

PENNSYLVANIA BULLETIN

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January—June 2019

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

No. 536, July 2019

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Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Rules and Regulations

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

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

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

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

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Printing Format

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

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

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

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

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

Court Rules in Titles 201—246 of the Pennsylvania Code

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

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

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

Fiscal Notes

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

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

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

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List of Pa. Code Chapters Affected

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

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THE GOVERNOR

Title 4—ADMINISTRATION

PART I. GOVERNOR'S OFFICE

[4 PA. CODE CH. 6]

[EXECUTIVE ORDER NO. 2019-03]

Pennsylvania State Employee Military Service Recognition Campaign

June 14, 2019

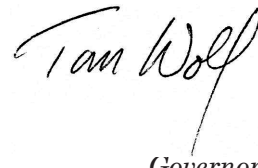
Whereas, Commonwealth employees who serve or have served in the Armed Forces of the United States, the Reserves and National Guard, have demonstrated extraordinary selflessness and made personal sacrifices for this Commonwealth and the nation; and

Whereas, the Commonwealth of Pennsylvania is committed to providing assistance to those who serve or have served by identifying and providing information and assistance about federal or state benefits that these individuals may have earned; and

Whereas, the Commonwealth is also committed to providing its employees who serve or have served with opportunities for collaboration, esprit de corps, and support; and

Whereas, the Commonwealth is committed to recognizing those Commonwealth employees who serve or have served and believes that this recognition will encourage patriotism, spark the call to service, and stimulate civic engagement within our Commonwealth.

Now, Therefore, I, Tom Wolf, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do formally establish the Pennsylvania State Employee Military Service Recognition Campaign, and do order and direct as follows:



Governor

Fiscal Note: GOV-2019-03. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 4. ADMINISTRATION

PART I. GOVERNOR'S OFFICE

CHAPTER 6. ADDITIONAL COUNCILS AND COMMITTEES

Subchapter JJJ. PENNSYLVANIA STATE EMPLOYEE MILITARY SERVICE RECOGNITION CAMPAIGN

Sec.	
6.741.	Purpose.
6.742.	Eligibility.
6.743.	Responsibilities.
6.744.	General provisions
6.745.	Effective date.
6.746.	Termination date.

§ 6.741. Purpose.

The purpose of the Pennsylvania State Employee Military Service Recognition Campaign (Campaign) is to annually recognize and thank Commonwealth employees who serve or have served in the Armed Forces of the United States, the Reserves and National Guard, by providing them with a

lapel pin to honor their service. Eligible employees will not be recognized with a lapel pin as part of this Campaign more than once during their time of employment with the Commonwealth.

§ 6.742. Eligibility.

Eligible Employees are current Commonwealth employees who serve or have served in the Armed Forces of the United States: Army, Marine Corps, Navy, Air Force and Coast Guard; the Reserves; and National Guard.

§ 6.743. Responsibilities.

The Pennsylvania State Employee Military Service Recognition Campaign (Campaign) shall be responsible for the following:

a. The Department of Military and Veterans Affairs (DMVA) will:

(1) Coordinate the Campaign and provide support to Commonwealth agencies in the administration of the Campaign. The DMVA will also procure the lapel pins for the Campaign.

(2) Establish a Veterans in Public Service (VIPS) Committee consisting of current Commonwealth employees (Eligible Employees) to align under the Governor's Advisory Council on Veterans Services (GAC-VS), established under Executive Order 2013-03 (see 4 Pa. Code §§ 6.551—6.556 (relating to Governor's Advisory Council on Veterans Services)).

(3) Provide benefits information and assistance with benefits applications to Eligible Employees.

b. The Office of Administration will establish and maintain a database of Eligible Employees, assist Commonwealth agencies in conducting an annual review of the database, keep a record of those employees who have received lapel pins or who have opted out of the Campaign, and assist the DMVA with the facilitation of the VIPS Committee.

c. Commonwealth agencies:

(1) On an annual basis, will identify Eligible Employees within their agencies who may qualify for the lapel pin and, where appropriate, hold recognition ceremonies.

(2) Will refer Eligible Employees to the DMVA for assistance with benefit questions and applications.

(3) Will coordinate with the DMVA to provide veterans outreach activities within the Commonwealth Agency.

(4) Will acquire Campaign pins from the DMVA. Commonwealth agencies are responsible for paying the DMVA for the Campaign pins.

(5) May identify a veteran representative to serve on the VIPS Committee, under the GAC-VS, and to coordinate recognition ceremonies.

§ 6.744. General provisions.

This subchapter shall be implemented consistent with applicable law. This subchapter is not intended to, and does not create, any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the Commonwealth, its departments, agencies, or entities, its officers, employees, or agents or any other person.

§ 6.745. Effective date.

This subchapter shall take effect immediately.

§ 6.746. Termination date.

This subchapter shall remain in effect unless revised or rescinded by the Governor.

[Pa.B. Doc. No. 19-1008. Filed for public inspection July 5, 2019, 9:00 a.m.]

THE COURTS

Title 201—RULES OF JUDICIAL ADMINISTRATION

[201 PA. CODE CH. 7]

Amendment of Rule 701 of the Rules of Judicial Administration; No. 517 Judicial Administration Doc.

Order

Per Curiam

And Now, this 18th day of June, 2019, *It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 701 of the Rules of Judicial Administration is amended in the following form.

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

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

Annex A

TITLE 201. RULES OF JUDICIAL ADMINISTRATION

CHAPTER 7. ASSIGNMENT OF JUDGES

ASSIGNMENT AND TRANSFER OF JUDGES

Rule 701. Assignment of judges to courts.

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

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

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

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

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

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

(3) Senior status shall end on the last day of the calendar year in which a magisterial district judge, judge or justice attains age seventy-eight[; **however, those serving in senior status as of the effective date of this rule who were previously excepted from the age seventy-five limitation pursuant to the amend-**

ment of January 1, 1999 may continue to serve until the last day of the calendar year in which they attain age eighty].

* * * * *

[Pa.B. Doc. No. 19-1009. Filed for public inspection July 5, 2019, 9:00 a.m.]

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART II. GENERAL ADMINISTRATION

[204 PA. CODE CH. 29]

Miscellaneous Provisions

Pursuant to its general authority set forth by Article V, Section 10 of the Constitution of Pennsylvania and Section 3502(a) of the Judicial Code, 42 Pa.C.S. § 3502(a), the Court Administrator of Pennsylvania is authorized to promulgate financial regulations in accordance with all applicable statutory provisions.

Section 405, Chapter 29 of Title 204 of the *Pennsylvania Code* is duplicative of Section 353, Chapter 29 of Title 204 of the *Pennsylvania Code* and therefore should be removed.

Filed in the Administrative Office of Pennsylvania Courts on June 24, 2019.

THOMAS B. DARR,
Court Administrator of Pennsylvania

[Pa.B. Doc. No. 19-1010. Filed for public inspection July 5, 2019, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 1915]

Proposed Amendment of Pa.R.C.P. Nos. 1915.3-2 and 1915.4-4

The Domestic Relations Procedural Rules Committee is planning to propose to the Supreme Court of Pennsylvania the amendment of Pa.R.C.P. Nos. 1915.3-2 and 1915.4-4 for the reasons set forth in the accompanying publication 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:

Bruce J. Ferguson, Counsel
 Domestic Relations Procedural Rules Committee
 Supreme Court of Pennsylvania
 Pennsylvania Judicial Center
 PO Box 62635
 Harrisburg, PA 17106-2635
 Fax: 717-231-9531
 domesticrules@pacourts.us

All communications in reference to the proposal should be received by October 4, 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 Domestic Relations
 Procedural Rules Committee*

WALTER J. McHUGH, Esq.,
 Chair

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1915. ACTIONS FOR CUSTODY OF MINOR CHILDREN

Rule 1915.3-2. Criminal Record or Abuse History.

(a) [*Criminal Record or Abuse History Verification*] Criminal Record/Abuse History Verification.

(1) A party [**must**] shall sign, file with the prothonotary, and serve on the other party a completed criminal record or abuse history verification with [the] a complaint, [any] petition for modification, [any] counterclaim, [any] petition for contempt, or [any count for custody in a divorce complaint] a divorce pleading that includes a custody claim or counterclaim [a verification regarding any criminal record or abuse history of that party and anyone living in that party's household].

(2) The verification shall be substantially in the form set forth in subdivision (c) [**below**].

(3) The party [**must**] shall attach a blank verification form to a complaint, counterclaim, or petition served [**upon the**] on other party.

(4) Although the party served need not file a responsive pleading [**pursuant to Rule 1915.5, he or she must**] to the complaint or petition, see Pa.R.C.P. No. 1915.5, the party shall sign, file with the [court a verification regarding his or her own criminal record or abuse history and that of anyone living in his or her household] prothonotary, and serve on the other party a completed criminal record or abuse history verification on or before the initial in-person contact with the court (including, but not limited to, a conference with a conference officer or judge or conciliation, depending upon the procedure in the judicial district) but not later than 30 days after service of the complaint or petition.

(5) A party's failure to file a Criminal Record [**or**] / Abuse History Verification may result in sanctions against that party. [**Both parties**]

(6) A party shall sign, file with the prothonotary, and serve on the other party an updated [verifications] verification:

(i) five days prior to a hearing or trial[.]; or

(ii) whenever a party's, household member's, or child's circumstances change or a party obtains additional information affecting the veracity of a previously filed verification.

(b) *Initial Evaluation.* [At the initial in-person contact with the court, the judge, conference officer, conciliator or other appointed individual shall perform an initial evaluation to determine whether the existence of a criminal or abuse history of either party or a party's household member poses a threat to the child and whether counseling is necessary. The initial evaluation required by 23 Pa.C.S. § 5329(c) shall not be conducted by a mental health professional. After the initial evaluation, the court may order further evaluation or counseling by a mental health professional if the court determines it is necessary. Consistent with the best interests of the child, the court may enter a temporary custody order on behalf of a party with a criminal history or a party with a household member who has a criminal history, pending the party's or household member's evaluation and/or counseling.]

(1) During the initial in-person custody proceeding as provided in Pa.R.C.P. No. 1915.4(a), the judge, conference officer, conciliator, or other appointed individual shall determine whether a party or household member poses a threat to the child.

Official Note: See 23 Pa.C.S. § 5329(c).

(2) In determining if a party or household member poses a threat to the child or requires an additional evaluation or counseling, as provided in 23 Pa.C.S. §§ 5329(d) and (e), the judge, conference officer, conciliator, or other appointed individual shall consider the Criminal Record/Abuse History Verification forms required by subdivision (c) and other information or documentation of the individual's criminal record or abuse history.

Official Note: See 23 Pa.C.S. § 5330(b) and 42 Pa.C.S. § 1904.

(i) To the extent an individual has a criminal record or abuse history, the judge, conference officer, conciliator, or other appointed individual shall consider:

(A) the severity of the offense or abuse;

(B) when the offense or abuse occurred;

(C) if the victim was a child or family member; and

(D) whether the offense or abuse involved physical violence.

(ii) The judge, conference officer, conciliator, or other appointed individual shall disregard a criminal offense resolved by Accelerated Rehabilitative Disposition (ARD) or other diversionary programs.

(3) If it is in the child's best interest, the judge may enter an interim custody order pending the evaluation or counseling.

[*Official Note:* The court shall consider evidence of criminal record or abusive history presented by the parties. There is no obligation for the court to conduct an independent investigation of the criminal record or abusive history of either party or members of their household. The court should not consider ARD or other diversionary programs. When determining whether a party or household member requires further evaluation or counseling,

or whether a party or household member poses a threat to a child, the court should give consideration to the severity of the offense, the age of the offense, whether the victim of the offense was a child or family member and whether the offense involved violence.]

(c) *Verification.* The verification regarding criminal record or abuse history shall be substantially in the following form:

(Caption)

CRIMINAL RECORD/ABUSE HISTORY VERIFICATION

I _____, hereby swear or affirm [, subject to penalties of law including 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities] that:

[1. Unless indicated by my checking the box next to a crime below, neither I nor any other member of my household have been convicted or pled guilty or pled no contest or was adjudicated delinquent where the record is publicly available pursuant to the Juvenile Act, 42 Pa.C.S. § 6307 to any of the following crimes in Pennsylvania or a substantially equivalent crime in any other jurisdiction including pending charges:]

1. Unless I checked a box next to a listed crime or offense, neither a household member nor I have pled guilty or no contest, have been convicted or adjudicated delinquent in which the record is publicly available pursuant to the Juvenile Act, 42 Pa.C.S. § 6307, or have pending charges to a listed crime or offense in Pennsylvania or a substantially equivalent crime or offense from another state:

<i>Check all that apply</i>	<i>Crime</i>	<i>Self</i>	<i>Other household member</i>	<i>Date of conviction, guilty plea, no contest plea or pending charges</i>	<i>Sentence</i>
<input type="checkbox"/>	18 Pa.C.S. Ch. 25 (relating to criminal homicide)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 2702 (relating to aggravated assault)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 2706 (relating to terroristic threats)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 2709.1 (relating to stalking)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 2901 (relating to kidnapping)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 2902 (relating to unlawful restraint)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 2903 (relating to false imprisonment)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 2910 (relating to luring a child into a motor vehicle or structure)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 3121 (relating to rape)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 3122.1 (relating to statutory sexual assault)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 3124.1 (relating to sexual assault)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 3125 (relating to aggravated indecent assault)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 3126 (relating to indecent assault)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____

<i>Check all that apply</i>	<i>Crime</i>	<i>Self</i>	<i>Other household member</i>	<i>Date of conviction, guilty plea, no contest plea or pending charges</i>	<i>Sentence</i>
<input type="checkbox"/>	18 Pa.C.S. § 3127 (relating to indecent exposure)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 3129 (relating to sexual intercourse with animal)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 3130 (relating to conduct relating to sex offenders)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 3301 (relating to arson and related offenses)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 4302 (relating to incest)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 4303 (relating to concealing death of child)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 4304 (relating to endangering welfare of children)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 4305 (relating to dealing in infant children)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 5902(b) (relating to prostitution and related offenses)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 5903(c) or (d) (relating to obscene and other sexual materials and performances)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 6301 (relating to corruption of minors)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 6312 (relating to sexual abuse of children)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 6318 (relating to unlawful contact with minor)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. § 6320 (relating to sexual exploitation of children)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	23 Pa.C.S. § 6114 (relating to contempt for violation of protection order or agreement)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	<u>42 Pa.C.S. § 62A14</u> <u>(relating to contempt for violation of protection order or agreement)</u>	<input type="checkbox"/>	<input type="checkbox"/>	=====	=====
<input type="checkbox"/>	Driving under the influence of drugs or alcohol	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	Manufacture, sale, delivery, holding, offering for sale or possession of any controlled substance or other drug or device	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____

[2. Unless indicated by my checking the box next to an item below, neither I nor any other member of my household have a history of violent or abusive conduct, or involvement with a Children & Youth agency, including the following:

<i>Check all that apply</i>	<i>Self</i>	<i>Other household member</i>	<i>Date</i>
<input type="checkbox"/> A finding of abuse by a Children & Youth Agency or similar agency in Pennsylvania or similar statute in another jurisdiction.	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/> Abusive conduct as defined under the Protection from Abuse Act in Pennsylvania or similar statute in another jurisdiction.	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/> Involvement with a Children & Youth Agency or similar agency in Pennsylvania or another jurisdiction. Where?: _____	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/> Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	_____]

2. Unless I have checked a box next to one of the following statements, the statements do not apply to a household member, my child, or me.

<i>Check all that apply</i>	<i>Self</i>	<i>Household member</i>	<i>Child</i>
<input type="checkbox"/> <u>Involvement with a children and youth social service agency in Pennsylvania or a similar agency in another state.</u> <u>What county and state?:</u> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> <u>A determination or finding of abuse (i.e., indicated or founded report) by a children and youth social service agency or court in Pennsylvania or a similar agency or court in another state.</u> <u>What county and state?:</u> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> <u>An adjudication of dependency or delinquency under Pennsylvania's Juvenile Act or a similar law in another state.</u> <u>What county and state?:</u> _____ <u>Is the case active?</u> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> <u>A history of abuse as defined in the Protection from Abuse Act.</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> <u>A history of sexual violence or intimidation as defined in the Protection of Victims of Sexual Violence and Intimidation Act.</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

3. Please list any evaluation, counseling, or other treatment received following a conviction or finding of abuse:

4. If any conviction above applies to a household member, not a party, state that person's name, date of birth, and relationship to the child.

5. If you are aware that the other party or members of the other party's household has [or have] a criminal record/abuse history, please explain:

I verify that the information above is true and correct to the best of my knowledge, information or belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Signature

Printed Name

Only a party can sign this form. If a party is represented by an attorney, the attorney cannot sign this form on behalf of the party.

(d) *Child Abuse and Protective Services Involvement.* The court shall develop procedures by local rule, as appropriate, for:

(1) obtaining from the county children and youth social service agency the information required by 23 Pa.C.S. § 5329.1(a) that will assist the court in determining the factors set forth in 23 Pa.C.S. §§ 5328(a)(2.1) and 5329(a);

(2) distributing the information obtained in subdivision (d)(1), as appropriate, to the party or the party's counsel while ensuring that the sharing of information from confidential reports is consistent with the law, including 23 Pa.C.S. § 6340; and

(3) how the relevant information is introduced as evidence at a hearing or trial.

Explanatory Comment—2019

Based on the amendments to 23 Pa.C.S. §§ 5328 and 5329 and the addition of 23 Pa.C.S. § 5329.1 included in the Act of Dec. 18, 2013, P.L. 1167, No. 107, several substantive rule amendments were made.

Subdivision (b) was reorganized, and the Note accompanying the previous version of the subdivision was deleted and incorporated into the rule text, instead.

Subdivision (c) was amended to include more specific questions on the Criminal Record/Abuse History Verification related to the individual's, child's, or household member's involvement with the county children and youth social service agency and the juvenile court system.

Subdivision (d) was added to the rule and requires judicial districts, as appropriate, to adopt local rules for obtaining information from the juvenile dependency court and the county children and youth social service agency demonstrating whether a party, child, or party's household member has had involvement with the juvenile court or the children and youth social service agency and appropriately distributing the information to the parties or the parties' counsel. Specific statewide rules providing for the information sharing mandated in Section 5329.1 were not promulgated due to the varied practice and procedures in the judicial districts' domestic relations courts and juvenile dependency courts.

In judicial districts with a "one family—one judge" policy or in counties in which a judge may hear the custody and dependency cases, a local rule may not be required as the judge will have access to the requisite Section 5329.1 information as set forth in 23 Pa.C.S. §§ 5328(a)(2.1) and 5329(a). In contrast, a local procedure may be necessary in judicial districts in which the juvenile dependency court's information and the county children and youth social service agency's file are inaccessible to all of the custody litigants or the custody judge is not directly involved in the juvenile dependency case.

In several counties, judicial districts have developed forms to elicit the appropriate Section 5329.1 information from the children and youth social

service agency. While this may be an appropriate information gathering practice, the court and parties should ensure the information obtained, which may be confidential, is handled in accordance with applicable laws and only distributed to the appropriate individuals. Moreover, the local rules and practice should ensure compliance with Pennsylvania Rules of Evidence.

Rule 1915.4-4. Pre-Trial Procedures.

* * * * *

(e) At the pre-trial conference, the court shall consider the following [shall be considered]:

- (1) issues for resolution by the court;
- (2) unresolved discovery matters;
- (3) [any] agreements of the parties;
- (4) issues relating to expert witnesses;
- (5) settlement [and/or] or mediation of the case;

(6) a party's or household member's criminal record or abuse history or a party's, household member's, or child's involvement with the juvenile dependency court or the children and youth social service agency as outlined in 23 Pa.C.S. §§ 5329 and 5329.1, including the admissibility of related documents, other evidentiary issues, or testimony;

Official Note: See 42 Pa.C.S. § 6307(a)(4.1) and 23 Pa.C.S. § 6340(a)(5.1).

(7) such other matters as may aid in the disposition of the case; and

[(7)] (8) if a trial date has not been scheduled, it shall be scheduled at the pre-trial conference.

* * * * *

REPUBLICATION REPORT

Recommendation 154

The Domestic Relations Procedural Rules Committee ("Committee") is proposing amendments to Pa.R.C.P. No. 1915.3-2, Criminal Record or Abuse History, and Pa.R.C.P. No. 1915.4-4, Pre-Trial Procedures. Act 107 of 2013 ("Act"), effective January 1, 2014, directs custody courts to consider child abuse and the involvement of a party, household member, or child with a child protective services agency when determining child custody under 23 Pa.C.S. §§ 5321—5340. The Act further directs the Department of Public Welfare, now the Department of Human Services (DHS), the local county children and youth social services agencies (CYS), and the courts of common pleas to cooperate with the exchange of information that is necessary for the court's determination of a child custody order. The Act amended not only Title 23 as it relates to child custody, but also the Child Protective Services Law, 23 Pa.C.S. §§ 6301—6375, and the Juvenile Act, 42 Pa.C.S. §§ 6301—6375.

As it relates to child custody determinations, the Act requires inter-branch cooperation between family courts and DHS, including CYS, for sharing reports and other information of families and children involved with CYS. The information sharing is necessary for a custody court to determine the newly amended factors in 23 Pa.C.S. §§ 5328(a)(2.1) and 5329.1(a).

The Act provides a number of procedural and evidentiary problems. First, child custody proceedings are adversarial, and the parties are required to present evidence in support of their claim for custody and ad-

addressing the Section 5328 factors, which now includes (a)(2.1). Often custody litigants are not the litigants in the dependency action (e.g., grandparents, other third parties) and may not have access to juvenile court records and CYS files, and the dependency/CYS information may be relevant to the custody action. Moreover, some dependency and CYS information or reports may be confidential and, as such, a custody litigant may be precluded from obtaining evidence relevant to the custody action.

Second, the Act amends the Child Protective Services Law and Juvenile Act by granting courts of common pleas access to reports, files, and court records that would assist the court in determining custody. Allowing the custody judge access to the CYS information and files places the judge in an investigative rather than an adjudicative role, which many comments objected to the previously published proposals.

Complicating matters are the varying court procedures in judicial districts for custody cases and juvenile dependency cases. In judicial districts in which judges hear both custody and dependency cases or the judicial district is “one family one judge,” the issues are less problematic since the court typically would be aware of the parties’ or child’s involvement with CYS and dependency court. Additionally, the court would already have access to the dependency case records and files, and may have conducted hearings in which this information had been entered as evidence. Although the issue of how CYS and dependency court information is entered into evidence into the custody action is still an issue as is third-party litigants having accessing confidential reports and information.

On two occasions, the Committee published for public comment a variation of this Rule Proposal in the *Pennsylvania Bulletin*, 46 Pa.B. 3932 (July 23, 2016) and 47 Pa.B. 3333 (June 17, 2017). After a substantial revision to the previous proposals, the Committee is now republishing the Rule Proposal. In the previous published rule proposals, Pa.R.C.P. No. 1915.3 had been included for amendment, which has been omitted from this proposal and, instead, an amendment to Pa.R.C.P. No. 1915.4-4 has been included.

Initially, the Committee proposes reformatting Pa.R.C.P. No. 1915.3-2 into an outline format rather than the current narrative format. The Committee believes this format is more easily understood, especially in rules in which there are numerous procedural parts. Additionally, the Committee has deleted the Note following the current rule text and, instead, incorporated the relevant portions into subdivision (b).

Also, the Rule Proposal adds subdivision (d) to Pa.R.C.P. No. 1915.3-2 providing for judicial districts to develop local rules/procedures for obtaining the requisite information from CYS and the dependency courts, as appropriate. As provided in the accompanying Explanatory Comment, the comment acknowledges the varying judicial district procedures in custody and juvenile dependency cases, and that a “one-size fits all” statewide rule was not appropriate or practical.

Finally, as noted above, the rule proposal adds an amendment to Pa.R.C.P. No. 1915.4-4, Pre-Trial Procedures. This proposed amendment would require the court address the parties’ criminal record or abuse history at a pre-trial conference. In addition, the proposed amendment

would require the court address the admissibility of the CYS documents and information and other related evidentiary issues, including authenticating CYS witness testimony.

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

[Pa.B. Doc. No. 19-1011. Filed for public inspection July 5, 2019, 9:00 a.m.]

Title 255—LOCAL COURT RULES

MONROE COUNTY

Promulgation of M.C.R.J.A. 478; 62 AD 2019

Order

And Now, this 19th day of June, 2019, pursuant to recordkeeping requirements/public inspection limitations for firearm lists identified in 18 Pa.C.S. § 6105.2(f) and 23 Pa.C.S. § 6108(a)(7)(v), it is Ordered that Monroe County Rule of Judicial Administration 478 is created and shall 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 this Rule with the Administrative Office of Pennsylvania Courts via email to adminrules@pacourts.us.
2. File two paper copies and one electronic copy of this Rule 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 this Rule published on the Monroe County Bar Association website at www.monroebar.org.
4. Arrange to have this Rule, as well as all local rules, published on the 43rd Judicial District website at www.monroepacourts.us.
5. Keep this Rule, 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

Rule 478. Assignment of Recordkeeping Requirements of 18 Pa.C.S. § 6105.2(f), and 23 Pa.C.S. § 6108(a)(7)(v).

The filing offices shall insure compliance with the recordkeeping requirements/public inspection limitations pursuant to 18 Pa.C.S. § 6105.2(f) and 23 Pa.C.S. § 6108(a)(7)(v).

[Pa.B. Doc. No. 19-1012. Filed for public inspection July 5, 2019, 9:00 a.m.]

Title 255—LOCAL COURT RULES

SCHUYLKILL COUNTY

Local Orphans' Court Rule 14.3(b); 2008-5000E

Order of Court

And Now, this 18th day of June, 2019, at 2 p.m., the Schuylkill County Court of Common Pleas hereby adopts Local Orphans' Court Rule 14.3(b) for use in the Schuylkill County Court of Common Pleas, Twenty-First Judicial District, effective 30 days after publication in the *Pennsylvania Bulletin*.

The Schuylkill County District Court Administrator is Ordered and Directed to do the following:

1) File one (1) copy of this Order and Rule with the Administrative Office of the Pennsylvania Courts via email to adminrules@pacourts.us.

2) File two (2) paper copies of this Order and Rule and (1) electronic copy in a Microsoft Word format to bulletin@palrb.us with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3) Publish the local rule on the Schuylkill County Court website at www.co.schuylkill.pa.us.

4) Incorporate the local rule into the set of local rules on www.co.schuylkill.pa.us within thirty (30) days after publication in the *Pennsylvania Bulletin*.

5) File one (1) copy of the local rule in the Office of the Schuylkill County Register of Wills/Orphans' Court for public inspection and copying.

6) Forward one (1) copy to the Law Library of Schuylkill County for publication in the *Schuylkill Legal Record*.

WILLIAM E. BALDWIN,
President Judge

Rule 14.3(b). Alternative Proof of Incapacity: Expert Report in Lieu of In-Person or Deposition Testimony of Expert. Submission to the Court.

(b) If petitioner elects to submit an expert report in lieu of testimony pursuant to Pa. O.C. Rule 14.3(a), the petitioner shall provide the Court with a copy of the report at the time service of the report is made pursuant to Pa. O.C. Rule 14.3(b)(1).

[Pa.B. Doc. No. 19-1013. Filed for public inspection July 5, 2019, 9:00 a.m.]

Title 255—LOCAL COURT RULES

SULLIVAN COUNTY

Local Rule of Civil Procedure Governing Custody and Storage of Trial Exhibits; No. 2019-CV-134

Order of Court

And Now, this 31st day of May, 2019, in compliance with Rule 103 of the Pennsylvania Rules of Judicial Administration,

It Is Hereby Ordered that the Court adopts the following Local Rule 244 of Civil Procedure Custody and Storage of Trial Exhibits, which becomes effective July 29, 2019.

By the Court

RUSSELL D. SHURTLEFF,
President Judge

Rule 244. Custody and Storage of Trial Exhibits.

A. The moving party shall keep custody of and be responsible for all non-documentary material and documentary exhibits larger than 8.5 × 11 inches submitted into evidence at trial. That material shall not be left in the courtroom after the conclusion of the trial of the case.

B. If a party offers into evidence documentary exhibits larger than 8.5 × 11 inches, the party shall provide the Court, at the time of trial, with a copy of the document reduced to 8.5 × 11 inches, which copy shall be marked and filed of record.

C. Notwithstanding the above provision, any party may petition the Court to retain custody of an Exhibit.

D. Trial exhibits entered into evidence prior to the effective date of this Rule, and those filed of record pursuant to the provisions above, shall be retained by the Court until it is determined whether an appeal has been taken from a final judgment. If an appeal has been taken, the exhibits shall be retained until disposition of the appeal. Within sixty (60) days of the final disposition of all appeals, or the date when no further appeal may be taken under the Pennsylvania Rules of Appellate Procedure, the party who offered the exhibits may reclaim them from the Court Administrator. Any exhibits not so reclaimed may be destroyed or otherwise disposed of by the Court Administrator without further notice being provided by the Court. In cases where final disposition of all appeals predates the effective date of this Rule by more than sixty (60) days, the sixty (60) day time period within which to reclaim trial exhibits shall run from the effective date of this Rule.

Note: The purpose of this rule is to eliminate problems encountered by the Court relating to custody and storage of large exhibits. The rule is not intended to limit the exhibits which are either shown to the jury or sent out with the jury during deliberation.

[Pa.B. Doc. No. 19-1014. Filed for public inspection July 5, 2019, 9:00 a.m.]

Title 255—LOCAL COURT RULES

WESTMORELAND COUNTY

Guardianship Rules; No. 3 of 2019

Administrative Order of Court

And Now, this 10th day of June, 2019, *It Is Hereby Ordered* that Westmoreland County Guardianship Rules WO14.1(c), WO14.3, WO14.6, WO14.10 and WO14.14 are hereby adopted. This change is effective 30 days after publication in the *Pennsylvania Bulletin*.

By the Court

RITA DONOVAN HATHAWAY,
President Judge

Rule WO14.1(c). Petition to Invade Principal Assets and Petition for Compromise of Claim (Incapacitated Persons).

(i) A Petition to Invade Principal Assets shall be presented to the court in all situations where the guardian intends to invade the principal assets of an incapacitated person. Such Petition to Invade Principal Assets shall contain, at minimum, the following averments of fact:

(1) Name, age and residence of the incapacitated person.

(2) A reference to the original date of the guardian's appointment.

(3) Whether the guardian is bonded and, if so, for what amount.

(4) An itemized listing of the assets of the incapacitated person.

(5) An itemized listing of the income and expenses of the incapacitated person.

(6) A listing of the names and addresses of all creditors, and the amount due each.

(7) The purpose for the proposed invasion of principal.

(8) Whether any prior Petitions to Invade Principal Assets have been presented.

(9) In those cases where the guardianship estate is expected to be insolvent, that the creditors of the incapacitated person have been notified of the presentation of the Petition to Invade Principal Assets.

(10) The maximum amount estimated to be needed per month or per year, and the time period during which such invasion will be necessary (e.g., \$500.00 per month for the period January 1, 2019 through December 31, 2019).

(ii) A Petition for Compromise of Claim shall be presented to the court in all situations where the guardian proposes to compromise a claim by or against an incapacitated person. Such Petition for Compromise of Claim shall contain, at minimum, the following averments of fact:

(1) A reference to the original date of the guardian's appointment.

(2) Whether the guardian is bonded and, if so, for what amount.

(3) An itemized listing of the assets of the incapacitated person.

(4) An itemized listing of the income of the incapacitated person.

(5) A listing of the names and addresses of all creditors, and the amount due each.

(6) A concise description of the claim which is proposed to be compromised.

(7) Whether any prior Petitions for Compromise of Claim have been presented.

(8) That the next-of-kin of the incapacitated person have been notified of the presentation of the Petition for Compromise of Claim.

(9) In those cases where the guardianship estate is expected to be insolvent, that the creditors of the incapacitated person have been notified of the presentation of the Petition for Compromise of Claim.

Cross References: For subparagraph (i), see 20 Pa.C.S. § 5536(a), which permits the expenditure of income for the care and maintenance of an incapacitated person without the necessity of court approval, but which requires court authorization for the expenditure of principal.

For subparagraph (ii), see 20 Pa.C.S. § 5521(b), relating to the guardian's powers, duties and liabilities.

See Pa.R.C.P. No. 2051, et seq., for the settlement procedures applicable to actions commenced in the civil division.

Explanatory Comments: The time period for which an invasion of principal may be requested may generally not exceed 1 year.

Under 20 Pa.C.S. § 5536(a), court approval is required to use income for anyone other than the minor or incapacitated person. In such cases, a petition in essentially the same form as provided by this rule should be filed.

Subparagraph (a) adopted February 1, 1996, effective May 1, 1996. Rule WO503 Renumbered 2016, effective 2016. Rescinded and new rule adopted , 2019. Subparagraph (b) adopted February 1, 1996, effective May 1, 1996. Rule WO505 renumbered 2016, effective 2016. Rescinded and new rule adopted , 2019.

Rule WO14.3. Medical Testimony—Guardianships.

(a) It is presumed that the testimony of physicians, psychologists and other medical professionals may be taken in the courtroom by speaker telephone in all guardianship cases, unless objections are filed at least 10 days before the hearing.

(b) When an emergency guardianship petition is presented, the testimony of a physician or psychologist shall be taken in the courtroom by speaker telephone unless otherwise directed by order of court.

(c) All documents in a foreign language shall be translated into English. The translation shall be typed and a certificate of accurate translation shall be attached.

Cross References: See 20 Pa.C.S. § 5518 for provisions regarding testimony by qualified professionals. See 20 Pa.C.S. § 5513 regarding emergency guardianships.

Adopted February 1, 1996, effective May 1, 1996. Rule WO501 renumbered 2016, effective 2016. Rescinded and new rule adopted , 2019.

Rule WO14.6. Petition.

(a) In addition to the allegations required by statute or Supreme Court Rule, when the Petitioner has knowledge that the alleged incapacitated person is a fiduciary, the Petitioner shall indicate this to the Court by averment.

Cross References: See 20 Pa.C.S. § 5511(e) for current required allegations for petitions. See 20 Pa.C.S. § 5511(a) regarding the requirement of notice.

Adopted February 1, 1996, effective May 1, 1996. Rule WO501 amended and renumbered , 2016, effective 2016. Subparagraph (1) is taken from prior Rule WO19(a)(1). Subparagraph (2) is taken from prior Supreme Court Orphans' Court Rule 14.2(a)(5). Subparagraph (3) is taken from prior Supreme Court Orphans' Court Rule 14.2(a)(9). Rescinded and new rule adopted , 2019.

Rule WO14.10. Petition for Sale of Assets.

A Petition for Sale of Assets shall be presented to the court in all situations where the guardian intends to sell real or tangible personal property of an incapacitated person. Such Petition for Sale of Assets shall contain, at minimum, the following averments of fact:

(a) A reference to the original date of the guardian's appointment.

(b) Whether the guardian is bonded and, if so, for what amount.

(c) An itemized listing of the assets of the incapacitated person.

(d) An itemized listing of the income and expenses of the incapacitated person.

(e) The reason for the proposed sale and the proposed distribution of proceeds. If the property is real estate, (i) whether the property is expensive to maintain; (ii) whether the property is occupied and/or generating income; (iii) whether the guardian needs the proceeds for the care of the incapacitated person.

(f) If the purpose for the proposed sale is the payment of debts, a listing of the names of all creditors, and the amount due each.

(g) If the property is tangible personal property, one appraisal shall be attached. If the property is real estate, the petition shall be accompanied by a valuation of two appraisers not related to any of the parties, setting forth the fair market value of the property claimed. The appraisers shall state their profession and shall certify that by virtue of their profession, they are familiar with values of real estate in the vicinity of the subject property.

(h) If the property is the incapacitated person's residence,

(1) That the incapacitated person will not be returning to the property to live. (Indicate where the incapacitated

person is currently living, i.e., nursing home, personal care home, etc.)

(2) If a private sale, that the price is greater than could be obtained at a public sale. If not, or if the price is less than the appraisal, indicate whether a commission is being charged.

(i) Notice of the presentation of the Petition for Sale of Assets shall be given to all next of kin of the incapacitated person, whose written consents to the sale are not attached.

(j) The proposed decree shall contain a provision regarding the posting of bond.

Cross References: See Rules 5.10 and 5.11 the Pa. O.C. Rules regarding sales of property. See the 1949 Official Comment to 20 Pa.C.S. § 5521, which discusses 20 Pa.C.S. §§ 5151 and 5155 and the concerns regarding the sale of property.

Adopted February 1, 1996, effective May 1, 1996. Rule WO504 amended and renumbered _____, 2016, effective _____ 2016. Rescinded and new rule adopted _____, 2019.

Rule WO14.14. Forms.

(a) The Final Decree for Permanent/Limited Guardians and the Final Decree for Emergency Guardians shall be in the following form:

**IN THE COURT OF COMMON PLEAS OF WESTMORELAND COUNTY, PENNSYLVANIA
ORPHANS' COURT DIVISION**

* * *

IN RE: Estate of _____)
) No. 65 _____
an Incapacitated Person)

* * *

FINAL DECREE

AND NOW, this _____ day of _____, 20 _____, based upon the record and the evidence received, it is HEREBY ORDERED, ADJUDGED and DECREED as follows:

1. This Court finds by clear and convincing evidence that _____, is adjudicated a totally incapacitated person. The Court finds that _____ suffers from _____, a condition or disability which totally impairs his/her capacity to receive and evaluate information effectively and to make and communicate decisions concerning his/her management of financial affairs or to meet essential requirements for his/her physical health and safety.

2. The Court further finds by clear and convincing evidence that his/her _____, _____, is hereby appointed Plenary Permanent Guardian of the Person of _____. The Guardian of the Person shall file an original report annually from the date of the Final Order on the social, medical and other relevant conditions with the Register of Wills office and this report shall comply with 20 Pa.C.S. Section 5521(C) and Pennsylvania Orphans' Court Rule 14.8(a)(3).

3. His/Her _____, _____, is hereby appointed Plenary Permanent Guardian of the Estate of _____. The Guardian of the Estate (shall) (shall not) be required to post bond in the amount of _____ and shall file an Inventory within 90 days and shall file a report beginning one year from the date of the appointment of the guardian, and annually thereafter. The reports must be filed at the Register of Wills office and shall comply with 20 Pa.C.S. Section 5521(C) and Pennsylvania Orphans' Court Rules 14.8(a)(1) and 14.8(a)(2).

4. Neither the Guardian of the Person nor the Guardian of the Estate shall have authority to enter a safety deposit box in the name of _____, individually or jointly, without written Court authorization.

5. The Guardian of the Person shall have authority and responsibility to decide where _____ shall live and how meals, personal care, transportation and recreation will be provided. The Guardian of the Person shall also have authority to authorize and consent to medical treatment and surgical procedures necessary for the well-being of _____, except those powers and duties specifically excluded in 20 Pa.C.S. Section 5521(D).

6. The Guardian of the Estate shall have authority and responsibility to manage and use _____'s property primarily for his/her benefit in accordance with 20 Pa.C.S. Section 5536(A). 20 Pa.C.S. Section 5536(A) authorizes the Guardian of the Estate to spend income for the aforesaid purposes without the Court's written approval; however, the Guardian of the Estate cannot spend principal assets without written Court approval.

7. All financial institutions, including without limitation, banks, savings and loans, credit unions, and brokerages, shall grant to the guardian of _____'s estate access to any and all assets, records, and accounts maintained for the benefit of _____, and the guardian of _____'s estate shall be entitled to transfer, retitle, withdraw, or otherwise exercise dominion and control over any and all said assets, records, and accounts. The failure of any financial institution to honor this Order may lead to contempt proceedings and the imposition of sanctions.

8. The Guardian of the Person and the Guardian of the Estate shall perform his/her functions and exercise his/her authority so as to permit the incapacitated person as much daily activity and as much independence as circumstances will permit with safety.

9. The aforementioned judicial determinations have taken into consideration the matters required by 20 Pa.C.S. Section 5512.1. The Court's findings of fact and conclusions of law have been placed on the record at the evidentiary hearing.

10. _____ is hereby notified of the right to seek reconsideration of this Order pursuant to Rule 8.2 and the right to appeal this Order within 30 days from the date of this Order by filing a Notice of Appeal with the Clerk of the Orphans' Court. _____ may also petition the court at any time to review, modify, or terminate the guardianship due to a change in circumstances. _____ has a right to be represented by an attorney to file a motion for reconsideration, an appeal, or to seek modification or termination of this guardianship. If the assistance of counsel is needed and _____ cannot afford an attorney, an attorney will be appointed to represent _____ free of charge.

BY THE COURT:

Judge

ATTEST:

Clerk of the Orphans' Court

**IN THE COURT OF COMMON PLEAS OF WESTMORELAND COUNTY, PENNSYLVANIA
ORPHANS' COURT DIVISION**

* * *

IN RE: Estate of _____)
) No. 65 _____
an Alleged Incapacitated Person)

* * *

FINAL DECREE FOR EMERGENCY GUARDIAN

AND NOW, this _____ day of _____, 20 _____, based upon the record and the evidence received, it is HEREBY ORDERED, ADJUDGED and DECREED:

1. This Court finds by clear and convincing evidence that _____'s ability to receive and evaluate information effectively is totally impaired because she/he suffers from _____.

2. _____'s ability to communicate decisions is totally impaired because of the aforementioned condition.

3. The alleged incapacitated person is in immediate need of an emergency guardian of the person and an emergency guardian of the estate.

4. Failure to make these requested appointments of emergency guardians will result in irreparable harm for reasons set forth on the record.

5. Because (_____ is presently confined in _____) of the physical and mental condition of _____, it would be harmful for her/him to be present and her/his presence is excused. Her/His _____, _____, is hereby appointed emergency guardian of the person. The term of this appointment is 72 hours; however, the term of this appointment can be extended for an additional 20 days if the emergency continues beyond the initial 72 hours. (Based

upon the evidence this Court has received, the Court finds that the emergency condition will continue beyond the initial 72 hours. Consequently, the authority granted to the emergency guardian of the person is hereby continued and extended for an additional 20 days beyond the initial 72 hours.)

6. The emergency guardian of the person shall have the authority and responsibility to decide where _____ shall live and how meals, personal care, transportation and recreation will be provided. The emergency guardian of the person shall also have authority to authorize and consent to medical treatment and surgical procedures necessary for the well-being of _____, except those powers and duties specifically excluded in 20 Pa.C.S. Section 5521(D).

7. _____ is hereby appointed emergency guardian of the estate. The term of this appointment is 30 days or when the emergency condition ceases to exist, whichever is shorter. The emergency guardian of the estate (shall) (shall not) be required to post bond in the amount of _____. The said emergency guardian of the estate shall have authority and responsibility to manage and use _____'s property, primarily for her/his benefit in accordance with 20 Pa.C.S. Section 5536(A). 20 Pa.C.S. Section 5536(A) authorizes the emergency guardian of the estate to spend income for the aforesaid purposes without the Court's written approval; however, the emergency guardian of the estate cannot spend principal assets without written Court approval.

8. All financial institutions, including without limitation, banks, savings and loans, credit unions, and brokerages, shall grant to the guardian of _____'s estate access to any and all assets, records, and accounts maintained for the benefit of _____, and the guardian of _____'s estate shall be entitled to transfer, retitle, withdraw, or otherwise exercise dominion and control over any and all said assets, records, and accounts. The failure of any financial institution to honor this Order may lead to contempt proceedings and the imposition of sanctions.

9. The aforementioned judicial determinations have taken into consideration the matters required by 20 Pa.C.S. Section 5512.1. The Court's findings of fact and conclusions of law have been placed on the record at the evidentiary hearing.

10. _____ is hereby notified of the right to seek reconsideration of this Order pursuant to Rule 8.2 and the right to appeal this Order within 30 days from the date of this Order by filing a Notice of Appeal with the Clerk of the Orphans' Court. _____ may also petition the court at any time to review, modify, or terminate the guardianship due to a change in circumstances. _____ has a right to be represented by an attorney to file a motion for reconsideration, an appeal, or to seek modification or termination of this guardianship. If the assistance of counsel is needed and _____ cannot afford an attorney, an attorney will be appointed to represent _____ free of charge.

BY THE COURT:

Judge

ATTEST:

Clerk of the Orphans' Court

New rule adopted _____, 2019.

[Pa.B. Doc. No. 19-1015. Filed for public inspection July 5, 2019, 9:00 a.m.]

Title 255—LOCAL COURT RULES

WYOMING COUNTY

Local Rule of Civil Procedure Governing Custody and Storage of Trial Exhibits; No. 2019-CV-685

Order of Court

And Now, this 31st day of May, 2019, in compliance with Rule 103 of the Pennsylvania Rules of Judicial Administration,

It Is Hereby Ordered that the Court adopts the following Local Rule 244 of Civil Procedure Custody and Storage of Trial Exhibits, which becomes effective July 29, 2019.

By the Court

RUSSELL D. SHURTLEFF,
President Judge

Rule 244. Custody and Storage of Trial Exhibits.

A. The moving party shall keep custody of and be responsible for all non-documentary material and documentary exhibits larger than 8.5 × 11 inches submitted into evidence at trial. That material shall not be left in the courtroom after the conclusion of the trial of the case.

B. If a party offers into evidence documentary exhibits larger than 8.5 × 11 inches, the party shall provide the Court, at the time of trial, with a copy of the document reduced to 8.5 × 11 inches, which copy shall be marked and filed of record.

C. Notwithstanding the above provision, any party may petition the Court to retain custody of an Exhibit.

D. Trial exhibits entered into evidence prior to the effective date of this Rule, and those filed of record pursuant to the provisions above, shall be retained by the Court until it is determined whether an appeal has been taken from a final judgment. If an appeal has been taken,

the exhibits shall be retained until disposition of the appeal. Within sixty (60) days of the final disposition of all appeals, or the date when no further appeal may be taken under the Pennsylvania Rules of Appellate Procedure, the party who offered the exhibits may reclaim them from the Court Administrator. Any exhibits not so reclaimed may be destroyed or otherwise disposed of by the Court Administrator without further notice being provided by the Court. In cases where final disposition of all appeals predates the effective date of this Rule by more than sixty (60) days, the sixty (60) day time period

within which to reclaim trial exhibits shall run from the effective date of this Rule.

Note: The purpose of this rule is to eliminate problems encountered by the Court relating to custody and storage of large exhibits. The rule is not intended to limit the exhibits which are either shown to the jury or sent out with the jury during deliberation.

[Pa.B. Doc. No. 19-1016. Filed for public inspection July 5, 2019, 9:00 a.m.]

PROPOSED RULEMAKING

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CH. 123]

Revision of the Maximum Allowable Sulfur Content Limit for No. 2 and Lighter Commercial Fuel Oil

The Environmental Quality Board (Board) proposes to amend Chapter 123 (relating to standards for contaminants) to reduce the maximum allowable sulfur content limit for No. 2 and lighter commercial fuel oil, generally sold for and used in residential and commercial furnaces and oil heat burners for home or space heating, water heating, or both, from the current limit of 500 parts per million (ppm) of sulfur to 15 ppm. This reduction will address regional haze and visibility impairment impacting Federal Class I areas and will also improve visibility impairment in urban and rural areas of this Commonwealth. The proposed compliance date of this rulemaking is 60 days after publication of the rulemaking in its final-form.

This proposed rulemaking will be submitted to the United States Environmental Protection Agency (EPA) for approval as a revision to the Commonwealth's State Implementation Plan (SIP) following publication of the final-form rulemaking in the *Pennsylvania Bulletin*.

This proposed rulemaking is given under Board order at its meeting of April 16, 2019.

A. Effective Date

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

B. Contact Persons

For further information, contact Kirit Dalal, Chief, Division of Air Resource Management, Bureau of Air Quality, Rachel Carson State Office Building, P.O. Box 8468, Harrisburg, PA 17105-8468, (717) 772-3436; or Jesse C. Walker, Assistant Counsel, Bureau of Regulatory Counsel, Rachel Carson State Office Building, P.O. Box 8464, Harrisburg, PA 17105-8464, (717) 787-7060. Information regarding submitting comments on this proposed rulemaking appears in Section J of this preamble. Persons with a disability may use the Pennsylvania AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This proposed rulemaking is available on the Department of Environmental Protection's (Department) web site at www.dep.pa.gov (select "Public Participation," then "Environmental Quality Board").

C. Statutory Authority

This proposed rulemaking is authorized under section 5(a)(1) of the Air Pollution Control Act (APCA) (35 P.S. § 4005(a)(1)), which grants the Board the authority to adopt rules and regulations for the prevention, control, reduction and abatement of air pollution in this Commonwealth. This proposed rulemaking is also authorized under section 5(a)(8) of the APCA (35 P.S. § 4005(a)(8)), which grants the Board the authority to adopt rules and regulations designed to implement the provisions of the Clean Air Act (CAA) (42 U.S.C.A. §§ 7401—7671q).

D. Background and Purpose

Among other things, this proposed rulemaking would allow the Department to address regional haze and visibility impairment. Haze is one of the most basic forms

of air pollution. It degrades visibility in many American cities and scenic areas. Haze is caused when sunlight encounters tiny pollution particles in the air, which reduce the clarity and color of what we see, especially during humid conditions. Most haze is not natural. It is air pollution carried by the wind often many hundreds of miles from where it originated. Regional haze is visibility impairment produced by a multitude of combustion sources and activities emitting sulfur dioxide (SO₂), nitrogen oxides (NO_x), fine particulate matter or particle matter 2.5 micrometers or less (PM_{2.5}), and PM_{2.5} precursors. The combustion sources and activities are located across a broad geographic area. Visibility impairment is humanly perceptible change in visibility (such as light extinction, visual range, contrast and coloration) from the visibility that would have existed under natural conditions.

The SO₂ emissions released by combustion of sulfur-containing No. 2 or lighter commercial fuel oil contribute to the formation of regional haze and PM_{2.5}, both of which are serious public health and welfare threats and affect visibility. Numerous scientific studies have linked PM_{2.5} particle pollution exposure to a variety of problems, including: premature death in people with heart or lung disease; nonfatal heart attacks; irregular heartbeat; aggravated asthma; decreased lung function; and increased respiratory symptoms, such as irritation of the airways, coughing or difficulty breathing. People with heart or lung disease, children and older adults are the most likely to be affected by fine particle pollution exposure.

Fine particles are similar in size to the wavelength of light, and are most efficient, per unit of mass, at reducing visibility. Particles affect visibility through the scattering and absorption of light. SO₂ emissions oxidize in the atmosphere to form sulfate particles. Visibility impairment, including regional haze, in rural areas of eastern North America is primarily due to sulfate particles. The CAA and its implementing regulations codified in 40 CFR Part 51, Subpart P (relating to protection of visibility) mandate actions to protect visibility, especially in Federal Class I areas, which include National parks, forests and wilderness areas.

In 1977, Congress added section 169A of the CAA (42 U.S.C.A. § 7491), regarding visibility protection for Federal Class I areas. Section 169A(a)(1) of the CAA (42 U.S.C.A. § 7491(a)(1)), sets a National goal for the "prevention of any future, and the remedying of any existing, impairment of visibility in mandatory class I Federal areas which impairment results from manmade air pollution." The Federal visibility regulations require restoration of natural levels of visibility in the mandatory Federal Class I areas by 2064. See 40 CFR 51.308(d)(1) (relating to regional haze program requirements). The Federal regulations further require that states consider the implementation, in their regional haze SIPs, of the emission reduction measures identified by Class I states as being necessary to make reasonable progress in any Class I area. See 40 CFR 51.308(d)(3). In 1990, Congress added section 169B of the CAA (42 U.S.C.A. § 7492), regarding visibility, to authorize further research and regular assessments of the progress made so far toward the National visibility goals. Section 169B(c)(1) of the CAA (42 U.S.C.A. § 7492(c)(1)), authorizes the EPA Administrator to establish a transport region for visibility impairment when there is reason to believe that pollu-

tants from one or more states contribute to visibility impairment in Federal Class I areas.

In 1999, the EPA and the affected states and tribes agreed to create five Regional Planning Organizations (RPO) to facilitate interstate coordination with regional haze SIPs. The Commonwealth is a member of the Mid-Atlantic/Northeast Visibility Union (MANE-VU) RPO, established in 2001, to assist the Mid-Atlantic and Northeast states in planning and developing their regional haze SIP revisions. The other MANE-VU states are Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island and Vermont. The District of Columbia, Native American tribes in the region, the EPA, the United States Fish and Wildlife Service and the United States Forest Service are also members of MANE-VU. There are 156 mandatory Federal Class I areas established under the CAA, including seven in the MANE-VU states. Although this Commonwealth does not have a mandatory Federal Class I area in it, emissions from this Commonwealth are considered to impact several Federal Class I areas in MANE-VU states, as well as the Dolly Sods Wilderness Area in West Virginia and Shenandoah National Park in Virginia. This proposed rulemaking would address, in part, those impacts.

MANE-VU evaluated the residential and commercial furnace and oil heat burner categories for their contribution to the MANE-VU SO₂ emission inventory from the burning of sulfur-containing distillate oil (a general classification for one of the petroleum fractions produced in conventional distillation operations). The Northeast States for Coordinated Air Use Management (NESCAUM) performed this evaluation for MANE-VU in 2005 using 2002 data, which was the most current information available at the time of the study (2005 NESCAUM evaluation). The 2005 NESCAUM evaluation found that the combined SO₂ emissions from all MANE-VU regional residential and commercial furnaces and oil heat burners contributed about 7% to the MANE-VU total SO₂ emission inventory. In this Commonwealth, commercial fuel oil combustion in residential and commercial furnaces and oil heat burners contributed between 2% and 3% of the SO₂ emissions in the MANE-VU region, depending on the season.

To address the impact of regional haze on mandatory Federal Class I areas within the MANE-VU region, the members adopted a course of action on June 20, 2007, in the Statement of the Mid-Atlantic and Northeast Visibility Union (MANE-VU) (2007 MANE-VU "Ask"). The 2007 MANE-VU "Ask" established that the member states would pursue a coordinated course of action, including pursuing the adoption and implementation of the following strategy to reduce the maximum allowable sulfur content of distillate oil in the "inner zone" MANE-VU states (New Jersey, New York, Delaware and this Commonwealth, or portions thereof), as follows—to 500 ppm (0.05% sulfur by weight) by 2012 and to 15 ppm (0.0015% by weight) by 2016. The 2005 NESCAUM evaluation indicated that the anticipated annual SO₂ emission reduction benefits in this Commonwealth would be approximately 25,000 tons per year (tpy) when the maximum allowable sulfur content limit of 15 ppm for No. 2 and lighter commercial fuel oil was fully implemented.

The Department reviewed the 2005 NESCAUM evaluation and the 2007 MANE-VU "Ask" recommendations and determined that the recommended lower maximum allowable sulfur content limit for No. 2 and lighter commercial fuel oil was an appropriate measure to be pursued as part

of the regional strategy to improve visibility. Lowering the maximum allowable sulfur content limit for No. 2 and lighter commercial fuel oil sold for and used in residential and commercial furnaces and oil heat burners in this Commonwealth would contribute to the MANE-VU goals of improving visibility in the region's mandatory Federal Class I areas. Actions taken by the Department to reduce haze on a regional level would also improve visibility in this Commonwealth's recreational and urban areas.

On February 9, 2013, the Board amended its regulations in § 123.22 (relating to combustion units) to reduce SO₂ emissions from home heating and commercial fuel oils beginning July 1, 2016. See 43 Pa.B. 806 (February 9, 2013). The Board reduced the maximum allowable sulfur content limit for No. 2 and lighter commercial fuel oil beginning July 1, 2016, to 500 ppm, rather than to 15 ppm, due to concerns at the time regarding the available supply of low sulfur content distillate oil in various regions of this Commonwealth. The EPA approved a SIP revision incorporating the amended maximum allowable sulfur content limits for No. 2 and lighter, as well as heavier commercial fuel oil provisions into the Commonwealth's SIP at 79 FR 39330 (July 10, 2014).

The City of Philadelphia, Department of Public Health, Philadelphia Air Management Services (AMS) adopted a low-sulfur content commercial fuel oil requirement, enacted into law by the City of Philadelphia on July 15, 2014, as an amendment to Philadelphia Code, Title 3—Air Management Code, Chapters 3—200, § 3-207 (relating to sale of fuel oil) and to Philadelphia Air Management Regulation III (relating to the control of emissions of oxides and sulfur compounds), Section I. Since there was not a low-sulfur fuel supply concern within the Philadelphia region, the amendments reduced the maximum allowable sulfur content limit for No. 2 and lighter commercial fuel oil to 15 ppm in the City of Philadelphia, effective July 1, 2015. The Department, on behalf of AMS, submitted these amendments to the EPA as a revision to the Commonwealth's SIP on June 27, 2018.

On August 25, 2017, MANE-VU issued the Statement of the MANE-VU States Concerning a Course of Action Within MANE-VU Toward Assuring Reasonable Progress For the Second Regional Haze Implementation Period (2018—2028) (2017 MANE-VU "Ask"). The 2017 MANE-VU "Ask" specified that member states are to expeditiously pursue adoption of the low-sulfur content maximum allowable limit of 15 ppm for No. 2 and lighter commercial fuel oil if they have not done so already. The Department has determined that the availability of distillate oil within various regions of this Commonwealth and Nationwide, with a maximum allowable limit of 15 ppm of sulfur or less, is no longer of concern. The supply of No. 2 and lighter commercial fuel oil with a maximum sulfur content of 15 ppm has increased over the last several years, and fuel with a sulfur content between 15 ppm and 500 ppm has decreased to less than 1% of the overall supply of distillate oil distributed on the east coast. This proposed rulemaking is designed to implement the 2017 MANE-VU "Ask" course of action to pursue adoption of a maximum allowable sulfur content limit of 15 ppm for No. 2 and lighter commercial fuel oil Statewide for purposes of reducing regional haze and visibility impairment in this Commonwealth and affected Federal Class I areas.

The EPA's regional haze regulations require all states, even those that do not contain a Federal Class I area, to submit a SIP revision containing emission reduction

strategies to improve visibility in Class I areas affected by emissions from within the state. See 40 CFR 51.308(d)(3). States are required to evaluate advancement toward reasonable progress goals every 5 years to assure that emission controls are on track with emission reduction forecasts in the SIP. The first progress report is due 5 years from the submittal of the initial regional haze implementation plan. See 40 CFR 51.308(g). If emission controls are not on track to meet SIP forecasts, then a state would need to take action to assure that emission controls by 2018 would be consistent with the SIP or to revise the SIP to be consistent with the revised emission forecast. The Commonwealth submitted its first regional haze SIP revision to the EPA in December 2010. To track visibility improvement, the Commonwealth must submit its second regional haze SIP revision to the EPA by July 31, 2021. The third regional haze SIP revision is due July 31, 2028, and then additional SIP revisions every 10 years thereafter.

In addition to improving public health and the environment, decreased emissions of SO₂ will also contribute to the attainment or maintenance, or both, of the 2012 annual PM_{2.5} National Ambient Air Quality Standards (NAAQS) within this Commonwealth. On April 7, 2015, the EPA designated the Allegheny, Delaware and Lebanon County areas as nonattainment with the 2012 annual PM_{2.5} NAAQS. See 80 FR 18535, 18549 (April 7, 2015). The EPA subsequently determined that the Delaware and Lebanon County areas attained that NAAQS. See 81 FR 89868 (December 13, 2016) and 83 FR 9435 (March 6, 2018). The proposed maintenance plans for these areas have identified lowering the fuel oil standard to 15 ppm as a contingency measure to ensure that these areas will continue to be classified as attainment for the 2012 annual PM_{2.5} NAAQS.

The Department presented the draft proposed Annex A to the Small Business Compliance Advisory Committee (SBCAC) on January 24, 2018, and the Air Quality Technical Advisory Committee (AQTAC) on February 8, 2018. During the AQTAC meeting, one member asked if the Department could propose a compliance date sooner than July 1, 2019, for this proposed rulemaking. The Department explained that the compliance date is dictated by the time needed to proceed through the rulemaking process. The Department has revised the proposed compliance date from July 1, 2019, to 60 days after publication of this rulemaking in its final-form, as this proposed rulemaking would not be promulgated by July 1, 2019. Another AQTAC member noted a concern that the sulfur content in the heavier fuel oils remains unchanged. The Department cannot address this concern here because it is beyond the intended purpose of this proposed rulemaking, which is to reduce the maximum allowable sulfur content limit of No. 2 and lighter commercial fuel oil to 15 ppm consistent with the 2017 MANE-VU "Ask." Both committees voted unanimously to concur with the Department's recommendation to present this proposed rulemaking to the Board for consideration for publication as a proposed rulemaking.

The Department presented the draft proposed Annex A to the Citizens Advisory Council's (CAC) Policy and Regulatory Oversight Committee on February 9, 2018. On the recommendation of the Policy and Regulatory Oversight Committee, on February 20, 2018, the CAC concurred with the Department's recommendation to present this proposed rulemaking to the Board for consideration.

E. Summary of Regulatory Requirements

This proposed rulemaking would amend § 123.22(a)—(g). Subsection (a) applies to nonair basins, and subsections (b)—(e) apply to specified air basin areas. The air basin areas are defined in 25 Pa. Code § 121.1 (relating to definitions). A nonair basin is, by exclusion, an area of this Commonwealth not included in the definitions of the air basins in § 121.1.

The proposed amendments to subsection (a)(2)(i) would delete the two existing tables of maximum allowable sulfur content limits and add one table with two columns of maximum allowable sulfur content limits expressed as ppm by weight and percentage by weight for three groups of commercial fuel oil. The three groups of commercial fuel oil are grades No. 2 and lighter oil, No. 4 oil, and No. 5, No. 6 and heavier oil. The first column of limits would apply prior to the proposed compliance date and the second column of limits would apply on and after the proposed compliance date. The maximum allowable sulfur content limits prior to the proposed compliance date, for each grade of commercial fuel oil, would not change from current limits. This proposed rulemaking would revise the maximum allowable sulfur content limit for No. 2 and lighter commercial fuel oil to 15 ppm (0.0015%) beginning 60 days after publication of this proposed rulemaking in its final-form; it would not revise the maximum allowable sulfur content limits for the No. 4 oil and No. 5, No. 6 and heavier oils. The existing limits for these grades of commercial fuel oil would continue to apply.

This proposed rulemaking would amend subsection (a)(2)(ii) to allow commercial fuel oil to be used in this Commonwealth by the ultimate consumer on and after the proposed compliance date, if it was stored in this Commonwealth by the ultimate consumer prior to the proposed compliance date and met the applicable maximum allowable sulfur content limit through the day prior to the proposed compliance date. The only proposed amendment to subsection (a)(2)(ii) is replacement of the compliance date of July 1, 2016, with the proposed compliance date of 60 days after publication of this proposed rulemaking in its final-form.

The proposed amendment to subsection (a)(2)(iii) would delete the applicability date. Subsection (a)(2)(iii) authorizes the Department to temporarily suspend or increase the applicable maximum allowable sulfur content limit for a commercial fuel oil if the Department determines that an insufficient quantity of compliant commercial fuel oil is reasonably available in a nonair basin area.

This proposed rulemaking would amend subsections (b), (c) and (e), which apply to certain air basins, as described in subsection (a). Subsection (b) applies to the following air basins: Erie; Harrisburg; York; Lancaster; and Scranton, Wilkes-Barre. Subsection (c) applies to the following air basins: Allentown, Bethlehem, Easton; Reading; Upper Beaver Valley; and Johnstown. Subsection (e) applies to the Southeast Pennsylvania air basin.

Subsection (d), which is presented slightly differently, applies to the Allegheny County, Lower Beaver Valley and Monongahela Valley air basins. Subsection (d)(2)(i) would be amended to delete the words "on or after July 1, 2016" and the existing table of maximum allowable sulfur content limits. This proposed rulemaking would add one table of maximum allowable sulfur content limits to subsection (d)(2)(i) as described for subsection (a)(2)(i). Subsection (d)(2)(ii) is proposed to be amended to replace the prior applicability date of July 1, 2016, with the proposed compliance date. Subsection (d)(2)(ii) would also

be amended to allow commercial fuel oil to be used in this Commonwealth by the ultimate consumer on and after the proposed compliance date if it was stored in this Commonwealth by the ultimate consumer prior to the proposed compliance date and met the applicable maximum allowable sulfur content limit through the day prior to the proposed compliance date. The Allegheny County, Lower Beaver Valley and Monongahela Valley air basins did not have a prior applicable store by date in subsection (d)(2)(ii) because these air basins did not regulate the sulfur content of commercial fuel oil grades of No. 2 and lighter oil, No. 4 oil, and No. 5, No. 6 and heavier oil prior to July 1, 2016. The sulfur content limit of 500 ppm for No. 2 and lighter oil for these basins was implemented with the final-form rulemaking published at 43 Pa.B. 806. See 43 Pa.B. 809 and 826. This proposed amendment to subsection (d)(2)(ii) to include the store by date was made to the proposed rulemaking Annex A after the presentations to the SBCAC and AQTAC committees and to the CAC Policy and Regulatory Oversight Committee. Subsection (d)(2)(iii) would be amended as described for subsection (a)(2)(iii).

This proposed rulemaking would amend the sampling and testing provisions of subsection (f)(2) and (3) to delete the applicability date of July 1, 2016.

This proposed rulemaking would amend the record-keeping and reporting provisions of subsection (g)(1) to delete the applicability date of July 1, 2016, and subsection (g)(1)(v)(A) to delete the words "The sulfur content of this shipment is 500 ppm or below" from the prescribed statement. This proposed rulemaking would specify wording for the prescribed statement for shipments prior to the proposed compliance date and for shipments on or after that date. Specifically, this proposed rulemaking would add subsection (g)(1)(v)(A)(I) to revise the specified statement to indicate that prior to the proposed compliance date, the sulfur content of the shipment is 500 ppm or below. Subsection (g)(1)(v)(A)(II) would be added to revise the specified statement to indicate that on and after the proposed compliance date, the sulfur content of this shipment is 15 ppm or below.

F. *Benefits, Costs and Compliance*

Benefits

Lowering the maximum allowable sulfur content of No. 2 and lighter commercial fuel oil from 500 ppm of sulfur to 15 ppm would benefit the Commonwealth's 12.8 million residents, numerous animals, crops, vegetation and natural areas, as well as the residents and environments of downwind states, through reduced regional haze, and reduced SO₂, PM_{2.5} and ground-level ozone pollution. SO₂ is the most significant pollutant involved in the formation of regional haze. Visibility impairment, including regional haze, in rural areas of eastern North America occurs primarily due to sulfate particles. Sulfate particles are formed in the atmosphere when SO₂ emissions oxidize.

SO₂ emissions also contribute to the formation of acid rain, which makes lakes, rivers and streams unsuitable for many fish and other aquatic life, and erodes stone buildings, historical monuments, and paint on cars. Acid rain and PM_{2.5} contribute to agricultural crop and vegetation damage and to degradation of the Chesapeake Bay. The reductions in SO₂ emissions would reduce air pollution threats to public health and welfare and the environment and would contribute to improving visibility. Decreased emissions of SO₂ would also contribute to the attainment and maintenance, or both, of the SO₂, PM_{2.5}, and ground-level ozone NAAQS in this Commonwealth and the MANE-VU region.

NO_x emissions would also decrease due to furnace and oil heat burner efficiency improvements. Emissions of NO_x contribute to public health and environmental problems in the Mid-Atlantic and Northeast states, including the formation of PM_{2.5} and ground-level ozone.

The existence of PM_{2.5} in the atmosphere not only produces regional haze but also causes significant adverse health effects. Epidemiological studies have shown a significant correlation between elevated PM_{2.5} levels and premature mortality. Other important health effects associated with PM_{2.5} exposure include aggravation of respiratory and cardiovascular disease (as indicated by increased hospital admissions, emergency room visits, absences from school or work and restricted activity days), lung disease, decreased lung function, asthma attacks and certain cardiovascular problems. Individuals particularly sensitive to PM_{2.5} exposure include older adults, people with heart and lung disease and children. High levels of PM_{2.5} affect animals in ways similar to humans. Ground-level ozone is a serious human and animal health and welfare threat, causing or contributing to respiratory illnesses and decreased lung function, agricultural crop loss, visible foliar injury to sensitive plant species, and damage to forests, ecosystems and infrastructure.

Emissions of carbon dioxide, a greenhouse gas, should also be reduced because the overall consumption of No. 2 and lighter commercial fuel oil should decrease with improved combustion efficiency resulting from the use of No. 2 and lighter commercial fuel oil with a lowered sulfur content of 15 ppm.

Implementation of the maximum allowable sulfur content limit of 500 ppm for No. 2 and lighter commercial fuel oil beginning July 1, 2016, was expected to achieve reductions of SO₂ emissions of at least 21,000 tpy in this Commonwealth. See 43 Pa.B. 806 and 811. The Department expects that the Commonwealth would realize an additional 4,000 tpy of SO₂ emission reductions from implementation of the proposed lower maximum allowable sulfur content limit of 15 ppm for No. 2 and lighter commercial fuel oil. See 43 Pa.B. 806, 807 and 811. While many of these anticipated emission reductions have already been achieved as a result of the marketplace and nearby state and local limits already in place, this proposed rulemaking, if promulgated as a final-form rulemaking and approved by the EPA as a revision to the Commonwealth's SIP, would ensure that the full amount of emission reductions is realized.

Commercial fuel oil users and consumers would benefit financially through lower combustion equipment maintenance costs. According to the United States Energy Information Administration's (EIA) State Energy Profiles, approximately 18% of the households in this Commonwealth consume No. 2 and lighter commercial fuel oil for space heat. Low-sulfur content commercial fuel oil has the potential to improve furnace and oil heat burner combustion efficiency by reducing fouling rates of furnace and oil heat burner heat exchangers and other components. Reduced furnace and oil heat burner fouling rates translate directly into lower vacuum-cleaning costs for fuel oil companies and homeowners by extending the service intervals. Further, the availability of low-sulfur content No. 2 and lighter commercial fuel oil would enable the introduction of highly efficient advanced technology condensing furnaces.

The commercial fuel oil industry would also benefit from having consistent maximum allowable sulfur content limits in both No. 2 and lighter commercial fuel oil and

transportation diesel fuel including nonroad, locomotive and marine (NRLM), and highway transportation diesel fuel. Consistent maximum allowable sulfur content limits would help refinery owners and operators, distributors, carriers and owners and operators of commercial fuel oil and transportation diesel fuel terminals minimize the number of tanks and trucks needed. The maximum allowable sulfur content level required in NRLM and highway transportation diesel fuels is already 15 ppm. No. 2 and lighter commercial fuel oil could be combined with NRLM and highway transportation diesel fuel in the same tanks and trucks, thus minimizing the number of vehicles needed. Since the maximum allowable sulfur content limit for No. 2 and lighter commercial fuel oil would now be consistent Statewide, compliance and recordkeeping would also be simplified for the petroleum refining and distribution companies.

Costs and compliance

This proposed rulemaking would apply to the owner and operator of a refinery, pipeline, terminal, distributor, carrier or retail outlet fuel storage facility that produces, conveys, stores or sells No. 2 and lighter commercial fuel oil. The proposed requirements focus on persons or entities that “offer for sale, deliver for use, exchange in trade or permit the use of commercial fuel oil.” These are the suppliers and operators selling to the ultimate consumer.

There are four refineries in this Commonwealth, owned by four different companies. Philadelphia Energy Solutions (PES), United Refining Company and Monroe Energy, LLC refineries currently produce No. 2 and lighter commercial fuel oil with a sulfur content of 15 ppm or less. The American Refining Group, Inc. (ARG) produces No. 2 and lighter commercial fuel oil with a sulfur content of 15 ppm to be sold to New York, and No. 2 and lighter commercial fuel oil with a sulfur content of less than 500 ppm for north and northwestern counties in this Commonwealth. PES currently produces most of the No. 2 and lighter commercial fuel oil distributed along the east coast. Owners and operators of refineries outside of this Commonwealth would be indirectly affected if they supply distributors that sell No. 2 and lighter commercial fuel oil in this Commonwealth. However, maximum allowable sulfur content limits have been established in motor fuels for 30 years, so the industry has the technical capacity to implement the new requirements.

There are 128 fuel oil terminal operations and 684 distributors of petroleum products in this Commonwealth; not all operations handle No. 2 and lighter commercial fuel oil. The terminal operators include those with familiar names from the petroleum industry, including Sunoco and Gulf Oil. Several major distributors also operate terminals, including Buckeye Energy. While the size of distributor operations ranges from large to small, members of the petroleum distribution industry, as a whole, have been regulated for many years. Existing systems to track the quantity and composition of fuel are long standing for purposes of compliance with environmental and tax regulations.

End-users of No. 2 and lighter commercial fuel oil are generally homeowners and those living in rental units. The EIA State Energy Profile estimates that 18% of households in this Commonwealth use No. 2 and lighter commercial fuel oil for home or space heating, water heating, or both.

Market forces and regulations for transportation-related diesel fuels in the United States and internationally will be factors affecting this industry, since the use of

No. 2 and lighter commercial fuel oil for residential heating is a very small portion of diesel fuel consumption. If this proposed rulemaking is promulgated as a final-form rulemaking, No. 2 and lighter commercial fuel oil sold or distributed for use in this Commonwealth would have the same maximum allowable sulfur content limit as NRLM and highway transportation diesel fuel.

The 2008 National Oilheat Research Alliance’s “North-east Heating Oil Assessment,” by Hart Energy Consulting, estimated that there would be a 6.3-to-6.8 cent-per-gallon (cpg) incremental production cost for 500 ppm versus 2,500 ppm sulfur content home heating oil (No. 2 commercial fuel oil), including capital costs. Incremental production costs were estimated to be as much as 8.9 cpg for 15 ppm sulfur content versus 2,500 ppm. However, where refiners have desulfurization capabilities, the incremental cost of producing 15 ppm sulfur versus 2,500 ppm sulfur content home heating oil was estimated to be 4.6 cpg. Data showing the cost difference between 500 ppm and 15 ppm sulfur content home heating oil was not found. However, by subtracting the 500 ppm and 15 ppm sulfur content home heating oil costs, the estimated costs would likely be no more than 2.6 cpg (8.9 cpg – 6.3 cpg = 2.6 cpg). Note that these are costs to the producers; prices to the ultimate consumer would be influenced by factors additional to the cost of reducing the sulfur content in the No. 2 and lighter commercial fuel oil.

Furnace and oil heat burner maintenance costs for consumers would be lower for those that do not already use 15 ppm low-sulfur content No. 2 and lighter commercial fuel oil due to less fouling of their heat exchangers. Decreased fouling improves efficiency of the furnace or oil heat burner, which results in lower fuel usage and longer time periods between cleanings. Although 15 ppm low-sulfur content No. 2 and lighter commercial fuel oil may cost a few cents per gallon more, savings on maintenance costs would help to defray that impact.

Compliance assistance plan

The Department plans to educate and assist the public and regulated community in understanding the proposed requirements and how to comply with them. This would be accomplished through the Department’s ongoing Compliance Assistance Program. The Department would also work with the Small Business Assistance Program to aid the owners and operators of facilities less able to handle matters with in-house staff.

Paperwork requirements

There are no additional paperwork requirements associated with this proposed rulemaking with which industry would need to comply. As in the existing regulation, this proposed rulemaking would require that, beginning with the refinery owner or operator who sells or transfers No. 2 and lighter commercial fuel oil and ending with the ultimate consumer, each time the physical custody of or title to a shipment of No. 2 and lighter commercial fuel oil changes hands, the transferor would be required to provide the transferee with an electronic or paper record of the transaction. Each affected person would be required to keep the records in electronic or paper format for 2 years. No recordkeeping or reporting would be required of ultimate consumers at private residences or apartment complexes and condominiums.

G. Pollution Prevention

The Pollution Prevention Act of 1990 (42 U.S.C.A. §§ 13101–13109) established a National policy that promotes pollution prevention as the preferred means for

achieving state environmental protection goals. The Department encourages pollution prevention, which is the reduction or elimination of pollution at its source, through the substitution of environmentally friendly materials, more efficient use of raw materials and the incorporation of energy efficiency strategies. Pollution prevention practices can provide greater environmental protection with greater efficiency because they can result in significant cost savings to facility owners and operators that permanently achieve or move beyond compliance.

This proposed rulemaking would prevent emissions of SO₂ and NO_x air pollutants by requiring a lower maximum allowable amount of sulfur in No. 2 and lighter commercial fuel oil used in this Commonwealth, thereby reducing regional haze and ambient levels of PM_{2.5} in this Commonwealth and throughout the Mid-Atlantic and Northeast states. This proposed rulemaking would not require add-on controls, although existing provisions allow the use of controlled noncompliant fuel if the controlled emissions are equivalent to those obtained with compliant No. 2 and lighter commercial fuel oil.

H. *Sunset Review*

The Board is not establishing a sunset date for this proposed regulation, since it is needed for the Department to carry out its statutory authority. The Department will closely monitor this proposed rulemaking after publication as a final-form rulemaking in the *Pennsylvania Bulletin* for its effectiveness and recommend updates to the Board as necessary.

I. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on June 19, 2019, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Environmental Resources and Energy Committees. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey comments, recommendations or objections to this proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b) which have not been met. The Regulatory Review Act specifies detailed procedures for review prior to final publication of the rulemaking by the Department, the General Assembly and the Governor.

J. *Public Comments*

Interested persons are invited to submit written comments, suggestions, support or objections regarding this proposed rulemaking to the Board. Comments, suggestions, support or objections must be received by the Board by September 9, 2019.

Comments may be submitted to the Board online, by e-mail, by mail or express mail as follows. Comments submitted by facsimile will not be accepted.

Comments may be submitted to the Board by accessing eComment at <http://www.ahs.dep.pa.gov/eComment>.

Comments may be submitted to the Board by e-mail at RegComments@pa.gov. A subject heading of this proposed rulemaking and a return name and address must be included in each transmission.

If an acknowledgement of comments submitted online or by e-mail is not received by the sender within 2 working days, the comments should be retransmitted to the Board to ensure receipt.

Written comments should be mailed to the Environmental Quality Board, P.O. Box 8477, Harrisburg, PA 17105-8477. Express mail should be sent to the Environmental Quality Board, Rachel Carson State Office Building, 16th Floor, 400 Market Street, Harrisburg, PA 17101-2301.

K. *Public Hearings*

The Board will hold three public hearings for the purpose of accepting comments on this proposed rulemaking. The hearings will be held at 1 p.m. on the following dates:

- August 6, 2019 Department of Environmental Protection
Southwest Regional Office
Waterfront Conference Rooms A and B
400 Waterfront Drive
Pittsburgh, PA 15222
- August 7, 2019 Department of Environmental Protection
Southeast Regional Office
Schuylkill Conference Rooms
2 East Main Street
Norristown, PA 19401
- August 8, 2019 Department of Environmental Protection
Southcentral Regional Office
Susquehanna Conference Rooms A and B
909 Elmerton Avenue
Harrisburg, PA 17110

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

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

PATRICK McDONNELL,
Chairperson

Fiscal Note: 7-546. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION
PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION
Subpart C. PROTECTION OF NATURAL RESOURCES
ARTICLE III. AIR RESOURCES
CHAPTER 123. STANDARDS FOR CONTAMINANTS
SULFUR COMPOUND EMISSIONS

§ 123.22. Combustion units.

(a) *Nonair basin areas.* Combustion units in nonair basin areas must conform with the following:

(1) *General provision.* A person may not permit the emission into the outdoor atmosphere of sulfur oxides, expressed as SO₂, from a combustion unit in excess of the rate of 4 pounds per million Btu of heat input over a 1-hour period, except as provided in paragraph (4).

(2) *Commercial fuel oil.*

(i) Except as specified in subparagraphs (ii) and (iii), a person may not offer for sale, deliver for use, exchange in trade or permit the use of commercial fuel oil in nonair basin areas if the commercial fuel oil contains sulfur in excess of the applicable maximum allowable sulfur content set forth in the following [tables] table:

<i>[Grades Commercial Fuel Oil</i>	<i>Maximum Allowable % Sulfur by Weight through June 30, 2016</i>
No. 2 and Lighter (viscosity less than or equal to 5.820cSt)	0.5
No. 4, No. 5, No. 6 and heavier (viscosity greater than 5.82cSt)	2.8

*Maximum Allowable Sulfur Content Beginning July 1, 2016,
Expressed as Parts per Million (ppm) by Weight or Percentage by Weight*

Grades Commercial Fuel Oil (Consistent with ASTM D396)

No. 2 and lighter oil	500 ppm	(0.05%)
No. 4 oil	2,500 ppm	(0.25%)
No. 5, No. 6 and heavier oil	5,000 ppm	(0.5%)]

Maximum Allowable Sulfur Content

Expressed as Parts per Million (ppm) by Weight or Percentage by Weight

<u><i>Grades Commercial Fuel Oil (Consistent with ASTM D396)</i></u>	<u><i>Through</i></u> <u><i>(Editor's note: The blank refers to the date 59 days after the effective date of adoption of this proposed rulemaking when published as a final-form rulemaking.)</i></u>	<u><i>Beginning</i></u> <u><i>(Editor's note: The blank refers to the date 60 days after the effective date of adoption of this proposed rulemaking when published as a final-form rulemaking.)</i></u>
<u>No. 2 and lighter oil</u>	<u>500 ppm</u> <u>(0.05%)</u>	<u>15 ppm</u> <u>(0.0015%)</u>
<u>No. 4 oil</u>	<u>2,500 ppm</u> <u>(0.25%)</u>	<u>2,500 ppm</u> <u>(0.25%)</u>
<u>No. 5, No. 6 and heavier oil</u>	<u>5,000 ppm</u> <u>(0.5%)</u>	<u>5,000 ppm</u> <u>(0.5%)</u>

(ii) Commercial fuel oil that was stored in this Commonwealth by the ultimate consumer prior to [July 1, 2016]

(Editor's note: The blank refers to the date 60 days after the effective date of adoption of this proposed rulemaking when published as a final-form rulemaking.), which met the applicable maximum allowable sulfur content for commercial fuel oil through [June 30, 2016] *(Editor's note: The blank refers to the date 59 days after the effective date of adoption of this proposed rulemaking when published as a final-form rulemaking.)*, in subparagraph (i) at the time it was stored, may be used by the ultimate consumer in this Commonwealth on and after [July 1, 2016] *(Editor's note: The blank refers to the date 60 days after the effective date of adoption of this proposed rulemaking when published as a final-form rulemaking.)*.

(iii) [Beginning July 1, 2016, the] The Department may temporarily suspend or increase the applicable maximum allowable sulfur content for a commercial fuel oil set forth in subparagraph (i) if the following occur:

(A) The Department receives a written request at the address specified in subsection (h) for a suspension or increase on the basis that compliant commercial fuel oil is not reasonably available in a nonair basin area. The request must include the following:

- (I) The nonair basin county or counties for which the suspension or increase is requested.
- (II) The reason compliant commercial fuel oil is not reasonably available.

(III) The duration of time for which the suspension or increase is requested and the justification for the requested duration.

(B) The Department determines that an insufficient quantity of compliant commercial fuel oil is reasonably available in the nonair basin area and that the circumstances leading to the insufficiency are due to events that could not have been reasonably foreseen or prevented and are not due to lack of prudent planning on the part of the transferor of the commercial fuel oil into or within the specified nonair basin area.

(C) The Department approves the request, in writing, prior to the transferor distributing the noncompliant commercial fuel oil into or within the specified nonair basin area.

(iv) The Department will limit a suspension or increase in the applicable maximum allowable sulfur content granted under subparagraph (iii) to the shortest duration in which adequate supplies of compliant commercial fuel oil can be made reasonably available, but in no case longer than 60 days from the date the Department grants the suspension or increase.

* * * * *

(b) *Erie; Harrisburg; York; Lancaster; and Scranton, Wilkes-Barre air basins.* Combustion units in these subject air basins must conform with the following:

(1) *General provision.* A person may not permit the emission into the outdoor atmosphere of sulfur oxides, expressed as SO₂, from a combustion unit in excess of the rate of 4 pounds per million Btu of heat input over a 1-hour period, except as provided in paragraph (4).

(2) *Commercial fuel oil.*

(i) Except as specified in subparagraphs (ii) and (iii), a person may not offer for sale, deliver for use, exchange in trade or permit the use of commercial fuel oil in the subject air basins if the commercial fuel oil contains sulfur in excess of the applicable maximum allowable sulfur content set forth in the following [tables] table:

[Grades Commercial Fuel Oil	<i>Maximum Allowable % Sulfur by Weight through June 30, 2016</i>
No. 2 and Lighter (viscosity less than or equal to 5.820cSt)	0.3
No. 4, No. 5, No. 6 and heavier (viscosity greater than 5.82cSt)	2.8

***Maximum Allowable Sulfur Content Beginning July 1, 2016,
Expressed as Parts per Million (ppm) by Weight or Percentage by Weight***

Grades Commercial Fuel Oil (Consistent with ASTM D396)

No. 2 and lighter oil	500 ppm	(0.05%)
No. 4 oil	2,500 ppm	(0.25%)
No. 5, No. 6 and heavier oil	5,000 ppm	(0.5%)]

Maximum Allowable Sulfur Content

Expressed as Parts per Million (ppm) by Weight or Percentage by Weight

<u>Grades Commercial Fuel Oil (Consistent with ASTM D396)</u>	<u>Through</u> <u>(Editor's note: The blank refers to the date 59 days after the effective date of adoption of this proposed rulemaking when published as a final-form rulemaking.)</u>		<u>Beginning</u> <u>(Editor's note: The blank refers to the date 60 days after the effective date of adoption of this proposed rulemaking when published as a final-form rulemaking.)</u>	
<u>No. 2 and lighter oil</u>	<u>500 ppm</u>	<u>(0.05%)</u>	<u>15 ppm</u>	<u>(0.0015%)</u>
<u>No. 4 oil</u>	<u>2,500 ppm</u>	<u>(0.25%)</u>	<u>2,500 ppm</u>	<u>(0.25%)</u>
<u>No. 5, No. 6 and heavier oil</u>	<u>5,000 ppm</u>	<u>(0.5%)</u>	<u>5,000 ppm</u>	<u>(0.5%)</u>

(ii) Commercial fuel oil that was stored in this Commonwealth by the ultimate consumer prior to [July 1, 2016] **(Editor's note: The blank refers to the date 60 days after the effective date of adoption of this proposed rulemaking when published as a final-form rulemaking.)**, which met the applicable maximum allowable sulfur content for commercial fuel oil through [June 30, 2016] **(Editor's note: The blank refers to the date 59 days after the effective date of adoption of this proposed rulemaking when published as a final-form rulemaking.)**, in subparagraph (i) at the time it was stored, may be used by the ultimate consumer in this Commonwealth on and after [July 1, 2016] **(Editor's note: The blank refers to the date 60 days after the effective date of adoption of this proposed rulemaking when published as a final-form rulemaking.)**.

(iii) [Beginning July 1, 2016, the] The Department may temporarily suspend or increase the applicable maximum allowable sulfur content for a commercial fuel oil set forth in subparagraph (i) if the following occur:

(A) The Department receives a written request at the address specified in subsection (h) for a suspension or increase on the basis that compliant commercial fuel oil is not reasonably available in a subject air basin. The request must include the following:

- (I) The subject air basin for which the suspension or increase is requested.
 - (II) The reason compliant commercial fuel oil is not reasonably available.
 - (III) The duration of time for which the suspension or increase is requested and the justification for the requested duration.
- (B) The Department determines that an insufficient quantity of compliant commercial fuel oil is reasonably available in the air basin and that the circumstances leading to the insufficiency are due to events that could not have been reasonably foreseen or prevented and are not due to lack of prudent planning on the part of the transferor of the commercial fuel oil into or within the air basin.
- (C) The Department approves the request, in writing, prior to the transferor distributing the noncompliant commercial fuel oil into or within the air basin.
- (iv) The Department will limit a suspension or increase in the applicable maximum allowable sulfur content granted under subparagraph (iii) to the shortest duration in which adequate supplies of compliant commercial fuel oil can be made reasonably available, but in no case longer than 60 days from the date the Department grants the suspension or increase.

* * * * *

(c) *Allentown, Bethlehem, Easton; Reading; Upper Beaver Valley; and Johnstown air basins.* Combustion units in these subject air basins must conform with the following:

(1) *General provision.* A person may not permit the emission into the outdoor atmosphere of sulfur oxides, expressed as SO₂, from a combustion unit in excess of the rate of 3 pounds per million Btu of heat input over a 1-hour period, except as provided in paragraph (4).

(2) *Commercial fuel oil.*

(i) Except as specified in subparagraphs (ii) and (iii), a person may not offer for sale, deliver for use, exchange in trade or permit the use of commercial fuel oil in the subject air basins if the commercial fuel oil contains sulfur in excess of the applicable maximum allowable sulfur content set forth in the following [tables] table:

<u>[Grades Commercial Fuel Oil</u>	<u>Maximum Allowable % Sulfur by Weight through June 30, 2016</u>
No. 2 and Lighter (viscosity less than or equal to 5.820cSt)	0.3
No. 4, No. 5, No. 6 and heavier (viscosity greater than 5.82cSt)	2.0

Maximum Allowable Sulfur Content Beginning July 1, 2016,
Expressed as Parts per Million (ppm) by Weight or Percentage by Weight

Grades Commercial Fuel Oil (Consistent with ASTM D396)

No. 2 and lighter oil	500 ppm	(0.05%)
No. 4 oil	2,500 ppm	(0.25%)
No. 5, No. 6 and heavier oil	5,000 ppm	(0.5%)]

Maximum Allowable Sulfur Content

Expressed as Parts per Million (ppm) by Weight or Percentage by Weight

<u>Grades Commercial Fuel Oil (Consistent with ASTM D396)</u>	<u>Through (Editor's note: The blank refers to the date 59 days after the effective date of adoption of this proposed rulemaking when published as a final-form rulemaking.)</u>	<u>Beginning (Editor's note: The blank refers to the date 60 days after the effective date of adoption of this proposed rulemaking when published as a final-form rulemaking.)</u>
No. 2 and lighter oil	500 ppm (0.05%)	15 ppm (0.0015%)
No. 4 oil	2,500 ppm (0.25%)	2,500 ppm (0.25%)
No. 5, No. 6 and heavier oil	5,000 ppm (0.5%)	5,000 ppm (0.5%)

(ii) Commercial fuel oil that was stored in this Commonwealth by the ultimate consumer prior to [July 1, 2016] (Editor's note: The blank refers to the date 60 days after the effective date of adoption of this proposed rulemaking when published as a final-form rulemaking.), which met the applicable maximum allowable sulfur content for commercial fuel oil through [June 30, 2016] (Editor's note: The blank refers to the date 59 days after the effective date of adoption of this proposed rulemaking when published as a final-form rulemaking.), in subparagraph (i) at the time it was stored, may be used by the ultimate consumer in this Commonwealth on and after [July 1, 2016] (Editor's note: The blank refers to the date 60 days after the effective date of adoption of this proposed rulemaking when published as a final-form rulemaking.).

(iii) [**Beginning July 1, 2016, the**] The Department may temporarily suspend or increase the applicable maximum allowable sulfur content for a commercial fuel oil set forth in subparagraph (i) if the following occur:

(A) The Department receives a written request at the address specified in subsection (h) for a suspension or increase on the basis that compliant commercial fuel oil is not reasonably available in a subject air basin. The request must include the following:

- (I) The subject air basin for which the suspension or increase is requested.
- (II) The reason compliant commercial fuel oil is not reasonably available.
- (III) The duration of time for which the suspension or increase is requested and the justification for the requested duration.

(B) The Department determines that an insufficient quantity of compliant commercial fuel oil is reasonably available in the air basin and that the circumstances leading to the insufficiency are due to events that could not have been reasonably foreseen or prevented and are not due to lack of prudent planning on the part of the transferor of the commercial fuel oil into or within the air basin.

(C) The Department approves the request, in writing, prior to the transferor distributing the noncompliant commercial fuel oil into or within the air basin.

(iv) The Department will limit a suspension or increase in the applicable maximum allowable sulfur content granted under subparagraph (iii) to the shortest duration in which adequate supplies of compliant commercial fuel oil can be made reasonably available, but in no case longer than 60 days from the date the Department grants the suspension or increase.

* * * * *

(d) *Allegheny County; Lower Beaver Valley; and Monongahela Valley air basins.* Combustion units in these subject air basins must conform with the following:

(1) *General provision.* A person may not permit the emission into the outdoor atmosphere of sulfur oxides, expressed as SO₂, from a combustion unit in excess of one or more of the following:

- (i) The rate of 1 pound per million Btu of heat input, when the heat input to the combustion unit in millions of Btus per hour is greater than 2.5 but less than 50.
- (ii) The rate determined by the following formula: $A = 1.7E^{-0.14}$, where: A = Allowable emissions in pounds per million Btu of heat input, and E = Heat input to the combustion unit in millions of Btus per hours when E is equal to or greater than 50 but less than 2,000.
- (iii) The rate of 0.6 pounds per million Btu of heat input when the heat input to the combustion unit in millions of Btus per hour is equal to or greater than 2,000.

(2) *Commercial fuel oil.*

(i) Except as specified in subparagraphs (ii) and (iii), a person may not offer for sale, deliver for use, exchange in trade or permit the use of commercial fuel oil in the subject air basins [**on or after July 1, 2016**], if the commercial fuel oil contains sulfur in excess of the applicable maximum allowable sulfur content set forth in the following table:

**[Maximum Allowable Sulfur Content Beginning July 1, 2016,
Expressed as Parts per Million (ppm) by Weight or Percentage by Weight**

Grades Commercial Fuel Oil (Consistent with ASTM D396)

No. 2 and lighter oil	500 ppm	(0.05%)
No. 4 oil	2,500 ppm	(0.25%)
No. 5, No. 6 and heavier oil	5,000 ppm	(0.5%)]

Maximum Allowable Sulfur Content

Expressed as Parts per Million (ppm) by Weight or Percentage by Weight

<u>Grades Commercial Fuel Oil (Consistent with ASTM D396)</u>	<u>Through</u>		<u>Beginning</u>
	<u>(Editor's note: The blank refers to the date 59 days after the effective date of adoption of this proposed rulemaking when published as a final-form rulemaking.)</u>		<u>(Editor's note: The blank refers to the date 60 days after the effective date of adoption of this proposed rulemaking when published as a final-form rulemaking.)</u>
<u>No. 2 and lighter oil</u>	<u>500 ppm</u>	<u>(0.05%)</u>	<u>15 ppm</u> (0.0015%)
<u>No. 4 oil</u>	<u>2,500 ppm</u>	<u>(0.25%)</u>	<u>2,500 ppm</u> (0.25%)
<u>No. 5, No. 6 and heavier oil</u>	<u>5,000 ppm</u>	<u>(0.5%)</u>	<u>5,000 ppm</u> (0.5%)

(ii) Commercial fuel oil that was stored in this Commonwealth by the ultimate consumer prior to [July 1, 2016] (Editor's note: The blank refers to the date 60 days after the effective date of adoption of this proposed rulemaking when published as a final-form rulemaking.), which met the applicable maximum allowable sulfur content through (Editor's note: The blank refers to the date 59 days after the effective date of adoption of this proposed rulemaking when published as a final-form rulemaking.), at the time it was stored, may be used by the ultimate consumer in this Commonwealth on and after [July 1, 2016] (Editor's note: The blank refers to the date 60 days after the effective date of adoption of this proposed rulemaking when published as a final-form rulemaking.).

(iii) [Beginning July 1, 2016, the] The Department may temporarily suspend or increase the applicable maximum allowable sulfur content for a commercial fuel oil set forth in subparagraph (i) if the following occur:

(A) The Department receives a written request at the address specified in subsection (h) for a suspension or increase on the basis that compliant commercial fuel oil is not reasonably available in a subject air basin. The request must include the following:

- (I) The subject air basin for which the suspension or increase is requested.
- (II) The reason compliant commercial fuel oil is not reasonably available.
- (III) The duration of time for which the suspension or increase is requested and the justification for the requested duration.

(B) The Department determines that an insufficient quantity of compliant commercial fuel oil is reasonably available in the air basin and that the circumstances leading to the insufficiency are due to events that could not have been reasonably foreseen or prevented and are not due to lack of prudent planning on the part of the transferor of the commercial fuel oil into or within the air basin.

(C) The Department approves the request, in writing, prior to the transferor distributing the noncompliant commercial fuel oil into or within the air basin.

(iv) The Department will limit a suspension or increase in the applicable maximum allowable sulfur content granted under subparagraph (iii) to the shortest duration in which adequate supplies of compliant commercial fuel oil can be made reasonably available, but in no case longer than 60 days from the date the Department grants the suspension or increase.

* * * * *

(e) *Southeast Pennsylvania air basin.* Combustion units in the Southeast Pennsylvania air basin must conform with the following:

(1) *General provision.* A person may not permit the emission into the outdoor atmosphere of sulfur oxides, expressed as SO₂, from a combustion unit except as provided in paragraph (3) or (5), in excess of the applicable rate in pounds per million Btu of heat input specified in the following table:

<i>Rated Capacity of Units in 10⁶ Btus per hour</i>	<i>Inner Zone</i>	<i>Outer Zone</i>
Less than 250	1.0	1.2
Greater than or equal to 250	0.6	1.2

(2) *Commercial fuel oil.*

(i) Except as specified in subparagraphs (ii) and (iii), a person may not offer for sale, deliver for use, exchange in trade or permit the use of commercial fuel oil in a combustion unit in the Southeast Pennsylvania air basin if the commercial fuel oil contains sulfur in excess of the applicable maximum allowable sulfur content set forth in the following [tables] table:

<i>Grades Commercial Fuel Oil</i>	<i>[Maximum Allowable % Sulfur by Weight through June 30, 2016</i>	
	<i>Inner Zone</i>	<i>Outer Zone</i>
No. 2 and Lighter (viscosity less than or equal to 5.820cSt)	0.2	0.3
No. 4, No. 5, No. 6 and heavier (viscosity greater than 5.82cSt)	0.5	1.0

Maximum Allowable Sulfur Content Beginning July 1, 2016, Expressed as Parts per Million (ppm) by Weight or Percentage by Weight

<i>Grades Commercial Fuel Oil (Consistent with ASTM D396)</i>		
No. 2 and lighter oil	500 ppm	(0.05%)
No. 4 oil	2,500 ppm	(0.25%)
No. 5, No. 6 and heavier oil	5,000 ppm	(0.5%)

Maximum Allowable Sulfur Content

Expressed as Parts per Million (ppm) by Weight or Percentage by Weight

<u>Grades Commercial Fuel Oil (Consistent with ASTM D396)</u>	<u>Through</u> <i>(Editor's note: The blank refers to the date 59 days after the effective date of adoption of this proposed rulemaking when published as a final-form rulemaking.)</i>		<u>Beginning</u> <i>(Editor's note: The blank refers to the date 60 days after the effective date of adoption of this proposed rulemaking when published as a final-form rulemaking.)</i>	
<u>No. 2 and lighter oil</u>	<u>500 ppm</u>	<u>(0.05%)</u>	<u>15 ppm</u>	<u>(0.0015%)</u>
<u>No. 4 oil</u>	<u>2,500 ppm</u>	<u>(0.25%)</u>	<u>2,500 ppm</u>	<u>(0.25%)</u>
<u>No. 5, No. 6 and heavier oil</u>	<u>5,000 ppm</u>	<u>(0.5%)</u>	<u>5,000 ppm</u>	<u>(0.5%)</u>

(ii) Commercial fuel oil that was stored in this Commonwealth by the ultimate consumer prior to [July 1, 2016] *(Editor's note: The blank refers to the date 60 days after the effective date of adoption of this proposed rulemaking when published as a final-form rulemaking.)*, which met the applicable maximum allowable sulfur content for commercial fuel oil through [June 30, 2016] *(Editor's note: The blank refers to the date 59 days after the effective date of adoption of this proposed rulemaking when published as a final-form rulemaking.)*, in subparagraph (i) at the time it was stored, may be used by the ultimate consumer in this Commonwealth on and after [July 1, 2016] *(Editor's note: The blank refers to the date 60 days after the effective date of adoption of this proposed rulemaking when published as a final-form rulemaking.)*.

(iii) [Beginning July 1, 2016, the] The Department may temporarily suspend or increase the applicable maximum allowable sulfur content for a commercial fuel oil set forth in subparagraph (i) if the following occur:

(A) The Department receives a written request at the address specified in subsection (h) for a suspension or increase on the basis that compliant commercial fuel oil is not reasonably available in the subject air basin. The request must include both of the following:

(I) The reason compliant commercial fuel oil is not reasonably available.

(II) The duration of time for which the suspension or increase is requested and the justification for the requested duration.

(B) The Department determines that an insufficient quantity of compliant commercial fuel oil is reasonably available in the air basin and that the circumstances leading to the insufficiency are due to events that could not have been reasonably foreseen or prevented and are not due to lack of prudent planning on the part of the transferor of the commercial fuel oil into or within the air basin.

(C) The Department approves the request, in writing, prior to the transferor distributing the noncompliant commercial fuel oil into or within the air basin.

(iv) The Department will limit a suspension or increase in the applicable maximum allowable sulfur content granted under subparagraph (iii) to the shortest duration in which adequate supplies of compliant commercial fuel oil can be made reasonably available, but in no case longer than 60 days from the date the Department grants the suspension or increase.

* * * * *

(f) *Sampling and testing.*

(1) For the purpose of determining compliance with the requirements of this section, the actual sulfur content of commercial fuel oil shall be determined by one of the following:

(i) In accordance with the sample collection, test methods and procedures specified under § 139.16 (relating to sulfur in fuel oil).

(ii) Other methods developed or approved by the Department or the Administrator of the EPA, or both.

(2) [Beginning July 1, 2016, a] A refinery owner or operator who produces commercial fuel oil intended for use or used in this Commonwealth is required to sample, test and calculate the actual sulfur content of each batch of the commercial fuel oil as specified in paragraph (1).

(3) [Beginning July 1, 2016, and prior] Prior to offering for sale, delivering for use, exchanging in trade or permitting the use of commercial fuel oil in this Commonwealth, a person other than the ultimate consumer that accepts a shipment of commercial fuel oil from a refinery or other transferor, shall sample, test and calculate the actual sulfur content of the commercial fuel oil in accordance with paragraph (1) if the shipment lacks the record required under subsection (g)(1) that enables the transferee to determine if the sulfur content of the shipment of commercial fuel oil meets the applicable maximum allowable sulfur content.

(g) *Recordkeeping and reporting.*

(1) Beginning with the refinery owner or operator who sells or transfers commercial fuel oil into or within this Commonwealth for use in this Commonwealth and ending with the ultimate consumer, each time the physical custody of, or title to, a shipment of commercial fuel oil changes hands [**on or after July 1, 2016**], the transferor shall provide to the transferee an electronic or paper record described in this paragraph. This record must legibly and conspicuously contain the following information:

- (i) The date of the sale or transfer.
- (ii) The name and address of the transferor.
- (iii) The name and address of the transferee.
- (iv) The volume of commercial fuel oil being sold or transferred.
- (v) The identification of the sulfur content of the shipment of commercial fuel oil, determined using the sampling and testing methods specified in subsection (f)(1), expressed as one of the following statements:

(A) For a shipment of No. 2 and lighter commercial fuel oil[, **“The sulfur content of this shipment is 500 ppm or below.”**]:

(I) Prior to _____ (Editor’s note: The blank refers to the date 60 days after the effective date of adoption of this proposed rulemaking when published as a final-form rulemaking.)—“The sulfur content of this shipment is 500 ppm or below.”

(II) On and after _____ (Editor’s note: The blank refers to the date 60 days after the effective date of adoption of this proposed rulemaking when published as a final-form rulemaking.)—“The sulfur content of this shipment is 15 ppm or below.”

- (B) For a shipment of No. 4 commercial fuel oil, “The sulfur content of this shipment is 2,500 ppm or below.”
- (C) For a shipment of No. 5, No. 6 and heavier commercial fuel oil, “The sulfur content of this shipment is 5,000 ppm or below.”
- (vi) The location of the commercial fuel oil at the time of transfer.

* * * * *

[Pa.B. Doc. No. 19-1017. Filed for public inspection July 5, 2019, 9:00 a.m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Pennsylvania Wine Marketing and Research Board; Grant Solicitation and Application Procedures; Correction

The Pennsylvania Wine Marketing and Research Program Board (Board) annually, or more frequently as the availability of funds permits, solicits applications for grants to conduct promotion, marketing and research projects to increase the quality, profitability, production and sale of wines, enhance the wine industry and benefit wine producers of this Commonwealth.

The Board was established by the Department of Agriculture (Department) under 3 Pa.C.S. §§ 4501—4513 (relating to Agricultural Commodities Marketing Act) (ACMA). Its composition, funding and duties were subsequently expanded by section 488.1 of the Liquor Code (47 P.S. § 4-488.1).

The Board makes awards of grants from its own funds generated by the methods set forth in the ACMA and makes recommendations for the awarding of grants by the Liquor Control Board from funds provided through the Liquor Code (47 P.S. §§ 1-101—10-1001).

This notice establishes the procedures by which grant applications will be solicited, reviewed and grants awarded.

1. *Grant Solicitation.* The Board will be accepting grant applications for the purposes, in the form and according to the schedule set forth herein for a period of not less than 30 days beginning on the date of publication of this notice in the *Pennsylvania Bulletin*. Additional publication and dissemination of this notice shall be made to applicants who have previously submitted grant applications to, or received grants from, the Board, State universities and State-supported universities located in this Commonwealth, universities with colleges of agricultural science located in this Commonwealth and individuals or entities who have requested notification from the Department or the Board of grant availability.

2. *Process Overview.* The Board will employ the review process described as follows to select projects: (a) to fund by making a grant from its ACMA funds; or (b) to recommend to the Liquor Control Board for the making of a grant.

a. In the event of an ACMA-funded grant, the terms and conditions of the grant will be governed by a grant agreement between the Board and the applicant, which shall be tendered to the applicant for execution, returnable in no more than 30 days.

b. In the event of a recommendation to the Liquor Control Board to make and fund a grant, the decision as to whether to award a grant will be made by the Liquor Control Board. If the Liquor Control Board approves the grant recommendation, the terms and conditions of the grant will be governed by a grant agreement between the Liquor Control Board and the applicant, which shall be tendered to the applicant for execution by the Board on behalf of the Liquor Control Board, returnable in no more than 30 days.

3. *Concept Paper and Application Deadlines.*

a. *Concept Paper.* Interested applicants must deliver a one-page concept paper, plus a one-page draft budget, by e-mail by Friday, August 9, 2019, to chariley@pa.gov.

b. *Application.* Applicants whose concept papers are approved by the Board will be invited to submit a Project Proposal and Grant Application, in the form set forth in paragraph 5 of this notice, to the Board by 4 p.m. on Friday, October 25, 2019. Proposals should be sent electronically to chariley@pa.gov and 16 hard copies must be hand-delivered or sent by United States Mail and post-marked on or before the same date. Applications should be addressed and delivered to the Department of Agriculture, Bureau of Market Development, Attn: Agricultural Commodity Board Grant Program, 2301 North Cameron Street, Harrisburg, PA 17110-9408.

c. *Presentations.* Applicants must be prepared to provide a brief 3-minute presentation of their proposal to the Board, and answer questions, either in person or by means of conference call, at the Board's next scheduled meeting on Tuesday, November 19, 2019, at 10 a.m. The meeting will be held in Room 202, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

4. *Format of the Concept Paper.* The concept paper shall include:

a. *Organization/Business Type.* List the applicant's organization/business type.

b. *Organization/Business Information.* List the organization/business name along with the contact information and the amount of grant funds the entity is requesting.

c. *Project Coordinator/Qualifications.* Identify the person who will be directing the proposed project and clearly state their qualifications.

d. *Organization History.* Indicate whether the organization has ever received prior Wine Marketing and Research Program Board or agriculture-related grant funds.

e. *Project Purpose.* In one or two paragraphs, clearly state the specific issue, problem, interest or need, and how the project will address it. Explain why the project is important and timely.

f. *Estimated Timeline.* State the estimated timeline for the proposed project.

g. *Expected Measurable Outcomes.* What are the goals and objectives of the project? How do the objectives support the goals? Goals are long-term broad visions and may take time to achieve. Objectives are significant steps that must be completed to achieve the goal. Objective statements should focus on the outcome, rather than the methods used. Each goal should have one or more objectives. Describe at least one distinct, quantifiable and measurable outcome that directly and meaningfully supports the project's purpose. Typically, outcomes are those measures that are quantifiable, measure direct benefit and are documented through data or information collection.

h. *Preliminary Project Work Plan.* List the major tasks of the proposed project.

i. *Draft Budget.* State the budget for the proposed project using guidance from paragraph 5.d. If a project is selected to submit a proposal, more detailed budget information will be required.

5. *Format of the Project Proposal and Grant Application.* The project proposal and grant application shall be formatted as follows:

a. A cover page, titled Pennsylvania Wine Marketing and Research Program—Project Proposal and Grant Ap-

plication, providing: the title of the proposed project; the name and address of the applicant; the name, address, telephone number and e-mail address of the applicant's principal contact person for matters relating to the application; and the total maximum grant amount sought for the proposed project or program.

b. Section 1, titled Statement of Purpose, explaining or presenting: the purpose for which the grant funds would be utilized; details of the proposed project, including a statement of expected impact of outcomes, staffing for the project, and objectives and methodologies; and whether, how and to what anticipated extent the proposed promotion, marketing or research project increases the quality, profitability, production and sale of wines, enhances the wine industry and benefits wine producers of this Commonwealth.

c. Section 2, titled Statement of Need, explaining the need for the grant funds sought, and identifying the presence of any additional funding partners and the extent of that funding.

d. Section 3, titled Budget, presenting a detailed budget for the proposed project or program, including an itemized breakdown of: all personnel by name devoted to the project, their professional qualifications, the amount of time calculated by hours and the tasks to be performed by each of the named personnel; each and every item of direct expense to be incurred in the project separately set forth, including all purchases of consumable or non-consumable goods or equipment, listing the disposition of all non-consumable goods or equipment upon completion of the project; all travel by dates, purpose, destination, mode of transportation and rate; a full breakdown of other costs, if any, and the method used to calculate those costs. See also paragraph 10.

e. Section 4, titled Criteria for Measuring Outcomes, identifying methods for measuring outcomes.

f. Section 5, titled Industry Involvement, describing the extent of any support, participation and funding from this Commonwealth's wine industry, including any written confirmation of that support, participation or funding.

6. *Scoring of Applications.* The Board will evaluate each complete and timely-filed project proposal and grant application it receives, which shall include a 100-point scale assessing:

- a. Up to 20 points for the project needs statement.
- b. Up to 20 points for the expected impact of project outcomes.
- c. Up to 20 points for the promotion, marketing or research methodology.
- d. Up to 20 points for overall project evaluation.
- e. Up to 20 points for support and participation from industry.

7. *Scores.* Upon completion of evaluations, the Board will prepare a record identifying each complete and timely-filed project proposal and grant application received and the numerical score assigned to each. In the

event of an ACMA-funded grant, the Board will award grants based upon its evaluation and scoring. In the event of one or more recommendations to the Liquor Control Board to make and fund a grant, the Board will transmit to the Liquor Control Board the project proposal and grant application, along with the score assigned to it by the Board and any other information deemed relevant by the Board or requested by the Liquor Control Board. Request will be made by the Board that the Liquor Control Board respond to all recommendations for grant approval within 30 days.

8. *Term of Grants.* Applications should be submitted for projects with an effective term of July 1, 2020—June 30, 2021. Anticipated completion dates will be dictated by the project scope and parameters and may exceed 12 months from commencement if the project so warrants. The Board may award, or recommend that the Liquor Control Board approve, grant funding for multiyear projects or extensions of an on-going project, if the Board identifies that a multiyear term or an extension advances the grant's objectives. Requests for extensions of ongoing projects shall be made, evaluated and processed in accordance with all the requirements of this notice. Progress reports are to be delivered by e-mail to chariley@pa.gov no later than October 1 and April 1 every year for the duration of the project, or as requested by the Board. Final reports and invoice should be submitted within 90 days of contract end date.

9. *Notice of Award.* Applicants shall be notified by mail of the decision on their grant applications by the Board. Best efforts will be made to do so within 60 days of the application deadline.

10. *Grant Agreement.* With the mailed grant award notice, the Board will provide applicants with a grant agreement for execution and return within 30 days. The Board will obtain the required signature on the grant agreements, including the Liquor Control Board, if necessary, and any other required Commonwealth entities, and return a copy to the applicant. No grant agreement is effective and work should not begin until all required signatures have been applied to the grant agreement. Among the terms of the grant agreement shall be a requirement that the grant recipient provide the Board full and complete access to all records relating to the performance of the project and submit information as the Board may require.

11. *Nonmatching Cost-Reimbursement Grant and Indirect Costs Cap.* Grants made hereunder do not require the applicant secure or devote a matching sum to the project. Payment of grant funds will occur on a reimbursement basis only. Grant awards will include an allowance for indirect costs of 10%. In the case of graduate student participation, reasonable stipends will be allowed, and tuition will not be allowed.

RUSSELL C. REDDING,
Secretary

[Pa.B. Doc. No. 19-1018. Filed for public inspection July 5, 2019, 9:00 a.m.]

DEPARTMENT OF BANKING AND SECURITIES

Actions on Applications

The Department of Banking and Securities (Department), under the authority in the Banking Code of 1965 (7 P.S. §§ 101—2204), the Department of Banking and Securities Code (71 P.S. §§ 733-1—733-1203) and 17 Pa.C.S. (relating to Credit Union Code), has taken the following actions on applications received for the week ending June 25, 2019.

Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
06-14-2019	First Commonwealth Bank Indiana Indiana County	2905 West Liberty Avenue Pittsburgh Allegheny County	Closed

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. 19-1019. Filed for public inspection July 5, 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>
PA0060780 (Sewage)	Leggett & Platt 515 Salem Boulevard Berwick, PA 18603-6459	Luzerne County Salem Township	Unnamed Tributary of Susquehanna River (CWF) (5-B)	Yes
PA0043206 (Sewage)	Trails End Camp WWTP 230 Trails End Road Honesdale, PA 18405	Wayne County Berlin Township	Unnamed Tributary to Beach Lake (HQ-CWF) (1-A)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0080314 (Sewage)	Hampden Township Roth Lane STP & Composting 230 S Sporting Hill Road Mechanicsburg, PA 17050-3097	Cumberland County Hampden Township	Sears Run (WWF) Watershed(s) (7-B)	No
PA0029297 (Sewage)	PA DPW South Mountain Restoration Center 10058 South Mountain Road South Mountain, PA 17261	Franklin County Quincy Township	Rocky Mountain Creek (HQ-CWF, MF) Watershed(s) (13-C)	Yes
PA0035823 (Sewage)	Kent Saunders 5909 Little Cove Road Mercersburg, PA 17236-9478	Franklin County Warren Township	Little Cove Creek (CWF, MF) Watershed(s) 13-B	Yes
PA0032000 (Sewage)	PA DCNR Gifford Pinchot State Park 2200 Rosstown Road Lewisberry, PA 17339-9787	York County Warrington Township	Beaver Creek Watershed(s) (7-F)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0208639 (Sewage)	Hartleton Borough Sewer System STP P.O. Box 31 Hartleton, PA 17829-0031	Union County Hartleton Borough	Cold Run (TSF) (6-A)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0096971 (Industrial)	West Carroll Township Water & Sewer Authority Bakerton System P.O. Box 328 Elmora, PA 15737-0328	Cambria County West Carroll Township	West Branch Susquehanna River (WWF, MF) (8-B)	Yes

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

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

PA0233030, Sewage, SIC Code 4952, **South Creek Township Bradford County**, P.O. Box 60, Gillett, PA 16925-0060. Facility Name: Gillett Dollar Gen. This proposed facility is located in South Creek Township, **Bradford County**.

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

The receiving stream(s), Unnamed Tributary to Seeley Creek (CWF, MF), is located in State Water Plan watershed 4-B and is classified for Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
			Daily Min		Daily Max	
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.02	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
				Geo Mean		

Sludge use and disposal description and location(s): Septic hauler.

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

The EPA Waiver is in effect.

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

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

QM Permit No. 2619401, Sewage, **North Union Township Municipal Service Authority**, 90 Romeo Lane, Uniontown, PA 15401-2337.

This proposed facility is located in North Union Township and Dunbar Township, **Fayette County**.

Description of Proposed Action/Activity: construction of sanitary sewers, sanitary pump stations and low-pressure sewers to serve existing homes. The Pennsylvania Infrastructure Investment Authority (PENNVEST) which administers Pennsylvania's State Revolving Fund has been identified as a potential funding source.

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

QM Permit No. 4219401, Sewage, **Brenda Fitch**, 510 Columbia Hill Road, Smethport, PA 16749.

This proposed facility is located in Otto Township, **McKean County**.

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

QM Permit No. 4219402, Sewage, **Brenda Fitch**, 510 Columbia Hill Road, Smethport, PA 16749.

This proposed facility is located in Keating Township, **McKean County**.

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

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

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

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAD390105	American Millwork & Cabinetry Inc 840 Broad St Emmaus, PA 18049	Lehigh	Emmaus Boro	Leibert Creek (HQ-CWF, MF)

Pike County Conservation District, 556 Route 402, Suite 1, Hawley, PA 18428.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD520021	Lehigh Twp Supervisors 193 Municipal Dr Bushkill, PA 18324	Pike	Lehman Twp	Little Bushkill Creek (EV, 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>
PAD640017	Honesdale DG LLC Capital Growth Buchalter 361 Summit Blvd Ste 110 Birmingham, AL 35243-3167	Wayne	Lebanon Twp	Big Brook (EV, MF)

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

<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>
PAS123501 (Storm Water)	Linette Quality Chocolates Inc./ Treehouse Private Brands Inc. 336 Hill Road Womelsdorf, PA 19567-9200	Berks County Heidelberg Township	Unnamed Tributary to Tulpehocken Creek (HQ-CWF (existing use)) (3-C)	Yes

Cambria District: Environmental Program Manager, 286 Industrial Park Road, Ebensburg, PA 15931-4119.

Individual Permit Type—PAD

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD680002	Attention: Patrick M. Webb Bureau of Abandoned Mine Reclamation Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119 814-472-1800	Clearfield County	Lawrence Township	West Branch Susquehanna River (WWF), Unnamed Tributaries to West Branch Susquehanna River (CWF), Clearfield Creek (WWF), Unnamed Tributaries to Clearfield Creek (CWF), Laurel Run (HQ-CWF), Unnamed Tributaries to Laurel Run (HQ-CWF)

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

PAG-12 CAFOs

MS4 PAG-13 Notices of Intent Received.

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Waiver Application Submitted (Y/N)</i>	<i>Pollutant Reduction Plan Submitted (Y/N)</i>
PAG136370	Penn State Greater Allegheny 4000 University Drive McKeesport, PA 15132	McKeesport City Allegheny County	Y	N

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>Municipality/County</i>	<i>Waiver Application Submitted (Y/N)</i>	<i>Pollutant Reduction Plan Submitted (Y/N)</i>
PAG133550	Dauphin Borough Dauphin County P.O. Box 487 Dauphin, PA 17018-0487	Dauphin Borough Dauphin County	Y	N

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

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

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

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

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

ACT 38 NUTRIENT MANAGEMENT PLANS CAFO PUBLIC NOTICE SPREADSHEET—APPLICATIONS

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>AEU's</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>New or Renewal</i>
Dwight and Kathi Zimmerman 80 South Northkill Road Bernville, PA 19506	Berks	0	341.17	Broilers	NA	Renewal

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:

Northwest Region: Environmental Cleanup & Brownfields Program Manager, 230 Chestnut Street, Meadville, PA 16335-348.

Former Green Shingle Service & Restaurant, 6468 Sterrettania Road, McKean Township, **Erie County**. Environmental Geo-Services, 678 Georgetown Road, Hadley, PA 16130, on behalf of Old Presque Isle Downs, Inc., c/o Eldorado Resorts, 100 West Liberty Street, Suite 1150, Reno, NV 89501, submitted a Notice of Intent to Remediate. Sample results concluded the original gasoline and diesel underground storage tank basin was the source of regulated substances that negatively impacted site soil and site groundwater. The primary contaminants to be addressed include regulated substances found on Pennsylvania Department of Environmental Protection's Short List of Petroleum Products for gasoline and diesel fuel. The Site-Specific Standard has been selected for remediation. Intended future use of the property will be commercial. The Notice of Intent to Remediate was published in the *Erie-Times News* on May 3, 2019.

Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.

(Revised) Woodbourne Square Shopping Center, 2016 East Lincoln Highway, Middletown Township, **Bucks County**. Michael Beardsley, BL Companies, 4242 Carlisle Pike, Suite 260, Camp Hill, PA 17011 on behalf of Jeffrey Hoffman, Woodbourne Square Partners, LLC, 4 Cricket Avenue, Ardmore, PA 19003 submitted a Notice of Intent to Remediate. Soil and groundwater were contaminated with the release of PCE. The future use of the site is currently planned to remain non-residential. The Notice of Intent to Remediate was published in the *Bucks County Courier Times* on April 19, 2019.

Reilly Residence, 75 Timber Lane, Falls Township, **Bucks County**. Jeremy Bolyn, Environmental Maintenance, Company Inc., 1420 East Mermaid Lane, Glenside, PA 19038 on behalf of Lisa Reilly, c/o Ellis Harrison,

12 Terry Drive, Suite 204, Newtown, PA 18940 submitted a Notice of Intent to Remediate. Soil has been contaminated with the release of petroleum. The proposed future use of the property will remain the same. The Notice of Intent to Remediate was published in the *Bucks County Courier Times* on April 25, 2019.

Paul's Oldsmobile Dealership, 260 East Street Road, Warminster Township, **Bucks County**. Kenny Kim, PE, Comstock Environmental, 806 Fayette Street, Conshohocken, PA 19428 on behalf of Dave Rybas, Brierwood Company, 300 Chestnutwood Lane, Andalusia, PA 19020 submitted a Notice of Intent to Remediate. Groundwater at the site had been impacted with petroleum. The proposed future use of the property will be a supermarket store. The Notice of Intent to Remediate was published in the *Intelligencer* on May 15, 2019.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Applications deemed administratively complete under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200.

Permit No. 101712, JG Environmental Municipal Waste Processing Facility, 776 Flory Mill Road, Lancaster, PA 17601.

An application for a major permit modification was submitted by JG Environmental, LLC, to expand its municipal waste processing facility located in Manheim Township, Lancaster County, as well as increase its allowable daily waste volume from 200 tons per day to 500 tons per day. This application was deemed administratively complete by the Southcentral Regional Office on June 11, 2019. The Department will accept comments from the general public recommending revisions to, and approval or denial of, the application during the entire time the Department is reviewing the permit application.

Comments concerning the application should be directed to Mr. John Oren, Permits Chief, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200. Persons interested in obtaining more information about this permit application may contact the Southcentral Regional Office at (717) 705-4706. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Application received, under the Solid Waste Management Act of July 7, 1980, P.L. 35, P.S. §§ 6018.101—6018.1003, the Municipal Waste Planning, Recycling and Waste Reduction Act, 53 P.S. §§ 4000.101—4000.1904 and regulations to operate a Solid Waste Processing or Disposal Area or Site.

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

Permit Application ID No. 100280. USA Valley Facility, Inc., P.O. Box 195, Luciusboro Road, Coral, PA 15731. Valley Landfill. An application for permit modifica-

tion requesting reconfiguration of Valley Landfill, a municipal waste landfill located at 6015 Pleasant Valley Road, Irwin, PA 15642, in Penn Township, **Westmoreland County**. The application was received in the Regional Office on March 1, 2019.

AIR QUALITY PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

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

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

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

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

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

Permits issued to the owners or operators of sources subject to 25 Pa. Code Chapter 127, Subchapter D or E, or located within a Title V facility or subject to 25 Pa. Code § 129.51(a) or permits issued for sources with limitations on their potential to emit used to avoid otherwise applicable Federal requirements may be submitted to the United States Environmental Protection Agency for review and approval as a revision to the State Implementation Plan. Final Plan Approvals and Operating Permits will contain terms and conditions to ensure that the sources are constructed and operating in compliance with applicable requirements in the Air Pollution

Control Act (35 P.S. §§ 4001—4015), 25 Pa. Code Chapters 121—145, the Federal Clean Air Act (42 U.S.C.A. §§ 7401—7671q) and regulations adopted under the Federal Clean Air Act.

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

PLAN APPROVALS

Plan Approval Applications Received under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B that may have special public interest. These applications are in review and no decision on disposition has been reached.

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

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

03-269A: PulFlex Technologies, LLC: (P.O. Box 7159, New Castle, PA 16107), plan approval application received for the installation and initial operation of a composite plastic part production facility in Ford City, **Armstrong County**. This will be a new natural minor facility.

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

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

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

09-0243: Gelest, Inc. (1 Progress Drive, Morrisville, PA 19067) for installation of nine (9) new blenders to be located at a new facility in Falls Township, **Bucks County**. Potential emissions of Hazardous Air Pollutants (HAPs), Volatile Organic Compounds (VOCs) and Particulate Matter (PM) are less than major source emission thresholds respectively for the Philadelphia Metropolitan Area; therefore, the facility is classified as a Natural Minor Facility. The plan approval will include monitoring, testing, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

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

59-00034A: ESC Tioga County Power, LLC (565 5th Ave., FL 29, New York, NY 10017) has submitted an application to the Pennsylvania Department of Environmental Protection for plan approval to construct a 635 MW electric generating facility in Richmond Township, **Tioga County**. The project consists of one 3,445 MMBtu/hr, GE Frame 7HA.02 combined cycle, natural gas-fired combustion turbine with a heat recovery steam generator and a 1,024 MMBtu/hr, natural gas-fired duct burner; one

77.8 MMBtu/hr, natural gas-fired auxiliary boiler; one 5.5 MMBtu/hr, natural gas-fired fuel gas heater; one 2,000 kW, diesel-fired emergency generator/engine; one 315 hp diesel-fired emergency fire pump/engine; storage tanks for diesel fuel, lube oil and aqueous ammonia; sulfur hexafluoride-containing circuit breakers. The proposed project is subject to the Prevention of Significant Deterioration (PSD) of 40 CFR 52.21, the Nonattainment New Source Review (NNSR) regulations of 25 Pa. Code §§ 127.201–127.218, and the Best Available Technology (BAT) requirements of 25 Pa. Code §§ 127.1 and 127.12. The facility’s total particulate matter (PM) including PM₁₀ and PM_{2.5}, nitrogen oxides, carbon monoxide and sulfuric acid mist emissions are subject to the PSD requirements. The facility’s nitrogen oxides emissions are also subject to the NNSR requirements. The Department has determined that the proposed levels of the air contaminant emissions satisfy Best Available Control Technology (BACT) and Lowest Achievable Emission Rate (LAER) requirements as well as the Department’s BAT requirements.

The facility is also subject to the following: 40 CFR Part 64, Compliance Assurance Monitoring; 40 CFR Part 72, Acid Rain Program; 40 CFR Part 97, Cross-State Air Pollution Rule (CSAPR); 40 CFR Part 98, Mandatory Greenhouse Gas Reporting; 40 CFR Part 60 Subpart Dc—Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units; 40 CFR Part 60 Subpart IIII—Standards of Performance for Stationary Compression Ignition Internal Combustion Engines; 40 CFR Part 60 Subpart KKKK—Standards of Performance for Stationary Combustion Turbines; 40 CFR Part 60 Subpart TTTT—Standards of Performance for Greenhouse Gas Emissions for Electric Utility Generating Units; 40 CFR Part 63 Subpart ZZZZ—National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.

ESC Tioga County Power, LLC (ESC) has conducted air quality analyses using air dispersion modeling which

satisfy the requirements of the Prevention of Significant Deterioration (PSD) regulations codified in 40 CFR 52.21 and 25 Pa. Code § 127.83.

In accordance with 40 CFR 52.21(k)–(n), ESC conducted air quality analyses of emissions of carbon monoxide (CO), nitrogen oxides (NO_x), particulate matter less than or equal to 2.5 micrometers in diameter (PM_{2.5}), and particulate matter less than or equal to 10 micrometers in diameter (PM₁₀) for its proposed facility. ESC’s source impact analyses demonstrate that emissions from its facility would not cause or contribute to air pollution in violation of the National Ambient Air Quality Standards for CO, nitrogen dioxide (NO₂), PM_{2.5}, or PM₁₀. Additionally, ESC’s source impact analyses demonstrate that emissions from its facility would not cause or contribute to air pollution in violation of the Class II or Class I PSD increments for NO₂, PM_{2.5}, or PM₁₀.

In accordance with 40 CFR 52.21(o), ESC provided additional impact analyses of the impairment to visibility, soils, and vegetation that would occur as a result of its facility and general commercial, residential, industrial, and other growth associated with its facility.

In accordance with 40 CFR 52.21(p), written notice of ESC’s proposed facility has been provided to the Federal Land Managers of nearby Federal Class I areas as well as initial screening calculations to demonstrate that emissions from its facility would not adversely impact air quality related values and visibility in nearby Federal Class I areas.

In accordance with the public notice requirements in 25 Pa. Code § 127.45(b)(4), the degree of Class II and Class I PSD increment consumption expected to result from the operation of ESC’s facility is provided in the following tables:

Degree of Class II PSD Increment Consumption from Operation of ESC’s Facility.

<i>Pollutant</i>	<i>Averaging Period</i>	<i>Degree of Class II PSD Increment Consumption</i>		<i>Class II PSD Increment</i>
		<i>micrograms per cubic meter</i>	<i>Percent of Class II PSD Increment</i>	<i>micrograms per cubic meter</i>
NO ₂	Annual	< 2.09003	< 8.37 %	25
PM _{2.5}	24-hour	< 7.78498	< 86.50 %	9
	Annual	< 0.60845	< 15.22 %	4
PM ₁₀	24-hour	< 7.70298	< 25.68 %	30
	Annual	< 0.60605	< 3.57 %	17

Degree of Class I PSD Increment Consumption from Operation of ESC’s Facility.

<i>Pollutant</i>	<i>Averaging Period</i>	<i>Degree of Class I PSD Increment Consumption</i>		<i>Class I PSD Increment</i>
		<i>micrograms per cubic meter</i>	<i>Percent of Class I PSD Increment</i>	<i>micrograms per cubic meter</i>
NO ₂	Annual	< 0.00059	< 0.03 %	2.5
PM _{2.5}	24-hour	< 0.08842	< 4.43 %	2
	Annual	< 0.00283	< 0.29 %	1
PM ₁₀	24-hour	< 0.00642	< 0.09 %	8
	Annual	< 0.00043	< 0.02 %	4

Based on the findings previously presented, the Department intends to issue a plan approval for the proposed project. The following is a summary of the conditions that the Department proposes to place in the plan approval to be issued to ensure compliance with all applicable air quality regulatory requirements:

1. Pursuant to the best available control technology of the PSD provisions in 40 CFR 52.21 and of 25 Pa. Code § 127.83 and the lowest achievable emission rate of the New Source Review Regulation provisions in 25 Pa. Code §§ 127.201–127.217 as well as the best available technology provisions in 25 Pa. Code §§ 127.1 and 127.12:

a. the boiler incorporated in Source ID 031 shall comply with the following emissions/operational limitations:

i. nitrogen oxides—0.011 lb/MMBtu and 1.96 ton in any 12 CMP,

ii. shall be fired only on natural gas,

iii. shall be limited to a maximum heat input of 356,013 MMBtu in any 12 CMP,

iv. shall be operated in accordance with the manufacturer's specifications and good operating practices,

v. shall be equipped with ultra low NO_x burners.

b. the fuel line heater incorporated in Source ID 032 shall comply with the following emissions/operational limitations:

i. nitrogen oxides—0.036 lb/MMBtu and 0.87 ton in any 12 CMP,

ii. shall be fired only on natural gas,

iii. shall be operated in accordance with the manufacturer's specifications and good operating practices,

v. shall be equipped with ultra low NO_x burners.

c. the combined cycle combustion turbine and duct burner incorporated in Source ID P101 shall comply with the following emissions/operational limitations:

i. nitrogen oxides—2.0 ppmvd, 15% oxygen, 1-hour average and 143.20 tons in any 12 CMP,

ii. shall be fired only on natural gas,

iii. the combustion turbine shall not exceed 29,800,000 million Btu in any 12 CMP and the duct burner shall not exceed 6,510,000 million Btu in any 12 CMP,

iv. shall be equipped with low NO_x combustors, a fuel gas heater, an SCR unit and a catalytic oxidizer.

d. the emergency generator engine incorporated in Source ID P102 shall comply with the following emissions/operational limitations:

i. nitrogen oxides—5.45 g/bhp-hr and 0.97 ton in any 12 CMP,

ii. shall not be operated for more than 60 hours in any 12 CMP.

e. the emergency fire pump incorporated in Source ID P103 shall comply with the following emissions/operational limitations:

i. nitrogen oxides—2.69 g/bhp-hr and 0.093 ton in any 12 CMP,

ii. shall not be operated for more than 100 hours in any 12 CMP.

2. Pursuant to the best available control technology of the PSD provisions in 40 CFR 52.21 and of 25 Pa. Code § 127.83 and the best available technology provisions in 25 Pa. Code §§ 127.1 and 127.12:

a. the boiler incorporated in Source 031 shall comply with the following emissions limitations:

i. carbon monoxide—0.037 lbs/MMBtu and 6.59 tons in any 12 CMP,

ii. total (filterable and condensable) particulate matter (PM/PM₁₀/PM_{2.5})—0.008 lbs/MMBtu and 1.38 ton in any 12 CMP,

iii. sulfuric acid—0.00017 lbs/MMBtu and 0.0305 ton in any 12 CMP.

b. the fuel line heater incorporated in Source 032 shall comply with the following emissions limitations:

i. carbon monoxide—0.039 lbs/MMBtu and 0.94 ton in any 12 CMP,

ii. total (filterable and condensable) particulate matter (PM/PM₁₀/PM_{2.5})—0.008 lbs/MMBtu and 0.19 ton in any 12 CMP,

iii. sulfuric acid—0.00017 lbs/MMBtu and 0.004 ton in any 12 CMP.

c. the combined cycle combustion turbine and duct burner incorporated in Source ID P101 shall comply with the following emissions limitations:

i. carbon monoxide—0.9 ppmvd, 15% oxygen, 1-hour average without duct burner firing and 1.5 ppmvd, 15% oxygen, 1-hour average with duct burner firing and 92.50 tons in any 12 CMP,

ii. total (filterable and condensable) particulate matter (PM/PM₁₀/PM_{2.5})—0.0071 lbs/MMBtu and 85.30 tons in any 12 CMP,

iii. sulfuric acid—0.00073 lbs/MMBtu and 13.15 tons in any 12 CMP.

d. the emergency generator engine incorporated in Source ID P102 shall comply with the following emissions limitations:

i. carbon monoxide—0.3 g/bhp-hr and 0.053 ton in any 12 CMP,

ii. total (filterable and condensable) particulate matter (PM/PM₁₀/PM_{2.5})—0.03 g/bhp-hr and 0.0053 ton in any 12 CMP,

iii. sulfuric acid—0.0006 g/bhp-hr and 0.0001 ton in any 12 CMP.

e. the emergency fire pump incorporated in Source ID P103 shall comply with the following emissions limitations:

i. carbon monoxide—0.44 g/bhp-hr and 0.015 ton in any 12 CMP,

ii. total (filterable and condensable) particulate matter (PM/PM₁₀/PM_{2.5})—0.075 g/bhp-hr and 0.003 ton in any 12 CMP,

iii. sulfuric acid—0.0006 g/bhp-hr and 0.0002 ton in any 12 CMP.

3. Pursuant to the best technology provisions in 25 Pa. Code §§ 127.1 and 127.12:

a. the boiler incorporated in Source 031 shall comply with the following emissions limitations:

i. volatile organic compounds—0.008 lbs/MMBtu and 1.42 ton in any 12 CMP,

ii. sulfur oxides—0.0011 lbs/MMBtu and 0.20 ton in any 12 CMP.

b. the fuel line heater incorporated in Source 032 shall comply with the following emissions limitations:

i. volatile organic compounds—0.007 lbs/MMBtu and 0.17 ton in any 12 CMP,

ii. sulfur oxides—0.0011 lbs/MMBtu and 0.03 ton in any 12 CMP.

c. the combined cycle combustion turbine and duct burner incorporated in Source ID P101 shall comply with the following emissions/operational limitations:

i. volatile organic compounds (as methane)—0.7 ppmvd, 15% O₂ without duct burner firing and 1.6 ppmvd, 15% O₂ with duct burner firing and 38.40 tons in any 12 CMP,

ii. sulfur oxides—0.00113 lbs/MMBtu and 20.50 tons in any 12 CMP,

iii. ammonia slip—5 ppmvd, 15% O₂, 1-hour average and 123.00 tons in any 12 CMP,

iv. shall operate and maintain the combined cycle combustion turbine, duct burner and associated air pollution control and monitoring equipment in a manner consistent with good air pollution control practices for minimizing emissions and in accordance with the manufacturers' recommendations at all times including during startup, shutdown, and malfunction,

v. the ammonia feed system shall be regulated by both a feed forward signal from the fuel flow system of the combustion turbine and the duct burner and a feedback signal from the NO_x CEMS; the SCR device shall include monitors and alarms for catalyst inlet and outlet temperatures, catalyst differential pressure, and high stack concentrations of NO_x and ammonia,

vi. shall monitor the pressure differential across the high efficiency combustion air inlet filters,

vii. the catalytic oxidizer shall be equipped with monitors and alarms for catalyst inlet and outlet temperatures and catalyst differential pressure,

viii. the combustion air delivery system shall be regulated by a feedback signal from the stack oxygen monitor; equipped with an inlet evaporative cooling system; a high efficiency particle filter; the permittee shall keep on hand a sufficient quantity of spare filters.

d. the emergency generator engine incorporated in Source ID P102 shall comply with the following emissions limitations:

i. volatile organic compounds—0.11 g/bhp-hr and 0.02 ton in any 12 CMP,

ii. sulfur oxides—0.005 g/bhp-hr and 0.001 ton in any 12 CMP.

e. the emergency fire pump incorporated in Source ID P103 shall comply with the following emissions limitations:

i. volatile organic compounds—0.08 g/bhp-hr and 0.003 ton in any 12 CMP,

ii. sulfur oxides—0.004 g/bhp-hr and 0.0001 ton in any 12 CMP.

4. Pursuant to the best available control technology of the PSD provisions in 40 CFR 52.21 and of 25 Pa. Code § 127.83:

a. the boiler incorporated in Source 031 shall comply with the following emissions limitations:

i. greenhouse gases (CO₂e)—117.09 lbs/MMBtu and 20,844 tons in any 12 CMP.

b. the fuel line heater incorporated into Source ID 032 shall comply with the following emissions limitations:

i. greenhouse gases (CO₂e)—117.09 lbs/MMBtu and 2,821 tons in any 12 CMP.

c. the combined cycle combustion turbine and duct burner incorporated in Source ID P101 shall comply with the following emissions/operational limitations:

i. greenhouse gases (CO₂e)—2,129,120 tons in any 12 CMP,

ii. maintain a maximum gross heat rate, without duct burner firing, of 6,494 Btu per kilowatt-hour on a high heating value (HHV) basis.

d. the emergency generator engine incorporated in Source ID P102 shall not exceed a greenhouse gas (CO₂e) emission rate in excess of 535 g/bhp-hr and 95 tons in any 12 CMP,

e. the emergency fire pump incorporated in Source ID P103 shall not exceed a greenhouse gas (CO₂e) emission rate in excess of 495 g/bhp-hr and 17 tons in any 12 CMP,

f. the SF₆-containing circuit breakers shall comply with the following emissions/operational limitations:

i. sulfur hexafluoride—5 pounds in any 12 CMP,

ii. greenhouse gases (CO₂e)—58 tons in any 12 CMP,

iii. shall be state-of-the-art, sealed, enclosed-pressure circuit breakers equipped with low-pressure alarms and low-pressure lockouts where the alarms are triggered when 10% by weight of the SF₆ has escaped. When the alarms are triggered, the permittee shall take immediate corrective action and fix the circuit breaker units to a like new state in order to prevent the emission of SF₆ to the maximum extent practicable.

5. Pursuant to 40 CFR 60.5520, the combined cycle combustion turbine and duct burner incorporated in Source ID P101 shall not emit in excess of 1,000 pounds of carbon dioxide per megawatt-hour, gross energy output, 12-operating month rolling average.

6. Pursuant to 40 CFR 60.4207, the emergency generator engine incorporated in Source ID P102 and the emergency fire pump incorporated into Source ID P103 shall be fired on diesel fuel with a maximum sulfur content of 15 ppm (0.0015%) by weight.

7. Prior to startup of any NO_x-emitting source authorized under this plan approval, the permittee shall purchase and apply 169.1 tons of NO_x emission reduction credits in accordance with 25 Pa. Code §§ 127.201—127.217.

8. Based on the date of startup of the combined cycle combustion turbine and duct burner incorporated in Source ID P101, the permittee shall do the following:

a. within 180 days conduct initial EPA Reference Method stack testing for the emissions of NO_x, CO, SO_x, PM/PM₁₀/PM_{2.5}, VOCs, ammonia, sulfuric acid mists and carbon dioxide,

b. at least 180 days prior, submit a Phase I application to the Department for all CEMS and flow monitoring systems, in accordance with 25 Pa. Code Chapter 139,

c. at least 18 months prior, submit a complete NO_x Budget permit application, in accordance with 40 CFR 97.21(b)(1)(ii),

d. at least 24 months prior, submit a complete Acid Rain permit application, in accordance with 40 CFR 72.30(b)(2)(ii).

9. The permittee shall conduct initial EPA reference method testing within 180 days of the startup of the boiler incorporated in Source ID 031 for NO_x and CO.

10. Emissions from the combined cycle combustion turbine and duct burner incorporated in Source ID P101 shall not exceed the following limits:

a. Pursuant to the best available control technology requirements of the Prevention of Significant Deterioration provisions in 40 CFR 52.21 and of 25 Pa. Code § 127.83 and the lowest achievable emission rate of the New Source Review Regulation provisions in 25 Pa. Code §§ 127.201—127.217 as well as the best available technology provisions in 25 Pa. Code §§ 127.1 and 127.12:

1. nitrogen oxides:

i. 67 lbs/hot start;

ii. 130 lbs/warm start;

iii. 264 lbs/cold start;

iv. 7 lbs/shutdown;

v. 12.10 tons in any 12-consecutive month period;

b. Pursuant to best available control technology of the Prevention of Significant Deterioration provisions in 40 CFR 52.21 and of 25 Pa. Code § 127.83 and the best available technology provisions in 25 Pa. Code §§ 127.1 and 127.12:

1. carbon monoxide:

i. 120 lbs/hot start;

ii. 155 lbs/warm start;

iii. 790 lbs/cold start;

iv. 124 lbs/shutdown;

v. 36.40 tons in any 12-consecutive month period;

2. total (filterable and condensable) particulate matter (PM/PM₁₀/PM_{2.5}):

i. 3.9 lbs/hot start;

ii. 7.8 lbs/warm start;

iii. 10.7 lbs/cold start;

iv. 2.3 lbs/shutdown;

v. 0.90 ton in any 12-consecutive month period;

c. Pursuant to the best available technology provisions in 25 Pa. Code §§ 127.1 and 127.12:

1. volatile organic compounds:

i. 9 lbs/hot start;

ii. 10 lbs/warm start;

iii. 55 lbs/cold start;

iv. 26 lbs/shutdown;

v. 4.80 tons in any 12-consecutive month period;

d. These annual emission limits apply only during startup and shutdown events. These emission rates are included as part of, and not in addition to, the annual emission limits identified in this plan approval.

e. For the purposes of demonstrating compliance with these emission limits, the term “startup” and “shutdown” are defined as follows:

1. A cold start is defined as a restart occurring 72 hours or more after shutdown;

2. A warm start is defined as a restart occurring between 8 to 72 hours after shutdown;

3. A hot start is defined as a restart occurring 8 hours or less after shutdown;

4. Shutdown is defined as occurring for up to 12 minutes per event.

11. The permittee shall maintain the records of the following:

a. amounts of natural gas and ultra-low sulfur diesel oil used at the facility on a monthly basis,

b. verification of the sulfur contents on all natural gas and ultra-low sulfur diesel oil used at the facility,

c. the air contaminant emissions from each source operating under this plan approval on a monthly basis,

d. for the combined cycle combustion turbine and duct burner incorporated in Source ID P101:

i. the heat input of the turbine and duct burner, on a monthly basis,

ii. the hours of operation of the turbine and duct burner, on a monthly basis,

iii. with respect to startup/shutdown events, the type and duration of each event, on a monthly basis,

iv. all parameters monitors associated with the SCR, catalytic oxidizer and combustion air filter systems.

e. hours of operation and conducted maintenance of the emergency generator engine incorporated in Source ID P102 and the emergency fire pump incorporated into Source ID P103.

12. With respect to the combined cycle combustion turbine and duct burner incorporated in Source ID P101, the permittee shall follow all monitoring, recordkeeping and reporting requirements as specified in 40 CFR 60, Subparts KKKK and TTTT.

13. In accordance with 40 CFR 60.4211, the permittee shall operate the emergency generator engine incorporated in Source ID P102 and the emergency fire pump incorporated into Source ID P103 as follows:

a. comply with the operational hours restrictions specified in 40 CFR 60.4211(f) for emergency engines,

b. install, configure, operate and maintain the engine and control device, as applicable, according to the manufacturer's emission related written instructions,

c. change only those emission-related settings that are permitted by the manufacturer,

d. meet the requirements of 40 CFR Parts 89, 94 and/or 1068, as applicable.

14. In accordance with 63.6590(c)(1), the emergency generator engine incorporated in Source ID P102 and the emergency fire pump incorporated into Source ID P103

shall comply with the requirements of 40 CFR 63, Subpart ZZZZ by meeting the requirements of 40 CFR 60, Subpart IIII.

15. The permittee shall comply with the reporting requirements specified in 40 CFR Parts 60 and 63.

16. The permittee shall report the facility's greenhouse gas emissions in accordance with 40 CFR 98.3.

17. The permittee shall conduct daily inspections for visible air contaminant emissions, visible fugitive air contaminant emissions and malodorous air contaminant emissions. Any emissions observed to be in excess of an emission limit shall be reported to the manager of the facility at once.

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.

25-995C: Essentra Components (3123 Station Road, Erie, PA 16510), for the proposed VOC & HAP emission limit increase for the Plastisol Dip Mold Operation (Sources 101, 103, & 106) and the upgrade of the Pre-heat & Curing Oven for Line 1 (Source 101) in Erie City, **Erie County**. This is a State Only facility. The public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code §§ 127.450 or 127.505, be incorporated into the State Only operating permit at a later date.

Plan approval No 25-995C is for the proposed VOC & HAP emission limit increase (from 13.7 tpy to 18.3 tpy for VOC and 0.009 tpy to 0.019 tpy for HAPs) for the Plastisol Dip Mold Operation (Source 101—D1, Source 103—D3, & Source 106—D4) and the upgrade of the Pre-heat & Curing Oven for Line 1 (Source 101). This Plan Approval will contain emission restriction, testing, recordkeeping, work practice standard and additional requirement conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate Best Available Technology (BAT) for the source including, but are not limited to, the following:

- Source 101 [Plastisol Dip Line # 1 (D1)]:
 - The maximum allowable emissions from the Pre-heat Oven and Curing Oven combined are the following:
 - NO_x: 0.876 tpy based on a 12-month rolling total
 - VOC: 0.048 tpy based on a 12-month rolling total
 - CO: 0.736 tpy based on a 12-month rolling total
 - PM/PM₁₀/PM_{2.5}: 0.066 tpy based on a 12-month rolling total
- Source 103 [Plastisol Dip Line # 3 (D3)]:
 - The maximum allowable emissions from the Pre-heat Oven and Curing Oven combined are the following:
 - NO_x: 0.702 tpy based on a 12-month rolling total

- VOC: 0.038 tpy based on a 12-month rolling total
- CO: 0.59 tpy based on a 12-month rolling total
- PM/PM₁₀/PM_{2.5}: 0.054 based on a 12-month rolling total
- Source 106 [New Plastisol Dip Line (Line # 4) (D4)]:
 - The maximum allowable VOC emissions from the plastisol dip line (D4) from Source 106 is 1.10 pound per hour and 4.795 tons in any 12-month rolling period. [This condition replaces the following condition from Plan Approval 25-995B: The maximum allowable VOC emissions from the plastisol dipping operations from Source 106 is 0.95 pound per hour and 4.163 tons in any 12-month rolling period.]
 - The maximum allowable emissions from the Pre-heat Oven and Curing Oven combined are the following:
 - NO_x: 0.658 tpy based on a 12-month rolling total
 - VOC: 0.036 tpy based on a 12-month rolling total
 - CO: 0.552 tpy based on a 12-month rolling total
 - PM/PM₁₀/PM_{2.5}: 0.050 tpy based on a 12-month rolling total
- Source 101, Source 103, & Source 106:
 - The maximum allowable VOC emissions from the plastisol dip lines (Source 101—D1, Source 103—D3, and Source 106—D4) at the facility is 4.14 pounds per hour and 18.132 tons in any 12-month rolling period. [This condition replaces the following condition from Plan Approval 25-995B: The maximum allowable VOC emissions from the plastisol dipping operations (Source 101, 103, and 106) at the facility is 3.14 pounds per hour and 13.70 tons in any 12-month rolling period.]
 - The maximum allowable HAP emissions for the plastisol dip lines (Source 101—D1, Source 103—D3, and Source 106—D4) at the facility is 0.0042 pound per hour and 0.0182 ton per year in any 12-month rolling period. [This condition replaces the following condition from Plan Approval # 25-995A and # 25-995B: The maximum allowable HAP emissions for the plastisol dipping operations (Source 101, 103, and 106) at the facility is 0.0022 pound per hour and 0.009 ton per year in any 12-month rolling period.]
 - The permittee shall limit the throughput of plastisol to less than 1,815,000 pounds per year based on a 12-month rolling total for Source 101, 103, and 106 combined.
 - The permittee shall limit the VOC content of each plastisol material used in Sources 101, 103, and 106 to less than 2% by weight.
 - The permittee shall limit the HAP content of each plastisol material used in Sources 101, 103, and 106 to less than 0.002% by weight.
 - The permittee shall maintain the following records:
 - Daily throughput of plastisol in #/day
 - VOC content (by weight) of each shipment of plastisol
 - HAP content (% by weight) of each shipment of plastisol

- All conditions from the latest facility operating permit, currently with a revision date of March 21, 2017, remain in effect unless otherwise modified in this plan approval.

In accordance with 25 Pa. Code § 127.44(f)(1), all the pertinent documents regarding this application (applications, review memos, and draft approvals) are also available for review from 8:00 a.m. to 4:00 p.m. at the Meadville Regional DEP Office (Air Quality). Appointments for scheduling a review must be made by calling the DEP at (814) 332-6340.

In accordance with 25 Pa. Code § 127.44(f)(2), a 30-day comment period, from the date of publication, will exist for the submission of comments. Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to Regional Air Quality Program Manager, Pennsylvania Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335-3494 and must contain the name, address and telephone number of the person submitting the comments, identification of the proposed plan approval [25-995C] and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Regional Air Quality Program Manager, 230 Chestnut St., Meadville, PA 16335; Phone (814) 332-6940.

In accordance with 25 Pa. Code § 127.45, a person may oppose the proposed plan approval by filing a written protest with the Department's Northwest Region Air Quality Program Manager.

If a plan approval has not undergone the previously public notice process, the change to an operating permit must be treated as a significant modification. In these situations, the Department should follow the procedures described in §§ 127.421 to 127.431 for State only operating permits or §§ 127.521 to 127.524 for Title V operating permits.

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

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

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

54-00051: PA Department of Corrections (301 Morea Road, Frackville, PA 17932). The Department intends to issue a renewal State-Only Synthetic Minor Permit for the Mahanoy State Correctional Institution, located in West Mahanoy Township, **Schuylkill County**. This facility operates two diesel powered generators, and three natural gas/# 2 oil fired boilers. These sources are considered a minor emission source of nitrogen oxide (NO_x), sulfur oxides (SO_x), carbon monoxide (CO), total suspended particulate (TSP) and VOC's. The proposed permit contains applicable requirements for emission

limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

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

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

15-00112: MH Devon Park, LLC, (466 Devon Park Drive, Wayne, PA 19087; Attn: Ms. Victoria Lozinak) for the renewal of a Natural Minor Operating Permit in Tredeffrin Township, **Chester County**. MH Devon Park, LLC is a leased facility, with the current tenant being Charles River Labs. Charles River Labs is utilizing the facility as a pharmaceutical Research and Development (R&D) facility. Permitted sources are those that were existing and under management of MH Devon Park, LLC. Sources of emissions from the facility are two boilers and two emergency generators. The boilers (Source ID 032) are subject to 40 CFR Part 60, Subpart Dc. One emergency generator (Source ID 101) is subject to 40 CFR Part 63, Subpart ZZZZ. The other emergency generator (Source ID 103) is subject to 40 CFR Part 60, Subpart IIII. Applicable requirements have already been incorporated into the operating permit. Potential emissions from the facility are: PM/PM₁₀/PM_{2.5}—2.36 TPY, NO_x—12.39 TPY, CO—11.45 TPY, SO_x—4.83 TPY, VOC—0.70 TPY, and HAP—0.33 TPY. The permit contains monitoring, recordkeeping, reporting, and work practice standards designed to keep the facility operating within all applicable air quality requirements.

Southcentral Region: Air Quality Program, 909 Elmer-ton 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.

34-03003: Empire Kosher Poultry, Inc. (247 Empire Drive, Mifflintown, PA 17059) for the operation of a kosher poultry processing facility in Walker Township, **Juniata County**. This is for renewal of the existing State-only permit. Potential air emissions from the facility are estimated at 2.6 tpy PM, 38.8 tpy NO_x, 19.7 tpy CO, 4.2 tpy VOC, 11.6 tpy SO₂ and 0.4 tpy HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

01-05020: Knouse Foods Coop, Inc. (53 E Hanover Street, Biglerville, PA 17307) for the operation of a fruit processing facility in Biglerville Borough, **Adams County**. This is for renewal of the existing State-only permit. Potential air emissions from the facility are estimated at 7.62 tpy PM, 78.4 tpy NO_x, 19.3 tpy CO, 3.17 tpy VOC, 73.8 tpy SO₂ and 0.34 tpy HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

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

Contact: Thomas Joseph, P.E., Facilities Permitting Chief—Telephone: 412-442-4336.

04-00723: McDanel Advanced Ceramic Technologies, LLC (510 Ninth Ave., Beaver Falls, PA 15010-4700)

Natural Minor Operating Permit is for a technical ceramics manufacturing facility located in Beaver Falls, **Beaver County**. In accordance with 25 Pa. Code §§ 127.424 and 127.425, the Department of Environmental Protection (DEP) has received an application and is providing notice that it intends to issue an Air Quality Operating Permit for the previously-mentioned facility. Sources of emissions consist of the following equipment:

Twenty-one (21) Kilns; Five (5) Afterburners; Seven (7) Dryers; Four (4) Electric ovens; Two (2) Emergency generators; Fifteen (15) dust collectors; Three (3) Exhaust hoods; Three Chillers; Two (2) R&D electric furnaces; and Numerous miscellaneous small process and material handling sources including ball mills, saws, mixers, and a vertical lathe.

Facility-wide potential emissions are projected to be 7.0 TPY VOC, 76.0 TPY NO_x, 62.0 TPY CO, 7.0 TPY HAP, 30.20 PM_{-10/2.5}, and <1.0 TPY SO_x. Actual annual emissions at the facility are projected to be <1.0 TPY VOC, 7.5 TPY NO_x, 6.0 TPY CO, <1.0 TPY HAP, 6.5 TPY PM_{-10/2.5}, and <0.10 TPY SO_x. At a minimum, the facility is required to conduct daily surveys of the site to ensure compliance with visible, fugitive, and malodor emission requirements and maintain records of those surveys. The air quality permit includes emission limitations, work practice standards, monitoring requirements, recordkeeping, and reporting 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 Tom Joseph, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. Written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Operating Permit (04-00723) 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 Tom Joseph, at the previously listed address. For additional information concerning the permit or the issuance procedure, contact Tom Joseph at the previously listed address or phone at (412) 442-4336.

All comments must be received prior to the close of business 30 days after the date of this publication.

32-00349: Rosebud Mining Company (301 Market Street, Kittanning, PA 16201), In accordance with 25 Pa. Code §§ 127.441 and 127.425, the Department is providing notice that they intend to issue a renewed, facility-wide, State Only Operating Permit for the continued operation of a coal preparation plant, known as the I-22 Tipple, located in Burrell Township, **Indiana County**.

Clymer Tipple contains air contamination sources consisting of conveyers, stockpiles, 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 7.1 tons of PM₁₀, and 2.4 tons of PM_{2.5}. Sources at Clymer Tipple are subject to 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 name, address and telephone number of the person submitting the comments, identification of the proposed Operating Permit (specify Operating Permit SOOP-32-00349), 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.

11-00508: Hindman Funeral Homes & Crematory (146 Chandler Avenue, Johnstown, PA 15906) In accordance with 25 Pa. Code §§ 127.424, 127.425, and 127.521, the Department is providing notice that they intend to issue a natural minor State Only Operating Permit for the operation of a crematory located in Lower Yoder Township, **Cambria County**.

The facility operates one Mathews International-Cremation Division model IE43-PPII human crematory incinerator with a maximum cremation rate of 150 lbs/hr and a one Mathews International-Cremation Division model IE43-PPJr animal crematory incinerator with a maximum cremation rate of 75 lbs/hr. Potential emissions from this facility are estimated at 0.53 ton of SO₂ per year, 0.80 ton of NO_x per year, 2.39 tons of CO per year, 3.08 tons of PM per year, 3.08 tons of PM₁₀ per year, 0.65 ton of total hydrocarbons per year, 0.23 ton of HAPs per year, and 0.001 ton of lead (Pb) per year.

The facility is subject to the applicable requirements of 25 Pa. Code Article III, Chapters 121—145. The proposed operating permit includes emission limitations, monitoring, work practice, reporting, and recordkeeping requirements for the facility.

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>.

Any person may submit comments, a request for the Department to hold a public hearing, or a protest to the proposed operating permit or a condition thereof by submitting the information to Nick Waryanka, P.E., Air Quality Engineer, at the Southwest Regional Office. A 30-day comment period from the date of publication of this notice will exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit (specify Operating Permit 11-00508) and concise statements regarding the relevancy of the information in the proposed permit or objections to issuance of the permit.

A public hearing may be held in accordance with 25 Pa. Code § 127.429, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. If a public hearing is held, all persons who have properly filed a protest under 25 Pa. Code § 127.426 may appear and give testimony. The applicant, the protestant, and other participants will be notified of the decision to hold a hearing (and the time, place and purpose of such hearing) by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient.

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

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

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.

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104.

Contact: Edward Wiener, Chief—Telephone: 215-685-9426.

OP18-000008: American Airlines (2000 Tinicum Island Rd., Philadelphia, PA 19153) for the operation of an air transportation establishment in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources are twenty-one (21) non-emergency portable engines ranging in size from 149 horsepower (hp) to 575 hp, each firing diesel fuel, and one (1) emergency generator rated 762 hp firing diesel fuel.

The operating permit will be issued under the 25 Pa. Code, Philadelphia Code Title 3 and Air Manage-

ment Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

Persons wishing to file protest, comments, or request a public hearing on the previously listed operating permit must submit the protest, comments or request for public hearing within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least thirty days before the hearing.

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); The Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.20a). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department. A copy of the application is available for inspection at the district mining office indicated before each application. Notices of requests for 401 Water Quality Certifications are included in individual application notices, as noted.

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application and request for Section 401 water quality certification application may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the address of the district mining office indicated before each application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

Written comments or objections regarding a mining permit application should contain the name, address and telephone number of persons submitting comments or objections, application number and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based.

A request for an informal conference or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code § 77.123 or § 86.34, must contain the name, address and telephone number of the requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

When an NPDES number is listed, the mining activity permit application was accompanied by an application for an individual NPDES permit. A separate notice will be provided after the draft NPDES permit is prepared.

Coal Applications Received

California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100.

63743705 and NPDES No. PA0215732. ArcelorMittal Pristine Resources, LLC, (P.O. Box 36, 129 Bethlehem Road, Revloc, PA 15948). To revise the permit for the Marianna Mine No. 58 CRDA in Marianna Borough and West Bethlehem Township, **Washington County** and related NPDES permit to facilitate construction of a 4-inch water pipeline to transport impounded water for treatment and add NPDES outfall 001. Coal Refuse Disposal Support Acres Proposed 20.8. Receiving stream: Unnamed Tributary of Horn Run, classified for the following use: TSF. The application was considered administratively complete on June 18, 2019. Application received: June 12, 2019.

30841316 and NPDES No. PA0213535. Consol Pennsylvania Coal Company LLC, (1000 Consol Energy Drive, Canonsburg, PA 15317). To revise the permit for the Bailey Mine & Prep Plant in Richhill Township, **Greene County** and related NPDES permit for installation of two (2) degas boreholes. Surface Acres Proposed 5.8. No additional discharges. The application was considered administratively complete on June 18, 2019. Application received: May 14, 2019.

30081601 and NPDES No. PA0235792. Coresco, LLC, (966 Crafts Run Road, Maidsville, WV 26541). To renew the permit for the Overland Conveyor in Dunkard

Township, **Greene County** and related NPDES permit. No additional discharges. The application was considered administratively complete on June 19, 2019. Application received: June 17, 2019.

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

17060101 and NPDES No. PA0269273. Waroquier Coal Company (P.O. Box 128, Clearfield, PA 16830). Permit reissuance for the continued operation and restorations of an existing bituminous surface mine located in Lawrence Township, **Clearfield County** affecting 203.0 acres. Receiving stream(s): Unnamed Tributaries to Little Clearfield Creek classified for the following use(s): HQ-CWF, MF. There are no potable water supply intakes within 10 miles downstream. Application received: June 11, 2019.

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

Permit No. 40840206C9. Jeddo-Highland Coal Company, (46 Public Square, Suite 701, Wilkes-Barre, PA 18701), correction to an existing anthracite coal refuse reprocessing, refuse disposal and preparation plant operation to delete 76.91 acres from the permit for the Wilkes-Barre Area School District in Plains Township, **Luzerne County** for a total of 43.5 acres, receiving stream: Mill Creek, classified for the following uses: cold water and migratory fished. 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.

10090803. Bernard J. McCrea Excavating (100 Pine Haven Drive, Fenelton, PA 16034). Application for a new NPDES Permit No. PA0280704 in Clearfield Township, **Butler County**. Receiving streams: Little Buffalo Run, classified for the following uses: HQ. There are no potable surface water supply intakes within 10 miles downstream. Application received: June 14, 2019.

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

03920301 and NPDES Permit No. PA0097250. Con-tinental Clay Company (260 Oak Avenue, P.O. Box 1013, Kittanning, PA 16201). NPDES renewal application

for continued mining to an existing large noncoal surface mine, located in Rayburn Township, **Armstrong County**, affecting 334.5 acres. Receiving streams: unnamed tributaries to Allegheny River, classified for the following use: CWF. PA American Water Company—Kittanning is the potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: June 19, 2019.

63130401 and NPDES Permit No. PA0278386. Boord, Bencheck & Associates, Inc. (345 Southpointe Blvd., Suite 202, Canonsburg, PA 15317). NPDES application for commencement, operation and restoration of large noncoal surface mine, located in Smith Township, **Washington County**, affecting 42.2 acres. Receiving streams: unnamed tributary to Raccoon Creek, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: June 20, 2019.

03122001 and NPDES Permit No. PA0252417. Allegheny Mineral Corporation (P.O. Box 1022, Kittanning, PA 16201). Revision application to add acres to an existing underground noncoal mine, located in Winfield

and Clearfield Townships and West Franklin Township, **Butler and Armstrong Counties**, affecting 1,528.2 acres. Receiving streams: unnamed tributaries to Buffalo Creek and Long Run; Buffalo Creek and Long Run, classified for the following use: HQ-TSF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: June 20, 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 accord-

ance 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. PA0258768 (Permit No. 37090302). Allegheny Mineral Corporation (P.O. Box 1022, Kittanning, PA 16201) Renewal of an NPDES permit for a large industrial minerals surface mine in Slippery Rock Township, **Lawrence County**, affecting 104.1 acres. Receiving streams: Slippery Rock Creek and an unnamed tributary to Slippery Rock Creek, classified for the following uses: CWF. TMDL: None. Application received: May 28, 2019.

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

The following outfalls discharge to Slippery Rock Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
003	N
004	N

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Alkalinity greater than acidity ¹				
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

¹ The parameter is applicable at all times.

The following outfalls discharge to unnamed tributary to Slippery Rock Creek and Slippery Rock Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
001	N
002	N

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Alkalinity greater than acidity ¹				
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

¹ The parameter is applicable at all times.

NPDES No. PA0258636 (Permit No. 37080305). 422 Aggregates, LLC (223 Fourth Avenue, 4th Floor, Pittsburgh, PA 15222) Renewal of an NPDES permit for a large industrial minerals surface mine in Slippery Rock Township, **Lawrence County**, affecting 83.8 acres. Receiving streams: unnamed tributary to Slippery Rock Creek to Slippery Rock Creek, classified for the following uses: CWF. TMDL: None. Application received: May 1, 2019.

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

The following outfall discharges to unnamed tributary to Slippery Rock Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TPA	N

The proposed effluent limits for the previously listed outfall 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				
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

¹ The parameter is applicable at all times.

The following outfalls discharge to unnamed tributary to Slippery Rock Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
SPA	N
SPB	N

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Alkalinity greater than acidity ¹				
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

¹ The parameter is applicable at all times.

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department. Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the Commonwealth to certify that the involved projects will not violate the sections 301–303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311–1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA, the issuance of a Dam Permit or Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment shall submit comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted before an application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between 8 a.m. and 4 p.m. on working days at the office noted before the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E63052-730, Peters Township, 610 East McMurray Road, McMurray, PA 15317, Peters Township, **Washington County**, Pittsburgh ACOE District.

The applicant proposes to:

1. Remove a 540 foot long, existing stream enclosure, from an Unnamed Tributary (UNT) to Brush Creek (WWF), and

2. Construct and maintain a new 102 foot long, 63" × 87" pipe arch culvert stream enclosure within the aforementioned UNT, and

3. Relocate and maintain approximately 915 linear feet of said stream, and

4. Place and maintain fill within approximately 0.093 acre of wetlands for the purpose of constructing a connector roadway between E. McMurray Road and Center Church Road to provide access to a new High School Development located just north of the intersection of Rolling Hills Drive and E. McMurray Road (Bridgeville, PA Quadrangle, N: 40° 16' 27"; W: 80° 06' 2", Ohio River Subasin; USACE Pittsburgh District), in Peters Township, Washington County.

E63052-731, John E. Tarr & Bo E. Tarr, 45 Arden Road, Washington, PA 15301-8626, Canton Twp, **Washington County**, Pittsburgh ACOE District.

The applicant proposes to:

Place and Maintain 6,250 cy of earthen material within 2.15 acres of the floodway of Chartiers creek (WWF), for the purpose of expanding the existing Tarr supply yard. The project site is located near the intersection of SR 844/Jefferson Avenue and Majewski Park (a private road) (Washington West, PA USGS topographic quadrangle; N: 40°, 11', 25"; W: -80°, 16', 11"; Subbasin 20F; USACE Pittsburgh District), in Canton Township, Washington County.

E63052-732, Washington County, 100 West Beau Street, Washington, PA 15301, North Strabane Township and Peters Township, **Washington County**, Pittsburgh ACOE District.

The applicant proposes to:

Remove the existing three (3) span structure (Chartiers Creek Bridge No. 12) and to construct and maintain a new bridge having two (2) spans of approximately 82.0 feet each with a minimum underclearance of 7.83 feet in and across the channel of Little Chartiers Creek (HQ-WWF) for the purpose of replacing a structurally deficient bridge. The project is located on McDowell Lane, approximately 1,300.00 feet west from the intersection of

McDowell Lane and Route 19 (Canonsburg, PA Quadrangle, N: 3.55 inches; W: 1.0 inch; Latitude: 40°-16'-61"; Longitude: 80°-08'-47.4") in Peters Township and North Strabane Township, Washington County.

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

E2506219-003, Erie Western Pennsylvania Port Authority, 1 Holland Street, Erie, PA 16507. East Dobbins Landing Seawall, in Erie City, Erie County, ACOE Pittsburgh District (Erie North, PA Quadrangle N: 42°, 8', 16"; W: 80°, 5', 26").

To construct and maintain a new 700-foot steel sheet pile seawall parallel to the existing and projecting 15-foot into the bay from the existing seawall to be backfilled and anchored including a 12-foot wide public access walkaway along the full extent of the seawall permanently impacting less than 0.3 acre of Lake Erie along Dobbins Landing in Erie City, Erie County.

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

E5829-145: Brooklyn Township, Susquehanna County; Williams Field Services Company, LLC; 310 State Route 29 North, Tunkhannock, PA 18657; ACOE Baltimore District.

To construct, operate, and maintain:

1) a 24-inch diameter steel natural gas gathering pipeline and temporary timber mat bridge crossing impacting 74 lineal feet of an unnamed tributary to Horton Creek (CWF, MF) and impacting 10,623 square feet of its floodway (Hop Bottom, PA Quadrangle; Latitude: 41° 43' 34", Longitude: -75° 48' 33"),

2) a 24-inch diameter steel natural gas gathering pipeline and temporary timber mat crossing impacting 690 square feet (0.02 acre) of a palustrine emergent wetland (PEM) (Hop Bottom, PA Quadrangle; Latitude: 41° 43' 34", Longitude: -75° 48' 33"),

3) a 24-inch diameter steel natural gas gathering pipeline and temporary timber mat crossing impacting 1,686

square feet (0.04 acre) of a palustrine emergent wetland (PEM) (Hop Bottom, PA Quadrangle; Latitude: 41° 43' 32", Longitude: -75° 48' 32"),

4) a 24-inch diameter steel natural gas gathering pipeline and temporary timber mat crossing impacting 10,945 square feet (0.25 acre) of a palustrine emergent wetland (PEM) (Hop Bottom, PA Quadrangle; Latitude: 41° 43' 24", Longitude: -75° 48' 23"),

5) a 24-inch diameter steel natural gas gathering pipeline and temporary timber mat bridge crossing impacting 55 lineal feet of an unnamed tributary to Horton Creek (CWF, MF) and impacting 6,169 square feet of its floodway (Hop Bottom, PA Quadrangle; Latitude: 41° 43' 34", Longitude: -75° 48' 33"),

6) a 24-inch diameter steel natural gas gathering pipeline and temporary timber mat crossing impacting 536 square feet (0.01 acre) of a palustrine emergent wetland (PEM) (Hop Bottom, PA Quadrangle; Latitude: 41° 43' 22", Longitude: -75° 48' 15").

The Corbin to MacNew Loop natural gas pipeline project consists of constructing approximately 8,251 lineal feet of 24-inch steel natural gas pipeline located in Brooklyn Township, Susquehanna County. The project will result in 129 lineal feet of stream impacts and 13,857 square feet (0.32 acre) of palustrine emergent (PEM) wetlands to provide safe reliable conveyance of Marcellus Shale natural gas to market.

ENVIRONMENTAL ASSESSMENTS

Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 2, 400 Market Street, P.O. Box 8460, Harrisburg, PA 17105-8460.

D11-093EA. Donna Dunegan, Secretary/Treasurer, P.O. Box 175, 800 Fourth Avenue, Patton, PA 16668, Patton Borough, **Cambria County**, USACOE Pittsburgh District.

Project proposes to remove the Patton Dam to eliminate a threat to public safety and to restore approximately 1,050 feet of stream channel to a free-flowing condition. The project is located across Chest Creek (CWF/TSF, MF) (Hastings, PA Quadrangle, Latitude: 40.6284; Longitude: -78.6472).

ACTIONS

THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

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

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

Sections I—VI contain actions regarding industrial, animal or sewage wastes discharges, discharges to groundwater, and discharges associated with MS4, stormwater associated with construction activities and CAFOs. Section VII contains

notices for parties who have submitted NOIs for Coverage under General NPDES Permits. The approval for coverage under these General NPDES Permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions in each General Permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions in the respective permit. The permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

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

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

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

I. NPDES Renewal Permit Actions.

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0060852 (Sewage)	EIHAB Human Services Inc. 1200 SR 92 South Tunkhannock, PA 18657-5966	Wyoming County Falls Township	Susquehanna River (WWF, MF) (4-G)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0228656 (Industrial)	Irvona Municipal Authority Water Tmnt Plant P.O. Box 247 Irvona, PA 16656-0247	Clearfield County Irvona Borough	North Witmer Run (CWF) (8-C)	Yes
PA0009857 (Industrial)	US F & W Lamar National Fish Hatchery P.O. Box 75 Lamar, PA 16848-0075	Clinton County Porter Township	Fishing Creek (HQ-CWF) and Unnamed Tributary to Fishing Creek (HQ-CWF) (9-C)	Yes
PA0112551 (Sewage)	Moyer Residence 230 Madisonburg Pike Madisonburg, PA 16852-8004	Centre County Miles Township	Unnamed Tributary of Elk Creek (EV) (6-A)	Yes
PA0111937 (Sewage)	Patriot Treatment Plant 6009 Columbia Boulevard Bloomsburg, PA 17815-8800	Columbia County South Centre Township	Unnamed Tributary of Susquehanna River (CWF) (5-D)	Yes
PA0035602 (Sewage)	PA DOT Site 36 I 80 West Rest Area Bureau of Maintenance & Operations P.O. Box 3060 Harrisburg, PA 17105-3060	Montour County Liberty Township	Unnamed Tributary of Beaver Run (WWF) (10-D)	Yes
PA0111538 (Sewage)	Pine Valley Mobile Home Park 215 W Church Road Suite 105 King of Prussia, PA 19406-3209	Union County West Buffalo Township	North Branch Buffalo Creek (HQ-CWF) (10-C)	Yes

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0020672 (Sewage)	Washingtonville Municipal Authority Sewer System STP P.O. Box 147 Washingtonville, PA 17884-0147	Montour County Derry Township	Chillisquaque Creek (WWF) (10-D)	Yes

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>
PA0219339 (Industrial)	Fate Ventures, LLC Jones TP 255a Airport Road P.O. Box 927 Indiana, PA 15701	Indiana County Black Lick Township	Blacklick Creek (TSF) (18-D)	No
PA0096113 (Sewage)	McGuffey Jr Middle & Sr High School STP 90 McGuffey Drive Claysville, PA 15323-2304	Washington County Buffalo Township	Buffalo Creek (HQ-WWF) (20-E)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0238601 (Sewage)	Sutton MHP 129 Elgie Drive Butler, PA 16001-9691	Butler County Clay Township	Unnamed Tributary to Slippery Rock Creek (CWF) (20-C)	Yes

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

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

NPDES Permit No. PA0276171, Stormwater, SIC Code 4225, **Bridgestone Americas Tire Operations, LLC**, 8001 Industrial Boulevard, Breinigsville, PA 18031.

This proposed facility is located in Upper Macungie Township, **Lehigh County**.

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

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

NPDES Permit No. PA0255548, Sewage, SIC Code 8800, **Starr Wynn**, 1382 Lincoln Drive, Apt C, Monaca, PA 15061.

This proposed facility is located in Shippingport Borough, **Beaver 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.

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

WQM Permit No. 1907401 A-1, Sewage, SIC Code 4952, **Municipal Authority of the Town of Bloomsburg**, 1000 Market Street, Suite 9, Bloomsburg, PA 17815-2601.

This existing facility is located in Town of Bloomsburg, **Columbia County**.

Description of Proposed Action/Activity: Upgrades/renovations to the existing wastewater treatment plant.

WQM Permit No. 6072402 A-1, Sewage, SIC Code 4952, **Hartley Township Municipal Authority**, P.O. Box 175, Laurelton, PA 17835-0175.

This existing facility is located in Hartley Township, **Union County**.

Description of Proposed Action/Activity: Permit issued authorizing the addition of dechlorination.

WQM Permit No. 4717401 T-1, Sewage, SIC Code 4952, **Suez Water PA Inc.**, 6310 Allentown Boulevard, Suite 104, Harrisburg, PA 17112-2739.

This existing facility is located in Mahoning Township, **Montour County**.

Description of Proposed Action/Activity: Permit Transfer Issued.

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

WQM Permit No. WQG02561801, Sewage, SIC Code 4952, **Meyersdale Municipal Authority**, P.O. Box 37, Meyersdale, PA 15552-0037.

This proposed facility is located in Summit Township, **Somerset County**.

Description of Proposed Action/Activity: construction of sanitary sewers, grinder pump station and force main.

WQM Permit No. 0419400, Sewage, **Starr Wynn**, 1382 Lincoln Drive, Apt C, Monaca, PA 15061.

This proposed facility is located in Shippingport Borough, **Beaver County**.

Description of Proposed Action/Activity: Installation of a Small Flow Sewage Treatment Plant.

WQM Permit No. 0216408 A-1, Sewage, SIC Code 4952, **Pleasant Hills Borough Allegheny County**, 410 E Bruceston Road, Pleasant Hills, PA 15236-4504.

This existing facility is located in Pleasant Hills Borough, **Allegheny County**.

Description of Proposed Action/Activity: The Borough of Pleasant Hills is now proposing to replace the Tassel Lane Pump Station Force Main. The replacement force main is to consist of 720 feet of HDPE pipe. The force main discharge will be to same manhole as the one being replaced. The routing of the new force main will be along the right of way of Tassel Lane.

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

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

<i>NPDES Permit No.</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>Receiving Water(s)/Use(s)</i>	<i>TMDL Plan Submitted (Y/N)</i>	<i>Pollutant Reduction Plan Submitted (Y/N)</i>
PAI132216	Easton City 123 S. 3rd Street Easton, PA 18042	Easton City Northampton	Delaware River (WWF, MF), Bushkill Creek (HQ-CWF, MF), and Lehigh River (WWF, MF)	N	Y
PAI132201	Macungie Borough 21 Locust Street Macungie, PA 18062	Macungie Borough Lehigh	Tributary 3581 to Swabia Creek a.k.a. Mountain Creek (HQ-CWF, MF) Swabia Creek (HQ-CWF, MF)	N	Y
PAI132239	Lehigh County 17 S 7th Street Allentown, PA 18101-2400	Allentown City Lehigh	Little Lehigh Creek (HQ-CWF, MF), Trout Creek (CWF, MF), Cedar Creek (HQ-CWF, MF), Unnamed Tributary of Schaefer Run (HQ-CWF, MF), Lehigh River (WWF, MF), and Jordan Creek (TSF, MF)	N	N

V. NPDES Waiver Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4) Actions.

The following waiver applications have been approved for a 5-year period. The Department is issuing waivers for the following MS4s instead of NPDES permit coverage.

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

<i>NPDES Waiver No.</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Receiving Water(s)/Use(s)</i>
PAI132241	Vandling Borough 855 Main Street Vandling, PA 18421-1021	Vandling Borough Lackawanna	Lackawanna River (HQ-CWF, MF), Meredith Brook (CWF, MF)

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

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>
PAD380003 Issued	Craig and Kayla Lowrie 2120 Cornwall Road Suite 3 Lebanon, PA 17042	Lebanon	South Lebanon Township	UNT Hammer Creek (HW-CWF) Walnut Run (EV)
PAD380006 Issued	Blackhorse Group, LLC 800 Starbuck Avenue Watertown, NY 13601	Lebanon	Union Township	Quereg Run (WWF) EV Wetlands

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

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

List of NPDES and/or Other General Permit Types.

PAG-1	General Permit for Discharges from Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges from Small Flow Treatment Facilities
PAG-5	General Permit for Discharges from Petroleum Product Contaminated Groundwater Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharges from Hydrostatic Testing of Tanks and Pipelines
PAG-11	General Permit for Discharges from Aquatic Animal Production Facilities
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)
PAG-14	(To Be Announced)
PAG-15	General Permit for Discharges from the Application of Pesticides

General Permit Type—PAG-02

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

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

NPDES

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAC480074	Samuel Firmstone 3364 Rinker Rd Northampton, PA 18067	Northampton	Moore Twp	Hokendauqua 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>
Hamilton Township Adams County Issued	PAC010104	Adam Walton 3102 Biscayne Lane York, PA 17404	UNTs Conewago Creek (WWF)	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325-3404 717.334.0636
Southampton Township Cumberland County Issued	PAC210148	Paul H. Wenger 975 Mud Level Road Shippensburg, PA 17257	UNT Middle Spring Creek (CWF)	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013-9101 717.240.7812
Shippensburg Township Cumberland County Issued	PAC210060	Shippensburg Investors, LP 3843 West Chester Pike Newtown Square, PA 19073	Burd Run (CWF)	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013-9101 717.240.7812
Middletown Borough Lower Swatara Township Dauphin County Issued	PAC220076	PA State University 139J Physical Plant Building University Park, PA 16802-1118	UNT Susquehanna River (WWF) UNT Swatara Creek (WWF) Swatara Creek (WWF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
Derry Township Dauphin County Issued	PAC220164	PPL Electric Utilities Corp 2 North 9th Street Allentown, PA 18101	UNT Spring Creek East (WWF) Spring Creek East (WWF) UNTs Swatara Creek (WWF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
Ephrata Township West Earl Township Lancaster County Issued	PAC360356	PennDOT Engineering District 8-0 2140 Herr Street Harrisburg, PA 17103-1625	UNT Conestoga River (WWF, MF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
South Lebanon Township Lebanon County Issued	PAC380101	Justin J. Bollinger 549 Schaeffer Road Lebanon, PA 17042	UNT Quittapahilla Creek (TSF)	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 717.277.5275

*Facility Location:
Municipality &
County*

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
South Annville Township Lebanon County Issued	PAC380120	John C. Furlow 1242 East Fort Avenue Baltimore, MD 21230	UNT Bachman Run (TSF, MF)	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 717.277.5275
Cleona Borough North Lebanon Township Lebanon County Issued	PAC380112	Marc Pflieger 294 Grove Lane East Wayzata, MN 55391	Quittapahilla Creek (TSF, MF)	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 717.277.5275
Bethel Township Lebanon County Issued	PAC380117	Seth Oberholtzer 566 Greble Road Lebanon, PA 17046	UNT Little Swatara Creek (WWF)	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 717.277.5275

Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

*Facility Location &
Municipality*

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Wayne Twp Clinton Cnty	PAC180011	Big Woods Land Company P.O. Box 400 McElhattan, PA 17748	UNT to West Branch Susquehanna River/ McElhattan Creek CWF	Clinton County Conservation District 45 Cooperation Ln Mill Hall, PA 17751 (570) 726-3798
Muncy Creek Twp Lycoming Cnty	PAC410041	Carlton Oaks, LLC 2050 Poco Farm Rd Williamsport, PA 17701	Glade Run WWF	Lycoming County Conservation District 542 County Farm Rd Ste 202 Montoursville, PA 17754 (570) 433-3003
White Deer Twp Union Cnty	PAC600043	NGC Industries LLC Michael Mitchell 2586 Old Route 15 New Columbia, PA 17856	UNT to West Branch of the Susquehanna River WWF	Union County Conservation District Union County Government Center 155 N 15th St Lewisburg, PA 17837 (570) 524-3860

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

*Facility Location and
Municipality*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Phone No.</i>
North Strabane Township	PAC630132	519 Properties, LLC 2150 Washington Road Canonsburg, PA 15317	UNT to Chartiers Creek (WWF)	Washington County Conservation District 50 Old Hickory Ridge Road Suite 1 Washington, PA 15301 (724) 705-7098
Hanover Township	PAC630144	Hydro Recovery, LP 238 Main Street Lobby # 2 Blossburg, PA 16912	UNTs to Raccoon Creek (WWF)	Washington County Conservation District 50 Old Hickory Ridge Road Suite 1 Washington, PA 15301 (724) 705-7098

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

*Facility Location:
Municipality &
County*

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Findley Township Mercer County	PAC430037 Major Modification	The Oak Grove Church	Unnamed Tributary of Coolspring Creek TSF	Mercer County Conservation District 747 Greenville Road Mercer, PA 16137 724-662-2242
City of St. Marys Elk County	PAC240011	PTV 1053 LLC 400 Penn Center Boulevard Building 4 Suite 4000 Pittsburgh, PA 15235	UNT to Elk Creek CWF	Elk County Conservation District 850 Washington Street St. Marys, PA 15857 814-776-5373
Randolph Township Crawford County	PAC200060	Shalom Mennonite Church Trustees P.O. Box 65 Guys Mills, PA 16327	UNT to Lake Creek CWF	Crawford County Conservation District 21742 German Road Meadville, PA 16335 814-763-5269

Cambria District: Environmental Program Manager, 286 Industrial Park Road, Ebensburg, PA 15931-4119.

*Facility Location:
Municipality &
County*

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
West Carroll Township Cambria County	PAC680021	Bureau of Abandoned Mine Reclamation Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119	West Branch Susquehanna River (WWF), Unnamed Tributary to the West Branch Susquehanna River (CWF)	Attention: Patrick M. Webb PA DEP Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119 814-472-1800

General Permit Type—PAG-03

*Facility Location:
Municipality &
County*

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Armstrong Township Lycoming County	PAG034860	Under Pressure Connections, LLC 825 US Highway 15 South Williamsport, PA 17702-8501	Unnamed Tributary of West Branch Susquehanna River (CWF, MF)—10-C	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101 Williamsport, PA 17701-6448 570.327.3636
South Union Township Fayette County	PAG036239	Washita Valley Enterprises, Inc. P.O. Box 94160 Oklahoma City, OK 73143	Bennington Spring Run (WWF)—19-C	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000

General Permit Type—PAG-12

*Facility Location:
Municipality &
County*

<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>
Upper Mahantango Township Schuylkill County	PAG122215	Stephen W Haas 15 Haas Road Klingerstown, PA 17941-9733	Watershed(s) 6-C	DEP Southcentral Regional Office Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110-8200 717.705.4707

NOTICES

3525

*Facility Location:
Municipality &
County*

Union Township
Lebanon County

Permit No.
PAG123886

Applicant Name & Address
Eric Newswanger
107 Awol Road
Jonestown, PA 17038

*Receiving
Water/Use*
Watershed(s)
7-D

*Contact Office &
Phone No.*
DEP Southcentral
Regional Office
Clean Water Program
909 Elmerton Avenue
Harrisburg, PA
17110-8200
717.705.4707

General Permit Type—PAG-13

*Facility Location:
Municipality &
County*

Mount Joy Township
Lancaster County

Permit No.
PAG133578

Applicant Name & Address
Mount Joy Township
Lancaster County
8853 Elizabethtown Road
Elizabethtown, PA 17022

*Receiving
Water/Use*
Little Chiques Creek
(TSF, MF), Unnamed
Tributary of
Donegal Creek
(TSF, MF), and
Unnamed Tributary
to Conoy Creek
(TSF, MF)—7-G

*Contact Office &
Phone No.*
DEP Southcentral
Regional Office
Clean Water Program
909 Elmerton Avenue
Harrisburg, PA
17110-8200
717.705.4800

East Hempfield
Township
Lancaster County

PAG133632

East Hempfield Township
Lancaster County
1700 Nissley Road
P.O. Box 128
Landisville, PA

Little Conestoga
Creek
(WWF, MF),
Unnamed Tributary
to Swarr Run
(CWF, MF),
Brubaker Run
(WWF, MF),
Swarr Run
(TSF, MF), Unnamed
Tributary to West
Branch Little
Conestoga Creek
(TSF, MF), Unnamed
Tributary to
Chiques Creek
(WWF, MF),
Unnamed Tributary
to Little
Conestoga Creek
(TSF, MF), and
Millers Run
(CWF, MF)—7-J
and 7-G

DEP Southcentral
Regional Office
Clean Water Program
909 Elmerton Avenue
Harrisburg, PA
17110-8200
717.705.4800

West Donegal
Township
Lancaster County

PAG133742

West Donegal
Township
Lancaster
County MS4
One Municipal Drive
Elizabethtown, PA 17022

Conoy Creek
(TSF, MF),
Unnamed Tributary
to Donegal Creek
(TSF, MF),
Unnamed Tributary
to Conoy Creek
(TSF, MF),
Unnamed Tributary
of Donegal Creek
(CWF, MF),
Conewago Creek
(TSF, MF), and
Unnamed Tributary
to Conewago Creek
(TSF, MF)
(7-G)

DEP Southcentral
Regional Office
Clean Water Program
909 Elmerton Avenue
Harrisburg, PA
17110-8200
717.705.4800

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).

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

Permit No. 2359008, Public Water Supply.

Applicant	PA American Water Company 800 W. Hershey Park Drive Hershey, PA 17033
[Township or Borough]	Scranton City Lackawanna County
Responsible Official	Mr. David Kaufman Vice President-Engineering
Type of Facility	Public Water Supply
Consulting Engineer	Mr. Dan Rickard, PE PA American Water Company 2699 Stafford Avenue Scranton, PA 18505
Permit Issued	05/28/2019

Permit No. 3540053, Operation Permit, Public Water Supply.

Applicant	Pennsylvania American Water Company (Wildcat Park Water System) 800 West Hershey Park Drive Hershey, PA 17033
Municipality	Walker Township

County	Schuylkill
Type of Facility	Public Water Supply
Consulting Engineer	N/A
Permit to Operate Issued	June 19, 2019

Permit No. 3390032, Operation Permit, Public Water Supply.

Applicant	Borough of Emmaus 28 S. 4th Street Emmaus, PA 18049-3802
Municipality	Salisbury Township
County	Lehigh
Type of Facility	Public Water Supply
Consulting Engineer	J. Bradley Youst, P.E. Hanover Engineering 252 Brodhead Road Suite 100 Bethlehem, PA 18017-8944
Permit to Operate Issued	June 24, 2019

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

Operation Permit issued to Aqua PA Shenango, PWSID No. 6430054, City of Hermitage, Mercer County. Permit Number 4317503 issued June 20, 2019 for the operation of the Ten Pin Booster Pump Station. This permit is issued in response to an operation inspection conducted by the Department of Environmental Protection personnel on June 12, 2019.

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; concen-

tration 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:

Southeast Region: Environmental Cleanup & Brownfields Program Manager, 2 East Main Street, Norristown, PA 19401.

Roberto Clemente Middle School, 3921-3951 North 5th Street, City of Philadelphia, **Philadelphia County**. Natalie Griffith, REPSG, P.O. Box 5377, 6901 Kingsessing Avenue, Suite 201, Philadelphia, PA 19142 on behalf of Walter Toliver, Esperanza, 4261 North 5th Street, Philadelphia, PA 19140 submitted a Remedial Investigation Report/Cleanup Plan concerning remediation of site soil contaminated with inorganics. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Reilly Residence, 75 Timber Lane, Falls Township, **Bucks County**. Jeremy W. Bolyn, Environmental Maintenance, 1420 East Mermaid Lane, Glenside, PA 19038 on behalf of Lisa Reilly, 12 Terry Drive, Suite 204, Newtown, PA 18940, submitted a Final Report concerning remediation of site soil and groundwater contaminated with heating oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

225 Lincoln Highway, 225 Lincoln Highway, Falls Township, **Bucks County**. J. Matthew Brainard, Brightfields, Inc., 801 Industrial Street, Wilmington, DE 19801 on behalf of Bill Koelewyn, 225 Lincoln Properties, LP, 225 Lincoln Highway, Suite 150, Fairless Hill, PA 19030 submitted a Remedial Investigation Report concerning remediation of site soil and groundwater contaminated with VOCs. The report is intended to document remediation of the site to meet the Site-Specific Standard.

723 Wheatland Street, 723 Wheatland Street, Phoenixville Borough, **Chester County**. Paul Martino, Pennoni Associates, Inc., 1900 Market Street, Philadelphia, PA 19103 on behalf of Jon Herzog, CSW Wheatland Associates, LP, 1300 Virginia Drive, Suite 215, Fort Washington, PA 19034 submitted a Remedial Investigation Report/Cleanup Plan concerning remediation of site soil and groundwater contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the Site-Specific Standard.

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

Former Blue Ridge Country Club, 3940 Linglestown Road, Harrisburg, PA 17112, Lower Paxton Township,

Dauphin County. Geo-Technology Associates, Inc., 3445A Box Hill Corporate Center Drive, Abingdon, MD 21009, on behalf of BRCC LP, 5351 Jaycee Avenue, Harrisburg, PA 17112, submitted a Remedial Investigation Report and Cleanup Plan concerning remediation of site soil contaminated with inorganics. The combined report is intended to document remediation of the site to meet the Residential Statewide Health and Site-Specific Standards.

Former Martinsburg RV, 114 West Penn Street, Martinsburg, PA 16662, Martinsburg Borough, **Blair County**. Stiffler, McGraw & Associates, Inc., 1731 North Juniata Street, Hollidaysburg, PA 16648, on behalf of the Borough of Martinsburg, 110 South Walnut Street, Martinsburg, PA 16662, and Gary C. Calvert, LLC, P.O. Box 504, Hollidaysburg, PA 16648, submitted a Remedial Investigation Report concerning remediation of site soil and groundwater contaminated with gasoline and used motor oil. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Winifred Linton Property, 505 Donegal Springs Road, Mount Joy, PA 17522, Mount Joy Borough, **Lancaster County**. Reliance Environmental, 235 North Duke Street, Lancaster, on behalf of Winifred Linton, 505 Donegal Springs Road, Mount Joy, PA 17522, submitted a Final Report concerning remediation of site soil contaminated with # 2 fuel oil. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

Northwest Region: Environmental Cleanup & Brownfields Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Interstate Chemical Company, 2797 Freedland Road, City of Hermitage, **Mercer County**. Wood Environment & Infrastructure Solutions, Inc., 4600 J Barry Court, Suite 210, Canonsburg, PA 15317, on behalf of Interstate Chemical Company, Inc., 2797 Freedland Road, Hermitage, PA 16148, submitted a Risk Assessment Report concerning the remediation of site soil contaminated with 1,1,1-trichloroethane, tetrachloroethene (PCE), 1,1,2,2-tetrachloroethane, trichloroethene (TCE), cis-1,2-dichloroethene (DCE), toluene, ethylbenzene, total xylenes, methylene chloride, naphthalene, bis[2-ethylhexyl] phthalate; site surface water contaminated with arsenic, cis-1,2-DCE, TCE, 1,1,1-trichloroethane, 1,1-dichloroethane, 1,1-dichloroethene, 1,2-dichloroethane, 2-propanol, 4-methyl-2-pentanone (MIBK), acetone, methyl tert-butyl ether, toluene, PCE, vinyl chloride, methylene chloride, xylenes total, diethyl phthalate, fluoranthene, bis[2-ethylhexyl]phthalate; site groundwater contaminated with furfural, methanol, 2-propanol, n-butyl alcohol, 1,1,1-trichloroethane, cis-1,2-dichloroethene, 1,1-dichloroethane, ethylbenzene, 1,1-dichloroethene, methyl tert-butyl ether (MTBE), 1,2-dichloroethane, methylene chloride, 2-butanone (MEK), tetrachloroethene (PCE), 4-methyl-2-pentanone (MIBK), trans-1,2-dichloroethene, benzene, tetrahydrofuran, chlorobenzene, trichloroethene (TCE), chloroform, vinyl chloride, total xylenes, toluene, aniline, arsenic, ethylene glycol, formaldehyde, acetone, 2-hexanone, hexane, isobutyl alcohol, 2-methylnaphthalene, 4-chloroaniline, isophorone, 3&4 methylphenol, naphthalene, di-n-butylphthalate, selenium, chromium (+6), mercury, and bis[2-ethylhexyl]phthalate. The report is intended to document remediation of the site to meet the Site-Specific Standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995
PREAMBLE 3

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department regional office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

Tim Lee Residence, 90 Knight Road, Gettysburg, PA 17325, Cumberland Township, **Adams County**. Environmental Products & Services of Vermont, Inc., 1539 Bobali Drive, Harrisburg, PA 17104, on behalf of Tim Lee, 90

Knight Road, Gettysburg, PA 17325, submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Residential Statewide Health Standard and was approved by the Department on June 18, 2019.

Winifred Linton Property, 505 Donegal Springs Road, Mount Joy, PA 17522, Mount Joy Borough, **Lancaster County**. Reliance Environmental, 235 North Duke Street, Lancaster, on behalf of Winifred Linton, 505 Donegal Springs Road, Mount Joy, PA 17522, submitted a Final Report concerning remediation of site soil contaminated with # 2 fuel oil. The Final Report demonstrated attainment of the Residential Statewide Standard and was approved by the Department on June 18, 2019.

UPS Lancaster Center, 115 Enterprise Road, East Petersburg, PA 17520, East Hempfield Township and East Petersburg Borough, **Lancaster County**. Arcadis U.S. Inc., 10 Friends Lane, Suite 200, Newtown, PA 18940, on behalf of United Parcel Service, 115 Enterprise Road, East Petersburg, PA 17520, submitted a Final Report concerning remediation of site soil and groundwater contaminated with petroleum hydrocarbons. The Final Report demonstrated attainment of the Nonresidential Statewide Health Standard and was approved by the Department on June 18, 2019.

Former Glidden Company Reading Paint, 1853 N. 3rd Street & 1746 North Third Street, Reading, PA 19601, City of Reading, **Berks County**. Liberty Environmental, Inc., 505 Penn Street, Reading, PA 19601, on behalf of ANOREAD, LLC, 1650 Des Peres Road, Suite 303, St. Louis, MO 63131, and EnviroAnalytics Group, 1650 Des Peres Road, Suite 303, St. Louis, MO 63131, submitted Remedial Investigation Report and Cleanup Plan concerning remediation of site soil and groundwater contaminated with VOCs and SVOCs. The Remedial Investigation Report and Cleanup Plan were administratively incomplete and was disapproved by the Department on June 20, 2019.

Former Agway Lebanon Surplus/M&G Realty, 1655 Cumberland Street, Lebanon, PA 17042, West Lebanon Township, **Lebanon County**. Compliance Management International, 14350 Welsh Road, North Wales, PA 19454, on behalf of CU16 LP, 328 North 14th Street, Lebanon, PA 19454, submitted a Remedial Investigation Report and Final Report concerning remediation of site soil contaminated with VOCs, SVOCs, and Inorganics. These Reports demonstrated attainment of the Site Specific Standard and were approved by the Department on May 16, 2019.

Speedway # 6719, 1070 Lincoln Highway, Chambersburg, PA 17201, Chambersburg Borough, **Franklin County**. EMS Environmental, Inc., 4550 Bath Pike, Bethlehem, PA 18017, on behalf of Speedway, LLC, 500 Speedway Drive, Enon, OH 45323, submitted Final Report concerning remediation of site soil contaminated with unleaded gasoline. The Plan was disapproved by the Department on May 13, 2019.

Environmental Recovery Corporation, 1076 Manheim Pike, Lancaster, PA 17601, Manheim Township, **Lancaster County**. Reliance Environmental, Inc., 235 North Duke Street, Lancaster, PA 17602, on behalf of Middleton Real Estate LLC, 1076 Manheim Pike, Lancaster, PA 17601, Reliance Environmental Recovery Corporation, 1076 Manheim Pike, Lancaster, PA 17601 submitted a Remedial Investigation Report and Cleanup Plan concerning remediation of site soil and groundwater

contaminated with petroleum hydrocarbons. The Report was approved by the Department on May 17, 2019.

Northwest Region: Environmental Cleanup & Brownfields Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Marathon New Castle Site (MPC No. 3670), 718 East Washington Street, City of New Castle, **Lawrence County**. Arcadis US., Inc., 6041 Wallace Road Extension, Suite 300, Wexford, PA 15090, on behalf of Marathon Petroleum Company, LP, 539 South Main Street, Findlay, OH 45840, submitted a Cleanup Plan concerning the remediation of site soils and site groundwater contaminated benzene, toluene, ethylbenzene, xylenes, cumene, naphthalene, 1-methylnaphthalene, 2-methylnaphthalene, 1,2,4-trimethylbenzene (TMB), 1,3,5-TMB, 1,2-dibromoethane, 1,2-dichloroethane, anthracene, acenaphthene, benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, benzo(g,h,i)perylene, chrysene, dibenzo(a,h)anthracene, indeno(1,2,3-cd)pyrene, acenaphthylene, fluoranthene, fluorene, phenanthrene, pyrene, and lead. The Plan was approved by the Department on June 12, 2019.

Punxsutawney Tile & Glass, 220 Lane Avenue, Punxsutawney Borough, **Jefferson County**. Mavickar Environmental Engineering Consultants, P.O. Box 61620, Harrisburg, PA 17106-1620, on behalf of Punxsutawney Tile & Glass, Inc., 220 Lane Avenue, Punxsutawney, PA 15767, submitted a Final Report concerning the remediation of site soil contaminated with arsenic, barium, cadmium, chromium, lead, selenium, silver, and mercury. The Report was disapproved by the Department on June 12, 2019.

Torpedo Specialty Wire, Inc., 7065 State Route 27, Pittsfield Township, **Warren County**. Environmental Remediation & Recovery, Inc., 4250 Route 6N, Edinboro, PA 16412, on behalf of Torpedo Specialty Wire, Inc., P.O. Box 21, Red Oak, NC 26868, submitted a Remedial Investigation Report/Cleanup Plan/Risk Assessment Report concerning the remediation of site soil contaminated with benzene, ethylbenzene, xylenes (total), carbon tetrachloride, chloroform, 1,1-dichloroethane, 1,2-dichloroethane, 1,1-dichloroethene, tetrachloroethene (PCE), 1,1,1-trichloroethane, 1,1,2-trichloroethane, trichloroethene (TCE), vinyl chloride, benzaldehyde, cadmium, chromium (total), copper, lead, mercury, nickel, zinc, trichlorofluoromethane, naphthalene and site groundwater contaminated with acetone, benzene, chloroethane, chloroform, 1,1-dichloroethane, 1,2-dichloroethane, 1,1-dichloroethene, cis-1,2-dichloroethene, trans-1,2-dichloroethene, methylene chloride, 1,1,1-trichloroethane, 1,1,2-trichloroethane, trichloroethene, vinyl chloride, di-n-butyl phthalate, bis[2-ethylhexyl]phthalate, pyrene, caprolactam, barium, chromium, copper, nickel, and zinc. The combined Remedial Investigation/Cleanup Plan/Risk Assessment Report was approved by the Department on June 13, 2019.

Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.

Feldman Residence, 6706 Springbank Street, City of Philadelphia, **Philadelphia County**. Staci Cottone, J&J Environmental, P.O. Box 370, Blue Bell, PA 19422 on behalf of Laura Feldman, 6706 Springbank Street, Philadelphia, PA 19119 submitted a Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on May 1, 2019.

Dauphin House, 1412-1426 West Dauphin Street & 2258-2260 North Carlisle Street, City of Philadelphia, **Philadelphia County**. Bridget Shadler, August Mack Environmental, Inc., 941 Wheatland Avenue, Suite 202, Lancaster, PA 17603 on behalf of Herbert Reid, 1400 Dauphin Associates, LLC, 1910 Spring Garden Street, Suite 1, Philadelphia, PA 19132 submitted a Remedial Investigation Report concerning the remediation of site soil and groundwater contaminated with VOCs, PAHs and metals. The Report was approved by the Department on May 16, 2019.

6618 North 3rd Street, 6618 North 3rd Street, City of Philadelphia, **Philadelphia County**. James P. Cinelli, Liberty Environmental, Inc., 505 Penn Street, Reading, PA 19126 on behalf of Mr. & Mrs. Mykhaylo Kulymych, 1037 West Cheltenham Avenue, Philadelphia, PA 19126 submitted a Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on May 13, 2019.

Wawa 149, 10 Davisville Road, Warminster Township, **Bucks County**. Geoff Kristof, Aquaterra Technologies, Inc., 122 South Church Street, West Chester, PA 19382 on behalf of Joseph Standen, Jr., Wawa Inc., 260 West Baltimore Pike, Media, PA 19063 submitted a Final Report concerning the remediation of site soil and groundwater contaminated with unleaded gasoline. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on May 20, 2019.

Digney Residence, 6 Rolling Hills Drive, Northampton Township, **Bucks County**. Mack Bedle, B&B Diversified Enterprises, Inc., P.O. Box 70, 19 Fenstermacher Lane, Barto, PA 19504 on behalf of Mr. & Mrs. Robert Digney, 5936 Honey Hollow Road, Doylestown, PA 18902 submitted a Final Report concerning the remediation of site soil and groundwater contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on May 21, 2019.

Folcroft West Business Park, 701A, 701B, 701C Ashland Avenue and 801 Carpenters Crossing, Folcroft Borough, **Delaware County**. Michael Edelman, TRC Environmental, Inc., 1601 Market Street, Suite 2555, Philadelphia, PA 19103 on behalf of Brian Coyle, Henderson Ashland Carpenters Associates, LLC, (Ashland I, II and IV) and Henderson Ashland Three Associates LC (Ashland III), 112 Chesley Drive, Suite 200, Media, PA 19063 submitted a Final Report concerning the remediation of site groundwater contaminated with chlorinated solvents. The Final Report did not demonstrate attainment of the background standard and was disapproved by the Department on May 21, 2019.

Limekiln Golf Club, 1176 Limekiln Pike, Horsham Township, **Montgomery County**. Michael Potts, Terraphase Engineering, Inc., 100 Canal Pointe Boulevard, Suite 108, Princeton, NJ 08540 on behalf of Ken Griffin, Envision/Matrix Limekiln, LLC, Forsgate CN 4000, Cranbury, NJ 08512 submitted a Risk Assessment Report/Remedial Investigation Report/Final Report concerning the remediation of site soil contaminated with inorganics. The Report was disapproved by the Department on May 29, 2019.

National Heat and Power 49th Street Terminal, 1633 South 49th Street, City of Philadelphia, **Philadelphia County**. Jennifer L. Gresh, Duffield Associates, Inc,

211 North 13th Street, Suite 704, Philadelphia, PA 19107 on behalf of Monica Trudeau, PE, Philadelphia Authority for Industrial Development, 2600 Center Square West, 1500 West Market Street, Philadelphia, PA 19102 submitted a Final Report concerning the remediation of site soil contaminated with other organics. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on May 29, 2019.

Quaker Car Wash, 71 South West End Boulevard, Quakertown Borough, **Bucks County**. Sarah Szymanski, REPSG, Inc., 6901 Kingsessing Avenue, Philadelphia PA 19142 on behalf of Joshua Lee, Noah Bank, 2337 Lemoine Avenue, 2nd Floor, Fort Lee, NJ 07024 submitted a Final Report concerning the remediation of site groundwater contaminated with unleaded gasoline. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on May 24, 2019.

5934 Bustleton Avenue, 5934 Bustleton Avenue, City of Philadelphia, **Philadelphia County**. Shad Manning, REPSG, Inc., 6901 Kingsessing Avenue, Philadelphia, PA 19142 on behalf of Jason Winig, LW Properties, 1420 Bainbridge Street, Suite 203, Philadelphia, PA 19147 submitted a Final Report concerning the remediation of site soil contaminated with benzene. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on May 24, 2019.

1245 Ridge Avenue, 1245 Ridge Avenue, City of Philadelphia, **Philadelphia County**. Paul White Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19380 on behalf of Ryan Reich, 1245 Ridge Avenue, LLC, 9 College Place, Apartment 1H, Brooklyn, NY 11201 submitted a Risk Assessment Report/Final Report concerning the remediation of site groundwater and soil contaminated with leaded gasoline and unleaded gasoline. The Report was approved by the Department on May 24, 2019.

REGULATED MEDICAL AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSES

Actions on applications for Regulated Medical and Chemotherapeutic Waste Transporter License received under the Solid Waste Management Act of July 7, 1980 (P.L. 380, No. 97) (35 P.S. §§ 6018.101—6018.1003) and Act 93 of June 28, 1988 (P.L. 525, No. 93) and regulations to transport regulated medical and chemotherapeutic waste.

Renewal Applications Received

Carlucci Construction Company, Inc., 401 Meadow St, Cheswick, PA 15024-0275. License No. PA-HC 0015. Effective Jun 21, 2019.

Agape Pet Services LLC, 19712 Shepherdstown Pike, Boonsboro, MD 21713. License No. PA-HC 0240. Effective Jun 21, 2019.

Regulated Medical and Chemotherapeutic Waste Transporter License Reissued

Carlucci Construction Company, Inc., 401 Meadow St, Cheswick, PA 15024-0275. License No. PA-HC 0015. Effective Jun 21, 2019.

Agape Pet Services LLC, 19712 Shepherdstown Pike, Boonsboro, MD 21713. License No. PA-HC 0240. Effective Jun 21, 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.

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

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

GP9-46-0105: JNA Materials, LLC (P.O. Box 59, Ambler, PA 19002-0179) On June 19, 2019, for four (4) Diesel-fired Internal Combustion Engines, one (1) Scania DC 13 084A, 444 bhp, two (2) Deutz F3L2011, 40 bhp, and one (1) Caterpillar C2.2 GN49/2800, 48 bhp, located in Whitemarsh Township, **Montgomery County**.

GP3-46-0160: JNA Materials, LLC (P.O. Box 59, Ambler, PA 19002-0179) On June 19, 2019, for a Portable Nonmetallic Mineral Processing Plant, Kleeman Model No. Mobirex MR 110Z/10ZiEV02, located in Whitemarsh Township, **Montgomery County**.

Southcentral Region: Air Quality Program, 909 Elmer-ton 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.

GP3-06-03054B: Martin Stone Quarries, Inc. (1355 North Reading Avenue, Bechtelsville, PA 19505) on June 17, 2019, for portable nonmetallic mineral processing equipment under GP3 at the Bechtelsville Quarry, located in Colebrookdale Township, **Berks County**.

GP11-06-03054B: Martin Stone Quarries, Inc. (1355 North Reading Avenue, Bechtelsville, PA 19505) on June 17, 2019, for 3 nonroad engines under GP11, to power portable nonmetallic mineral processing equipment at the Bechtelsville Quarry, located in Colebrookdale Township, **Berks County**.

Plan Approvals Issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

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

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

46-0069G: Highway Materials Inc. (409 Stenton Ave., Flourtown, PA 19031) On June 24, 2019, for the in-kind replacement of the secondary crusher and secondary screen. The new equipment will use the existing baghouse and wet suppression system for PM emission control.

The facility is located in Whitemarsh Township, **Montgomery County**.

*Department of Public Health, Air Management Services:
321 University Avenue, Philadelphia, PA 19104.*

Contact: Edward Wiener, Chief—Telephone: 215-685-9426.

IP19-000165: Alden Park Apartments (5500 Wisahickon Avenue, Philadelphia, PA 19144) on May 28, 2019, for the operation of three residential apartment buildings in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include eight (8) hot water heaters firing natural gas or No. 2 fuel oil each rated less than 5 MMBtu/hr, twelve (12) boilers firing natural gas as primary fuel and No. 2 fuel oil during periods of natural gas curtailment each rated less than 5 MMBtu/hr, and two (2) fire pumps firing diesel fuel each rated 157 kW. The plan approval contains operating, monitoring, and recordkeeping requirements to ensure operation within all applicable requirements.

Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

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

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

09-0004A: Oliver-Tolas Healthcare Pkg Inc. (905 Pennsylvania Blvd., Feasterville, PA 19053-7815) On June 24, 2019, an extension to install a new, 2-color flexographic printing press with rotary screen located in Lower Southampton Township, **Bucks County**.

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

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

06-05069AA: East Penn Manufacturing Co., Inc. (P.O. Box 147, Lyon Station, PA 19536) on June 20, 2019, for proposed changes to operations in the Industrial Battery Manufacturing Facility. The Industrial Battery Manufacturing Facility is located at the Lyon Station Plant in Richmond Township, **Berks County**. The plan approval was extended.

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

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

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

21-05029: Sunoco Partners Marketing & Terminals, LP (3807 West Chester Pike, Newton Square, PA 19072) on June 18, 2019, for the petroleum products

terminal and natural gas liquids pumping station located in Hamden Township, **Cumberland County**. The Title V permit was renewed.

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

Contact: Thomas Joseph, P.E., Facilities Permitting Chief—Telephone: 412-442-4336.

TVOP-26-00495 Gans Energy, LLC (198 Butler Street, Springdale, PA 15144) In accordance with 25 Pa. Code § 127.431, the Department of Environmental Protection (DEP) is providing notice that on June 19, 2019, DEP issued a renewed Title V Operating Permit to Dominion Energy Transmission, Inc. for the continued operation of an electrical power plant, known as the Gans Power Station, located in Springhill Township, **Fayette County**. The proposed renewed TVOP also incorporates the applicable requirement of a Significant Permit Modification to include the 25 Pa. Code § 121.7 in the permit.

The station is a simple cycle, pipeline natural gas-fired, combustion gas turbine (CGT) power station. The main sources at this facility are two, NG-fired, 355 MMBtu/hr, heat input, turbine engines powering 44 MW electrical output, electrical generators and a cooling tower.

Annual potential emissions from the Gans Power Station are 136.6 tons of CO, 99.9 tons of NO_x, 12.3 tons of VOC, 10.0 tons of PM₁₀, 10.0 tons of PM_{2.5}, and 6.1 tons of SO₂. Gans also has potential annual emissions of 0.8 ton of formaldehyde and 1.2 ton of the sum of all HAPs combined, and 124,098 tons of CO₂e. No emission or equipment changes have been approved by this action. Emission sources at the station have applicable requirements under 40 CFR Part 60, GG—Standards of Performance for Stationary Gas Turbines, Parts 72—77—Acid Rain Program requirements, and Part 97, Subparts AAAAA, BBBBB, and CCCCC—CSAPR NO_x and SO₂ Trading Programs and 25 Pa. Code Chapters 121—145. The emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions of the TVOP have been derived from the applicable requirements of 40 CFR Parts 52, 60, 70, 98 and 25 Pa. Code Article III, Chapters 121—145.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.

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

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

46-00147: Chemalloy Co. LLC (1301 Conshohocken Road, Conshohocken, PA 19428) On June 24, 2019, for the renewal of the state-only operating permit to grind, crush, mill and screen various metal alloys and minerals into fine powders that are then sold for various industrial uses. This facility is in Plymouth Township, **Montgomery County**. The facility's potential to emit for Particulate Matter (PM) is less than major thresholds; therefore, the facility is a Natural Minor. There are no applicable Federal New Source Performance Standards (NSPS) or National Emission Standards for Hazardous Air Pollutants (NESHAP) for this facility. The permit will include

monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

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

36-05118: Donnelley Financial LLC (391 Steel Way, P.O. Box 3780, Lancaster, PA 17601-3153) on June 17, 2019, for the commercial printing facility located in Lancaster City, **Lancaster County**. The State-only permit was renewed.

06-03063: East Penn Manufacturing Co. (P.O. Box 147, Lyon Station, PA 19536-0147) on June 17, 2019, for the automotive wiring and battery accessory manufacturing facility located in Kutztown Borough, **Berks County**. The State-only permit was renewed.

01-05033: Knouse Foods Cooperative, Inc. (P.O. Box 807, Biglerville, PA 17307-0807) on June 19, 2019, for the food processing facility located in Tyrone Township, **Adams County**. The State-only permit was renewed.

07-05025: Sunoco Partners Marketing & Terminals LP (101 West 3rd Street, Williamsport, PA 17701-6413) on June 20, 2019, for the petroleum products distribution terminal located in Allegheny Township, **Blair County**. The State-only permit was renewed.

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.

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

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

36-05155: CmxSA, LLC (500 North 2nd Street, Columbia, PA 17512-1179) on May 24, 2019, for the secondary non-ferrous metal processing facility located in Columbia Borough, **Lancaster County**. The State-only permit was administratively amended in order to reflect a change of ownership.

06-03029: Yuasa Battery, Inc. (2901 Montrose Avenue, Laureldale, PA 19605) on June 18, 2019, for the battery manufacturing facility located in Laureldale Borough, **Berks County**. The State-only permit underwent a minor modification in order to remove equipment that no longer exists at the facility, and to update certain equipment names.

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

Contact: Thomas Joseph, P.E., Facilities Permitting Chief—Telephone: 412-442-4336.

04-00033: NOVA Chemical Inc. Beaver Valley Plant (400 Frankfort Road, Monaca, PA 15061) on June 21, 2019 to authorize the significant operating permit modification and administrative amendment of the Air Quality Title V Operating Permit: TV-04-00033 for NOVA Chemicals, Inc. (“NOVA”), Beaver Valley Plant, located at 400 Frankfort Road, Potter Township, **Beaver County**.

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

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

10-00310: Air Products and Chemicals Incorporated Butler Plant (300 Schaffner Rd., Lyndora, PA 16045). The Department on June 17, 2019, issued an administrative amendment of the State Operating Permit for the industrial gas facility to incorporate the change of responsible official and the permit contact into the permit. The facility is located in Butler Township, **Butler County**.

24-00161: Greentree Landfill Gas Company (5087 Junction Rd., Lockport, NY 14094). The Department on June 18, 2019, issued an administrative amendment of the State Operating Permit for the Greentree Booster Compressor Brockway Plant to incorporate the change of responsible official and permit contact into the permit. The facility is located in Horton Township, **Elk County**.

32-00432: Rosebud Mining Company (301 Market Street, Kittanning, PA 16201). The Department on June 19, 2019, issued an administrative amendment of the State Operating Permit for the Coral Graceton Coal Prep Plant to incorporate the change of responsible official into the permit. The facility is located in Center Township, **Indiana County**.

32-00375: Rosebud Mining Company (301 Market Street, Kittanning, PA 16201). The Department on June 19, 2019, issued an administrative amendment of the State Operating Permit for the Lowry Deep Mine to incorporate the change of responsible official into the permit. The facility is located in White Township, **Indiana County**.

32-00397: Rosebud Mining Company (301 Market Street, Kittanning, PA 16201). The Department on June 19, 2019, issued an administrative amendment of the State Operating Permit for the Heilwood Mine Coal Prep Plant to incorporate the change of responsible official into the permit. The facility is located in Pine Township, **Indiana County**.

32-00398: Rosebud Mining Company (301 Market Street, Kittanning, PA 16201). The Department on June 19, 2019, issued an administrative amendment of the State Operating Permit for the Knob Creek Coal Prep Plant to incorporate the change of responsible official into the permit. The facility is located in Young Township, **Indiana County**.

03-00253: Rosebud Mining Company (301 Market Street, Kittanning, PA 16201). The Department on June 19, 2019, issued an administrative amendment of the State Operating Permit for the Parkwood Mine Coal Prep Plant to incorporate the change of responsible official into the permit. The facility is located in Plumcreek Township, **Armstrong 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

California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100.

11733701 and GP12-11733701—R 20. Robindale Energy Services, Inc., (224 Grange Hall Road, P.O. Box 228, Armagh, PA 15920). To renew the permit and GP12 permit for the Cambria Slope Mine No. 33 in Cambria Township, **Cambria County**. Approval is authorized under General Permit BAQ-GPA/GP12 and is required to meet all applicable limitations, terms, and conditions of authorization GP12-11733701-R20. The application was considered administratively complete on June 29, 2015. Application received: April 15, 2015. Permit issued: June 19, 2019.

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

Permit No. 54830102R7. Joe Kuperavage Coal Company, (916 Park Avenue, Port Carbon, PA 17965), renewal of an existing anthracite surface mine operation in Blythe Township, **Schuylkill County** affecting 263.0 acres, receiving stream: Silver Creek. Application received: December 24, 2018. Renewal issued: June 19, 2019.

Permit No. PAM113048R. Joe Kuperavage Coal Company, (916 Park Avenue, Port Carbon, PA 17965), renew coverage under the General NPDES Permit for Stormwater Discharges Associated with Mining Activities (BMP GP-104) on Surface Mining Permit No. 54830102 in Blythe Township, **Schuylkill County**, receiving stream: Silver Creek. Application received: December 24, 2018. Renewal issued: June 19, 2019.

Permit No. 49970203T. Mallard Contracting Co., Inc., (122 Wilburton Road, Mt. Carmel, PA 17851), transfer of an existing anthracite coal refuse reprocessing and coal refuse disposal operation in Coal Township, **Northumberland County** affecting 509 acres, receiving stream: Shamokin Creek. Application received: February 22, 2018. Transfer issued: June 20, 2019.

Permit No. 49970203R4. Mallard Contracting Co., Inc., (122 Wilburton Road, Mt. Carmel, PA 17851), renewal of an existing anthracite coal refuse reprocessing and coal refuse disposal operation in Coal Township, **Northumberland County** affecting 509 acres, receiving

stream: Shamokin Creek. Application received: February 22, 2018. Renewal issued: June 20, 2019.

Permit No. PAM118006. Mallard Contracting Co., Inc., (122 Wilburton Road, Mt. Carmel, PA 17851), coverage under the General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 49970203 in Coal Township, **Northumberland County**, receiving stream: Shamokin Creek. Application received: February 22, 2018. Permit issued: June 20, 2019.

Permit No. 54900101R5. Blackwood, Inc., (P.O. Box 639, Wind Gap, PA 18091), renewal of an existing anthracite surface mine, coal refuse reprocessing, refuse disposal and preparation plant operation in Branch, Reilly and Cass Townships, **Schuylkill County** affecting 1,850.6 acres, receiving stream: Swatara Creek. Application received: January 8, 2019. Renewal issued: June 21, 2019.

Permit No. 54900101C54. Blackwood, Inc., (P.O. Box 639, Wind Gap, PA 18091), correction to update the post-mining land use of an existing anthracite surface mine, coal refuse reprocessing, refuse disposal and preparation plant operation in Branch, Reilly and Cass Townships, **Schuylkill County** affecting 1,850.6 acres, receiving stream: Swatara Creek. Application received: January 8, 2019. Correction issued: June 21, 2019.

Permit No. PAM113082R. Blackwood, Inc., (P.O. Box 639, Wind Gap, PA 18091), renew coverage under the General NPDES Permit for Stormwater Discharges Associated With Mining Activities (BMP GP-104) on Surface Mining Permit No. 54900101 in Branch Reilly and Cass Townships, **Schuylkill County**, receiving stream: Swatara Creek. Application received: January 8, 2019. Renewal issued: June 21, 2019.

Noncoal Permits Issued

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

PAM414002GP104. Jay Fulkroad & Sons, Inc., 2736 Free Spring Church Road, McAlisterville, PA 17049-8598. Renew Coverage under the General NPDES Permit for Stormwater Discharges Associated with Mining Activities (BMP GP-104) on Noncoal Permit No. 34130301 located in Fayette Township, **Juniata County**. Receiving stream: Delaware Creek, classified for the following uses: Trout Stock Fishes and Migratory Fishes. There are no potable water supply intakes within 10 miles downstream. Notice of Intent for Coverage received: May 29, 2019. Approved: June 19, 2019.

Permit No. 05190801, David R. Holderbaum, 832 Oldham Road, Alum Bank, PA 15521, commencement, operation and restoration of a small noncoal (industrial minerals) operation in East St. Clair Township, **Bedford County**, affecting 0.9 acre. Receiving stream: unnamed tributary to Bobs Creek. Application received: April 18, 2019. Permit issued: June 20, 2019.

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

Permit No. 7874SM2A1C11 and NPDES Permit No. PA0612880. New Enterprise Stone & Lime Co., Inc., (3912 Brumbaugh Road, New Enterprise, PA 16664), correction to merge two Surface Mining Permits Nos. 39880301 and 39920302 into this site, update the NPDES Permit for discharge of treated mine drainage to reflect this change and to update the ultimate depth of mining to 175 feet MSL in North Whitehall Township, **Lehigh**

County affecting 234.09 acres, receiving stream: Copley Creek. Application received: June 20, 2018. Correction issued: June 17, 2019.

Permit No. 0682060301C8 and NPDES Permit No. PA0612791. Allan Myers Materials d/b/a Allan Myers Materials, (638 Lancaster Avenue, Malvern, PA 19355), renewal of an existing NPDES Permit for discharge of treated mine drainage from a quarry operation in New Morgan Borough, **Berks County**, receiving stream: unnamed tributary to East Branch Conestoga River. Application received: December 24, 2018. Renewal issued: June 19, 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

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

Permit No. 35194104. Maine Drilling & Blasting, Inc., (P.O. Box 1140, Gardiner, ME 04345), construction blasting for Bell Mountain Land Development in Dickson City Borough, **Lackawanna County** with an expiration date of June 7, 2020. Permit issued: June 17, 2019.

Permit No. 36194127. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Melvin Fisher Manure Pit in Upper Leacock Township, **Lancaster County** with an expiration date of July 30, 2019. Permit issued: June 20, 2019.

Permit No. 36194128. Maine Drilling & Blasting, Inc., (P.O. Box 1140, Gardiner, ME 04345), construction blasting for Cartoon Network Hotel in East Lampeter Township, **Lancaster County** with an expiration date of June 12, 2020. Permit issued: June 20, 2019.

Permit No. 36194129. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Good Country Fruit in Rapho Township, **Lancaster County** with an expiration date of September 30, 2019. Permit issued: June 20, 2019.

Permit No. 40194111. Maine Drilling & Blasting, Inc., (P.O. Box 1140, Gardiner, ME 04345), construction blasting for Pittston Warehouse in Jenkins Township, **Luzerne County** with an expiration date of November 5, 2019. Permit issued: June 20, 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

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

E36-981: Columbia Borough, 308 Locust Street, Columbia, PA 17512 in Columbia Borough, **Lancaster County**, U.S. Army Corps of Engineers Baltimore District.

To: 1.) construct and maintain floodplain benches along 750 feet of Shawnee Run (WWF, MF); and 2.) to install and maintain a 55.0-foot long by 4.2-foot wide wooden pedestrian bridge across Shawnee Run (WWF, MF) and its floodway for the purposes of reducing sediment and nutrient loading to the stream and providing pedestrian access to walking trails on both sides of the stream. The project is located near the intersection of S. 5th Street and Mill Street (Latitude: 40° 01' 41" N; Longitude: 76° 29' 44" W) in Columbia Borough, Lancaster County. No wetlands will be impacted by this project. The permit was issued on June 21, 2019.

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

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

Has been given consent to:

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

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

E5329-022: JKLM Energy, LLC, 2200 Georgetown Drive, Suite 500, Sewickley, PA 15143, Hector and Pike Townships, **Potter County**, ACOE Baltimore District.

To construct, operate and maintain the JH302 to HW148 Pipeline Project, which consists of two 16-inch steel natural gas pipelines and one 16-inch electrical conduit, with the following impacts:

1. 486 square feet of temporary impacts to Palustrine Emergent (PEM) Wetlands via open cut trenching (West Pike, PA Quadrangle, Latitude: N41° 49' 25.24", Longitude: W77° 42' 34.71");

2. 65.0 linear feet of Genesee Forks (HQ-CWF) and 780 square feet of temporary impacts to Exceptional Value (EV) Palustrine Scrub/Shrub (PSS) Wetlands via the installation of a temporary construction access road and stream crossing (West Pike, PA Quadrangle, Latitude: N41° 49' 17.03", Longitude: W77° 42' 26.48");

3. 102.0 linear feet of Cushing Hollow (HQ-CWF), 70.0 linear feet of Genesee Forks (HQ-CWF), and 2,736 square feet of Exceptional Value (EV) Palustrine Scrub/Shrub (PSS) Wetlands via Horizontal Directional Drilling (HDD) (West Pike, PA Quadrangle, Latitude: N41° 49' 16.51", Longitude: W77° 42' 26.81");

4. 1,728 square feet of permanent impacts to Exceptional Value (EV) Palustrine Forested (PFO) Wetlands via Horizontal Directional Drilling (HDD) (West Pike, PA Quadrangle, Latitude: N41° 49' 13.62", Longitude: W77° 42' 24.47");

5. 156 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) wetlands and 112 square feet of temporary impacts to Exceptional Value (EV) Palustrine Scrub/Shrub (PSS) Wetlands via open cut trenching and a temporary road crossing (West Pike, PA Quadrangle, Latitude: N41° 49' 09.26", Longitude: W77° 42' 21.51"); and

6. 66.0 linear feet of Flynn Hollow (HQ-CWF) via open cut trenching and a temporary road crossing (West Pike, PA Quadrangle, Latitude: N41° 49' 05.74", Longitude: W77° 42' 18.91").

The project will result in 303.0 linear feet of stream impacts, 486 square feet (0.01 acre) of temporary PEM wetland impacts, 156 square feet (0.01 acre) of temporary EV PEM wetland impacts, 3,628 square feet (0.08 acre) of temporary EV PSS wetland impacts, and 1,728 square feet (0.04 acre) of permanent EV PFO wetland impacts; all for the purpose of installing two 16-inch steel natural gas pipelines, one 16-inch electrical conduit, and associated access roadways for Marcellus shale development.

ENVIRONMENTAL ASSESSMENTS

Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 2, 400 Market Street, P.O. Box 8460, Harrisburg, PA 17105-8460.

D36-314EA. West Lampeter Township, 852 Village Road, West Lampeter, PA 17537, **Lancaster County**, USACOE Baltimore District.

Project proposes to remove a dam and approximately 10,000 cubic yards of legacy sediment from an approximately 3.24 acre floodplain area along Big Spring Run (WWF) and a contiguous unnamed tributary for the purpose of restoring natural aquatic ecosystems; to re-establish wetlands within the restored floodplain; to realign approximately 1,952 lineal feet of Big Spring Run and the unnamed tributary; to place log sills, root wads, and other wood grade control structures and woody debris habitat structures in restored streams, wetlands, and floodplain areas; to place fill and regrade the unnamed tributary and adjacent wetlands for the purpose of stabilizing an active channel headcut and transitioning into the restored areas; to construct temporary roadways and other erosion controls during restoration activities, and to construct two permanent minor road crossings. The project is located at 644 Beaver Valley Pike, Lancaster, PA 17602 in West Lampeter Township, Lancaster County, PA (USGS Quadrangle: Conestoga, PA; Latitude: 39.986123; Longitude: -76.253926").

EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

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

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

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

Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

ESCGP-3# ESG295819006-00
Applicant Name Williams Field Services Company, LLC
Contact Person Adam Weightman
Address 400 IST Center Suite 404

City, State, Zip Horseheads, NY 14845
 County Susquehanna
 Township(s) Brooklyn Twp.
 Receiving Stream(s) and Classification(s) UNT to Horton
 Creek (CWF-MF), Hop Bottom Creek (CWF-MF)
 Secondary: Horton Creek # 1065 (CWF-MF), Martins
 Creek # 7413 (CWF-MF)

ESCGP-3 # ESG295819005-00
 Applicant Name Williams Field Services Company, LLC
 Contact Person Adam Weightman
 Address 400 IST Center Suite 404
 City, State, Zip Horseheads, NY 14845
 County Susquehanna
 Township(s) Harford Twp
 Receiving Stream(s) and Classification(s) UNT to East
 Branch Martins Creek 29904 (CWF-MF)
 Secondary: East Branch Martins Creek 7412 (CWF-MF)

ESCGP-3 # ESG295819009-00
 Applicant Name Cabot Oil and Gas Corporation
 Contact Person Kenneth Marcum
 Address 2000 Park Lane, Suite 300
 City, State, Zip Pittsburgh, PA 15275
 County Susquehanna
 Township(s) Gibson Twp.
 Receiving Stream(s) and Classification(s) Rock Creek
 (HQ, CWF-MF) and Tunkhannock Creek (CWF-MF)

CORRECTIVE ACTION UNDER ACT 32, 1989

PREAMBLE 2

The following plans and reports were submitted under the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104).

Provisions of 25 Pa. Code Chapter 245 Subchapter D, Administration of the Storage Tank and Spill Prevention Program, require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A remedial action plan is submitted to summarize the site characterization, document the design and construction details for the remedial action, and describe how the remedial action will attain the selected remediation standard. The remedial action plan also provides results of studies performed and data collected to support the remedial action and a description of postremediation care requirements. A remedial action completion report is submitted to document cleanup of a release of a regulated substance at a site to the selected remediation standard. A remedial action completion report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or non-residential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical 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:

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

Former Bestway Travel Center, Storage Tank Facility ID # 14-07445, 1023 N. Eagle Valley Rd., Milesburg, PA, Boggs Township, **Centre County**, (County). Synergy Environmental, Inc., 155 Railroad Plaza, 1st FL, Royersford, PA 19468, on behalf of PALGC UST I, LLC, 645 Hamilton St., Suite 500, Allentown, PA 18101, submitted a Site Characterization Report and Remedial Action Plan concerning remediation of groundwater contaminated with unleaded gasoline. The plan is intended to document the remedial actions for meeting the Residential Statewide Health Standard.

Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

F&E Rentals, Storage Tank Primary Facility ID # 11-32072, 830 West High Street, Ebensburg, PA 15931-1849, Ebensburg Borough, **Cambria County**. P. Joseph Lehman, Inc. Olde Farm Office Centre, P.O. Box 419, Hollidaysburg, PA 16648, on behalf of C&J Falchini, 840 High Street, Ebensburg, PA 15931-1849, submitted a Revised Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum products. The report is intended to document remediation of the site to meet the site-specific standard.

Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Phoenix Quick Stop, Storage Tank Primary Facility ID # 61-14660, 4046 Butler Street, Clinton Township, **Venango County**. Cribbs & Associates, Inc., P.O. Box 44, Delmont, PA 15626, on behalf of Harper Oil Company, P.O. Box 1128, Oil City, PA 16301 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with Benzene, Toluene, Ethylbenzene, Xylenes, Cumene, Naphthalene, MTBE, 1,2,4 Trimethylbenzene, 1,3,5 Trimethylbenzene. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Lakeshore Service, Storage Tank Primary Facility ID # 25-90482, 5434 West Lake Road, Millcreek Township, **Erie County**. Environmental Remediation and Recovery, Inc., 4250 Route 6N, Edinboro, PA 16412, on behalf of Diamond Design Construction, 2503 Peach Street, Erie, PA 16502, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with benzene, ethylbenzene, cumene, methyl tertiary butyl ether (MTBE), naphthalene, toluene, and xylenes. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Meadow Brook Dairy, Storage Tank Primary Facility ID # 25-22253, 2365 Buffalo Road, City of Erie, **Erie County**. Antea USA, Inc., 565 Allegheny Avenue, Suite 100, Oakmont, PA 15139, on behalf of Dean Foods Company, 2711 Haskell Avenue, Suite 3400, Dallas, TX 75204, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with benzene, ethylbenzene, cumene, methyl tertiary butyl ether (MTBE), naphthalene, toluene, 1,2,4-trimethylbenzene, and 1,3,5-trimethylbenzene. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Ashland Branded Market 962 044, Storage Tank Primary Facility ID # 10-08829, 264 Ekastown Road,

Buffalo Township, **Butler County**. Antea Group, 10400 Blacklick Eastern Road, Suite 130, Pickerington, OH 43147, on behalf of Ashland, LLC, 500 Hercules Road, Wilmington, DE 19808 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with benzene, toluene, ethylbenzene, xylenes, methyl tert-butyl ether, cumene, and naphthalene. The report is intended to document remediation of the site to meet a combination of the Statewide Health and Site-Specific Standards.

Kwik Fill M 304, Storage Tank Primary Facility ID # 20-18599, 21268 Blooming Valley Road, West Mead Township, **Crawford County**. Letterle & Associates, LLC, 191 Howard Street, Suite 108, Franklin, PA 16323, on behalf of United Refining Company of Pennsylvania, P.O. Box 688, 11 Bradley Street, Warren, PA 16365 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with Benzene, Toluene, Ethylbenzene, Xylenes, Cumene, Naphthalene, MTBE, 1,2,4 Trimethylbenzene, 1,3,5 Trimethylbenzene. The report is intended to document remediation of the site to meet the Statewide Health Standard.

GD Leasing, Storage Tank Primary Facility ID # 43-90667, 3035 Lynwood Drive, Hermitage, **Mercer County**. Letterle & Associates, Inc., 191 Howard Street, Suite 108, Franklin, PA 16323 on behalf of Kirila Realty, 505 Bedford Road, Brookfield, OH 44403 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with diesel fuel constituents benzene, toluene, ethylbenzenes, cumene, methyl tert-butyl ether, naphthalene, and trimethylbenzenes (1,2,4- and 1,3,5-). 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:

Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Former East McKeesport Texaco, Storage Tank Primary Facility ID # 02-21391, 1153 Fifth Avenue, East McKeesport, PA 15035, East McKeesport Borough, **Allegheny County**. DMS Environmental Services, LLC, 103 South Spring Street, Bellefonte, PA 16823, on behalf of Golden Oil Company, P.O. Box 275, 1600 Oakdale Road, Oakdale, PA 15071, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum products. The Remedial Action Plan was acceptable to meet the Statewide Health Standard for soil and groundwater and was approved by the Department on June 7, 2019.

Bailey's Auto Sales, Storage Tank Primary Facility ID # 56-80111, 8704 Somerset Pike, Boswell, PA 15531, Jenner Township, **Somerset County**. Flynn Environmental, Inc., 5640 Whipple Avenue NW, North Canton, OH 44720, on behalf of Karl Bailey, 442 Acosta Road, Friedens, PA 15541, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum products. The Remedial Action Plan was acceptable to meet the Statewide Health Standard for soil and groundwater and was approved by the Department on June 7, 2019.

Glassmart # 241, Former Brubaker's Citgo, Primary Facility ID # 65-02418, 6153 Leechburg Road, Leechburg, PA 15656, Allegheny Township, **Westmoreland County**. Letterle and Associates, Inc., 2859 Oxford Boulevard, Allison Park, PA 15101, on behalf of Glassmere Fuel Service, Inc., P.O. Box 187, Curtsville, PA 15032, submitted a Remedial Action Completion Report concerning the remediation of soil and groundwater contaminated with petroleum products. The Remedial Action Completion Report was acceptable to meet the Statewide Health Standard for soil and groundwater and was approved by the Department on June 5, 2019.

Soloman's Mini Mart I, Storage Tanks Primary Facility ID # 65-81314, 615 Hancock Avenue, Vandergrift, PA 15690, Vandergrift Borough, **Westmoreland County**. Letterle and Associates, Inc., 2859 Oxford Boulevard, Allison Park, PA 15101, on behalf of Jill Jostelansky, 615 Hancock Avenue, Vandergrift, PA 15690, submitted a Remedial Action Plan Modification concerning remediation of soil and groundwater contaminated with petroleum products. The Remedial Action Plan Modification was acceptable to meet the Statewide Health Standard for soil and groundwater and was approved by the Department on June 7, 2019.

Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Worthington Sunoco, Storage Tank Primary Facility ID # 03-80025, 15126 US Route 422, Worthington Borough, **Armstrong County**. Core Environmental Services, Inc., 3960 William Flynn Highway, Suite 100, Allison Park, PA 15101, on behalf of Worthington Sunoco, 15126

US Route 422, Suite A, Worthington, PA 16262-2502 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with benzene, ethylbenzene, cumene, methyl tertiary butyl ether (MTBE), naphthalene, toluene, xylenes, 1,2,4-trimethylbenzene, and 1,3,5-trimethylbenzene. The Remedial Action Plan was not acceptable to meet the Site-Specific Standard and was disapproved by DEP on June 12, 2019.

SPECIAL NOTICES

Notice of Advertisement for Proposals for Municipal Solid Waste Disposal Capacity, Pike County

In accordance with the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act, Act 101 of July 28, 1988 as amended, and Chapter 272 of the Pennsylvania Rules and Regulations, 25 Pa. Code, the County of Pike is hereby soliciting disposal capacity for municipal solid waste (MSW), including construction and demolition (C&D) waste and municipal sewage sludge (Sludge). Disposal capacity shall be provided for a term of ten (10) years. Pike County hereby seeks responses from qualified facilities to provide processing/disposal capacity for the County-generated MSW, to begin on or after January 1, 2020.

The County of Pike will receive sealed proposals until 3:30 p.m., prevailing local time, Tuesday, August 6, 2019, at the Pike County Administration Building, 506 Broad Street, Milford, PA 18337. Written questions are due Monday July 15, 2019, by 3:30 p.m. and shall be sent via email to the attention of Michael Mrozinski, Planning Director, mmrozinskipike@pa.org. Proposals will be publicly opened at the regular meeting of the Pike County Commissioners at 9 a.m., prevailing local time, Wednesday, August 21, 2019, at the Pike County Administration Building, 506 Broad Street, Milford, PA 18337.

Copies of proposal documents shall be available on or after release from the Pike County Administration Building, 506 Broad Street, Milford, PA 18337 or by phone request: (570) 296-3500.

All responses shall include completed Submittal Forms contained in Appendix A of the RFP. Respondents shall submit one (1) original hard copy labeled as "Original" containing the original signature forms and other original documents plus one (1) copy to the address listed above, Attention: Gary Orben. Include with your submission, a removable storage device or "jump or flash drive" containing electronic files in Adobe PDF format including 1) the entire RFP response and 2) a separate PDF file containing only the completed Submittal Forms. Sealed RFP response envelopes shall be clearly labeled with the following information written on the outside:

Proposal: Pike County Municipal Waste Disposal/Processing Capacity

Due Date: Tuesday, August 6, 2019, 3:30 p.m. Local Prevailing Time

Submitted to: Pike County

Submitted by: (Company Name of Vendor; Address of Vendor)

Authorized Official: (Name of Vendor's Authorized Official)

[Pa.B. Doc. No. 19-1020. Filed for public inspection July 5, 2019, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Aggregate Advisory Board Meeting

The Aggregate Advisory Board will meet on Wednesday, August 7, 2019, at 10 a.m. at the Stone Hedge Country Club, 55 Stone Hedge Drive, Tunkhannock, PA 18657. The meeting will also be offered in a conference call format.

Questions concerning the August meeting can be directed to Daniel E. Snowden at dsnowden@pa.gov or (717) 783-8846. The agenda and materials for the meeting will be available through the Public Participation tab on the Department of Environmental Protection's web site at www.dep.pa.gov (select "Public Participation," then "Advisory Committees," then "Mining Advisory Committees," then "Aggregate Advisory Board").

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Daniel E. Snowden at (717) 783-8846 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 19-1021. Filed for public inspection July 5, 2019, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Availability of the Non-Regulatory Agenda

In accordance with the Department of Environmental Protection's (Department) Policy for Development and Publication of Technical Guidance, the Department provides notice of the availability of the Non-Regulatory Agenda (Agenda) twice a year in February and July.

The Agenda serves as a guide and resource to the regulated community, the public, Department staff and members of the Department's advisory committees regarding the focus of the Department's policy development for the coming year. The types of documents listed in the Agenda include policies and technical guidance documents that provide directives, guidance or other relevant compliance-related information.

The Agenda is available on the Department's eLibrary web site at <http://www.depgreenport.state.pa.us/elibrary/GetFolder?FolderID=4198> (select "DEP Non-Regulatory Agenda").

Questions regarding the Agenda should be directed to Abbey Cadden, Department of Environmental Protection, Policy Office, 400 Market Street, Harrisburg, PA 17101 at ra-epthepolicyoffice@pa.gov or (717) 783-8727.

Questions regarding a specific document should be directed to the respective contact person listed on the Agenda for that document.

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 19-1022. Filed for public inspection July 5, 2019, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Bid Opportunity

OSM 24(0512)103.1, Abandoned Mine Reclamation Project, Cherry Run, Jay Township, Elk County. The principal items of work and approximate quantities include: compost filter sock, 5,185 linear feet; brush barriers, 2,525 linear feet; grading, 241,700 cubic yards; coal refuse disposal, 19,350 cubic yards; rock lining, 1,010 square yards; borrow material excavation and permanent ponds, 20,850 cubic yards; and seeding, 40 acres.

This bid issues on July 19, 2019, and bids will be opened on August 15, 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. 19-1023. Filed for public inspection July 5, 2019, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Citizens Advisory Council Meeting Cancellation and Announcement

The July 16, 2019, meeting of the Citizens Advisory Council (Council) is cancelled and has been rescheduled for Tuesday, August 20, 2019. The August meeting will be held in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA and will begin at 10 a.m. or immediately following the Environmental Quality Board meeting.

Questions concerning the Council's next scheduled meeting may be directed to Keith Salador at ksalador@pa.gov or (717) 787-8171. The agenda and meeting materials will be available through the Public Participation tab on the Department of Environmental Protection's (Department) web site at www.dep.pa.gov (select "Public Participation," then "Citizens Advisory Council").

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Keith Salador at (717) 787-8171 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. 19-1024. Filed for public inspection July 5, 2019, 9:00 a.m.]

DEPARTMENT OF HEALTH

Ambulatory Surgical Facilities; Requests for Exceptions

The following ambulatory surgical facilities (ASF) have filed requests for exceptions under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license ASFs under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b). The following requests for exceptions relate to regulations governing ASF licensure in 28 Pa. Code Chapters 51 and 551—571 (relating to general information; and ambulatory surgical facilities).

<i>Facility Name</i>	<i>Regulation and relating to</i>
NWPA Professional Service, LLC	28 Pa. Code § 551.21(d) (relating to criteria for ambulatory surgery)
WellSpan Surgery Center—Hanover	28 Pa. Code § 551.21(d)
Allegheny Health Network Monroeville Surgery Center	28 Pa. Code § 551.21(d)(2)
Northwood Surgery Center	28 Pa. Code § 553.31 (relating to administrative responsibilities)
	28 Pa. Code § 559.1 (relating to nursing department)
Children's Hospital of Philadelphia— Brandywine Valley Specialty Care and Surgery Center	28 Pa. Code § 553.31

The previously listed requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov. Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed address. Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, 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. 19-1025. Filed for public inspection July 5, 2019, 9:00 a.m.]

DEPARTMENT OF HEALTH

Hospitals; Requests for Exceptions

The following hospitals have filed requests for exceptions under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license hospitals under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b). The following requests for exceptions relate to regulations governing hospital licensure in 28 Pa. Code Chapters 51 and 101—158 (relating to general information; and general and special hospitals).

<i>Facility Name</i>	<i>Regulation and relating to</i>
Uniontown Hospital	28 Pa. Code § 105.11(b) (relating to access)
Phoenixville Hospital	28 Pa. Code § 107.61 (relating to written orders)
St. Mary Medical Center	28 Pa. Code § 107.61
Conemaugh Nason Medical Center	28 Pa. Code § 138.15 (relating to high-risk cardiac catheterizations)
Grand View Health	28 Pa. Code § 138.15
UPMC McKeesport	28 Pa. Code § 149.3 (relating to facilities)

The following hospitals have filed requests for exceptions under 28 Pa. Code § 153.1 (relating to minimum standards). Requests for exceptions under this section relate to minimum standards that hospitals must comply with under the *Guidelines for Design and Construction of Hospitals and Outpatient Facilities—2014 Edition*, or *Guidelines for Design and Construction of Hospitals—2018 Edition*, *Guidelines for Design and Construction of Outpatient Facilities—2018 Edition*. The following list includes the citation to the section under the *Guidelines* that the hospital is seeking an exception.

<i>Facility Name</i>	<i>FGI Guidelines Section and relating to</i>	<i>Yr¹</i>
Albert Einstein Medical Center	2.1-3.5.9.2(1) (relating to staff toilet rooms)	18-O
Albert Einstein Medical Center—Center One Radiology	2.1-3.5.10.2(2)(a) (relating to patient toilet rooms)	18-O
Albert Einstein Medical Center—Elkins Park Campus	2.1-3.5.10.2(2)(a)	18-O
Albert Einstein Medical Center	2.1-3.5.10.2(2)(a)	18
Children's Hospital of Philadelphia	2.2-2.6.2.2(2) (relating to area)	18
	2.2-2.6.2.6(1)(a) (relating to toilet room or human waste disposal rooms)	18
Children's Hospital of Philadelphia—Intensive Outpatient Program for Eating Disorders	2.11-3.2.8.1 (relating to space requirements)	18-O
	2.11-3.2.8.2 (relating to toilet rooms)	18-O
Geisinger Medical Center—Shamokin Campus	2.1-2.10.1 (relating to family and visitor lounges)	18
	2.1-2.10.1.1 (relating to size)	18
	2.1-2.10.1.2 (relating to immediately accessible to the patient care units served)	18
	2.1-2.10.1.3 (relating to shall be permitted to serve more than one patient care unit. . .)	18

<i>Facility Name</i>	<i>FGI Guidelines Section and relating to</i>	<i>Yr¹</i>
	2.1-2.10.1.4 (relating to shall be designed to minimize the impact of noise and activity. . .)	18
	2.1-2.10.1.5 (relating to waiting room that meets the criteria. . .)	18
Saint Luke's Hospital of Bethlehem, Pennsylvania	2.1-3.5.10.2(2)(a)	18-O
Thomas Jefferson University Hospitals, Inc.	2.6-3.1.2.2(2)(a) (relating to clearances)	18
	2.6-3.1.2.2(2)(b)	18
	2.2-2.5.2.2(3) renovation (rooms 715-716, 719—722)	18
	2.2-2.5.2.2(3) renovation (rooms 714/718)	18
	2.2-2.5.2.5 hand-washing stations	18
UPMC Passavant—Cranberry Campus	2.1-3.5.2.2(2)(a) space requirements	18-O
	2.1-3.5.5.4(2) MRI control rooms	18-O

¹ 2018 Year FGI Regulations for Outpatient Facilities are indicated by “-O.”

The previously listed requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov. Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed address. Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or for speech and/or hearing impaired persons, call the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

RACHEL L. LEVINE, MD,
Secretary

[Pa.B. Doc. No. 19-1026. Filed for public inspection July 5, 2019, 9:00 a.m.]

DEPARTMENT OF HEALTH

Long-Term Care Nursing Facilities; Requests for Exception

The following long-term care nursing facilities are seeking exceptions to 28 Pa. Code § 201.22(d) and (e) (relating to prevention, control and surveillance of tuberculosis (TB)):

Butler Memorial Hospital Transitional Care Facility
One Hospital Way
Butler, PA 16001
FAC ID # 023702

ManorCare Health Services—Pittsburgh
550 South Negley Avenue
Pittsburgh, PA 15232
FAC ID # 140102

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. 19-1027. Filed for public inspection July 5, 2019, 9:00 a.m.]

DEPARTMENT OF HEALTH

Newborn Screening and Follow-Up Technical Advisory Board Meeting

The Newborn Screening and Follow-Up Technical Advisory Board, established under the Newborn Child Testing Act (35 P.S. §§ 621—625), will hold a public meeting on Thursday, July 11, 2019, from 10 a.m. to 3 p.m. The meeting will be held at the Department of Transportation, Materials and Testing Laboratory, DGS Annex Complex, 81 Lab Lane, Harrisburg, PA 17110-2543.

The agenda will include a presentation on ethical challenges related to newborn screening by Dr. Aaron Goldenberg, Director of Research, Case Western Reserve University School of Medicine, Cleveland, OH. In addition, the agenda will include updates from the Bureau of Family Health (Bureau) and the Lysosomal Storage Disorders/X-ALD, Cystic Fibrosis, Ethics and Critical Congenital Heart Defects subcommittees. The Bureau will provide data for each subcommittee update and for severe combined immunodeficiency disorder.

For additional information or for persons with a disability who wish to attend the meeting and require auxiliary aid, service or other accommodation to do so, contact Stacey Gustin, Public Health Program Manager, Division of Newborn Screening and Genetics, (717) 783-8143. Speech and/or hearing impaired persons use V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

This meeting is subject to cancellation without notice.

RACHEL L. LEVINE, MD,
Secretary

[Pa.B. Doc. No. 19-1028. Filed for public inspection July 5, 2019, 9:00 a.m.]

DEPARTMENT OF HEALTH

Special Pharmaceutical Benefits Program Advisory Council Public Meeting

The Statewide Special Pharmaceutical Benefits Program (SPBP) Advisory Council, established by the Department of Health (Department) to aid in the carrying out of its Federal grant responsibilities under section 2616 of the Ryan White Comprehensive AIDS Resource Emergency Act of 1990 (42 U.S.C.A. § 300ff-26), will hold a public meeting on Thursday, July 25, 2019, from 10 a.m. to 12 p.m. at the Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120.

The SPBP Advisory Council will provide program guidance and recommendations to the Department's SPBP in regard to the following: drug formulary; covered lab services; drug utilization review; clinical programs; eligibility; and program management.

For additional information, contact John Haines, Special Pharmaceutical Benefits Program, Bureau of Communicable Diseases, Department of Health, Room 611, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120, (800) 922-9384.

Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should also contact John Haines, Special Pharmaceutical Benefits Program, Bureau of Communicable Diseases, Department of Health, Room 611, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120, (800) 922-9384, or for speech or hearing impaired persons call V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

This meeting is subject to cancellation without prior notice.

RACHEL L. LEVINE, MD,
Secretary

[Pa.B. Doc. No. 19-1029. Filed for public inspection July 5, 2019, 9:00 a.m.]

DEPARTMENT OF HUMAN SERVICES

Designated Exceptional Durable Medical Equipment

In accordance with the Department of Human Services' (Department) currently approved State Plan, the Department is required to publish an annual list of exceptional Durable Medical Equipment (DME) by notice in the *Pennsylvania Bulletin* in July of each year. Interested persons may petition the Department to consider additions to the exceptional DME list by submitting a written request to the Department. Requests received on or before December 31 will be considered in developing the list for the following July.

During calendar year 2018, the Department received no written requests to add or remove items of DME from the list of exceptional DME. Therefore, this notice makes no changes in either the acquisition cost or the list of qualifying DME.

"Exceptional DME" is defined as DME that has an acquisition cost of \$5,000 or more and is either Specially Adapted DME or other DME that is designated as exceptional DME by the Department annually by notice in the *Pennsylvania Bulletin*.

"Specially Adapted DME" is DME that is uniquely constructed or substantially adapted or modified in accordance with the written orders of a physician for the particular use of one resident, making its contemporaneous use by another resident unsuitable.

The list of exceptional DME that has been designated by the Department is as follows:

(1) *Air fluidized beds*. The pressure relief provided by this therapy uses a high rate of airflow to fluidize fine particulate material (for example, beads or sand) to produce a support medium that has characteristics similar to liquid. It may have a Gortex cover.

(2) *Powered air flotation bed (low air loss therapy)*. A semielectric or total electric bed with a fully integrated powered pressure-reducing mattress which is characterized by all of the following:

(a) An air pump or blower with a series of interconnected woven fabric air pillows which provides sequential inflation and deflation of the air cells or a low interface pressure throughout the mattress allowing some air to escape through the support surface to the resident. It may have a Gortex cover.

(b) Inflated cell height of the air cells through which air is being circulated is 5 inches or greater.

(c) Height of the air chambers, proximity of the air chambers to one another, frequency of air cycling (for alternating pressure mattresses) and air pressure provide adequate patient lift, reducing pressure and prevent bottoming out.

(d) A surface designed to reduce friction and shear.

(e) May be placed directly on a hospital bed frame.

(f) Automatically readjusts inflation pressures with change in position of bed (for example, head elevation).

(3) *Augmentative communication devices*. Used by residents who are unable to use natural oral speech as a

primary means of communication. The specific device requested must be appropriate for use by the resident and the resident must demonstrate the abilities or potential abilities to use the device selected. Portable devices need to supplement, aid or serve as an alternative to natural speech for residents with severe expressive communication disorders. Nonportable devices may be covered only if required for visual enhancement or physical access needs that cannot be accommodated by a portable device.

(4) *Ventilators (and related supplies).*

(a) Used by residents 21 years of age and older who require full ventilator support for a minimum of 8 hours per day to sustain life.

(b) Used by residents 20 years of age and younger who require ventilator support to sustain life (no minimum time requirement).

Effective Date

This notice is effective upon publication in the *Pennsylvania Bulletin*.

Public Comment

Interested persons are invited to submit petitions for the Department to consider additions to the exceptional DME list or written comments regarding these designated DME items 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 by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

TERESA D. MILLER,
Secretary

Fiscal Note: 14-NOT-1338. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 19-1030. Filed for public inspection July 5, 2019, 9:00 a.m.]

DEPARTMENT OF HUMAN SERVICES

Supplemental Payments to Qualifying Hospitals

The Department of Human Services (Department) is announcing its intent to allocate annualized funds beginning Fiscal Year (FY) 2019-2020 for supplemental payments to qualifying hospitals located in counties in which a significant percentage of the county's population is enrolled in the Medical Assistance (MA) Program.

Background

On July 4, 2008, the General Assembly enacted Article VIII-E of the Human Services Code (code) to authorize the City of Philadelphia (City) to impose, by ordinance, a monetary assessment on the non-Medicare net operating revenue of acute care general hospitals located in the City for purposes of assuring access to hospital and emergency department services. See 62 P.S. §§ 801-E—808-E. The City enacted an ordinance implementing a monetary

assessment effective January 1, 2009, and the Hospital Assessment Program (Program) has been in place since that time. The Program has generated additional revenues that are used to fund supplemental payments for MA services in the City. The Program has also generated additional funding to support the City's public health clinics.

The Program is set to expire June 30, 2019. If Article VIII-E is reauthorized and the City reenacts an ordinance continuing the monetary assessment, the Program is expected to generate additional funding to continue support for supplemental MA payments and to support the City's public health clinics and programs. To ensure receipt of federal matching funds for the MA payments made using the Program revenues, the Department submitted a waiver request under 42 CFR 433.68(e) and 433.72 (relating to permissible health care-related taxes; and waiver provisions applicable to health care-related taxes) to the Centers for Medicare & Medicaid Services (CMS). Once the State legislation and City ordinance are enacted and the waiver is approved, the City may impose the assessment in accordance with the code.

Qualifying Criteria

If the Program is reauthorized, the Department intends to use funds generated from the Program for a new class of supplemental payments to acute care general hospitals located in counties in which a significant percentage of the population is enrolled in the Pennsylvania (PA) MA program.

A hospital is eligible for these supplemental payments if the hospital meets the following criteria. The sources of information listed in the following criteria shall be utilized in the version available to the Department as of May 21, 2019:

1) The hospital is an acute care general hospital enrolled in the PA MA program;

2) The hospital is located in a county in which greater than 40% of the county's population is enrolled in the PA MA program. The percentage of a county's PA MA enrollment is calculated by dividing the number of PA MA beneficiaries in the county (as determined from the Department's March 2019 enrollment data report) by the total county population (as determined from the United States Census Bureau's Annual Estimates of the Resident Population: April 1, 2010, to July 1, 2018);

3) The hospital does not provide acute care inpatient services to patient populations predominantly under the age of 18. A hospital's patient population is predominantly under the age of 18 if the hospital's number of discharges for "0—17 Years" is less than 50% of the hospital's number of "Total" discharges. Discharges are determined from the calendar year 2017 PA Department of Health Reports 3-A and 3-B; and,

4) The hospital's ratio of MA revenue to net patient revenue is greater than 10%. The ratio of MA revenue and net patient revenue is determined from the Pennsylvania Health Care Cost Containment Council's (PHC4) Financial Analysis 2017.

Payment Methodology

A qualifying hospital's initial payment amount is calculated by utilizing hospital data from the FY 2015-2016 MA-336 Hospital Cost Report on file with the Department

as of June 5, 2018, except as otherwise specified. For each qualifying hospital, the Department will calculate an initial payment amount as follows:

a) The hospital's total MA Fee-for-Service (FFS) inpatient acute care days are divided by the total MA FFS inpatient acute care days for all qualifying hospitals to calculate the initial payment ratio;

b) The hospital's initial payment ratio, as calculated in subsection a), is then multiplied by the amount of funds allocated for these payments to calculate the hospital's unadjusted initial payment amount; and,

c) The hospital's unadjusted initial payment amount, as calculated in subsection b), is then limited to a percentage of the hospital's net inpatient revenue (NIR) as follows:

(i) for qualifying hospitals with both an operating margin of less than negative 5% and a combined MA and Medicare revenue amount greater than 66%, a limit of 4.5% of the hospital's NIR is applied. The operating margin, MA revenues and Medicare revenues are determined from the PHC4s Financial Analysis 2017;

(ii) for qualifying hospitals that do not meet the criteria in subsection c)(i) but provided greater than 10,000 MA FFS inpatient acute care days, a limit of 2.5% of the hospital's NIR is applied; or,

(iii) for all other qualifying hospitals that do not meet the criteria in subsections c)(i) or c)(ii), a limit of 1.5% of the hospital's NIR is applied.

If, after calculating the initial payment amounts, funds remain from the total funds allocated for the fiscal year for these payments, the Department will add to the initial payment amount, payment amounts for qualifying hospitals whose initial payment amounts were less than their hospital-specific payment limitations, as calculated in subsection c). Subsequent payment amounts are calculated as follows:

1) The hospital's total MA FFS inpatient acute care days are divided by the total MA FFS inpatient acute care days of all qualifying hospitals that have not met their hospital-specific payment limitation, as calculated in subsection c), to calculate a subsequent payment ratio for the hospital;

2) The hospital's subsequent payment ratio, as calculated in subsection 1), is then multiplied by the remaining allocated funds to calculate the hospital's subsequent payment amount;

3) The hospital's subsequent payment amount, as calculated in subsection 2), is then added to the initial payment amount. This increased payment amount is subject to the hospital's hospital-specific payment limitation, as calculated in subsection c); and,

4) This methodology is applied until either all funds allocated for the fiscal year for these supplemental payments are allocated to qualifying hospitals, or all qualifying hospitals have reached their hospital-specific payment limitation, as calculated in subsection c).

The hospital supplemental payment includes the initial and subsequent payment amounts. In no case will the supplemental payments for a hospital exceed the hospital's hospital-specific payment limitation, as calculated in subsection c), in a single fiscal year.

Fiscal Impact

Beginning with FY 2019-2020, the Department will allocate an annualized amount of \$95.309 million in total funds for these supplemental payments upon approval by CMS.

Public Comment

Interested persons are invited to submit written comments regarding the proposed supplemental payment to the Department of Human Services, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. The Department will review and consider comments received within 30 days in determining the final payment methodology for these payments.

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-1349. (1) General Fund; (2) Implementing Year 2018-19 is \$0; (3) 1st Succeeding Year 2019-20 is \$26,696,000; 2nd Succeeding Year 2020-21 through 5th Succeeding Year 2023-24 are \$27,201,000; (4) 2017-18 Program—\$477,690,000; 2016-17 Program—\$450,970,000; 2015-16 Program—\$392,918,000; (7) MA—FFS; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 19-1031. Filed for public inspection July 5, 2019, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Contemplated Sale of Land No Longer Needed for Transportation Purposes

The Department of Transportation (Department), under the Sale of Transportation Lands Act (71 P.S. §§ 1381.1—1381.3), intends to sell certain land owned by the Department.

The following is available for sale by the Department.

State Route 0068, Parcel No. 14, Tax ID 06-043-166-00, Clarion Township, Clarion County. This parcel contains approximately 11,639 square feet or 0.00025 acre of improved/unimproved land situated at Station 1276 + 16 rt to Station 1277 + 00 rt. The property will be sold in as-is condition. The estimated fair market value of the parcel is \$17,800. It has been determined that the land is no longer needed for present or future transportation purposes.

Interested public agencies are invited to express their interest in purchasing the site within 30 calendar days from the date of publication of this notice to Kevin D. Pollino, Right-of-Way Administrator, Department of Transportation, Engineering District 10-0, 2550 Oakland Avenue, Indiana, PA 15701-3388.

LESLIE S. RICHARDS,
Secretary

[Pa.B. Doc. No. 19-1032. Filed for public inspection July 5, 2019, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

State Transportation Innovation Council Meeting

The State Transportation Innovation Council will hold its business meeting on Wednesday, July 17, 2019, from 10 a.m. to 12 p.m. in Conference Room 112, PEMA Headquarters Building, 1310 Elmerton Avenue, Harrisburg, PA. For more information, contact Anja Walker, (717) 425-6288, anjwalker@pa.gov.

LESLIE S. RICHARDS,
Secretary

[Pa.B. Doc. No. 19-1033. Filed for public inspection July 5, 2019, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Transportation Advisory Committee Meeting

The Transportation Advisory Committee will hold a meeting on Thursday, July 18, 2019, from 10 a.m. to 12 p.m. in Conference Room 8N1, Commonwealth Keystone Building, Harrisburg, PA. For more information contact the Office of the State Transportation Commission, (717) 787-2913, RA-PennDOTSTC@pa.gov.

LESLIE S. RICHARDS,
Secretary

[Pa.B. Doc. No. 19-1034. Filed for public inspection July 5, 2019, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

University Area Joint Authority v. Department of Environmental Protection; EHB Doc. No. 2019- 056-C

University Area Joint Authority has appealed the issuance by the Department of Environmental Protection of NPDES Permit No. PA0234028 to University Area Joint Authority for its facility known as Advanced Water Treatment Building located in College Township, Centre County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the Pennsylvania AT&T Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

THOMAS W. RENWAND,
Chairperson

[Pa.B. Doc. No. 19-1035. Filed for public inspection July 5, 2019, 9:00 a.m.]

ENVIRONMENTAL QUALITY BOARD

Meeting Cancellation

The July 16, 2019, meeting of the Environmental Quality Board (Board) is cancelled. The next regular meeting of the Board is tentatively scheduled for Tuesday, August 20, 2019, at 9 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning the Board's next scheduled meeting may be directed to Laura Edinger at ledinger@pa.gov or (717) 783-8727. The agenda and meeting materials for all Board meetings are 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 "Environmental Quality Board").

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Laura Edinger at (717) 783-8727 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,
Chairperson

[Pa.B. Doc. No. 19-1036. Filed for public inspection July 5, 2019, 9:00 a.m.]

FISH AND BOAT COMMISSION

Additions to List of Class A Wild Trout Waters

The Fish and Boat Commission (Commission) approved the addition of 33 stream sections to its list of Class A Wild Trout Streams as set forth at 49 Pa.B. 1086 (March 9, 2019). Under 58 Pa. Code § 57.8a (relating to Class A wild trout streams), it is the Commission's policy to manage self-sustaining Class A wild trout populations as a renewable natural resource and to conserve that resource and the angling that it provides. Class A wild trout populations represent the best of this Commonwealth's naturally reproducing trout fisheries.

TIMOTHY D. SCHAEFFER,
Executive Director

[Pa.B. Doc. No. 19-1037. Filed for public inspection July 5, 2019, 9:00 a.m.]

FISH AND BOAT COMMISSION

Approved Courses of Instruction in Boating Safety Education

Section 91.6(a)(1) of 58 Pa. Code (relating to Boating Safety Education Certificates) defines a Boating Safety Education Certificate for residents of this Commonwealth as a document issued by the Fish and Boat Commission (Commission) certifying that the person named on the certificate has established proof of competency through the successful completion of a course approved in accordance with 58 Pa. Code § 91.7 (relating to criteria for courses of instruction in boating safety education). Under 58 Pa. Code § 91.7, the Executive Director of the Commission may approve, by notice, boating safety education courses that meet the course criteria established under that section and will publish a list of approved boating safety education courses in the *Pennsylvania Bulletin* on an annual basis or more frequently as required. The Executive Director has approved the following courses in boating safety education for Commonwealth residents, effective July 1, 2019:

- Fish and Boat Commission (classroom course)
- United States Coast Guard Auxiliary (classroom course)
- United States Power Squadrons (classroom course)
- United States Sailing Association (classroom course)
- Kalkomey Enterprises, Inc., d/b/a Boat Ed (correspondence course)
- BoaterExam America, Inc. (Internet course)
- Kalkomey Enterprises, Inc., d/b/a Boat Ed (Internet course)

For nonresidents, a Boating Safety Education Certificate is a certificate, card or other official document that indicates on the certificate, card or other document successful completion of a course approved by the National Association of State Boating Law Administrators.

TIMOTHY D. SCHAEFFER,
Executive Director

[Pa.B. Doc. No. 19-1038. Filed for public inspection July 5, 2019, 9:00 a.m.]

FISH AND BOAT COMMISSION

Classification of Wild Trout Streams; Additions, Revisions and Removal

The Fish and Boat Commission (Commission) approved the addition of 99 new waters to its list of wild trout streams, the revisions to the section limit of 9 waters and the removal of 1 water from the wild trout list as set forth at 49 Pa.B. 1080 (March 9, 2019). Under 58 Pa. Code § 57.11 (relating to listing of wild trout streams), it is the policy of the Commission to accurately identify and classify stream sections supporting naturally

reproducing populations of trout as wild trout streams. The listing of a stream section as a wild trout stream is a biological designation that does not determine how it is managed. The Commission relies upon many factors in determining the appropriate management of streams. The Commission's Fisheries Management Division maintains the complete list of wild trout streams, and it is available on the Commission's web site at <http://www.fishandboat.com/Fish/PennsylvaniaFishes/Trout/Pages/TroutWaterClassifications.aspx>.

TIMOTHY D. SCHAEFFER,
Executive Director

[Pa.B. Doc. No. 19-1039. Filed for public inspection July 5, 2019, 9:00 a.m.]

HEALTH CARE COST CONTAINMENT COUNCIL

Meeting Scheduled

The Health Care Cost Containment Council (Council) has scheduled the following meeting by conference call: Thursday, July 11, 2019—Council meeting at 10 a.m.

The meeting by conference call will be held at 225 Market Street, Suite 400, Harrisburg, PA 17101. The public is invited to attend. Persons who need accommodation due to a disability and wish to attend, should contact René Greenawalt, (717) 232-6787 at least 24 hours in advance so that arrangements can be made.

JOE MARTIN,
Executive Director

[Pa.B. Doc. No. 19-1040. Filed for public inspection July 5, 2019, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Action Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10 a.m., Thursday, June 20, 2019, and announced the following:

Regulation Deemed Approved Pursuant to Section 5(g) of the Regulatory Review Act—Effective June 19, 2019

Department of Agriculture # 2-191: Milk Sanitation (amends 7 Pa. Code § 59a.402)

Actions Taken—Regulations Approved:

Insurance Department # 11-257: Privacy of Consumer Financial Information (amends 31 Pa. Code Chapter 146a)

State Board of Nursing # 16A-5142: Fees; General Revisions (amends 49 Pa. Code §§ 21.5, 21.147, 21.253, 21.705 and 21.805)

Approval Order

Public Meeting Held
June 20, 2019

Commissioners Voting: George D. Bedwick, Chairperson;
John F. Mizner, Esq., Vice Chairperson; W. Russell
Faber; Murray Ufberg, Esq.; Dennis A. Watson, Esq.

*Insurance Department
Privacy of Consumer Financial Information
Regulation No. 11-257 (# 3207)*

On July 11, 2018, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department. This rulemaking amends 31 Pa. Code Chapter 146a. The proposed regulation was published in the July 21, 2018 *Pennsylvania Bulletin* with a public comment period ending on August 20, 2018. The final-form regulation was submitted to the Commission on May 15, 2019.

This regulation updates the Department's rules for the treatment of nonpublic information to be consistent with National Association of Insurance Commissioners Model Rule # 672 entitled "Privacy of Consumer Financial and Health Information Regulation."

We have determined this regulation is consistent with the statutory authority of the Department (71 P.S. § 186 and 40 P.S. §§ 1171.1—1171.15) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting Held
June 20, 2019

Commissioners Voting: George D. Bedwick, Chairperson;
John F. Mizner, Esq., Vice Chairperson; W. Russell
Faber; Murray Ufberg, Esq.; Dennis A. Watson, Esq.

*State Board of Nursing
Fees; General Provisions
Regulation No. 16A-5142 (# 3222)*

On January 17, 2019, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Nursing (Board). This rulemaking amends 49 Pa. Code §§ 21.5, 21.147, 21.253, 21.705 and 21.805. The proposed regulation was published in the February 2, 2019 *Pennsylvania Bulletin* with a public comment period ending on March 4, 2019. The final-form regulation was submitted to the Commission on May 20, 2019.

This regulation amends several sections relating to application fees and biennial renewal fees and adds additional fees for licensed practical nurses, registered nurses, Certified Registered Nurse Practitioners, Licensed Dietitian-Nutritionists and Clinical Nurse Specialists, as

well as new and increased fees relating to approval of nursing education programs and continuing education.

We have determined this regulation is consistent with the statutory authority of the Board (63 P.S. § 221.2(a) and (b); 63 P.S. § 667.5(a) and (b)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

GEORGE D. BEDWICK,
Chairperson

[Pa.B. Doc. No. 19-1041. Filed for public inspection July 5, 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). This administrative hearing will be held as follows. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The hearing will be held in Room 2019, Piatt Building, 301 5th Avenue, Pittsburgh, PA 15222.

Appeal of Nicole McHenry; Palisades Insurance Company; File No. 19-176-236912; Doc. No. P19-06-007; July 25, 2019, 9 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. 19-1042. Filed for public inspection July 5, 2019, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Declaratory Order

P-2019-3009889. NUCA Pennsylvania. Petition of NUCA Pennsylvania for a declaratory order to provide clarification on whether the definition of “line” or “facility” under the Underground Utility Line Protection Law (PA One Call) covers appurtenances such as service lateral lines.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before July 26, 2019. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120, with a copy served on the applicant. The documents filed in support of the petition are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, at the Pennsylvania Public Utility Commission’s web site at www.puc.pa.gov and at the applicant’s business address.

Petitioner: NUCA Pennsylvania

Through and By: Brenda Reigle, Executive Director, NUCA Pennsylvania, 4400 Deer Path Road, Suite 106, Harrisburg, PA 17110, (717) 234-8055, fax (717) 234-7955, ed@nucapa.org

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 19-1043. Filed for public inspection July 5, 2019, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Protests may only be filed if there is evidence that the applicant lacks fitness. Protests based on endangering or impairing operations of an existing carrier will not be honored. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120, with a copy served on the applicant by July 22, 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-2019-3010373. East Penn Medical Transport, LLC (1082 King Way, Breinigsville, PA 18031) to trans-

port, as a common carrier, by motor vehicle, persons in nonmedical paratransit service, from points in the Counties of Lehigh and Northampton, to points in Pennsylvania, and return.

A-2019-3011079. Blackhawk Service, LLC (909 Brenton Road, Drexel Hill, Delaware County, PA 19026) for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service from points in Delaware County and the City and County of Philadelphia, to points in Pennsylvania, and return. *Attorney:* David P. Temple, Esquire, 1600 Market Street, Suite 1320, Philadelphia, PA 19103.

Application of the following for approval of the additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under the application.

A-2019-3010349. On The Town Limousines, Inc. (5112 Pegasus Court, Suite V, Frederick, MD 21704) persons in paratransit service, from points in the Counties of Adams, Bedford, Cumberland, Dauphin, Franklin, Fulton, Lancaster and York, to points in Pennsylvania, and return.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 19-1044. Filed for public inspection July 5, 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 22, 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. Pyle Transport, LLC; Docket No. C-2019-3010419

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 Pyle Transport, LLC, (respondent) is under suspension effective May 30, 2019 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 2808 Horseshoe Pike, Palmyra, PA 17078.

3. That respondent was issued a Certificate of Public Convenience by this Commission on December 12, 2014, at A-8917061.

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 \$500.00 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 \$500.00 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-8917061 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: 6/12/2019

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. 19-1045. Filed for public inspection July 5, 2019, 9:00 a.m.]

PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

Hearing Scheduled

A hearing has been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees' Retirement Code), in connection with the Public School Employees' Retirement System's (System) denial of claimant's request concerning the indicated account.

The hearing will be held before a hearing officer at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

October 30, 2019	Georgiana Gamberoni (Effective Date of Retirement)	10:30 a.m.
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Persons with a disability who wish to attend the previously listed hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Mercedes Alcoser, Assistant to the Executive Director, at (717) 720-4606 to discuss how the System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearing will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). Under 22 Pa. Code § 201.1 (relating to applicability of general rules), procedural matter will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

GLEN R. GRELL,
Executive Director

[Pa.B. Doc. No. 19-1046. Filed for public inspection July 5, 2019, 9:00 a.m.]

STATE BOARD OF NURSING

Commonwealth of Pennsylvania, Bureau of Professional and Occupational Affairs v. Misti E. Wolf, LPN, Respondent; File No. 16-51-07686

Notice to Misti E. Wolf, LPN:

On February 9, 2018, the Commonwealth of Pennsylvania, Department of State, Bureau of Professional and Occupational Affairs, instituted a formal administrative action against you by filing an Order to Show Cause, before the State Board of Nursing, alleging that you have

violated certain provisions of the Pennsylvania Practical Nursing Law, Act of March 2, 1956, P.L. (1955) 1211, ("Act"). Pursuant to 1 Pa. Code § 33.31 and Rule 430 of the Pennsylvania Rules of Civil Procedure, 231 Pa. Code Rule 430, the State Board of Nursing has issued an Order authorizing service of process upon you by publication.

Notice

Formal disciplinary action has been filed against you. You may lose your license, certificate, registration or permit to practice your profession or occupation. You may be subject to civil penalties of up to \$10,000 for each violation, and the imposition of costs of investigation.

If you wish to defend against the charges in the attached Order to Show Cause or to present evidence to mitigate any penalty that may be imposed, the procedures for doing so are explained in the Order to Show Cause. You may obtain a copy of the Order to Show Cause from the Prothonotary for the Department of State, 2601 North Third Street, P.O. Box 2649, Harrisburg, PA 17105, telephone number, (717) 772-2686.

You have the right to retain an attorney. Although you may represent yourself without an attorney, you are advised to seek the help of an attorney. You also have the right to have an interpreter provided should you request one.

All proceedings are conducted under the Administrative Agency Law and the General Rules of Administrative Practice and Procedures.

You are directed to respond to the charges by filing a written answer within thirty (30) days of this NOTICE. IF YOU DO NOT FILE AN ANSWER, DISCIPLINARY ACTION MAY BE TAKEN AGAINST YOU WITHOUT A HEARING. To file your answer, you must bring or send an original and three (3) copies of your answer and any pleadings or other documents related to this matter to the following address:

Prothonotary
Department of State
2601 North Third Street
P.O. Box 2649
Harrisburg, PA 17105

You must also send a separate copy of your answer and any other pleadings or documents related to this case to the prosecuting attorney named in the Order to Show Cause.

ANN M. COUGHLIN, MBA, MSN, RN,
Chairperson

[Pa.B. Doc. No. 19-1047. Filed for public inspection July 5, 2019, 9:00 a.m.]

STATE TAX EQUALIZATION BOARD

2018 Common Level Ratio

The State Tax Equalization Board (Board) has established a Common Level Ratio (CLR) for each county in this Commonwealth for the calendar year 2018. The Board is governed by sections 1500—1521 of the Community and Economic Development Enhancement Act (act) (71 P.S. §§ 1709.1500—1709.1521).

The act requires the Board to use statistically acceptable techniques, to make the methodology for computing ratios public and to certify, prior to July 1, the ratio to the Chief Assessor of each county annually.

The statistically acceptable technique which the Board used for the 2018 CLR is to determine the arithmetic mean of the individual sales ratios for every valid sale received from the county for calendar year 2018.

The methodology used is to include every valid sale as verified by the county assessor. The Board has defined high and low limits by computing outliers based on an interquartile range (IQR-factor of 3) to establish an upper and lower boundary. This outlier trimming is based on standards recommended by the International Association of Assessing Officers. After the boundary limits are defined, the Board has utilized the remaining valid sales, rejecting those sales which exceed the limits. The resulting arithmetic mean ratio is the ratio which the Board is certifying as the CLR for each county for 2018.

The CLRs for 2018 are listed as follows.

2018 Common Level Ratios

<i>County</i>	<i>CLR</i>
*Adams	109.9
*Allegheny	86.2
Armstrong	41.4
Beaver	21.8
*Bedford	88.6
*Berks	62.2
*Blair	100.7
Bradford	31.3
*Bucks	9.4
*Butler	9.3
*Cambria	23.8
Cameron	35.7
Carbon	38.8
Centre	25.5
*Chester	49.3
*Clarion	20.5
Clearfield	12.2
*Clinton	82.7
Columbia	22.7
Crawford	30.7
*Cumberland	93.6
*Dauphin	66.3
*Delaware	56.4
Elk	34.5
*Erie	90.1
*Fayette	71.5
*Forest	18.8
*Franklin	11.1

<i>County</i>	<i>CLR</i>
*Fulton	33.6
*Greene	71.3
Huntingdon	23.3
*Indiana	106.7
*Jefferson	37.9
*Juniata	12.5
*Lackawanna	10.6
*Lancaster	87.0
*Lawrence	79.9
*Lebanon	92.5
*Lehigh	84.3
*Luzerne	101.1
*Lycoming	70.3
*McKean	83.0
Mercer	22.1
Mifflin	41.5
Monroe	17.7
*Montgomery	49.3
*Montour	69.4
Northampton	28.5
*Northumberland	20.7
*Perry	96.4
*Philadelphia	99.0
Pike	19.9
*Potter	31.2
Schuylkill	37.4
*Snyder	14.2
Somerset	35.1
*Sullivan	64.8
Susquehanna	28.8
*Tioga	66.3
*Union	70.0
*Venango	92.7
Warren	28.9
*Washington	90.1
*Wayne	85.7
*Westmoreland	14.4
Wyoming	15.9
*York	81.9

*Counties with predetermined assessment ratio of 100%

PETER BARSZ,
Chairperson

[Pa.B. Doc. No. 19-1048. Filed for public inspection July 5, 2019, 9:00 a.m.]

SUSQUEHANNA RIVER BASIN COMMISSION

Actions Taken at June 14 Meeting

As part of its regular business meeting held on June 14, 2019, in Harrisburg, PA, the Susquehanna River Basin (Commission) approved the applications of certain water resources projects, and took additional actions, as set forth in the following Supplementary Information.

The business meeting was held on June 14, 2019.

For further information contact Jason E. Oyler, General Counsel and Secretary, (717) 238-0423, Ext. 1312, fax (717) 238-2436, joyler@srbc.net. Regular mail inquiries may be sent to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788. Also see the Commission web site at www.srbc.net.

Supplementary Information

In addition to the actions taken on projects identified in the previous summary and the listings as follows, the following items were also presented or acted upon at the business meeting: (1) informational presentation of interest to the lower Susquehanna River region; (2) election of the member from the Commonwealth as Chair of the Commission and the member from the State of Maryland as Vice Chair of the Commission for the period of July 1, 2019, to June 30, 2020; (3) adoption of the expense budget for Fiscal Year (FY) 2021; (4) adoption of the member allocation for FY 2021; (5) ratification/approval of contracts/grants; (6) approval of two emergency certificate extensions; (7) a report on delegated settlements; (8) a report on settlement of regulatory violations; (9) adoption of the water resources program for FY 2019—2021; (10) adoption of amendments to the Comprehensive Plan for the Water Resources of the Susquehanna River Basin; and (11) Regulatory Program projects.

Project Applications Approved:

The Commission approved the following project applications:

1. Project Sponsor and Facility: ARD Operating, LLC (Pine Creek), McHenry Township, Lycoming County, PA. Application for renewal of surface water withdrawal of up to 1.500 mgd (peak day) (Docket No. 20150601).

2. Project Sponsor and Facility: BKV Operating, LLC (Meshoppen Creek), Washington Township, Wyoming County, PA. Application for renewal of surface water withdrawal of up to 2.160 mgd (peak day) (Docket No. 20150602).

3. Project Sponsor and Facility: BKV Operating, LLC (Susquehanna River), Washington Township, Wyoming County, PA. Application for surface water withdrawal of up to 2.914 mgd (peak day).

4. Project Sponsor and Facility: BKV Operating, LLC (Unnamed Tributary to Middle Branch Wyalusing Creek), Forest Lake Township, Susquehanna County, PA. Application for renewal of surface water withdrawal of up to 0.648 mgd (peak day) (Docket No. 20150603).

5. Project Sponsor and Facility: Town of Chenango, Broome County, NY. Application for renewal of groundwater withdrawal of up to 0.600 mgd (30-day average) from Well 12A (Docket No. 19871103).

6. Project Sponsor and Facility: Epsilon Energy USA, Inc. (East Branch Wyalusing Creek), Rush Township, Susquehanna County, PA. Application for surface water withdrawal of up to 0.715 mgd (peak day).

7. Project Sponsor and Facility: Hydro Recovery, LP, Blossburg Borough, Tioga County, PA. Application for renewal of groundwater withdrawal of up to 0.216 mgd (30-day average) from Well HR-1 (Docket No. 20150608).

8. Project Sponsor and Facility: Hydro Recovery, LP, Blossburg Borough, Tioga County, PA. Application for renewal of consumptive use of up to 0.316 mgd (peak day) (Docket No. 20150608).

9. Project Sponsor and Facility: Keystone Clearwater Solutions, LLC (Lycoming Creek), Lewis Township, Lycoming County, PA. Application for renewal of surface water withdrawal of up to 1.250 mgd (peak day) (Docket No. 20150610).

10. Project Sponsor: Ski Roundtop Operating Corporation. Project Facility: Roundtop Mountain Resort (Unnamed Tributary to Beaver Creek), Warrington Township, York County, PA. Modification to change from peak day to 30-day average for surface water withdrawal and consumptive use limits (Docket No. 20031209).

11. Project Sponsor and Facility: Stewartstown Borough Authority, Hopewell Township, York County, PA. Application for renewal of groundwater withdrawal of up to 0.019 mgd (30-day average) from Well 5A4 (Docket No. 19890703).

12. Project Sponsor and Facility: Stewartstown Borough Authority, Hopewell Township, York County, PA. Application for renewal of groundwater withdrawal of up to 0.033 mgd (30-day average) from Well 5J2 (Docket No. 19890703).

13. Project Sponsor and Facility: Stewartstown Borough Authority, Hopewell Township, York County, PA. Application for renewal of groundwater withdrawal of up to 0.051 mgd (30-day average) from Well 5R2 (Docket No. 19890703).

14. Project Sponsor: SUEZ Water Pennsylvania, Inc. Project Facility: Newberry Operation, Newberry Township, York County, PA. Application for renewal of groundwater withdrawal of up to 0.072 mgd (30-day average) from the Dupont Well (Docket No. 19880401).

15. Project Sponsor and Facility: Sunset Golf Course, Londonderry Township, Dauphin County, PA. Application for groundwater withdrawal of up to 0.059 mgd (30-day average) from Well 7.

16. Project Sponsor and Facility: Sunset Golf Course, Londonderry Township, Dauphin County, PA. Minor modification to add a new source (Well 7) to existing consumptive use approval (no increase requested in consumptive use quantity) (Docket No. 19990506).

17. Project Sponsor and Facility: Warwick Township Municipal Authority, Warwick Township, Lancaster County, PA. Application for renewal of groundwater withdrawal of up to 0.288 mgd (30-day average) from Well 1 (Docket No. 19890103).

Authority: Pub.L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808

Dated: June 20, 2019

ANDREW D. DEHOFF,
Executive Director

[Pa.B. Doc. No. 19-1049. Filed for public inspection July 5, 2019, 9:00 a.m.]
