permit will include testing, monitoring, record keeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements and regulations.

Persons wishing to provide the Department with additional information, which they believe should be considered prior to the issuance of the Plan Approval, may submit the information to the address shown below. The Department will consider any written comments received within 30 days of the publication of this notice. Each written comment must contain the following: name, address and telephone number of the person submitting the comments; identification of the proposed Plan Approval No. 48-00111A and a concise statement regarding the relevancy of the information or any objections to the issuance of the Plan Approval.

A public hearing will be held for the purpose of receiving comments on the proposed air quality plan approval. The hearing will be held on Monday, August 12th, 2019 at Wind Gap Middle School, 1620 Teels Rd, Pen Argyl, PA 18072 from 6:00 PM to 9:00 PM. Persons interested in commenting are invited to appear.

Copies of the applications, the Department's technical reviews and other supporting documents are available for public inspection between the hours of 8 a.m. and 4 p.m. at the Department's Wilkes-Barre Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915. Appointments for scheduling a review may be made by calling (570) 826-2511.

The general procedures for the hearing are as follows:

To develop an agenda for the hearing, the Department requests that individuals wishing to testify at the hearing submit a written notice of their intent. The notice should be sent to Mark Wejkszner, P.E, Air Quality Program Manager, Department of Environmental Protection, Air Quality Program, Wilkes-Barre Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915. The Department will accept notices up to the day of the public hearing.

This written notice should include the person's name, address, telephone number and a brief description as to the nature of the testimony. Individuals who submit a notice of intent to testify will be given priority on the agenda. If time permits, the Department will allow individuals who have not submitted a notice of intent to testify to present their comments.

Each individual will have up to 5 minutes to present testimony. The Department requests that individuals present written copies of their testimony in addition to their oral presentations.

To ensure that all speakers have a fair and equal opportunity to present their testimony, relinquishing of time will be prohibited. Further details relating to the procedures to be followed at the hearing will be outlined at the beginning of the hearing.

Persons unable to attend the hearing can submit written testimony to the Department through August 26th, 2019.

The Department will address comments from the public before any final actions are taken on the proposals. A summary report addressing the concerns raised by the public will be released should the Department decide to issue the Plan Approval. Send written comments to Mark Wejkszner, P.E, Air Quality Program Manager, Department of Environmental Protection, Air Quality Program, Wilkes-Barre Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations should contact the Department at the address shown above, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may address their needs.

For additional information regarding the above, contact Mark Wejkszner P.E at (570) 826-2511 or write to the Department at the Wilkes-Barre address given previously.

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 Con-

trol 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.

32051301 and NPDES No. PA0215228. Rosebud Mining Company, (301 Market Street, Kittanning, PA 16201). To revise the permit for the Barrett Deep Mine in Buffington Township, **Indiana County** and related NPDES permit for placement of equipment. Surface Acres Proposed 4.9. No additional discharges. The application was considered administratively complete on June 14, 2019. Application received May 13, 2019.

30841317 and NPDES No. PA0213527. Consol Pennsylvania Coal Company LLC, (1000 Consol Energy Drive, Canonsburg, PA 15317). To revise the permit for the Enlow Fork Mine in Richhill and Morris Townships, **Greene County** and Morris Township, **Washington County** and related NPDES permit for development only. Underground Acres Proposed 3,409.0, Subsidence Control Plan Acres Proposed 3,409.0. No additional discharges. The application was considered administratively complete on June 14, 2019. Application received May 14, 2019.

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

Permit No. 19930101R5. Burnrite Coal Company, (231 Thomas Road, Elysburg, PA 17824), renewal for reclamation only of an existing anthracite surface mine operation in Conyngham and Mt. Carmel Townships, **Columbia and Northumberland Counties** affecting 559.1 acres, receiving stream: South Branch Roaring Creek, classified for the following uses: cold water and migratory fishes. Application received: June 10, 2019.

Noncoal Applications Received

Effluent Limits—The following effluent limits will apply to NPDES permits issued in conjunction with a noncoal mining permit:

Table 2

Parameter	30-day Average	Daily Maximum	Instantaneous Maximum
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Alkalinity exceeding acidity* pH*		greater than 6.0; less than 9.0	

* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to surface runoff resulting from a precipitation event of less than or equal to a 10-year 24-hour event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

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

62010302. IA Construction Corporation (24 Gibb Road, P.O. Box 568, Franklin, PA 16323). Revision to an existing large noncoal surface mine to add 16.0 acres in Pittsfield Township, **Warren County** affecting 115.5 acres. Receiving streams: Hosmer Run, classified for the following: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: June 5, 2019.

37020307. Amerikohl Aggregates, LLC (202 Sunset Drive, Butler, PA 16001). Renewal of NPDES Permit No.PA0242276, Wayne Township, **Lawrence County**. Receiving streams: Unnamed tributary to the Beaver River and unnamed tributary to Snake Run, classified for the following: WWF. The first downstream potable water supply intakes from the point of discharge are The Polish White Eagle Society and Chewton Volunteer Fire Department. Application received: June 10, 2019.

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

Permit No. 6475SM10C4 and NPDES Permit No. PA0224391. Pennsy Supply, Inc., (2400 Thea Drive, Suite 3A, Harrisburg, PA 17110), renewal of an existing NPDES Permit for discharge of treated mine drainage from a quarry operation in Jenkins Township, **Luzerne County** affecting 181.74 acres, receiving stream: Lampblack Creek, classified for the following use: cold water fishes. Application received: June 7, 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.

Noncoal NPDES Draft Permits

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

NPDES No. PA0528407 (Permit No. 37070301). 422 Aggregates, LLC (223 Fourth Avenue, 4th Floor, Pittsburgh, PA 15222) Renewal of an NPDES permit for a large industrial mineral surface mine in Slippery Rock Township, **Lawrence County**, affecting 74.0 acres. Receiving streams: unnamed tributaries to Brush Run and unnamed tributaries to Slippery Rock Creek, classified for the following uses: CWF. TMDL: None. Application received: May 15, 2019.

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

The outfall(s) listed below discharge to unnamed tributaries to Brush Run and unnamed tributaries to Slippery Rock Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TPA	N
TPB	N
TPC	N

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Alkalinity greater than acidity ¹				
¹ The parameter is applicable at all times.				
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		2.0	4.0	5.0
Total Suspended Solids (mg/l)		35.0	70.0	90.0

The outfall(s) listed below discharge to unnamed tributaries to Brush Run and unnamed tributaries to Slippery Rock Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
SPA	N
SPB	N
SPC	N

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Alkalinity greater than acidity ¹				
¹ The parameter is applicable at all times.				
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		2.0	4.0	5.0
Total Suspended Solids (mg/l)		35.0	70.0	90.0

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department. Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the Commonwealth to certify that the involved projects will not violate the sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA, the issuance of a Dam Permit or Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment shall submit comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted before an application. Comments should contain the

name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, 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.

E46-1186: Lower Merion Township, 75 East Lancaster Avenue, Ardmore, PA 19003, Lower Merion Township, **Montgomery County**, ACOE Philadelphia District.

To restore, construct, and maintain approximately 700 linear feet of the Stream Bank of Mill Creek (TSF, MF) utilizing stream bank restoration technique in Harriton Park. The work will include banks regrading, the installation of biodegradable Coir Logs, mud-sills, Log Vanes, J-Hooks and floodplain regrading enhancements. This site is located near the intersection of Harriton Road and West Old Gulph Road, in Harriton Park (Norristown, PA USGS map; Lat: 40.0345; Long: -75.3096).

E46-1189: Pennsylvania Department of Transportation Engineering District 6-0, 7000 Geerdes Boulevard, King of Prussia, PA 19406, New Hanover Township, **Montgomery County**, ACOE Philadelphia District.

The Pennsylvania Department of Transportation (PennDOT) is proposing to remove an existing 40.8-foot long, 6-foot by 3-foot concrete box culvert and in its place, construct and maintain a 113-foot long, 16-foot by 4-foot single cell precast concrete box stream enclosure carrying Minster Creek (TSF-MF). This activity will result in 161 linear feet (6,202 square feet, 0.14 acre) of permanent stream impact, 38 linear feet (608 square feet, 0.03 acre) of temporary stream impact, 235 linear feet (23,500 square feet, 0.54 acre) of permanent floodway impact which includes grading and bank repair downstream of proposed stream enclosure and 52 linear feet (5,200 square feet, 0.120 acre) of temporary floodway impact due to access and erosion and sediment control measures. Wetland impacts include 135 square feet (0.017 acre) of permanent and 448 square feet (0.010 acre) of temporary wetland impacts to two (2) PEM wetlands. There are two additional activities within project boundary which include a new outfall with placement of riprap rock apron located downstream of the proposed PennDOT stream enclosure and also the removal of an abandoned driveway pipe culvert upstream of the proposed PennDOT stream enclosure. Impacts to resources are accounted for within the permanent floodway and stream impacts stated above.

The overall project will result in 16,123 square feet (0.370 acre) of floodplain impact and is located approximately 280 feet north of the N. Charlotte Street and Swamp Pike intersection in New Hanover Township, Montgomery County (USGS PA Sassamansville Quadrangle—Latitude 40.300076N, Longitude 75.584671W).

E46-1183: West Conshohocken Borough, Montgomery County; ACOE Philadelphia District.

To perform the below listed water obstruction and encroachment activities associated with the 400 Bar Harbor Drive. To construct a multi-story office building

and parking. The proposed project will have 1,310 square feet of permanent floodway impact. The project is located in the floodplain.

The site is approximately at the intersection of Front Street and Bar Harbor Drive. (Norristown Lat. 40° 4' 19"; Long. 75° 18' 49").

E51-296. City of Philadelphia, Philadelphia Parks and Recreation Department, 1515 Arch Street, 10th Floor, Philadelphia, PA 19102, **Philadelphia County**, ACOE Philadelphia District.

To construct and maintain approximately 2,620 feet long and about 8 to 10 feet wide paved shared-use path between Church Lane and Woodland Avenue (Section A) along the floodway/floodplain of the Cobbs Creek (WWF) associated with the connection of the existing Cobbs Creek trail to the John Heinz National Refuge.

The site is located along the Cobbs Creek between Church Lane and Woodland Avenue (Philadelphia, PA, USGS Quadrangle Latitude: 39.920402; Longitude: -75.246750).

EA15-023. Brandywine Red Clay Alliance, 1760 Unionville-Wawaset Road, West Chester, PA 19382, Uwchlan Township, **Chester County**, ACOE Philadelphia District. The Brandywine Red Clay Alliance submitted a Waiver 16 Restoration Plan and Environmental Assessment, for Plum Run 18-66 project, to perform the following water obstruction and encroachment restoration activities along approximately 4,700 linear feet of Plum Run (Perennial, WWF, MF):

1. Installation of in-stream stabilization structures, including rock cross vanes, j-hooks, rock vanes, mud sills and root wads.
2. Streambank grading for the establishment of a floodplain bench.
3. Installation of native riparian plantings for stabilization and enhancement efforts outside of the channel.
4. Temporary impacts to the watercourse associated with the proposed streambank grading and installation of the structures, including temporary stream crossings. The Plum Run 18-66 site is located near the intersection of Birmingham Road and Lenape Road in East Bradford Township, Chester County (West Chester, PA USGS Quadrangles, Latitude 39.930462 N; Longitude -75.612701 W).

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

E0703219-002: Martinsburg Municipal Authority, 110 South Walnut Street, Martinsburg, PA 16662 in Martinsburg Borough, Taylor Township and North Woodbury Township, **Blair County**, U.S. Army Corps of Engineers Baltimore District.

To install and maintain (1) a 8-inch PVC sanitary sewer main impacting 30 linear feet of UNT to Plum Creek (WWF, MF) stream and its floodway, (2) a 8-inch PVC sanitary sewer impacting 0.02 acre of Exceptional Value (EV) Palustrine Emergent (PEM) Wetland, (3) 4-inch PVC sanitary sewer force main impacting 20 linear feet of UNT to Plum Creek (WWF, MF) stream and its floodway, (4) a 4-inch PVC sanitary sewer force main impacting 0.05 acre of EV PEM wetland, (5) a 4-inch PVC sanitary sewer force main impacting 20 linear feet of UNT to Plum Creek (WWF, MF) stream and its floodway and impacting 0.02 acre of EV PEM Wetland, (6) a 4-inch PVC sanitary sewer force main impacting 30 linear feet of UNT to Plum

Creek (WWF, MF) stream and its floodway and impacting 0.05 acre of EV PEM wetland, and (7) a sanitary sewer pump station permanently impacting 0.01 acre of floodway of a UNT to Plum Creek (WWF, MF), all for the purpose of extending an existing sewer lateral to provide sewer service to a residential development. The project is located from Towns Edge Way to Mansard Street (Martinsburg PA Quad), beginning at Latitude: 40.323400, Longitude: -78.343390 and ending at Latitude: 40.318648, Longitude: -78.334437 in Martinsburg Borough, Taylor Township, and North Woodbury Township Blair County.

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

E1819-002: Chestnut Grove Recreation Authority, Castanea Township, **Clinton County**, U.S. Army Corps of Engineers Baltimore District (Lock Haven Quadrangle; Latitude 41° 7' 32" N; 77° 26' 19" W).

The applicant proposes to construct and maintain a park complex in the left bank of the 100 year floodway of Bald Eagle Creek (WWF-MF). No work will occur below the OHWM. The project will permanently impact 21.6 acres of the 100 year floodway of Bald Eagle Creek (WWF-MF).

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

E02052-1812, St. Joan of Arc Parish Charitable Trust, 6470 Library Road, South Park, PA 15129, South Park Township, **Allegheny County**; Pittsburgh ACOE District.

The applicant proposes to:

Construct, operate, and maintain corrugated metal liner plates within an existing twin cell metal culvert carrying a private driveway over Piney Fork Run (TSF) for the purpose of reinforcing a deteriorating structure. In addition, a 60 foot, five-foot diameter relief pipe will be installed adjacent to the existing culvert to offset the hydraulic opening loss. Permanent impacts include 65 linear feet of stream impact, and 60 linear feet of floodway impacts. Temporary impacts include 40 linear feet of stream impacts.

No mitigation is proposed for this project.

The project site is located at St. Joan of Arc Private Drive, South Park, PA (Bridgeville, PA USGS topographic quadrangle; N: 40° 17' 17"; W: -80° 01' 31"; Sub-basin 19C; USACE Pittsburgh District), in South Park Township, Allegheny County.

E11052-363, Northern Cambria Borough, 1202 Philadelphia Avenue, Northern Cambria, PA 15714, Northern Cambria Borough, **Cambria County**; Baltimore ACOE District.

The applicant proposes to:

Remove a single span bridge that has a 44 LF span, and is 13 LF wide, and construct and maintain a replacement, single span box beam bridge, that has a 52 LF span, and is 23 LF wide. The bridge spans the West Branch Susquehanna River (WWF/MF). The project will permanently impact 72 LF, and temporarily impact 133 LF of West Branch Susquehanna River. The project will also permanently impact a deminimus amount (0.018 acre), and temporarily impact 0.009 acre of PEM wetland.

Temporary impacts will be restored. Mitigation is not required for the permanent, deminimus, wetland impact.

The project site is located 16th Street, Northern Cambria, PA 15714, (Barnsboro, PA USGS topographic quadrangle; N: 40° 38' 21.5440"; W: 78° 46' 15.3648"; Sub-basin 08B; USACE Baltimore District), in Northern Cambria Borough, Cambria County.

E63052-729, EQT Production Company, 2400 Ansys Drive, Suite 200, Canonsburg, PA 15317, West Bethlehem Township, **Washington County**; Pittsburgh ACOE District.

The applicant proposes to:

Construct, operate, and maintain stream bank protection for 219 linear feet, and channel fill within an Unnamed Tributary to Tenmile Creek (TSF) for 219 linear feet. The purpose of the project is to stabilize a section of Highland Ridge Road which is currently eroding from high velocity stream flows.

Permanent impacts will include 219 linear feet of channel lining and stream bank protection, as well as 9 linear feet to install a plunge pool.

The project site is located along Highland Ridge Road (Ellsworth, PA USGS topographic quadrangle; N: 40° 01' 33"; W: -80° 07' 24"; Sub-basin 19B; USACE Pittsburgh District), in West Bethlehem Township, Washington County.

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

E3206119-001, PADOT, Engineering District 10-0, 2550 Oakland Ave., Indiana, PA 15701. SR 0286-463-0540-1030, in Indiana Borough, **Indiana County**, ACOE Pittsburgh District (Indiana, PA Quadrangle N: 40° 37' 22"; W: 79° 08' 40";).

To remove the existing structure and to construct and maintain a 94'-0" long concrete box culvert having a 16'-0" wide by 5'-6" high (4'-6" effective with baffles) waterway opening along Marsh Run (CWF) on S.R. 0286 (Philadelphia Street), Section 463, Segment 0540, Offset 1030. The project will slightly realign Marsh Run to eliminate a bend in the existing structure. The project will result in 224 linear feet of permanent stream impacts and 250 linear feet of temporary impacts to Marsh Run. As part of the realignment, a total of 130 linear feet of existing stream channel will be lost. The applicant proposes to create 130 linear feet of stream channel adjacent to the proposed structure as mitigation.

E3306119-002, PADOT, Engineering District 10-0, 2550 Oakland Ave., Indiana, PA 15701. SR 0028, Section 552, Segment 0100, Offset 0889, Thompson Run Bridge Replacement, in Clover Township, **Jefferson County**, ACOE Pittsburgh District (Corsica, PA Quadrangle N: 41° 08' 04"; W: 79° 08' 59";).

To remove the existing structure and to construct and maintain an 84.0-ft long precast reinforced concrete box culvert have a 12.0-ft wide by 9.0-ft high (8.0-ft effective with baffles) waterway opening along Thompson Run (CWF) on S.R. 0028, Section 552, Segment 0100, Offset 0889. To address safety and traffic concerns, the horizontal and vertical alignment will be adjusted, which will result in the permanent relocation of 290-ft of UNT Thompson Run. The project will result in a total of 92-ft of permanent stream impacts and 102-ft of temporary stream impacts to Thompson Run; and a total of 290-ft of permanent stream impacts and 310-ft of temporary stream impacts to UNT Thompson Run. Stream mitiga-

tion will occur by relocating UNT Thompson Run and replacing natural streambed material from the existing tributary to the relocated section of the proposed stream channel. No wetland impacts are proposed.

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

E5829-142: Bridgewater Township, Williams Field Services Company, LLC; 400 IST Center, Suite 404, Horseheads, NY 14845; Bridgewater Township, **Susquehanna County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) a temporary timber mat crossing impacting 115 square feet (0.01 acre) of a palustrine emergent wetland (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 50' 39", Longitude: -75° 49' 06"),

2) a 16-inch diameter steel natural gas gathering pipeline and temporary timber mat crossing impacting 2,162 square feet (0.05 acre) of a palustrine emergent wetland (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 50' 43", Longitude: -75° 49' 05"),

3) a 16-inch diameter steel natural gas gathering pipeline and temporary timber mat crossing impacting 7,055 square feet (0.16 acre) of a palustrine emergent wetland (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 50' 45", Longitude: -75° 49' 05"),

4) a 16-inch diameter steel natural gas gathering pipeline and temporary timber mat crossing impacting 5,666 square feet (0.13 acre) of a palustrine emergent wetland (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 50' 48", Longitude: -75° 49' 04"),

5) a 16-inch diameter steel natural gas gathering pipeline and temporary timber mat crossing impacting 277 square feet (0.01 acre) of a palustrine emergent wetland (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 50' 50", Longitude: -75° 49' 04"),

6) a 16-inch diameter steel natural gas gathering pipeline and temporary timber mat bridge crossing impacting 79 lineal feet of a tributary to Snake Creek (CWF, MF) (Montrose East, PA Quadrangle; Latitude: 41° 50' 49", Longitude: -75° 49' 04"),

7) a 16-inch diameter steel natural gas gathering pipeline and temporary timber mat crossing impacting 6,037 square feet (0.14 acre) of a palustrine emergent wetland (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 50' 51", Longitude: -75° 49' 03"),

8) a 16-inch diameter steel natural gas gathering pipeline and temporary timber mat bridge crossing impacting 75 lineal feet of a tributary to Snake Creek (CWF, MF) (Montrose East, PA Quadrangle; Latitude: 41° 50' 52", Longitude: -75° 49' 04"),

9) a 16-inch diameter steel natural gas gathering pipeline and temporary timber mat bridge crossing impacting

56 lineal feet of a tributary to Snake Creek (CWF, MF) (Montrose East, PA Quadrangle; Latitude: 41° 50' 54", Longitude: -75° 49' 04"),

10) a temporary timber mat crossing impacting 845 square feet (0.02 acre) of a palustrine emergent wetland (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 50' 57", Longitude: -75° 49' 00"),

11) a 16-inch diameter steel natural gas gathering pipeline and temporary timber mat crossing impacting 5,626 square feet (0.13 acre) of a palustrine emergent wetland (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 50' 57", Longitude: -75° 48' 54"),

12) a 16-inch diameter steel natural gas gathering pipeline and temporary timber mat crossing impacting 963 square feet (0.02 acre) of a palustrine emergent wetland (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 51' 18", Longitude: -75° 49' 03"),

13) a temporary timber mat crossing impacting 280 square feet (0.01 acre) of a palustrine emergent wetland (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 51' 20", Longitude: -75° 49' 14"),

14) a temporary timber mat crossing impacting 205 square feet (0.01 acre) of a palustrine emergent wetland (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 51' 21", Longitude: -75° 49' 16"),

15) a 16-inch diameter steel natural gas gathering pipeline and temporary timber mat crossing impacting 5,333 square feet (0.12 acre) of a palustrine emergent wetland (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 51' 22", Longitude: -75° 49' 18").

The natural gas gathering pipeline project consists of constructing approximately 1.8 mile of 16-inch steel natural gas pipeline located in Bridgewater Township, Susquehanna County. The project will result in 210 lineal feet of stream impacts and 34,564 square feet (0.79 acre) of palustrine emergent (PEM) wetlands to provide safe reliable conveyance of Marcellus Shale natural gas to market.

E5929-091: HEP Tioga Gathering, LLC, 22024 Route 14, Troy, PA 16947, Liberty Township, **Tioga County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) A temporary road crossing using timber mats, a 20 inch diameter waterline, and a 20 inch diameter steel natural gas pipeline impacting 53 linear feet of an unnamed tributary to Blacks Creek (CWF) (Nauvoo, PA Quadrangle 41° 32' 48" N, 77° 11' 01" W);

2) A temporary road crossing using timber mats, a 20 inch diameter waterline, and a 20 inch diameter steel natural gas pipeline impacting 65 linear feet of an unnamed tributary to Blacks Creek (CWF) (Nauvoo, PA Quadrangle 41° 32' 47" N, 77° 11' 10" W).

The project will result in 118 linear feet of temporary stream impacts for the purpose of installing a natural gas and freshwater pipeline in Liberty Township, Tioga County.

ACTIONS

THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

The Department has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and NOIs for coverage under General Permits. This notice of

final action is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

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

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

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

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

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

I. NPDES Renewal Permit Actions.

Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401. Phone: 484.250.5970.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed)</i>	<i>EPA Waived Y/N?</i>
PA0052965 (Industrial)	Rex Heat Treat Lansdale 951 W 8th Street Lansdale, PA 19446	Montgomery County Lansdale Borough	Unnamed Tributary to West Branch Neshaminy Creek (WWF, MF) 2-F	Y
PA0056533 (Storm Water)	Devault Asphalt Plant 638 Lancaster Avenue Malvern, PA 19355	Chester County Charlestown Township	Unnamed Tributary Pickering Creek (HQ-TSF, MF) 3-D	Y
PA0052434 (Sewage)	Coventry Crossing Apartments STP 3843 West Chester Pike Newtown Square, PA 19073	Delaware County Chester Heights Borough	Unnamed Tributary of West Branch Chester Creek (TSF, MF) 3-G	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0062421 (Industrial)	Jim Thorpe Borough WWTP 101 E 10th Street Jim Thorpe, PA 18229-2528	Carbon County Jim Thorpe Borough	Mauch Chuck Creek (CWF) (2-B)	Yes
PA0062235 (Sewage)	Motel 6 Wastewater Treatment Plant 1064 State Route 93 Drums, PA 18222	Luzerne County Sugarloaf Township	Unnamed Tributary to Nescopeck Creek (CWF) (5-D)	Yes

NOTICES

3357

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0034029 (Sewage)	LCA Sand Spring WWTP 4050 Sand Spring Road Schnecksville, PA 18078	Lehigh County North Whitehall Township	UNT to Coplay Creek (CWF, MF) (2-C)	Yes
PA0065421 (Industrial)	Lehigh Cement Co. Nazareth Operations 7660 Imperial Way Allentown, PA 18195	Northampton County Nazareth Borough	Unnamed Tributary to Shoeneck Creek (WWF, MF) and Unnamed Tributary to East Branch Monocacy Creek (HQ-CWF, MF) (2-C and 1-F)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0247146 (CAFO)	Wanners Pride N Joy Farms Home Farm CAFO 5800 Wanner Road Narvon, PA 17555-9646	Lancaster County Salisbury Township	White Horse Run (WWF, MF) and White Horse Run (WWF) (7-K)	Yes
PA0082066 (IW)	Valley Proteins Inc. P.O. Box 369 Terre Hill, PA 17581-0369	Lancaster County East Earl Township	Muddy Creek in Watershed(s) (7-J)	Yes
PA0082937 (IW)	LSC Communications Inc. 1375 Harrisburg Pike Lancaster, PA 17601-2612	Lancaster County Lancaster City	UNT to Little Conestoga Creek in Watershed(s) (7-J)	Yes
PA0081981 (SEW)	Valley Proteins Inc. 693 Wide Hollow Road P.O. Box 369 Terre Hill, PA 17581	Lancaster County East Earl Township	Muddy Creek in Watershed(s) (7-J)	Yes
PA0010294 (IW)	TE Connectivity Corp. P.O. Box 3608 MS 140-055 Harrisburg, PA 17105-3608	Dauphin County Williamstown Borough	Wiconisco Creek in Watershed(s) 6-C	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0024082 (Sewage)	Avonmore STP 124 Park and Pool Road New Stanton, PA 15672	Westmoreland County Avonmore Borough	Kiskiminetas River (WWF) (18-B)	Yes
PA0098183 (Sewage)	Stone Mansion STP Stone Mansion Drive Sewickley, PA 15143	Allegheny County Franklin Park Borough	Swale to Unnamed Tributary of East Branch Big Sewickley Creek (TSF) (20-G)	Yes
PA0098761 (Sewage)	Nemacolin Woodlands Resort 1001 Lafayette Drive Farmington, PA 15437	Fayette County Wharton Township	Deadman Run (HQ-CWF) (19-E)	Yes
PA0219436 (Sewage)	Sunset Valley Estates STP 179 Mine Road Clarksburg, PA 15725	Indiana County Young Township	Unnamed Tributary to Blacklegs Creek (CWF) (18-C)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0210803 (Sewage)	Star Route Estates MHP 2182 Beulah Road Pittsburgh, PA 15235-5023	Crawford County East Mead Township	Unnamed Tributary to Little Sugar Creek (16-D)	Yes
PA0239046 (Industrial)	Ridgway Powdered Metals P.O. Box 398 Ridgway, PA 15853-0398	Elk County Ridgway Township	Unnamed Tributary to Elk Creek (CWF) (17-A)	No

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

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

NPDES Permit No. PA0254274, Industrial, SIC Code 3273, **C. E. Ready Mix**, 185 N Washington Road, Apollo, PA 15613-9603.

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

Description of Proposed Action/Activity: Issuance of an NPDES Permit for a new discharge of stormwater and treated industrial wastewater.

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

NPDES Permit No. PA0272060, Sewage, SIC Code 4952, **White Township Municipal Authority Indiana County**, 950 Indian Springs Road, Indiana, PA 15701-3506.

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

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

NPDES Permit No. PA0272141, Sewage, SIC Code 8800, **Arthur Sperring Jr.**, 1776 S Neshannock Road, Hermitage, PA 16148.

This proposed facility is located in Hermitage City, **Mercer County**.

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

NPDES Permit No. PA0272098, Sewage, SIC Code 4952, 8800, **David R Pierce**, 11307 W Brookdale Drive, Meadville, PA 16335.

This proposed facility is located in Woodcock Township, **Crawford County**.

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

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

Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401, 484.250.5900.

WQM Permit No. 2319401, Sewage, **Concord Township**, 43 Thornton Road, Glen Mills, PA 19342.

This proposed facility is located in Concord Township, **Delaware County**.

Description of Action/Activity: Construction and operation of a sewage pump station.

WQM Permit No. 4619404, Sewage, **Bucks County Water & Sewer Authority**, 1275 Almshouse Road, Warrington, PA 18976.

This proposed facility is located in Upper Dublin Township, **Montgomery County**.

Description of Action/Activity: Construction of a sanitary sewer collection system (3,690 LF 8" drip and 8" PVC).

WQM Permit No. 0909401, Sewage, Amendment, **Bucks County Water & Sewer Authority**, 1275 Almshouse Road, Warrington, PA 18976.

This proposed facility is located in Bensalem Township, **Bucks County**.

Description of Action/Activity: Upgrading suction lift, pump stations, motors and controls.

WQM Permit No. 4619405, Sewage, **Upper Moreland-Hathoro Joint Sewer Authority**, 2875 Terwood Road, Willow Grove, PA 19090.

This proposed facility is located in Upper Moreland Township, **Montgomery County**.

Description of Action/Activity: Installation of a new bypass high flow/wet weather flow pump station.

WQM Permit No. 1593425, Sewage, Amendment, **West Goshen Sewer Authority**, 1025 Paoli Pike, West Chester, PA 19380.

This proposed facility is located in West Goshen Township, **Chester County**.

Description of Action/Activity: Removal of old and replaced with new valves, pipes, pumps, controls, emergency generator, fuel tank and force main.

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

WQM Permit No. WQG02221902, Sewerage, **Lower Paxton Township Authority**, 425 Prince Street, Suite 139, Harrisburg, PA 17109.

This proposed facility is located in Lower Paxton Township, **Dauphin County**.

Description of Proposed Action/Activity:

This General Permit approves the construction and operation of:

1-Sewer Extension

WQM Permit No. 0619401, Sewerage, **Spring Township Berks County**, 2850 Windmill Road, Sinking Spring, PA 19608-1668.

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

Description of Proposed Action/Activity:

This permit approves a new collection system, pumping station and forcemain, as detailed in the application's Design Engineer's Report, to serve a new residential development, The Reserve at Grings Mill. The proposed develop will consist of 90 one-bedroom apartments, 120 two-bedroom apartments, a community center and backwash from a swimming pool. The duplex pumping station will be rated for 148 gpm at 34.5 ft. TDH.

WQM Permit No. 0519201, CAFO, **Michael Wilt**, 1408 Pointer Road, Everett, PA 15537.

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

Description of Proposed Action/Activity:

This permit approves the construction and operation of manure storage facilities consisting of:

- One existing underbarn manure storage
- One proposed underbarn manure storage
- All leak detection systems, transfer pipes, pump systems, etc. associated with the manure storages linked to this permit.

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

WQM Permit No. 0219400, Sewage, SIC Code 4952, **PA American Water Co.**, 100 Atlantic Avenue, McKeesport, PA 15132-3807.

This proposed facility is located in Dravosburg Borough, **Allegheny County**.

Description of Proposed Action/Activity: construction of sewers, pump station and force main for unsewered areas.

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

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

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

Description of Proposed Action/Activity: Municipal owned sewage treatment plant to serve a total of 24 residential homes.

WQM Permit No. 4319404, Sewage, **Arthur Sperring, Jr.**, 1776 South Neshannock Road, Hermitage, PA 16148.

This proposed facility is located in Hermitage City, **Mercer County**.

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

WQM Permit No. 2019401, Sewage, **David R Pierce**, 11307 W Brookdale Drive, Meadville, PA 16335.

This proposed facility is located in Woodcock Township, **Crawford County**.

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

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

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

NPDES Permit No.	Permittee Name & Address	Municipality, County	Receiving Water(s)/Use(s)	TMDL Plan Submitted (Y/N)	Pollutant Reduction Plan Submitted (Y/N)
PAI136123	Salem Township 244 Congruity Road Greensburg, PA 15601-8473	Salem Township Westmoreland	Beaver Run (HQ-CWF) and Thorn Run (HQ-CWF)	N	Y

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD150121	Jim and Ann Lim 1294 Farm Lane Berwyn, PA 19312	Chester	Willistown Township	Crum Creek (POI NO. 1) HQ-CWF-MF Bartram Run (POI No. 2) HQ-CWF-MF

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD390087	Jenstar Properties Inc	Lehigh	Upper Macungie Township	UNT to Cedar 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 & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD480073	Country Meadows Associates c/o Carl Helman 830 Cherry Drive Hershey, PA 17033-2007	Northampton	Forks Township	Bushkill Creek (HQ-CWF, MF)
PAD480076	Mamora Realty, LP c/o Avi Hornstein 512 Hamilton Street Allentown, PA 18101	Northampton	Forks Township	Bushkill Creek (HQ-CWF, MF)

Wayne Conservation District, 925 Court Street, Honesdale, PA 18431.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD640016	Waymart Borough P.O. Box 280 South Street Waymart, PA 18472	Wayne	Waymart Borough	Van Auken Creek (HQ-TSF, MF)

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

<i>Permit #</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD210031 Issued	Edwin N Reiff 2098 Pine Road Newville, PA 17241	Cumberland County	Penn Township	Yellow Breeches Creek (HW-CWF, MF)
PAD210009 Issued	Trinity MSB, LLC 700 Ayers Avenue Lemoyne, PA 17043	Cumberland County	Monroe Township	Yellow Breeches Creek (HQ-CWF, MF) UNT Yellow Breeches Creek (HQ-CWF, MF)

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD180015 Previously PAI04-18-14-005	Wag-Myr Woodlands, Inc 1340 South Village Square Vero Beach, FL 32966	Clinton	Greene Twp	UNT to Fishing Creek HQ-EV

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

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

List of NPDES and/or Other General Permit Types.

PAG-1	General Permit for Discharges from Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges from Small Flow Treatment Facilities
PAG-5	General Permit for Discharges from Petroleum Product Contaminated Groundwater Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharges from Hydrostatic Testing of Tanks and Pipelines
PAG-11	General Permit for Discharges from Aquatic Animal Production Facilities
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)
PAG-14	(To Be Announced)
PAG-15	General Permit for Discharges from the Application of Pesticides

General Permit Type—PAG-02

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

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Hatfield Township Montgomery County	PAC460311	Penn Color Inc. 2755 Bergey Road Hatfield, PA 19440	Neshaminy Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Dublin Township Montgomery County	PAC460319	School District of Upper Dublin 1580 Fort Washington Avenue Maple Glen, PA 19002	Sandy Run TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Abington Township Montgomery County	PAC460313	Kevin Goodchild 1247 Old Ford Road Huntingdon Valley, PA 19006	Tributary to Pennypack TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lower Merion Township Montgomery County	PAC460327	The Haverford School 450 Lancaster Avenue Haverford, PA 19041	Cobbs Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lower Merion Township Montgomery County	PAC460323	Gladwyne Montessori School 920 Youngs Ford Road Gladwyne, PA 19035	UNT Mill Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Upper Dublin Township Montgomery County	PAC460366	Upper Dublin Township 801 Loch Alsh Avenue Fort Washington, PA 19034	Pine Run Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Limerick Township Montgomery County	PAC460297	Limerick Partners I, L.P. 120 West Germantown Pike Suite 120 Plymouth Meeting, PA 19462	Mingo Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Merion Township Montgomery County	PAC460357	Brandywine Operating Partnership LP 2929 Walnut Street Suite 1700 Phila, PA 19104	Unnamed Tributary to Trout Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
East Greenville Borough Montgomery County	PAC460321	MBI Development Company, Inc 5 Powell Lane Collingswood, PA 08108	Unnamed Trib of Perkiomen Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAC510103	Steven Koltas 718 Manatawna Avenue Philadelphia, PA 19128	Schuylkill River WWF-MF-TMDL	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAC510120	USA Environmental Management, Inc. 8436 Enterprise Avenue Philadelphia, PA 19153-3802	Delaware 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.

Lackawanna County Conservation District, 1038 Montdale Road, Scott Township, PA 18447.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAC350065	Wyoming Ave Development, LLC 321 Spruce St Scranton, PA 18503	Lackawanna	Scranton City	Lackawanna River (CWF, MF)
<i>Luzerne Conservation District, 325 Smiths Pond Road, Shavertown, PA 18708.</i>				
<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAC400099	One Trinity Real Estate Jim & Mary Hayden 908 Monaghan Dr Lutherville, MD 21093	Luzerne	West Hazleton Boro	Black Creek (CWF, MF)
PAC400126	Stauffer Pointe Development Group LLC Angelo Terrana 3445 Lakeside Dr Harveys Lake, PA 18618	Luzerne	Pittston City Pittston Twp	Susquehanna River (WWF, MF)
PAC400131	IDC Property LP c/o Endurance Real Estate Group LLC David Erlbaum 4 Radnor Corporate Center Radnor, PA 19087-4525	Luzerne	Jenkins Twp	Lampblack Creek (CWF, MF) Gardner Creek (CWF, MF)

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

Facility Location:

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Cumberland Township Adams County Issued	PAC010075	S&A Custom Built Homes, Inc. 2121 Gatesburg Road State College, PA 16803	UNT Marsh Creek (CWF, MF)	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325-3404 717.334.0636
Bedford Township Bedford County Issued	PAC050034	CaptiveAire Systems, Inc. 4641 Paragon Park Road Raleigh, NC 27616	UNT Dunning Creek (WWF)	Bedford County Conservation District 702 West Pitt Street Suite 4 Bedford, PA 15522 814.623.7900, ext. 4
Camp Hill Borough Cumberland County Issued	PAC210140	Camp Hill Borough 2145 Walnut Street Camp Hill, PA 17011	UNT Cedar Run (CWF, MF)	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013-9101 717.240.7812
Southampton Township Cumberland County Issued	PAC210131	JLG Industries, Inc. 1 JLG Drive McConnellsburg, PA 17233	UNT Bulls Head Branch (CWF)	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013-9101 717.240.7812
West Hanover Township Dauphin County Issued	PAC220160	Plumbers & Pipefitters Local 520 7193 Jonestown Road Harrisburg, PA 17112	UNT Beaver Creek (WWF-MF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
Susquehanna Township Dauphin County Issued	PAC220115	NRP Contractors II, LLC 1228 Euclid Avenue 4th Floor Cleveland, OH 44115	Paxton Creek (WWF, MF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
South Hanover Township Dauphin County Issued	PAC220176	WC Farms, LLC 2805 Old Post Road Suite 200 Harrisburg, PA 17110	Kellock Run (WWF-MF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
Leacock Township Lancaster County Issued	PAC360413	Daniel Lapp Jr. 3199 Irishtown Road P.O. Box 96 Gordonville, PA 17529	UNT Pequea Creek (WWF, MF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
Lancaster City Lancaster County Issued	PAC360376	SACA Development Corp 453 South Lime Street Suite B Lancaster, PA 17602	Conestoga River (WWF, MF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Earl Township Lancaster County Issued	PAC360377	Allen Newswanger 351 North Hoover Avenue New Holland, PA 17557	UNT Conestoga River (WWF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
East Earl Township Earl Township Lancaster County Issued	PAC360369	Samuel Lapp 3751 Ridge Road Gordonville, PA 17529	Groff Run (WWF, MF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
Pequea Township West Lampeter Township Lancaster County Issued	PAC360407	Millwood Landco, LLC 1085 Manheim Pike Lancaster, PA 17601	UNT Conestoga River (WWF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
Salisbury Township Lancaster County Issued	PAC360367	Houston Run Properties, LLC 1324 Main Street East Earl, PA 17519	Houston Run (CWF, MF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
Earl Township Lancaster County Issued	PAC360393	Phares Weaver 128 Cabin Road Ephrata, PA 17522	Bowman Run (WWF, MF) Conestoga River (WWF, MF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
Monaghan Township York County Issued	PAC670239	Amanda Whalen 1709 Edgar Lane Camp Hill, PA 17011	Pippins Run (CWF, MF) UNT Fishers Run (CWF, MF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717.840.7430
Hopewell Township York County Issued	PAC670203	Mayberry at Stewartstown LLC 126 Onyx Road New Oxford, PA 17350	UNT Ebaughs Creek (CWF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717.840.7430
Shrewsbury Township York County Issued	PAC670288	Shrewsbury Gospel Temple 713 West Forrest Avenue Glen Rock, PA 17327	UNT Trout Run (WWF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717.840.7430
Monaghan Township York County Issued	PAC670141	Gentleman Jack Development, LLC 29 South Union Street Middletown, PA 17057	UNT Fishers Run (CWF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717.840.7430

NOTICES

3365

Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Center Twp Snyder Cnty	PAC55032	Amos Martin 698 Troxelville Road Middleburg, PA 17842	Dry Run CWF	Snyder County Conservation District 403 W Market St Middleburg, PA 17842 (570) 837-3000 X110
Jackson Twp Snyder Cnty	PAC550034	Robert Weaver 1328 Middle Road Richfield, PA 17086	UNT to Penns Creek WWF, MF	Snyder County Conservation District 403 W Market St Middleburg, PA 17842 (570) 837-3000 X110
Spring Twp Snyder Cnty	PAC550031	Donald Remyey 3685 Sawmill Road Springs, PA 17812	UNT to Penns Creek TSF, MF	Snyder County Conservation District 403 W Market St Middleburg, PA 17842 (570) 837-3000 X110

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

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Phone No.</i>
Big Beaver Borough	PAC040054	Adam's Place 3555 Washington Road McMurray, PA 15317	Beaver River (WWF)	Beaver County Conservation District 156 Cowpath Road Aliquippa, PA 15001 (724) 378-1701

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

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
New Castle City Lawrence County	PAC370030	New Castle Sanitation Authority 110 Washington Street P.O. Box 1404 New Castle, PA 16101	Mahoning River WWF	Lawrence County Conservation District 430 Court Street New Castle, PA 16101 724-652-4512
Vernon Township Crawford County	PAC200061	Channelock, Inc 11372 Mercer Pike Meadville, PA 16335	French Creek WWF	Crawford County Conservation District 21742 German Road Meadville, PA 16335 814-763-5269
Summit Township Erie County	PAC250081	Auto Row LLC 8430 Peach Street Erie, PA 16509	Unnamed tributary to Walnut Creek CWF; MF	Erie County Conservation District 1927 Wager Road Erie, PA 16509 814-825-6403
Butler Township Butler County	PAI061007001R Parcel B	Community Development Corporation of Butler County 120 Hollywood Drive Suite 101 Butler, PA 16001	Connoquenessing Creek WWF	Butler County Conservation District 122 McCune Drive Butler, PA 16001 724-284-5270

*General Permit Type—PAG-03**Facility Location
Municipality &
County*German Township
Fayette CountyPermit No.
PAG036257*Applicant Name & Address*
Advanced Disposal
Service Chestnut
Valley Landfill Inc.
1184 McClellandtown Road
McClellandtown, PA 15458*Receiving
Water/Use*
Unnamed Tributary
of Dunlap Creek
(WWF)—19-C*Contact Office &
Phone No.*DEP Southwest
Regional Office
Clean Water Program
400 Waterfront Drive
Pittsburgh, PA
15222-4745
412.442.4000East Huntingdon
Township
Westmoreland
CountyPermit No.
PAG036252Keane Frac, LP
1245 Old Route 119
Mount Pleasant, PA 15666Unnamed Tributary
of Buffalo Run
(WWF)—19-DDEP Southwest
Regional Office
Clean Water Program
400 Waterfront Drive
Pittsburgh, PA
15222-4745
412.442.4000*General Permit Type—PAG-5**Facility Location:
Municipality &
County*Bensalem Township
Bucks CountyPermit No.
PAG050092*Applicant Name & Address*
Bob Nolan's Auto Service
2464 Bristol Pike
Bensalem, PA 19020-5244*Receiving
Water/Use*
Unnamed Tributary
Poquessing Creek
(WWF, MF)
3-J*Contact Office &
Phone No.*DEP Southeast
Regional Office
Clean Water Program
2 East Main Street
Norristown, PA 19401
484.250.5900*General Permit Type—PAG-13**Facility Location
Municipality &
County*Beaver Borough
Beaver CountyPermit No.
PAG136171*Applicant Name & Address*
Beaver Borough
469 Third Street
Beaver, PA 15009-2226*Receiving
Water/Use*
Ohio River
(WWF) and
Twomile Run
(WWF)
20-G and 20-B*Contact Office &
Phone No.*DEP Southwest
Regional Office
Clean Water Program
400 Waterfront Drive
Pittsburgh, PA
15222-4745
412.442.4000**PUBLIC WATER SUPPLY PERMITS**

The Department has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

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

paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

SAFE DRINKING WATER**Actions taken under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17).**

Southeast Region: Water Supply Management Program Manager, 2 East Main Street, Norristown, PA 19401.

Permit No. 1519504, Public Water Supply.

Applicant

UHM Properties, Inc.
150 Clay Street
Suite 450
Morgantown, WV 26501

Township Honey Brook
 County **Chester**
 Type of Facility PWS
 Consulting Engineer James R. Holley & Associates, Inc.
 18 South George Street
 York, PA 17401

Permit to Construct June 17, 2019
 Issued

Permit No. 0919512, Public Water Supply.

Applicant **Bucks County Water & Sewer Authority**
 1275 Almshouse Road
 Warrington, PA 18976

Township Middletown
 County **Bucks**
 Type of Facility PWS
 Consulting Engineer Carroll Engineering Corporation
 Penn Greene
 Suite100
 949 Easton Road
 Warrington, PA 18976-1880

Permit to Construct June 10, 2019
 Issued

Permit No. 0919513, Public Water Supply.

Applicant **Barley Sheaf Farm**
 5281 Old York Road
 Holicong, PA 18928

Township Buckingham
 County **Bucks**
 Type of Facility PWS
 Consulting Engineer Barley Sheaf Farm
 5281 Old York Road
 Holicong, PA 18928

Permit to Construct June 13, 2019
 Issued

Operations Permit # 4618519 issued to: **North Penn Water Authority**, 300 Forty Foot Road, PA 19446, **PWS ID # 1460034**, Borough of Lansdale, **Montgomery County** on May 29, 2019 for the operation of an emergency interconnection with North Wales Water Authority facilities approved under construction permit # 4618519.

Operations Permit # 2318503 issued to: **Aqua Pennsylvania**, 762 West Lancaster Avenue, Bryn Mawr, PA 19401, **PWS ID # 1460073**, Marple Township, **Delaware County** on May 22, 2019 for the operation of upgrades to Newtown Tank and Booster Station: New OSHG System, Ammonia Feed, Tank Mixer, and THM Removal facilities approved under construction permit # 2318503.

Operations Permit # 4619506 issued to **North Wales Water Authority**, 200 West Walnut Street, P.O. Box 1339, North Wales, PA 19454-0339, **PWS ID # 1460048**, Borough of Lansdale, **Montgomery County** on June 13, 2019 for the operation one (1) emergency interconnection with North Penn Water Authority facilities approved under construction permit # 4618519.

Operations Permit # 0916525 issued to **North Penn Water Authority**, 300 Forty Foot Road, P.O. Box 1659, Lansdale, PA 19446, **PWS ID # 1460034**, Hilltown Town-

ship, **Bucks County** on June 10, 2019, for the operation of Hilltown Tanks No. 1 and No. 2, Mixing Systems, and Chlorination System approved under construction permit # 0916525.

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

Permit No. 6718513, Public Water Supply.

Applicant **Pennsylvania American Water Company**
 Municipality Fairview Township
 County **York**
 Responsible Official David Kauffman
 Vice President, Engineering
 852 Wesley Drive
 Mechanicsburg, PA 17055

Type of Facility The plant will change from gaseous chlorine disinfection to sodium hypochlorite disinfection. Ultraviolet disinfection will also be installed to provide an additional 1-log treatment for Cryptosporidium in accordance with the recent Bin 2 classification of the Yellow Breeches Creek at the point of taking under the Long Term 2 Enhanced Surface Water Treatment Rule.

Consulting Engineer Diana M. Young, P.E.
 Buchart-Horn, Inc.
 445 West Philadelphia Street
 York, PA 17401

Permit to Construct 6/17/2019
 Issued

Permit No. 0619504 MA, Minor Amendment, Public Water Supply.

Applicant **Kutztown Borough**
 Municipality Kutztown Borough
 County **Berks**
 Responsible Official Troy Smith, Water Plant Manager
 45 Railroad Street
 Kutztown, PA 19530

Type of Facility PWS application for an in-kind replacement of the existing filter media and support gravel. The underdrains will be inspected and repaired or replaced with a new, in-kind, system if it is deemed necessary.

Consulting Engineer Staci A. Hartz, P.E.
 Herbert Rowland and Grubic Inc
 369 East Park Drive
 Harrisburg, PA 17111

Permit to Construct 6/17/2019
 Issued

Permit No. 3619508 MA, Minor Amendment, Public Water Supply.

Applicant **Solanco School District**
 Municipality East Drumore Township
 County **Lancaster**

Responsible Official Sandra S. Tucker, Business Manager
121 South Hess Street
Quarryville, PA 17566

Type of Facility Installation of secondary controls for the existing sodium hydroxide and sodium hypochlorite chemical feed systems.

Consulting Engineer Charles A. Kehew II, P.E.
James R. Holley & Associates, Inc.
18 South George Street
York, PA 17401

Permit to Construct Issued 6/13/2019

Operation Permit No. 2118506 MA issued to: **Pennsylvania American Water Company (PWS ID No. 7210029)**, Lemoyne Borough, **Cumberland County** on 6/14/2019 for facilities approved under Construction Permit No. 2118506 MA.

Northcentral Region: Safe Drinking Water Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.

Echo Beach MHP (Public Water Supply), Bradford County: On May 13, 2019, the Safe Drinking Water Program approved the Source Water Protection (SWP) plan for the **Echo Beach MHP** 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).

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

Permit No., 4397502-T1-MA3, Public Water Supply.

Applicant **Aqua PA—Shenango**

Township or Borough City of Sharon

County **Mercer**

Type of Facility Public Water Supply

Consulting Engineer Robert Horvat, P.E.
Entech Engineering
400 Rouser Road
Coraopolis, PA 15108

Permit to Construct Issued June 10, 2019

Permit No., 4300503-T1-MA14, Public Water Supply.

Applicant **Aqua PA—Shenango**

Township or Borough City of Hermitage

County **Mercer**

Type of Facility Public Water Supply

Consulting Engineer Robert Horvat, P.E.
Entech Engineering
400 Rouser Road
Coraopolis, PA 15108

Permit to Construct Issued June 10, 2019

SEWAGE FACILITIES ACT PLAN APPROVAL

Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. 1535, as amended, 35 P.S. § 750.5.

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
South Annville Township	1042 Horseshoe Pike Lebanon, PA 17042	Lebanon

Plan Description: Approval of a revision to the official plan of South Annville Township, Lebanon County. The project is known as Servant's Oasis. The plan provides for a sewage treatment plant with drip irrigation disposal to serve a retreat center with flows of 5,000 gallons per day. The proposed development is located on Gumtree Road. The Department's review of the plan revision has not identified any significant impacts resulting from this proposal. The DEP Code Number for this planning module is A3-38920-121-3 and the APS Id is 982295. Any required NPDES Permits or WQM permits must be obtained in the name of Servant's Oasis.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
West Pennsboro Township	2150 Newville Road Carlisle, PA 17013	Cumberland

Plan Description: Approval of a revision to the official plan of West Pennsboro Township, Cumberland County. The project is known as Ken Mansfield. The plan provides for a Small Flow Treatment Facility to serve one new single family dwelling. The proposed development is located at 141 Creek Road. The Department's review of the plan revision has not identified any significant impacts resulting from this proposal. The DEP Code Number for this planning module is A3-21933-312-3S and the APS Id is 990093. Any required NPDES Permits or WQM permits must be obtained in the name of the property owner.

Southwest Region: Regional Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Telephone 412-442-4000.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
City of Jeannette	110 South Second St Jeannette, PA 15644	Westmoreland
Penn Township	2001 Municipal Court Harrison City, PA 15636	Westmoreland
Hempfield Township	1132 Wood Drive Greensburg, PA 15601	Westmoreland
Penn Borough	400 Harrison Avenue P.O. Box 352 Penn, PA 15675-0352	Westmoreland

Plan Description: The Project provides for the Municipal Authority of Westmoreland County (MAWC) Plan and Schedule for the implementation of the City of Jeannette's Long-Term Control Plan (LTCP). This Act 537 Plan is consistent with the requirements of the LTCP. This project will address the excessive wet weather flows

that are occurring in the MAWC's City of Jeannette collection system. The submission is consistent with the planning requirements in Chapter 71 of the Department's regulations.

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.

Pine Ridge Community Association, 4770 Pine Ridge Drive West, Lehman Township, **Pike County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Pine Ridge Community Association, 4770 Pine Ridge Drive West, Bushkill, PA 18324, submitted a Final Report concerning remediation of soil contaminated by a release of heating oil from an aboveground storage tank. The report is intended to document remediation of the site to meet Statewide Health Standards.

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

1501 North George Street, 1501 North George Street, York, PA 17404, Manchester Township, **York County**. Liberty Environmental, Inc., 505 Penn Street, Reading, PA 19601, on behalf of Molt, LLC, P.O. Box 20316, York, PA 17402, submitted a Remedial Investigation Report and Cleanup Plan concerning remediation of site soil and groundwater contaminated with leaded and unleaded gasoline. 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.

Porlanick Tanker Accident Cleanup, PA SR 706, Stevens Township, **Bradford County**. Golder Associates Inc., 209 N Main Street, Suite 5, Horseheads, NY 14845, on behalf of Talisman Energy USA Inc, 50 Pennswood Place, Warrendale, PA 15086, has submitted a Final Report concerning remediation of site soils contaminated with oil-based drilling mud. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Lenze Residence Abandoned Heating Oil UST Release, 15135 Bennetts Valley Highway, Penfield, Huston Township, **Clearfield County**. Environmental Remediation & Recovery, Inc., 4250 Rt 6N, Edinboro, PA 16412, on behalf of National Fuel Gas Distribution Corp., 1100 State Street, Erie, PA 16512, has submitted a Final Report concerning remediation of site soil contaminated with heating oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

MBA Transport of Columbus, LLC, Interstate 80W @ MM 191.0, Loganton, Greene Township, **Clinton County**. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857, on behalf of MBA Transport of Columbus, LLC, P.O. Box 24460, Columbus, OH 43224, has submitted a Final Report concerning site soil contaminated with diesel fuel. The report is intended to document remediation of site to meet the Statewide Health Standard.

Leighow Oil Company Vehicle Fluid Release, Intersection of SR 254 & SR 147, Milton, Turbot Township, **Northumberland County**. Mountain Research, LLC, 825 25st Street, Altoona, PA 16601, on behalf of Leighow Oil Company, 118 Eyer Road, Danville, PA 17821, has submitted a Final Report concerning remediation of site soil contaminated with diesel fuel and used motor oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995
PREAMBLE 3

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environ-

mental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department regional office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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, submitted a Final Report concerning site soil contaminated with diesel fuel and motor oil. The report has demonstrated attainment of the Statewide Health Standard and was approved by the Department on June 12, 2019.

Permit void and bond release under the Solid Waste Management Act, the Act of July 7, 1980, P.L. 380, 35 P.S. §§ 6018.101—6018.1003 and regulations to operate a municipal or residual waste facility.

Southwest Regional Office: Regional Manager, Waste Management, 400 Waterfront Drive, Pittsburgh, PA 15222, Telephone 412-442-4000.

Permit I.D. No. WMGR123SW016. Range Resources-Appalachia, LLC, 3000 Town Center Boulevard, Canonsburg, PA 15317. At the request of the Permittee, general permit WMGR123SW016, approved on October 31, 2014 for the Huffy Tank Pad intended to be located at Seal Road, Eighty-Four, PA 15330, Somerset Township,

Washington County, is voided. The facility was never constructed nor operated therefore the Department is releasing \$65,017.00 in financial assurance associated with the voided permit.

Permit I.D. No. WMGR123SW022. Range Resources-Appalachia, LLC, 3000 Town Center Boulevard, Canonsburg, PA 15317. At the request of the Permittee, general permit WMGR123SW022, approved on July 9, 2015 for the Bier Tank Pad intended to be located at US-19 Washington Road, Canonsburg, PA 15317, North Strabane Township, **Washington County**, is voided. The facility was never constructed nor operated; therefore, the Department is releasing \$65,017.00 in financial assurance associated with the voided permit.

Permit I.D. No. WMGR123SW023. Range Resources-Appalachia, LLC, 3000 Town Center Boulevard, Canonsburg, PA 15317. At the request of the Permittee, general permit WMGR123SW023, approved on September 30, 2016 for the Stefkovich Tank Pad intended to be located at Avella Road US-50, Avella, PA 15312, Cross Creek Township, **Washington County**, is voided. The facility was never constructed nor operated; therefore, the Department is releasing \$65,017.00 in financial assurance associated with the voided permit.

HAZARDOUS WASTE TRANSPORTER LICENSE

Actions on applications for Hazardous Waste Transporter License received under the Solid Waste Management Act of July 7, 1980 (P.L. 380, No. 97) (35 P.S. §§ 6018.101—6018.1003) and regulations to transport hazardous waste.

Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, PO Box 69170, Harrisburg, PA 17106-9170.

Renewal Applications Received

Weavertown Transport Leasing, Inc., 2 Dorrington Rd, Carnegie, PA 15106. License No. PA-AH 0263. Effective Jun 17, 2019.

Transporter Licenses Reissued

Weavertown Transport Leasing, Inc., 2 Dorrington Rd, Carnegie, PA 15106. License No. PA-AH 0263. Effective Jun 17, 2019.

DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

Determination of Applicability for General Permit issued under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities (25 Pa. Code § 287.611 relating to authorization for general permit).

Southcentral Regional Office: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200.

General Permit No. WMGR038SC010. HB & T Tire, LLC, 134 Old Route 26, Everett, PA 15537, located in West Providence Township, **Bedford County**. The Department of Environmental Protection has issued a Determination of Applicability under General Permit WMGR038 to HB & T Tire, LLC for the processing, reuse and beneficial use of waste tires, which include whole tires, tire chips, baled tires, tire shreds, and crumb rubber. This Determination of Applicability was issued on June 13, 2019.

AIR QUALITY

General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

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

Contact: Muhammad Q. Zaman, Program Manager; 570-327-3648.

GP3-53-125: Duffy, Inc. (P.O. Box 347, 1 Delta Drive, Smethport, PA 16749) on June 11, 2019, to authorize the operation of a 2008 vintage Kolberg-Pioneer Fast Track model FT2650 portable crushing plant pursuant to the General Plan Approval and/or General Operating Permit For Portable Nonmetallic Mineral Processing Plants (BAQ-GPA/GP-3) at Fred Huff’s property located in Roulette Township, **Potter County**.

GP11-53-125: Duffy, Inc. (P.O. Box 347, 1 Delta Drive, Smethport, PA 16749) on June 11, 2019 to authorize the operation of a 2006 vintage 275 brake-horsepower (205 kilowatts) Caterpillar C9 FT2650 nonroad diesel engine pursuant to the General Plan Approval and General Operating Permit for Nonroad Engines (BAQ-GPA/GP-11) at Fred Huff’s property located in Roulette Township, **Potter County**.

AG5-08-00001A: UGI Texas Creek, LLC (One Meridian Blvd, Suite 2C01, Wyomissing, PA 19610) on June 11, 2019, for the construction and operation of one (1) 1,380 bhp Caterpillar G3516B LE four-stroke ultra-lean-burn compressor engine, one (1) 80 bhp Arrow A62 (4SRB) natural gas fired generator engine, one (1) 67 bhp Caterpillar DG50-2 (4SLB) natural gas fired generator engine, one (1) 25 MMscf/day dehydrator unit equipped with a 0.50 MMBtu/hr reboiler burner, and one (1) 10,000-gallon produced water tank and other various minor sources pursuant to the General Plan Approval and/or General Operating Permit for Natural Gas Compression and/or Processing Facilities (BAQ-GPA/GP-5) at the Sweden Valley 101 pad located in Canton Township, **Bradford 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.

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

Contact: Ed Orris, P.E., New Source Review Chief—Telephone: 412-442-4168.

26-00588B: Laurel Mountain Midstream, LLC (Park Place 2, 2000 Commerce Drive, Pittsburgh, PA 15275) on June 11, 2019, to authorize installation, temporary and/or continued operation at the Shamrock Compressor Station located in German Township, **Fayette County** under Plan Approval 26-00588B for the new and existing sources listed, as follows:

Source ID	Source Name and Description
116	Caterpillar G3516J 1,380 bhp, Compressor Engine
117	Caterpillar G3516J 1,380 bhp, Compressor Engine
109	Caterpillar G3516B 1,380 bhp, Compressor Engine
110	Solar Mars 100-16000S, 15,252 bhp
118	Solar Titan 130 Turbine, 21,158 bhp
115	Emergency Generator, CAT G3516B, 1,818 bhp
401	Dehydrator 01, 200MMscfd
201	Reboiler 01, 1.17 MMBtu/hr
402	Dehydrator 02, 200 MMscfd
201	Reboiler 01, 1.17 MMBtu/hr
119	Glycol Processing Unit engine, 19.5 bhp
119	Glycol Processing Unit-heater, 0.5 MMBtu/hr
301	Storage Tank 1—476 bbl, Produced Water
301	Storage Tank 2—476 bbl, Produced Water
301	Storage Tank 3—476 bbl, Produced Water
301	Storage Tank 4—140 bbl, Produced water
301	Storage Tank 5—300 bbl Produced water
706	Truck Loadout
801	Pigging Operations
703	Compressor Dry Gas Seal Leaks
704	Compressor Rod Packing
707	Turbine SSM
601	Compressor Blowdown
705	Engine Start up
702	Engine Crank Case
701	Site Component Fugitive Emissions

Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

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

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

14-00002S: Graymont (PA), Inc. (965 East College Avenue, Pleasant Gap, PA 16823) was issued an extension to the authorization that permits natural gas use in Kilns No. 6 & 7 to December 8, 2019 from June 11, 2019. These rotary kilns (Source IDs P408 and P413) are located at their Pleasant Gap plant in Spring Township, **Centre County**. The plan approval has been extended.

14-00002T: Graymont (PA) Inc. (375 Graymont Rd., Bellefonte, PA 16823) on June 14, 2019, to extend the plan approval expiration date to January 3, 2020 to facilitate continued shakedown of several sources for the production of quicklime and hydrated lime at the Pleasant Gap facility in Spring Township, **Centre County**.

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

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

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

40-00004: Silgan White Cap (350 Jaycee Drive, Hazle Township, PA 18202-1148) The Department issued, on 6/14/2019, a Title V Operating Permit renewal for operation of a crowns and closures manufacturing facility in Hazle Township, **Luzerne County**. The sources on site include 5 coating lines and solvent clean-up operations controlled by two regenerative thermal oxidizers (RTOs) and an emergency generator. The Title V Operating Permit includes all applicable emission limits, work practice standards, testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within applicable air quality requirements.

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.

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

Contact: Ed Orris, P.E., New Source Review Chief—Telephone: 412-442-4168.

26-00020: Hanson Aggregates BMC, Inc. (488 Rich Hill Road, Connellsville, PA 15425) Synthetic Minor State-Only Operating Permit on June 11, 2019, the Department of Environmental Protection (DEP) authorized a renewed synthetic minor state-only operating permit for a facility that crushes and processes limestone and is located in Bullskin Township, **Fayette County**. The permit includes emission limits, operating requirements, monitoring requirements, and recordkeeping requirements for the site.

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

Contact: Matt Williams, Facilities Permitting Chief at Telephone: 814-332-6940.

20-00264: Salt Painting, Inc. (17918 State Highway 198, Saegertown, PA 16433), on June 4, 2019, the Department issued the renewal of the State-Only Operating Permit of a facility located in Hayfield Township, **Crawford County** that provides painting, cleaning, coating and sandblasting services to industrial plants and facilities. Air pollutant-emitting activities covered by this permit are those performed and located at the facility, namely abrasive blasting, surface coating, curing oven, and diesel compressor. With PTEs below major source thresholds, the facility has been permitted as Natural Minor. In this renewal, major change is the incorporation of 25 Pa. Code § 129.52d, which may potentially replace 25 Pa. Code § 129.52, for the facility's surface coating operation.

62-00150: Superior Tire & Rubber Corp. (1818 Pennsylvania Ave. West, Warren, PA 16365), on June 4, 2019, the Department issued the renewal of the State-Only Operating Permit of a facility located in Warren City, **Warren County** that manufactures polyurethane and rubber industrial components that include tires, wheels, caster, track pads, and bearings. Permitted sources at the facility are three (3) boilers, three (3) spray

booths for adhesive spray and finish coating operations, two (2) burn off ovens, natural gas-fired ovens for pre-heating and curing of molding parts, natural gas-fired heaters, an emergency generator, and a degreaser. Subject to facility-wide restrictions of 49.5 TPY VOC, 9.9 TPY single HAP, and 24.9 TPY multiple HAPs on 12-month rolling basis, the facility is Synthetic Minor for permitting purposes and an area HAP source for MACT purposes. In this renewal, 25 Pa. Code § 129.52d that may potentially apply to the facility is incorporated into the operating permit. Previously authorized through a RFD issued in 2014, a boiler is added as a permitted source. All boilers are subject to a new fuel restriction to ensure exemption from a potentially applicable Federal rule. A burn off oven initially authorized through GP4-62-150A is incorporated into the permit. Designated as one permitted source, total heat input rating and natural gas usage for ovens and heaters are updated to account for units installed as authorized through RFDs issued during the last permit term.

10-00021: Indspec Chemical Corporation (P.O. Box 307, 133 Main Street, Petrolia, PA 16050). On June 4, 2019, the Department issued a modification of the State only operating permit for the facility located in Petrolia Borough, **Butler County**. The modification includes the ERCs approved for the shutdown sources and removes two engines no longer in use (180 emergency generators and 180D air compressor). In addition, the facility requested removal of Source 169—Sodium Sulfate Product Loading at the Copeland; Source 238—Tank Number T-3069; Source 270—V-8 X-Factor; and, Source 280—V-9 X-Factor. These sources are no longer required, have been emptied, cleaned and rendered unusable.

10-00107: Vorteq Coil Finishers LLC (P.O. Box 47, Oconomowoc, WI 53066), the Department on June 3, 2019 issued a renewal of the State Only Synthetic Minor Operating Permit for the facility. The facility coats metal coils used for architectural metal. The primary processes at the facility are space heaters, tank heaters, primary and finish applications, conversion coating, lime handling, emergency generator, emergency fire pump engine, and a maintenance degreaser. The VOC emissions from the coating operations are limited to 9 lbs/hr and 39.42 TPY. The facility individual HAP emissions are limited to 9.9 TPY and the combined HAP emissions are limited to 24.9 TPY. The VOC and HAP emissions from the coating process (including the drying ovens and quench process for each line) are controlled by a thermal oxidizer. The emergency engine and emergency fire pump engine are both subject to the maintenance requirements of 40 CFR 63 Subpart ZZZZ—NESHAPs for Stationary Reciprocating Internal Combustion Engines. The conversion coating is subject to the work practice requirements of 40 CFR 63 Subpart WWWW—NESHAPs: Area Source Standards for Plating and Polishing Operations. The facility is located in Middlesex Township, **Butler County**.

Philadelphia: Air Management Services, 321 University Avenue, Philadelphia, PA 19104-4543, Contact: Edward Wiener, Chief, Source Registration at 215-685-9476.

The City of Philadelphia, Air Management Services (AMS) issued on 6/17/2019 an initial Minor State Only Operating Permit for the following facility:

OP19-000001: Building Bok LP (1901 S 9th Street, Philadelphia, PA 19148) for the operation of a non-residential building in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources are three (3) boilers each rated 8.2 MMBtu/hr firing natural gas as primary fuel and No. 2 fuel oil during periods of

natural gas curtailment, and one (1) emergency generator rated 180 kW firing diesel fuel.

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.

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

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

43-00196: Wabtec US Rail Inc., GE Transportation Grove City Engine (1503 W. Main Street Ext., Grove City, PA 16127-2513). The Department on June 4, 2019, issued an administrative amendment of the Title V Operating Permit for the GE Transportation Grove City Engine facility to incorporate the change of ownership to Wabtec US Rail Incorporated. The facility is located in Pine Township, **Mercer County**.

43-00196: Wabtec US Rail Inc., GE Transportation Grove City Engine (1503 W. Main Street Ext., Grove City, PA 16127-2513). The Department on June 4, 2019, issued an administrative amendment of the Title V Operating Permit for the GE Transportation Grove City Engine facility to incorporate the change of ownership to Wabtec US Rail Incorporated. The facility is located in Pine Township, **Mercer County**.

25-00025: Wabtec US Rail Inc., GE Transportation Erie Plant (BLDG 9 RM 201, 2901 E. Lake Rd., Erie, PA 16531-0001). The Department on June 3, 2019, issued an administrative amendment of the Title V Operating Permit for the GE Transportation Erie facility to incorporate the change of ownership to Wabtec US Rail Incorporated. The facility is located in Lawrence Park Township, **Erie County**.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); The Clean Streams Law; the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.20a). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P.S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1002).

Coal Permits Issued

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

Permit No. 56663069 and NPDES No. PA0120944. Heritage Coal & Natural Resources, LLC, 550 Beagle Road, Rockwood, PA 15557, permit renewal for the continued operation and restoration of a bituminous surface and

auger mine in Elk Lick & Summit Townships, **Somerset County** affecting 3,040 acres. Receiving streams: unnamed tributary to/and Casselman River and unnamed tributary to/and Elk Lick Creek, classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: January 22, 2019. Permit issued: June 10, 2019.

Permit No. 56120116 and NPDES No. PA0269174. LCT Energy, LP, 938 Mount Airy Drive, Suite 200, Johnstown, PA 15904, permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Stonycreek Township, **Somerset County** affecting 127.3 acres. Receiving stream: unnamed tributaries to Boone Run, classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: January 18, 2019. Permit issued: June 13, 2019.

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

17110107 and NPDES PA0257699. Bell Resources, Inc. (1340 Hoyt Road, Curwensville, PA 16833). Permit renewal for continued operation and restoration of a bituminous coal surface mine located in Bloom, Brady, and Penn Townships, **Clearfield County** affecting 76.2 acres. Receiving stream(s): Unnamed Tributary to Bell Run classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: January 4, 2019. Permit issued: June 11, 2019.

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

Permit No. 19980101R4. Kovalchick Coal Company, (P.O. Box 251, Mt. Carmel, PA 17851), renewal of an existing anthracite surface mine operation in Conyngham Township, **Columbia County** affecting 215.0 acres, receiving stream: Mahanoy Creek. Application received: December 3, 2018. Renewal issued: June 11, 2019.

Permit No. PAM113076R. Kovalchick Coal Company, (P.O. Box 251, Mt. Carmel, PA 17851), renewed coverage under the General NPDES Permit for Stormwater Discharges Associated with Mining Activities (BMP GP-104) on Surface Mining Permit No. 19980101 in Conyngham Township, **Columbia County**, receiving stream: Mahanoy Creek. Application received: December 3, 2018. Renewal issued: June 11, 2019.

Noncoal Permits Issued

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

PAM219003. Heysham Paving Company, 1815 Barney Hill Road, Elkland, PA 16920, coverage under General NPDES Permit for Stormwater Discharges Associated With Mining Activities (BMP GP-104) on Noncoal Permit No 4775SM2 located in Nelson Township, **Tioga County**. Receiving stream(s): Cowanesque River classified for the following use(s): WWF, MF. Application received: April 15, 2019. Permit Issued: June 5, 2019.

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

26102802. Mon River Energy Corp., P.O. Box 466, Brier Hill, PA 15415. Final Bond release for a small noncoal mining operation in Redstone Township, **Fayette County**. Restoration of .97 acre completed. Receiving streams: Fourmile Run. Application received: December 10, 2018. Final bond release approved: June 10, 2019.

63100401 and NPDES Permit No. PA0252034. Neiswonger Construction, Inc. (17592 Route 322, Strattanville, PA 16258). Permit issued for commencement, operation and restoration of a large noncoal surface mine, located in Deemston Borough, **Washington County**, affecting 67.6 acres. Receiving streams: unnamed tributaries to Ten Mile Creek and Ten Mile Creek. Application received: March 22, 2017. Permit issued: June 12, 2019.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.

Blasting Permits Issued

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

59194105. Meshoppen Blasting, Inc. (Frantz Road, P.O. Box 127, Meshoppen, PA 18630). Blasting for construction of a gas well pad located in Ward Township, **Tioga County** with an expiration date of June 6, 2020. Permit issued: June 11, 2019.

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

Permit No. 06194116. M & J Explosives, LLC, (P.O. Box 1248, Carlisle, PA 17013), construction blasting for Stonecroft Village in Marion Township, **Berks County** with an expiration date of June 6, 2020. Permit issued: June 11, 2019.

Permit No. 36194126. M & J Explosives, LLC, (P.O. Box 1248, Carlisle, PA 17013), construction blasting for Warwick Woodlands in Lititz Borough, **Lancaster County** with an expiration date of June 6, 2020. Permit issued: June 11, 2019.

Permit No. 40194110. Maurer & Scott Sales, Inc., (122 Thomas Street, Coopersburg, PA 18036), construction blasting for Center Point II B East in Pittston Township, **Luzerne County** with an expiration date of June 14, 2020. Permit issued: June 11, 2019.

Permit No. 06194117. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Burnell Eby chicken house in Richmond Township, **Berks County** with an expiration date of December 30, 2019. Permit issued: June 13, 2019.

Permit No. 09194104. Rock Work, Inc., (1257 DeKalb Pike, Blue Bell, PA 19422), construction blasting for Fentons Corner in Buckingham Township, **Bucks County** with an expiration date of July 1, 2020. Permit issued: June 13, 2019.

Permit No. 15194104. Rock Work, Inc., (1257 DeKalb Pike, Blue Bell, PA 19422), construction blasting for Kimberton Glen in East Pikeland Township, **Chester County** with an expiration date of July 1, 2020. Permit issued: June 13, 2019.

Permit No. 48194108. American Rock Mechanics, Inc., (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for Chrin Lot 31 in Palmer Township, **Northampton County** with an expiration date of June 2, 2020. Permit issued: June 13, 2019.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

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

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

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

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.

Permits, Environmental Assessments and 401 Water Quality Certifications Issued:

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E09-1031: Pennsylvania Department of Transportation Engineering District 6-0, 7000 Geerdes Boulevard, King of Prussia, Hilltown Township, **Bucks County**, ACOE Philadelphia District.

PennDOT District 6-0 is proposing to remove an existing deteriorating 300-foot section of 36-inch corrugated metal pipe section of a longer stream enclosure that carries Mill Creek (TSF-MF) under SR 113. And in its place, construct and maintain a 36-inch HDPE section

resulting in 300 linear feet (900 square feet) of permanent waterway impact. This project is located adjacent to SR 113 approximately 700 feet west of the Sourderton Road and Bethlehem Pike intersection (USGS PA Telford Quadrangle—Latitude 40.320704, Longitude 75.304871 W).

E46-1159: West Norriton Township, 1630 West Marshall Street, Jeffersonville, PA 19403, West Norriton Township, **Montgomery County**, ACOE Philadelphia District.

To perform the following activities associated with the proposed streambank restoration in and along Indian Creek at the Jeffersonville Golf Course. Work will include 1,100 linear feet of streambank stabilization, floodplain enhancement, bioretention feature installation, and the placement of J hooks, cross vanes, and channel realignment to replicate natural meandering flow patterns to accommodate additional storm water volume. The site is located at 2400 West Main Street near the intersection Trooper Road and Main Street (Collegeville, PA, USGS Map; Latitude: 40.1359; Longitude: -75.389247) in West Norriton Township, Montgomery County.

E09-1028: Bucks County Public Works Department, 55 East Court, Doylestown, PA 18901, Hilltown Township, **Bucks County**, ACOE Philadelphia District.

To construct and maintain the following water obstruction and encroachment activities associated the Rickert Road over Morris Run (TSF-MF) bridge replacement project:

1. To remove a structurally deficient reinforced 80-foot long, 60-foot clear span, Portland cement concrete deck girder bridge and in its place, construct and maintain a precast concrete arch bridge with a clear span of 60 feet over Morris Run (Impact 3, TSF-MF) resulting in 20 linear feet (52 square feet, 0.001 acre) of permanent watercourse impact, 95 linear feet (1,860 square feet, 0.043 acre) of temporary watercourse impact, 2,850 square feet (0.065 acre) of permanent floodway impact and 2,877 square feet (0.066 acre) of temporary floodway impact.

2. To place and maintain fill within a wetland (Wetland 1, PEM) associated with the construction of the west roadway embankment resulting in 638 square feet (0.015 acre) of permanent wetland impact and 452 square feet (0.010 acre) of temporary wetland impact.

3. To place and maintain fill within a wetland (Wetland 2, PEM) associated with the construction of the east roadway embankment resulting in 89 square feet (0.002 acre) of permanent wetland impact and 189 square feet (0.004 acre) of temporary wetland impact.

4. To construct and maintain an 18-inch stormwater outfall located on an unnamed tributary to Morris Run (Impact 4, TSF-MF) resulting in 585 square feet (0.0134 acre) of permanent watercourse impact. This activity also involves the placement of riprap rock apron.

The existing bridge was built in 1908 and was determined eligible listing in the National Register of Historic Places (National Register) in 2001. The project is located on Rickert Road south of Frontier Road in Hilltown Township, Bucks County (USGS PA Ambler Quadrangle—Latitude: 40.366794, Longitude: 75.220479 W).

E09-1024: Quakertown Community School District, 100 Commerce Drive, Quakertown, PA 18951, Quakertown Borough and Richland Township, **Bucks County**, ACOE Philadelphia District.

To rehabilitate and maintain an existing Neidig Elementary School facility including pavilion, playground,

parking areas, and other related items partially in the floodplain (outside of the 100-year floodway) of the Tohickon Creek (TS-MF) to the north and Licking Creek (TSF-MF) to the south, associated with the Additions and Renovations Project of the School. The project also includes two outfall structures per GP040918305. The site is located at about 500 feet northeast of Erie Avenue and North Penrose Street (Quakertown, PA, USGS Quadrangles Latitude: 40.445733; Longitude: -75.328588).

Northeast Regional Office, Waterways and Wetlands Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Telephone 570-826-2511.

E45022-618. Pocono Summit Realty, LLC, 1055 Westland Drive, Suite 300, Berwyn, PA 19312. Mount Pocono Borough, **Monroe County**, Army Corps of Engineers Philadelphia District.

To fill 0.06 acre of palustrine emergent, isolated wetland within the Indian Run (HQ-CWF, MF) watershed for the purpose of constructing an entrance road for a proposed commercial development. The project is located on the south side of S.R. 940, approximately 0.17 mile south of the intersection of S.R. 940 and Industrial Park Drive (Pocono Pines and Mount Pocono, PA Quadrangles Latitude: 41° 07' 15.47"; Longitude: -75° 22' 33.69") in Mount Pocono Borough, Monroe County.

E54-372. PPL Electrical Utilities Corporation, 2 North 9th Street, Allentown, PA 18101. Branch Township, North Manheim Township, Norwegian Township, Wayne Township and City of Pottsville, **Schuylkill County**, Army Corps of Engineers Philadelphia District.

To remove the existing structure and construct and maintain an electric aerial line crossing of West Branch Schuylkill River (CWF, MF) and adjacent wetlands for the Frackville-Orwigsburg and Fishbach-Pine Grove 69kV Line Rebuild project. The project is located approximately 0.06 mile south of the Gordon Nagle Trail and Indian Run Road intersection in the City of Pottsville and Branch Township, Schuylkill County. (Pottsville Quadrangle Latitude: 40° 39' 43.24"; Longitude: -76° 14' 3.30")

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

E36-977: Lancaster County, 150 North Queen Street, Lancaster, PA 17603 in West Sadsbury and West Fallowfield Townships **Chester County**, and Sadsbury Township, **Lancaster County**, U.S. Army Corps of Engineers Baltimore District.

To remove an existing structure and to construct and maintain a 27-foot 10.5-inch wide two span bridge having a normal span of 90 feet and an underclearance of 8 feet across East Branch Octoraro Bridge (TSF, MF). The project is located on Steelville Mill Road at the intersection with Creek Road (Latitude 39.9374, Longitude -75.9843). No wetlands will be impacted by this project. The permit was issued on June 17, 2019.

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

E32052-525, Urban Outfitters, Inc., 500 South Broad Street, Philadelphia, PA 19112, White Township, **Indiana County**; Pittsburgh ACOE District.

Has been given consent to:

1. Remove an existing, 94 LF, 24-inch HDPE pipe from an unnamed tributary (UNT) to Cherry Run (CWF)

2. Place and maintain fill in approximately 946 LF of the aforementioned UNT, and construct and maintain approximately 730 feet of 8" flexible perforated pipe and wrapped in stone, under this fill and within a portion this UNT, to act as an underdrain;

3. Construct and maintain approximately 600 feet of 36" Smooth Lined Corrugated Plastic Pipe (SLCPP) to relocate and convey surface flows of the aforementioned UNT that will be filled;

4. Construct and maintain one (1) 6" PVC sanitary pipe crossing under both the filled and relocated UNT to Cherry Run (CWF),

5. Place and fill in approximately 0.54 acre of PFO wetland and approximately 0.04 acre of PE wetland;

6. Mitigation includes the construction of approximately 1.4 acre of PFO/PSS wetland, and enhancement of approximately 0.51 acre of adjacent, existing wetland to PFO/PSS wetland, within the Windy Ridge Business and Technology Park, and the purchase of 852 stream mitigation credits from First Pennsylvania Resource, LLC's Enlow Fork Mitigation Bank.

For the purpose of constructing an approximately 958,000 square foot warehouse with associated parking lots, utilities, access drives and stormwater facilities. The project will cumulatively result in approximately 946 LF of permanent impact and 330 LF of temporary impact to a UNT to Cherry Run (CWF), and approximately 0.58 acre of permanent impact to PFO and PEM wetlands. The project site is located approximately 1,350 feet southeast of the intersection of Oakland Avenue (PA 286) and Fenton Road (Indiana, PA USGS topographic quadrangle; N: 40°, 35', 31"; W: -79°, 11', 47"; Sub-basin 18D; USACE Pittsburgh District), in White Township, Indiana County.

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

E5329-020: JKLM Energy, LLC, 2200 Georgetown Drive, Suite 500, Sewickley, PA 15143, Allegheny Township, **Potter County**, ACOE Pittsburgh District. (Sweden Valley, PA Quadrangle, Latitude: N41° 50' 03.62", Longitude: W77° 52' 53.35").

To construct, operate and maintain the Woodcock Creek 125 to PVR Pipeline Project, which consists of two (2) 4-inch diameter natural gas gathering lines, installed via Horizontal Directional Drilling. The project will result in 50.0 linear feet of permanent impacts to Allegheny River (CWF, MF), and 7,687 square feet (0.18 acre) of permanent impacts to Exceptional Value Palustrine Forested (EV, PFO) Wetlands, all for the purpose of installing natural gas gathering lines for Marcellus shale development.

E5829-138: Auburn and Springville Townships, Williams Field Services Company, LLC; 400 1ST Center, Suite 404, Horseheads, NY 14845; Auburn and Springville Townships, 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 17,301 square feet (0.40 acre) of a palustrine emergent wetland (PEM) (Springville, PA Quadrangle; Latitude: 41° 42' 02", Longitude: -75° 58' 55"),

2) a 12-inch diameter steel natural gas gathering pipeline and temporary timber mat bridge crossing impacting

71 lineal feet of an unnamed tributary to Riley Creek (CWF, MF) (Springville, PA Quadrangle; Latitude: 41° 42' 01", Longitude: -75° 58' 52"),

3) a 12-inch diameter steel natural gas gathering pipeline and temporary timber mat crossing impacting 1,492 square feet (0.03 acre) of a palustrine emergent wetland (PEM) (Springville, PA Quadrangle; Latitude: 41° 42' 04", Longitude: -75° 58' 25"),

4) a temporary timber mat bridge crossing impacting 1,314 square feet of floodway impacts to an unnamed tributary to White Creek (CWF, MF) (Springville, PA Quadrangle; Latitude: 41° 42' 03", Longitude: -75° 58' 23"),

5) a temporary timber mat bridge crossing impacting 5,923 square feet of floodway impacts to an unnamed tributary to White Creek (CWF, MF) (Springville, PA Quadrangle; Latitude: 41° 42' 03", Longitude: -75° 58' 21"),

6) a 12-inch diameter steel natural gas gathering pipeline and temporary timber mat crossing impacting 17,726 square feet (0.41 acre) of a palustrine emergent wetland (PEM) (Springville, PA Quadrangle; Latitude: 41° 42' 04", Longitude: -75° 58' 17"),

7) a temporary timber mat bridge crossing impacting 2,751 square feet of floodway impacts to an unnamed tributary to White Creek (CWF, MF) (Springville, PA Quadrangle; Latitude: 41° 42' 04", Longitude: -75° 58' 17"),

8) a 12-inch diameter steel natural gas gathering pipeline and temporary timber mat bridge crossing impacting 52 lineal feet of an unnamed tributary to White Creek (CWF, MF) (Springville, PA Quadrangle; Latitude: 41° 42' 04", Longitude: -75° 58' 16"),

9) a 12-inch diameter steel natural gas gathering pipeline and temporary timber mat crossing impacting 829 square feet (0.02 acre) of a palustrine emergent wetland (PEM) (Springville, PA Quadrangle; Latitude: 41° 42' 04", Longitude: -75° 58' 02"),

10) a 12-inch diameter steel natural gas gathering pipeline and temporary timber mat bridge crossing impacting 55 lineal feet of an unnamed tributary to White Creek (CWF, MF) (Springville, PA Quadrangle; Latitude: 41° 42' 04", Longitude: -75° 58' 01"),

11) a 12-inch diameter steel natural gas gathering pipeline and temporary timber mat crossing impacting 5,536 square feet (0.13 acre) of a palustrine emergent wetland (PEM) (Springville, PA Quadrangle; Latitude: 41° 42' 04", Longitude: -75° 57' 59"),

12) a 12-inch diameter steel natural gas gathering pipeline and temporary timber mat crossing impacting 1,973 square feet (0.05 acre) of a palustrine emergent wetland (PEM) (Springville, PA Quadrangle; Latitude: 41° 42' 04", Longitude: -75° 57' 57").

The natural gas gathering pipeline project consists of constructing approximately 7,288 feet of 12-inch steel natural gas pipeline located in Auburn and Springville Townships, Susquehanna County. The project will result in 178 lineal feet of stream impacts, 9,998 square feet of floodway only impacts, and 44,857 square feet (1.03 acre) of palustrine emergent wetland impacts to provide safe reliable conveyance of Marcellus Shale natural gas to market.

E5929-071: Seneca Resources Corporation, 5800 Corporate Drive, Suite 300, Pittsburgh, PA 15237, Delmar Township, **Tioga County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) Two 8 inch diameter freshwater pipelines impacting 4,127 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Asaph, PA Quadrangle 41° 47' 45"N, 77° 19' 30"W);

2) A temporary access road using timber maters and two 8 inch diameter freshwater pipelines via aerial crossing impacting 50 linear feet of an unnamed tributary to Marsh Creek (CWF) (Asaph, PA Quadrangle 41° 47' 49"N, 77° 19' 34"W).

The project will result in 50 linear feet of temporary stream impacts and 4,127 square feet (0.09 acre) of temporary wetland impacts all for the purpose of installing a fresh water pipeline for Utica well development in Delmar Township, Tioga County. These impacts are in addition to the impacts authorized under DEP Permit Number E5929-071, final action was published in *Pennsylvania Bulletin* on 1/27/2018 and 8/11/2018.

EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

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

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

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

Southwest District: Oil & Gas Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222.

ESCGP-3 # ESG072618001-00
 Applicant Name Chevron Appalachia, LLC
 Contact Person Branden Weimer
 Address 700 Cherrington Parkway
 City, State, Zip Coraopolis, PA 15108
 County Fayette
 Township(s) Jefferson Township
 Receiving Stream(s) and Classification(s) UNTs to Little Redstone Creek (WWF), UNTs to Crabapple Run (WWF)/Monongahela River (WWF)

Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

ESCGP-3 # ESG294119008-00
 Applicant Name Seneca Resources Co LLC
 Contact Person Doug Kepler
 Address 51 Zents Blvd
 City, State, Zip Brookville, PA 15825-2701
 County Lycoming
 Township(s) Gamble & Lewis
 Receiving Stream(s) and Classification(s) Mill Ck East (TSF, MF); UNT to Mill Ck East (TSF, MF); Shoemaker Run (HQ, CWF, MF)
 Secondary: Loyalsock Ck (TSF, MF, EV); Lycoming Ck (CWF, MF, EV)

ESCGP-3 # ESG295719004-00
 Applicant Name Chief Oil & Gas LLC
 Contact Person Jeffrey J Deegan
 Address 1720 Sycamore Rd
 City, State, Zip Montoursville, PA 17754-9306
 County Sullivan
 Township(s) Elkland
 Receiving Stream(s) and Classification(s) Mill Ck (CWF, MF)
 Secondary—Loyalsock Ck (CWF, MF)

ESCGP-3 # ESG295818003-00
 Applicant Name Williams Field Svcs Co LLC
 Contact Person Adam Weightman
 Address 400 IST Center, Suite 404
 City, State, Zip Horseheads, NY 14845
 County Susquehanna
 Township(s) Bridgewater
 Receiving Stream(s) and Classification(s) Snake Ck (CWF, MF) and tributaries thereto (CWF, MF)

ESCGP-3 # ESG295319004-00
 Applicant Name JKLM Energy, LLC
 Contact Person Scott Blauvelt
 Address 2200 Georgetown Dr, Suite 500
 City, State, Zip Sewickley, PA 15143-8753
 County Potter
 Township(s) Homer
 Receiving Stream(s) and Classification(s) UNT to Big Moores Run (EV)
 Secondary—Big Moores Run (EV)

ESCGP-3 # ESG295819010-00
 Applicant Name Cabot Oil & Gas Corp
 Contact Person Kenneth Marcum
 Address 2000 Park Lane, Suite 300
 City, State, Zip Pittsburgh, PA 15275
 County Susquehanna
 Township(s) Springville
 Receiving Stream(s) and Classification(s) UNT to Meshopen Ck (CWF, MF) and UNT to Thomas Ck (CWF, MF)

ESCGP-3 # ESX29-115-18-0023(01)
 Applicant Name Cabot Oil & Gas Corp
 Contact Person Kenneth Marcum
 Address 2000 Park Lane, Suite 300
 City, State, Zip Pittsburgh, PA 15275
 County Susquehanna
 Township(s) Dimock
 Receiving Stream(s) and Classification(s) UNT to Meshopen Ck (CWF, MF)

ESCGP-3 # ESG295919004-00
 Applicant Name Repsol Oil and Gas USA, LLC
 Contact Person Lance Ridall
 Address 337 Daniel Zenker Drive
 City, State, Zip Horseheads, NY 14845
 County Tioga

Township(s) Covington and Sullivan Twps.
 Receiving Stream(s) and Classification(s) East Creek
 (EV), Canoe Camp Creek (CWF)
 Secondary Receiving Water: Tioga River (CWF)

ESCGP-3 # ESG295919008-00
 Applicant Name SWEPI LP
 Contact Person Jason Shoemaker

Address 150 N. Dairy Ashford; Bldg E 12th Floor
 City, State, Zip Houston, TX 77079
 County Tioga
 Township(s) Covington Twp
 Receiving Stream(s) and Classification(s) UNT to Dyke
 Creek (EV, CWF, MF), Dyke Creek (EV, CWF, MF)
 Secondary Receiving Water: Sand Run (EV, CWF, MF)

STORAGE TANKS SITE-SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P.S. §§ 6021.304, 6021.504, 6021.1101—6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C, have been issued by the Bureau of Environmental Cleanup and Brownfields, Director, P.O. Box 8763, Harrisburg, PA 17105-8763.

SSIP Permit No.	Applicant Name & Address	County	Municipality	Tank Type	Tank Capacity
19-04-017	Sherwin Williams Company 101 West Prospect Avenue Cleveland, OH 44115-1075 Attn: William Hudanick	Beaver	Rochester Township	1 AST storing hazardous substance	45,000 gallons

CORRECTIVE ACTION UNDER ACT 32, 1989

PREAMBLE 2

The following plans and reports were submitted under the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104).

Provisions of 25 Pa. Code Chapter 245 Subchapter D, Administration of the Storage Tank and Spill Prevention Program, require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A remedial action plan is submitted to summarize the site characterization, document the design and construction details for the remedial action, and describe how the remedial action will attain the selected remediation standard. The remedial action plan also provides results of studies performed and data collected to support the remedial action and a description of postremediation care requirements. A remedial action completion report is submitted to document cleanup of a release of a regulated substance at a site to the selected remediation standard. A remedial action completion report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or non-residential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

For further information concerning plans or reports, please contact the Environmental Cleanup Program Manager in the DEP Regional Office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the DEP through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

Southeast Region: Environmental Cleanup & Brownfields Program Manager, 2 East Main Street, Norristown, PA 19401.

Giant Food Store 6445, 46-39679, 1554 Cowpath Rd, Hatfield Borough, **Montgomery County**. Advantage Engineers, 435 Independence Avenue, Suite C, Mechanicsburg, PA 17055, on behalf of Giant Food Stores, 1149 Harrisburg Pike, Carlisle, PA 17013, submitted a Remedial Action plan concerning remediation of soil and groundwater contaminated with petroleum compounds. The report is intended to document remediation of the site to meet nonresidential Statewide Health Standards.

Stans Amoco, 09-44493, 501 Route 313, East Rockhill Township, **Bucks County**. Synergy Environmental, Inc., 155 Rail Road Plaza, First Floor, Royersford, PA 19468, on behalf of 313 at Fifth, LLC, 2003 South Easton Road, Suite 108, Doylestown, PA 18901 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.

Wheelabrator Falls, 09-36038, 1201 New Ford Mill Rd, Falls Township, **Bucks County**. Gilmore & Associates, Inc. 65 East Butler Pike Avenue, New Britain, PA 18901, on behalf of Wheelabrator Technologies, 1201 new Ford Mills Road, Falls Township, Bucks County, PA submitted a Remedial Action Completion Report concerning remediation of soil contaminated with sodium hypochlorite. The report is intended to document remediation of the site to meet site specific standards.

Turkey Hill 71, 15-08728, 4031 Horseshoe Pike, Honey Brook Borough, **Chester County**. Reliance Environmental, Inc., 235 N. Duke St., Lancaster, PA 17602, on behalf of Turkey Hill Minit Markets, 257 Centerville Road, Lancaster, PA 17603, 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 residential Statewide health and site specific standards.

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

Cranes Landing, Storage Tank ID # 40-38395, 2 Manor Drive, Kingston Township, **Luzerne County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Harry Salavantis, 16 South Main Street, Pittston, PA 18640, submitted a Remedial Action Plan concerning remediation of groundwater contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet the Statewide Health Standards.

Citizen's Steam Fire Company Number 2, Storage Tank ID # 54-29162, 202 West Centre Street, Mahanoy City Borough, **Schuylkill County**. United Environmental Services, 1143 Long Run Road, Schuylkill Haven, PA 17972, on behalf of Citizen's Steam Fire Company Number 2, 202 West Centre Street, Mahanoy City, PA 17948, 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 Non-Use Aquifer, Non-Residential Statewide Health Standards.

Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Schoellkopf Service Center, Storage Tank Primary Facility ID # 06-05471, 2005 Penn Avenue, West Lawn, PA 19609, Spring Township, **Berks County**, Comstock Environmental Services, LLC, P.O. Box 509, Lafayette Hill, PA 19444, on behalf of MBC Rentals, LLC, 2005 Penn Avenue, West Lawn, PA 19609, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum constituents. The report is intended to document remediation of the site to meet the Statewide Health Standard and the Site-Specific Standard.

Greencastle Sunoco, Storage Tank Primary Facility ID # 28-21044, 705 Buchanan Trail East, Antrim Township, **Franklin County**, Creston Environmental, LLC, P.O. Box 1373, Camp Hill, PA 17001, on behalf of HET Energy, Inc., 1631 Bridge Street, New Cumberland, PA 17070, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum constituents. The report is intended to document remediation of the site to meet the Site-Specific Standard.

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.

Wawa Food Mkt 8021, 09-39631, 1960 John Fries Highway, Milford Township, **Bucks County**. Aquaterra Technologies, Inc., P.O. Box 744, West Chester, PA 19381, on behalf of Wawa, Inc., 260 W. Baltimore Pike, Wawa, PA 19063, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum products. The Remedial Action Completion Report demonstrated attainment of nonresidential Statewide health and was approved by the DEP on June 11, 2019.

Fire Site 134, 51-20142, Kensington Avenue & Castor Avenue, **City of Philadelphia**. Oxford Engineering Company, 336 Point Street, Camden, NJ 08102, on behalf of The City of Philadelphia, Office of Fleet Management, 100 S. Broad Street, 3rd Floor, Philadelphia, PA 19125 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum products. The Remedial Action Plan was acceptable to meet residential Statewide Health Standards and site specific standards and was approved by the DEP on June 11, 2019.

Prince Fuel, 51-23896, 7601 Frankford Ave, **City of Philadelphia**. Compliance Management International, Inc., 1350 Welsh Road, Suite 200, North Wales, PA 19454, on behalf of Prince Fuel Company, 7601 Frankford Ave, Philadelphia, PA 19136 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 June 11, 2019.

Amoco Sta 447, 23-04437, 2 S. Pennell Rd, Middletown Township, **Delaware County**. Resource Control Consultants Group, Ltd., P.O. Box 180, Moorestown, NJ 08057, on behalf of ARFA Real Estate, 4350 Haddonfield Road, Suite 200, Pensauken, NJ 08109 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 a site specific standard. The Remedial Action Plan was not acceptable to meet a site-specific standard and was disapproved by the DEP on June 13, 2019.

Septa Fern Rock Sta Shop, 51-44859, 11th and Grange St, **City of Philadelphia**. Michael Baker International, 1818 Market Street, Suite 1310, Philadelphia, PA 19103, on behalf of SEPTA, 1234 Market Street, Philadelphia, PA 19107 submitted a Site Characterization Report 310(b) concerning remediation of soil contaminated with diesel fuel oil. The Remedial Action Completion Report demonstrated attainment of nonresidential Statewide health and was approved by the DEP on June 11, 2019.

Sunoco Svc Sta, 51-30598, 5000 Ogontz Ave, **City of Philadelphia**. Mulry Cresswell Environmental, Inc., 1679 Horseshoe Pike, Glenmoore, PA 19343, on behalf of Evergreen Resources Management Operations, 2 Righter Parkway, Suite 120, Wilmington, DE 19803, submitted a Remedial Action Completion Report concerning remediation of soils and groundwater contaminated with petroleum products. The Remedial Action Completion Report demonstrated attainment of the residential and non-residential Statewide Health Standards and Site-specific standards and was approved by the Department on June 12, 2019.

PMG 2508, 09-14447, 403 N. Main St., Telford Borough, **Bucks County**. WSP-USA, 4 Westchester Park Drive, Suite 175, White Plains, NY 10604, on behalf of Cumberland Farms, Inc. submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum products. The Remedial Action Plan was acceptable to meet Statewide health and site-specific standards and was approved by the DEP on June 17, 2019.

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

4260 West Tilghman Realty, Storage Tank ID # 39-41532, 4260 West Tilghman Street, South Whitehall Township, **Lehigh County**. Center Point Tank Services, 586 East Benjamin Franklin Highway, Douglassville, PA 19518, on behalf of 4260 West Tilghman Realty LLC, 4260 West Tilghman Street, Allentown, PA 18104, submitted a combined Site Characterization Report and Remedial Action Plan concerning remediation of soil and groundwater contaminated with gasoline. The combined Site Characterization Report and Remedial Action Plan was not acceptable to meet the Non-residential Statewide Health Standards and was disapproved by DEP on June 13, 2019.

SPECIAL NOTICES

Request for Comments on the Proposed Total Maximum Daily Load (TMDL) Developed for the Evitts Creek Watershed in Bedford County, PA

The Department of Environmental Protection (Department) will accept comments on the proposed TMDL developed for the Evitts Creek Watershed in Bedford County, PA. The TMDL was established in accordance with the requirements of Section 303(d) of the Clean Water Act. The Pennsylvania Integrated Water Quality Monitoring and Assessment Report included impaired stream segments in this watershed. The listings of these waterbodies were due to use impairments caused by excessive siltation and nutrients from agriculture.

There currently are no State or Federal instream numerical water quality criteria for siltation and nutrients (total phosphorus (TP)). Therefore, the Department utilized a reference watershed approach to implement the applicable narrative criteria. The proposed TMDL sets allowable loadings of sediment and nutrients in the Evitts Creek Watershed. The sediment and nutrient loadings were allocated among cropland, hay/pasture land and streambank source sectors present in the watershed. Data used in establishing the TMDL was generated using a water quality analysis model (AVGWLF-E) designed by the Pennsylvania State University.

The following table shows the estimated current sediment and nutrient loadings for the watershed. The load reduction and percent reduction necessary to meet the TMDL are also identified.

Summary of TMDL Based Load Reductions in the Evitts Creek Watershed

POLLUTANT	EXISTING LOAD (lbs./yr.)	EXISTING LOAD (lbs./day)	TMDL (lbs./yr.)	TMDL (lbs./day)	PERCENT REDUCTION
Sediment	2,291,733	6,279	1,597,712	4,377	30%
Nutrients (TP)	3,113	8.5	1,539	4.2	51%

The data and all supporting documentation used to develop the proposed TMDL are available from the Department. The proposed TMDL can be viewed at <http://www.dep.state.pa.us/dep/deputate/watermgt/wqp/wqstandards/tmdl/EvittsCreekTMDL.pdf>.

To request a copy of the proposed TMDL and/or make comments, please contact Scott N. Heidel, Water Program Specialist, Bureau of Clean Water, Department of Environmental Protection, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105, (717) 772-5647, scheidel@pa.gov.

The Department will consider all comments in developing the final TMDL which will be submitted to EPA for approval. Written comments will be accepted at the above address and must be postmarked within 30 days after publication in the *Pennsylvania Bulletin* on June 29, 2019.

Request for Comments on the Proposed Total Maximum Daily Load (TMDL) Developed for the Mill Creek Headwaters Subwatershed in Lebanon County, PA

The Department of Environmental Protection (Department) will accept comments on the proposed TMDL developed for the Mill Creek Headwaters Subwatershed in Lebanon County, PA. The TMDL was established in accordance with the

requirements of Section 303(d) of the Clean Water Act. The Pennsylvania Integrated Water Quality Monitoring and Assessment Report included impaired stream segments in this watershed. The listings of these waterbodies were due to use impairments caused by excessive siltation from agriculture.

There currently are no State or Federal instream numerical water quality criteria for siltation. Therefore, the Department utilized a reference watershed approach to implement the applicable narrative criteria. The proposed TMDL sets allowable loadings of sediment in the Mill Creek Watershed. The sediment loading was allocated among cropland, hay/pasture land and streambank source sectors present in the watershed. Data used in establishing the TMDL was generated using a water quality analysis model (AVGWLF-E) designed by the Pennsylvania State University.

The following table shows the estimated current sediment loading for the watershed. The load reduction and percent reduction necessary to meet the TMDL are also identified.

Summary of TMDL Based Load Reductions in the Mill Creek Watershed

<i>POLLUTANT</i>	<i>EXISTING LOAD (lbs./yr.)</i>	<i>EXISTING LOAD (lbs./day)</i>	<i>TMDL (lbs./yr.)</i>	<i>TMDL (lbs./day)</i>	<i>PERCENT REDUCTION</i>
Sediment	5,160,800	14,139	1,897,249	5,198	63%

The data and all supporting documentation used to develop the proposed TMDL are available from the Department. The proposed TMDL can be viewed at <http://www.dep.state.pa.us/dep/deputate/watermgt/wqp/wqstandards/tmdl/MillCreekLebanonCountyTMDL.pdf>.

To request a copy of the proposed TMDL and/or make comments, please contact Scott N. Heidel, Water Program Specialist, Bureau of Clean Water, Department of Environmental Protection, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105, (717) 772-5647, scheidel@pa.gov.

The Department will consider all comments in developing the final TMDL which will be submitted to EPA for approval. Written comments will be accepted at the above address and must be postmarked within 30 days after publication in the *Pennsylvania Bulletin* on 6/29/2019.

Request for Comments on the Proposed Total Maximum Daily Load (TMDL) Developed for the North Branch Middle Creek Watershed in Snyder and Union Counties, PA

The Department of Environmental Protection (Department) will accept comments on the proposed TMDL developed for a subwatershed of the North Branch Middle Creek in Snyder and Union Counties, PA. The TMDL was established in accordance with the requirements of Section 303(d) of the Clean Water Act. The Pennsylvania Integrated Water Quality Monitoring and Assessment Report included impaired stream segments in this watershed. The listings of these waterbodies were due to aquatic life impairments caused by excessive siltation from agriculture.

Currently, there are no State or Federal instream numerical water quality criteria for siltation. Therefore, the Department utilized a reference watershed approach to implement the applicable narrative criteria. The proposed TMDL sets allowable loadings of sediment in the North Branch Middle Creek Subwatershed. The sediment loading was allocated among cropland, hay/pasture land and streambank source sectors present in the subwatershed. Data used in establishing the TMDL was generated using the "Model My Watershed" program, which is part of Stroud Water Research Center's WikiWatershed Initiative.

The following table shows the estimated current sediment loading for the subwatershed. The proposed TMDL and percent reduction necessary to meet the TMDL are also identified.

Summary of TMDL Based Load Reductions in the North Branch Middle Creek Subwatershed

<i>POLLUTANT</i>	<i>EXISTING LOAD (lbs./yr.)</i>	<i>EXISTING LOAD (lbs./day)</i>	<i>TMDL (lbs./yr.)</i>	<i>TMDL (lbs./day)</i>	<i>PERCENT REDUCTION</i>
Sediment	5,640,561	15,454	4,338,310	11,886	23%

The proposed TMDL document can be viewed at: <http://www.dep.state.pa.us/dep/deputate/watermgt/wqp/wqstandards/tmdl/NorthBranchMiddleCreekTMDL.pdf>.

Otherwise, a copy of the proposed TMDL may be requested by contacting Michael Morris, Water Program Specialist, Bureau of Clean Water, Department of Environmental Protection, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105, (717) 772-5670, michamorri@pa.gov.

Written comments will be accepted at the above address. Comment submissions must be postmarked within 30 days after publication of this notice in the June 29, 2019, issue of the *Pennsylvania Bulletin*. The Department will consider all written comments submitted within the deadline prior to submitting the final TMDL to EPA for approval.

Request for Comments on the Proposed Total Maximum Daily Load (TMDL) Developed for the South Branch Middle Creek Watershed in Snyder and Mifflin Counties, PA

The Department of Environmental Protection (Department) will accept comments on the proposed TMDL developed for the South Branch Middle Creek Watershed in Snyder and Mifflin Counties, PA. The TMDL was established in accordance with the requirements of Section 303(d) of the Clean Water Act. The Pennsylvania Integrated Water Quality Monitoring and Assessment Report included impaired stream segments in this watershed. The listings of these waterbodies were due to aquatic life impairments caused by excessive siltation from agriculture.

Currently, there are no State or Federal instream numerical water quality criteria for siltation. Therefore, the Department utilized a reference watershed approach to implement the applicable narrative criteria. The proposed TMDL sets allowable loadings of sediment in the South Branch Middle Creek Subwatershed. The sediment loading was allocated

among cropland, hay/pasture land and streambank source sectors present in the subwatershed. Data used in establishing the TMDL was generated using the “Model My Watershed” program, which is part of Stroud Water Research Center’s WikiWatershed Initiative.

The following table shows the estimated current sediment loading for the subwatershed. The TMDL and percent reduction necessary to meet the TMDL are also identified.

Summary of TMDL Based Load Reductions in the South Branch Middle Creek Subwatershed

<i>POLLUTANT</i>	<i>EXISTING LOAD (lbs./yr.)</i>	<i>EXISTING LOAD (lbs./day)</i>	<i>TMDL (lbs./yr.)</i>	<i>TMDL (lbs./day)</i>	<i>PERCENT REDUCTION</i>
Sediment	2,926,047	8,017	2,400,681	6,577	18%

The proposed TMDL document can be viewed at: <http://www.dep.state.pa.us/dep/deputate/watermgt/wqp/wqstandards/tmdl/SouthBranchMiddleCreekTMDL.pdf>.

Otherwise, a copy of the proposed TMDL may be requested by contacting Michael Morris, Water Program Specialist, Bureau of Clean Water, Department of Environmental Protection, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105, (717) 772-5670, michamorri@pa.gov.

Written comments will be accepted at the above address. Comment submissions must be postmarked within 30 days after publication of this notice in the June 29, 2019, issue of the *Pennsylvania Bulletin*. The Department will consider all written comments submitted within the deadline prior to submitting the final TMDL to EPA for approval.

Request for Comments on the Proposed Total Maximum Daily Load (TMDL) Developed for the Upper Conewago Creek Subwatershed in Adams County, PA

The Department of Environmental Protection (Department) will accept comments on the proposed TMDL developed for a subwatershed of the Conewago Creek in Adams County, PA. The TMDL was established in accordance with the requirements of Section 303(d) of the Clean Water Act. The Pennsylvania Integrated Water Quality Monitoring and Assessment Report included impaired stream segments in this watershed. The listings of these waterbodies were due to aquatic life impairments caused by excessive siltation from agriculture.

Currently, there are no State or Federal instream numerical water quality criteria for siltation. Therefore, the Department utilized a reference watershed approach to implement the applicable narrative criteria. The proposed TMDL sets allowable loadings of sediment in the impaired section of the Upper Conewago Creek Subwatershed. The sediment loading was allocated among cropland, hay/pasture land and streambank source sectors present in the subwatershed. Data used in establishing the TMDL was generated using the “Model My Watershed” program, which is part of Stroud Water Research Center’s WikiWatershed Initiative.

The following table shows the estimated current sediment loading for the subwatershed. The TMDL and percent reduction necessary to meet the TMDL are also identified.

Summary of TMDL Based Load Reductions in the Upper Conewago Creek Subwatershed

<i>POLLUTANT</i>	<i>EXISTING LOAD (lbs./yr.)</i>	<i>EXISTING LOAD (lbs./day)</i>	<i>TMDL (lbs./yr.)</i>	<i>TMDL (lbs./day)</i>	<i>PERCENT REDUCTION</i>
Sediment	5,766,550	15,799	3,904,307	10,697	32%

The proposed TMDL document can be viewed at: <http://www.dep.state.pa.us/dep/deputate/watermgt/wqp/wqstandards/tmdl/UpperConewagoCreekTMDL.pdf>.

Otherwise, a copy of the proposed TMDL may be requested by contacting Michael Morris, Water Program Specialist, Bureau of Clean Water, Department of Environmental Protection, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105, (717) 772-5670, michamorri@pa.gov.

Written comments will be accepted at the above address. Comment submissions must be postmarked within 30 days after publication of this notice in the June 29, 2019, issue of the *Pennsylvania Bulletin*. The Department will consider all written comments submitted within the deadline prior to submitting the final TMDL to EPA for approval.

[Pa.B. Doc. No. 19-965. Filed for public inspection June 28, 2019, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Availability of Technical Guidance

Technical guidance documents (TGD) are available on the Department of Environmental Protection’s (Department) web site at www.elibrary.dep.state.pa.us. The “Technical Guidance Final Documents” heading is the link to a menu of the various Department bureaus where each bureau’s final TGDs are posted. The “Technical Guidance

Draft Documents” heading is the link to the Department’s draft TGDs.

Ordering Paper Copies of Department Technical Guidance

The Department encourages the use of the Internet to view and download TGDs. When this option is not available, persons can order a paper copy of any of the Department’s draft or final TGDs by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department’s documents are available as Department publications. Check with the appropriate bureau for more information

about the availability of a particular document as a publication.

Changes to TGDs

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

Final TGD: Minor Revision

DEP ID: 263-4200-002. **Title:** Guidelines for the Evaluation of Underground Storage Tank Cathodic Protection Systems. **Description:** Regulated underground storage tank systems (USTs) are required by the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104) and related regulations to be protected from corrosion. Regulated USTs that utilize cathodic protection to prevent corrosion must have the cathodic protection evaluated at a minimum every 3 years. This TGD establishes guidelines regarding the evaluation of cathodic protection systems operating on USTs in this Commonwealth to promote submission of consistent and complete reports. This TGD is being revised to reflect amendments to 25 Pa. Code Chapter 245 (relating to administration of the Storage Tank and Spill Prevention Program) that went into effect on December 22, 2018. These amendments require the use of the UST Cathodic Protection System Evaluation Form (2630-FM-BECB0610) when documenting cathodic protection evaluations. Minor editorial changes were also made.

Contact: Questions regarding this TGD can be directed to Alex Eckman at eckman@pa.gov or (717) 772-5827.

Effective Date: June 29, 2019

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 19-966. Filed for public inspection June 28, 2019, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Bid Opportunity

OSM 32(4761)101.1, Abandoned Mine Reclamation Project, Nowrytown East, Conemaugh Township, Indiana County. The principal items of work and approximate quantities include: 8" PVC pipe including fittings, 4,200 linear feet; 8" gate valve and valve box, 10 each; valve markers, 14 each; 2A stone, 1,950 cubic yards; 3/4" service, 15 each; and meter pit, 15 each.

This bid issues on July 12, 2019, and bids will be opened on August 8, 2019, at 2 p.m. Bid documents, including drawings in PDF format and AutoCAD Map 3D format, may be downloaded for free beginning on the issue date from the Department of Environmental Protection by going to www.BidExpress.com. This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1328) and is

subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or RA-ConstructionContr@pa.gov for more information on this bid.

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 19-967. Filed for public inspection June 28, 2019, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Public Notice of the Receipt of Annual Reports for Concentrated Animal Feeding Operations under the PAG-12 National Pollutant Discharge Elimination System General Permit

The Department of Environmental Protection (Department) is providing notice to the public of the receipt of annual reports from Concentrated Animal Feeding Operations (CAFO) under the PAG-12 National Pollutant Discharge Elimination System (NPDES) General Permit (PAG-12). The submission of an annual report by January 1 of each year is a requirement of PAG-12, which became effective on April 1, 2018.

On December 29, 2018, the Department published notice of an administrative one-time modification to PAG-12 extending the deadline for the submission of annual reports at 48 Pa.B. 7987 (December 29, 2018). The notice extended the report submission deadline from January 1, 2019, to February 15, 2019.

Submission of a CAFO annual report serves as a CAFO's notice of intent (NOI) to remain covered under PAG-12. A list of the CAFOs that submitted an annual report by February 15, 2019, to remain covered by PAG-12 is posted on the Department's web site at www.dep.pa.gov/CAFOs. In accordance with PAG-12 and 25 Pa. Code § 92a.54(c)(1) (relating to general permits), CAFOs are authorized to continue operating under PAG-12 immediately upon submission of an NOI.

The Department is reviewing annual reports to ensure that CAFOs continue to remain eligible for coverage under PAG-12. When the Department determines that a CAFO remains eligible for coverage under PAG-12, the Department will publish notice of the determination in the *Pennsylvania Bulletin*. When the Department determines that a CAFO is no longer eligible for PAG-12, the Department will require the CAFO to submit a complete application for an individual NPDES permit.

Within 30 days from the date of this public notice, interested persons may submit comments on a CAFO annual report to the appropriate regional office of the Department. Interested persons may review annual reports at the Department's regional office serving the county where a CAFO is located. A list of regional offices and contact information is available on the Department's web site at www.dep.pa.gov (select "Regional Resources"). For general information on CAFOs or annual reports, contact the Department's Bureau of Clean Water at (717) 787-5017.

The PAG-12 General Permit and supplementary documents can be accessed on the Department's web site at www.dep.pa.gov (select "Data and Tools," then "eLibrary," then "Permit and Authorization Packages," then "Clean

Water,” then “PAG-12 NPDES General Permit for Operation of Concentrated Animal Feeding Operations 3800-PM-BCW0032.”)

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 19-968. Filed for public inspection June 28, 2019, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Small Business Compliance Advisory Committee Meeting Cancellation

The July 24, 2019, meeting of the Small Business Compliance Advisory Committee (Committee) is cancelled. The next Committee meeting is scheduled for Wednesday, October 23, 2019, at 10 a.m. in the Conference Room,

12th Floor, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

For additional information, contact Nancy Herb, Bureau of Air Quality, at nherb@pa.gov or (717) 783-9269. The agenda and materials for the October meeting will be available through the Public Participation tab on the Department of Environmental Protection’s (Department) web site at www.dep.pa.gov (select “Public Participation,” then “Advisory Committees,” then “Air Advisory Committees,” then “Small Business Compliance”).

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 787-9702 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. 19-969. Filed for public inspection June 28, 2019, 9:00 a.m.]

DEPARTMENT OF HEALTH

Approved and Required Medications Lists for Emergency Medical Service Agencies and Emergency Medical Service Providers

Under 28 Pa. Code §§ 1027.3(c) and 1027.5(b) (relating to licensure and general operating standards; and medication use, control and security), the Department of Health (Department) has approved the following medications for administration by emergency medical responders (EMR), emergency medical technicians (EMT), advanced emergency medical technicians (AEMT), paramedics, prehospital registered nurses (PHRN), prehospital physician extenders (PHPE), and prehospital emergency medical services physicians (PHP) when functioning on behalf of an emergency medical service (EMS) agency. The approvals are based upon the type of EMS service an EMS agency is licensed to provide under 35 Pa.C.S. § 8129 (relating to emergency medical services agencies). This notice also specifies the minimum required medications to be stocked on a specified EMS vehicle based upon the type of EMS service the EMS agency is licensed to provide.

Under 28 Pa. Code § 1027.5(d), EMS providers, other than a PHP, may administer to a patient medications, or assist the patient to administer medications previously prescribed for that patient, as specified in the Statewide EMS protocols or as authorized by a medical command physician. An EMS provider may administer medications contained on this list if the EMS provider is credentialed to do so and the EMS vehicle on which they are providing EMS is properly licensed to carry the medication.

Unless otherwise stated or restricted to a specific level of provider, listed medications may be given by any acceptable route as listed in protocol or as ordered by a medical command physician.

Medications that are listed as required must be carried on the specified level of EMS vehicle and must be carried in a quantity sufficient to treat at least one adult using the Statewide EMS protocols. If the protocol identifies repeat doses, then additional medication must be carried. When a pediatric dose option is available (for example a pediatric EPINEPHrine autoinjector), then both the adult and pediatric options must be carried.

During interfacility transport, all medications given by continuous infusion (except intravenous electrolyte solutions with potassium concentrations of no more than 20 mEq/L) must be regulated by an electronic infusion pump. For prehospital transport, continuous infusions of crystalloid solutions containing medication (except intravenous electrolyte solutions with potassium concentrations of no more than 20 mEq/L) and all vasoactive medications must be rate controlled by electronic IV pump or a manual flow control device capable of setting specific numeric flow rates. Nitroglycerin infusion must be regulated with an electronic pump.

Table 1. Medications that may be administered by EMS providers when functioning on behalf of an EMS agency based upon the type of EMS service an EMS agency is licensed to provide.

<i>Medication</i>	<i>QRS (including providers at or above the level of EMR)</i>	<i>BLS (including providers at or above the level of EMT)</i>	<i>IALS (including providers at or above the level of AEMT)</i>	<i>ALS (including providers above the level of AEMT)</i>	<i>CCT (including providers above the level of AEMT with additional approved training)</i>	<i>Air (including providers above the level of AEMT with additional approved training)</i>
Abciximab	NO	NO	NO	YES ⁴	YES ⁴ or ⁵	YES ⁴ or ⁵

<i>Medication</i>	<i>QRS (including providers at or above the level of EMR)</i>	<i>BLS (including providers at or above the level of EMT)</i>	<i>IALS (including providers at or above the level of AEMT)</i>	<i>ALS (including providers above the level of AEMT)</i>	<i>CCT (including providers above the level of AEMT with additional approved training)</i>	<i>Air (including providers above the level of AEMT with additional approved training)</i>
Acetaminophen	NO	YES	YES	YES	YES	YES
Acetylcysteine	NO	NO	NO	YES ⁴	YES ⁴	YES ⁴
Activated charcoal	NO	YES	YES	YES	YES	YES
Adenosine	NO	NO	NO	YES	YES	YES
Albumin	NO	NO	NO	NO	YES ^{4,5}	YES ^{4,5}
Albuterol (nebulizer solution)	NO	YES	YES	YES	YES	YES
Albuterol with ipratropium bromide (nebulizer solution)	NO	YES	YES	YES	YES	YES
Amiodarone	NO	NO	NO	YES	YES	YES
Anti-coagulants/Platelet Inhibitors: all types (unless otherwise specifically listed)	NO	NO	NO	NO	YES ^{4,5}	YES ^{4,5}
Anticonvulsants: all types (unless otherwise specifically listed)	NO	NO	NO	NO	YES ⁵	YES ⁵
Anti-emetics: all types (not otherwise specifically listed)	NO	NO	NO	NO	YES ^{4,5}	YES ^{4,5}
Anti-hypertensives: all types (unless otherwise specifically listed)	NO	NO	NO	NO	YES ⁵	YES ⁵
Antimicrobials: all types	NO	NO	NO	YES ⁴	YES ⁴	YES ⁴
Antivenom: all types	NO	NO	NO	NO	YES ^{4,5}	YES ^{4,5}
Aspirin, oral	NO	YES	YES	YES	YES	YES
Atenolol	NO	NO	NO	NO	YES ^{4,5}	YES ^{4,5}
Atropine sulfate	NO	NO	NO	YES	YES	YES
Barbiturates: all types	NO	NO	NO	NO	YES ⁵	YES ⁵
Benzocaine, topical	NO	NO	NO	YES	YES	YES
Bivalirudin	NO	NO	NO	YES ⁴	YES ⁵	YES ⁵
Blood products: all types	NO	NO	NO	NO	YES ⁴	YES ⁵
Bronchodilators, short-acting medications listed in Statewide BLS protocol and contained in multidose inhaler (MDI), assist with patient's own prescribed medication	NO	YES	YES	YES	YES	YES
Calcium chloride/calcium gluconate	NO	NO	NO	YES	YES	YES
Captopril	NO	NO	NO	YES	YES	YES
Clopidogrel	NO	NO	NO	NO	YES ⁵	YES ⁵
Crystalloid hypertonic solutions	NO	NO	NO	NO	YES ⁵	YES ⁵
Crystalloid isotonic solutions, including but not limited to: Isolyte, Lactated Ringers, Normosol, saline (NaCl) (unless otherwise specifically listed). <i>Note</i> —Normal Saline Solution and Dextrose listed separately	NO	NO	NO	YES	YES	YES
Crystalloid solution containing potassium, interfacility transport only, potassium concentration may not exceed 20 mEq/kg unless managed by qualified CCT or Air Medical provider	NO	NO	NO	YES ⁴	YES ⁴	YES ⁴
Dexamethasone sodium phosphate	NO	NO	NO	YES	YES	YES
Dextran	NO	NO	NO	NO	YES ^{4,5}	YES ^{4,5}

<i>Medication</i>	<i>QRS (including providers at or above the level of EMR)</i>	<i>BLS (including providers at or above the level of EMT)</i>	<i>IALS (including providers at or above the level of AEMT)</i>	<i>ALS (including providers above the level of AEMT)</i>	<i>CCT (including providers above the level of AEMT with additional approved training)</i>	<i>Air (including providers above the level of AEMT with additional approved training)</i>
Dextrose (for intravenous bolus in concentrations between 5%—50%)	NO	NO	YES	YES	YES	YES
Diazepam	NO	NO	NO	YES	YES	YES
Digoxin	NO	NO	NO	NO	YES ⁵	YES ⁵
Diltiazem	NO	NO	NO	YES	YES	YES
DiphenhydrAMINE HCl	NO	NO	NO	YES	YES	YES
DOBUtamine	NO	NO	NO	YES	YES	YES
DOPamine	NO	NO	NO	YES	YES	YES
EMLA cream	NO	NO	NO	YES	YES	YES
Enalapril	NO	NO	NO	YES	YES	YES
EPINEPHrine HCl 1mg/mL (unless otherwise specifically listed)	NO	NO	YES ²	YES	YES	YES
EPINEPHrine HCl 0.1mg/mL solution and diluted concentrations for intravenous infusion	NO	NO	NO	YES	YES	YES
EPINEPHrine HCl 0.1mg/mL for cardiac arrest	NO	NO	YES	N/A	N/A	N/A
EPINEPHrine HCl autoinjector, assist with patient's own prescribed medication	NO	YES	YES	YES	YES	YES
EPINEPHrine HCl autoinjector (adult and pediatric dose sizes), (unless otherwise specifically listed)	NO	NO	YES	YES	YES	YES
EPINEPHrine HCl autoinjector (adult and pediatric dose sizes), applies only to EMTs in BLS services approved for EMT EPINEPHrine program	NO	YES	N/A	N/A	N/A	N/A
EPINEPHrine HCl, including racemic (by nebulizer)	NO	NO	NO	YES	YES	YES
Eptifibatide	NO	NO	NO	YES ⁴	YES ⁴ or ⁵	YES ⁴ or ⁵
Esmolol	NO	NO	NO	NO	YES ⁵	YES ⁵
Etomidate	NO	NO	NO	YES ³	YES ³	YES ³
FentanNYL	NO	NO	NO	YES	YES	YES
Fibrinolytics/thrombolytics: all types	NO	NO	NO	NO	YES ⁵	YES ⁵
Furosemide	NO	NO	NO	YES	YES	YES
Flumazenil	NO	NO	NO	NO	YES ⁴	YES ⁴
Glucagon	NO	NO	YES ⁹	YES	YES	YES
Glucocorticoids/mineralcorticoids (unless otherwise specifically listed)	NO	NO	NO	NO	YES ^{4,5}	YES ^{4,5}
Glucose, oral	NO	YES	YES	YES	YES	YES
Heparin (unless otherwise specifically listed)	NO	NO	NO	NO	YES ⁵	YES ⁵
Heparin (by continuous intravenous infusion)	NO	NO	NO	YES ⁴	YES ⁴ or ⁵	YES ⁴ or ⁵
Hespan	NO	NO	NO	NO	YES ^{4,5}	YES ^{4,5}
Hydralazine	NO	NO	NO	NO	YES ^{4,5}	YES ^{4,5}
Hydrocortisone sodium succinate	NO	NO	NO	YES	YES	YES
HYRDRomorphone	NO	NO	NO	YES ⁴	YES ⁴ or ⁵	YES ⁴ or ⁵

<i>Medication</i>	<i>QRS (including providers at or above the level of EMR)</i>	<i>BLS (including providers at or above the level of EMT)</i>	<i>IALS (including providers at or above the level of AEMT)</i>	<i>ALS (including providers above the level of AEMT)</i>	<i>CCT (including providers above the level of AEMT with additional approved training)</i>	<i>Air (including providers above the level of AEMT with additional approved training)</i>
Hydroxocobalamin	NO	NO	NO	YES	YES	YES
Ibuprofen	NO	YES	YES	YES	YES	YES
Immunizations	NO	NO	NO	YES ⁹	YES ⁹	YES ⁹
Insulin	NO	NO	NO	NO	YES ⁵	YES ⁵
Isoproterenol HCl	NO	NO	NO	YES ⁴	YES ⁴	YES ⁴
Ketamine	NO	NO	NO	YES ³	YES ^{3,4,5}	YES ^{3,4,5}
Ketorolac	NO	NO	YES	YES	YES	YES
Labetolol	NO	NO	NO	NO	YES ^{4,5}	YES ^{4,5}
Levalbuterol	NO	NO	NO	YES ⁴	YES ⁴	YES ⁴
Lidocaine HCl	NO	NO	NO	YES	YES	YES
LORazepam	NO	NO	NO	YES	YES	YES
Magnesium sulfate	NO	NO	NO	YES	YES	YES
Mannitol	NO	NO	NO	NO	YES ⁵	YES ⁵
Metaproterenol	NO	NO	NO	NO	YES ^{4,5}	YES ^{4,5}
MethylPREDNISolone	NO	NO	NO	YES	YES	YES
Metoprolol	NO	NO	NO	NO	YES ^{4,5}	YES ^{4,5}
Midazolam	NO	NO	NO	YES	YES	YES
Milrinone	NO	NO	NO	YES ⁴	YES ^{4,5}	YES ^{4,5}
Morphine sulfate	NO	NO	NO	YES	YES	YES
Naloxone (unless otherwise specifically listed). <i>Note</i> —autoinjector listed separately	NO	NO	YES	YES	YES	YES
Naloxone, intranasal or autoinjector. <i>Note</i> —EMRs and EMTs must complete additional required education with QRS or BLS service participating in naloxone program	YES ¹	YES ¹	YES	YES	YES	YES
Nerve agent antidote kit, autoinjector only (may include atropine, pralidoxime, and diazepam)	NO	YES ^{6,7}	YES ^{6,7}	YES	YES	YES
Non-depolarizing neuromuscular blocking agents: all types, intravenous bolus during rapid sequence induction, assisting PHRN, PHPE, or PHP	NO	NO	NO	NO	YES ⁵	YES ⁵
Non-depolarizing neuromuscular blocking agents: all types, intravenous infusion during interfacility transport	NO	NO	NO	NO	YES ⁴	YES ⁴
Nitroglycerin, intravenous and topical	NO	NO	NO	YES	YES	YES
Nitroglycerin, sublingual (unless otherwise specifically listed)	NO	NO	YES	YES	YES	YES
Nitroglycerin, sublingual, assist with patient's own prescribed medication	NO	YES	YES	YES	YES	YES
Nitrous oxide	NO	NO	YES	YES	YES	YES
Norepinephrine	NO	NO	NO	NO	YES ⁵	YES ⁵
Normal Saline Solution (0.9% NaCl solution for intravenous volume infusion)	NO	NO	YES	YES	YES	YES
Ondansetron	NO	NO	YES	YES	YES	YES

<i>Medication</i>	<i>QRS (including providers at or above the level of EMR)</i>	<i>BLS (including providers at or above the level of EMT)</i>	<i>IALS (including providers at or above the level of AEMT)</i>	<i>ALS (including providers above the level of AEMT)</i>	<i>CCT (including providers above the level of AEMT with additional approved training)</i>	<i>Air (including providers above the level of AEMT with additional approved training)</i>
Oxygen, delivered by devices within the published scope of practice for the EMS provider	YES	YES	YES	YES	YES	YES
Oxytocin	NO	NO	NO	YES	YES	YES
Pantoprazole	NO	NO	NO	YES ⁴	YES ^{4,5}	YES ^{4,5}
Phenylephrine	NO	NO	NO	NO	YES ⁵	YES ⁵
Potassium Cl (in concentrations above 20 mEq/L)	NO	NO	NO	NO	YES ^{4,5}	YES ^{4,5}
Plasmanate	NO	NO	NO	NO	YES ^{4,5}	YES ^{4,5}
Pralidoxime	NO	NO	NO	YES	YES	YES
Procainamide	NO	NO	NO	YES	YES	YES
Propofol	NO	NO	NO	NO	YES ^{4,5}	YES ^{4,5}
Propranolol	NO	NO	NO	NO	YES ^{4,5}	YES ^{4,5}
Prostaglandins: all types	NO	NO	NO	NO	YES ⁵	YES ⁵
Quinidine sulfate/ quinidine gluconate	NO	NO	NO	NO	YES ⁵	YES ⁵
Sodium bicarbonate	NO	NO	NO	YES	YES	YES
Sodium thiosulfate	NO	NO	NO	YES	YES	YES
Sterile water, for injection	NO	NO	NO	YES	YES	YES
Succinylcholine	NO	NO	NO	NO	YES ⁵	YES ⁵
Terbutaline	NO	NO	NO	YES	YES	YES
Tetracaine, topical	NO	NO	NO	YES	YES	YES
Theophylline	NO	NO	NO	NO	YES ^{4,5}	YES ^{4,5}
Tirofiban	NO	NO	NO	YES ⁴	YES ^{4 or 5}	YES ^{4 or 5}
Tocolytics: all types (unless otherwise specifically listed)	NO	NO	NO	NO	YES ⁵	YES ⁵
Total Parenteral Nutrition	NO	NO	NO	YES ⁴	YES ⁴	YES ⁴
Tranexamic Acid	NO	NO	NO	YES ⁴	YES ^{4 or 5}	YES ^{4 or 5}
Verapamil	NO	NO	NO	YES	YES	YES
Medications not listed above, but within DOH-approved air ambulance service protocol for use by PHRN, PHPE, and PHP.	NO	NO	NO	NO	NO	YES ⁵

Table 2. Medications required to be carried by a specified EMS vehicle based upon the type of EMS service an EMS agency is licensed to provide. (R=Required)

<i>Medication</i>	<i>QRS</i>	<i>BLS</i>	<i>IALS</i>	<i>ALS</i>	<i>CCT</i>	<i>Air</i>
Adenosine				R	R	R
Aspirin, oral		R	R	R	R	R
Atropine sulfate				R	R	R
Benzodiazepines (diazepam, lorazepam or midazolam)—At least one type must be carried.				R ^{10,12}	R ^{10,12}	R ^{10,12}
Bronchodilators (nebulizer solution), (albuterol or albuterol with ipratropium bromide)—At least one type must be carried.			R ⁸	R ⁸	R ⁸	R ⁸
Dextrose (for intravenous bolus in concentration between 10%—50%)			R	R	R	R

<i>Medication</i>	<i>QRS</i>	<i>BLS</i>	<i>IALS</i>	<i>ALS</i>	<i>CCT</i>	<i>Air</i>
DiphenhydrAMINE HCl				R	R	R
EPINEPHrine HCl, 1mg/mL concentration (IALS may meet requirement with EPINEPHrine as autoinjector—both adult and pediatric dose sizes—or as solution in vial/ampoule; ALS, CCT, and Air must carry 1mg/mL in vial or ampoule)			R	R	R	R
EPINEPHrine HCl, 0.1mg/mL concentration				R	R	R
EPINEPHrine, autoinjector (adult and pediatric dose sizes)—applies only to BLS services approved for EMT EPINEPHrine program		R ³				
Etomidate—applies only to ALS services approved by regional etomidate program				R ³	R ³	R ³
Glucagon			R		R	R
Glucose, oral		R	R	R	R	R
Lidocaine HCl				R	R	R
Naloxone (restrictions on forms for QRS/BLS services listed separately)			R	R	R	R
Naloxone, intranasal kit or intramuscular autoinjector—applies only to QRS/BLS services that meet training requirements.	R ³	R ³				
Narcotic analgesics (fentaNYL or morphine sulfate)—At least one type must be carried.				R ^{11,12}	R ^{11,12}	R ^{11,12}
Nitroglycerin, sublingual			R	R	R	R
Normal Saline Solution (0.9% NaCl solution for intravenous volume infusion)			R	R	R	R
Oxygen		R	R	R	R	R
Sodium bicarbonate				R	R	R
Medication within DOH-approved air ambulance service protocol for use by PHRN, PHPE or PHP on crew						R

QRS—Quick Response Service; BLS—Basic Life Support ambulance service; IALS—Intermediate Advanced Life Support ambulance service; ALS—Advanced Life Support ambulance service; CCT—Critical Care Transport ambulance service; Air—Air ambulance service.

1. EMRs and EMTs are restricted to administering this medication by intranasal and intramuscular autoinjector routes only, consistent with Statewide BLS protocols.

2. AEMTs are restricted to administering this medication by intramuscular route only, consistent with Statewide AEMT protocols. AEMTs may not administer this medication by intravenous or intraosseous route.

3. Permitted for services that meet Department requirements for training, medication stocking, and any agency or quality improvement requirements, as verified by the agency's assigned regional EMS council.

4. During interfacility transport, paramedics who are authorized to function for an EMS agency that has been licensed as an ALS, CCT, or air ambulance service are restricted to the maintenance and monitoring of medication administration that is initiated at the sending medical facility.

5. If carried on a CCT ambulance, this medication must be secured so that it is only accessible when a PHRN, PHPE, or PHP is part of the crew. Paramedics who are authorized to function for an EMS agency that has been licensed as a CCT or air ambulance service may only administer this medication when in the direct physical presence of, and supervised by, a PHRN, PHPE or PHP.

6. May administer to a patient when assisting an EMS provider above the level of AEMT who has determined the dose for the patient consistent with statewide ALS protocols.

7. For self or peer rescue only.

8. One listed type of bronchodilator medication must be carried on each licensed vehicle.

9. Appropriate for community or peer programs under the oversight of the EMS Agency Medical Director, but not for responses to 9-1-1 calls.

10. One benzodiazepine class medication must be carried on each licensed vehicle.

11. One opioid class medication must be carried on each licensed vehicle.

12. For additional information relating to security and medication tracking requirements for controlled substances, see 28 Pa. Code § 1027.5.

Persons with a disability who require an alternate format of this notice (for example, large print, audiotape, Braille) should contact Aaron M. Rhone, EMS Program Manager, Department of Health, Bureau of Emergency Medical Services, 1310 Elmerton Avenue, Harrisburg, PA 17110, (717) 787-8740. Speech or hearing impaired persons, call by using V/TT: (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

RACHEL L. LEVINE, MD,
Secretary

[Pa.B. Doc. No. 19-970. Filed for public inspection June 28, 2019, 9:00 a.m.]

DEPARTMENT OF HEALTH

Emergency Medical Services Operating Fund Funding Priorities for Fiscal Year 2019-2020

Under 28 Pa. Code §§ 1021.24 and 1021.25 (relating to use of EMSOF funding by a regional EMS council; and allocation of EMSOF funds to regional EMS councils), the Department of Health (Department) gives notice of priorities for the distribution by the regional emergency medical services (EMS) councils of funding from the Emergency Medical Services Operating Fund (EMSOF) for the fiscal year beginning July 1, 2019, and ending June 30, 2020.

EMSOF moneys are to be used to provide funding to maintain, improve and develop the quality of the EMS system within this Commonwealth. The Department finds that EMSOF is not sufficient to fully fund the EMS system. Therefore, it gives notice, under § 1021.24(e), that recipients of EMSOF funding from regional EMS councils may be required to provide matching funds toward all purchases, acquisitions and projects for which the Department permits the use of EMSOF moneys.

Each regional EMS council shall prioritize the distribution of its EMSOF moneys allocated for the established priorities set forth in this notice. These allocations shall be based upon the Statewide EMS Development Plan and its regional EMS development plan and are subject to the funding priorities set forth in this notice. By October 30, 2019, the regional EMS councils shall notify the providers and other appropriate entities of the established funding priorities, the application process, acquisition documentation requirements and processing deadlines. Each regional EMS council must complete all documents required for the distribution of EMSOF funding by June 30, 2020.

The Department may increase the amount of the initial payment or reimbursement from EMSOF based upon the EMS development plans (State and regional) or documented financial hardship of a provider of EMS. A provider of EMS that seeks additional funds due to financial hardship shall be required to submit a financial disclosure statement and other documentation deemed necessary by the Department.

A provider of EMS applying for EMSOF funding must be in full compliance with all regulations, policies and priorities of the State and regional EMS systems.

Funds for purchases, acquisitions and projects for the fiscal year beginning July 1, 2019, and ending June 30, 2020, must have been expended or encumbered by the regional EMS council by June 30, 2020.

Funding Priorities

The following funding priorities are listed in order of current State priority. These priorities must be considered before there is any regional distribution of EMSOF

moneys for initiatives that are not listed. All funding must be distributed in a manner consistent with the regional and Statewide EMS development plans. Consequently, if the priorities in this notice have been met and additional funding is available, the request to use EMSOF money towards lower priority items must still be supported by the Statewide and regional EMS development plans.

1. Recruitment and retention programs, including scholarships or tuition reimbursement for emergency medical responder (EMR), emergency medical technician (EMT), advanced emergency medical technician (AEMT) and paramedic (P) education in areas with higher than average prehospital personnel vacancy rates or other challenges associated with the provision of EMS primary education, or both, as determined by the regional EMS council and approved by the Department.

2. Costs associated with investigating a potential merger or consolidation of services. These costs include, but are not limited to, consulting fees, studies, legal fees and statistical analysis.

3. Costs associated with the actual merger or consolidation of services.

4. Development or improvement of an organizational risk management program (safety measures, hazard recognition or mitigation and the necessary organizational structure and support processes) proposed by an ambulance service. Proposals for funding must be comprehensive and include safe vehicle operations. Approval by the Department is required prior to funding. Equipment that is required to meet basic life support (BLS), intermediate advanced life support (IALS), and advanced life support (ALS) ambulance service licensure.

5. Capnography equipment (especially wave-form end-tidal CO₂ monitors).

6. Software or computer equipment to enable services to collect and transmit EMS patient care reports electronically.

7. Bariatric equipment to equip ambulances.

8. Replacement of an ambulance, for ambulance services, that is older than 10 years or has more than 200,000 miles on it. This allowance is limited to one per fiscal year.

When two or more ambulance companies have consolidated to create one entity, for the first 5 years after the ambulance companies completed consolidation, the entity may be deemed eligible to receive funding not to exceed the amount of the combined total for which the individual companies would have been eligible had they not consolidated.

Emergency Preparedness and Response Funding Requests

Emergency preparedness and response funding requests must be based on local and response roles of

services, regional needs, and needs identified by threat vulnerability analysis. Purchases must be coordinated with county emergency, fire service, hazmat and hospital organizations in the applicant's service area to assure interoperability and to prevent duplication. Funding requests related to responding to all hazard and emergency preparedness must have a clear connection to the regional EMS catastrophic plan and the regional EMS development plan. Priority will be given to fund the ambulance services in each region that have committed to participating in the EMS strike team capability project and respond to requests for EMS, both interstate and intrastate, as identified in the State and regional mass casualty plans.

Provider Equipment

Purchases by providers of EMS are not limited to equipment. If a provider of EMS requests EMSOF monies to purchase equipment, the Eligible Provider Equipment List included with this announcement identifies equipment for which EMSOF funds will be made available to purchase. This list provides the types of providers of EMS eligible for equipment purchases supported by

EMSOF funding and the maximum allowable cost upon which the EMSOF contribution will be calculated.

EMSOF funds may fund up to the maximum allowable cost of an equipment item. Providers may purchase an item for an amount that exceeds the maximum allowable cost, but providers will be responsible for the balance of the purchase price exceeding the maximum allowable cost for that item.

Examinations

Funding may be provided to EMS agencies to cover the cost of the State written test for certification as a P, prehospital physician extender (PHPE), prehospital registered nurse (PHRN), AEMT, EMT and EMR at 100% of the cost as established by the National Registry of EMTs (NREMT). Funding for examinations is limited to two testing attempts by the individual seeking certification.

Medical Director

The maximum allowable cost for an EMS agency to contract for medical director oversight is \$12,000 for Fiscal Year 2019-2020.

Eligible Provider Equipment List

Equipment Description	Life Expectancy	Eligible Purchase for:										Allowable Costs ⁷		
		ALS	ALS/SQ	IALS	IALS/SQ	BLS	BLS/SQ	QRS	ALS	ALS/SQ	IALS		IALS/SQ	
EKG Monitor/Defibrillator with Pacer	5 years	Y	Y	N	N	N	N	N	N	N	N	N	N	12,000
12 Lead EKG ²	5 years	Y	Y	Y	Y	N	N	N	N	N	N	N	N	20,000
Automated External Defibrillator (AED)	5 years	N	N	N	N	Y ³	Y ³	Y ³	Y ³	Y ³	Y ³	Y ³	Y ³	1,500
Automated External Defibrillator Trainer	5 years	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	400
Oxygen Equipment (any combination) Cylinder	5 years	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	500
Demand Valve w/Hose and Mask Regulator (combination or constant flow—25 lpm capable) Case														
Capnography Equipment	3 years	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	3,000
CPAP Ventilation Portable Equipment	5 years	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	1,500
Pulse Oximeter	5 years	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	700
Nitrous Oxide Delivery System	5 years	Y	Y	N	N	N	N	N	N	N	N	N	N	2,000
Intravenous Infusion Pumps	5 years	Y	Y	N	N	N	N	N	N	N	N	N	N	2,000
Adult/Pediatric Intubation Kits	5 years	Y ⁴	Y ⁴	N	N	N	N	N	N	N	N	N	N	600
Transtacheal Jet Insufflators (TTJ)	5 years	Y	Y	N	N	N	N	N	N	N	N	N	N	200
Splinting/Immobilization Devices (any combination) Backboard	3 years	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	500
Cervical Immobilization Device Splints (rigid, traction, and the like)														
Stairchair	5 years	Y	N	Y	Y	N	N	N	N	Y	N	N	N	Up to 5,000
Stretcher	5 years	Y	N	Y	Y	N	N	N	N	Y	N	N	N	Up to 10,000
Stair Stretcher 500 lb. Capacity	5 years	Y	N	Y	Y	Y	Y	Y	Y	Y	N	N	N	2,700
Suction (Portable)	3 years	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	900
Ventilator, Automatic (per Department Guidelines)	5 years	Y ⁵	Y ⁵	Y ⁶	Y ⁶	Y ⁶	Y ⁶	Y ⁶	Y ⁶	Y ⁶	Y ⁶	Y ⁶	Y ⁶	3,000
Ambulance with Chevron Marking on Back of Unit	-	Y	N	Y	Y	N	N	N	N	Y	N	N	N	-
Chevron	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	1,500
Squad/Response Vehicle with Chevron Marking on Back of Unit	-	N	Y	N	N	Y	Y	N	Y	N	Y	Y	Y	-
Data Collection Software/Technology ⁷	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	1,700
Data Collection Hardware ⁸	3 years	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	2,000
Radio, Mobile (two per vehicle)	5 years	Y ⁹	Y ⁹	Y ⁹	Y ⁹	Y ⁹	Y ⁹	Y ⁹	Y ⁹	Y ⁹	Y ⁹	Y ⁹	Y ⁹	5,000
Radio, Portable (two per vehicle per year)	5 years	Y ⁹	Y ⁹	Y ⁹	Y ⁹	Y ⁹	Y ⁹	Y ⁹	Y ⁹	Y ⁹	Y ⁹	Y ⁹	Y ⁹	5,000
Triage Vest with Reflection Stripes Meeting ANSI National Standards	5 years	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	150
Triage System	5 years	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	750
Alerting Equipment (five per service at \$400 each)	5 years	Y ⁹	Y ⁹	Y ⁹	Y ⁹	Y ⁹	Y ⁹	Y ⁹	Y ⁹	Y ⁹	Y ⁹	Y ⁹	Y ⁹	2,000
Vehicle Safety Monitoring Systems	5 years	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	3,500
Personal Protective Equipment/Turnout Gear: Helmet, Coat, Pants, Boots Protection Respiratory Protection from Communicable Diseases	5 years	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	1,200
Protective Ballistic Vest	5 years	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	1,000

Equipment Description	Life Expectancy	Eligible Purchase for:						Allowable Costs ¹
		ALS	ALS/SQ	IALS	IALS/SQ	BLS	BLS/SQ	
Global Positioning System Receiver one per licensed Ambulance or Recognized QRS Vehicle	5 years	Y	Y	Y	Y	Y	Y	500
Traffic Safety Equipment	5 years	Y	Y	Y	Y	Y	Y	2,500
Large Patient Moving/Carrying Device	10 years	Y	Y	Y	Y	Y	Y	3,000
Self-Contained Breathing Apparatus (two per licensed vehicle)	10 years	Y	Y	Y	Y	Y	Y	3,000
P/PHPE/PHRN Testing (Written)	—							Current rate established by NREMT
AEMT—Testing (Written)	—							Current rate established by NREMT
EMT Testing (Written)	—							Current rate established by NREMT
EMR Testing (Written)	—							Current rate established by NREMT
CO Detectors (Monitors)	5 Years	Y	Y	Y	Y	Y	Y	200
12 Lead EKG Transmitter System	5 Years	Y	Y	Y	Y	N	N	1,000
IO Drills or Bone Injection Systems	5 Years	Y	Y	Y	Y	N	N	300
Narcotics Security Systems	5 Years	Y	Y	Y	Y	N	N	900
Refrigerators (mini)	10 Years	Y	Y	Y	Y	N	N	1,200
Pediatric Safe Transport Device	10 Years	Y	N	Y	N	Y	N	Up to 400
Tourniquet (tactical)	5 Years	Y	Y	Y	Y	Y	Y	25
Bariatric equipment	5 Years	Y	Y	Y	Y	Y	Y	27,000

ALS—Advanced Life Support ambulance service; ALS/SQ—Advanced Life Support Squad service; IALS—Intermediate Advanced Life Support ambulance service; IALS/SQ—Intermediate Advanced Life Support Squad service; BLS—Basic Life Support ambulance service; BLS/SQ—Basic Life Support Squad service; QRS—Quick Response Service

¹ All figures are dollar amounts for each item of equipment.

² Amount includes \$1,000 for communications package. Receiving facility must have appropriate communications capabilities.

³ Must be an approved AED service or part of regional planning, and AED medical director required.

⁴ Must be durable equipment, not disposable equipment.

⁵ Completion of approved training program required.

⁶ Completion of approved training program required and BLS service medical director approval required.

⁷ Must be a Department-approved software program, modem, printer, backup device and battery system.

⁸ Data collection hardware may include computer, modem, printer, backup device and battery system.

⁹ Must be compatible with regional and State EMS communications plan.

Questions regarding this notice or persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) should contact Aaron M. Rhone, Department of Health, Bureau of Emergency Medical Services, 1310 Elmerton Avenue, Harrisburg, PA 17110, (717) 787-8740. Persons with a speech or hearing impairment may use V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

RACHEL L. LEVINE, MD,
Secretary

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 § 201.18(e) (relating to management):

Paramount Nursing and Rehabilitation at Peters Township, LLC
240 Cedar Hill Drive
McMurray, PA 15317
FAC ID # 24290201

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 201.22(d), (e), (h) and (j) (relating to prevention, control and surveillance of tuberculosis (TB)):

Abramson Residence
1425 Horsham Road
North Wales, PA 19454
FAC ID # 09130200

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 211.6(c) (relating to dietary services):

Hospitality Care Center of Hermitage
3726 East State Street
Hermitage, PA 16148
FAC ID # 011302

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed address.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing-impaired persons, call the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

RACHEL L. LEVINE, MD,
Secretary

[Pa.B. Doc. No. 19-972. Filed for public inspection June 28, 2019, 9:00 a.m.]

DEPARTMENT OF HEALTH

Scope of Practice for Air Ambulance Services

Under 28 Pa. Code § 1027.39(d) (relating to critical care transport ambulance service), the Department of Health (Department) is publishing the expanded scope of practice for authorized paramedics (P), prehospital registered nurses (PHRN), prehospital physician extenders (PHPE) and prehospital emergency medical services physicians (PHP) when functioning for an emergency medical services (EMS) agency that has been licensed as a critical care transport (CCT) ambulance service under 35 Pa.C.S. § 8129 (relating to emergency medical services agencies).

Under § 1027.39(d), expansion of the applicable EMS providers' scopes of practice include EMS skills in addition to those skills included in these EMS providers' general scopes of practice that were published at 49 Pa.B. 3398 (June 29, 2019). To perform these expanded skills, EMS providers must receive education to perform these skills by having successfully completed a CCT educational program approved by the Department. Minimum requirements to become an approved CCT educational program, and a list of approved CCT educational programs, will be continuously updated on the Bureau of Emergency Medical Services' web site.

Skills identified may be performed by these EMS providers only if the provider has successfully completed training (cognitive, affective and psychomotor) on the specified skill, which includes training to perform the skill on adults, children and infants, as appropriate. These providers may only perform skills that are indicated through either Statewide or other Department-approved protocols or that are ordered online by a medical command physician.

A PHRN who is appropriately credentialed by the EMS agency medical director may perform other services authorized by The Professional Nursing Law (63 P.S. §§ 211—225.5) when authorized by a medical command physician through either online medical command or through the applicable Statewide or Department-approved EMS protocols.

A PHPE who is appropriately credentialed by the EMS agency medical director may perform services within the scope of practice of a physician assistant under the Medical Practice Act of 1985 (63 P.S. §§ 422.1—422.51a) or the Osteopathic Medical Practice Act (63 P.S. §§ 271.1—271.18), whichever applies to the physician assistant, when authorized by a medical command physician through either online medical command or through applicable Statewide or Department-approved EMS protocols. When a PHPE functions in this capacity, the physician supervision requirements applicable to a physician assistant under the Medical Practice Act of 1985 or the Osteopathic Medical Practice Act do not apply.

A PHP who is appropriately credentialed by the EMS agency medical director may perform skills within a paramedic's scope of practice and other skills within the practice of medicine or osteopathic medicine, whichever applies to the physician. A PHP may not perform a skill that the PHP has not been educated and trained to perform.

To administer medications in addition to those permitted by applicable medical treatment protocols, PHRNs, PHPEs and PHPs must also receive approval to do so by the EMS agency medical director of the advanced life support ambulance service under which they are functioning.

	<i>Category</i>	<i>Skill</i>	<i>Critical Care Transport Provider (P, PHRN, PHPE or PHP)</i>
1	Airway/ventilation/oxygenation	Chest tube thoracostomy, monitoring of existing tube in a closed system (for example water seal or suction)	Yes ¹
2	Airway/ventilation/oxygenation	Chest tube thoracostomy, acute insertion	Yes ²
3	Airway/ventilation/oxygenation	Biphasic positive airway pressure (BiPAP) for patients acutely on BiPAP for <48 hours	Yes ¹
4	Airway/ventilation/oxygenation	Endotracheal Intubation—paralytic assisted, rapid sequence induction (RSI)	Yes ²
5	Airway/ventilation/oxygenation	Escharotomy	Yes ²
6	Airway/ventilation/oxygenation	Ventilation—Maintenance of previously initiated neuromuscular blockade	Yes ¹
7	Airway/ventilation/oxygenation	Laryngeal mask airway (LMA)	Yes ¹
8	Airway/ventilation/oxygenation	Ventilators that are portable and capable of being transported with a patient and are multi-modal, with a blender, that are used on patients requiring pressure control, pressure support or other advanced setting, or when there is an anticipated need by a healthcare provider involved with the care of the patient to actively titrate ventilator settings during transport, regardless of ventilation mode.	Yes ¹
9	Airway/ventilation/oxygenation	Ventilators, transport—used in multi-modal settings, blended gas transport ventilator on patients ventilated <48 hours or anticipated need to actively titrate ventilator settings	Yes ²
10	Cardiovascular/circulation	Transvenous or Epicardial pacing, Management of	Yes ²
11	Cardiovascular/circulation	Hemodynamic monitoring/assist (pulmonary artery catheter, central venous pressure)	Yes ²
12	Cardiovascular/circulation	Intra-aortic balloon pump or invasive cardiac assist device or extracorporeal membrane oxygenation—monitoring/assist	Yes ²
13	Cardiovascular/circulation	Thrombolytic therapy—initiation	Yes ²
14	Cardiovascular/circulation	Thrombolytic therapy—monitoring	Yes ²
15	IV Initiation/maintenance/fluids	Sub-cutaneous indwelling catheters—access of existing catheters	Yes ¹
16	IV Initiation/maintenance/fluids	Venous central line (blood sampling)—obtaining	Yes ¹
17	IV Initiation/maintenance/fluids	Arterial line—monitoring	Yes ¹
18	IV Initiation/maintenance/fluids	Blood products—initiation and continued administration	Yes ²
19	Medication administration routes	Enteral Feeding Devices, Management of	Yes ¹
20	Medications	Medications for Critical Care Transport Providers as published in <i>Pennsylvania Bulletin</i> by the Department	Yes ¹
21	Medications	Over-the-counter (OTC) medications (<i>Note: aspirin and glucose covered elsewhere</i>)	Yes ¹
22	Patient Assessment/management	Portable blood analysis devices, use of (glucometer covered elsewhere)	Yes ¹
23	Patient Assessment/management	Intracranial pressure monitoring/assist	Yes ²
24	Patient Assessment/management	Urinary catheterization	Yes ¹

Yes—The skill is in the scope of practice for Ps, PHRNs, PHPEs and PHPs who are authorized to function for an EMS agency that has been licensed as a CCT ambulance service.

1. Ps, PHRNs, PHPEs and PHPs who are authorized to function for an EMS agency that has been licensed as a CCT ambulance service may only perform or assist with these skills during interfacility transport with a CCT ambulance.

2. Paramedics who are authorized to function for an EMS agency that has been licensed as a CCT ambulance service may assist a PHRN, PHPE or PHP with this skill only during interfacility transport with a CCT ambulance and when in the direct physical presence of, and supervised by, the higher level provider.

Persons with a disability who require an alternate format of this notice (for example, large print, audiotope, Braille) should contact Aaron M. Rhone, EMS Program Manager, Department of Health, Bureau of Emergency Medical Services, 1310 Elmerton Avenue, Harrisburg, PA 17110, (717) 787-8740. Speech or hearing impaired persons may call by using V/TT: (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

RACHEL L. LEVINE, MD,
Secretary

[Pa.B. Doc. No. 19-973. Filed for public inspection June 28, 2019, 9:00 a.m.]

DEPARTMENT OF HEALTH

Scope of Practice for Critical Care Transport Emergency Medical Service Providers

Under 28 Pa. Code § 1027.39(d) (relating to critical care transport ambulance service), the Department of Health (Department) is publishing the expanded scope of practice for authorized paramedics (P), prehospital registered nurses (PHRN), prehospital physician extenders (PHPE) and prehospital emergency medical services physicians (PHP) when functioning for an emergency medical service (EMS) agency that has been licensed as a critical care transport (CCT) ambulance service under 35 Pa.C.S. § 8129 (relating to emergency medical services agencies).

Under § 1027.39(d), expansion of the applicable EMS providers' scopes of practice include EMS skills in addition to those skills included in these EMS providers' general scopes of practice that were published at 49 Pa.B. 3398 (June 29, 2019). To perform these expanded skills, EMS providers must receive education to perform these skills by having successfully completed a CCT educational program approved by the Department. Minimum requirements to become an approved CCT educational program, and a list of approved CCT educational programs, will be continuously updated on the Bureau of Emergency Medical Services' web site.

Skills identified may be performed by these EMS providers only if the provider has successfully completed training (cognitive, affective and psychomotor) on the specified skill, which includes training to perform the skill on adults, children and infants, as appropriate. These providers may only perform skills that are indicated through either Statewide or other Department-approved protocols or that are ordered online by a medical command physician.

A PHRN who is appropriately credentialed by the EMS agency medical director may perform other services authorized by The Professional Nursing Law (63 P.S. §§ 211—225.5) when authorized by a medical command

physician through either online medical command or through the applicable Statewide or Department-approved EMS protocols.

A PHPE who is appropriately credentialed by the EMS agency medical director may perform services within the scope of practice of a physician assistant under the Medical Practice Act of 1985 (63 P.S. §§ 422.1—422.51a) or the Osteopathic Medical Practice Act (63 P.S. §§ 271.1—271.18), whichever applies to the physician assistant, when authorized by a medical command physician through either online medical command or through applicable Statewide or Department-approved EMS protocols. When a PHPE functions in this capacity, the physician supervision requirements applicable to a physician assistant under the Medical Practice Act of 1985 or the Osteopathic Medical Practice Act do not apply.

A PHP who is appropriately credentialed by the EMS agency medical director may perform skills within a paramedic's scope of practice and other skills within the practice of medicine or osteopathic medicine, whichever applies to the physician. A PHP may not perform a skill that the PHP has not been educated and trained to perform.

To administer medications in addition to those permitted by applicable medical treatment protocols, PHRNs, PHPEs and PHPs must also receive approval to do so by the EMS agency medical director of the advanced life support ambulance service under which they are functioning.

Under 28 Pa. Code § 1023.1(a)(1)(vi) and (vii) (relating to EMS agency medical director), the EMS agency medical director must make an initial assessment of each EMS provider at or above the advanced emergency medical technician (AEMT) level, and then within 12 months of each prior assessment, to determine whether the EMS provider has the knowledge and skills to competently perform the skills within the EMS provider's scope of practice, and a commitment to adequately perform other functions relevant to the EMS provider providing EMS at that level. EMS providers at or above the AEMT level may only perform skills that the EMS agency medical director has credentialed them to perform.

	<i>Category</i>	<i>Skill</i>	<i>Critical Care Transport Provider (P, PHRN, PHPE or PHP)</i>
1	Airway/ventilation/oxygenation	Chest tube thoracostomy, monitoring of existing tube in a closed system (for example water seal or suction)	Yes ¹
2	Airway/ventilation/oxygenation	Chest tube thoracostomy, acute insertion	Yes ²
3	Airway/ventilation/oxygenation	Biphasic positive airway pressure (BiPAP) for patients acutely on BiPAP for <48 hours	Yes ¹
4	Airway/ventilation/oxygenation	Endotracheal Intubation—paralytic assisted, rapid sequence induction (RSI)	Yes ²
5	Airway/ventilation/oxygenation	Escharotomy	Yes ²

	<i>Category</i>	<i>Skill</i>	<i>Critical Care Transport Provider (P, PHRN, PHPE or PHP)</i>
6	Airway/ventilation/oxygenation	Ventilation—Maintenance of previously initiated neuromuscular blockade	Yes ¹
7	Airway/ventilation/oxygenation	Laryngeal mask airway (LMA)	Yes ¹
8	Airway/ventilation/oxygenation	Ventilators that are portable and capable of being transported with a patient and are multi-modal, with a blender, that are used on patients requiring pressure control, pressure support or other advanced setting, or when there is an anticipated need by a healthcare provider involved with the care of the patient to actively titrate ventilator settings during transport, regardless of ventilation mode.	Yes ¹
9	Cardiovascular/circulation	Transvenous or Epicardial pacing, Management of	Yes ²
10	Cardiovascular/circulation	Hemodynamic monitoring/assist (pulmonary artery catheter, central venous pressure)	Yes ²
11	Cardiovascular/circulation	Intra-aortic balloon pump or invasive cardiac assist device or extracorporeal membrane oxygenation—monitoring/assist	Yes ²
12	Cardiovascular/circulation	Thrombolytic therapy—initiation	Yes ²
13	Cardiovascular/circulation	Thrombolytic therapy—monitoring	Yes ²
14	IV Initiation/maintenance/fluids	Sub-cutaneous indwelling catheters—access of existing catheters	Yes ¹
15	IV Initiation/maintenance/fluids	Venous central line (blood sampling)—obtaining	Yes ¹
16	IV Initiation/maintenance/fluids	Arterial line—monitoring	Yes ¹
17	IV Initiation/maintenance/fluids	Blood products—initiation and continued administration	Yes ²
18	Medication administration routes	Enteral Feeding Devices, Management of	Yes ¹
19	Medications	Medications for Critical Care Transport Providers as published in <i>Pennsylvania Bulletin</i> by the Department	Yes ¹
20	Medications	Over-the-counter (OTC) medications (<i>Note</i> : aspirin and glucose covered elsewhere)	Yes ¹
21	Patient Assessment/management	Portable blood analysis devices, use of (glucometer covered elsewhere)	Yes ¹
22	Patient Assessment/management	Intracranial pressure monitoring/assist	Yes ²
23	Patient Assessment/management	Urinary catheterization	Yes ¹

Yes—The skill is in the scope of practice for Ps, PHRNs, PHPEs and PHPs who are authorized to function for an EMS agency that has been licensed as a CCT ambulance service.

1. Paramedics, PHRNs, PHPEs and PHPs who are authorized to function for an EMS agency that has been licensed as a CCT ambulance service may only perform or assist with these skills during interfacility transport with a CCT ambulance.

2. Paramedics who are authorized to function for an EMS agency that has been licensed as a CCT ambulance service may assist a PHRN, PHPE or PHP with this skill only during interfacility transport with a CCT ambulance and when in the direct physical presence of, and supervised by, the higher level provider.

Persons with a disability who require an alternate format of this notice (for example, large print, audiotape, Braille) should contact Aaron M. Rhone, EMS Program Manager, Department of Health, Bureau of Emergency Medical Services, 1310 Elmerton Avenue, Harrisburg, PA 17110, (717) 787-8740. Speech or hearing impaired persons may call by using V/TT: (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

RACHEL L. LEVINE, MD,
Secretary

[Pa.B. Doc. No. 19-974. Filed for public inspection June 28, 2019, 9:00 a.m.]

DEPARTMENT OF HEALTH

Scope of Practice for Emergency Medical Service Providers

Under 35 Pa.C.S. §§ 8101—8157 (relating to Emergency Medical Services System Act) and the Department of Health's (Department) regulations in 28 Pa. Code §§ 1023.24(d)(1), 1023.25(d)(1), 1023.26(d)(1), 1023.27(d)(1), 1023.28(d), 1023.29(d) and 1023.30(e), the Department is publishing the scope of practice for emergency medical responders (EMR), emergency medical technicians (EMT), advanced emergency medical technicians (AEMT), paramedics (P), prehospital registered nurses (PHRN), prehospital physician extenders (PHPE) and prehospital physicians (PHP).

Skills identified may be performed by an emergency medical service (EMS) provider at the provider's level of certification or registration only if the provider has successfully completed the approved education (cognitive, affective and psychomotor) on the specified skill, which includes training to perform the skill on adults, children and infants, as appropriate. EMRs, EMTs, AEMTs and Ps may only perform the skills identified, through either Statewide or other Department-approved protocols, or skills that may be ordered online by a medical command physician.

As the following chart indicates, a PHRN, PHPE and PHP may perform all skills identified as within a paramedic's scope of practice. Each of these EMS providers may perform additional skills as outlined as follows.

A PHRN who is appropriately credentialed by the EMS agency medical director may perform other services authorized by The Professional Nursing Law (63 P.S. §§ 211—225.5) when authorized by a medical command physician through either online medical command or through the applicable Statewide or Department-approved EMS protocols.

A PHPE who is appropriately credentialed by the EMS agency medical director may perform services within the scope of practice of a physician assistant under the Medical Practice Act of 1985 (63 P.S. §§ 422.1—422.51a) or the Osteopathic Medical Practice Act (63 P.S. §§ 271.1—271.18) when authorized by a medical command physician through either online medical command or through applicable Statewide or Department-approved

EMS protocols. When a PHPE functions as an EMS provider, the physician supervision requirements applicable to a physician assistant under the Medical Practice Act of 1985 and the Osteopathic Medical Practice Act do not apply.

A PHP who is appropriately credentialed by the EMS agency medical director may perform skills within a paramedic's scope of practice and other skills within the practice of medicine or osteopathic medicine. A PHP may not perform a skill that the PHP has not been educated and trained to perform.

Under 28 Pa. Code § 1023.1(a)(1)(vi) and (vii), (relating to EMS agency medical director), the EMS agency medical director must make an initial assessment of each EMS provider at or above the AEMT level, and then within 12 months of each prior assessment, to determine whether the EMS provider has the knowledge and skills to competently perform the skills within the EMS provider's scope of practice, and a commitment to adequately perform other functions relevant to the EMS provider providing EMS at that level. EMS providers at or above the AEMT level may only perform skills that the EMS agency medical director has credentialed them to perform.

The Department wishes to highlight the following change to the scope of practice for all EMS providers: Effective November 29, 2014, administration of Naloxone in intranasal or auto-injector form is approved for all levels of EMS providers and is listed under the "Medications" category of this notice. This change is under sections 13.7 and 13.8 of The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. §§ 780-113.7 and 780-113.8), which requires the Department, by December 31, 2014, to amend the scope of practice for EMS providers to include the administration of Naloxone. Prior to this change, Naloxone was listed on the approved drug list only for ALS ambulance services and for advanced-level EMS providers. See 42 Pa.B. 4229 (July 7, 2012).

Persons with a disability who require an alternate format of this notice (for example, large print, audiotape, Braille) should contact Aaron M. Rhone, EMS Program Manager, Department of Health, Bureau of Emergency Medical Services, 1310 Elmerton Avenue, Harrisburg, PA 17110, (717) 787-8740. Speech or hearing impaired persons may call by using V/TT: (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

	<i>Category</i>	<i>Skill</i>	<i>EMR</i>	<i>EMT</i>	<i>AEMT</i>	<i>P*</i>
1	Airway/Ventilation/Oxygenation	Airway—Nonsurgical Alternative/Rescue Airway—CombiTube™, iGel® Supraglottic, King LT-D Airway™ or King LTS-D Airway™	No	No	Yes	Yes
2	Airway/Ventilation/Oxygenation	Airway—Oropharyngeal (OPA) and Nasopharyngeal (NPA)	Yes	Yes	Yes	Yes
3	Airway/Ventilation/Oxygenation	Airway—Pharyngeal tracheal lumen (PTL)	No	No	No	No
4	Airway/Ventilation/Oxygenation	Bag-valve—ETT/Nonsurgical alternative airway ventilation	Yes ²	Yes ²	Yes	Yes
5	Airway/Ventilation/Oxygenation	Bag-valve-ventilation—with in-line small-volume nebulizer	No	Yes ²	Yes	Yes
6	Airway/Ventilation/Oxygenation	Bag-valve-mask (BVM) ventilation	Yes	Yes	Yes	Yes
7	Airway/Ventilation/Oxygenation	Chest decompression—needle	No	No	No	Yes

	<i>Category</i>	<i>Skill</i>	<i>EMR</i>	<i>EMT</i>	<i>AEMT</i>	<i>P*</i>
8	Airway/Ventilation/Oxygenation	Chest tube thoracostomy, monitoring of existing tube in a closed system (for example water seal or suction)	No	No	No	No
9	Airway/Ventilation/Oxygenation	Chest tube thoracostomy, monitoring of existing tube in a open system (for example vented, Heimlich valve)	No	No	No	Yes
10	Airway/Ventilation/Oxygenation	Chest tube thoracostomy, acute insertion	No	No	No	No
11	Airway/Ventilation/Oxygenation	Continuous positive airway pressure (CPAP)	No	Yes ¹	Yes	Yes
12	Airway/Ventilation/Oxygenation	Biphasic positive airway pressure (BiPAP) for patients chronically on BiPAP for >48 hours	No	No	No	Yes
13	Airway/Ventilation/Oxygenation	Biphasic positive airway pressure (BiPAP) for patients on BiPAP for <48 hours	No	No	No	No
14	Airway/Ventilation/Oxygenation	Cricothyrotomy—needle	No	No	No	Yes
15	Airway/Ventilation/Oxygenation	Cricothyrotomy—open/surgical	No	No	No	Yes
16	Airway/Ventilation/Oxygenation	Cricothyrotomy—overwire (Seldinger) technique	No	No	No	Yes
17	Airway/Ventilation/Oxygenation	End tidal CO ₂ monitoring/capnography	No	No	Yes	Yes
18	Airway/Ventilation/Oxygenation	Esophageal obturator airway (EOA)/esophageal gastric tube airway (EGTA)	No	No	No	No
19	Airway/Ventilation/Oxygenation	Extubation—removal of ETT	No	No	No	Yes
20	Airway/Ventilation/Oxygenation	Gastric decompressions—Orogastric or nasogastric tube insertion	No	No	No	Yes
21	Airway/Ventilation/Oxygenation	Gastric decompression via alternative/rescue airway (CombiTube™ or King LTS-D™)	No	No	Yes	Yes
22	Airway/Ventilation/Oxygenation	Head-tilt/chin lift	Yes	Yes	Yes	Yes
23	Airway/Ventilation/Oxygenation	Inspiratory Impedance Threshold Device (ITD)	No	No	Yes ¹	Yes
24	Airway/Ventilation/Oxygenation	Endotracheal Intubation—by direct laryngoscopy (including video intubation devices), nasotracheal, digital and transillumination/lighted stylet techniques	No	No	No	Yes
25	Airway/Ventilation/Oxygenation	Endotracheal Intubation—paralytic assisted, rapid sequence induction (RSI)	No	No	No	No
26	Airway/Ventilation/Oxygenation	Ventilation—maintenance of previously initiated neuromuscular blockade	No	No	No	No
27	Airway/Ventilation/Oxygenation	Endotracheal Intubation—retrograde technique	No	No	No	No
28	Airway/Ventilation/Oxygenation	Laryngeal mask airway (LMA)	No	No	No	No
29	Airway/Ventilation/Oxygenation	Mouth-to-mouth, nose, stoma, barrier and pocket mask	Yes	Yes	Yes	Yes
30	Airway/Ventilation/Oxygenation	Obstruction—direct laryngoscopy (remove with forceps)	No	No	No	Yes
31	Airway/Ventilation/Oxygenation	Obstruction—manual (abdominal thrusts, finger sweep, chest thrusts) upper airway	Yes	Yes	Yes	Yes

	<i>Category</i>	<i>Skill</i>	<i>EMR</i>	<i>EMT</i>	<i>AEMT</i>	<i>P*</i>
32	Airway/Ventilation/Oxygenation	Oxygen therapy—blow-by delivery	Yes	Yes	Yes	Yes
33	Airway/Ventilation/Oxygenation	Oxygen therapy—humidifiers	No	Yes	Yes	Yes
34	Airway/Ventilation/Oxygenation	Oxygen therapy—nasal cannula	Yes	Yes	Yes	Yes
35	Airway/Ventilation/Oxygenation	Oxygen therapy—non-rebreather	Yes	Yes	Yes	Yes
36	Airway/Ventilation/Oxygenation	Oxygen therapy—partial rebreather	No	Yes	Yes	Yes
37	Airway/Ventilation/Oxygenation	Oxygen therapy—regulators	Yes	Yes	Yes	Yes
38	Airway/Ventilation/Oxygenation	Oxygen therapy—simple face mask	No	Yes	Yes	Yes
39	Airway/Ventilation/Oxygenation	Oxygen therapy—Venturi mask	No	Yes	Yes	Yes
40	Airway/Ventilation/Oxygenation	Peak expiratory flow assessment	No	No	Yes	Yes
41	Airway/Ventilation/Oxygenation	Suctioning—meconium aspiration	No	No	No	Yes
42	Airway/Ventilation/Oxygenation	Suctioning—stoma/tracheostomy	Yes	Yes	Yes	Yes
43	Airway/Ventilation/Oxygenation	Suctioning—tracheobronchial via advanced airway	No	Yes ²	Yes	Yes
44	Airway/Ventilation/Oxygenation	Suctioning—upper airway (nasal)	Yes	Yes	Yes	Yes
45	Airway/Ventilation/Oxygenation	Suctioning—upper airway (oral)	Yes	Yes	Yes	Yes
46	Airway/Ventilation/Oxygenation	Transtracheal jet ventilation	No	No	No	Yes
47	Airway/Ventilation/Oxygenation	Single mode, volume controlled automated ventilator (without blender)	No	No	Yes ¹	Yes ¹
48	Airway/Ventilation/Oxygenation	Ventilators, transport—single or multi-modal, with or without blender, using volume control mode only, on patients >1 year of age with no anticipated need to actively titrate ventilator settings during transport.	No	No	No	Yes ¹
49	Airway/Ventilation/Oxygenation	Ventilators that are portable and capable of being transported with a patient and are multi-modal, with a blender, that are used on patients requiring pressure control, pressure support or other advanced setting, or when there is an anticipated need by a healthcare provider involved with the care of the patient to actively titrate ventilator settings during transport, regardless of ventilation mode.	No	No	No	No
50	Cardiovascular/Circulation	Blood pressure—auscultation	Yes	Yes	Yes	Yes
51	Cardiovascular/Circulation	Blood pressure—electronic non-invasive	Yes	Yes	Yes	Yes
52	Cardiovascular/Circulation	Blood pressure—palpation	Yes	Yes	Yes	Yes
53	Cardiovascular/Circulation	Electrocardiogram (ECG) monitoring—apply electrodes for single leads	No	Yes ²	Yes ²	Yes
54	Cardiovascular/Circulation	Electrocardiogram (ECG) monitoring—obtain and transmit 12-lead ECG	No	Yes	Yes	Yes
55	Cardiovascular/Circulation	Electrocardiogram (ECG) monitoring—12-lead (interpret)	No	No	No	Yes
56	Cardiovascular/Circulation	Cardiac monitoring—single lead (interpret)	No	No	No	Yes
57	Cardiovascular/Circulation	Manual chest compressions—adult, child, infant	Yes	Yes	Yes	Yes
58	Cardiovascular/Circulation	Cardioversion—synchronized	No	No	No	Yes

	<i>Category</i>	<i>Skill</i>	<i>EMR</i>	<i>EMT</i>	<i>AEMT</i>	<i>P*</i>
59	Cardiovascular/Circulation	Defibrillation—counter shock—manual	No	No	No	Yes
60	Cardiovascular/Circulation	Transcutaneous cardiac pacing	No	No	No	Yes
61	Cardiovascular/Circulation	Transvenous or Epicardial pacing, Management of	No	No	No	No
62	Cardiovascular/Circulation	Defibrillation—automated external defibrillator (AED)	Yes	Yes	Yes	Yes
63	Cardiovascular/Circulation	Hemodynamic monitoring/assist (Swan Ganz, central venous pressure)	No	No	No	No
64	Cardiovascular/Circulation	Intra-aortic balloon pump or invasive cardiac assist device monitoring/assist	No	No	No	No
65	Cardiovascular/Circulation	Mechanical chest compression device use	No	Yes ¹	Yes ¹	Yes ¹
66	Cardiovascular/Circulation	Thrombolytic therapy—initiation	No	No	No	No
67	Cardiovascular/Circulation	Thrombolytic therapy—monitoring	No	No	No	No
68	IV Initiation/Maintenance/Fluids	Central venous cannulation/insertion	No	No	No	No
69	IV Initiation/Maintenance/Fluids	Central venous line—access of existing catheters with external ports	No	No	No	Yes
70	IV Initiation/Maintenance/Fluids	External jugular vein cannulation	No	No	No	Yes
71	IV Initiation/Maintenance/Fluids	Saline lock insertions as no-flow IV	No	No	Yes	Yes
72	IV Initiation/Maintenance/Fluids	Intraosseous—needle placement and infusion—tibia, femur, and humerus	No	No	Yes	Yes
73	IV Initiation/Maintenance/Fluids	IV insertion, peripheral venous—initiation (cannulation)	No	No	Yes	Yes
74	IV Initiation/Maintenance/Fluids	Sub-cutaneous indwelling catheters—access of existing catheters	No	No	No	No
75	IV Initiation/Maintenance/Fluids	Venous blood sampling, peripheral—for clinical diagnostic purposes only	No	No	Yes	Yes
76	IV Initiation/Maintenance/Fluids	Venous blood sampling, peripheral—for legal purposes only (Applies to Paramedics only, as defined and permitted by Act 142 of 2016)	No	No	No	Yes
77	IV Initiation/Maintenance/Fluids	Venous central line (blood sampling)—obtaining	No	No	No	No
78	IV Initiation/Maintenance/Fluids	Arterial line—capped—transport	No	Yes	Yes	Yes
79	IV Initiation/Maintenance/Fluids	Arterial line—monitoring/assist	No	No	No	No
80	IV Initiation/Maintenance/Fluids	Blood/Blood-by-products administration (initiation and continuation)	No	No	No	No
81	Lifting and Moving	Patient lifting, moving and transfers	Yes	Yes	Yes	Yes
82	Lifting and Moving	Patient restraints on transport devices	Yes	Yes	Yes	Yes
83	Medication administration routes	Endotracheal (ET)	No	No	No	Yes
84	Medication administration routes	Inhalation(aerosolized/nebulized)	No	Yes	Yes	Yes
85	Medication administration routes	Intramuscular (IM)	No	No	Yes	Yes
86	Medication administration routes	Intranasal (IN)	No	No	Yes	Yes

	<i>Category</i>	<i>Skill</i>	<i>EMR</i>	<i>EMT</i>	<i>AEMT</i>	<i>P*</i>
87	Medication administration routes	Intraosseous (IO)—tibia, humerus or femur	No	No	Yes	Yes
88	Medication administration routes	Intravenous (IV)—fluid bolus	No	No	Yes	Yes
89	Medication administration routes	Intravenous (IV)—monitoring or maintaining existing intravenous infusion (crystalloid fluid as published in the EMS medication list in the <i>Pennsylvania Bulletin</i>) during interfacility transport	No	No	Yes	Yes
90	Medication administration routes	Intravenous (IV) infusion, with added medication, including by intravenous pump	No	No	No	Yes
91	Medication administration routes	Nasogastric	No	No	No	Yes
92	Medication administration routes	Enteral feeding devices, management of	No	No	No	No
93	Medication administration routes	Oral—over-the-counter medications for pain, fever and hypoglycemia (as listed in the approved medication list)	No	Yes	Yes	Yes
94	Medication administration routes	Rectal	No	No	No	Yes
95	Medication administration routes	Subcutaneous	No	No	Yes	Yes
96	Medication administration routes	Sublingual (<i>Note:</i> EMT may only assist patient with his/her prescribed Nitroglycerin (NTG))	No	Yes	Yes	Yes
97	Medication administration routes	Topical	No	No	No	Yes
98	Medications	Auto-injector benzodiazepine for seizure	No	No	No	Yes
99	Medications	Auto-injector epinephrine (assist patient with his/her prescribed medication)	No	Yes	Yes	Yes
100	Medications	Auto-injected epinephrine—primary use—not patient's own prescription	No	Yes ¹	Yes	Yes
101	Medications	Medications as published in <i>Pennsylvania Bulletin</i> by the Department	Yes	Yes	Yes	Yes
102	Medications	Immunizations as published in the <i>Pennsylvania Bulletin</i> by the Department	No	No	No	Yes
103	Medications	Over-the-counter (OTC) medications (except as listed elsewhere for pain, fever and hypoglycemia)	No	No	No	No
104	Medications	Oxygen	Yes ¹	Yes	Yes	Yes
105	Medications	Auto-injector nerve agent antidote—self or peer rescue	Yes	Yes	Yes	Yes
106	Medications	Auto-injector nerve agent antidote—patient treatment	No	Yes ³	Yes ³	Yes
107	Medications	Metered-dose inhaler (MDI) bronchodilator (<i>Note:</i> EMT may only assist patient with his/her own prescribed medication)	No	Yes	Yes	Yes
108	Medications	Naloxone—Intranasal or auto-injector	Yes ^{1,6}	Yes ^{1,6}	Yes	Yes
109	Patient assessment/management	Behavioral—Restrain violent patient	Yes ¹	Yes	Yes	Yes
110	Patient assessment/management	Blood glucose assessment	No	Yes ¹	Yes	Yes

	<i>Category</i>	<i>Skill</i>	<i>EMR</i>	<i>EMT</i>	<i>AEMT</i>	<i>P*</i>
111	Patient assessment/management	Portable blood analysis devices, use of (glucometer covered elsewhere)	No	No	No	No
112	Patient assessment/management	Childbirth—umbilical cord cutting	Yes	Yes	Yes	Yes
113	Patient assessment/management	Childbirth (abnormal/ complications)	No	Yes	Yes	Yes
114	Patient assessment/management	Childbirth (normal)—cephalic delivery	Yes	Yes	Yes	Yes
115	Patient assessment/management	Carbon Monoxide CO-oximetry monitoring	No	Yes ¹	Yes ¹	Yes ¹
116	Patient assessment/management	Carbon Monoxide monitoring, with environmental surveillance devices	Yes	Yes	Yes	Yes
117	Patient assessment/management	Hemodynamic monitoring/assist (Swan Ganz, central venous pressure)	No	No	No	No
118	Patient assessment/management	Dislocation reduction	No	No	No	No
119	Patient assessment/management	Eye irrigation (<i>Note:</i> irrigation through corneal contact device limited to AEMT and Paramedic)	Yes	Yes	Yes	Yes
120	Patient assessment/management	Intracranial monitoring/assist	No	No	No	No
121	Patient assessment/management	Patient management per Statewide EMS Protocols and Department approved protocols	Yes	Yes	Yes	Yes
122	Patient assessment/management	Pulse oximetry monitoring	No	Yes	Yes	Yes
123	Patient assessment/management	Splinting, extremity—manual, rigid, soft, vacuum	Yes	Yes	Yes	Yes
124	Patient assessment/management	Splinting, femur—traction	No	Yes	Yes	Yes
125	Patient assessment/management	Urinary catheterization	No	No	No	No
126	Patient assessment/management	Wound care, dressing, bandaging	Yes	Yes	Yes	Yes
127	Patient assessment/management	Wound care, removal of Taser probe/barb	No	No	No	No
128	Patient assessment/management	Wound drainage vacuum devices, monitoring	No	Yes	Yes	Yes
129	Patient assessment/management	Wound care, hemorrhage control—direct pressure, wound packing, tourniquet, bandaging, hemostatic agents	Yes	Yes	Yes	Yes
130	Patient assessment/management	Wound care, irrigation and skin closure with tape or adhesive glue	No	No	No	No
131	Spine Care	Restrict spinal motion—Cervical collar application	Yes	Yes	Yes	Yes
132	Spine Care	Restrict spinal motion—Helmet removal or stabilization	No	Yes	Yes	Yes
133	Spine Care	Restrict spinal motion—manual cervical spine stabilization	Yes	Yes	Yes	Yes
134	Spine Care	Restrict spinal motion—rapid extrication with precautions to restrict spinal movement	No	Yes	Yes	Yes
135	Spine Care	Devices to restrict spinal motion—for example—vacuum mattress, extrication devices, scoop stretcher and spine board)	No	Yes	Yes	Yes

EMR—Emergency Medical Responder; EMT—Emergency Medical Technician; AEMT—Advanced Emergency Medical Technician; P*—Paramedic (*includes—PHRN/PHPE/PHP)

No—The skill is not in the scope of practice for the level of certification.

Yes—The skill is in the scope of practice for the level of certification.

1. Additional training and authorization by EMS agency medical director is required, and this skill may only be used when functioning with a licensed EMS agency that complies with Department requirements for providing this skill.
2. May assist a P, PHRN, PHPE or PHP with this skill only when in the physical presence of and under the direct supervision of the higher level provider.
3. May perform this skill only in the physical presence of and under the direct supervision of a P, PHRN, PHPE or PHP.
4. After July 1, 2015, Statewide ALS Protocol will include any restrictions placed upon the use of this skill.
5. This skill becomes effective July 1, 2015.
6. Department-approved Act 139 training required and approval of the EMS medical director, and this skill may only be used when functioning with a licensed EMS agency that complies with Department requirements for providing this skill.

RACHEL L. LEVINE, MD,
Secretary

[Pa.B. Doc. No. 19-975. Filed for public inspection June 28, 2019, 9:00 a.m.]

DEPARTMENT OF HEALTH

Vehicle, Equipment and Supply Requirements for Emergency Medical Services Agencies

Under 28 Pa. Code § 1027.3(c) (relating to licensure and general operating standards), the Department of Health (Department) has the authority to publish in the *Pennsylvania Bulletin*, and update as necessary, vehicle construction and equipment and supply requirements for emergency medical services (EMS) agencies based upon the types of services they provide and the EMS vehicles they operate. An EMS agency that is licensed to operate as a quick response service (QRS), basic life support ambulance, intermediate life support ambulance, advanced life support ambulance, critical care ambulance, air ambulance, basic life support squad, intermediate life support squad and advanced life support squad service by the Department under 35 Pa.C.S. § 8129 (relating to emergency medical services agencies), shall maintain and have readily available in working order the following vehicle, equipment and supply requirements.

A. Ground Ambulance Requirements

Ground Ambulances: QRS/Basic Life Support/Intermediate Life Support/Advanced Life Support/Critical Care Support/Basic Life Support Squad/Intermediate Life Support Squad/Advanced Life Support Squad

1. The ambulance must meet the requirements of Federal Specifications KKK 1822 and Ambulance Manufacturers Division (AMD) Standards in effect at the time of the vehicles manufacture. (Does not apply to a Squad Vehicle.)
2. The ambulance must meet the requirements in 75 Pa.C.S. (relating to Vehicle Code) for vehicle registration, annual safety inspection and liability insurance, and the requirements of all Department of Transportation regulations relating to flashing and revolving lights, including intersection lights.
3. Emblems and markings must be affixed to the ambulance exterior as follows:
 - a. The word "AMBULANCE" shall be mirror imaged in letters not less than 4" high, centered above the grill. The placement of the word "AMBULANCE" shall be on the rear of the vehicle and the curved surface of the hood or can be placed on a flat bug screen. (Does not apply to a Squad Vehicle or QRS Vehicle.)
 - b. The word "EMS SQUAD" shall be mirror imaged in letters not less than 4" high, centered above the grill. The

placement of the word "EMS SQUAD" shall be on the rear of the vehicle and the curved surface of the hood or can be placed on a flat bug screen. (Does not apply to ambulances or QRS Vehicle.)

c. "Star of Life" shall appear on the ambulance in the following sizes and numbers

- * Two 3" size "Stars of Life" on each side of the word "AMBULANCE" on the hood of the vehicle or on a bug screen.
- * Two 16" size "Stars of Life" on the right and left side panels.
- * Two 12" size "Stars of Life" on the rear of the vehicle.
- * One 32" size "Star of Life" on the vehicle rooftop.

Note: All squad units must have at least 3" size "Stars of Life," one on each side, and two in front and two on the rear of the vehicle. (Does not apply to QRS Vehicles.)

d. The Department issued licensure decal must be applied to right and left exterior sides of the vehicle in a conspicuous place.

e. A reflective chevron is not required. If used, a reflective chevron may be placed on the rear vertical surface of the exterior of the vehicle. The chevron pattern shall slant downward on both sides of the vehicle at an angle of 45° pointing in the direction of the bottom rear corner of the tailboard. The pattern shall resemble an inverted V with the point at the top center of the vehicle. The chevron shall use an alternating color pattern. The vertical panels shall be 8" to 12" wide and at least 24" in height, and consist of alternating color retro-reflective stripes at least 4" in width. If the panel height is greater than 36" the stripes shall be 6" wide, shall slope down at 45° and have a minimum of 270 square inches of retro-reflective area facing traffic.

4. The name of the EMS agency or its registered fictitious name in letters at least 3" in size must appear on both the right and left exterior sides of the vehicle. The name must be the dominant lettering. Reference the Agency Name and Fictitious Name FAQ published on January 20, 2017.

a. The word "Ambulance" or words such as Emergency Medical Services, EMS and Rescue must also appear on both exterior sides and rear of the vehicle. (Does not apply to Squad Vehicle.)

5. The EMS vehicle must be equipped with an electronically operated audible warning device with a 100-watt or higher watt speaker.

6. The ambulance must have overhead interior lighting that illuminates the entire top surface of the patient litter, stair-well lighting and courtesy lights that must illuminate the ambulance's controls. (Does not apply to a Squad Vehicle or QRS Vehicle.)

7. The ambulance must have a dual battery system. (Does not apply to Squad Vehicle or QRS Vehicle.)

8. The ambulance must have two minimum 5-pound unit fire extinguishers (ABC dry chemical or carbon dioxide) in a quick-release bracket, one in the driver/cab compartment or in the body of the ambulance reachable from outside the vehicle and one in the patient compartment. When located in either the driver or patient compartment the mounting bracket shall be of a stable design. Each fire extinguisher must be intact with a safety seal, have been inspected within the previous 12 calendar months and have the appropriate completed inspection tag attached. (Squad and QRS Vehicles are only required to have one.)

9. The ambulance must have a power supply to generate sufficient current to operate all accessories without excessive demand on the generating system. All exterior and interior lighting and onboard equipment shall be able to run for at least 5 minutes without placing a demand on the engine.

10. The ambulance must have a nonskid floor that is flat, reasonably unencumbered, free of equipment in the walk-through areas and well maintained. (Does not apply to a Squad Vehicle or QRS Vehicle.)

11. The ambulance must have minimum interior dimensions of 60" from floor to ceiling. (Does not apply to a Squad Vehicle or QRS Vehicle.)

12. The ambulance must have a patient partition to separate the patient area from the driver area. (Does not apply to a Squad Vehicle or QRS Vehicle.)

13. The ambulance must have storage cabinets with sliding doors or with latches, or have a cargo-type netting or other means to ensure against opening during vehicle movement. (Does not apply to a Squad Vehicle or QRS Vehicle.)

14. Bulky items such as portable radios and AEDs, oxygen equipment and jump bags must be secured at all times during patient transport to prevent them from falling on patients or crew or becoming projectiles if the vehicle is involved in an accident. Equipment on a Squad Vehicle or QRS must be in cabinets or otherwise secured at all times.

15. The ambulance must have two IV hangers mounted flush with the ceiling. (Does not apply to a Squad Vehicle or QRS Vehicle.)

16. The ambulance must have a litter for transporting a patient and at least five patient restraint straps (which includes a minimum of two shoulder restraint straps) in good operating condition that are secured to the litter. (Does not apply to a Squad Vehicle or QRS Vehicle.)

17. The ambulance must have a stair chair designed for patient extrication.

18. The ambulance must have a pediatric safe transport device. (Does not apply to a Squad Vehicle or QRS Vehicle.)

19. The ambulance must have doors that function properly with door seals that are not cracked, broken or missing pieces, and are otherwise in good condition.

20. The ambulance must have both "No Smoking Oxygen Equipped" and "Fasten Seat Belts" signs (in English) in both the driver and the patient compartment. A Squad and QRS Vehicle is required to have these signs in the driver compartment.

21. The ambulance must have operational heating, cooling and ventilation equipment meeting GSA KKK-1822 Standard. Must be capable of maintaining patient compartment temperature of 68°F to 78°F.

22. Required equipment and supplies shall be carried and readily available in working order and maintained in accordance with manufacturers recommended/required operating standards.

23. The EMS vehicle must have current vehicle inspection validation issued by the state where the vehicle is registered.

24. The EMS vehicle must have communication equipment that is in compliance with the regional communication plan. This equipment shall allow for direct communication with a public safety answering point (PSAP) and hospitals in the agency response/service areas. A cellular phone may be used as a backup means of communication and not as the primary means of communication.

25. The ambulance must have an installed, onboard oxygen system with the following: (Does not apply to a Squad Vehicle or QRS Vehicle.)

a. At least 122 cubic feet supply of oxygen in a cylinder that is secured to provide maximum safety for patients and personnel. The oxygen cylinders shall be mounted with restraining devices, as required for the crashworthiness tests of AMD Standard 003, Oxygen Tank Retention System. A liquid oxygen system that provides the same volume of oxygen and meets AMD Standard 003 is also acceptable. Critical Care Transport ambulance must have onboard oxygen system with a capacity of a minimum of 6,800 liters.

b. The cylinder must have more than 500 liters of oxygen at all times (Critical Care Transport ambulance must have more than 1,750 liters of oxygen at all times) and be secured with at least three metal or nylon brackets while in the compartment.

c. The unit must be equipped with a reducing valve (from 2,000 psi to 50 psi line pressure).

d. The unit must be equipped with one flow meter with a range of 0—25 lpm delivery.

26. The ambulance must have an installed onboard suctioning system with the following components and/or capabilities: (Does not apply to Squad Vehicle.)

a. It is fitted with a large bore, nonkinking tubing.

b. It has power enough to provide within 4 seconds a vacuum of over 300 mm/Hg or 11.8 inches of water when the tube is clamped.

c. It is controllable for use on children and intubated patients. The vacuum gauge, when attached to the tubing, must be adjustable to the amount of vacuum needed to ensure that the unit can maintain vacuum levels without requiring continuous increase in control.

d. It is equipped with a lateral opening between the suction tube and the suction source.

B. Air (Rotorcraft) Ambulance Requirements

The following will apply to all air ambulances. The air ambulance must have:

1. The name of the air ambulance service or its registered fictitious name prominently displayed on the exterior of the aircraft. Reference the Agency Name and Fictitious Name FAQ published on January 20, 2017.
2. Exterior lighting that illuminates the tail rotor and pilot controllable search/spot/landing lights.
3. An “Air Worthiness Certificate” from the Federal Aviation Administration (FAA).
4. A patient litter capable of carrying one adult in the supine position and capable of being secured according to FAA requirements.
5. An FAA Form 337 with items 1 (which identifies the aircraft), 2 (which identifies the aircraft owner) and 7 (which shows that the aircraft is approved to “Return to Service”) completed and signed by the appropriate FAA official.
6. Climate controls for maintaining an ambient cabin temperature of between 60°—85° during flight.
7. Sufficient interior lighting to allow for close observation of patients.
8. A physical barrier between the pilot, throttle, flight controls and radios and the patient(s).
9. Patient litter with manufacture approved straps.
10. A 110-volt electrical outlet for each patient transported.

11. Two-way radio communications for the pilot to be able to communicate with hospitals, PSAPs and ground ambulances in areas to which the air ambulance routinely provides service.
12. At least one headsets per crew member with built in communication among the crew when the aircraft is operating and noise levels prevent normal conversation.
13. One fully charged fire extinguisher rated at least 5 B:C securely mounted where it can be reached by the pilot or crewmembers. The fire extinguisher must be intact with safety seal, have been inspected within the previous 12 calendar months and have the appropriate inspection tag attached.
14. Installed onboard suctioning equipment that meets the same requirements as a transporting ground ambulance. (See requirements under Ground Ambulances.)
15. Must have a pediatric safe transport device.
16. An onboard oxygen system with the following:
 - a. Cylinders with a capacity of 1,200 liters.
 - b. The cylinders must have at least 1,650 psi at the time of inspection.
 - c. If a liquid oxygen system is used, manufacturer documentation must be provided that the system has at least a 1,200-liter capacity.
 - d. A flow meter with a range of 0—25 lpm delivery.

<i>Equipment / Supplies</i>	<i>QRS</i>	<i>BLS Ambulance</i>	<i>BLS Squad</i>	<i>IALS Ambulance</i>	<i>IALS Squad</i>	<i>ALS Ambulance</i>	<i>ALS Squad</i>	<i>CCT</i>	<i>Air</i>
Portable Suction Unit with wide-bore tubing. Must achieve 300 mm/Hg or 11.8” in 4 sec	X	X	X	X	X	X	X	X	X
<i>Suction catheters, pharyngeal: (Must be sterile) Size is FR</i>									
Rigid (2)	X	X	X	X	X	X	X	X	X
Flexible 6 and 8 (1 each)		X	X	X	X	X	X	X	X
Flexible 10 or 12 (2)		X	X	X	X	X	X	X	X
Flexible 14 or 16 (2)		X	X	X	X	X	X	X	X
<i>Airways:</i>									
Nasopharyngeal (5 different sizes) Size 16, Size 24, Size 26, Size 32, Size 34 (1 of each)	X	X	X	X	X	X	X	X	X
Oropharyngeal (6 different sizes) Size 0, Size 1, Size 2, Size 3, Size 4, Size 5 (1 of each)	X	X	X	X	X	X	X	X	X
<i>Sphygmomanometer:</i>									
Child, Adult and Thigh (large) (1 each) Interchangeable gauges are permitted	X	X	X	X	X	X	X	X	X
Stethoscope (1) Adult and (1) Pediatric	X	X	X	X	X	X	X	X	X
Stethoscope Doppler (1)								X	X
Penlight (1)	X	X	X	X	X	X	X	X	X
<i>Portable Oxygen Unit:</i>									
Cylinder capacity of at least 300 Liters (D Size), with 500 psi Yoke Cylinder with a minimum total pressure of 500 psi	X	X	X	X	X	X	X		X

<i>Equipment / Supplies</i>	<i>QRS</i>	<i>BLS Ambulance</i>	<i>BLS Squad</i>	<i>IALS Ambulance</i>	<i>IALS Squad</i>	<i>ALS Ambulance</i>	<i>ALS Squad</i>	<i>CCT</i>	<i>Air</i>
Nonsparking wrench/tank opening device	X	X	X	X	X	X	X	X	X
Gauge/flow meter not gravity dependent and can deliver 0—25 liter per minute	X	X	X	X	X	X	X	X	X
Full spare cylinder with at least 300-liter capacity	X	X	X	X	X	X	X		X
Cylinders must be secured in the vehicle at all times	X	X	X	X	X	X	X	X	X
Folding Litter/Collapsible Device (1)		X		X		X		X	
<i>Oxygen Delivery Devices:</i>									
Nasal Cannulas adult/pediatric 1 each	X	X	X	X	X	X	X	X	X
High concentration mask capable of providing 80% or greater concentration adult, pediatric, infant—1 each	X	X	X	X	X	X	X	X	X
Humidifier bottle (1)		X		X		X		X	
Adhesive Tape (4 rolls assorted) 1 roll must be hypoallergenic	X	X	X	X	X	X	X	X	X
<i>Dressings:</i>									
Multi Trauma (10 × 30) (4)	X	X	X	X	X	X	X	X	X
Occlusive (3 × 4) (4)	X	X	X	X	X	X	X	X	X
Sterile Gauze Pads (4 × 4) (25)	X	X	X	X	X	X	X	X	X
Soft self-adhering (6 rolls)	X	X	X	X	X	X	X	X	X
Bandage Shears (1)	X	X	X	X	X	X	X	X	X
<i>Immobilization Devices:</i>									
Cervical spine device (1)		X		X		X		X	
Long spine board (1)		X		X		X		X	
Rigid/Semi-rigid neck immobilizer S, M, L, pediatric (1 each) Multi-size are permitted and will suffice for the S, M, L (3)		X	X	X	X	X	X	X	X
<i>Bag-Valve-Mask Devices:</i>									
Hand operated infant/pediatric (450—700cc) (1) Must be capable of high concentration oxygen delivery with adult and pediatric masks to include neonatal, infant and child sizes	X	X	X	X	X	X	X	X	X
Pediatric length-based Drug Dosing/Equipment Sizing Tape, most current version available				X	X	X	X	X	X
Straps—9' (5) (may substitute spider straps or speed clips for 3 straps)		X		X		X		X	
<i>Splinting Devices:</i>									
Lower extremity mechanical traction splint adult and pediatric (1 each or combination)		X		X		X		X	
Upper and Lower extremity splints (2 each)		X		X		X		X	
Sterile Water/Normal Saline (2 liters)		X	X	X	X	X	X	X	X
Sterile Burn Sheet (4' by 4') (2)	X	X	X	X	X	X	X	X	X

<i>Equipment/Supplies</i>	<i>QRS</i>	<i>BLS Ambulance</i>	<i>BLS Squad</i>	<i>IALS Ambulance</i>	<i>IALS Squad</i>	<i>ALS Ambulance</i>	<i>ALS Squad</i>	<i>CCT</i>	<i>Air</i>
Cold Packs, Chemical (4)		X	X	X	X	X	X	X	X
Heat Packs, Chemical (4)		X	X	X	X	X	X	X	X
Triangular Bandages (8)	X	X	X	X	X	X	X	X	
Sterile OB Kits (2) (AIR 1)		X	X	X	X	X	X	X	X
Separate Bulb Syringe (1) Sterile		X	X	X	X	X	X	X	X
Sterile Thermal Blanket (Silver Swaddler) (1), or 1 roll of sterile aluminum foil for use on infants/newborns		X	X	X	X	X	X	X	X
Blankets (2)	X	X	X	X	X	X	X	X	
Sheets (4)		X		X		X		X	
Pillowcases (2)		X		X		X		X	
Pillow (1)		X		X		X		X	
Towels (4)		X		X		X		X	
Appropriate patient coverings capable of maintaining body temperature based on anticipated weather conditions									X
Disposable Tissues (1 box)		X		X		X		X	
Emesis Container (1)		X		X		X		X	
Urinal (1)		X		X		X		X	
Bed Pan (1)		X		X		X		X	
Disposable Paper Drinking Cups (3 oz.) (4)		X		X		X		X	
Regional Approved Triage Tags (20)	X	X	X	X	X	X	X	X	
Hand-lights (2)	X	X	X	X	X	X	X	X	
Hazard Warning Device (3)		X	X	X	X	X	X	X	
Emergency BLS/ALS Jump Kit (1)	X	X	X	X	X	X	X	X	
Survival Bag (1)									X
Emergency Response Guidebook (1) Current Ed.	X	X	X	X	X	X	X	X	
Thermometer—electronic digital, non-tympanic		X	X	X	X	X	X	X	X
Sharps Receptacle—Secured		X		X		X		X	
Instant Glucose (40% dextrose-d-glucose gel) or food grade substitute (for example, cake frosting) 45 grams		X	X	X	X	X	X	X	X
Personal Protective Equipment (PPE) Helmet, eye protection, gloves and high-visibility safety apparel (1 per crew member)	X	X	X	X	X	X	X	X	
Flight Helmet (1 per crew member) W/Comm.									X
<i>Personal Infection Control Kit, which includes the following:</i>									
Eye protection, clear, disposable (1 per crew member)	X	X	X	X	X	X	X	X	X
Gown/coat (1 per crew member)	X	X	X	X	X	X	X	X	X
Surgical Cap/Foot Coverings, disposable (1 set per crew member)	X	X	X	X	X	X	X	X	X
Exam Gloves (1 set per crew member)	X	X	X	X	X	X	X	X	X

<i>Equipment / Supplies</i>	<i>QRS</i>	<i>BLS Ambulance</i>	<i>BLS Squad</i>	<i>IALS Ambulance</i>	<i>IALS Squad</i>	<i>ALS Ambulance</i>	<i>ALS Squad</i>	<i>CCT</i>	<i>Air</i>
Sharps Containers and Red Bags per Infectious Control Plan	X	X	X	X	X	X	X	X	X
N95 respirator (1 per crew member)	X	X	X	X	X	X	X	X	X
Hand Disinfectant—Nonwater hand disinfectant (1 container)	X	X	X	X	X	X	X	X	X
Sponges, Alcohol, Prep (10)				X	X	X	X	X	X
<i>Endotracheal Tubes Sizes/ Quantities:</i>									
2.5 mm or 3.0 mm (2 uncuffed)						X	X	X	X
3.5 mm or 4.0 mm (2 uncuffed)						X	X	X	X
4.5 mm or 5.0 mm (2)						X	X	X	X
5.5 mm or 6.0 mm (2)						X	X	X	X
6.5 mm or 7.0 mm (2)						X	X	X	X
7.5 mm or 8.0 mm (2)						X	X	X	X
8.5 mm or 9.0 mm (2)						X	X	X	X
(3) King LT™ Size 3, 4 and 5 or (3) i-gel® Size 3, 4 and 5 or (2) Combitubes™ Size 37 Fr and 41 Fr				X	X	X	X	X	X
Electronic Wave-Form Capnography				X	X	X	X	X	X
Laryngoscope handle with batteries and spare batteries and bulbs and the following blades:						X	X	X	X
<i>Straight</i>									
# 1 (S)						X	X	X	X
# 2 (M)						X	X	X	X
# 3 (L)						X	X	X	X
<i>Curved</i>									
# 3						X	X	X	X
# 4						X	X	X	X
Lubrication (2 cc or larger tubes) sterile water soluble (2)	X	X	X	X	X	X	X	X	X
Forceps, Magill (adult/pediatric 1 each)						X	X	X	X
<i>Medication and Supplies:</i>									
Per Statewide protocols, approved medications that must be kept within expiration dates		X	X	X	X	X	X	X	X
Nebulizer System (1)				X	X	X	X	X	X
<i>Hypodermic needles:</i>									
16—18 gauge (4), 20—22 gauge (4), 23—25 gauge, (4) Total of 12 and each must be individually wrapped and sterile. Two syringes of assorted sizes, including at least one with a 1 mL volume.				X	X	X	X	X	X

<i>Equipment/Supplies</i>	<i>QRS</i>	<i>BLS Ambulance</i>	<i>BLS Squad</i>	<i>IALS Ambulance</i>	<i>IALS Squad</i>	<i>ALS Ambulance</i>	<i>ALS Squad</i>	<i>CCT</i>	<i>Air</i>
<i>Defibrillator/Monitor: (FDA approved)</i>									
(HIGHER THAN IALS ONLY) Battery powered, monophasic or biphasic, energy dose range capable of treating adult and pediatric patients, paper readout, 12 lead electrocardiogram with transmit capabilities and pediatric/adult pads with pacing capabilities						X	X	X	X
<i>12-Lead ECG</i>									
Battery powered, 12 lead electrocardiogram with paper print out and transmit capabilities				X*	X*				
<i>Defibrillator/Monitor Supplies:</i>									
Defibrillator pads, (1) set of adult and (1) set of pediatric, electrodes, (ECG, adult and pediatric sizes 12 each)				X	X	X	X	X	X
Automated External Defibrillator with pads, (1) set of adult. And (1) set of Pedi Pads	X	X	X	X*	X*				
<i>*IALS vehicles must be capable of obtaining and transmitting a 12-lead ECG and have an AED. To meet this requirement the AED and 12-Lead ECG can be met with a single device or by having two separate</i>									
CPAP Ventilation—portable equipment with (2) disposable masks				X	X	X	X	X	X
Stylette, Malleable—adult (1) must be sterile						X	X	X	X
Phlebotomy Equipment (per protocols)						X	X	X	
Pulse Oximetry		X	X	X	X	X	X	X	X
Electronic Glucose Meter (Optional for BLS ambulance and BLS squad as of September 1, 2017)				X	X	X	X	X	X
“IV” fluid Therapy Supplies Catheters over the Needle sized 14, 16, 18, 20, 22 (4 each) and 24 (2)				X	X	X	X	X	X
Micro drip 50—60 drops/ml (2)						X	X	X	X
Macro drip 10—20 drops/ml (2)				X	X	X	X	X	X
IV solutions (2,000) ml total per Statewide protocols				X	X	X	X	X	X
Tourniquets for IV (2)				X	X	X	X	X	X
Intraosseous Needle 14—18 gauge (1 of each)						X	X	X	X
Commercial “Tactical” Tourniquet (2)	X	X	X	X	X	X	X	X	X
Copy of most current version of Statewide EMS Protocols	X	X	X	X	X	X	X	X	X
Aspirin, chewable, one small bottle		X	X	X	X	X	X	X	X
Bougie endotracheal tube introducer (1)								X	X
Video capable laryngoscope with appropriate sized blades (1)								X	X
Electronic wave-form capnography, nonintubated patient, capable of wave-form display (1)								X	X

<i>Equipment/Supplies</i>	<i>QRS</i>	<i>BLS Ambulance</i>	<i>BLS Squad</i>	<i>IALS Ambulance</i>	<i>IALS Squad</i>	<i>ALS Ambulance</i>	<i>ALS Squad</i>	<i>CCT</i>	<i>Air</i>
Electronic wave-form capnograph, including gas sampler for intubated patient, capable of wave-form display (1)				X	X	X	X	X	X
Portable transport ventilator which must have the capabilities that include, but are not limited to, controlling rate, volume, FiO ₂ , I:E Ratio, PEEP and volume control, pressure control, SIMV and NPPV modes. Device must have both volume and pressure modes and low/high pressure warning alarms (1).								X	X
Portable transport ventilator circuits appropriately sized for patient being transported (2)								X	X
3 1/4" over the needle catheter in 10, 12 or 14 gauge (2)						X	X	X	X
Automated noninvasive blood pressure monitoring device (1)								X	X
Endotracheal cuff pressure manometer (1)								X	X
Invasive pressure monitoring, electronic waveform, two-channel capability (1)								X	X
Portable Doppler (1)								X	X
Pelvic stabilization device (1)								X	X
Blood administration sets only if agency provides or maintains blood products (2)								X	X
Intravenous infusion pumps or one multi-channel unit capable of managing three simultaneous infusions (3)								X	X
Onboard oxygen with a capacity of a minimum of 6,800 liters								X	
Portable oxygen with a capacity of a minimum of 1,800 liters								X	
Inverter or generator capability of supporting all required equipment electrical needs								X	

All QRS, basic life support (BLS), intermediate advanced life support (IALS) and advanced life support (ALS) ambulances services, which also includes air (rotorcraft) agencies that are licensed to operate in this Commonwealth, shall collect, maintain and report accurate and reliable patient data and information for calls of assistance in the format prescribed using electronic forms provided or approved by the Department. An EMS agency shall file the report for any call to which it responds that results in patient care, assessment or refusal of the patient to be assessed. The report shall be made by completing an EMS patient care report and filing it, within 30 days, with the regional EMS council that is assigned responsibilities for the region in which the EMS agency is based. It shall contain information specified by the Department. The Department will publish a list of the data elements and the form specifications for the EMS patient care report form in a notice in the *Pennsylvania Bulletin* and on the Department's web site. Electronic reporting shall conform with the requirements published in the *Pennsylvania Bulletin* notice. The Department will maintain a list of software it has determined to satisfy the requirements for electronic reporting.

Persons with a disability who require an alternate format of this notice (for example, large print, audiotope, Braille) should contact Aaron M. Rhone, EMS Program Manager, Department of Health, Bureau of Emergency Medical Services, 1310 Elmerton Avenue, Harrisburg, PA 17110, (717) 787-8740. Speech or hearing impaired persons may call by using V/TT: (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

RACHEL L. LEVINE, MD,
Secretary

DEPARTMENT OF HUMAN SERVICES

Managed Care Assessment Program

The Department of Human Services (Department) is announcing a proposed adjustment to the managed care assessment fixed fee effective January 1, 2020.

Background

In 2015, the General Assembly enacted legislation authorizing the Department to impose an annual monetary assessment on managed care organizations (MCO) in this Commonwealth for 4 years beginning in State Fiscal Year (FY) 2016-2017. See section 15 of the act of December 28, 2015 (P.L. 500, No. 92) (Act 92) (Article VIII-I of the Human Services Code (62 P.S. §§ 801-I—812-I)). The fixed fee assessed on MCOs is currently \$19.87 per member per month.

Act 92 authorizes the Secretary of Human Services (Secretary) to adjust the assessment fixed fee for all or part of a fiscal year so long as the assessment does not exceed the Federal maximum 6% limit of revenue specified in 42 CFR 433.68(f)(3)(i)(A) (relating to permissible health care-related taxes). Before adjusting the assessment percentage, the Secretary must publish a notice in the *Pennsylvania Bulletin* that specifies the proposed adjusted assessment fixed fee, identifies the aggregate impact on MCOs subject to the assessment and affords interested parties 30 days to comment. After consideration of any comments received during the 30-day period, the Secretary must publish a second notice announcing the adjusted assessment fixed fee. See section 3-I(c) of the Human Services Code (62 P.S. § 803-I(c)).

Proposed Adjusted Assessment Fixed Fee

The Department is proposing to adjust the MCO assessment fixed fee to \$24.95 per member per month effective January 1, 2020. The proposed adjusted assessment fixed fee will not exceed the Federal maximum limit of 6% of revenue.

Fiscal Impact

The Department estimates that the aggregate fiscal impact for this change in FY 2019-2020 will be an additional \$177.291 million in assessment revenue.

Public Comment

Interested persons are invited to submit written comments regarding the proposed adjustment to the MCO assessment fixed fee to the Department of Human Services, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received within 30 days will be reviewed and considered in the determination of the final adjusted MCO assessment fixed fee. Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

TERESA D. MILLER,
Secretary

Fiscal Note: 14-NOT-1345. (1) General Fund;

(7) Medical Assistance—Capitation; (2) Implementing Year 2018-19 is \$0; (3) 1st Succeeding Year 2019-20 is \$172,290,000; 2nd Succeeding Year 2020-21 through 5th Succeeding Year 2023-24 are \$344,581,000; (4)

2017-18 Program—\$3,107,000,000; 2016-17 Program—\$3,658,000,000; 2015-16 Program—\$3,829,000,000;

(7) Medical Assistance—Community HealthChoices; (2) Implementing Year 2018-19 is \$0; (3) 1st Succeeding Year 2019-20 is \$4,066,000; 2nd Succeeding Year 2020-21 through 5th Succeeding Year 2023-24 are \$8,131,000; (4) 2017-18 Program—\$0; 2016-17 Program—\$0; 2015-16 Program—\$0;

(7) CHIP; (2) Implementing Year 2018-19 is \$0; (3) 1st Succeeding Year 2019-20 is \$935,000; 2nd Succeeding Year 2020-21 through 5th Succeeding Year 2023-24 are \$1,870,000; (4) 2017-18 Program—\$10,674,000; 2016-17 Program—\$9,453,000; 2015-16 Program—\$13,553,000;

(8) recommends adoption. Funds have been included in the budget to cover this increase. The appropriations are able to absorb the increased cost.

[Pa.B. Doc. No. 19-977. Filed for public inspection June 28, 2019, 9:00 a.m.]

DEPARTMENT OF HUMAN SERVICES

Nursing Facility Assessment Program for Fiscal Year 2019-2020

This notice announces the proposed assessment amount, the proposed assessment methodology and the estimated aggregate impact on nursing facilities that will be subject to the assessment under the Nursing Facility Assessment Program (Assessment Program) beginning in Fiscal Year (FY) 2019-2020.

Background

Until June 30, 2019, Article VIII-A of the Human Services Code (code) (62 P.S. §§ 801-A—815-A) authorizes the Department of Human Services (Department) to impose an annual monetary assessment on nonpublic and county nursing facilities in this Commonwealth each fiscal year. See 62 P.S. §§ 803-A and 815-A. The Department anticipates that the General Assembly will enact legislation to reauthorize the assessment, effective July 1, 2019, in accordance with Article VIII-A. Consequently, the Department issues this notice to be prepared for reauthorization of the assessment.

Under Article VIII-A of the code, the Department may impose the assessment only to the extent that the assessment revenues qualify as the State share of Medical Assistance (MA) Program expenditures eligible for Federal financial participation (FFP). To ensure receipt of FFP, Article VIII-A of the code requires the Department to seek a waiver from the Centers for Medicare & Medicaid Services (CMS) if necessary to implement the Assessment Program. See 62 P.S. § 812-A. For FY 2019-2020, the Department will submit a waiver request to CMS to implement changes to the Assessment Program as described in this notice. The implementation of these changes is contingent both on the enactment of State legislation reauthorizing the assessment and CMS's approval of the waiver request.

For each fiscal year that the Assessment Program is implemented, the Secretary of the Department (Secretary) determines the aggregate amount of the assessment and the annual assessment rates in consultation with the Secretary of the Budget. See 62 P.S. § 804-A. The annual

assessment rates must be sufficient to generate at least \$50 million in additional revenue, but not more than the maximum aggregate assessment amount that qualifies for FFP. See 62 P.S. § 804-A.

Before imposing an annual assessment for a fiscal year, the Secretary must publish a notice in the *Pennsylvania Bulletin*. The notice must specify the amount of the assessment being proposed, explain the proposed assessment methodology, identify the estimated assessment amount and aggregate impact on nursing facilities subject to the assessment and provide interested persons a 30-day period to comment. See 62 P.S. § 805-A.

This notice announces the assessment amounts, rates and methodology that the Department is proposing to implement in FY 2019-2020 and the estimated aggregate impact on nursing facilities that will be subject to the assessment in FY 2019-2020.

Proposed Assessment Methodology and Rates

During FY 2019-2020, the Department is proposing to modify the assessment methodology by including in the lower rate tier those nursing facilities with at least 125,000 MA days and with an overall occupancy rate of 90% or higher based on the Calendar Year (CY) 2017 resident days. The Department is also proposing to decrease the rates for both tiers by \$0.10 from last year's rates. The Department is proposing to calculate the annual assessment amount for each nonexempt nursing facility by multiplying its assessment rate by the facility's historical non-Medicare resident days for CY 2017. In future years the Department intends to continue its policy of annually updating the basis of the assessment to the most current year for which complete data is available. The Department will collect the annual assessment amount in four equal quarterly installments. With these modifications, the Assessment Program will be implemented as follows:

For FY 2019-2020, the assessment will be imposed on all licensed nursing facilities in this Commonwealth except the following nursing facilities, which will be exempt from the Assessment Program:

- (1) State-owned and operated nursing facilities.
- (2) Veteran's Administration nursing facilities.
- (3) Nursing facilities that provide nursing facility services free of charge to all residents.
- (4) Newly licensed nursing facilities that have not been licensed and operated by the current or previous owner will be exempt until the nursing facility's days are included in the data used as the basis of the assessment. A nursing facility that changes ownership is not considered a newly licensed nursing facility for assessment purposes.

For FY 2019-2020, the Department is proposing to continue to assess nonexempt nursing facilities at two rates. The Department is proposing to assess a rate of \$7.30 to the following five categories of nursing facilities:

- County nursing facilities.
- Nursing facilities that have 44 or fewer licensed beds.
- Certain continuing care retirement community (CCRC) nursing facilities (see 40 Pa.B. 7297 (December 18, 2010)).
- Nursing facilities with an MA occupancy rate of at least 94% based on CY 2017 resident days as of November 26, 2018. For the purpose of qualifying for the lower assessment rate, a nursing facility's MA occupancy rate

will be calculated as follows: MA Occupancy Rate = Sum of Total PA MA Days from the CY 2017 resident days data ÷ Sum of Total Resident Days from the CY 2017 resident days data, rounded to two decimals.

- Nursing facilities with at least 125,000 MA days and with an overall occupancy rate of 90% or higher based on the CY 2017 resident days as of November 26, 2018. For the purpose of qualifying for the lower assessment rate, a nursing facility's overall occupancy rate will be calculated as follows: Overall Occupancy Rate = Sum of Total Resident Days from CY 2017 resident days as of November 26, 2018 ÷ (number of licensed beds as of November 25, 2018 × 365), rounded to two decimals.

For all other nonexempt facilities, including nursing facilities that began participation in a CCRC on or after July 1, 2010, the Department is proposing to assess these facilities at a rate of \$31.39.

Aggregate Assessment Amounts and Fiscal Impact

The Department estimates that if the proposed assessment rates are implemented the annual aggregate assessment fees for nonexempt nursing facilities will total \$489.855 million. The Department will use the State revenue derived from the assessment fees and any associated FFP to support payments to qualified MA nursing facility providers in accordance with applicable laws and regulations.

Public Comment

Interested persons are invited to submit written comments regarding this proposed assessment to the Department of Human Services, Office of Long-Term Living, Bureau of Policy and Regulatory Management, Attention: Marilyn Yocum, P.O. Box 8025, Harrisburg, PA 17105-8025. Comments must be submitted within 30 days of publication of this notice. See 62 P.S. § 805-A. After considering the comments, the Secretary will publish a second notice announcing the final assessment rates for FY 2019-2020. The Department will not begin collecting assessment fees until after the publication of the final assessment rate notice.

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

TERESA D. MILLER,
Secretary

Fiscal Note: 14-NOT-1342. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 19-978. Filed for public inspection June 28, 2019, 9:00 a.m.]

DEPARTMENT OF HUMAN SERVICES

Payment for Nursing Facility Services; Nonpublic Nursing Facility Supplemental Payment and County Nursing Facility Medical Assistance Day One Incentive Payment for Fiscal Year 2019-2020

The Department of Human Services (Department) provides advance notice that the Department intends to make changes in its methods and standards for payment

of Medical Assistance (MA) nursing facility services beginning in Fiscal Year (FY) 2019-2020.

Background

Until June 30, 2019, Article VIII-A of the Human Services Code (code) authorizes the Department to impose an annual monetary assessment on nonpublic and county nursing facilities in this Commonwealth each fiscal year. See 62 P.S. §§ 801-A—815-A. The Department uses the revenue from the assessment to fund certain MA payments. The Department anticipates that the General Assembly will enact legislation to reauthorize the assessment. Therefore, the Department issues this notice in preparation of reauthorization of the assessment.

Under Article VIII-A of the code, the Department may impose the assessment only to the extent that the assessment revenues qualify as the State share of MA Program expenditures eligible for Federal financial participation (FFP). See 62 P.S. § 803-A. To ensure receipt of FFP, Article VIII-A of the code requires the Department to seek a waiver from the Centers for Medicare & Medicaid Services (CMS) if necessary to implement the Assessment Program. See 62 P.S. § 812-A. For FY 2019-2020, the Department will submit a request to CMS for the continuation and an amendment to the Assessment Program.

A portion of the revenue generated from the assessment will enable the Department to continue to set payment rates for MA nursing facility services under the existing fee-for-service payment system.

In addition, for nonpublic nursing facilities, funds from the assessment will be used to reimburse the MA allowable assessment costs and to continue the supplemental payments as described in the Department's currently approved State Plan. To receive the allowable assessment cost add-on and the supplemental payments, qualified nursing facilities must be located in a geographic zone where Community HealthChoices (CHC) does not operate during the entire corresponding assessment quarter. To authorize the continuation of these supplemental payments beginning July 1, 2019, the Department will submit a State Plan Amendment (SPA) to CMS.

For county nursing facilities, a portion of the revenue generated by the assessment will be used to fund the county nursing facility MA Day One Incentive (MDOI) Payments provided for in the Department's currently approved State Plan. MDOI Payments will be determined quarterly in FY 2019-2020. In addition, a county nursing facility will not qualify for a quarterly MDOI Payment if they are located in a geographic zone where CHC operates during the entire quarter for which the payment is being made. To authorize the continuation of these MDOI Payments beginning July 1, 2019, the Department will submit a SPA to CMS.

If CMS approves the SPA, the Department will have the authority to make the supplemental payments, including the allowable assessment cost add-on, to nonpublic nursing facilities and the MDOI Payments to county nursing facilities.

Fiscal Impact

The FY 2019-2020 fiscal impact for these supplemental payments is estimated at \$155.932 million (\$74.458 million in State funds).

Public Comment

Interested persons are invited to submit written comments regarding this notice to the Department of Human

Services, Office of Long-Term Living, Bureau of Policy and Regulatory Management, Attention: Marilyn Yocum, P.O. Box 8025, Harrisburg, PA 17105-8025. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

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

TERESA D. MILLER,
Secretary

Fiscal Note: 14-NOT-1344. (1) General Fund; (2) Implementing Year 2018-19 is \$0; (3) 1st Succeeding Year 2019-20 is \$74,458,000; 2nd Succeeding Year 2020-21 through 5th Succeeding Year 2023-24 are \$0; (4) 2017-18 Program—\$1,099,000,000; 2016-17 Program—\$1,082,000,000; 2015-16 Program—\$968,083,000; (7) Long-Term Care; (8) recommends adoption. A portion of the revenue generated from nonpublic/county nursing facility assessment will be used to cover the increase. Reauthorization of the assessment is pending final enactment by the General Assembly.

[Pa.B. Doc. No. 19-979. Filed for public inspection June 28, 2019, 9:00 a.m.]

DEPARTMENT OF HUMAN SERVICES

Payment for Nursing Facility Services Provided by County and Nonpublic Nursing Facilities; Notice of Change in Methods and Standards of Setting Payment Rates; Budget Adjustment Factor

The Department of Human Services (Department) is announcing its intent to amend the Commonwealth's Title XIX State Plan to update the Medical Assistance (MA) payment methodology and standards for payment of MA nursing facility services in Fiscal Year (FY) 2019-2020 to authorize the continued use of a budget adjustment factor (BAF) in setting payment rates for nursing facility services.

Background

Since 1996, the Department has used a case-mix prospective payment methodology to set per diem rate payments for MA nursing facility providers. One of the reasons the Department adopted this payment methodology was that the prior retrospective cost-based payment system had proven to be "highly inflationary" and change was necessary to curb an "explosive growth of nursing facility expenditures." See 25 Pa.B. 4477 (October 14, 1995). In 2006, the Department noted that "since the case-mix payment system was implemented in 1996, MA nursing facility payment rates have risen more than 56% and, since 2000, have increased by 27.4% overall. During this same period, expenditures for MA nursing facility services have grown to nearly \$3 billion and expenditures for MA services to the elderly and people with disabilities now consume approximately 70% of the \$14 billion MA Program budget." See 36 Pa.B. 3207 (June 24, 2006).

Realizing that the MA Program could not continue to sustain the pace at which long-term care expenditures were growing, the Department amended the Commonwealth's Title XIX State Plan and issued regulations changing the case-mix payment methodology effective

July 1, 2005, to include use of a BAF in annual rate-setting. See 35 Pa.B. 6232 (November 12, 2005). Application of a BAF was continued in 2007, 2008, 2011, 2013 and again in 2016. See the act of June 30, 2007 (P.L. 49, No. 16), the act of July 4, 2008 (P.L. 557, No. 44), the act of June 30, 2011 (P.L. 89, No. 22), the act of July 9, 2013 (P.L. 369, No. 55) and the act of July 8, 2016 (P.L. 480, No. 76). The BAF limits the estimated Statewide day-weighted average payment rate for MA nursing facility services for county and nonpublic nursing facilities in effect for the fiscal year to the amount permitted by the funds appropriated by the General Appropriations Act for the fiscal year.

Since the implementation of the BAF, case-mix per diem rates have increased on an annual average basis by \$2.52 per day and in the aggregate by 21.23% overall from FY 2004-2005 through estimated payment rates for FY 2018-2019. In contrast, had the BAF not been used, rates would have increased on an annual average basis by \$5.59 per day and overall by 47.14%, well in excess of either the Consumer Price Index or the Centers for Medicare & Medicaid Services' (CMS) Nursing Home without Capital Market Basket Index.

Further, during the years that the BAF has been in place, the Department has not uncovered any evidence that the quality of care in this Commonwealth's MA nursing facilities has been adversely impacted by use of the BAF. To the contrary, MA nursing facility providers continue to deliver a high quality of care. The Department does not expect the quality of care to decline in FY 2019-2020, and will continue enforcement and monitoring activities to ensure that is the case.

In addition, although the BAF has served to moderate the overall aggregate increases in case-mix per diem rates, the adjusted case-mix per diem rate payments, together with the other supplemental payments to nursing facilities authorized under the Commonwealth's approved State Plan, have been and will continue to be sufficient to assure that MA recipients have access to medically necessary nursing facility services. The vast majority of licensed nursing facilities in this Commonwealth participate as providers in the MA Program, and the MA Program pays for more days of nursing facility care than all other payors combined. The Department does not expect this to change in FY 2019-2020.

In short, use of the BAF has served to conserve taxpayer funds while assuring, and continuing to assure, that payments to nursing facilities under the MA Program are consistent with efficiency and economy and at the same time sufficient to assure access to quality care.

The BAF is currently set to expire on June 30, 2019. 62 P.S. § 443.1(7)(iv). The Department anticipates that the General Assembly will enact legislation to continue the use of a BAF in FY 2019-2020, subject to CMS approval. The Department issues this notice in preparation of the anticipated reauthorization of the BAF.

Proposed BAF Methodology for FY 2019-2020

The Department intends to submit a State Plan Amendment (SPA) to CMS to continue use of the BAF. Under the proposed SPA, the Department will apply a BAF and make adjustments to nonpublic nursing facility and county nursing facility payment rates in FY 2019-2020. As in prior years, the BAF will limit the estimated Statewide day-weighted average payment rate for MA nursing facility services for county and nonpublic nursing facilities so that the average payment rate in effect for

the fiscal year is limited to the amount permitted by the funds appropriated by the General Appropriations Act for the fiscal year.

Nonpublic Nursing Facilities

From July 1, 2005, through June 30, 2011, the Department calculated one BAF each rate-setting year and applied that BAF to the nursing facility payment rates in effect for the rate-setting year. For FY 2011-2012, the nursing facility industry requested and the Department responded by calculating a BAF each quarter of the fiscal year for nonpublic nursing facilities instead of calculating one BAF for the fiscal year. For FYs 2012-2013 through 2016-2017, the Department returned to formulas similar to the formula used in FYs 2009-2010 and 2010-2011 which allowed for an adjustment in the fourth quarter if certain conditions were met. See 39 Pa.B. 4958 (August 15, 2009). For FYs 2017-2018 and 2018-2019 the Department calculated a quarterly BAF for nonpublic nursing facilities using a formula similar to the formula used in FY 2011-2012. The Department is proposing to calculate a quarterly BAF in FY 2019-2020 for nonpublic nursing facilities using the same formula used in FYs 2017-2018 and 2018-2019. Since nursing facilities are currently being phased into managed care in three phases according to geographic location beginning January 1, 2018, a quarterly BAF allows for a more uniform Statewide average rate. The formula is as follows.

Nonpublic Nursing Facilities' BAF Determination

Quarterly BAF Formula—Prior to establishing the MA nonpublic nursing facility quarterly rates for the 2019-2020 rate year, the Department will use the following formula to determine the Quarterly BAF:

Annual target rate divided by the weighted average quarterly rate at 100% equals the Quarterly BAF.

If the Quarterly BAF as calculated is greater than 1.0, the Quarterly BAF will equal 1.0.

Terms Related to the BAF Determination

The following words and terms, when used in the 2019-2020 BAF determinations, have the following meaning, unless the context clearly indicates otherwise:

Annual target rate—The base rate multiplied by one plus the percentage rate of change permitted by the funds appropriated by the General Appropriations Act for the applicable rate year.

Base days—The source of days for the day-weighted calculation used in determining the base rate and the weighted-average quarterly rates at 100%. The base days are the sum of each nonpublic nursing facility's paid facility days, therapeutic leave days and 1/3 of the hospital bed reserve days for dates of service for the quarter beginning 6 months prior to the quarterly rate for which the BAF is being calculated.

Base rate—The base rate is the prior year's target rate in effect as of January 1, 2019.

Quarterly BAF—The BAF applied to each nonpublic nursing facility's quarterly rate, as calculated for the quarter.

Weighted-average quarterly rate at 100%—The Statewide day-weighted average of the nonpublic nursing facilities' quarterly rates, as applicable, determined in accordance with 55 Pa. Code Chapter 1187 (relating to nursing facility services), calculated using base days, prior to application of a BAF.

County Nursing Facilities

The Department intends to submit a SPA to CMS to continue use of the BAF. Under the proposed SPA, the Department will continue to calculate and apply the BAF to county nursing facility payment rates as it has in prior rate-setting years. Specifically, the Department will adjust each county nursing facility's per diem rate by multiplying the rate by a BAF. A county nursing facility's per diem rate for an MA resident will be the facility's January 1, 2019, per diem rate as calculated under 55 Pa. Code Chapter 1189, Subchapter D (relating to rate setting) and 55 Pa. Code § 1189.91(b) (relating to per diem rates for county nursing facilities) multiplied by the county BAF.

Use of the calculations previously described is contingent upon legislation continuing application of a BAF and the approval by CMS of the SPA.

Fiscal Impact

No fiscal impact is anticipated as a result of these changes through June 30, 2020. The amount of funding available for this program is dependent upon the funds appropriated by the General Assembly in the forthcoming fiscal year. Therefore, until a budget bill is passed and enacted, any estimated fiscal impact associated with this notice is based on the funding levels in the General Appropriation Act of 2018.

Public Comment

Interested persons are invited to submit written comments regarding the BAF formula to the Department of Human Services, Office of Long-Term Living, Bureau of Policy and Regulatory Management, Attention: Marilyn Yocum, P.O. Box 8025, Harrisburg, PA 17105-8025. Comments received within 30 days will be reviewed and considered.

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

TERESA D. MILLER,
Secretary

Fiscal Note: 14-NOT-1347. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 19-980. Filed for public inspection June 28, 2019, 9:00 a.m.]

DEPARTMENT OF HUMAN SERVICES

Payments to County Nursing Facilities; Medical Assistance Day One Incentive Payments for the Third and Fourth 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 third and fourth quarters of Fiscal Year (FY) 2018-2019.

Payment Information

The Department made county nursing facility MDOI payments for January 1, 2019, through March 31, 2019, and April 1, 2019, through June 30, 2019, 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 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-1346. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 19-981. Filed for public inspection June 28, 2019, 9:00 a.m.]

DEPARTMENT OF HUMAN SERVICES

Payments to Nonpublic and County Nursing Facilities; Proposed Rates for State Fiscal Year 2019-2020

This notice announces the Department of Human Services (Department) proposed annual case-mix per diem payment rates for State Fiscal Year (FY) 2019-2020 for nonpublic and county nursing facilities that participate in the Medical Assistance (MA) Program.

Nonpublic Nursing Facility Per Diem Rates

As required by the case-mix payment methodology in 55 Pa. Code Chapter 1187, Subchapter G (relating to rate setting), the Department intends to set an annual MA per diem rate for each nonpublic nursing facility provider. Each facility's annual per diem rate will have four components: resident care; other resident related; administrative; and capital. For each quarter of FY 2019-2020, the Department will adjust the resident care component of each facility's rate by multiplying the resident care component by the facility's MA case-mix index (CMI) for the appropriate picture date.

Additionally, the Human Services Code authorizes a budget adjustment factor (BAF) until June 30, 2019. See 62 P.S. § 443.1. The Department anticipates that the General Assembly will enact legislation to reauthorize the BAF.

In calculating proposed rates, the Department assumed that the General Assembly will reauthorize the use of the BAF for MA payment rates for FY 2019-2020. The Department will submit a State Plan Amendment (SPA) to the Centers for Medicare & Medicaid Services (CMS) to include the BAF formula which the Department will use in FY 2019-2020.

A detailed description of the BAF formula for FY 2019-2020 is in the notice "Payment for Nursing Facility Services Provided by County and Nonpublic Nursing Facilities; Notice of Change in Methods and Standards of Setting Payment Rates; Budget Adjustment Factor" published at 49 Pa.B. 3414 (June 29, 2019). Under the proposed formula, the BAF will limit the estimated Statewide day-weighted average payment rate for MA nursing facility services for nonpublic nursing facilities so that the average payment rate in effect for the fiscal year is limited to the amount permitted by the funds appropriated by the General Appropriations Act for the fiscal year.¹ A BAF will be calculated each quarter of FY 2019-2020 for nonpublic nursing facilities.

Finally, in calculating the proposed rates, the Department assumed that the General Appropriation Act of 2019 will include the same level of funding that was in the General Appropriation Act of 2018 and that CMS will approve the SPA including the BAF formula for nonpublic nursing facilities.

County Nursing Facility Per Diem Rates

As required by the rate methodology in 55 Pa. Code Chapter 1189, Subchapter D (relating to rate setting), the Department intends to set an annual MA per diem rate for each county nursing facility provider. As specified in 55 Pa. Code § 1189.91(b) (relating to per diem rates for county nursing facilities), for each rate year beginning on or after July 1, 2007, the per diem rate paid to a county nursing facility for a rate year will be the facility's prior rate year per diem multiplied by a BAF determined in accordance with the formula in the Commonwealth's approved State Plan. The Department will submit a SPA to CMS to include the BAF formula which the Department will use for county nursing facilities in FY 2019-2020. Again, in calculating the proposed rates, the Department assumed that the General Assembly will enact legislation authorizing the continued use of a BAF for MA payment rates for FY 2019-2020, that the General Appropriation Act of 2019 will include the same level of funding that was in the General Appropriation Act of 2018 and that CMS will approve the SPA, including the BAF formula for county nursing facilities.²

The proposed annual per diem rates for FY 2019-2020, the July Quarterly BAF that will be applied to nonpublic nursing facility rates and the annual BAF that will be applied to county nursing facilities are available on the Department's web site at <http://www.dhs.pa.gov/provider/longtermcarecasemixinformation/index.htm> and at local county assistance offices throughout this Commonwealth

¹ The Department will finalize the BAF once the General Assembly has enacted a General Appropriations Act for FY 2019-2020 and will include the BAF in the Department's notice announcing final MA nursing facility payment rates for the rate-setting year.

² The Department will finalize the BAF once the General Assembly has enacted a General Appropriations Act for FY 2019-2020 and will include the BAF in its notice announcing final MA nursing facility payment rates for the rate-setting year.

or by contacting Marilyn Yocum, Department of Human Services, Office of Long-Term Living at (717) 772-2549.

Fiscal Impact

If the proposed payment rates are adopted as final, there is no fiscal impact for per diem rate payments for nonpublic and county nursing facilities for FY 2019-2020. The amount of funding available for this program is dependent upon the funds appropriated by the General Assembly in the forthcoming fiscal year. Therefore, until a budget bill is passed and enacted, any estimated fiscal impact associated with this notice is based on the funding levels in the General Appropriation Act of 2019.

Public Comment

Interested persons are invited to submit written comments regarding the proposed annual rates for FY 2019-2020 to the Department of Human Services, Office of Long-Term Living, Bureau of Policy and Regulatory Management, Attention: Marilyn Yocum, P.O. Box 8025, Harrisburg, PA 17105-8025. Comments received within 30 days will be reviewed and considered.

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

TERESA D. MILLER,
Secretary

Fiscal Note: 14-NOT-1343. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 19-982. Filed for public inspection June 28, 2019, 9:00 a.m.]

DEPARTMENT OF REVENUE

Adjustment of Program Service Revenue Amounts

In accordance with section 6(a)(5) of the Institutions of Purely Public Charity Act (act) (10 P.S. § 376(a)(5)), the Department of Revenue is required to adjust the annual program service revenue amount used as a benchmark in section 6(a)(1) and (2) of the act for the purpose of asserting a rebuttable presumption.

The annual program service revenue amounts referred to in section 6(a)(1) and (2) of the act shall be increased by 1% as follows:

- (1) Effective July 1, 1999—Program Service Revenues—\$10,100,000.
- (2) Effective July 1, 2000—Program Service Revenues—\$10,201,000.
- (3) Effective July 1, 2001—Program Service Revenues—\$10,303,010.
- (4) Effective July 1, 2002—Program Service Revenues—\$10,406,040.
- (5) Effective July 1, 2003—Program Service Revenues—\$10,510,100.
- (6) Effective July 1, 2004—Program Service Revenues—\$10,615,201.
- (7) Effective July 1, 2005—Program Service Revenues—\$10,721,353.
- (8) Effective July 1, 2006—Program Service Revenues—\$10,828,567.

- (9) Effective July 1, 2007—Program Service Revenues—\$10,936,853.
- (10) Effective July 1, 2008—Program Service Revenues—\$11,046,222.
- (11) Effective July 1, 2009—Program Service Revenues—\$11,156,684.
- (12) Effective July 1, 2010—Program Service Revenues—\$11,268,251.
- (13) Effective July 1, 2011—Program Service Revenues—\$11,380,934.
- (14) Effective July 1, 2012—Program Service Revenues—\$11,494,743.
- (15) Effective July 1, 2013—Program Service Revenues—\$11,609,690.
- (16) Effective July 1, 2014—Program Service Revenues—\$11,725,787.
- (17) Effective July 1, 2015—Program Service Revenues—\$11,843,045.
- (18) Effective July 1, 2016—Program Service Revenues—\$11,961,475.
- (19) Effective July 1, 2017—Program Service Revenues—\$12,081,090.
- (20) Effective July 1, 2018—Program Service Revenues—\$12,201,901.
- (21) Effective July 1, 2019—Program Service Revenues—\$12,323,920.

C. DANIEL HASSELL,
Secretary

[Pa.B. Doc. No. 19-983. Filed for public inspection June 28, 2019, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Grumpy Cat® Fast Play Game 5062

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 the rules for the following lottery game:

1. *Name*: The name of the lottery game is Pennsylvania Grumpy Cat® (hereinafter “Grumpy Cat®”). The game number is PA-5062.
2. *Definitions*:
 - (a) *Authorized Retailer* or *Retailer*: A person who is properly licensed by the Lottery pursuant to 61 Pa. Code §§ 805.1—805.17.
 - (b) *Bar Code*: The symbology on the ticket containing certain encrypted validation and accounting data used for identifying winning and losing tickets.
 - (c) *Game Ticket*: A bearer instrument produced through a Lottery Terminal that is the player’s record of a play for a Fast Play lottery game and sold by an authorized retailer containing the play and validation data as published in this game notice.
 - (d) *Lottery Central Computer System*: The computer gaming system on which all Fast Play plays are recorded.
 - (e) *Lottery Terminal*: A device authorized by the Lottery to function in an interactive mode with the Lottery

Central Computer System for the purpose of issuing plays, executing Quick Pick selections, and entering, receiving, and processing lottery transactions, including making purchases, validating plays, and transmitting reports, and performing inventory functions.

(f) *Play*: A chance to participate in a particular Fast Play lottery game.

(g) *Play Area*: The area on a ticket which contains one or more play symbols.

(h) *PLAY GRID*: The play symbols found in the play area that, when matched as instructed on the game ticket, determine whether a player wins a prize.

(i) *Play Symbol*: A number, letter, symbol, image or other character found in the play area which is used to determine whether a player wins a prize.

(j) *Prize*: A non-monetary item, money, or experience that can be won as specified in section 7 (relating to prizes available to be won and determination of prize winners) of this game notice.

(k) *PRIZE LEGEND*: The area on the ticket that shows a player the corresponding prize that can be won by matching winning symbols.

(l) *Winning Ticket*: A game ticket which has been validated and qualifies for a prize.

3. *Price*: The price of a Grumpy Cat® ticket is \$2.

4. *Description of the Grumpy Cat® lottery game*:

(a) The Grumpy Cat® lottery game is an instant win game printed from a Lottery Terminal. All prizes are predetermined, and the player does not have the ability to select his or her own play symbols. Grumpy Cat® tickets may be purchased from an authorized retailer or at a Lottery self-service terminal that sells terminal-based Lottery game tickets. Tickets purchased from an authorized retailer shall be printed on-demand at the time of purchase and may not be preprinted by the retailer.

(b) Grumpy Cat® is played by finding like play symbols in the “PLAY GRID” area. A player finding three (3) like play symbols in the “PLAY GRID” area wins the corresponding prize shown in the “PRIZE LEGEND” for that play symbol. A bet slip is not used to play this game.

(c) Players can win the prize identified in section 7 (relating to prizes available to be won and determination of prize winners).

(d) A Grumpy Cat® game ticket cannot be canceled or voided once printed by the Lottery Terminal, even if printed in error.

(e) To purchase a ticket at an authorized retailer, a player must remit the purchase price to the retailer by verbally requesting a Grumpy Cat® game ticket. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize.

(f) To purchase a ticket at a Pennsylvania Lottery self-service terminal, the player must insert into the self-service terminal a dollar amount equal to the total purchase price of a Grumpy Cat® game ticket and select the Grumpy Cat® option on the Lottery self-service terminal. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize.

5. *Grumpy Cat® ticket characteristics:*

(a) A Grumpy Cat® ticket shall contain a play area, the cost of the play, the date of sale, and a bar code.

(b) *Play Symbols:* Each Grumpy Cat® ticket play area will contain a “PLAY GRID.” The play symbols located in the “PLAY GRID” are: Mouse (MOUSE) symbol, Can (CAN) symbol, Bed (BED) symbol, Grass (GRASS) symbol, Bowl (BOWL) symbol, Paw (PAW) symbol, Brushmitt (BRUSHMITT) symbol, Food (FOOD) symbol and a Grumpy Cat (GRUMPY CAT) symbol.

(c) *Prizes:* The prizes, located in the “PRIZE LEGEND,” that can be won in this game are: \$2, \$4, \$5, \$10, \$20, \$50, \$100, \$1,000, and \$10,000. A player can win up to 3 times on a ticket.

(d) *Approximate Number of Tickets Available for the Game:* Approximately 1,200,000 tickets will be available for sale for the Grumpy Cat® lottery game.

6. *Second-Chance Drawing:* The Pennsylvania Lottery will conduct a Grumpy Cat® Second-Chance Drawing for which non-winning Grumpy Cat® Fast Play lottery game tickets may be eligible as provided for in section 9.

7. *Prizes available to be won and determination of prize winners:*

(a) All Grumpy Cat® prize payments will be made as one-time, lump-sum cash payments.

(b) Holders of tickets upon which a player finds three Grumpy Cat (GRUMPY CAT) symbols in the “PLAY GRID,” on a single ticket, shall be entitled to a prize of \$10,000.

(c) Holders of tickets upon which a player finds three Food (FOOD) symbols in the “PLAY GRID,” on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which a player finds three Brushmitt (BRUSHMITT) symbols in the “PLAY GRID,” on a single ticket, shall be entitled to a prize of \$100.

(e) Holders of tickets upon which a player finds three Paw (PAW) symbols in the “PLAY GRID,” on a single ticket, shall be entitled to a prize of \$50.

(f) Holders of tickets upon which a player finds three Bowl (BOWL) symbols in the “PLAY GRID,” on a single ticket, shall be entitled to a prize of \$20.

(g) Holders of tickets upon which a player finds three Grass (GRASS) symbols in the “PLAY GRID,” on a single ticket, shall be entitled to a prize of \$10.

(h) Holders of tickets upon which a player finds three Bed (BED) symbols in the “PLAY GRID,” on a single ticket, shall be entitled to a prize of \$5.

(i) Holders of tickets upon which a player finds three Can (CAN) symbols in the “PLAY GRID,” on a single ticket, shall be entitled to a prize of \$4.

(j) Holders of tickets upon which a player finds three Mouse (MOUSE) symbols in the “PLAY GRID,” on a single ticket, shall be entitled to a prize of \$2.

8. *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 You Find Three (3) Like Symbols In The PLAY GRID, Win Corresponding Prize Shown In The PRIZE LEGEND. Win With:</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 1,200,000 Tickets</i>
3—MOUSE SYMBOLS	\$2	9.01	133,200
3—CAN SYMBOLS	\$4	16.67	72,000
3—BED SYMBOLS	\$5	33.33	36,000
(3—CAN SYMBOLS) + (3—MOUSE SYMBOLS)	\$6	55.56	21,600
3—GRASS SYMBOLS	\$10	100.00	12,000
(3—GRASS SYMBOLS) + (3—BED SYMBOLS)	\$15	125.00	9,600
3—BOWL SYMBOLS	\$20	200.00	6,000
(3—BOWL SYMBOLS) + (3—GRASS SYMBOLS)	\$30	333.33	3,600
3—PAW SYMBOLS	\$50	1,500.00	800
(3—PAW SYMBOLS) + (3—BOWL SYMBOLS) + (3—BED SYMBOLS)	\$75	12,000.00	100
3—BRUSHMITT SYMBOLS	\$100	15,000.00	80
(3—BRUSHMITT SYMBOLS) + (3—PAW SYMBOLS)	\$150	40,000.00	30
3—FOOD SYMBOLS	\$1,000	120,000.00	10
3—GRUMPY CAT SYMBOLS	\$10,000	120,000.00	10

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Second-Chance Drawing*: The Grumpy Cat® Second-Chance Drawing for the Pennsylvania Lottery (hereafter, the "Drawing").

(a) *Qualifying Tickets*: Non-winning PA-5062 Grumpy Cat® (\$2) Fast Play tickets are eligible for entry into the Drawing.

(b) *Participation and Entry*:

(1) Entrants must be members of the Pennsylvania Lottery VIP Players Club to participate in the Drawing. To join the VIP Players Club, visit <http://www.palottery.state.pa.us/vipplayersclub/login.aspx>. Becoming a VIP Players Club member is free.

(2) To enter the Drawing, entrants must submit the identifying information from at least one Qualifying Ticket via the Drawing's promotional website, available at <http://www.palottery.com>, or the Pennsylvania Lottery's official mobile application, during the entry period. The identifying information from a Qualifying Ticket may be submitted only once for the Drawing. Entries will automatically be awarded at the time of successful submission of a Qualifying Ticket. No other method of submission will be accepted. Entries submitted using any other method, including entries mailed or hand-delivered to the Pennsylvania Lottery, are not valid and will be disqualified.

(3) Each entry must be complete and the information supplied by the entrant must be accurate. Incomplete entries cannot be submitted.

(4) Only one claimant per entry allowed.

(5) Entrants must be 18 years of age or older.

(6) Players may submit the identifying information from an unlimited number of Qualifying Tickets.

(7) Once an entry has been submitted it cannot be withdrawn or changed.

(c) *Drawing Description*:

(1) The Lottery will conduct one Grumpy Cat® Second-Chance Drawing for qualifying Fast Play tickets. All time references are Eastern Prevailing Time.

(2) All entries received after 11:59:59 p.m. July 1, 2019, through 11:59:59 p.m. August 29, 2019, will be entered into the Drawing to be held between August 30, 2019 and September 9, 2019.

(3) The entry period for the Drawing will be posted to the Pennsylvania Lottery's publicly accessible website.

(4) The number of entries an entrant will receive for the Drawing is determined by the purchase price of the Qualifying Ticket entered. The respective purchase price and corresponding number of entries for the Qualifying Ticket is as follows: PA-5062 Grumpy Cat® (\$2) = 2 entries.

(5) Players may review prizes won and their entries for the Drawing via the Drawing's promotional website.

(d) *Prizes Available to be Won, Determination of Winners, and Odds of Winning*:

(1) The prize entitlements described below are subject to all restrictions and limitations described in section 9(e), or those mentioned anywhere else in these rules.

(2) The Lottery will conduct one Drawing from among all the entries received during the entry period as described in section 9(c)(2).

(i) The first entry selected from the total number of Fast Play entries awarded in the Drawing will be a winning entry, and the entrant who submitted the winning entry shall be entitled to a prize of \$10,000.

(ii) The second through the seventh entries selected from the total number of Fast Play entries awarded in the Drawing will be winning entries, and the entrants who submitted those winning entries shall each be entitled to a prize of \$2,500.

(iii) The eighth through the twenty-seventh entries selected from the total number of Fast Play entries awarded in the Drawing will be winning entries, and the entrants who submitted those winning entries shall each be entitled to a prize of \$500.

(iv) The twenty-eighth through the seventy-seventh entries selected from the total number of Fast Play entries awarded in the Drawing will be winning entries, and the entrants who submitted those winning entries shall each be entitled to a prize of \$100 iLottery bonus money.

(5) With the exception of the iLottery Bonus Money, all prizes will be paid as a lump-sum cash payment.

(4) Winners of iLottery Bonus Money are not required to claim a prize. Winners of iLottery Bonus Money will have the iLottery Bonus Money credited to their Lottery Account and will receive an email notifying them that they won a prize.

(5) The number of winning entries to be selected for the Drawing will be posted to the Pennsylvania Lottery's publicly accessible website.

(6) The odds of an entry being selected in the Drawing depend upon the total number of entries awarded for the Drawing.

(7) A computer generated randomizer will be used to select the winning entries.

(e) *Drawing Restrictions*:

(1) To be eligible to participate in the Drawing, entrants must have complied with the requirements of these rules.

(2) The Lottery is not responsible for late, lost or misdirected entries not entered into the Drawing. The Lottery is not responsible for entries that are not entered into the Drawing because of incompatible internet browsers, mobile lottery application failure or other technical issues. If a Drawing entry is selected as a winner and rejected during or following the Drawing, the Lottery will select another entry to replace the rejected entry in accordance with these rules and Lottery procedure.

(3) If any discrepancy exists between these rules and any material describing the Drawing, these rules shall govern.

(4) Employees of the Pennsylvania Lottery, MARC USA, MUSL, Scientific Games International, Inc., MDI Entertainment, LLC, and their subcontractors, or a spouse, child, brother, sister or parent residing as a member of the same household in the principle place of residence of any such person are not eligible to participate in the Drawing. Offer void where prohibited or restricted.

(5) The Pennsylvania Lottery reserves the right, in its sole discretion, to cancel or suspend the Drawing and change these rules if the Drawing cannot be conducted as planned due to errors in these rules or advertising, unauthorized intervention, tampering, fraud, technical

errors, viruses, worms, bugs, or any other cause beyond the control of the Pennsylvania Lottery that, in the Pennsylvania Lottery's sole judgment, could corrupt or impair the administration, security, fairness, integrity, or proper conduct of the Drawing.

(6) All entries shall be subject to verification by the Pennsylvania Lottery.

(7) The Pennsylvania Lottery reserves the right, in its sole discretion, to disqualify an entrant found to be tampering with the operation of the Drawing or to be acting in violation of these rules or applicable law.

(8) The Drawing is governed by the laws of the Commonwealth of Pennsylvania. Applicable laws and regulations apply.

(9) Prizes must be claimed within 1 year of the drawing date of the Drawing in which the prize was won. If no claim is made within 1 year of the drawing date of the Drawing in which the prize was won, the right of an entrant to claim the prize won, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided by statute.

(10) Final determination of winners will be made by the Secretary, whose judgment will be final and binding.

(11) A prize awarded in the Drawing to a person who dies before receiving the prize shall be paid according to 61 Pa. Code § 811.16 (relating to prizes payable after death of a prize winner).

(12) A winner is responsible for all taxes arising from or in connection with any prize won.

(13) A player may only win the prize for which the player is first selected in the Drawing. Subsequent entries, from the same individual, selected in the same drawing will be disqualified and a replacement entry will be selected.

(14) Winners of iLottery Bonus Money must abide by the iLottery Terms & Conditions, the iLottery Bonus Policy and these rules. iLottery Bonus Money will expire 45 days from the date on which the winner was notified, via email, of the prize win, as further detailed in section 9(d)(4). iLottery Bonus Money has a five times play through requirement in order to convert the iLottery Bonus Money into cash. For example, for a player winning \$100 of iLottery Bonus Money, the player is required to place \$500 in wagers before the iLottery Bonus Money awarded is converted into cash which may be withdrawn from the player's account.

(15) Prizes are not transferrable.

(16) Other restrictions may apply.

10. *Ticket Responsibility:*

(a) A Fast Play lottery game ticket is a bearer document deemed to be owned by the person holding the game ticket, except that if a name is contained on the back of the game ticket, the person so named will, for all purposes, be considered the owner of the game ticket.

(b) The holder of a Fast Play lottery game ticket has the sole responsibility for checking the accuracy and condition of the data printed on the game ticket.

(c) The Commonwealth shall not be responsible for a lost or stolen Fast Play lottery game ticket, or for a Fast Play ticket redeemed by a player in error.

11. *Ticket Validation and Requirements:*

(a) *Valid Fast Play lottery game tickets.* To be a valid Fast Play lottery game ticket, the presented game ticket must meet the following requirements:

(1) The game ticket's bar code shall be present in its entirety.

(2) The game ticket must be intact.

(3) The game ticket may not be mutilated, altered, reconstituted or tampered with.

(4) The game ticket may not be counterfeit or a duplicate of a winning ticket.

(5) The game ticket must have been validly issued.

(6) The game ticket data shall have been recorded on the Lottery Central Computer System and the game ticket data shall match the computer record in every respect.

(7) The game ticket must not be defectively printed or printed or produced in error such that it cannot be processed or validated by the Lottery.

(8) The game ticket must pass other confidential security checks of the Lottery.

(b) *Invalid or defective game tickets:* A game ticket not passing the validation requirements in subsection (a) will be considered invalid and no payment will be made on account of any play recorded thereon. The determination of the Secretary in this regard is final.

12. *Procedures for claiming and payment of prizes:*

(a) A prize may be claimed through an authorized retailer or the Lottery, as provided in this section. A prize must be claimed within 1 year of the sale date of the Fast Play lottery game ticket.

(b) An authorized retailer is authorized to pay prizes of \$2,500 or less. The holder of a game ticket evidencing a winning play representing a prize of \$2,500 or less may be paid by a participating authorized retailer if a proper validation pay ticket was issued by the retailer's Lottery Terminal.

(c) The holder of a game ticket evidencing a winning play representing a prize in excess of \$2,500 may present the game ticket to an authorized retailer, Lottery District Office, or Lottery Headquarters.

(d) The holder of a game ticket evidencing a winning play shall present the ticket, in person, to an authorized retailer, Lottery Headquarters or a Lottery District Office. The retailer or the Lottery will issue payment if:

(1) The game ticket is scanned and the play is validated through the Lottery Terminal or the Lottery Central Computer System;

(2) A claim form is properly and fully completed;

(3) The identification of the claimant is confirmed; and

(4) The winning ticket has not expired, pursuant to this section or section 14 (relating to unclaimed prizes).

(e) The Commonwealth shall not be responsible for a winning play paid in error by an authorized retailer.

(f) In the event a prize described in these rules is not available, the Lottery may either provide a substitute prize, determined by the Secretary to have an equivalent value to the prize won, or make a cash payment to the winner, in an amount determined by the Secretary to have an equivalent value to the prize won.

13. *Funding for prizes:* Moneys will be drawn from the State Lottery Fund, to the extent necessary, to fund the payment of prizes under this section. If this lottery game is terminated for any cause, prize moneys remaining undistributed will remain in the State Lottery Fund and used for purposes otherwise provided for by law.

14. *Unclaimed prizes:* Unclaimed prize money on winning Fast Play lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto for 1 year from the sale date of the Fast Play lottery game ticket. If no claim is made within 1 year from the sale date of the Fast Play lottery game ticket, the right of a ticket holder to claim the prize represented by that ticket, if any, shall expire.

15. *Purchase and prize restrictions:* A Fast Play lottery game ticket may not be purchased by, and a prize may not be paid, to an officer or employee of the Lottery, Lottery professional services contractors or subcontractors, or to a spouse, child, brother, sister or parent residing in the same household of an officer, employee, contractor or subcontractor who is involved in the production, distribution or operation of systems for the validation or accounting of Fast Play games.

16. *Governing Law:*

(a) By purchasing a ticket, the purchaser agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), this notice, instructions, conditions and final decisions of the Secretary, and procedures established by the Secretary for the conduct of the Fast Play Grumpy Cat® lottery game.

(b) Decisions made by the Secretary, including the declaration of prizes and the payment thereof, in interpretation of this notice are final and binding on players and persons making a claim in respect thereof.

17. *Retailer Compensation:*

(a) Authorized retailers may be entitled to compensation as determined by the Lottery.

(b) No authorized retailer or employee of an authorized retailer shall request, demand, or accept gratuities or any compensation other than as provided in subsection (a) in exchange for the performance of duties authorized pursuant to the Lottery retailer's license without the Lottery's prior written authorization.

18. *Retailer Incentive Programs:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Fast Play Grumpy Cat® lottery game tickets.

19. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania Fast Play lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a

winning ticket. A bonus will be initiated for payment after the Fast Play game ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery Fast Play game ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

20. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Grumpy Cat® or through normal communications methods.

21. *Applicability:* This notice applies only to the Grumpy Cat® lottery game announced in this notice.

C. DANIEL HASSELL,
Secretary

[Pa.B. Doc. No. 19-984. Filed for public inspection June 28, 2019, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Strike It Rich Fast Play Game 5061

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 the rules for the following lottery game:

1. *Name:* The name of the lottery game is Pennsylvania Strike It Rich (hereinafter "Strike It Rich"). The game number is PA-5061.

2. *Definitions:*

(a) *Authorized Retailer* or *Retailer:* A person who is properly licensed by the Lottery pursuant to 61 Pa. Code §§ 805.1—805.17.

(b) *Bar Code:* The symbology on the ticket containing certain encrypted validation and accounting data used for identifying winning and losing tickets.

(c) *BOWLING BONUS:* The area at the top of the play area on a Strike It Rich ticket containing three FRAMES that, when played according to the instructions, determine whether the player wins a "BOWLING BONUS" prize. A player may win a prize either by matching any of the WINNING NUMBERS to the number in any FRAME, by getting an X (STRK) symbol in all three FRAMES, or both. The "BOWLING BONUS" is played separately. The "BOWLING BONUS" does not award a Progressive Top Prize.

(d) *FRAME:* One of three areas in the "BOWLING BONUS" play area where a player may win a prize.

(e) *Game Ticket:* A bearer instrument produced through a Lottery Terminal that is the player's record of a play for a Fast Play lottery game and sold by an authorized retailer containing the play and validation data as published in this game notice.

(f) *Lottery Central Computer System:* The computer gaming system on which all Fast Play plays are recorded.

(g) *Lottery Terminal:* A device authorized by the Lottery to function in an interactive mode with the Lottery Central Computer System for the purpose of issuing plays, executing Quick Pick selections, and entering,

receiving, and processing lottery transactions, including making purchases, validating plays, and transmitting reports, and performing inventory functions.

(h) *Play*: A chance to participate in a particular Fast Play lottery game.

(i) *Play Area*: The area on a ticket which contains one or more play symbols.

(j) *Play Symbol*: A number, letter, symbol, image or other character found in the play area which is used to determine whether a player wins a prize.

(k) *Prize*: A non-monetary item, money, or experience that can be won as specified in section 6 (relating to prizes available to be won and determination of prize winners) of this game notice.

(l) *Progressive Top Prize*: The top prize available for this game that begins with a minimum prize amount that grows at a pre-determined rate every time a ticket is purchased, and then resets to the minimum prize amount whenever a top prize winning ticket is sold.

(m) *WINNING NUMBERS*: The numbers, letters, symbols or other characters found in the play area that, when matched against the play symbols in the "YOUR NUMBERS" area, determine whether a player wins a prize.

(n) *Winning Ticket*: A game ticket which has been validated and qualifies for a prize.

(o) *YOUR NUMBERS*: The numbers, letters, symbols or other characters found in the play area that, when matched against the play symbols in the "WINNING NUMBERS" area, determine whether a player wins a prize.

3. *Price*: The price of a Strike It Rich ticket is \$10.

4. *Description of the Strike It Rich lottery game*:

(a) The Strike It Rich lottery game is an instant win game printed from a Lottery Terminal. With the exception of the Progressive Top Prize amount, all prizes are predetermined, and the player does not have the ability to select his or her own play symbols. Strike It Rich tickets may be purchased from an authorized retailer or at a Lottery self-service terminal that sells terminal-based Lottery game tickets. Tickets purchased from an authorized retailer shall be printed on-demand at the time of purchase and may not be preprinted by the retailer.

(b) Strike It Rich is played by matching the play symbols located in the "YOUR NUMBERS" area to the play symbols located in the "WINNING NUMBERS" area. A player matching play symbols in this manner will win the prize shown under the "YOUR NUMBERS" play symbol. A bet slip is not used to play this game.

(c) Strike It Rich is also played by matching any of the "WINNING NUMBERS" play symbols to the play symbol in any FRAME in the "BOWLING BONUS" area. Players matching play symbols in this manner will win \$10 instantly. A player may also win a prize in the "BOWLING BONUS" area by getting an X (STRK) symbol in each of the three FRAMES in the "BOWLING BONUS" area. Players getting three X (STRK) symbols in this manner will win \$30 instantly. The "BOWLING BONUS" is played separately and does not award a Progressive Top Prize.

(d) Players can win the prize identified in section 6 (relating to prizes available to be won and determination of prize winners).

(e) A Strike It Rich game ticket cannot be canceled or voided once printed by the Lottery Terminal, even if printed in error.

(f) To purchase a ticket at an authorized retailer, a player must remit the purchase price to the retailer by verbally requesting a Strike It Rich game ticket. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize.

(g) To purchase a ticket at a Pennsylvania Lottery self-service terminal, the player must insert into the self-service terminal a dollar amount equal to the total purchase price of a Strike It Rich game ticket and select the Strike It Rich option on the Lottery self-service terminal. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize.

5. *Strike It Rich ticket characteristics*:

(a) A Strike It Rich ticket shall contain a play area, the cost of the play, the date of sale, and a bar code.

(b) *Play Symbols*: Each Strike It Rich ticket play area will contain a "WINNING NUMBERS" area, a "YOUR NUMBERS" area, and a "BOWLING BONUS" area. The play symbols located in the "WINNING NUMBERS" and the "YOUR NUMBERS" areas are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWNIN), 30 (THIRT), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN), and 40 (FORT). The play symbols located in the "BOWLING BONUS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWNIN), 30 (THIRT), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN), 40 (FORT), X (STRK) symbol, and a / (SPARE) symbol.

(c) *Prize Symbols*: The prize symbols and their captions located in the play area are: \$10.⁰⁰ (TEN DOL), \$15.⁰⁰ (FIFTEEN), \$20.⁰⁰ (TWENTY), \$30.⁰⁰ (THIRTY), \$40.⁰⁰ (FORTY), \$50.⁰⁰ (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$5,000 (FIV THO), and PROGRESSIVE (TOP PRIZE).

(d) *Prizes*: The prizes that can be won in this game are: \$10, \$15, \$20, \$30, \$40, \$50, \$100, \$500, \$1,000, \$5,000, and the Progressive Top Prize. The Progressive Top Prize amount starts at \$100,000 and increases by \$1.50 every time a Strike It Rich ticket is purchased. When a Progressive Top Prize winning ticket is sold, the Progressive Top Prize resets to \$100,000. The prizes that can be won in the "BOWLING BONUS" are: \$10 and \$30. A player can win up to 10 times on a ticket.

(e) *Approximate Number of Tickets Available for the Game*: Approximately 4,800,000 tickets will be available for sale for the Strike It Rich lottery game.

6. Prizes available to be won and determination of prize winners:

(a) All Strike It Rich prize payments will be made as one-time, lump-sum cash payments.

(b) A winning Strike It Rich ticket is entitled only to the highest prize won by the winning combinations described below on each game ticket.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of PROGRESSIVE (TOP PRIZE) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of a Progressive Top Prize. The amount won under this paragraph is the amount of the Progressive Top Prize, determined by the Lottery Central Computer System, as of the time the winning ticket was purchased. The amount won will be a minimum of \$100,000.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$5,000 (FIV THO) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5,000.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol

of \$50⁰⁰ (FIFTY) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$40⁰⁰ (FORTY) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$30⁰⁰ (THIRTY) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$30.

(k) Holders of tickets upon which a X (STRK) symbol appears in each of the three FRAMES in the "BOWLING BONUS" area, on a single ticket, shall be entitled to a prize of \$30.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$20⁰⁰ (TWENTY) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$15⁰⁰ (FIFTEEN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$15.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(o) Holders of tickets upon which any of the "WINNING NUMBERS" play symbols match the play symbol in any FRAME in the "BOWLING BONUS" area, on a single ticket, shall be entitled to a prize of \$10.

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>BOWLING BONUS:</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 4,800,000 Tickets</i>
	\$10 w/ NUMBER MATCH	\$10	12.5	384,000
\$10		\$10	14.29	336,000
\$15		\$15	18.18	264,000
\$10 × 2		\$20	333.33	14,400
\$10	\$10 w/ NUMBER MATCH	\$20	100	48,000
	(\$10 w/ NUMBER MATCH) × 2	\$20	83.33	57,600
\$20		\$20	500	9,600

<i>When Any Of YOUR NUMBERS Match Any WINNING NUMBER, Win Prize Shown Under The Matching Number. Win With:</i>	<i>BOWLING BONUS:</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 4,800,000 Tickets</i>
\$10 × 3		\$30	333.33	14,400
\$15 × 2		\$30	333.33	14,400
\$10 × 2	\$10 w/ NUMBER MATCH	\$30	200	24,000
\$10	(\$10 w/ NUMBER MATCH) × 2	\$30	200	24,000
\$20	\$10 w/ NUMBER MATCH	\$30	100	48,000
	(\$10 w/ NUMBER MATCH) × 3	\$30	100	48,000
	\$30 w/ THREE STRIKES	\$30	33.33	144,000
\$30		\$30	333.33	14,400
\$10 × 5		\$50	6,000	800
(\$15 × 2) + (\$10 × 2)		\$50	2,400	2,000
(\$15 × 2) + \$10	\$10 w/ NUMBER MATCH	\$50	2,400	2,000
\$20	\$30 w/ THREE STRIKES	\$50	2,400	2,000
\$20	(\$10 w/ NUMBER MATCH) × 3	\$50	2,400	2,000
\$30	(\$10 w/ NUMBER MATCH) × 2	\$50	2,400	2,000
	(((\$10 w/ NUMBER MATCH) × 2) + (\$30 w/ THREE STRIKES))	\$50	2,400	2,000
\$50		\$50	6,000	800
\$50 × 2		\$100	12,000	400
\$20 × 5		\$100	10,000	480
(\$15 × 4) + (\$10 × 2)	(\$10 w/ NUMBER MATCH) × 2	\$100	10,000	480
(\$15 × 4) + \$10	\$30 w/ THREE STRIKES	\$100	10,000	480
\$40	(((\$10 w/ NUMBER MATCH) × 3) + (\$30 w/ THREE STRIKES))	\$100	10,000	480
\$50	(((\$10 w/ NUMBER MATCH) × 2) + (\$30 w/ THREE STRIKES))	\$100	10,000	480
\$100		\$100	12,000	400
\$100 × 5		\$500	120,000	40
(\$100 × 3) + (\$50 × 2) + (\$20 × 3)	(\$30 w/ THREE STRIKES) + (\$10 w/ NUMBER MATCH)	\$500	60,000	80
(\$100 × 4) + \$50 + \$20	\$30 w/ THREE STRIKES	\$500	60,000	80
\$500		\$500	120,000	40
\$500 × 2		\$1,000	480,000	10

<i>When Any Of YOUR NUMBERS Match Any WINNING NUMBER, Win Prize Shown Under The Matching Number. Win With:</i>	<i>BOWLING BONUS:</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 4,800,000 Tickets</i>
$(\$100 \times 5) + \500		\$1,000	480,000	10
$(\$100 \times 4) + \$500 + \$40$	$((\$10 \text{ w/ NUMBER MATCH}) \times 3) + (\$30 \text{ w/ THREE STRIKES})$	\$1,000	480,000	10
\$1,000		\$1,000	480,000	10
\$5,000		\$5,000	480,000	10
PROGRESSIVE TOP PRIZE		\$100,000*	160,000	30

BOWLING BONUS: Match any of the WINNING NUMBERS to the number in any FRAME, win \$10 instantly. Get a "X" (STRK) symbol in all three FRAMES, win \$30 automatically!

X = STRIKE SYMBOL

*PROGRESSIVE TOP PRIZE: The minimum value of the PROGRESSIVE TOP PRIZE is \$100,000. The PROGRESSIVE TOP PRIZE increases by \$1.50 every time a ticket is purchased, and resets to \$100,000 whenever a top prize winning ticket is sold.

Prizes, including top prizes, are subject to availability at the time of purchase.

8. Ticket Responsibility:

(a) A Fast Play lottery game ticket is a bearer document deemed to be owned by the person holding the game ticket, except that if a name is contained on the back of the game ticket, the person so named will, for all purposes, be considered the owner of the game ticket.

(b) The holder of a Fast Play lottery game ticket has the sole responsibility for checking the accuracy and condition of the data printed on the game ticket.

(c) The Commonwealth shall not be responsible for a lost or stolen Fast Play lottery game ticket, or for a Fast Play ticket redeemed by a player in error.

9. Ticket Validation and Requirements:

(a) *Valid Fast Play lottery game tickets.* To be a valid Fast Play lottery game ticket, the presented game ticket must meet the following requirements:

(1) The game ticket's bar code shall be present in its entirety.

(2) The game ticket must be intact.

(3) The game ticket may not be mutilated, altered, reconstituted or tampered with.

(4) The game ticket may not be counterfeit or a duplicate of a winning ticket.

(5) The game ticket must have been validly issued.

(6) The game ticket data shall have been recorded on the Lottery Central Computer System and the game ticket data shall match the computer record in every respect.

(7) The game ticket must not be defectively printed or printed or produced in error such that it cannot be processed or validated by the Lottery.

(8) The game ticket must pass other confidential security checks of the Lottery.

(b) *Invalid or defective game tickets:* A game ticket not passing the validation requirements in subsection (a) will be considered invalid and no payment will be made on

account of any play recorded thereon. The determination of the Secretary in this regard is final.

10. Procedures for claiming and payment of prizes:

(a) A prize may be claimed through an authorized retailer or the Lottery, as provided in this section. A prize must be claimed within 1 year of the sale date of the Fast Play lottery game ticket.

(b) An authorized retailer is authorized to pay prizes of \$2,500 or less. The holder of a game ticket evidencing a winning play representing a prize of \$2,500 or less may be paid by a participating authorized retailer if a proper validation pay ticket was issued by the retailer's Lottery Terminal.

(c) The holder of a game ticket evidencing a winning play representing a prize in excess of \$2,500 may present the game ticket to an authorized retailer, Lottery District Office, or Lottery Headquarters.

(d) The holder of a game ticket evidencing a winning play shall present the ticket, in person, to an authorized retailer, Lottery Headquarters or a Lottery District Office. The retailer or the Lottery will issue payment if:

(1) The game ticket is scanned and the play is validated through the Lottery Terminal or the Lottery Central Computer System;

(2) A claim form is properly and fully completed;

(3) The identification of the claimant is confirmed; and

(4) The winning ticket has not expired, pursuant to this section or section 12 (relating to unclaimed prizes).

(e) The Commonwealth shall not be responsible for a winning play paid in error by an authorized retailer.

(f) In the event a prize described in these rules is not available, the Lottery may either provide a substitute prize, determined by the Secretary to have an equivalent value to the prize won, or make a cash payment to the winner, in an amount determined by the Secretary to have an equivalent value to the prize won.

11. *Funding for prizes:* Moneys will be drawn from the State Lottery Fund, to the extent necessary, to fund the payment of prizes under this section. If this lottery game is terminated for any cause, prize moneys remaining

undistributed will remain in the State Lottery Fund and used for purposes otherwise provided for by law.

12. *Unclaimed prizes:* Unclaimed prize money on winning Fast Play lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto for 1 year from the sale date of the Fast Play lottery game ticket. If no claim is made within 1 year from the sale date of the Fast Play lottery game ticket, the right of a ticket holder to claim the prize represented by that ticket, if any, shall expire.

13. *Purchase and prize restrictions:* A Fast Play lottery game ticket may not be purchased by, and a prize may not be paid, to an officer or employee of the Lottery, Lottery professional services contractors or subcontractors, or to a spouse, child, brother, sister or parent residing in the same household of an officer, employee, contractor or subcontractor who is involved in the production, distribution or operation of systems for the validation or accounting of Fast Play games.

14. *Progressive Top Prize Restrictions:*

(a) An amount of \$1.50 from the sale of each Strike It Rich ticket will be accumulated in the Progressive Top Prize pool.

(b) *Prize Amount:* The amount of the Progressive Top Prize at the time a ticket is purchased can only be verified through the Lottery's Central Computer System. Any advertisement or any materials describing the amount of the Progressive Top Prize are only valid as of the time they are posted. If any discrepancy exists between this notice and any material describing or advertising the Strike It Rich game, this notice and the data contained in the Lottery's Central Computer System shall govern.

(c) The Progressive Top Prize and all other prizes are subject to availability at the time of purchase. The Lottery is not responsible for prizes that are not awarded due to technical issues. In the event of a Progressive Top Prize being reset without the actual sale of a Progressive Top Prize winning ticket, all prize money that had accumulated into the Progressive Top Prize pool (i.e. \$1.50 from the sale of each ticket) shall be awarded as part of the next Progressive Top Prize won.

15. *Governing Law:*

(a) By purchasing a ticket, the purchaser agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), this notice, instructions, conditions and final decisions of the Secretary, and procedures established by the Secretary for the conduct of the Fast Play Strike It Rich lottery game.

(b) Decisions made by the Secretary, including the declaration of prizes and the payment thereof, in interpretation of this notice are final and binding on players and persons making a claim in respect thereof.

16. *Retailer Compensation:*

(a) Authorized retailers may be entitled to compensation as determined by the Lottery.

(b) No authorized retailer or employee of an authorized retailer shall request, demand, or accept gratuities or any compensation other than as provided in subsection (a) in exchange for the performance of duties authorized pursuant to the Lottery retailer's license without the Lottery's prior written authorization.

17. *Retailer Incentive Programs:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Fast Play Strike It Rich lottery game tickets.

18. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania Fast Play lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after the Fast Play game ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery Fast Play game ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

19. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Strike It Rich or through normal communications methods.

20. *Applicability:* This notice applies only to the Strike It Rich lottery game announced in this notice.

C. DANIEL HASSELL,
Secretary

[Pa.B. Doc. No. 19-985. Filed for public inspection June 28, 2019, 9:00 a.m.]

DEPARTMENT OF REVENUE

Retail Incentive Program and Related Retailer Incentive Programs and Promotions for Fiscal Year 2019-2020

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), and under Title 4, Amusements, (4 Pa.C.S. §§ 501—505) the Secretary of Revenue hereby provides public notice of the Retail Incentive Program and Related Retailer Incentive Programs and Promotions (collectively referred to as “the Program”) for fiscal year 2019-2020.

This notice describes the Program, including incentives, bonuses, and promotions available to Retailers throughout fiscal year 2019-2020.

1. *Effective Date:* The Retail Incentive Program and related retailer incentive programs and promotions described herein are effective as of July 1, 2019.

2. *Purpose:* The Pennsylvania Lottery (hereinafter referred to as “Lottery”), hereby gives notice of the Retail Incentive Program, as provided for in 4 Pa.C.S. § 504, and of related retailer incentive programs, as provided for in 61 Pa. Code § 803.11 (relating to the powers and duties of the Secretary of Revenue), 61 Pa. Code

§ 819.222(b) (relating to incentives for the sale of instant tickets), 61 Pa. Code § 875.17 (relating to the sale of terminal based tickets), 61 Pa. Code § 874.17 (relating to the sale of raffle lottery games) in order to detail programs planned by the Lottery for the fiscal year beginning July 1, 2019 and ending June 30, 2020. The Retail Incentive Program and the related retailer incentive programs and promotions, as described in this notice were developed to create a comprehensive, compensation package for Lottery Retailers and to reward them for helping the Lottery achieve its goals. Changes or additions to the Retail Incentive Program will be communicated through an amended notice published in the *Pennsylvania Bulletin*. Changes or additions related to the retailer incentive programs and promotions as described in this notice will be communicated through the usual methods of communication.

3. Definitions:

(a) *Agent or Lottery Sales Agent or Retailer*: A person licensed under section 305 of the State Lottery Law. For the purposes of this notice each separate Retail Location with a separate Lottery license shall be considered a separate Retailer in all respects.

(b) *Fiscal Year*: For the purposes of this notice only, the accounting year used by the Lottery beginning on July 1, 2019 and ending on June 30, 2020.

(c) *Lottery or Pennsylvania Lottery*: The Lottery established under the State Lottery Law.

(d) *Traditional Lottery Products*: For the purposes of this notice, traditional lottery products are limited to instant lottery games, terminal-based lottery games, Fast Play games, raffle lottery games and WebCash.

(e) *Retailer in Good Standing*: To be a Retailer in Good Standing, the Retailer must meet all of the following requirements:

(1) Must be an active Retailer permitted to sell Lottery tickets.

(2) Must be an active Retailer on the first day of the Quarter and the last day of the Quarter.

(f) *Secretary*: The Secretary of Revenue of the Commonwealth.

(g) *Standard Retailer Commission*: The amount of compensation provided to Retailers for selling Lottery products, as set forth in the State Lottery Law and the corresponding regulations. The current commission is defined in 61 Pa. Code § 805.10 (relating to compensation).

(h) *State Lottery Law*: The Act of August 26, 1971 (P.L. 351, No. 91), known as the State Lottery Law (72 P.S. §§ 3761-101—3761-314).

(i) *Quarter*: A Quarter is a period of time during the year which consists of three consecutive months and which are consistent with the descriptions below.

(1) First quarter is the period of time beginning on July 1 and ending on September 30.

(2) Second quarter is the period of time beginning on October 1 and ending on December 31.

(3) Third quarter is the period of time beginning on January 1 and ending on March 31.

(4) Fourth quarter is the period of time beginning on April 1 and ending on June 30.

(j) *Retail Location*: Physical location of a Retailer, including a physical address or other designation used by the Lottery to determine the physical location of a Retailer.

4. *Program Goals*: The Lottery seeks to attain the following business goals through the operation of the Program:

(a) *Adoption of Lottery Best Practices*: The Lottery has identified certain best practices as described in section 5, below, and desires to encourage the adoption of these best practices by all Retailers.

(b) *Increasing Retailer Sales*: Traditional Lottery Products can only be sold at physical, Retail Locations and the Lottery desires to award Retailers who increase their sales for the benefit of older Pennsylvanians through the Retail Incentive Program, retailer incentive programs and promotions.

(c) *Encouraging Retailers to Engage in Specific Best Practices*: The Lottery has undertaken to establish the Lottery Best Practices Initiatives as identified in section 9, below, in select Retail Locations throughout the Commonwealth that elect to do so through the Program.

(d) *Rewarding Retailers*: The Lottery has established an aggressive bonus program under the Sales Growth Incentive Program as described in section 8, below, for Retailers who increase their sales proportionately with the overall increase in sales goals the Lottery has established in fiscal year 2019-2020.

5. Lottery Best Practices:

(a) Lottery has identified the following ten best practices that Lottery Retailers are encouraged to adopt and adhere to in order to maximize Lottery sales and player engagement with Traditional Lottery Products at Retail Locations.

(1) *Ask for the Sale*: Retailers can maximize their Traditional Lottery Product sales and player engagement by encouraging customers to buy Traditional Lottery Products.

(2) *Keep Lottery Fresh and Clean*: Retailers can maximize their sales of Traditional Lottery Products and player engagement by maintaining and keeping clean the area of their establishment in which Traditional Lottery Products are sold and displayed.

(3) *Know Lottery Products*: Retailers can maximize their Traditional Lottery Product sales and player engagement by being knowledgeable about the wide variety of Traditional Lottery Products.

(4) *Pay Winning Tickets*: Retailers can maximize their Traditional Lottery Product sales and player engagement by paying winning Lottery tickets of \$2,500, or less, that players present at their Retail Locations.

(5) *Post Winning Tickets*: Retailers can maximize their Traditional Lottery Product sales and player engagement by posting winning tickets sold at their Retail Locations.

(6) *Maintain Inventory*: Retailers can maximize their Traditional Lottery Product sales and player engagement by maintaining their inventory of Traditional Lottery Products, specifically scratch-off tickets, and by introducing new Traditional Lottery Products promptly upon issuance.

(7) *Post Jackpot Amounts*: Retailers can maximize their Traditional Lottery Product sales and player engagement by posting jackpot amounts prominently in places where they are highly visible to customers.

(8) *Make Lottery Visible:* Retailers can maximize their Traditional Lottery Product sales and player engagement by making Traditional Lottery Products easily visible in their Retail Locations.

(9) *Display Indoor Signs:* Retailers can maximize their Traditional Lottery Product sales and player engagement by posting Lottery signs and advertisements inside of their Retail Locations.

(10) *Display Outdoor Signs:* Retailers can maximize their Traditional Lottery Product sales and player engagement by posting Lottery signs and advertisements outside of their Retail Locations.

(b) To meet the goals of the Lottery and to encourage the Lottery Best Practices described in section 5(a), above, the Lottery provides each Retailer with Lottery-owned equipment and advertising materials based upon the individual retail environment.

6. Program Requirements:

(a) Unless otherwise stated in this notice, to participate in the Program, the Retailer must be a Retailer in Good Standing.

(b) The determination of a Retailer's eligibility for participation will be made at the end of each Quarter of the Program for the fiscal year beginning on July 1, 2019 and ending on June 30, 2020.

(1) The determination will be made based on the information in the Lottery's financial accounting system for the Retailer and the status of the Retailer's license as of September 30, 2019 for the first quarter.

(2) The determination will be made based on the information in the Lottery's financial accounting system for the Retailer and the status of the Retailer's license as of December 31, 2019 for the second quarter.

(3) The determination will be made based on the information in the Lottery's financial accounting system for the Retailer and the status of the Retailer's license as of March 31, 2020 for the third quarter.

(4) The determination will be made based on the information in the Lottery's financial accounting system for the Retailer and the status of the Retailer's license as of June 30, 2020 for the fourth quarter.

(c) A Retailer may be eligible to participate in and receive the incentives provided in section 8, below, for each Quarter in which the Retailer satisfies the eligibility requirements of this section and the requirements of section 8.

(d) A Retailer may be eligible to participate in and receive the incentives provided in section 9, below, one time during the Fiscal Year if the Retailer satisfies the eligibility requirements of this section and the requirements of section 9 and is approved for participation.

(e) A Retailer is only eligible for participation in the Program for those Quarters in which the Retailer remains eligible for the entire Quarter. Failure to maintain the requirements of a Retailer in Good Standing for any reason for any Quarter shall preclude the Retailer from receiving any payment or payments that the Retailer would otherwise be entitled to for that Quarter.

(f) The final determination of a Retailer's eligibility will be made by the Secretary, whose judgment will be final and binding.

7. How to Enroll:

(a) Licensed Retailers are automatically enrolled in the Sales Growth Incentive Program as described in section 8, below, and the Quarterly Retailer Incentive Programs as described under section 10 of this notice.

(b) Retailers who do not wish to participate in the Sales Growth Incentive Program must sign a form indicating that the Retailer understands and acknowledges that the Retailer will not receive incentives as described under section 8 of this notice.

(c) Participation in the Lottery Best Practices Initiatives is voluntary on the part of each Retailer and requires the Retailer to opt-in as described in this notice.

(d) Retailers who wish to enroll one or more of the Lottery Best Practices Initiatives are responsible for reading this notice and any Lottery materials advertising the Lottery Best Practices Initiatives to the Lottery through their Lottery Sales Representative or by emailing the Lottery at PALotteryRetailIncentive@pa.gov.

8. *Sales Growth Incentive Program:* Retailers may qualify for a Sales Growth Incentive, in addition to the Standard Retailer Commission, by meeting the requirements of this section.

(a) The Lottery will establish a sales baseline for each Retailer.

(1) For a Retailer existing in fiscal year 2018-2019, the Lottery will establish a sales baseline for each Retailer based on that Retailer's fiscal year 2018-2019 sales for each Quarter that the Retailer is eligible for the Sales Growth Incentive Program under sections 6 and 7 of this notice.

(2) If the Retail Location was not licensed as a Retailer in fiscal year 2018-2019, the Lottery will establish a sales baseline for that Retailer for each Quarter that the Retailer is eligible for the Sales Growth Incentive Program under sections 6 and 7 of this notice. The Lottery may consider any relevant factors to determine the sales baseline.

(3) If the Retailer was not a licensed Retailer for the entirety of any Quarter in fiscal year 2018-2019, the Lottery will establish a sales baseline for that Retailer for the corresponding Quarter based on sales at the Retail Location for the same Quarter in fiscal year 2018-2019.

(b) Sales baseline figures may account for periods in which the Retailer did not have Traditional Lottery Product sales but met the definition of Retailer in Good Standing.

(c) Each Retailer shall be provided with their sales baseline figures and sales goals by the Lottery in writing.

(d) A Retailer who exceeds their prior year sales figure by at least 4%, but not more than 7.99%, for any Quarter in the Fiscal Year to which this notice applies, shall be awarded an additional 0.75% incentive above the Standard Retailer Commission. For example, assuming that the Retailer has met all other requirements of this notice, a Retailer with a sales baseline of \$100,000 for a Quarter, who raises their sales by 4% to \$104,000, shall be entitled to the Sales Growth Incentive of 0.75% in addition to the Standard Retailer Commission and will be entitled to a Sales Growth Incentive payment of \$780. With the Standard Retailer Commission of \$5,200 on sales of \$104,000, the Retailer would receive a total payment of \$5,980 for that Quarter.

(e) A Retailer who exceeds their sales baseline figure for any Quarter by at least 8% shall be awarded an

additional 1.50% incentive above the Standard Retailer Commission. For example, assuming that the Retailer has met all other requirements of this notice, a Retailer with a sales baseline of \$100,000 for a Quarter, who raises their sales by 8% to \$108,000, shall be entitled to a 1.50% incentive in addition to the Standard Retailer Commission and will be entitled to Sales Growth Incentive payment of \$1,620. With the Standard Retailer Commission of \$5,400 on sales of \$108,000, the Retailer would receive a total payment of \$7,020 for that Quarter.

(f) A Retailer shall not receive an incentive above 1.50% for any Quarter under section 8 of this notice.

9. *Lottery Best Practices Initiatives:*

(a) *Qualifying Retailers:* In order to participate in one or more of the Lottery Best Practices Initiatives as described below, the Retailer must meet the eligibility requirements as set forth in section 6 of this notice. Only Retailers who agree to participate and are approved by the Lottery shall be eligible for the Lottery Best Practices Initiatives. Retailers that are engaging in the best practices or who have already received Lottery-owned equipment or materials listed below are not eligible to participate in the applicable initiatives unless they are increasing their level of engagement relative to a specific initiative.

(b) *Levels of Participation:* Consistent with the Lottery's objectives, qualifying Retailers will fall into one of four levels for participation in the Lottery Best Practices Initiatives, as follows:

(1) *Level 1 Retailer:* A Retailer that has a Quarterly average of \$125,000 or more in sales of Traditional Lottery Products for the fiscal year beginning on July 1, 2018 and ending on June 30, 2019.

(2) *Level 2 Retailer:* A Retailer that has a Quarterly average between \$120,000 and \$124,999 in sales of Traditional Lottery Products for the fiscal year beginning on July 1, 2018 and ending on June 30, 2019.

(3) *Level 3 Retailer:* A Retailer that has a Quarterly average of less than \$120,000 in sales of Traditional Lottery Products for the fiscal year beginning on July 1, 2018 and ending on June 30, 2019.

(4) *Level 4 Retailer:* A Retailer that meets all of the following criteria:

(i) The prospective Retailer submitted a complete application to become a Lottery Retailer during fiscal year 2019-2020, in addition to any other forms and agreements that must be completed by prospective Retailers.

(ii) The proposed Retail Location was not a licensed Retailer in fiscal year 2018-2019.

(iii) The application is approved by the Lottery in fiscal year 2019-2020.

(c) *Enrollment in the Lottery Best Practices Initiatives:* A Retailer who wants to participate in one or more of the Lottery Best Practices Initiatives must opt-in by March 1, 2020.

(d) *Schedule for Delivery of Materials and Equipment:* For each Retailer that has opted-in to one or more of the Lottery Best Practices Initiatives and has been approved for participation, the Lottery will determine when the materials or Lottery-owned equipment, as applicable, for each of the Lottery Best Practices Initiatives will be delivered. Delivery and installation dates will be scheduled at the Lottery's discretion.

(e) *Lottery Best Practices Initiatives:*

(1) The following Lottery Best Practices Initiatives are available to Level 1 Retailers upon approval for participation by the Lottery:

(i) *Increased Counter Facings Initiative:*

(A) Level 1 Retailers are required to increase their counter facings by 12 and agree to maintain the display in such a way as to prevent anything from impeding the view of the increased facings.

(B) Level 1 Retailers are eligible to receive a one-time payment of \$500 following agreement and approval to participate in the Increased Counter Facings Initiative for Level 1 Retailers.

(ii) *Designated Lottery Space Initiative:*

(A) Level 1 Retailers that agree to participate in the Designated Lottery Space Initiative must create and maintain a physical location within the Retail Location designated for customers to play the lottery and agree to install and maintain the Lottery-owned equipment.

(B) Level 1 Retailers are eligible to receive a one-time payment of \$350 following agreement and approval to participate in the Designated Lottery Space Initiative for Level 1 Retailers.

(iii) *Winner Awareness Area Initiative:*

(A) Level 1 Retailers that agree to participate in the Winner Awareness Area Initiative must create and maintain a physical location within the Retail Location, of a minimum of 6 square feet, designated to display winning tickets paid by the Retailer and must update the area with tickets paid by the Retailer on a monthly basis.

(B) The Lottery will provide the Retailer with the materials necessary to display winning tickets.

(C) Level 1 Retailers are eligible to receive a one-time payment of \$350 following agreement and approval to participate in the Winner Awareness Initiative for Level 1 Retailers.

(iv) *Signage Initiative:*

(A) Level 1 Retailers that agree to participate in the Signage Initiative must increase and maintain the amount of Lottery provided indoor and outdoor signage displayed at the Retail Location above the amount the Retailer displays prior to agreeing to participate in the Signage Initiative.

(B) Level 1 Retailers are eligible to receive a one-time payment of \$350 following agreement and approval to participate in the Signage Initiative for Level 1 Retailers.

(v) *Second-Chance Drawing Initiative:*

(A) A Level 1 Retailer that agrees to participate in the Second-Chance Drawing Initiative must conduct a Second-Chance Drawing during the Fiscal Year.

(B) To conduct a Second-Chance Drawing, Level 1 Retailers must conduct a drawing for Lottery players in which they randomly select one or more winners. The Retailer shall receive at least \$100 worth of Lottery coupons or promotional tickets to support the drawing.

(C) Level 1 Retailers that agree to participate in the Second-Chance Drawing Initiative must also supply a prize, not otherwise prohibited by law that matches or exceeds the monetary value of the Lottery coupons or promotional tickets provided to support the drawing. The

prize supplied by the Retailer may be made using money, merchandise or any other item of value provided by the Retailer.

(D) Level 1 Retailers are eligible to receive the Lottery coupons or promotional tickets following agreement and approval to participate in the Second-Chance Drawing Initiative for Level 1 Retailers.

(E) Level 1 Retailers that participate in the Second-Chance Drawing Initiative are responsible for developing and communicating the rules for the Second-Chance Drawings conducted by the Retailer. Retailers who participate in the Second-Chance Drawing Initiative are responsible for implementing and adhering to the rules that they develop for the Second-Chance Drawings they conduct. The Lottery does not administer and is not responsible for the conduct or the outcome of the Second-Chance Drawings as described in this notice.

(F) The Lottery will only support one Second-Chance Drawing for each qualifying and approved Level 1 Retailer.

(vi) *All-In Initiative:*

(A) Level 1 Retailers that agree to participate in the All-In Initiative must conduct each of the Lottery Best Practices Initiatives as described in section 9(e)(1)(i)—(v) for Level 1 Retailers.

(B) Level 1 Retailers are eligible to receive a one-time payment of \$1,550 as well as the Lottery coupons or promotional tickets used to support the Second-Chance Drawing Initiative, following agreement and approval to participate in the All-In Initiative for Level 1 Retailers.

(2) The following Lottery Best Practices Initiatives are available to Level 2 Retailers upon approval for participation by the Lottery:

(i) *Increased Counter Facings Initiative:*

(A) Level 2 Retailers are required to increase their counter facings by eight and agree to maintain the display in such a way as to prevent anything from impeding the view of the increased facings.

(B) Level 2 Retailers are eligible to receive a one-time payment of \$200 following agreement and approval to participate in the Increased Counter Facings Initiative for Level 2 Retailers.

(ii) *Designated Lottery Space Initiative:*

(A) Level 2 Retailers that agree to participate in the Designated Lottery Space Initiative must create and maintain a physical location within the Retail Location designated for customers to play the lottery and to agree to install and maintain the Lottery-owned equipment.

(B) Level 2 Retailers are eligible to receive a one-time payment of \$100 following agreement and approval to participate in the Designated Lottery Space Initiative for Level 2 Retailers.

(iii) *Winner Awareness Area Initiative:*

(A) Level 2 Retailers that agree to participate in the Winner Awareness Area Initiative must create and maintain a physical location within the Retail Location, of a minimum of 6 square feet, designated to display winning tickets paid by the Retailer, and must update the area with tickets paid by the Retailer on a monthly basis.

(B) The Lottery will provide the Retailer with the materials necessary to display winning tickets.

(C) Level 2 Retailers are eligible to receive a one-time payment of \$100 following agreement and approval to participate in the Winner Awareness Initiative for Level 2 Retailers.

(iv) *Second-Chance Drawing Initiative:*

(A) Level 2 Retailers that agree to participate in the Second-Chance Drawing Initiative must conduct a Second-Chance Drawing during the Fiscal Year.

(B) To conduct a Second-Chance Drawing, Level 2 Retailers must conduct a drawing for Lottery players in which they randomly select one or more winners. The Retailer shall receive at least \$100 worth of Lottery coupons or promotional tickets to support the drawing.

(C) Level 2 Retailers that agree to participate in the Second-Chance Drawing Initiative must also supply a prize, not otherwise prohibited by law that matches or exceeds the monetary value of the Lottery coupons or promotional tickets provided to support the drawing. The prize supplied by the Retailer may be made using money, merchandise or any other item of value provided by the Retailer.

(D) Level 2 Retailers are eligible to receive the Lottery coupons or promotional tickets following agreement and approval to participate in the Second-Chance Drawing Initiative for Level 2 Retailers.

(E) Level 2 Retailers who participate in the Second-Chance Drawing Initiative are responsible for developing and communicating the rules for the Second-Chance Drawings conducted by the Retailer. Retailers who participate in the Second-Chance Drawing Initiative are responsible for implementing and adhering to the rules that they develop for the Second-Chance Drawings they conduct. The Lottery does not administer and is not responsible for the conduct or the outcome of the Second-Chance Drawings as described in this notice.

(F) The Lottery will only support one Second-Chance Drawing for each qualifying and approved Level 2 Retailer.

(v) *All-In Initiative:*

(A) Level 2 Retailers that agree to participate in the All-In Initiative must conduct the Lottery Best Practices Initiatives as described in section 9(e)(2)(i)—(iv) for Level 2 Retailers.

(B) Level 2 Retailers are eligible to receive a one-time payment of \$400 as well as the Lottery coupons or promotional tickets used to support the Second-Chance Drawing Initiative, following agreement and approval to participate in the All-In Initiative for Level 2 Retailers.

(3) The following Lottery Best Practices Initiatives are available to Level 3 Retailers upon approval by the Lottery:

(i) *Ask for the Sale Initiative:*

(A) A Level 3 Retailer that agrees to participate in the Ask for the Sale Initiative must conduct an Ask for the Sale promotion at the Retail Location once during the Fiscal Year.

(B) To conduct an Ask for the Sale promotion, the Level 3 Retailer must agree to ask every customer to purchase a Lottery ticket during the agreed upon time frame and must display Lottery provided materials advertising the promotion.

(C) Level 3 Retailers shall receive up to \$100 worth of Lottery coupons or promotional tickets to support the

promotion by awarding any player not asked to purchase a Lottery ticket, a Lottery coupon or promotional ticket.

(D) Level 3 Retailers who opt-in to the Second-Chance Drawing Initiative as described in section 9(e)(3) are not eligible for the Ask for the Sale Initiative.

(ii) *Second-Chance Drawing Initiative:*

(A) Level 3 Retailers that agree to participate in the Second-Chance Drawing Initiative must conduct a Second-Chance Drawing during the Fiscal Year.

(B) To conduct a Second-Chance Drawing, Retailers must conduct a drawing for Lottery players in which they randomly select one or more winners. The Retailer shall receive at least \$100 worth of Lottery coupons or promotional tickets to support the drawing.

(C) Level 3 Retailers are eligible to receive Lottery coupons or promotional tickets following agreement and approval to participate in the Second-Chance Drawing Initiative for Level 3 Retailers.

(D) Level 3 Retailers who participate in the Second-Chance Drawing Initiative are responsible for developing and communicating the rules for the Second-Chance Drawings conducted by the Retailer. Retailers who participate in the Second-Chance Drawing Initiative are responsible for implementing and adhering to the rules that they develop for the Second-Chance Drawings they conduct. The Lottery does not administer and is not responsible for the conduct or the outcome of the Second-Chance Drawings as described in this notice.

(E) Level 3 Retailers are not eligible to participate in the Second-Chance Drawing Initiative if the same Retailer opted-in and was approved for the Ask for the Sale Initiative as described in this notice.

(F) The Lottery will only support one Second-Chance Drawing for each qualifying and approved Level 3 Retailer.

(4) Level 4 Retailers are eligible for the Prospective Social Environment Retail Recruitment Initiative as described below, upon approval of the Lottery:

(i) Level 4 Retailers that agree to participate in the Prospective Social Environment Retail Recruitment Initiative must meet the requirements of a Level 4 Retailer as described in section 9(b)(4).

(ii) Level 4 Retailers that agree to participate in the Prospective Social Environment Retail Recruitment Initiative must agree to the installation of Lottery-owned equipment, as recommended by the Lottery for the specific Retail Location. Required Lottery-owned equipment includes, but is not limited to, at least two monitors for the display of certain terminal-based Lottery games, commonly referred to as monitor games.

(iii) Level 4 Retailers that agree to participate in the Prospective Social Environment Retail Recruitment Initiative must be a Retailer in Good Standing for 6 months following the installation of the Lottery-owned equipment.

(iv) Level 4 Retailers that agree to participate in the Prospective Social Environment Retail Recruitment Initiative must keep the Lottery-owned equipment installed and operational for 6 months following the installation of the Lottery-owned equipment.

(v) Level 4 Retailers are eligible to receive a one-time payment of \$500 for each monitor installed, following agreement and approval to participate in the Prospective Social Environment Retail Recruitment Initiative.

(vi) All Lottery-owned equipment to be installed shall be determined by the Lottery. Level 4 Retailers may request certain equipment be placed in their Retail Location. The ultimate decision as to the type of Lottery-owned equipment, number of monitors, and the like, that will be placed in a Retail Location is at the sole discretion of the Lottery.

(vii) Level 4 Retailers who agree to participate in the Prospective Social Environment Retail Recruitment Initiative must acknowledge and agree to the terms of the Prospective Social Environment Retail Recruitment Initiative. The Lottery is authorized to deduct \$500 for each monitor installed from the Retailer's bank account as part of the Retailer's weekly settlement process if the Retailer fails to have the Lottery-owned equipment installed and operational for a period of 6 months from the date of installation or if the Retailer fails to maintain its status as a Retailer in Good Standing.

(f) Level 2 Retailers that have opted-in to one or more of the Lottery Best Practices Initiatives, that have been approved for participation, and that reach an average of \$125,000 in sales for any Quarter during the Fiscal Year shall be entitled to the same cash payment, if any, associated with the specific Lottery Best Practices Initiatives participated in by the Retailer.

(g) If a Level 3 Retailer reaches the thresholds of either a Level 1 Retailer or a Level 2 Retailer in Traditional Lottery Product sales for either the first or second quarter during the Fiscal Year, the Retailer may apply for the respective Lottery Best Practices Initiatives for the newly achieved Retailer level. If approved by the Lottery for participation in the specific Lottery Best Practices Initiatives, the Retailer shall be entitled to the same cash payment, if any, associated with the specific Lottery Best Practices Initiatives participated in by the Retailer.

10. *Quarterly Retailer Incentive Promotions:*

(a) The Lottery will conduct Quarterly incentive promotions that provide Retailers with an opportunity to earn a reward by conducting various promotions related to the sale of Traditional Lottery Products.

(b) The Lottery will advise Retailers of the Quarterly incentive promotions through Lottery sales-terminal messages, information provided by Lottery Sales Representatives and information provided on the Retailer's Corner of the Lottery website, <https://www.palottery.state.pa.us/About-PA-Lottery/For-Retailers.aspx>.

(c) The rewards to Retailers issued through the Quarterly incentive promotions may include, but are not limited to, bonus commissions and entries into drawings.

11. *Funds for the Retail Incentive Program:* For fiscal year 2019-2020, the Pennsylvania Lottery caps expenditures of the Sales Growth Incentive Program as described in section 8, above, the Lottery Best Practices Initiatives as described in section 9, above, and the Quarterly Retailer Incentive Promotions as described in section 10, above, to the statutory requirement of 0.5% of the sale of Traditional Lottery Products at Retail Locations within fiscal year 2019-2020 as required pursuant to 4 Pa.C.S. § 504(b).

12. *Nonlapse:* Amounts remaining in the Retail Incentive Program at the end of the Fiscal Year shall not lapse, but shall be used to fund retail sales initiatives including, but not limited to, new equipment, signage, training, coupons, consumer and agent in-store promotions and

sales makeovers that are designed to improve in-store merchandising, foot traffic and sales as determined by the Lottery.

13. *Retail Incentive Programs and Promotions:*

(a) The Pennsylvania Lottery is authorized to offer retailer incentive programs and promotions pursuant to 61 Pa. Code § 811.41. Any expenditures for the Program incurred by the Lottery that exceed the limit set forth at 4 Pa.C.S. § 504(b) in section 11, above, will be attributed to retailer incentive programs and promotions authorized pursuant to 61 Pa. Code § 811.41.

(b) The Retail Incentive Program will run concurrently and in conjunction with the retailer incentive programs and promotions described in this notice.

14. *Payments:* Payments due to Retailers pursuant to the requirements of the Retail Incentive Program and the related retailer incentive programs and promotions described in this notice will be credited to the Retailer's bank account on file with the Lottery at a time determined by the Lottery.

15. *Applicability:* This notice applies only to the Retail Incentive Program for the fiscal year beginning on July 1, 2019 and ending on June 30, 2020 and the related retailer incentive programs and promotions described in this notice. Additional related retailer incentive programs and promotions may be conducted throughout the Fiscal Year pursuant to the State Lottery Law and corresponding regulations and will be communicated through normal methods of communication.

C. DANIEL HASSELL,
Secretary

[Pa.B. Doc. No. 19-986. Filed for public inspection June 28, 2019, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Application for Lease of Right-of-Way

Under 67 Pa. Code § 495.4(d) (relating to application procedure), an application to lease highway right-of-way has been submitted to the Department of Transportation by Gabelsville Athletic Association, 2 Funk Road, Boyertown, PA 19512 seeking to lease highway right-of-way located at Lee Mecherly Baseball Field, Colebrookdale Township, Berks County, 2,013 square feet, adjacent to State Route 73, for the purpose of guide rail installation.

Interested persons are invited to submit, within 30 days from the publication of this notice in the *Pennsylvania Bulletin*, written comments, suggestions or objections regarding the approval of this application to Michael W. Rebert, PE, District Executive, Engineering District 5-0, 1002 Hamilton Street, Allentown, PA 18101.

Questions regarding this application or the proposed use may be directed to Bruce Kern, District Property Manager, 1002 Hamilton Street, Allentown, PA 18101, (610) 871-4179.

LESLIE S. RICHARDS,
Secretary

[Pa.B. Doc. No. 19-987. Filed for public inspection June 28, 2019, 9:00 a.m.]

GAME COMMISSION

Chronic Wasting Disease—Designation of Disease Management Areas and Endemic States and Canadian Provinces Order # 7

Executive Order

Whereas, Chronic Wasting Disease (CWD) is an infectious and progressive neurological disease that is found in, and always proves fatal to, members of the family Cervidae (deer, elk or moose, and other susceptible species, collectively called cervids); and

Whereas, There are no known treatments for CWD infection, no vaccines to protect against CWD infection, and no approved tests that can detect the presence of CWD in live cervids; and

Whereas, CWD is designated as a “dangerous transmissible disease” of animals by order of the Secretary of Agriculture under 3 Pa.C.S. § 2321(d) (relating to dangerous transmissible diseases); and

Whereas, The Game and Wildlife Code (Code) (34 Pa.C.S. §§ 101 et seq.) and regulations promulgated thereunder (58 Pa. Code §§ 131.1 et seq.) collectively provide broad authority to the PGC to regulate activities relating to the protection, preservation, and management of game and wildlife, including cervids; and

Whereas, On March 28, 2017 (effective May 16, 2017), the Commission added 58 Pa. Code § 137.35 (relating to Chronic Wasting Disease Restrictions) to give more permanent status and structure to the CWD requirements and restrictions previously established and maintained over the prior decade by and through executive orders; and

Whereas, Section 137.35(d) provides the Executive Director with the authority to designate CWD Disease Management Areas (DMAs) within this Commonwealth; and

Whereas, Section 137.35(d) also provides the Executive Director with the authority to designate CWD-endemic States or Canadian Provinces; and

Whereas, Previous executive orders concerning designation of CWD DMAs and CWD-endemic States and Canadian Provinces within this Commonwealth were issued by the Commission on June 1, 2017, July 24, 2017, October 6, 2017, February 16, 2018, May 21, 2018 and October 22, 2018; and

Whereas, The Commission has determined that further designation of CWD DMAs and CWD-endemic States and Canadian Provinces is required to implement necessary updates to the Commission's CWD program.

Now Therefore, I, BRYAN J. BURHANS, Executive Director of the Pennsylvania Game Commission, pursuant to the authority vested in me by the Code and regulations promulgated thereunder, do hereby order and direct the following:

1. DMAs within this Commonwealth are designated as set forth below. These DMAs are more graphically illustrated on the maps titled “DMA2,” “DMA3” and “DMA4” attached hereto and incorporated by reference herein. Should any conflict exist between the below-listed written boundaries and maps of DMA 2, DMA3 and DMA4, the written descriptions shall prevail.

a. *DMA1*: Eliminated.

b. *DMA2*: Adams, Bedford, Blair, Cambria, Centre, Clearfield, Cumberland, Franklin, Fulton, Huntingdon, Indiana, Juniata, Mifflin, Perry, Snyder, Somerset, and Westmoreland counties bounded and described as follows: Beginning in the Southeastern extent of the DMA at the intersection of Taneytown Road (State Highway 134) and the Maryland State Line, proceed north on Highway 134 for approximately 7.4 miles to the intersection of Steinwehr Avenue in Gettysburg. Follow right on Steinwehr Avenue to Baltimore Street. Follow left on Baltimore Street through downtown Gettysburg. Proceed halfway around the traffic circle at the square unto Carlisle Street (State Highway 34). Proceed north on State Highway 34 for 27.3 mile to Interstate 81. Go east on Interstate 81 for 18.6 miles to the Susquehanna River. The boundary follows the Susquehanna River north for 48.5 miles to State Highway 61 at Shamokin Dam. Follow State Highway 61 west for .4 mile to US 11/15. Proceed west on US 11/15 for 3.3 miles to US Highway 522. Follow US Highway 522 west for 41.5 miles to US Highway 322 in Lewistown. Go north on US Highway 322 for 5.2 miles to State Highway 655 near Reedsville. Proceed west on State Highway 655 for 8.1 miles to State Highway 305 in Belleville. Go north on State Highway 305 for 10.2 miles to State Highway 26 at McAlveys Fort. Continue north on State Highway 26 for 9.4 miles to State Highway 45 at Pine Grove Mills. Proceed south on State Highway 45 for 11.8 miles to State Highway 350 at Seven Stars. Continue north on State Highway 350 for 7 miles to Interstate 99 near Bald Eagle. South on Interstate 99 for 4.9 miles to State Highway 453 near Tyrone then north along State Highway 453 for 20.5 miles to intersection of State Highway 253. Follow State Highway 253 south for 8.1 miles to State Highway 53 in Van Ormer. The DMA continues on State Highway 53 south for 1.7 miles to Marina Road. At Marina Road the boundary follows for 5.5 miles to the intersection of Glendale Lake Road. Continue left on Glendale Lake Road and in 3 miles join onto State Highway 36. The DMA boundary follows State Highway 36 west into the town of Patton and then straight onto Magee Avenue to the intersection of 5th Avenue. Continue south on 5th Avenue for about .3 miles where the road becomes Mellon Avenue. Continue on Mellon Avenue for .4 miles where the road becomes Carroll Road once in East Carroll Township. The boundary continues south on Carroll Road for 3.7 miles to US Highway 219 in Carrolltown. Proceed south on US Highway 219 for 10.8 miles to US Highway 22 near Ebensburg; west on US Highway 22 for 15.1 miles to State Highway 56 at Armaugh. Proceed south on State Highway 56 for 3 miles to State Highway 711 at Seward. Follow State Highway 711 for 18.6 miles to US Highway 30 in Ligonier. Continue on US Highway 30 east for 14.5 miles to US Highway 219. Finally, south along State Highway 219 for 19.8 miles to the Maryland border at the place of beginning.

c. *DMA3*: Armstrong, Cambria, Clarion, Clearfield, Indiana and Jefferson counties bounded and described as follows: Beginning at the southwestern corner at the intersection of state highways 403 and 286 in the town of Clymer, proceed north on State Highway 403 for 8.5 Miles to US 119 in Marion Center. Follow US 119 north for 4.2 miles to West Creek Road. Continue north on West Creek Road for 4 miles to State Highway 210; north on State Highway 210 for 1.6 miles to Miller Road at Trade City; north on Miller Road for 3.5 miles to Number Eight Rd in Hamilton; west on Number Eight Road for .2 miles to SR 3011 Hamilton Markton Road. Proceed north on Hamilton

Markton Road for 2.7 miles to State Highway 536; west on State Highway 536 for 13.3 miles to State Highway 28; north on State Highway 28 for 7.4 miles to State Highway 949 in Summerville. North on State Highway 949 for 4.2 miles to US 322 in the town of Corsica. Proceed west on US 322 for 0.3 Miles to State Highway 949; north on State Highway 949 for 23.4 Miles to SR 4005, Richardsville Road in Green Briar; south on Richardsville Road for 2 Miles to Game School Road; proceed south on Game School Road 7.4 Miles south to State Highway 28 in Sugar Hill. Proceed east on State Highway 28 for 2.8 miles to US 219 in Brockway. Go south on US 219 for 7.5 miles to Interstate 80; east on I-80 for 26.4 miles to State Highway 970. Proceed south on State Highway 970 for 1.5 miles to US 322 near Woodland; west on US 322 for .7 miles to Main Street in Mineral Springs; Main Street for .1 mile to Hogback Hill. Proceed south on Hogback Hill/Valley Road for 3 miles to State Highway 153. Go south on State Highway 153 for 5 miles to Sanborn Road; west on Sanborn Road for 2.5 miles to Faunce Road. Continue west on Faunce Road for 3 miles to Zion Road. Proceed south on Zion Road for 4.5 miles to Douglas Road. West on Douglas Road for .3 miles to Old Station Road. Continue west on Old Station Road for 2.4 miles to State Highway 729. State Highway 729 for .9 miles to State Route 3016, Marron Road, then west on Marron Road for 2.7 miles to State Route 3005, Cherry Corner Road. Go west on Cherry Corner Rd for 0.3 miles to State Route 3016, La Jose Rd. Go south on La Jose Rd. for 3.6 miles to State Highway 36. Head south on State Highway 36 for 8.8 miles to Sylvis Road. Travel west on Sylvis Road for 5.8 miles to US 219 near Cherry Tree. Head south on US 219 through Cherry Tree for 2.4 miles to State Highway 240. Go west on State Highway 240 for 8.5 miles to State Highway 286. Proceed west on State Highway 286 for 4.9 miles to State Highway 403 in Clymer at the place of beginning.

d. *DMA4*: Lancaster, Lebanon and Berks counties, bounded and described as follows: Beginning in the northwestern extent of the DMA in the city of Lebanon at the intersection of State Routes 897 and US 422 proceed easterly on US 422 for 12.3 miles to the intersection with State Route 419. Turn left on SR 419 and proceed northerly for 2.3 miles to the intersection with Christmas Village Rd. (4010). Turn right, proceeding easterly on Christmas Village Rd. for 5.1 miles to the intersection with North Heidelberg Rd. (3033). Turn left on North Heidelberg Rd., proceeding northeasterly for .6 miles to the intersection with State Route 183. Turn right on SR 183, proceeding southeasterly for 7.7 miles to the intersection with US 222. Turn right on US 222 proceeding southwesterly for 3.2 miles to the interchange with US Route 422 Bypass. Proceed on US 422 Bypass for 2.4 miles to intersection with Business Route 222E (Lancaster Ave.). Proceed southerly on Business 222E for .6 miles to the intersection with State Route 625. Turn left onto SR 625 and proceed southerly for 16.7 miles to the intersection with Route 23. Turn right on Route 23, proceeding westerly for 9.7 miles to intersection with State Route 772 (Glenbrook Rd.). Turn right on SR 772, proceeding northwesterly for 9.3 miles to the intersection with State Route 501 (Furnace Hills Pike). Turn right on SR 501, proceeding northerly for 5 miles to the intersection with US 322 (West 28th Division Highway). Turn left on US 322, proceeding westerly for 1.3 miles to intersection with the PA Turnpike (US 76). Turn right on US 76, proceeding easterly for .7 miles to the western boundary of Pennsylvania State Game Land 46. Proceed northerly then easterly for 1.2 miles along the game land boundary to the intersection with State Route 501 (Furnace Hills

Pike). Turn left on SR 501, proceeding northerly for 4.1 miles to the intersection with State Route 419. Turn left, proceeding westerly for .1 miles to the intersection with State Route 897 (South 5th Street). Turn right on SR 897, proceeding northwesterly for 6.2 miles to the starting point at the intersection of SR 897 and US 422 at the place of beginning.

2. CWD-endemic States or Canadian Provinces are designated to include the following specific States and Canadian Provinces: Alberta, Arkansas, Colorado, Illinois, Iowa, Kansas, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Mexico, New York, North Dakota, Ohio, Oklahoma, Quebec, Saskatchewan, South Dakota, Tennessee, Texas, Utah, Virginia, West Virginia, Wisconsin, and Wyoming. These CWD-endemic States and Canadian Provinces are more graphically illustrated on the map titled “CWD Endemic States and Canadian Provinces” attached hereto and incorpo-

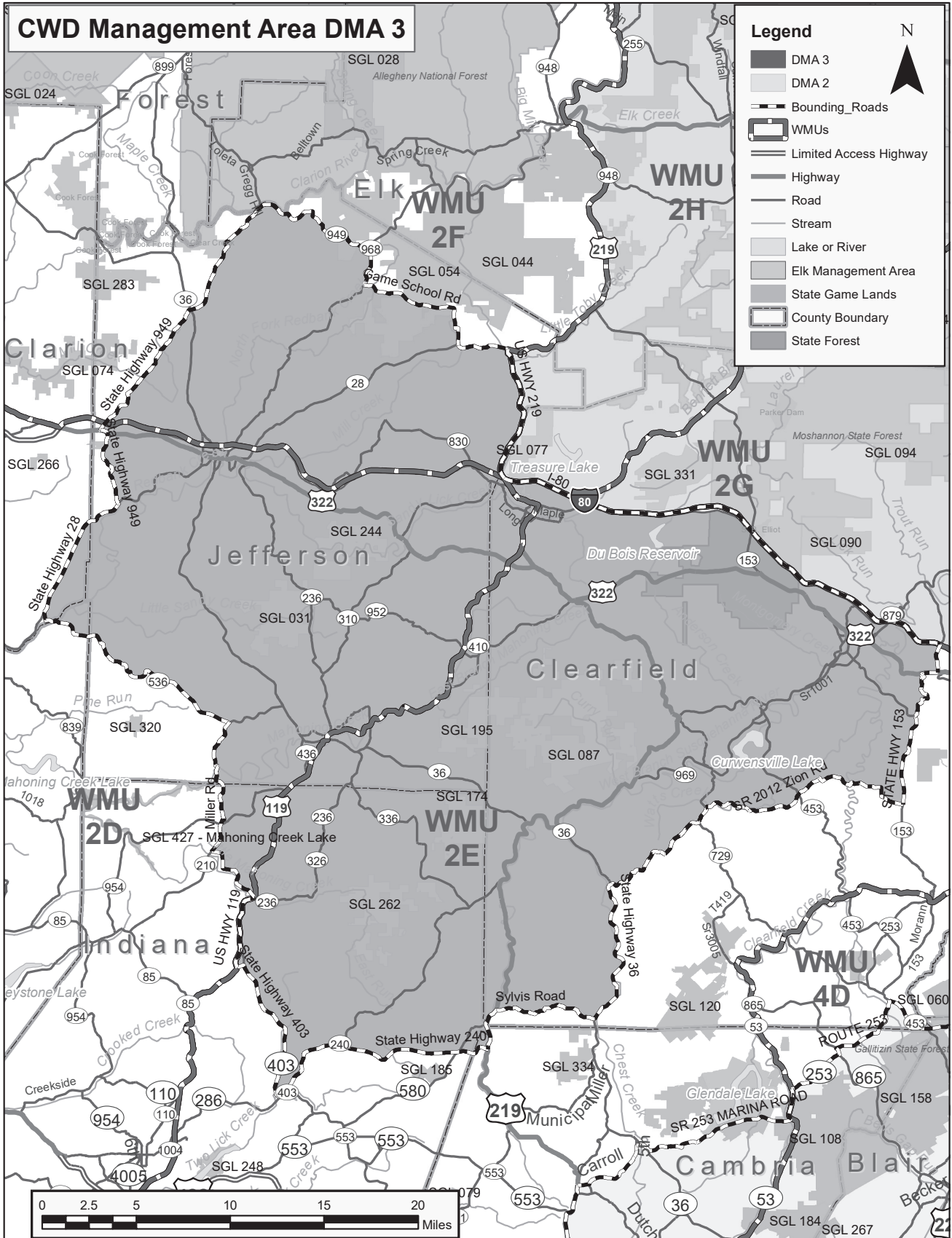
rated by reference herein. Should any conflict exist between the above-listed CWD-endemic States and Canadian Provinces and the “CWD Endemic States and Canadian Provinces” map, the written listing shall prevail.

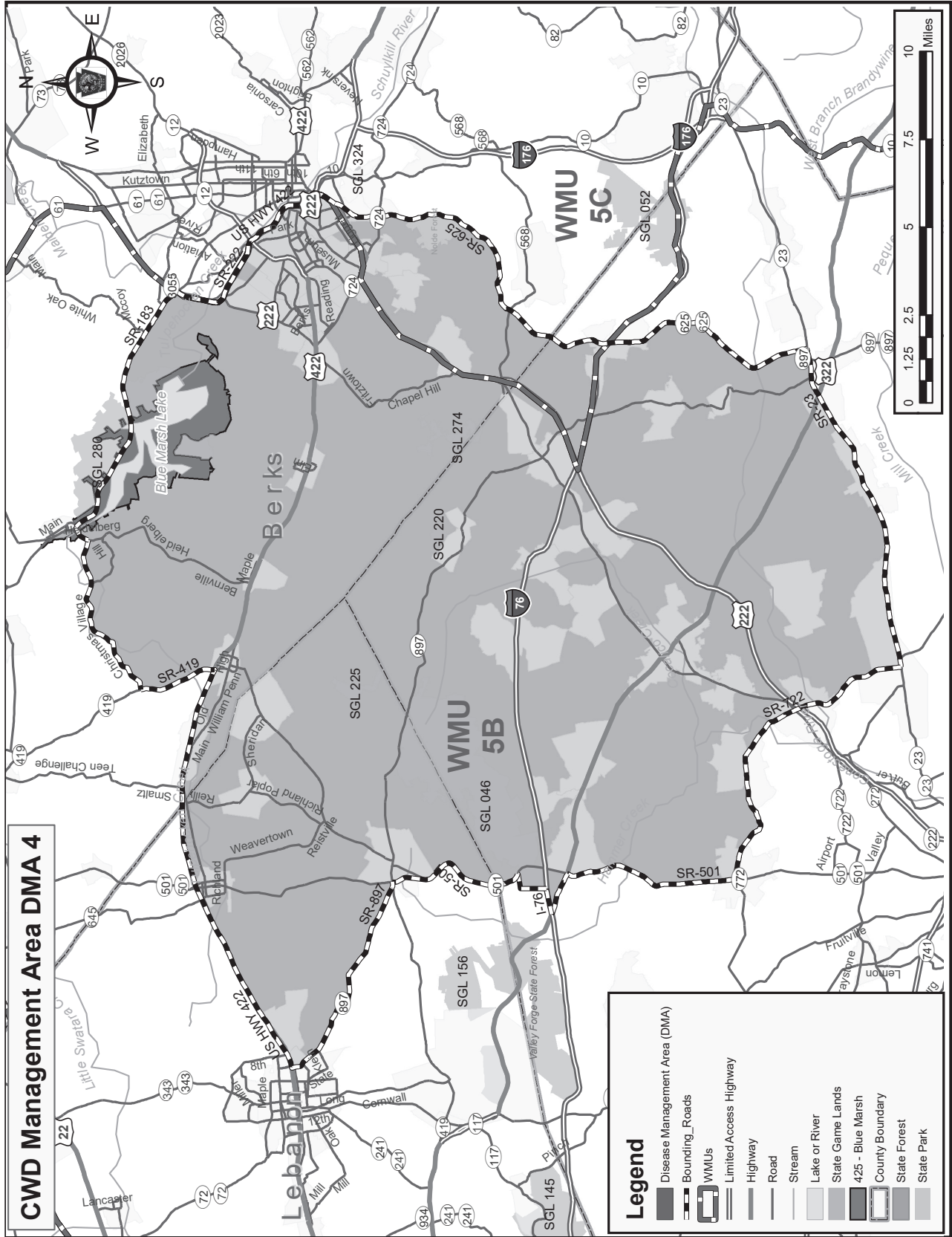
3. The previous executive order concerning designation of CWD DMAs and CWD-endemic States and Canadian Provinces within this Commonwealth that was issued by the Commission on October 22, 2018 and published in the *Pennsylvania Bulletin* on November 3, 2018 at 48 Pa.B. 7079 is hereby rescinded in its entirety and replaced by this Order.

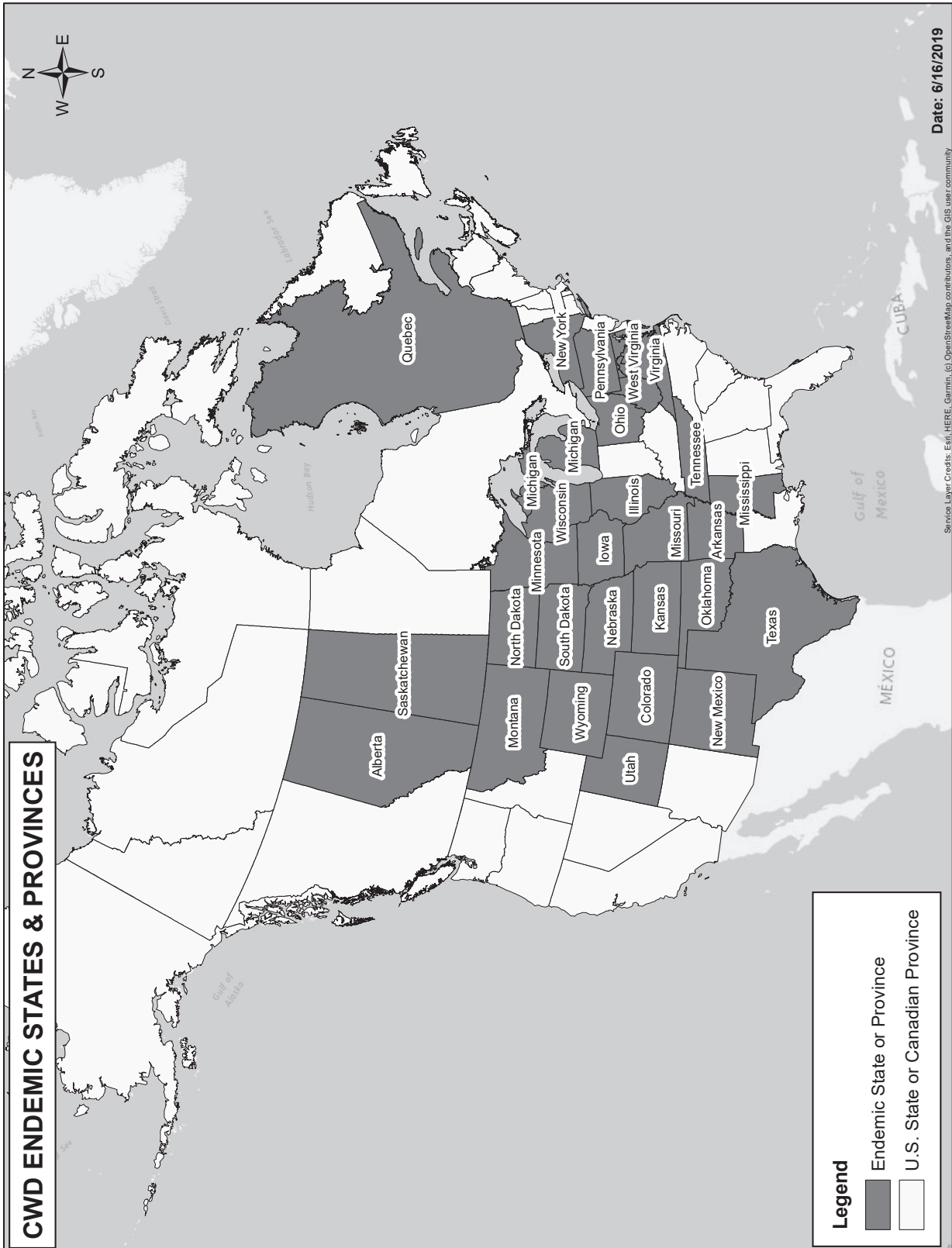
4. This Order is effective immediately and shall remain in effect until rescinded or modified by subsequent order.

Given under my hand and seal of the Pennsylvania Game Commission on this 17th day of June, 2019.

BRYAN J. BURHANS,
Executive Director







[Pa.B. Doc. No. 19-988. Filed for public inspection June 28, 2019, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P.S. § 745.5(g)) provides that the Independent Regulatory Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b).

The Commission has issued comments on the following proposed regulations. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
7-533	Environmental Quality Board Water Quality Management and National Pollution Discharge Elimination System Permit Application and Annual Fees 49 Pa.B. 1518 (March 30, 2019)	5/14/19	6/13/19
6-340	Professional Standards and Practices Commission Code of Professional Practice and Conduct for Educators 49 Pa.B. 1905 (April 20, 2019)	5/20/19	6/19/19

Environmental Quality Board Regulation # 7-533 (IRRC # 3227)

Water Quality Management and National Pollution Discharge Elimination System Permit Application and Annual Fees

June 13, 2019

We submit for your consideration the following comments on the proposed rulemaking published in the March 30, 2019 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (RRA) (71 P.S. § 745.5a(a)) directs the Environmental Quality Board (EQB) to respond to all comments received from us or any other source.

1. Comments, objections or recommendations of a committee.

This proposed rulemaking would increase fees for Water Quality Management (WQM) permit applications and National Pollutant Discharge Elimination System (NPDES) permit applications and annual fees. Provisions have been added that require the Department of Environmental Protection (DEP) to adjust fees according to the United States Bureau of Labor Statistics Employment Cost Index for State and Local Government Compensation every two years. EQB states that the purpose of the rulemaking is to raise approximately \$8 million to increase program resources for the Bureau of Clean Water and the Clean Water Program (Program). The additional funding is needed so that DEP can accomplish its mission and meet its legal obligations to the public, regulated community, and federal authorities.

The proposed rulemaking has generated opposition from the General Assembly and the regulated community. On May 14, 2019, the House Environmental Resources and Energy Committee (Committee) voted to send a letter asking this Commission to disapprove the rulemaking in its proposed form and urging EQB to withdraw it. Concerns raised by the Committee relate to a lack of statutory authority and consistency with the intent of the

General Assembly, reasonableness, and the fiscal impact on small businesses and farmers. The Committee is particularly concerned with the automatic adjustment of fees provision of the proposal.

Forty-three Republican members of the Pennsylvania House of Representatives submitted a joint letter expressing numerous concerns with the proposed rulemaking. These members believe the proposal is deviating from the legislative intent of the Clean Streams Law (CSL) (35 P.S. §§ 691.1—391.1001) and the regulatory authority granted to EQB to allow for reasonable fees for applications filed and permits issued. The members state it was never the intent of the legislature to fund a sizeable portion of the Program from these fees. Also, if the Legislature wanted to allow fees to be set based on an index, they would have stated that in statute. They also state the amount of the fee increases are not reasonable and would have an adverse effect on prices of goods services, productivity or competition. The fiscal impact of the rulemaking on local governments and the regulated community is another concern raised by the members.

Fifteen Republican members of Pennsylvania's Senate, including all majority members of the Senate Environmental Resources and Energy Committee, also submitted a letter opposing the proposed rulemaking. The letter emphasizes the negative fiscal impact the proposal will have on the agriculture industry. It concludes by stating that further discussion and a public hearing are needed to examine economic impact of the rulemaking.

In addition to the opposition expressed by the Legislature, various segments of the regulated community have expressed concerns with the proposed rulemaking, that are to a large degree, similar to those noted above. Segments of the regulated community that have submitted letters in opposition to the rulemaking include: business; water companies; local government; agriculture; and the automotive recycling/salvage industry.

One criterion of the RRA that this Commission must consider when determining if a regulation is in the public interest is the comments, objections or recommendations

of a committee. As noted above, the Committee has issued comments and expressed objections to the regulation. If EQB proceeds with this rulemaking, we note that the objections raised by the Committee could be the basis for a disapproval by this Commission. However, a goal of the RRA and the regulatory review process is the resolution of objections to a regulation and reaching of consensus among this Commission, the designated standing committees, interested parties and the promulgating agency. We ask EQB to work with all parties with an interest in this rulemaking, particularly the Committee and members of the Legislature, to create a regulatory environment that is consistent with the intent of the General Assembly, fair to the regulated community and protective of the Commonwealth's natural resources.

2. Whether the regulation represents a policy decision of such a substantial nature that it requires legislative review.

A goal of this rulemaking is to increase funding for the Program. In the Preamble to the rulemaking, EQB states the following:

The administration of the Clean Water Program involves many activities including permit application reviews, inspections, enforcement, surface water assessments and related activities such as development and implementation of Federally required Total Maximum Daily Loads.

Comments from the House Committee and the 43 Republican members indicate that it was not the intention of the General Assembly to fund the Program through application fees authorized by the Clean Streams Law. In light of these comments, we believe funding the Program, beyond what is required to review permit applications, may be a policy decision that should be made by the General Assembly. As suggested in the letter from the 43 Republican members, EQB should present any funding changes for the Program to the General Assembly for consideration.

3. Amount of the fee increases.—Statutory authority; Whether the regulation is consistent with the intent of the General Assembly; Direct and indirect costs to the Commonwealth, to its political subdivisions and to the private sector; Adverse effects on prices of goods and services, productivity or competition; Whether a less costly or less intrusive alternative method of achieving the goal of the regulation has been considered for regulations impacting small businesses.

When this regulation is fully implemented in fiscal year 2022-2023, EQB estimates it will cost the regulated community approximately \$8 million per year. In some instances, existing fees will increase by 500 percent. Commentators have raised two main concerns about the size and scope of the fee increases being proposed in §§ 91.22(a), 92a.26(b) and 92a.62(b). First, the commentators question if the proposed increases are consistent with the statutory directive that fees be reasonable. We note that Sections 5(b)(1) and 6 of the CSL (35 P.S. §§ 691.5(b)(1) and 691.6) have been cited by EQB as part of its statutory authority for this rulemaking. Section 5(b)(1) provides EQB with general rulemaking authority necessary to implement the CSL. Section 6 pertains to application and permit fees. It states the following:

The [EQB] is hereby authorized to charge and collect from persons and municipalities in accordance with its rules and regulations reasonable filing fees for applications filed and for permits issued.

Given the dollar amount and percentage increase of the fee increases, we ask EQB to explain why it believes the proposed fee structure is consistent with the legislative directive that fees be reasonable.

Second, the adverse effects the proposed increases would have on the price of goods and services, productivity or competition has been raised as an issue. For example, the National Federation of Independent Business states that EQB, "must consider the impact of drastically higher permit fees on the business environment, measured by lost investment and innovation, less productivity, and a higher regulatory cost burden as factors when weighing the impact of the rulemaking." East Petersburg Borough submitted comments explaining how Safe Drinking Water fee increases by EQB in 2018 have impacted community water systems across the Commonwealth. They stress the importance of considering the fiscal impact of this rulemaking. Finally, representatives of the agriculture industry and individual farmers submitted comments highlighting the many challenges the industry is currently facing and how the proposed increases will negatively affect them.

We understand that DEP has an obligation to protect the Commonwealth's natural resources and an obligation to meet federal mandates related to the Program. We appreciate the effort put forth by EQB to demonstrate and document the need and rationale for the proposed fee increases. If EQB moves forward with this proposal, we ask that DEP continue its efforts to reduce costs and find efficiencies that could possibly reduce the size and scope of the proposed increases. In addition, we ask EQB to work with small businesses and farmers to possibly find a less costly or less intrusive method of achieving the goal of the regulation.

4. Automatic adjustment of fees.—Statutory authority; Whether the regulation is consistent with the intent of the General Assembly; Implementation procedures; Reasonableness.

EQB is adding new provisions that provide for an ongoing adjustment to its fees schedules. The new provisions are §§ 91.22(c), 92a.26(f) and 92a.62(c). The adjustments will be made every two years and will be based on the United States Bureau of Labor Statistics Employment Cost Index for State and Local Government Compensation or an equivalent index recognized by the United States Department of Labor and Industry. DEP will publish the final adjusted fee schedules and effective dates in the *Pennsylvania Bulletin*. The fees will not be adjusted if the application of the index would result in fees exceeding DEP's costs to administer the Program. We have three concerns. First, commentators, including members of the General Assembly, do not believe Section 6 of the CSL provides EQB with the statutory authority to change fees via this method. Why does EQB believe that Section 6 of the CSL provides for this type of automatic fee adjustment? Can EQB cite to any other statute that would allow for these specific fees to be increased in this manner? Second, we question the reasonableness of increasing fees without public or legislative scrutiny. In the Preamble to the final rulemaking, we ask EQB to explain why this method of increasing fees is in the public interest. Finally, if EQB can justify the legality and reasonableness of the automatic adjustment provisions, we are concerned with the implementation of them. As written, DEP would not be able to adjust the index if the amount of the increase would exceed the increased costs of administering the Program. We suggest that the

language be amended to allow DEP to increase the fees to the lesser of the index or the actual costs to administer the Program.

5. Miscellaneous clarity.

Subsection 91.22 (b) includes new language that states fees for a general permit “shall” be established in the general permit itself. Section 6.7 (c) of the *Pennsylvania Code & Bulletin Style Manual* indicates that the word “will” should be used when the Commonwealth pledges to act. Since DEP will be determining the amount of the fee, we suggest that the word “shall” be changed to “will.” Similar language is found in §§ 91.22 (c), 92a.26 (f) and 92a.62 (c).

Professional Standards and Practices Commission Regulation # 6-340 (IRRC # 3233)

Code of Professional Practice and Conduct for Educators

June 19, 2019

We submit for your consideration the following comments on the proposed rulemaking published in the April 20, 2019 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the Professional Standards and Practices Commission (PSPC) to respond to all comments received from us or any other source.

1. Whether the agency has the statutory authority to promulgate the regulation; Need for the regulation.

This proposed rulemaking amends Chapter 235 of PSPC’s regulations. Chapter 235 is entitled “Code of Professional Practice and Conduct of Educators” (Code). It was promulgated in 1992 and has not been amended since that time. PSPC has cited Section 5(a)(10) of the Educator Discipline Act (Act) (24 P.S. § 2070.5(a)(10)) as its statutory authority for the rulemaking. Section 5 of the Act provides PSPC with certain powers and duties. Section 5(a)(10) provides PSPC with the following power:

To adopt and maintain a code for professional practice and conduct that shall be applicable to any educator as defined in this act, pursuant to the act of July 31, 1968 (P.L. 769, No. 240), referred to as the Commonwealth Documents Law.

This language provides PSPC authority to adopt a code of conduct, but it does not provide the authority to promulgate that code as a regulation under the Regulatory Review Act. (71 P.S. §§ 745.1, et seq.) Section 1206 of the Commonwealth Documents Law (CDL) (45 P.S. § 1206) does provide PSPC authority to promulgate a code of conduct in a form and manner other than a regulation. Section 1206 of the CDL is entitled “Format of regulations and other documents” and includes the following language:

The agency text of all regulations *and other documents, required or authorized to be deposited with the Legislative Reference Bureau by this act shall be prepared in such form and format as may be prescribed by regulations promulgated by the joint committee.* (Emphasis added.)

As explained below, we believe it is more appropriate to publish the Code as a Statement of Policy and not a regulation.

PSPC explains in Regulatory Analysis Form Question # 10 that the Code identifies, “the ethical responsibilities of educators and lists what educators shall do, *should* do and *may* do, as well as the consequences for violating the Code.” (Emphasis added.) We acknowledge the value of the Code and the benefits associated with it. However, language found in the existing regulation and in proposed amendments is nonregulatory in nature. For example, § 235.3 relates to the purpose of the Code. A new subsection is being added that states the following: “The purpose of this chapter is to set expectations for educators; guide educational practice and inspire professional excellence.” Existing language found at § 235.4(a) and (b) states that educators are “expected” to abide by numerous provisions of the section.

A regulation sets binding norms of general applicability and future effect. Regulations have the full force and effect of law and are enforceable mandates. A regulation is not the proper vehicle for setting expectations. A Statements of Policy (SOP) would be a more appropriate document for providing guidance or setting expectations. What is the need for codifying the Code as a regulation? As PSPC moves forward with amendments to the Code, we suggest it convert the Code from a regulation to a SOP.

If PSPC decides to move forward with the amendments to the Code as a regulation, we offer the following comments.

2. Possible conflict with or duplication of statutes or existing regulations.

The Pennsylvania Catholic Conference submitted a comment stating that the prohibitions found in proposed amendments to the Code, if applied to Catholic educators, would violate constitutionally-protected religious liberties and the Pennsylvania Religious Freedom Protection Act (PRFPA) (71 P.S. §§ 2401—2407). This assertion is based on their contention that some provisions may come into conflict with tenets of the Catholic faith. In the Preamble to the final-form regulation, we ask PSPC to explain why the amendments being proposed do not conflict with PRFPA.

3. Clarity and lack of ambiguity.

As stated in our first comment, provisions of the existing regulation, and proposed amendments to it, are not written in a regulatory format. For example, PSPC is proposing to add the following language to § 235.4 relating to professional practices:

Educators shall promote the health, safety and well-being of students by establishing and maintaining appropriate verbal, physical, emotional and social boundaries. Educators shall interact with students with transparency, at appropriate times and in appropriate settings.

This new language is a goal that every educator should strive to meet. However, it would be difficult to measure if this mandate is actually being met.

Another example from § 235.4 is quoted below:

Educators should refrain from professional or personal activity, including activity online, which would reduce the educator’s effectiveness within the school community.

How would the effectiveness of an educator within the school community be measured? Both of these new provisions are ambiguous. They do not provide educators with a clear and precise standard for compliance. We recommend that the entire final-form regulation be amended to set standards that are clear, binding and enforceable.

4. Section 235.3a. Definitions.—Clarity.

The term “fiduciary relationship” is being defined as follows: “A fiduciary relationship is one in which a person justifiably places confidence in another whose aid, advice or protection is assumed.” What is the need for including the word “justifiably” in this definition? As used in this definition, what does that word mean? In the Preamble to the final-form regulation, we ask PSPC to explain the rationale for including this word in the definition. If the word is not needed, we suggest that it be deleted from the definition.

5. Section 235.4. Professional practices.—Clarity.

Subsection (b)(2) requires educators to be certified in the areas of assignment. It provides an exception for temporary, short-term, and emergency basis assignments. The term “short-term” is vague and does not establish a binding norm. To improve clarity, we suggest that PSPC define “short-term” in the final regulation.

6. Section 235.5a. Commitment to Students.—Clarity; Implementation procedures.

This section describes an educator’s obligation to serve students. Subsection (g) states that educators shall not be on school premises or at school-related activities while under the influence of “unauthorized drugs.” That term is also used in Subsection (h). Who determines if a drug is unauthorized? How is the regulated community notified of what is an unauthorized drug? We ask PSPC to define this term in the final-form regulation and also to explain how it will implement these subsections.

7. Miscellaneous clarity.

- Under § 235.3a, relating to definitions, we identified the following issues:

- o The definitions of “dual or multiple relationships,” “electronic communications,” and “fiduciary relationship” include the terms that are being defined. Section 2.11(h) of the *Pennsylvania Code & Bulletin Style Manual (Manual)* states that the term being defined may not be included as part of the definition. We recommend that the definitions be amended to comply with the *Manual*.

- o The definitions of “school entity” and “sexual misconduct” under § 235.3a include an incorrect statutory citation to § 1.2 of the Act. The correct citation is § 1b of the Act.

- The phrase, “including, but not limited to” is being added to §§ 235.4(b)(4) and 235.5a(j). Section 6.16 of the *Manual* suggests that the term “includes” be used instead of “including, but not limited to.”

- § 235.5a(d) is new language that prohibits educators from engaging in sexual misconduct, “including sexual relationships, with students.” The quoted language should be deleted because “sexual relationship” is included in the defined term “sexual misconduct.”

GEORGE D. BEDWICK,
Chairperson

[Pa.B. Doc. No. 19-989. Filed for public inspection June 28, 2019, 9:00 a.m.]

INSURANCE DEPARTMENT

Continental General Insurance Company (GLTC-131962412); Rate Increase Filing for Several Individual LTC Forms

Continental General Insurance Company is requesting approval to increase the premium an aggregate 42.8% on 1,058 policyholders of forms 2LTCIP0001 and 4LTCIP0001. Specifically, Continental General Insurance Company is requesting a 55% increase on 671 policyholders of form 2LTCIP0001 and a 25% increase on 387 policyholders of form 4LTCIP0001.

Unless formal administrative action is taken prior to September 12, 2019, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department’s (Department) web site at www.insurance.pa.gov (hover the cursor over the “Consumers” tab, then select “Long Term Care Rate Filings”).

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department’s Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Lavery, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, jlavery@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JESSICA K. ALTMAN,
Insurance Commissioner

[Pa.B. Doc. No. 19-990. Filed for public inspection June 28, 2019, 9:00 a.m.]

INSURANCE DEPARTMENT

Insurance Coverages or Risks Eligible for Export by Insurance Commissioner

Under section 1604(2)(ii) of The Insurance Company Law of 1921 (40 P.S. § 991.1604(2)(ii)), the Insurance Commissioner declares the following insurance coverages to be generally unavailable in the authorized market at the present, and thus exportable, and hereby adopts the following export list. Accordingly, for those insurance coverages which are included on the export list, a diligent search among insurers admitted to do business in this Commonwealth is not required before placement of the coverages in the surplus lines market.

Export List

Active Assailant Coverage*

Amusements

- Amusement Parks and their Devices
- Animal Rides
- Recreational and Sporting Events
- Special Short Term Events
- Theatrical Presentations

Aviation

- Fixed Base Operations
- Bridge and Tunnel Contractors (liability only)
- Chemical Spray and/or Drift
- Crane and Rigging Contractors (liability and physical damage only)

Crop Dusters (aircraft liability and aircraft hull coverage only)
 Day Care Centers, including Sexual Abuse Coverage
 Demolition Contractors Liability
 Disability Insurance—Excess*
 Dog Bite Liability (monoline)
 Firework Sales/Manufacturing
 Flood Insurance
 Fuel and Explosive Haulers (excess auto liability and auto physical damage only)
 Guides and Outfitters (liability only)
 Hazardous Waste Haulers (excess auto liability and auto physical damage only)
 Hazardous Waste Storage and Disposal (liability only)
 Homeshare Business Multi-Peril Insurance (on-demand short-term)
 Hunting Clubs
 Kidnapping, Ransom and Extortion Insurance
 Liquor Liability (monoline)
 Medical Malpractice Liability with or without related General Liability Coverages
 Miscellaneous Errors and Omissions or Professional Liability except architects and engineers, medical malpractice, lawyers, personnel agencies, travel agents, real estate brokers and insurance agents and brokers
 Nightclubs
 Nursing Home Liability with or without other Affiliated Elder Care Services
 Paint and Coating Manufacturers—Liability
 Pest Control (Exterminators) Liability
 Pollution Liability and/or Environmental Impairment Coverage
 Products Liability (monoline) for the Manufacturing of:
 Aircraft and Component Parts
 Automotive and Component Parts
 Farm and Industrial Equipment
 Firearms
 Medical Equipment
 Petrochemicals
 Pharmaceuticals
 Products Recall (monoline) for the Manufacturing of:
 Aircraft and Component Parts
 Automotive and Component Parts
 Farm and Industrial Equipment
 Firearms
 Medical Equipment
 Petrochemicals
 Pharmaceuticals
 Railroad, including Consultants, Contractors and Suppliers
 Real-Estate Environmental Impairment Coverage
 Scrap Metal Dealers/Recycling Centers with Off-Site Disassembling (general liability only)
 Security/Detective/Patrol Agencies
 Tattoo Parlors
 Taxicab Liability
 Title Insurance Agents Errors and Omissions
 Vacant Properties (excluding 1—4 family unit residential dwellings and individually owned residential units in larger residential buildings)

*denotes new or revised

This list becomes effective on the date of its publication in the *Pennsylvania Bulletin* and supersedes the list published at 48 Pa.B. 3497 (June 9, 2018), and shall remain in effect until superseded by a subsequent list as published in the *Pennsylvania Bulletin*.

Questions regarding the Export List may be directed to Cressinda E. Bybee, Office of Corporate and Financial

Regulation, 1345 Strawberry Square, Harrisburg, PA 17120, (717) 783-2144, fax (717) 787-8557, cbybee@pa.gov.

JESSICA K. ALTMAN,
Insurance Commissioner

[Pa.B. Doc. No. 19-991. Filed for public inspection June 28, 2019, 9:00 a.m.]

INSURANCE DEPARTMENT

John Hancock Life Insurance Company (USA) (MULF-131964637); Rate Increase Filing for Several Individual LTC Forms

John Hancock Life Insurance Company (USA) is requesting approval to increase the premium an aggregate 15.9% on 10,691 policyholders of forms TC-02 PA, LTC-02FR PA, BSC-02 PA, BSC-02FR PA, LTC-03 PA, LTC-03FR PA, BSC-03 PA, BSC-03FR PA, LTC-03 PA (2007) and LTC-03FR PA (2007). The requested increases vary from 7.1% to 60.6% depending upon the policy benefit period and inflation rider status.

Unless formal administrative action is taken prior to September 12, 2019, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at www.insurance.pa.gov (hover the cursor over the "Consumers" tab, then select "Long Term Care Rate Filings").

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, jlaverty@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JESSICA K. ALTMAN,
Insurance Commissioner

[Pa.B. Doc. No. 19-992. Filed for public inspection June 28, 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 the Administrative Hearings Office, Room 200, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA.

Appeal of Rosemary Yost; Progressive Specialty Insurance Company; File No. 19-116-234763; Doc. No. P19-04-024; July 17, 2019, 10 a.m.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Joseph Korman, (717) 787-4429, jkorman@pa.gov.

JESSICA K. ALTMAN,
Insurance Commissioner

[Pa.B. Doc. No. 19-993. Filed for public inspection June 28, 2019, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Cancellation of Certificates of Public Convenience for Common Carriers; Failure to Operate or Report Any Operating Revenue

Public Meeting held
June 13, 2019

Commissioners Present: Gladys Brown Dutrieuille, Chairperson; David W. Sweet, Vice Chairperson; Norman J. Kennard; Andrew G. Place; John F. Coleman, Jr.

*Cancellation of Certificates of Public Convenience for
Common Carriers; Failure to Operate or Report Any
Operating Revenue; M-2019-3007610*

Final Order

By the Commission:

On February 28, 2019, the Commission entered a Tentative Order in the above-captioned proceeding to initiate the process for cancelling the Certificates of Public Convenience (CPC) of common carriers that failed to file required annual assessment reports and/or failed to establish that they have operated continuously. The Tentative Order was mailed to each carrier and was published in the *Pennsylvania Bulletin* on March 16, 2019. 49 Pa.B. 1253. Carriers were given 20 days from publication to challenge the cancellation of their CPCs, file a conforming Assessment Report, or, alternatively, request cancellation of their CPCs.

The carriers that were served with the February 28 Tentative Order were those carriers that failed to respond to the Commission's earlier Secretarial Letter, requesting that they either file an assessment report detailing their intrastate operating revenues, as required by Section 510 of the Public Utility Code, 66 Pa.C.S. § 510, or notify the Commission of their desire to abandon their CPCs. Moreover, the Secretarial Letter warned the carriers that failure to comply would result in the Commission taking appropriate action to cancel their CPCs.

By way of background, the Public Utility Code requires that by March 31 of each year, every public utility must file a report detailing its gross intrastate operating revenue for the preceding calendar year. 66 Pa.C.S. § 510(b). This report is essential for the Commission to fund its operations and to properly allocate assessment costs among the regulated utility community. Id. In addition, common carriers are required to operate continuously and without unreasonable interruptions of service. 66 Pa.C.S. § 1501, 52 Pa. Code §§ 29.61-62. A carrier with no intrastate operating revenues for several years indicates that it is no longer providing jurisdictional public utility service in Pennsylvania and, therefore, a CPC for that entity is no longer "necessary or proper for the service, accommodation, convenience, or safety of the public." 66 Pa.C.S. § 1103(a). In addition, Commission regulations authorize the cancellation of a common carrier's CPC for failure to comply with operating and reporting requirements, as well as other provisions of the Public Utility Code. 52 Pa. Code §§ 29.12 (Motor Carriers of Passengers) and 31.12 (Motor Carriers of Property).

In response to the February 28 Tentative Order, the common carriers listed in Table 1 filed a conforming Assessment Report with the Commission reporting their gross intrastate operating revenue for 2017; the common carriers listed in Table 2 responded to the tentative order by filing an Assessment Report for 2017 but reported zero gross intrastate operating revenue; the common carriers listed in Table 3 requested cancellation of their CPCs; and the common carriers listed in Table 4 did not respond to the Tentative Order in any way.

The carriers listed in Table 1 are in compliance with the reporting requirements of 66 Pa.C.S. § 510(b) and the operational requirements of 66 Pa.C.S. § 1501 and 52 Pa. Code §§ 29.61-62. Therefore, this matter is closed with respect to these carriers.

Finally, the carriers listed in Tables 2, 3 and 4 have either responded to the Tentative Order by reporting zero intrastate operating revenue for 2017, requested cancellation of their CPCs, or have failed to respond to the Tentative Order, remaining in non-compliance. Moreover, each of these carriers have failed to report any intrastate operating revenues for several years. A carrier with no intrastate operating revenues for several years indicates that it is no longer providing jurisdictional public utility service in Pennsylvania and, therefore, a CPC for that entity is no longer "necessary or proper for the service, accommodation, convenience, or safety of the public." 66 Pa.C.S. § 1103(a). Each of these carriers have had ample notice and an opportunity to be heard via the Secretarial Letter and the February 28, 2019 Tentative Order. The carriers in Table 2 responded to the Tentative Order by reporting zero intrastate operating revenue for several years. The carriers listed in Table 3 requested that their CPCs be cancelled. None of the carriers listed in Table 4 responded. The CPCs of these three groups will be cancelled; *Therefore,*

It Is Ordered That:

1. This matter is closed for motor carriers listed in Table 1.

2. The Certificate of Public Convenience for each motor carrier listed in Tables 2, 3, and 4 is cancelled for reasons cited herein. These carriers shall be stricken from all active utility lists maintained by the Commission's Bu-

reau of Technical Utility Services and the Fiscal & Assessments Section of the Bureau of Administration.

3. The Secretary serve a copy of this Final Order upon the Bureau of Investigation & Enforcement, the Bureau of Technical Utility Services, the Bureau of Administration, Department of Revenue—Bureau of Corporation Taxes, Department of Transportation, and all motor carriers listed in Tables 1—4. The Final Order shall be filed at each carrier's docket number.

4. The Secretary shall publish a copy of this Final Order in the *Pennsylvania Bulletin*.

ROSEMARY CHIAVETTA,
Secretary

Table 1—Carriers That Reported 2017 Revenue

<i>Utility Code</i>	<i>Carrier Name</i>	<i>Docket No.</i>
6310309	DISCOUNT CAB SERVICE, LLC	A-2010-2195541
631838	GREENS TAXI, INC.	A-00115729, A-00115729F0002, A-00115729F0003, A-00115729F0004
640763	ST MARYS AREA AMBULANCE SERVICE, INC.	A-00116119
707138	JOHN C. DELAUTER	A-00121541
707250	R E DAUMER TRUCKING, INC.	A-00121717
822140	PIERCE, PAUL E.	A-00103102
8910362	BLACK BEAR TRUCKING, LLC	A-2009-2088174
8910427	A J KONOPKA EXCAVATING, INC.	A-2008-2060597
8910572	MOORE TRUCKING, LLC	A-2008-2072429
8915205	KEEP IT MOVING, LLC	A-2017-2617127
8915784	MICHAEL JOHN HUYA, III	A-2013-2366214
8915912	DAVID M. PHILLIPS, JR.	A-2013-2377572

Table 2—Carriers That Reported No 2017 Revenue

<i>Utility Code</i>	<i>Carrier Name</i>	<i>Docket No.</i>
701052	LEGACY LANDSCAPE MATERIALS, INC.	A-00111799
701939	T. S. TRANSFER, INC.	A-00113058

Table 3—Carriers: Certificates of Public Convenience Cancelled by Request

<i>Utility Code</i>	<i>Carrier Name</i>	<i>Docket No.</i>
632356	BLUE & WHITE USA, INC.	A-00119928, A-00119928F0002
706405	DIVERSIFIED COMMODITIES, INC.	A-2019-3006975
707342	DCH TRUCKING, LLC	A-00121855
860010	VOLPE EXPRESS, INC.	A-00107410
8912020	WILLIAM D. MERCER, JR.	A-2010-2169665
8913831	BRIAN J. PAUL	A-2012-2330014
8914680	EDWARD M. COX, JR.	A-2012-2332955
8915176	WAYNE HARMAN	A-2012-2327957

Table 4—Carriers: Certificates of Public Convenience Cancelled for Noncompliance

<i>Utility Code</i>	<i>Carrier Name</i>	<i>Docket No.</i>
630724	MARTHA A. BLACKMON	A-00105474
631051	DASHMESH CAB CORP.	A-00111733
631740	FRANCIS E. CRINER	A-00105811
640787	DANVILLE AMBULANCE SERVICE, INC.	A-00116289
640981	MM TRANSPORTATION, LLC	A-00117758
6410110	FIRST CLASS LIMOS, INC.	A-2008-2039976
6410946	CITY TOURS, INC.	A-2009-2097215
641274	RONALD C. JONES	A-00120191, A-00120191F0002

NOTICES

3447

<i>Utility Code</i>	<i>Carrier Name</i>	<i>Docket No.</i>
6413343	RIDE AND REBUILD, LLC	A-2011-2233406
6413891	RPD PLUS EXECUTIVE COACH, LLC	A-2011-2262741, A-2011-2263555
6414204	ADVANCE CARE, INC.	A-2012-2285059
6414291	ALSTAR MEDICAL TRANSPORTATION, INC.	A-2012-2290580
6414761	ATLANTIS LIMOUSINE SERVICE, LLC	A-2012-2309340
641484	FJG TRANSPORTATION, INC.	A-00121716
6416227	ABC TRANSIT, INC.	A-2013-2398408
641643	BRONNER, CAROL JEAN	A-00122750
641660	A-1 QUALITY LIMOUSINE SERV, LLC	A-00122888
641665	BISHOP, PAUL A.	A-00122946
641755	ADVANTAGE MEDICAL TRANSPORT, INC.	A-00123352
641849	LIMO TODAY, INC.	A-00124027
641859	ARNOLD FIRE—EMS OF ARNOLD, PA	A-00124069
641882	EQUERE, PETER	A-00124186
649841	PREMIER LUXURY RENTALS, INC.	A-2008-2024530, A-2010-2187490
700115	WHIPSTOCK NATURAL GAS SERVICES, LLC	A-00108852
700140	FULLER, GENE HOMES, INC.	A-00108928
700282	BEN L. MAY	A-00109307
700784	PAULISICK, ROBERT M.	A-00110981
701009	DAVIDSON TRANSFER & STORAGE CO.	A-00111747
701133	OHIO TRANSPORT CORPORATION	A-00111896
701358	BG & BG, INC.	A-00112172
701370	A.J.G. TRUCKING, INC.	A-00107214
701410	SWEIGART, GARY LEE	A-00112233
701544	ARROW TRUCKING CO.	A-00112411
701789	STANISLAW, ROGER A.	A-00112805
701847	LARRY L. FULTZ	A-00112905
702166	GAZZELLA CORPORATE COURIER EXPR	A-00113434
702197	ALLENTOWN NEWS AGENCY	A-00106107
702369	HARDROCK TRUCKING & EXCAVATING, LLC	A-00113733
702470	GLEESON, TIMOTHY F.	A-00113868
702498	WALKER, BRANDON P.	A-00113920
702538	PRINCETON ARMORED SERVICE, INC.	A-00113981
702748	QSC EQUIPMENT, INC.	A-00114356
702775	DILLON, KENNETH G.	A-00114401
702867	KOPPE, M.H., CLAY PRODUCTS COM	A-00114570
702935	BRIGHT TRANSPORTATION, LP	A-00114676
702956	G L ADAMS EXCAVATING, INC.	A-00114707
703041	G.W. ROWE & SON DEVELOPMENT CO. INC.	A-00114828
703195	STOVER'S GRADING & EXCAVATING,	A-00115022
703280	APPALACHIAN TRANSPORT, INC.	A-00115121
703330	MICHEL DISTRIBUTION SERVS, INC.	A-00115200
703497	CALFO RED LINE TRANSFER, INC.	A-00115472
703816	BEAVEX INCORPORATED	A-00115967
703883	CTX, INC.	A-00116082

NOTICES

<i>Utility Code</i>	<i>Carrier Name</i>	<i>Docket No.</i>
704058	KOVATCH, LAWRENCE FRANCIS	A-00116360
704132	CARLIN MESSENGER SERVICE, LLC	A-00116462
704138	RT CAREY TRUCKING, LLC	A-00116471
704378	ANTIQUÉ TRANSPORT CO.	A-00116837
704401	JOHNSTON, MICHELE, INC.	A-00116875
705005	STANLEY S. KARP, SR.	A-00117814
705294	BUTLER, GEORGE H.	A-00118296
705337	SPIRIT DELIVERY & DIST SERV, INC.	A-00118372
705431	MCGANN & CHESTER, LLC	A-00118499
706201	NETWORK EXPRESS, INC.	A-00119803
706279	QUIGLEY, LARRY DON	A-00119930
706399	ERNEST D. ROSS, JR.	A-00120172
706567	WHITE, THOMAS	A-00120464
706707	MILDRED A. KISSEL	A-00120714
707019	LWENYA, BEN AMUGUNE	A-00121283
707360	BESTWAY SYSTEMS, INC.	A-00121879
707449	TOTAL TRANSPORTATION TRUCKING, INC.	A-00121990
707541	MECHANICS PLUS TOWING & TRANS, INC.	A-00122140
707595	SHIMSHOCK, INC.	A-00122226
707608	STORAGE MOBILITY OF EASTERN PA	A-00122252
707609	STORAGE MOBILITY OF SCRANTON	A-00122253
707904	DMP TRUCKING, INC.	A-00122696
708135	DART TRANSPORT, INC.	A-00123003
708327	BERNHARDT TRUCKING, INC.	A-00123302
708443	COMPLETE MILLWORK SOLUTIONS, INC.	A-00123475
708518	IRVIN C. GALLAHER, JR.	A-00123587
708537	ROBERT HIGGINS	A-00123611
708587	BELL, DAVID C.	A-00123690
708809	HANNAHS TRANSPORT, LLC	A-00124026
708851	BUCKLEY, MARK J.	A-00124092
708943	MAPLE GROVE TOWING, INC.	A-00124224
712405	BETTERS COMPANY, INC.	A-00107118
725965	CTR DEL. SER. OF WASHINGTON, INC.	A-00105659
743161	E. F. CORPORATION	A-00108347
745000	EVANS DELIVERY COMPANY, INC.	A-00095172
752200	FRANK DELIVERY SERVICE, INC.	A-00095640
760300	GRAEBEL/EASTERN MOVERS, INC.	A-00099425
760305	GRAEBEL/PITTSBURGH MOVERS, INC.	A-00104969
778390	KARNER, CURT A.	A-00107646
835420	RYAN MOVING & STORAGE INC. OF ERIE	A-00025550
841135	SHAMROCK MINERALS CORPORATION	A-00106000
841240	SHANAHAN TRANSFER & STORAGE CO.	A-00025407
846050	GENE'S MOVING SERVICE, INC.	A-00106856
862990	DUKE MOVING AND STORAGE, INC.	A-00101712
866650	HARRY WILLIAMS T/A EAGLE TAXI	A-00102568, A-00102568F0002
890445	USA CARTAGE, INC.	A-00110418

NOTICES

3449

<i>Utility Code</i>	<i>Carrier Name</i>	<i>Docket No.</i>
890669	FINLEYS' CUSTOM SERVICES, INC.	A-00111267
890754	GARDA CL ATLANTIC, INC.	A-00099633
890938	EDMIL FUELS, INC.	A-00105031
890995	FRITO-LAY, INC.	A-00106742
8910020	DEAMER TRUCKING, LTD.	A-2008-2036389
8910205	PRETTY MELL'S TRUCKING, LLC	A-2008-2046388
8910358	LOI TU LUU	A-2008-2056977
8910508	VOLPE DEDICATED, INC.	A-2008-2065514
891060	HANLY, DAVE, INC.	A-00107714
8910739	HODGES TRUCKING COMPANY, LLC	A-2009-2088091
891085	HIATAL, INC.	A-00107735
8910962	PIKE COUNTY PAVING, LLC	A-2009-2098379
8911172	MJM TRUCKING, INC.	A-2009-2111737
8911290	MINUTEMAN SPILL RESPONSE, INC.	A-2009-2123954
8911556	THOMAS PATRICK COTTER	A-2009-2141821
8911722	JOEL VOUGHT	A-2010-2152632
8911920	LOREN BAHR T/A WINDFALL TRANSPORT	A-2010-2166427
8912021	JOSEPH ORISCHAK	A-2010-2169686
8912210	JEREMYS ROUSTABOUTS & BACKHOE INCORPORATED	A-2010-2177765
8912223	RANDY E. MYERS	A-2010-2178410
8912353	ENDLESS MOUNTAIN EXPRESS, INC.	A-2010-2183927
8912591	TEXAS TRANSCO, INC.	A-2010-2193558
8912620	S & E TRUCKING COMPANY	A-2010-2195476
8912629	MICHAEL BICKINGS	A-2010-2195792
8912933	QUE TRUCKING, LLC	A-2010-2208173
8912938	KEN FRANKS TRUCKING, LLC	A-2010-2208210
8912988	MCGHEE MOVING AND LOGISTICS, INC.	A-2010-2214113, A-2011-2219035
8913251	DKM TRANSPORTATION AND WELDING ENTERPRISES LIMITED	A-2011-2222425
8913259	ROPING THE WIND RANCH & TRUCKING, LLC	A-2011-2206855
8913349	MELO PROPERTY SERVICES, LLC	A-2011-2233612
8913369	TEN MILE PAVING, LLC	A-2011-2234640
8913405	CMP TRUCKING, LLC	A-2011-2235769
8913664	PAUL MORRISROE	A-2011-2273495
8913774	TXD TRANSPORT, LP	A-2011-2256133
8913808	H D HAULING, LLC	A-2011-2257441
8913830	ALL ABOUT FREIGHT, LLC	A-2011-2258498
8914175	MINUTEMAN ENVIRONMENTAL SERVICES, INC.	A-2012-2282845
8914230	CHARLES E. SCHRECEGOST	A-2012-2286478
8914427	DR WELL SITE SERVICES, LLC	A-2012-2294207
891453	RANKER, DANIEL L.	A-00107859
8914665	AARON C. HERSHBERGER	A-2012-2304445
8915074	AMWARE FULFILLMENT OF PENNSYLVANIA, LLC	A-2012-2309954
8915081	TICK-TOCK TRANSPORTATION, LLC	A-2012-2321805
8915084	CDB TRUCKING, LLC	A-2012-2321936
8915136	KAUFFMAN, LLC	A-2012-2325831
8915151	KIRBY OFFSHORE MARINE, INC.	A-2012-2326291

<i>Utility Code</i>	<i>Carrier Name</i>	<i>Docket No.</i>
8915548	SHEESLEY SUPPLY COMPANY, INC.	A-2013-2352766
8915702	GRAND SLAM EXPEDITED, INC.	A-2013-2360633
8916130	COOP TRANSPORT EXPRESS, LLC	A-2013-2392099
8916191	GUNNER TRUCKING, LLC	A-2018-2644211
8916284	LEHIGH VALLEY LINES, INC.	A-2014-2401291
8916342	GP PONCE TRANSPORT, LLC	A-2014-2406045
8916498	ANDREW W. SCHMIDT	A-2014-2418004
8916641	LIBERATOR PERFORMANCE SALES & SERVICE, INC.	A-2014-2427024
899733	COURIER EXPRESS US, INC.	A-2008-2022421
899791	PHILIP S RISSLER T/A PHILIP RISSLER TRUCKING	A-2008-2023882
899858	COLLINCE TANTSING	A-2008-2024737

[Pa.B. Doc. No. 19-994. Filed for public inspection June 28, 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
June 13, 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 June 4, 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-2017-2611533	ATLAS COMMODITIES II RETAIL ENERGY, LLC	5/18/2019	Yes
A-2014-2435426	AXIOM RETAIL ENERGY, LLC	6/6/2019	Yes
A-2015-2501450	GREENCROWN ENERGY, LLC	6/1/2019	Yes
A-2013-2370842	GROUNDSWELL, INC.	5/31/2019	Yes
A-2016-2545195	HOMEADE, LLC	6/2/2019	Yes
A-2013-2367313	INSIGHT ENERGY, LLC	5/21/2019	Yes
A-2015-2500554	TITAN ENERGY—NEW ENGLAND, INC.	5/31/2019	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. 19-995. Filed for public inspection June 28, 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 ap-

plies 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 July 15, 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-2019-3010306. Divine Care Services, LLC (324 Aldan Avenue, Aldan, Delaware County, PA 19018) 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, Chester and Delaware and the City and County of Philadelphia.

A-2019-3010535. Top Hat Luxury Service, LLC (810 Richmond Street, Scranton, Lackawanna County, PA 18509) persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in Lackawanna and Luzerne Counties, to points in Pennsylvania and return. *Attorneys:* Judith D. Cassel/Bryce R. Beard, 100 North 10th Street, Harrisburg, PA 17101.

A-2019-3010855. D-Car Transportation, LLC (4510 Stanton Avenue, Pittsburgh, Allegheny County, PA 15201) persons in paratransit service, between points in the Counties of Allegheny, Armstrong, Beaver, Blair, Butler, Cambria, Centre, Clarion, Clearfield, Crawford, Erie, Fayette, Greene, Indiana, Jefferson, Lawrence, Mercer, Somerset, Venango, Washington and Westmoreland, to points in Pennsylvania, and return. *Attorney:* David O'Boyle, 1450 Two Chatham Center, 112 Washington Avenue, Pittsburgh, PA 15219-3455.

Application of the following for the approval of the right and privilege to *discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under the application.*

A-2019-3010795. Shakeel Imran, t/a Kingway Limousine (1403 Norwood House Road, Downingtown, Chester County, PA 19335) discontinuance of service and cancellation of his certificate, to transport, as a common carrier, by motor vehicle, persons in limousine service, between points in the Counties of Chester, Delaware and Montgomery.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 19-996. Filed for public inspection June 28, 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 July 15, 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. Joseph Leventan; Docket No. C-2019-3009642

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 Joseph Leventan, (respondent) is under suspension effective April 23, 2019 for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at 11017 Rennard Street, Philadelphia, PA 19116.
3. That respondent was issued a Certificate of Public Convenience by this Commission on May 14, 2018, at A-8920821.
4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.
5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-8920821 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. 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

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.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. M & A Freight, LLC; Docket No. C-2019-3009822

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 M & A Freight, LLC, (respondent) is under suspension effective April 29, 2019 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 415 Marion Street, Scranton, PA 18509.

3. That respondent was issued a Certificate of Public Convenience by this Commission on July 23, 2018, at A-8921118.

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-8921118 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: 5/14/2019

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. 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

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. 19-997. Filed for public inspection June 28, 2019, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Tariff Modifications and Waivers of Regulations

P-2019-3010128. PPL Electric Utilities Corporation. Petition of PPL Electric Utilities Corporation for approval of tariff modifications and waivers of regulations necessary to implement its distributed energy resources management plan.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before July 15, 2019. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, 400 North Street, 2nd Floor, Harrisburg, PA 17120, with a copy served on the applicant. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary

between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at www.puc.pa.gov and at the applicant's business address.

Applicant: PPL Electric Utilities Corporation

Through and By Counsel: Devin T. Ryan, Esquire, Post & Schell, PC, 17 North Second Street, 12th Floor, Harrisburg, PA 17101-1601

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 19-998. Filed for public inspection June 28, 2019, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Water Service

A-2019-3010892. Borough of Fairchance. Application of the Borough of Fairchance for approval of the right to sell substantially all of its water system assets to North Fayette County Municipal Authority and abandon water service to the public in the Borough of Fairchance and a portion of Georges Township.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before July 15, 2019. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, 400 North Street, 2nd Floor, Harrisburg, PA 17120, with a copy served on the applicant. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at www.puc.pa.gov and at the applicant's business address.

Applicant: Borough of Fairchance

Through and By Counsel: Simon B. John, Esquire, John & John, 96 East Main Street, Uniontown, PA 15401

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 19-999. Filed for public inspection June 28, 2019, 9:00 a.m.]

PHILADELPHIA PARKING AUTHORITY

Service of Default Order

Philadelphia Parking Authority, Taxicab and Limousine Division v. Bill's Ultimate Limousine; Doc. No. C-17-05-042

Attention Bill's Ultimate Limousine, last known address of 526 Mockingbird Way, Warrington, PA 18976, this notice advises that a Default Order of Hearing Officer, Hon. Sheldon C. Jelin was issued and entered on June 5, 2019, with the Philadelphia Parking Authority's (Authority) Taxicab and Limousine Division's (TLD) Office of the Clerk.

On May 12, 2017, the Enforcement Department of the TLD of the Authority issued Citation T-22379 to Bill's

Ultimate Limousine (Respondent) for violation of 52 Pa. Code § 1051.4 and 53 Pa.C.S. § 5707.1, failure to pay assessment.

The complaint was served on Respondent on May 12, 2017, by first class mail.

Respondent did not pay the penalty amount identified on the citation or file a request for a hearing with the TLD Clerk within 15 days after the date of service as provided in 52 Pa. Code § 1005.13(b).

On June 7, 2017, the TLD Clerks' office sent Respondent a reminder notice of the outstanding citation and to either pay the penalty, request a hearing, or suffer a default.

To date, more than 15 days have expired and Respondent has failed to pay the penalty or file a request for a hearing with the TLD Clerk. Therefore, pursuant to 52 Pa. Code § 1005.31(c), the complaint is sustained and a Default Order is entered against Respondent.

A penalty of \$500 is imposed along with an administration fee of \$75 for a total of \$575.

In addition, Respondent's CPC No. 1016384-07 is hereby CANCELLED.

Respondent is Ordered to pay \$575 by June 20, 2019.

Pursuant to 52 Pa. Code § 1001.13(b), this Order will become effective on June 20, 2019, as an adjudication of the Authority if not selected for review by the Authority.

Respondent is hereby notified to cease and desist from further violations of the Taxicab and Limousine regulation, 52 Pa. Code §§ 1001.1 et seq.

Hon. Sheldon C. Jelin (Ret.)
Hearing Officer

If you have any questions concerning this notice, you may contact the TLD's Office of the Clerk, Heidi Robb, (215) 683-9498, TLDClerk@philapark.org.

SCOTT PETRI,
Executive Director

[Pa.B. Doc. No. 19-1000. Filed for public inspection June 28, 2019, 9:00 a.m.]

**PHILADELPHIA
PARKING AUTHORITY**
Service of Default Order

**Philadelphia Parking Authority, Taxicab and
Limousine Division v. Galaxy Limousine, Inc.; Doc.
No. C-17-05-035**

Attention Galaxy Limousine, Inc., last known address of 6923 Bristol Emilie Road, Levittown, PA 19057, this notice advises that a Default Order of Hearing Officer, Hon. Sheldon C. Jelin was issued and entered on June 5, 2019, with the Philadelphia Parking Authority's (Authority) Taxicab and Limousine Division's (TLD) Office of the Clerk.

On May 12, 2017, the Enforcement Department of the TLD of the Authority issued Citation T-22470 to Galaxy Limousine, Inc. (Respondent) for violation of 52 Pa. Code § 1051.4 and 53 Pa.C.S. § 5707.1, failure to pay assessment.

The complaint was served on Respondent on May 12, 2017, by first class mail.

Respondent did not pay the penalty amount identified on the citation or file a request for a hearing with the TLD Clerk within 15 days after the date of service as provided in 52 Pa. Code § 1005.13(b).

On June 7, 2017, the TLD Clerk's office sent Respondent a reminder notice of the outstanding citation and to either pay the penalty, request a hearing, or suffer a default.

To date, more than 15 days have expired and Respondent has failed to pay the penalty or file a request for a hearing with the TLD Clerk. Therefore, pursuant to 52 Pa. Code § 1005.31(c), the complaint is sustained and a Default Order is entered against Respondent.

A penalty of \$500 is imposed along with an administration fee of \$75 for a total of \$575.

In addition, Respondent's CPC No. 1010364-07 is hereby CANCELLED.

Respondent is Ordered to pay \$575 by June 20, 2019.

Pursuant to 52 Pa. Code § 1001.13(b), this Order will become effective on June 20, 2019, as an adjudication of the Authority if not selected for review by the Authority.

Respondent is hereby notified to cease and desist from further violations of the Taxicab and Limousine regulation, 52 Pa. Code §§ 1001.1 et seq.

Hon. Sheldon C. Jelin (Ret.)
Hearing Officer

If you have any questions concerning this notice, you may contact the TLD's Office of the Clerk, Heidi Robb, (215) 683-9498, TLDClerk@philapark.org.

SCOTT PETRI,
Executive Director

[Pa.B. Doc. No. 19-1001. Filed for public inspection June 28, 2019, 9:00 a.m.]

**PHILADELPHIA
PARKING AUTHORITY**

Service of Default Order

**Philadelphia Parking Authority, Taxicab and
Limousine Division v. SHH Cab Corp.; Doc. No.
C-19-01-175**

Attention SHH Cab Corp., last known address of 681 Marshall Street, Somerville, MA 02145, this notice advises that a Default Order of Hearing Officer, Hon. Sheldon C. Jelin was issued and entered on May 29, 2019, with the Philadelphia Parking Authority's (Authority) Taxicab and Limousine Division's (TLD) Office of the Clerk.

On January 28, 2019, the Enforcement Department of the TLD of the Authority issued Citation T-27976 to SHH Cab Corp. (Respondent) for violation of 52 Pa. Code § 1011.3, annual filing requirements not met.

The complaint was served on Respondent on January 28, 2019, by first class mail.

Respondent did not pay the penalty amount identified on the citation or file a request for a hearing with the

TLD Clerk within 15 days after the date of service as provided in 52 Pa. Code § 1005.13(b).

On March 1, 2019, the TLD Clerk's office sent Respondent a reminder notice of the outstanding citation and to either pay the penalty, request a hearing, or suffer a default.

To date, more than 15 days have expired and Respondent has failed to pay the penalty or file a request for a hearing with the TLD Clerk. Therefore, pursuant to 52 Pa. Code § 1005.31(c), the complaint is sustained and a Default Order is entered against Respondent.

A penalty of \$100 is imposed along with an administration fee of \$75 for a total of \$175.

In addition, Respondent's CPC No. 1027013-01 is hereby CANCELLED with respect to medallions P-0305, P-0307 and P-1087.

Respondent is Ordered to pay \$175 by June 13, 2019.

Pursuant to 52 Pa. Code § 1001.13(b), this Order will become effective on June 13, 2019, as an adjudication of the Authority if not selected for review by the Authority.

Respondent is hereby notified to cease and desist from further violations of the Taxicab and Limousine regulation, 52 Pa. Code §§ 1001.1 et seq.

Hon. Sheldon C. Jelin (Ret.)
Hearing Officer

If you have any questions concerning this notice, you may contact the TLD's Office of the Clerk, Heidi Robb, (215) 683-9498, TLDclerk@philapark.org.

SCOTT PETRI,
Executive Director

[Pa.B. Doc. No. 19-1002. Filed for public inspection June 28, 2019, 9:00 a.m.]

PHILADELPHIA PARKING AUTHORITY

Service of Notice of Motor Carrier Applications in the City of Philadelphia

The following permanent authority applications to render service as a common carrier in the City of Philadelphia have been filed with the Philadelphia Parking Authority's (PPA) Taxicab and Limousine Division (TLD). Formal protests must be filed in accordance with 52 Pa. Code Part II (relating to Philadelphia Parking Authority) with the TLD's Office of the Clerk, 2415 South Swanson Street, Philadelphia, PA 19148, no later than July 15, 2019. The nonrefundable protest filing fee is \$5,000 payable to the PPA by certified check or money order. The applications are available for inspection at the TLD between 9 a.m. and 4 p.m., Monday through Friday (contact TLD Director Christine Kirlin, Esq. at (215) 683-9653 to make an appointment) or may be inspected at the business addresses of the respective applicants or attorneys, or both.

Doc. No. A-19-06-01. Matharu, Inc. (7450 Miller Avenue, Upper Darby, PA 19082): An application for a medallion taxicab certificate of public convenience (CPC) to transport, as a common carrier, persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return.

Doc. No. A-19-06-02. Karim Taxi, LLC (7721 Dungan Road, Philadelphia, PA 19111): An application for a medallion taxicab CPC to transport, as a common carrier, persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return. *Attorney for Applicant:* Danielle Friedman, Esq., 2301 Church Street, Philadelphia, PA 19124.

SCOTT PETRI,
Executive Director

[Pa.B. Doc. No. 19-1003. Filed for public inspection June 28, 2019, 9:00 a.m.]

STATE CHARTER SCHOOL APPEAL BOARD

Schedule of Meetings

The State Charter School Appeal Board will meet as follows:

July 24, 2019	1 p.m.	Honors Suite
September 17, 2019	1 p.m.	Honors Suite
October 22, 2019	1 p.m.	Honors Suite
December 3, 2019	1 p.m.	Heritage Suite A
January 14, 2020	1 p.m.	Honors Suite
February 25, 2020	1 p.m.	Honors Suite
April 14, 2020	1 p.m.	Honors Suite
May 19, 2020	1 p.m.	Heritage Suite A
June 16, 2020	1 p.m.	Honors Suite

Unless due and timely notice to the contrary is given, these meetings will be held as previously stated. The Honors Suite is on the First Floor, Department of Education Building, 333 Market Street, Harrisburg, PA. Heritage A is off the lobby right past the security gates.

Persons with disabilities needing special accommodations to attend the meetings may contact Sara Hockenberry, Counsel to the Board, 9th Floor, 333 Market Street, Harrisburg, PA 17126-0333, (717) 787-5500 or the Pennsylvania AT&T Relay Service (800) 654-5984 at least 24 hours in advance so that arrangements can be made.

SARA M. HOCKENBERRY,
Board Counsel

[Pa.B. Doc. No. 19-1004. Filed for public inspection June 28, 2019, 9:00 a.m.]

STATE EMPLOYEES' RETIREMENT BOARD

Hearings Scheduled

The following hearings have been scheduled, as authorized by 71 Pa.C.S. Part XXV (relating to State Employees' Retirement Code), in connection with the State Employees' Retirement System's denial of claimants' request concerning the indicated accounts.

The hearings will be held before a hearing examiner at the State Employees' Retirement System, 30 North Third Street, Fifth Floor, Harrisburg, PA 17101:

October 3, 2019	Suellen M. Wolfe Purchase of Service Issue	1 p.m.
October 8, 2019	Timothy G. Collins Service Credit Issue	1 p.m.
November 7, 2019	Joseph C. Waters Pension Forfeiture Issue	1 p.m.

Parties in each respective case may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). Under 4 Pa. Code § 250.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

TERRILL J. SANCHEZ,
Secretary

[Pa.B. Doc. No. 19-1005. Filed for public inspection June 28, 2019, 9:00 a.m.]

STATE HORSE RACING COMMISSION

Timed Workouts; Thoroughbred Horse Racing

The State Horse Racing Commission (Commission) provides notice that on May 28, 2019, at its regularly scheduled public meeting, it issued an Order adopting, as a temporary regulation, an amendment to its existing thoroughbred regulation at 58 Pa. Code § 163.132 (relating to timed workouts) by increasing the existing 30-day time period to a 45-day time period. By regulation, a horse which has not started in a race for the regulatory period, is ineligible to race until it has completed a timed workout satisfactory to the Board of Stewards. This amendment was requested by the Horsemen's Benevolent and Protective Association. The Commission's Order was adopted under the authority of 3 Pa.C.S. §§ 9311(h) and 9312(6)(i) (relating to State Horse Racing Commission;

and additional powers of commission) and listed under Administrative Doc. No. 2019-19.

The general purpose of the Order is: (1) to provide an extended opportunity for horsemen whose horses have not been competing to have their horses officially timed; (2) to provide accurate assessment of the horse's physical condition and readiness to race after a period of not competing; and (3) to provide accurate information to the betting public about the horse's racing readiness for handicapping purposes.

This Order and the Annex A will take effective upon publication in the *Pennsylvania Bulletin*. In addition, the Order and specific provisions have been posted and published on the Commission's web site and a copy may be accessed by the public at <http://www.agriculture.pa.gov/Animals/RacingCommission/commission/Pages/Publications.aspx>. The Commission will also provide copies of the Order upon request directed to (717) 787-5539.

THOMAS F. CHUCKAS, Jr.,
Director

Bureau of Thoroughbred Horse Racing

[Pa.B. Doc. No. 19-1006. Filed for public inspection June 28, 2019, 9:00 a.m.]

THADDEUS STEVENS COLLEGE OF TECHNOLOGY

Request for Bids

Thaddeus Stevens College of Technology is soliciting bids for Project 19-0001 for a variety of construction products such as lumber, insulation, stair stringers, wall plates, fasteners, hardware, and finish materials to complete an entire duplex residence. Bid documents can be obtained from Carrie Harmon, Thaddeus Stevens College, 750 East King Street, Lancaster, PA 17602, (717) 299-7787, Harmon@stevenscollege.edu.

DR. WILLIAM E. GRISCOM,
President

[Pa.B. Doc. No. 19-1007. Filed for public inspection June 28, 2019, 9:00 a.m.]

