

PENNSYLVANIA BULLETIN

Volume 49

Number 30

Saturday, July 27, 2019 • Harrisburg, PA

Pages 3859—3994

Agencies in this issue

The Courts

Bureau of Professional and Occupational Affairs

Department of Agriculture

Department of Banking and Securities

Department of Environmental Protection

Department of Health

Department of Labor and Industry

Executive Board

Independent Regulatory Review Commission

Insurance Department

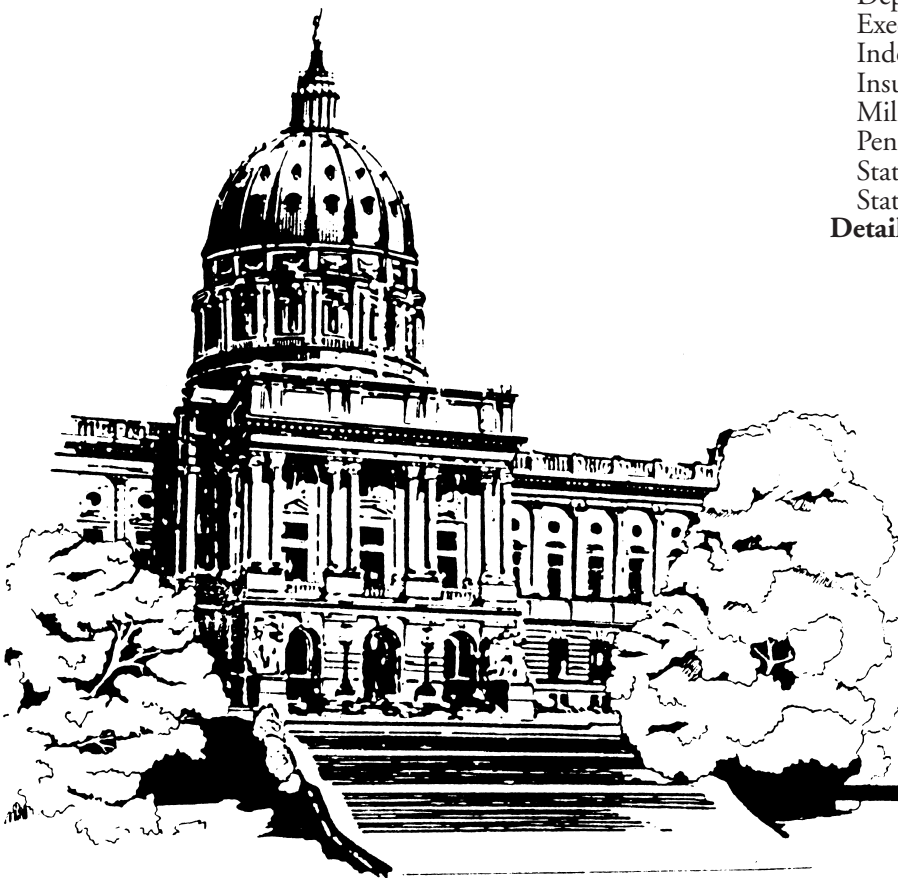
Milk Marketing Board

Pennsylvania Public Utility Commission

State Board of Nursing

State Conservation Commission

Detailed list of contents appears inside.



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

No. 536, July 2019

CUT ON DOTTED LINES AND ENCLOSE IN AN ENVELOPE

CHANGE NOTICE/NEW SUBSCRIPTION

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

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

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

NAME OF INDIVIDUAL

OFFICE NAME—TITLE

ADDRESS (Number and Street)

(City) (State) (Zip Code)

TYPE OR PRINT LEGIBLY

PENNSYLVANIA



BULLETIN

(ISSN 0162-2137)

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

Postmaster send address changes to:

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

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

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

Copyright © 2019 Commonwealth of Pennsylvania

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

CONTENTS

THE COURTS

APPELLATE PROCEDURE

Order amending Rules 905, 1922, 1925 and 1931 of the Pennsylvania Rules of Appellate Procedure; No. 283 appellate procedural rules doc..... 3867

RULES OF CIVIL PROCEDURE

Proposed amendments of Pa.R.C.P. Nos. 1915.3, 1915.5 and 1915.15 3880
Proposed amendment of Pa.R.C.P. No. 223.2 3885

RULES OF EVIDENCE

Proposed amendment of the comment to Pa.R.E. 104 3873
Proposed amendment of Pa.R.E. 901 3876

JUVENILE RULES

Proposed amendment of Pa.R.J.C.P. 1300 and rescission and replacement of Pa.R.J.C.P. 1302 3887

EXECUTIVE AND INDEPENDENT AGENCIES

BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

Rules and Regulations

Fees; general provisions 3891

DEPARTMENT OF AGRICULTURE

Rules and Regulations

Milk sanitation 3897

Notices

Licensure of retail food facilities 3903
Program requirements for the Urban Agricultural Infrastructure Grant Program 3903

DEPARTMENT OF BANKING AND SECURITIES

Notices

Actions on applications 3905

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices

Applications, actions and special notices 3906
Environmental Justice Advisory Board meeting change 3975
Small business advantage grant availability 3975

DEPARTMENT OF HEALTH

Notices

Approval of drugs which may be used by certain optometrists 3976
Health Research Advisory Committee meeting 3976
Traumatic Brain Injury Advisory Board meeting 3976

DEPARTMENT OF LABOR AND INDUSTRY

Notices

Workers' Compensation Appeal Board 2020 hearing schedule 3977

EXECUTIVE BOARD

Statements of Policy

Reorganization of the Department of Military and Veterans Affairs 3900
Reorganization of the Department of Transportation 3900

INDEPENDENT REGULATORY REVIEW COMMISSION

Notices

Notice of comments issued 3979
Notice of filing of final rulemakings 3982

INSURANCE DEPARTMENT

Notices

Agency contract termination of Brigandi, Gleghorn & Associates, Inc. under Act 143; Erie Insurance; doc. No. AT19-07-003 3982
Application for renewal of designation as a certified reinsurer (4 documents) 3982, 3983
Pennsylvania 2018 private passenger automobile data call 3983
Review procedure hearings; cancellation or refusal of insurance 3984

MILK MARKETING BOARD

Notices

Hearing and presubmission schedule; milk marketing area No. 1 3984
Hearing and presubmission schedule; milk marketing area No. 2 3985
Hearing and presubmission schedule; milk marketing area No. 3 3985
Hearing and presubmission schedule; milk marketing area No. 4 3986
Hearing and presubmission schedule; milk marketing area No. 5 3987
Hearing and presubmission schedule; milk marketing area No. 6 3987

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Notices

Electric generation supplier license cancellations of companies with an expired financial security or insufficient financial security amount 3988
Service of notice of motor carrier applications 3989
Service of notice of motor carrier formal complaints 3990
Staff review of CAP final billing methods; doc. No. M-2019-3010190 3992

STATE BOARD OF NURSING

Rules and Regulations

Fees; general provisions 3891

Notices

Bureau of Professional and Occupational Affairs v. Carrie Nicole Counterman, LPN; case No. 15-51-05183 3993
Bureau of Professional and Occupational Affairs v. Tracie Kelly Elam a/k/a Tracie Rochelle Elam, LPN; case No. 16-51-02033 3993

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

STATE CONSERVATION COMMISSION

Notices

Action on odor management plans for concentrated animal operations and concentrated animal feeding operations and volunteers complying with the Commonwealth's Facility Odor Management Program 3993

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

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Rules and Regulations

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

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

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

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

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

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

Printing Format

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

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

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

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

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

Court Rules in Titles 201—246 of the Pennsylvania Code

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

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

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

Fiscal Notes

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

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

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

Reproduction, Dissemination or Publication of Information

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

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

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

List of Pa. Code Chapters Affected

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

4 Pa. Code (Administration)

Adopted Rules

1	438
5	438
6	593, 3467
7a	1993
601	1297
602	1297
603	1297
604	1297
605	1297
606	1297
607	1297

Statements of Policy

1	3749
9	381, 844, 927, 2349, 2719, 3900
58	1792

7 Pa. Code (Agriculture)

Adopted Rules

59a	3897
-----	------

Proposed Rules

143	3606
-----	------

22 Pa. Code (Education)

Proposed Rules

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

25 Pa. Code (Environmental Protection)

Adopted Rules

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

Proposed Rules

91	1518, 1665
92a	1518, 1665
93	1367
121	1146, 1777
123	3482
127	1146, 1777

28 Pa. Code (Health and Safety)

Proposed Rules

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

34 Pa. Code (Labor and Industry)

Adopted Rules

401	3077, 3732
403	3077
405	3077

Proposed Rules

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

40 Pa. Code (Liquor)

Proposed Rules

5	1029, 3733
---	------------

49 Pa. Code (Professional and Vocational Standards)

Adopted Rules

21	3891
27	3210

Proposed Rules

21	458
23	922
33	1396

52 Pa. Code (Public Utilities)

Adopted Rules

29	455
56	2815

Statements of Policy

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

58 Pa. Code (Recreation)

Adopted Rules

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

Proposed Rules

111	1152
139	1390
141	1386, 1388, 2611, 2612, 2614
147	2616
686a	3609
687a	3609
688a	3609

61 Pa. Code (Revenue)

Proposed Rules

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

67 Pa. Code (Transportation)

Adopted Rules

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

70 Pa. Code (Weights, Measures and Standards)

Proposed Rules

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

101 Pa. Code (General Assembly)

Statements of Policy

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

201 Pa. Code (Rules of Judicial Administration)

Adopted Rules

7	2911, 3469
---	------------

Proposed Rules

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

204 Pa. Code (Judicial System General Provisions)

Adopted Rules
 29 1997, 3469
 71 705, 824
 81 824, 2209
 83 824, 915, 1020, 1772, 2209
 89 443, 2217
 93 443, 2215, 2216

Proposed Rules

213 3298
 303 2103
 305 3718
 307 2103

210 Pa. Code (Appellate Procedure)

Adopted Rules
 1 1335
 5 1510
 9 3597, 3867
 17 832
 19 3597, 3867
 65 2218

Proposed Rules

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

225 Pa. Code (Rules of Evidence)

Proposed Rules
 Article I 3873
 Article IV 2218
 Article IX 165, 1336, 3876

231 Pa. Code (Rules of Civil Procedure)

Adopted Rules
 200 169
 1000 608, 3305
 1900 1342
 1910 170
 1915 3058
 1920 3059
 2000 608
 2250 608

Proposed Rules

5 444
 200 274, 3885
 1915 2714, 3469, 3880
 1930 2714

234 Pa. Code (Rules of Criminal Procedure)

Adopted Rules
 4 190, 1118

Proposed Rules

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

237 Pa. Code (Juvenile Rules)

Adopted Rules
 1 208, 610, 1142, 1512
 3 916
 5 208, 610, 916
 11 208, 610

Proposed Rules

1 1897
 2 1898
 5 2474
 6 2474
 13 3887

246 Pa. Code (Minor Court Civil Rules)

Proposed Rules
 200 1900
 300 1900
 400 1900
 500 1900
 1200 1772

249 Pa. Code (Philadelphia Rules)

Unclassified 1514, 1648, 1998, 2477

252 Pa. Code (Allegheny County Rules)

Unclassified 2220, 2221

255 Pa. Code (Local Court Rules)

Unclassified 12, 13, 14, 214, 215, 216, 274, 380, 445, 446, 453, 616, 619, 706, 707, 838, 917, 918, 919, 920, 1020, 1021, 1022, 1360, 1515, 1517, 1653, 1774, 2221, 2226, 2342, 2346, 2347, 2348, 2488, 2489, 2603, 2604, 2716, 2717, 2718, 2912, 3311, 3475, 3476, 3480, 3603, 3729, 3730

THE COURTS

Title 210—APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

[210 PA. CODE CHS. 9 AND 19]

Order Amending Rules 905, 1922, 1925 and 1931 of the Pennsylvania Rules of Appellate Procedure; No. 283 Appellate Procedural Rules Doc.

Amended Order

Per Curiam

And Now, this 24th day of June, 2019, upon the recommendation of the Appellate Court Procedural Rules Committee; the proposal having been published for public comment at 46 Pa.B. 5886 (September 17, 2016):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 905, 1922, 1925, and 1931 of the Pennsylvania Rules of Appellate Procedure is amended in the following form.

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

Annex A

TITLE 210. APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

ARTICLE II. APPELLATE PROCEDURE

CHAPTER 9. APPEALS FROM LOWER COURTS

Rule 905. Filing of Notice of Appeal.

(a) *Filing with clerk.*

(1) Two copies of the notice of appeal, the order for transcript, if any, and the proof of service required by [**Rule 906 (service of notice of appeal)**] **Pa.R.A.P. 906**, shall be filed with the clerk of the trial court. If the appeal is to the Supreme Court, the jurisdictional statement required by [**Rule**] **Pa.R.A.P. 909** shall also be filed with the clerk of the trial court.

(2) If the appeal is a children's fast track appeal, [**the**] **a** concise statement of errors complained of on appeal as described in [**Rule**] **Pa.R.A.P. 1925(a)(2)** shall be filed with the notice of appeal and served **on the trial judge** in accordance with [**Rule 1925(b)(1)**] **Pa.R.A.P. 906(a)(2)**.

(3) Upon receipt of the notice of appeal, the clerk shall immediately stamp it with the date of receipt, and that date shall constitute the date when the appeal was taken, which date shall be shown on the docket.

(4) If a notice of appeal is mistakenly filed in an appellate court, or is otherwise filed in an incorrect office within the unified judicial system, the clerk shall immediately stamp it with the date of receipt and transmit it to the clerk of the court which entered the order appealed from, and upon payment of an additional filing fee the notice of appeal shall be deemed filed in the trial court on the date originally filed.

(5) A notice of appeal filed after the announcement of a determination but before the entry of an appealable order shall be treated as filed after such entry and on the day thereof.

(b) *Transmission to appellate court.*—The clerk shall immediately transmit to the prothonotary of the appellate court named in the notice of appeal a copy of the notice of appeal [**showing the date of receipt, the related proof of service**] and **all attachments, as well as** a receipt showing collection of any docketing fee in the appellate court required under [**Subdivision**] **paragraph** (c). If the appeal is a children's fast track appeal, the clerk shall stamp the notice of appeal with a "Children's Fast Track" designation in red ink, advising the appellate court that the appeal is a children's fast track appeal, and **the clerk** shall **also** transmit to the prothonotary of the appellate court named in the notice of appeal the concise statement of errors complained of on appeal required by [**Subdivision**] **subparagraph** (a)(2) of this rule. The clerk shall also transmit with such papers:

1. [**a copy of any order for transcript**] **copies of all orders for transcripts relating to orders on appeal;**

2. a copy of any verified statement, application, or other document filed under [**Rule 551 through Rule 561**] **Pa.R.A.P. 551—561** relating to *in forma pauperis*; and

3. if the appeal is to the Supreme Court, the jurisdictional statement required by [**Rule**] **Pa.R.A.P. 909**.

(c) *Fees.*—The appellant upon filing the notice of appeal shall pay any fees therefor (including docketing fees in the appellate court) prescribed by Chapter 27 [**(fees and costs in appellate courts and on appeal)**].

Official Note: [**Insofar as the clerk or prothonotary of the lower court is concerned, the notice of appeal is for all intents and purposes a writ in the nature of certiorari in the usual form issued out of the appellate court named therein and returnable thereto within the time prescribed by Chapter 19 (preparation and transmission of record and related matters).**]

To preserve a mailing date as the filing date for an appeal as of right from an order of the Commonwealth Court, *see* [**Rule**] **Pa.R.A.P. 1101(b)**.

As to number of copies, *see* [**note to Rule 124 (form of papers; number of copies)**] **Pa.R.A.P. 124, note**. The appellate court portion of the filing fee will be transmitted pursuant to regulations adopted under 42 Pa.C.S. § 3502 [**(financial regulations)**].

[**Pending adoption of such rules the subject is regulated by Paragraph 4 of the Order amending this rule, which provides as follows:**

"4. Pending adoption of initial regulations under 42 Pa.C.S. § 3502 (financial regulations), the docketing fee (currently \$12 in the Supreme Court and the Superior Court and \$25 in the Commonwealth Court) paid through the clerk or prothonotary of the lower court pursuant to Rule 905(c) (fees) of the Pennsylvania Rules of Appellate Procedure shall be transmitted as follows:

(a) If the docketing fee is tendered by check payable to the appellate prothonotary, the clerk or

prothonotary of the lower court shall transmit the check pursuant to Rule 905(b).

(b) If the docketing fee is tendered by check payable to the clerk or prothonotary of the lower court he or she shall endorse it without recourse to the appropriate appellate prothonotary and transmit the check pursuant to Rule 905(b).

(c) If the docketing fee is tendered in cash the clerk or prothonotary of the lower court shall draw a check in like amount on the account of such clerk or prothonotary to the order of the appropriate appellate prothonotary and transmit the check pursuant to Rule 905(b).

(d) In matters arising under 42 Pa.C.S. § 723 (appeals from the Commonwealth Court), the appellant shall tender the docketing fee in the Supreme Court to the Prothonotary of the Commonwealth Court by check payable to the order of the Prothonotary of the Supreme Court, which shall be transmitted pursuant to Rule 905(b)."

The better practice will be to pay the fee for filing the notice of appeal in the lower court and the docketing fee in the appellate court by separate checks payable to the respective clerks or prothonotaries.

The 1982 amendment to Subdivision (a) corrects deficiencies in previous practice which were illustrated in *State Farm Mutual Auto. Ins. Co. v. Schultz*, 281 Pa. Super. 212, 421 A.2d 1224 (1980).]

CHAPTER 19. PREPARATION AND TRANSMISSION OF RECORD AND RELATED MATTERS

RECORD ON APPEAL FROM LOWER COURT

Rule 1922. Transcription of Notes of Testimony.

(a) [*General Rule*.—Upon receipt of the order for transcript and any required deposit to secure the payment of transcript fees the official court reporter shall proceed to have his notes transcribed, and not later than 14 days after receipt of such order and any required deposit shall lodge the transcript (with proof of service of notice of such lodgment on all parties to the matter) with the clerk of the trial court. Such notice by the court reporter shall state that if no objections are made to the text of the transcript within five days after such notice, the transcript will become a part of the record. If objections are made the difference shall be submitted to and settled by the trial court. The trial court or the appellate court may on application or upon its own motion shorten the time prescribed in this subdivision.] *Request for Transcripts*.—An appellant may file a request for transcripts under Pennsylvania Rule of Judicial Administration 4007 prior to or concurrent with the notice of appeal. If a deposit is required, the appellant shall make the deposit at the time of the request for the transcript unless the appellant is requesting a waiver of the cost because of economic hardship. Unless another Rule of Appellate Procedure provides a shorter time, the court reporter shall provide the trial judge with the transcript within 14 days of the request for transcript. When the appellant receives notice under Rule of Judicial Administration 4007(D)(3) that the transcript has been prepared, the appellant has 14 days to pay the final balance in compliance with that rule.

(b) [*Diminution of transcription*.

(1) In civil cases, an application for an order providing that less than the entire proceedings shall be transcribed may be made to the trial court by any party within two days after the order for transcript is filed. A party shall have the right to require that any specified part of the notes of testimony or recordings be transcribed, subject to the applicable requirements for the payment of transcript fees.

(2) In criminal cases, diminution of transcription shall be in accordance with Rule 115 of the Pennsylvania Rules of Criminal Procedure (recording and transcribing court proceedings).

(3) In any case, untranscribed notes or recordings shall not be part of the record on appeal for any purpose.] *Filing of the Transcript*.—When the transcript is delivered to the filing office and the parties under Rule of Judicial Administration 4007(D)(4), the transcript shall be entered on the docket.

(c) [*Certification and filing*.—The trial judge shall examine any part of the transcript as to which an objection is made pursuant to subdivision (a) of this rule or which contains the charge to the jury in a criminal proceeding, and may examine any other part of the transcript, and after such examination and notice to the parties and opportunity for objection (unless previously given) shall correct such transcript. If the trial judge examines any portion of the transcript, he shall certify thereon, by reference to the page and line numbers or the equivalent, which portions thereof he has read and corrected. If no objections are filed to the transcript as lodged, or after any differences have been settled or other corrections have been made by the court, the official court reporter shall certify the transcript, and cause it to be filed with the clerk of the lower court.] *Corrections to Transcript*.—If a transcript contains an error or is an incomplete representation of the proceedings, the omission or misstatement may be corrected by the following means:

(1) *By objection*. A party may file a written objection to the filed transcript. Any party may answer the objection. The trial court shall resolve the objections and then direct that the transcript as corrected be made a part of the record and transmitted to the appellate court.

(2) *By stipulation of the parties filed in the trial court*. If the trial court clerk has already certified the record, the parties shall file in the appellate court a copy of any stipulation filed pursuant to this rule, and the trial court shall direct that the transcript as corrected be made a part of the record and transmitted to the appellate court.

(3) *By the trial court or, if the record has already been transmitted to the appellate court, by the appellate court or trial court on remand, with notice to all parties and an opportunity to respond*.

(d) *Emergency appeals*.—Where the exigency of the case is such as to impel immediate consideration in the appellate court, the trial judge shall take all action necessary to expedite the preparation and transmission of the record notwithstanding the usual procedures prescribed in this chapter or in the Rules of Judicial

Administration. [Pending action by the lower court under this subdivision any party may proceed in the appellate court under Rule 1923 (statement in absence of transcript) and may append to any filing in the appellate court as much of the record below as the party desires to bring to the attention of the appellate court.]

Official Note: [Based in part upon former Supreme Court Rule 56, former Superior Court Rule 46, and former Commonwealth Court Rule 25 and the act of May 11, 1911 (P.L. 279, No. 179), § 4 (12 P.S. § 1199). The 14 day requirement is designed to fix an objective standard to guide the official court reporter and the lower court, so as to permit the settling of any objections by the lower court and the physical preparation and transmission by the clerk of the record within the 40 day period fixed by Rule 1931 (transmission of the record). Although under these rules a writ of certiorari is no longer issued, the requirements of these rules have the effect of a Supreme Court order, and the lower court is expected to give the transcription of notes of testimony under this rule priority over unappealed matters in the lower court.

The certification requirement of subdivision (c) recognizes that in practice the trial judge ordinarily will not actually read the transcript prior to certification unless objection is made by one of the parties. However, the rule requires the judge to review and correct the charge in criminal cases, to avoid the problems which arise when a later attempt is made by the trial judge under Rule 1926 (correction and modification of the record) to conform the transcript to his recollection of events.] Depending on the order issued by the trial court, a party may wish to seek appellate review of an order under paragraph (c) by application or in the merits brief. The 2017 amendments addressed changes in the Rules of Judicial Administration. In addition, the amendment eliminated time limits for objections to or requests for correction of the transcript. An objection to a transcript must be raised if, for example, a critical portion of the proceedings was not transcribed.

Rule 1925. Opinion in Support of Order.

(a) *Opinion in support of order.*

(1) **General rule.**—Except as otherwise prescribed by this rule, upon receipt of the notice of appeal, the judge who entered the order giving rise to the notice of appeal, if the reasons for the order do not already appear of record, shall [**forthwith**] **within the period set forth in Pa.R.A.P. 1931(a)(1)** file of record at least a brief opinion of the reasons for the order, or for the rulings or other errors complained of, or shall specify in writing the place in the record where such reasons may be found.

If the case appealed involves a ruling issued by a judge who was not the judge entering the order giving rise to the notice of appeal, the judge entering the order giving rise to the notice of appeal may request that the judge who made the earlier ruling provide an opinion to be filed in accordance with the standards above to explain the reasons for that ruling.

(2) **Children's fast track appeals.**—In a children's fast track appeal:

(i) The concise statement of errors complained of on appeal shall be filed and served with the notice of appeal [**required by Rule 905. See Pa.R.A.P. 905(a)(2)**].

(ii) Upon receipt of the notice of appeal and the concise statement of errors complained of on appeal required by [**Rule**] **Pa.R.A.P. 905(a)(2)**, the judge who entered the order giving rise to the notice of appeal, if the reasons for the order do not already appear of record, shall within 30 days file of record at least a brief opinion of the reasons for the order, or for the rulings or other errors complained of, which may, but need not, refer to the transcript of the proceedings.

(3) **Appeals arising under the Pennsylvania Code of Military Justice.**—In an appeal arising under the Pennsylvania Code of Military Justice, the concise statement of errors complained of on appeal shall be filed and served with the notice of appeal. *See Pa.R.A.P. 4004(b).*

(b) **Direction to file statement of errors complained of on appeal; instructions to the appellant and the trial court.**—If the judge entering the order giving rise to the notice of appeal ("judge") desires clarification of the errors complained of on appeal, the judge may enter an order directing the appellant to file of record in the trial court and serve on the judge a concise statement of the errors complained of on appeal ("Statement").

(1) **Filing and service.**—[**Appellant**] **The appellant** shall file of record the Statement and concurrently shall serve the judge. Filing of record [**and service on the judge shall be in person or by mail**] **shall be** as provided in Pa.R.A.P. 121(a) and, **if mail is used**, shall be complete on mailing if **the** appellant obtains a United States Postal Service Form 3817, Certificate of Mailing, or other similar United States Postal Service form from which the date of deposit can be verified in compliance with the requirements set forth in Pa.R.A.P. 1112(c). **Service on the judge shall be at the location specified in the order, and shall be either in person, by mail, or by any other means specified in the order.** Service on the parties shall be concurrent with filing and shall be by any means of service specified under Pa.R.A.P. 121(c).

(2) *Time for filing and service.*[—]

(i) The judge shall allow the appellant at least 21 days from the date of the order's entry on the docket for the filing and service of the Statement. Upon application of the appellant and for good cause shown, the judge may enlarge the time period initially specified or permit an amended or supplemental Statement to be filed. Good cause includes, but is not limited to, delay in the production of a transcript necessary to develop the Statement so long as the delay is not attributable to a lack of diligence in ordering or paying for such transcript by the party or counsel on appeal. In extraordinary circumstances, the judge may allow for the filing of a Statement or amended or supplemental Statement *nunc pro tunc*.

(ii) **If a party has ordered but not received a transcript necessary to develop the Statement, that party may request an extension of the deadline to file the Statement until 21 days following the date of entry on the docket of the transcript in accordance with Pa.R.A.P. 1922(b). The party must attach the transcript purchase order to the motion for the extension. If the motion is filed at least five days before the Statement is due but the trial court does not rule on the motion prior to the original due date, the motion will be deemed to have been granted.**

(3) *Contents of order.*—The judge’s order directing the filing and service of a Statement shall specify:

(i) the number of days after the date of entry of the judge’s order within which the appellant must file and serve the Statement;

(ii) that the Statement shall be filed of record;

(iii) that the Statement shall be served on the judge pursuant to paragraph (b)(1)[;] **and both the place the appellant can serve the Statement in person and the address to which the appellant can mail the Statement. In addition, the judge may provide an email, facsimile, or other alternative means for the appellant to serve the Statement on the judge; and**

(iv) that any issue not properly included in the Statement timely filed and served pursuant to subdivision (b) shall be deemed waived.

(4) *Requirements; waiver.*

(i) The Statement shall set forth only those [**rulings or**] errors that the appellant intends to [**challenge**] **assert.**

(ii) The Statement shall concisely identify each [**ruling or**] error that the appellant intends to [**challenge**] **assert** with sufficient detail to identify [**all pertinent issues**] **the issue to be raised** for the judge. The judge shall not require the citation to authorities **or the record**; however, appellant may choose to include pertinent authorities **and record citations** in the Statement.

(iii) The judge shall not require [**appellant or appellee**] **any party** to file a brief, memorandum of law, or response as part of or in conjunction with the Statement.

(iv) The Statement should not be redundant or provide lengthy explanations as to any error. Where non-redundant, non-frivolous issues are set forth in an appropriately concise manner, the number of errors raised will not alone be grounds for finding waiver.

(v) Each error identified in the Statement will be deemed to include every subsidiary issue [**contained therein which**] **that** was raised in the trial court; this provision does not in any way limit the obligation of a criminal appellant to delineate clearly the scope of claimed constitutional errors on appeal.

(vi) If the appellant in a civil case cannot readily discern the basis for the judge’s decision, the appellant shall preface the Statement with an explanation as to why the Statement has identified the errors in only general terms. In such a case, the generality of the Statement will not be grounds for finding waiver.

(vii) Issues not included in the Statement and/or not raised in accordance with the provisions of this paragraph (b)(4) are waived.

(c) *Remand.*

(1) An appellate court may remand in either a civil or criminal case for a determination as to whether a Statement had been filed and/or served or timely filed and/or served.

(2) Upon application of the appellant and for good cause shown, an appellate court may remand in a civil case for the filing *nunc pro tunc* of a Statement or for amendment or supplementation of a timely filed and served Statement and for a concurrent supplemental

opinion. **If an appellant has a statutory or rule-based right to counsel, good cause shown includes a failure by counsel to file a Statement timely or at all.**

(3) If an appellant **represented by counsel** in a criminal case was ordered to file a Statement and failed to do so **or filed an untimely Statement**, such that the appellate court is convinced that counsel has been *per se* ineffective, **and the trial court did not file an opinion**, the appellate court [**shall**] **may** remand for **appointment of new counsel**, the filing of a Statement *nunc pro tunc*, and [**for**] the preparation and filing of an opinion by the judge.

(4) In a criminal case, counsel may file of record and serve on the judge a statement of intent to file an [**Anders/McClendon**] **Anders/Santiago** brief in lieu of filing a Statement. If, upon review of the [**Anders/McClendon**] **Anders/Santiago** brief, the appellate court believes that there are arguably meritorious issues for review, those issues will not be waived; instead, the appellate court may remand for the filing of a Statement, a supplemental opinion pursuant to [**Rule**] **Pa.R.A.P. 1925(a)**, or both. Upon remand, the trial court may, but is not required to, replace appellant’s counsel.

(d) *Opinions in matters on petition for allowance of appeal.*—Upon receipt of notice of the filing of a petition for allowance of appeal under [**Rule**] **Pa.R.A.P. 1112(c)** (appeals by allowance), the appellate court [**below which**] **that** entered the order sought to be reviewed, if the reasons for the order do not already appear of record, shall forthwith file of record at least a brief statement, in the form of an opinion, of the reasons for the order.

Official Note: [Subdivision] Paragraph (a): The 2007 amendments [**clarify**] **clarified** that a judge whose order gave rise to the notice of appeal may ask a prior judge who made a ruling in question for the reasons for that judge’s decision. In such cases, more than one judge may issue separate [**Rule**] **Pa.R.A.P. 1925(a)** opinions for a single case. It may be particularly important for a judge to author a separate opinion if credibility was at issue in the pretrial ruling in question. *See, e.g., Commonwealth v. Yogel*, [**307 Pa. Super. 241, 243-44,**] 453 A.2d 15, 16 (**Pa. Super.** 1982). At the same time, the basis for some pre-trial rulings will be clear from the order and/or opinion issued by the judge at the time the ruling was made, and there will then be no reason to seek a separate opinion from that judge under this rule. *See, e.g., Pa.R.Crim.P. 581(I)*. Likewise, there will be times when the prior judge may explain the ruling to the judge whose order has given rise to the notice of appeal in sufficient detail that there will be only one opinion under [**Rule**] **Pa.R.A.P. 1925(a)**, even though there are multiple rulings at issue. The time period for transmission of the record is specified in Pa.R.A.P. 1931[, **and that rule was concurrently amended to expand the time period for the preparation of the opinion and transmission of the record**] .

[**Subdivision**] **Paragraph (b):** This [**subdivision**] **paragraph** permits the judge whose order gave rise to the notice of appeal (“judge”) to ask for a statement of errors complained of on appeal (“Statement”) if the record is inadequate and the judge needs to clarify the errors complained of. The term “errors” is meant to encourage appellants to use the Statement as an opportunity to

winnow the issues, recognizing that they will ultimately need to be refined to a statement that will comply with the requirements of Pa.R.A.P. 2116. Nonetheless, the term “errors” is intended in this context to be expansive, and it encompasses all of the reasons the trial court should not have reached its decision or judgment, including, for example, those that may not have been decisions of the judge, such as challenges to jurisdiction.

[Paragraph] Subparagraph (b)(1): This **[paragraph] subparagraph** maintains the requirement that the Statement be both filed of record in the trial court and served on the judge. Service on the judge may be accomplished by mail **[or]**, by personal service, **or by any other means set forth by the judge in the order.** The date of mailing will be considered the date of filing **[and of service upon the judge]** only if counsel obtains a United States Postal Service form from which the date of mailing can be verified, as specified in Pa.R.A.P. 1112(c). Counsel is advised **both when filing and when serving the trial judge** to retain date-stamped copies of **[the]** postal forms (or **[pleadings if served by hand] other proofs of timely service**), in case questions **of waiver** arise later **[as to whether]**, **to demonstrate that** the Statement was timely filed or served on the judge. **This subparagraph was amended in 2019 to permit the increasingly frequent preference of judges to receive electronic or facsimile copies of filings.**

[Paragraph] Subparagraph (b)(2): This **[paragraph] subparagraph** extends the time period for drafting the Statement from 14 days to at least 21 days, with the trial court permitted to enlarge the time period or to allow the filing of an amended or supplemental Statement upon good cause shown. In *Commonwealth v. Mitchell*, [588 Pa. 19, 41,] 902 A.2d 430, 444 (Pa. 2006), the Court expressly observed that a Statement filed “after several extensions of time” was timely. An enlargement of time upon timely application might be warranted if, for example, there was a serious delay in the transcription of the notes of testimony or in the delivery of the order to appellate counsel. **The 2019 amendments to the rule provided the opportunity to obtain an extension of time to file the Statement until 21 days after the transcript is filed pursuant to Pa.R.A.P. 1922(b). The appellant may file a motion for an extension of time, which, if filed in accordance with the rule, will be deemed granted if not expressly denied before the Statement is due.**

A trial court should **also** enlarge the time or allow for an amended or supplemental Statement when new counsel is retained or appointed. A supplemental Statement may also be appropriate when the ruling challenged was so non-specific—e.g., “Motion Denied”—that counsel could not be sufficiently definite in the initial Statement.

In general, *nunc pro tunc* relief is allowed only when there has been a breakdown in the process constituting extraordinary circumstances. See, e.g., *In re Canvass of Absentee Ballots of Nov. 4, 2003 Gen. Election*, [577 Pa. 231, 248-49,] 843 A.2d 1223, 1234 (Pa. 2004) (“We have held that fraud or the wrongful or negligent act of a court official may be a proper reason for holding that a statutory appeal period does not run and that the wrong may be corrected by means of a petition filed *nunc pro tunc*.”) Courts have also allowed *nunc pro tunc* relief when “non-negligent circumstances, either as they relate to appellant or his counsel” occasion delay. *McKeown v.*

Bailey, 731 A.2d 628, 630 (Pa. Super. 1999). However, even when there is a breakdown in the process, the appellant must attempt to remedy it within a “very short duration” of time. *Id.* [; *Amicone v. Rok*, 839 A.2d 1109, 1113 (Pa. Super. 2003) (recognizing a breakdown in process, but finding the delay too long to justify *nunc pro tunc* relief).]

[Paragraph] Subparagraph (b)(3): This **[paragraph] subparagraph** specifies what the judge must advise appellants when ordering a Statement.

[Paragraph] Subparagraph (b)(4): This **[paragraph] subparagraph** sets forth the parameters for the Statement and explains what constitutes waiver. It should help counsel to comply with the concise-yet-sufficiently-detailed requirement and avoid waiver under either *Lineberger v. Wyeth*, 894 A.2d 141, 148-49 (Pa. Super. 2006) or *Kanter v. Epstein*, 866 A.2d 394, 400-03 (Pa. Super. 2004), allowance of appeal denied, [584 Pa. 678,] 880 A.2d 1239 (Pa. 2005), cert. denied sub nom. *Spector Gadon & Rosen, P.C. v. Kanter*, 546 U.S. 1092 (2006). The paragraph explains that the Statement should be sufficiently specific to allow the judge to draft the opinion required under Pa.R.A.P. 1925(a), and it provides that the number of issues alone will not constitute waiver—so long as the issues set forth are non-redundant and non-frivolous. It allows appellants to rely on the fact that subsidiary issues will be deemed included if the overarching issue is identified and if all of the issues have been properly preserved in the trial court. This provision has been taken from the United States Supreme Court rules. See Sup. Ct. R. 14(1). This **[paragraph] subparagraph** does not in any way excuse the responsibility of an appellant who is raising claims of constitutional error to raise those claims with the requisite degree of specificity. This **[paragraph] subparagraph** also allows—but does not require—an appellant to state the authority upon which the appellant challenges the ruling in question [, but it expressly recognizes that a Statement is not a brief and that an appellant shall not file a brief with the Statement. This paragraph also recognizes that there may be times that a civil appellant cannot be specific in the Statement because of the non-specificity of the ruling complained of on appeal. In such instances, civil appellants may seek leave to file a supplemental Statement to clarify their position in response to the judge’s more specific Rule 1925(a) opinion] and to identify the place in the record where the basis for the challenge may be found.

Neither the number of issues raised nor the length of the Statement alone is enough to find that a Statement is vague or non-concise enough to constitute waiver. See *Astorino v. New Jersey Transit Corp.*, 912 A.2d 308, 309 (Pa. Super. 2006). The more carefully the appellant frames the Statement, the more likely it will be that the judge will be able to articulate the rationale underlying the decision and provide a basis for counsel to determine the advisability of raising that issue on appeal. Thus, counsel should begin the winnowing process when preparing the Statement and should articulate specific errors with which the appellant takes issue and why. Nothing in the rule requires an appellant to articulate the arguments within a Statement. It is enough for an appellant—except where constitutional error must be raised with greater specific-

ity—to have identified the rulings and issues in regard to which the trial court is alleged to have erred.

[**Subdivision**] **Paragraph** (c): The appellate courts have the right under the Judicial Code to “affirm, modify, vacate, set aside or reverse any order brought before it for review, and may remand the matter and direct the entry of such appropriate order, or require such further proceedings to be had as may be just under the circumstances.” 42 Pa.C.S. § 706. [**The following additions to the rule are based upon this statutory authorization.**]

[**Paragraph**] **Subparagraph** (c)(1): This [**paragraph**] **subparagraph** applies to both civil and criminal cases and allows an appellate court to seek additional information—whether by supplementation of the record or additional briefing—if it is not apparent whether an initial or supplemental Statement was filed and/or served or timely filed and/or served.

[**Paragraph**] **Subparagraph** (c)(2): This [**paragraph**] **subparagraph** allows an appellate court to remand a civil case to allow an initial, amended, or supplemental Statement and/or a supplemental opinion. *See also* 42 Pa.C.S. § 706. **In 2019, the rule was amended to clarify that for those civil appellants who have a statutory or rules-based right to counsel (such as appellants in post-conviction relief, juvenile, parental termination, or civil commitment proceedings) good cause includes a failure of counsel to file a Statement or a timely Statement.**

[**Paragraph**] **Subparagraph** (c)(3): This [**paragraph**] **subparagraph** allows an appellate court to remand in criminal cases only when [**the**] **an** appellant, **who is represented by counsel**, has completely failed to respond to an order to file a Statement **or has failed to do so timely**. It is thus narrower than **subparagraph** (c)(2)[, above. **Prior to these amendments of this rule, the appeal was quashed if no timely Statement was filed or served; however, because the failure to file and serve a timely Statement is a failure to perfect the appeal, it is presumptively prejudicial and “clear” ineffectiveness. See, e.g.]. See, e.g., *Commonwealth v. Burton*, 973 A.2d 428, 431 (Pa. Super. 2009); *Commonwealth v. Halley*, [582 Pa. 164, 172,] 870 A.2d 795, 801 (Pa. 2005); *Commonwealth v. West*, 883 A.2d 654, 657 (Pa. Super. 2005). ***Per se* ineffectiveness applies in all circumstances in which an appeal is completely foreclosed by counsel’s actions, but not in circumstances in which the actions narrow or serve to foreclose the appeal in part. *Commonwealth v. Rosado*, 150 A.3d 425, 433-35 (Pa. 2016). *Pro se* appellants are excluded from this exception to the waiver doctrine as set forth in *Commonwealth v. Lord*, 719 A.2d 306 (Pa. 1998).****

Direct appeal rights have typically been restored through a post-conviction relief process, but when the ineffectiveness is apparent and *per se*, the court in *West* recognized that the more effective way to resolve such *per se* ineffectiveness is to remand for the filing of a Statement and opinion. *See West*, 883 A.2d at 657; *see also Burton* (late filing of Statement is *per se* ineffective assistance of counsel). The procedure set forth in *West* is codified in [**paragraph**] **subparagraph** (c)(3). As the *West* court recognized, this rationale does not apply when waiver occurs due to the improper filing of a Statement.

In such circumstances, relief may occur only through the post-conviction relief process and only upon demonstration by the appellant that, but for the deficiency of counsel, it was reasonably probable that the appeal would have been successful. An appellant must be able to identify *per se* ineffectiveness to secure a remand under this section, and any appellant who is able to demonstrate *per se* ineffectiveness is entitled to a remand. Accordingly, this [**paragraph**] **subparagraph** does not raise the concerns addressed in *Johnson v. Mississippi*, 486 U.S. 578, 588-89 (1988) (observing that where a rule has not been consistently or regularly applied, it is not—under federal law—an adequate and independent state ground for affirming petitioner’s conviction.)

[**Paragraph**] **Subparagraph** (c)(4): This [**paragraph**] **subparagraph** clarifies the special expectations and duties of a criminal lawyer. Even lawyers seeking to withdraw pursuant to the procedures set forth in *Anders v. California*, 386 U.S. 738 (1967) and [*Commonwealth v. McClendon*, 495 Pa. 467, 434 A.2d 1185 (1981)] *Commonwealth v. Santiago*, 978 A.2d 349 (Pa. 2009), are obligated to comply with all rules[, including the filing of a Statement. *See Commonwealth v. Myers*, 897 A.2d 493, 494-96 (Pa. Super. 2006); *Commonwealth v. Ladamus*, 896 A.2d 592, 594 (Pa. Super. 2006)]. However, because a lawyer will not file an [*Anders/McClendon*] *Anders/Santiago* brief without concluding that there are no non-frivolous issues to raise on appeal, this amendment allows a lawyer to file, in lieu of a Statement, a representation that no errors [**have been raised**] **are asserted** because the lawyer is (or intends to be) seeking to withdraw under [*Anders/McClendon*] *Anders/Santiago*. At that point, the appellate court will reverse or remand for a supplemental Statement and/or opinion if it finds potentially non-frivolous issues during its constitutionally required review of the record.

[**Subdivision** (d) was formerly (c). The text has not been revised, except to update the reference to Pa.R.A.P. 1112(c).

The 2007 amendments attempt to address the concerns of the bar raised by cases in which courts found waiver: (a) because the Statement was too vague; or (b) because the Statement was so repetitive and voluminous that it did not enable the judge to focus on the issues likely to be raised on appeal. *See, e.g., Lineberger v. Wyeth*, 894 A.2d 141, 148-49 (Pa. Super. 2006); *Kanter v. Epstein*, 866 A.2d 394, 400-03 (Pa. Super. 2004), allowance of appeal denied, 584 Pa. 678, 880 A.2d 1239 (2005), cert. denied sub nom. *Spector Gadon & Rosen, P.C. v. Kanter*, 546 U.S. 1092 (2006). Courts have also cautioned, however, “against being too quick to find waiver, claiming that Rule 1925(b) statements are either too vague or not specific enough.” *Astorino v. New Jersey Transit Corp.*, 912 A.2d 308, 309 (Pa. Super. 2006).

While conciseness and vagueness are very case-specific inquiries, certain observations may be helpful. First, the Statement is only the first step in framing the issues to be raised on appeal, and the requirements of Pa.R.A.P. 2116 are even more stringent. Thus, the Statement should be viewed as an initial winnowing. Second, when appellate courts have been critical of sparse or vague Statements, they have not criticized the number of issues raised

but the paucity of useful information contained in the Statement. Neither the number of issues raised nor the length of the Statement alone is enough to find that a Statement is vague or non-concise enough to constitute waiver. See *Astorino v. New Jersey Transit Corp.*, 912 A.2d 308, 309 (Pa. Super. 2006). The more carefully the appellant frames the Statement, the more likely it will be that the judge will be able to articulate the rationale underlying the decision and provide a basis for counsel to determine the advisability of appealing that issue. Thus, counsel should begin the winnowing process when preparing the Statement and should articulate specific rulings with which the appellant takes issue and why. Nothing in the rule requires an appellant to articulate the arguments within a Statement. It is enough for an appellant—except where constitutional error must be raised with greater specificity—to have identified the rulings and issues that comprise the putative trial court errors.]

Rule 1931. Transmission of the Record.

(a) *Time for transmission.*

(1) *General rule.*—Except as otherwise prescribed by this rule or if an extension has been granted pursuant to Pa.R.A.P. 1925(b)(2), the record on appeal, including the transcript and exhibits necessary for the determination of the appeal, shall be transmitted to the appellate court within 60 days after the filing of the notice of appeal. If an appeal has been allowed or if permission to appeal has been granted, the record shall be transmitted as provided by [Rule] Pa.R.A.P. 1122 [(allowance of appeal and transmission of record)] or by [Rule] Pa.R.A.P. 1322 [(permission to appeal and transmission of record)], as the case may be. The appellate court may shorten or extend the time prescribed by this [subdivision] subparagraph for a class or classes of cases.

(2) *Children's fast track appeals.*—In a children's fast track appeal, the record on appeal, including the transcript and exhibits necessary for the determination of the appeal, shall be transmitted to the appellate court within 30 days after the filing of the notice of appeal. If an appeal has been allowed or if permission to appeal has been granted, the record shall be transmitted as provided by [Rule] Pa.R.A.P. 1122 [(allowance of appeal and transmission of record)] or by [Rule] Pa.R.A.P. 1322 [(permission to appeal and transmission of record)], as the case may be.

(b) *Duty of [lower] trial court.*—After a notice of appeal has been filed, the judge who entered the order appealed from shall comply with [Rule] Pa.R.A.P. 1925 [(opinion in support of order)], shall cause the official court reporter to comply with [Rule] Pa.R.A.P. 1922 [(transcription of notes of testimony)] or shall otherwise settle a statement of the evidence or proceedings as prescribed by this chapter, and shall take any other action necessary to enable the clerk to assemble and transmit the record as prescribed by this rule.

(c) *Duty of clerk to transmit the record.*—When the record is complete for purposes of the appeal, the clerk of the [lower] trial court shall transmit it to the prothonotary of the appellate court. The clerk of the [lower] trial court shall number the documents comprising the

record and shall transmit with the record a list of the documents correspondingly numbered and identified with sufficient specificity to allow the parties on appeal to identify each document and whether it is marked as confidential, so as to determine whether the record on appeal is complete. Any Confidential Information Forms and the "Unredacted Version" of any pleadings, documents, or other legal papers where a "Redacted Version" was also filed shall be separated either physically or electronically and transmitted to the appellate court. Whatever is confidential shall be labeled as such. If any case records or documents were sealed in the lower court, the list of documents comprising the record shall specifically identify such records or documents as having been sealed in the lower court. Documents of unusual bulk or weight and physical exhibits other than documents shall not be transmitted by the clerk unless he or she is directed to do so by a party or by the prothonotary of the appellate court. A party must make advance arrangements with the clerk for the transportation and receipt of exhibits of unusual bulk or weight. Transmission of the record is effected when the clerk of the [lower] trial court mails or otherwise forwards the record to the prothonotary of the appellate court. The clerk of the [lower] trial court shall indicate, by endorsement on the face of the record or otherwise, the date upon which the record is transmitted to the appellate court.

(d) *Service of the list of record documents.*—The clerk of the [lower] trial court shall, at the time of the transmittal of the record to the appellate court, mail a copy of the list of record documents to all counsel of record, or if unrepresented by counsel, to the parties at the address they have provided to the clerk. The clerk shall note on the docket the giving of such notice.

(e) *Multiple appeals.*—Where more than one appeal is taken from the same order, it shall be sufficient to transmit a single record, without duplication.

(f) *Inconsistency between list of record documents and documents actually transmitted.*—If the clerk of the [lower] trial court fails to transmit to the appellate court all of the documents identified in the list of record documents, such failure shall be deemed a breakdown in processes of the court. Any omission shall be corrected promptly pursuant to [Rule] Pa.R.A.P. 1926 [(correction or modification of the record)] and shall not be the basis for any penalty against a party.

Official Note:

[Rule] Pa.R.A.P. 1926 [(correction or modification of the record)] provides the means to resolve any disagreement between the parties as to what should be included in the record on appeal.

[Pa.B. Doc. No. 19-1131. Filed for public inspection July 26, 2019, 9:00 a.m.]

Title 225—RULES OF EVIDENCE

[225 PA. CODE ART. I]

Proposed Amendment of the Comment to Pa.R.E. 104

The Committee on Rules of Evidence is considering proposing to the Supreme Court of Pennsylvania the amendment of the Comment to Pennsylvania Rule of

Evidence 104 suggesting procedural guidance for analyzing claims involving the right against testimonial self-incrimination for the reasons set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. No. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

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

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

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

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

All communications in reference to the proposal should be received by September 10, 2019. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

*By the Committee on
Rules of Evidence*

JOHN P. KRILL, Jr.,
Chair

Annex A

TITLE 225. RULES OF EVIDENCE

ARTICLE I. GENERAL PROVISIONS

Rule 104. Preliminary Questions.

(a) *In General.* The court must decide any preliminary question about whether a witness is qualified, a privilege exists, or evidence is admissible. In so deciding, the court is not bound by evidence rules, except those on privilege.

(b) *Relevance That Depends on a Fact.* When the relevance of evidence depends on whether a fact exists, proof must be introduced sufficient to support a finding that the fact does exist. The court may admit the proposed evidence on the condition that the proof be introduced later.

(c) *Conducting a Hearing So That the Jury Cannot Hear it.* The court must conduct any hearing on a preliminary question so that the jury cannot hear it if:

(1) the hearing involves evidence alleged to have been obtained in violation of the defendant's rights;

(2) a defendant in a criminal case is a witness and so requests; or

(3) justice so requires.

(d) *Cross-Examining a Defendant in a Criminal Case.* By testifying on a preliminary question, a defendant in a criminal case does not become subject to cross-examination on other issues in the case.

(e) *Weight and Credibility.* Even though the court rules that evidence is admissible, this does not preclude a party from offering other evidence relevant to the weight or credibility of that evidence.

Comment

Pa.R.E. 104(a) is identical to F.R.E. 104(a).

The second sentence of Pa.R.E. 104(a) is based on the premise that, by and large, the law of evidence is a "child of the jury system" and that the rules of evidence need not be applied when the judge is the fact finder. The theory is that the judge should be empowered to hear any relevant evidence to resolve questions of admissibility. This approach is consistent with Pennsylvania law. See *Commonwealth v. Raab*, [594 Pa. 18,] 934 A.2d 695 (Pa. 2007).

Pa.R.E. 104(a) does not resolve whether the allegedly inadmissible evidence alone is sufficient to establish its own admissibility. Some other rules specifically address this issue. For example, Pa.R.E. 902 provides that some evidence is self-authenticating. But under Pa.R.E. 803(25), the allegedly inadmissible evidence alone is not sufficient to establish some of the preliminary facts necessary for admissibility. In other cases the question must be resolved by the trial court on a case-by-case basis.

Pa.R.E. 104(b) is identical to F.R.E. 104(b).

Pa.R.E. 104(c)(1) differs from F.R.E. 104(c)(1) in that the Federal Rule says "the hearing involves the admissibility of a confession;" Pa.R.E. 104(c)(1) is consistent with Pa.R.Crim.P. 581(F), which requires hearings outside the presence of the jury in all cases in which it is alleged that the evidence was obtained in violation of the defendant's rights.

Pa.R.E. 104(c)(2) and (3) are identical to F.R.E. 104(c)(2) and (3). Paragraph (c)(3) is consistent with *Commonwealth v. Washington*, [554 Pa. 559,] 722 A.2d 643 (Pa. 1998), a case involving child witnesses, in which the Supreme Court created a *per se* rule requiring competency hearings to be conducted outside the presence of the jury. In *Commonwealth v. Delbridge*, [578 Pa. 641,] 855 A.2d 27 (Pa. 2003), the Supreme Court held that a competency hearing is the appropriate way to explore an allegation that the memory of a child has been so corrupted or "tainted" by unduly suggestive or coercive interview techniques as to render the child incompetent to testify.

Pa.R.E. 104(d) is identical to F.R.E. 104(d). In general, when a party offers himself or herself as a witness, the party may be questioned on all relevant matters in the case. See *Agate v. Dunleavy*, [398 Pa. 26,] 156 A.2d 530 (Pa. 1959). Under Pa.R.E. 104(d), however, when the accused in a criminal case testifies with regard to a preliminary question only, he or she may not be cross-examined as to other matters. This is consistent with Pa.R.E. 104(c)(2) in that it is designed to preserve the defendant's right not to testify in the case in chief.

Pa.R.E. 104(e) differs from F.R.E. 104(e) to clarify the meaning of this paragraph.

(Editor's Note: The following commentary is new and printed in regular type to enhance readability.)

Assessing Assertion of Right Against Self-Incrimination

The basis for a right against self-incrimination can be found in constitution and statute. See U.S. Const. amend.

V; Pa. Const. art 1, § 9; 42 Pa.C. § 5941. In terms of evidence, this right has been described as a “privilege.” See, e.g., 42 Pa.C.S. § 5947(b)(2) (“privilege against self-incrimination”); *Commonwealth v. Swinehart*, 664 A.2d 957 (Pa. 1995) (same). The assertion of privilege raises a preliminary question under Pa.R.E. 104(a).

A witness may refuse to testify unless it is “perfectly clear, from a careful consideration of all the circumstances in the case, that the witness is mistaken, and that the answer *cannot possibly* have such tendency” to incriminate. *Hoffman v. United States*, 341 U.S. 479, 488 (1951) (emphasis in original); see also *Commonwealth v. Allen*, 462 A.2d 624, 627 (Pa. 1983). “The privilege afforded not only extends to answers that would in themselves support a conviction. . . but likewise embraces those which would furnish a link in the chain of evidence needed to prosecute.” *Ullmann v. United States*, 350 U.S. 422, 429 (1956); see also *Commonwealth v. Carrera*, 227 A.2d 627, 629 (Pa. 1967), *superseded by statute on other grounds*, *Commonwealth v. Swinehart*, 664 A.2d 957 (Pa. 1995). “The central standard for the privilege’s application has been whether the claimant is confronted by substantial and ‘real,’ and not merely trifling or imaginary, hazards of incrimination.” *Marchetti v. U.S.*, 390 U.S. 39, 53 (1968).

By way of example for the benefit of the bench and bar, the following procedural guidance is offered to assess whether there is a risk of self-incrimination. When a question requires a patently incriminating response, a judicial determination may be made without further inquiry. However, when a response may result in an incriminatory “link in the chain of evidence,” then the judge may require more information than presently before the court. See generally 1 McCormick on Evidence § 132 (7th ed.); 98 C.J.S. Witnesses § 613.

When further judicial inquiry is necessary, the questioning party should provide the judge with the questions to be asked of the witness and the witness should be appointed counsel if not already represented. Next, the trial judge should consider the claim of privilege *in camera* in the presence of the witness and the witness’s counsel, and outside the presence of the parties. The scope of judicial inquiry is not focused on the merits of the case; rather, it is focused on the whether the witness’s response to the proposed questions is at risk of self-incrimination.

Thereafter, in the presence of the parties and on the record, the witness’s counsel should offer a sufficient proffer for the judge to determine the claim. Upon hearing the parties’ arguments, if any, the judge should state on the record whether there are any areas of potential testimony for which a claim of privilege had been substantiated and the reasons therefor. See also *Commonwealth v. Kirwan*, 847 A.2d 61, 65 (Pa. Super. 2004) (A witness may ordinarily only assert the privilege to avoid responding to a particular question; a blanket privilege generally is not permitted.).

Official Note: Adopted May 8, 1998, effective October 1, 1998; Comment revised March 29, 2001, effective April 1, 2001; rescinded and replaced January 17, 2013, effective March 18, 2013; **Comment revised** , 2019, **effective** , 2019.

Committee Explanatory Reports:

Final Report explaining the March 29, 2001 revision of the Comment published with the Court’s Order at 31 Pa.B. 1995 (April 14, 2001).

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

Final Report explaining the , 2019 **revision of the Comment published with the Court’s Order at** **49 Pa.B.** (, 2019).

REPORT

Proposed Amendment of the Comment to Pa.R.E. 104

The Committee on Rules of Evidence is considering proposing the amendment of the Comment to Pennsylvania Rule of Evidence 104 to suggest procedural guidance for determining claims involving the right against testimonial self-incrimination. The Pennsylvania Rules of Evidence and the various bodies of procedural rules are silent on the topic. The Pennsylvania case law provides little guidance with the practice of addressing these claims:

[T]here is no formula for determining when and how the Fifth Amendment privilege can be asserted (nor do we think one should be created). *Commonwealth v. Kirwan*, 847 A.2d 61, 65 (Pa. Super. 2004). We are confident that trial courts can draw on their wealth of experience and fashion procedures appropriate to the practicalities of the case and that will allow the judge to make a sufficiently informed decision. We are likewise confident that lower courts will create a record sufficient to demonstrate the propriety of permitting or denying the privilege at the same time as preserving any Fifth Amendment right.

Commonwealth v. Treat, 848 A.2d 147, 148 (Pa. Super. 2004) (internal quotations omitted).

The timing of these claims can be particularly problematic in proceedings where pre-trial discovery is limited, including criminal, juvenile, and custody proceedings. In the absence of thorough pre-trial discovery, proponents and opponents of testimony can be surprised at trial with assertions of privilege. As indicated to the Committee, these claims are “trial stoppers,” and the need for the trial judge to resolve expeditiously the claims is hindered by the lack of procedural guidance.

To address this need, the Committee has prepared a Comment to Pa.R.E. 104 suggesting a procedure for resolving these claims. The Committee elected to place this procedure in a Comment intending for it to be suggestive rather than placement in the rule text as a requirement.

As background, the basis for a right against self-incrimination can be found in constitution and statute. See U.S. Const. amend. V; Pa. Const. art 1, § 9; 42 Pa.C. § 5941. In terms of evidence, this right has been described as a “privilege.” See, e.g., 42 Pa.C.S. § 5947(b)(2) (“privilege against self-incrimination”); *Commonwealth v. Swinehart*, 664 A.2d 957 (Pa. 1995) (same). The assertion of privilege raises a preliminary question under Pa.R.E. 104(a). As Pennsylvania precedent has not firmly established a process to analyze these claims, the Committee focused largely on federal practice.

A witness may refuse to testify unless it is “perfectly clear, from a careful consideration of all the circumstances in the case, that the witness is mistaken, and that the answer *cannot possibly* have such tendency” to incriminate. *Hoffman v. U.S.*, 341 U.S. 479, 488 (1951) (emphasis in original); see also *Commonwealth v. Allen*, 462 A.2d 624, 627 (Pa. 1983). “The privilege afforded not only extends to answers that would in themselves support

a conviction. . . but likewise embraces those which would furnish a link in the chain of evidence needed to prosecute.” *Ullmann v. U.S.*, 350 U.S. 422, 429 (1956); see also *Commonwealth v. Carrera*, 227 A.2d 627, 629 (Pa. 1967), superseded by statute on other grounds, *Commonwealth v. Swinehart*, 664 A.2d 957 (Pa. 1995). “The central standard for the privilege’s application has been whether the claimant is confronted by substantial and ‘real,’ and not merely trifling or imaginary, hazards of incrimination.” *Marchetti v. U.S.*, 390 U.S. 39, 53 (1968).

When a question requires an incriminating response, such as “did you bribe John Doe?,” the judicial determination can be made without further inquiry. However, when a facially innocent inquiry, such as “do you know John Doe?,” may result in an incriminatory “link in the chain of evidence,” then the judge may require more information than presently before the court. See generally 1 McCormick on Evidence § 132 (7th ed.); 98 C.J.S. Witnesses § 613. A judge’s inquiry will be directed at potentially sensitive information, which assuming the privilege applies, the parties are not entitled to hear.

A witness asserting a privilege against self-incrimination should be appointed counsel if not already represented. The Committee believed it was important that an unrepresented claimant be appointed counsel to explain the privilege being asserted and whether the claim has merit. See 42 Pa.C.S. § 4549(c) (Investigating Grand Jury Act providing counsel for witnesses to guard against self-incrimination); *Commonwealth v. Schultz*, 133 A.3d 294, 309 (Pa. Super. 2016) (“In affording the right to counsel inside the grand jury room, our legislature sought to offer greater protections to individuals’ constitutional right against self-incrimination when appearing in the grand jury setting.”).

The federal courts have approved the use of an *in camera* inquiry when a claim of privilege is made and the information available to the judge does not, in the judge’s estimation, afford adequate verification of the witness’s assertion of the privilege. See *United States v. Goodwin*, 625 F.2d 693, 702 (5th Cir. 1980); *In re Brogna*, 589 F.2d 24, 28 & n. 5 (1st Cir. 1978); see also *Commonwealth v. Martin*, 668 N.E.2d 825 (Mass. 1996). In these circumstances, a judge has the authority to conduct an *in camera* review with a witness who has asserted his privilege.

The questioning party should provide the judge with the questions to be asked of the witness. The permissible scope of inquiry open to a judge is narrow. “A proper use for an *in camera* hearing is to allow a witness to impart sufficient facts in confidence to the judge to verify the privilege claim . . . the judge is simply providing the most favorable setting possible for the witness to ‘open the door a crack’ where there is no other way for the witness to verify his claim.” *In re Brogna*, *supra* at 28 n. 5.

The Committee deliberated at length whether the witness should be required to testify as to the facts that may be potentially incriminating. Members did not believe that requiring a witness to provide potentially incriminating testimony was consonant with the purpose of the privilege. Rather, the information should be presented to the judge by the witness’s counsel in the form of an offer of proof, *i.e.*, proffer.

The *in camera* review is limited to the witness, his or her counsel, and the judge. See *United States v. Fricke*, 684 F.2d 1126, 1131 (5th Cir. 1982). The exclusion of parties’ counsel at this stage is a point for consideration:

Subjecting a witness to an examination by a partisan party might effectively destroy the privilege. Never-

theless, we do not hold that it is always proper to exclude defense counsel from these *in camera* hearings. Even if his participation is primarily passive, counsel’s presence can be important in preserving, or preventing, an error by the court. However, a reciprocity problem is present. The value of an *in camera* inquiry is that it allows the court to probe the witness’ fifth amendment claim more deeply than it could in open court. A witness’ rights are threatened if this is done in the presence of the government’s attorney. Yet, if the court allows defense counsel to remain present, fairness suggests that the government’s interest be represented as well.

Fricke, 684 F.2d at 1131. In the criminal context, “[a] defendant’s sixth amendment rights do not override the fifth amendment rights of others.” *Id.* at 1130.

In *Commonwealth v. Miller*, 518 A.2d 1187 (Pa. 1986), the Court considered the propriety of an *in camera* examination of the police officer to test the credibility of statements contained in an affidavit of probable cause. The Superior Court directed that the defendant and defendant’s counsel should be excluded from the examination. The Supreme Court rejected this approach, stating:

The concept of an *in-camera* hearing during which the defendant and his counsel are both excluded from an inquiry which may impact upon the ultimate finding of guilt or innocence is antithetical to the concept of due process as it has evolved in this Commonwealth under our Constitution. The defendant should not be forced to accept the judge as his advocate during that segment of the proceeding, nor is it proper to remove the judge from the role of an impartial arbiter. Our adjudicative process is an adversary one and the defendant is entitled to counsel at every critical stage. If this was a competent area of inquiry the defendant would have an absolute right to have counsel’s participation in that inquiry.

Id. at 1195. While *Miller* did not involve the right to remain silent, it does signal an approach favoring the presence of the parties.

To address this concern, the Committee proposes procedural guidance whereby the witness’s counsel makes a further proffer on the record before the parties at which time the judge can receive argument from the parties and make a determination whether the testimony is at risk of self-incrimination. Thereafter, further proceedings become a procedural matter outside the purview of Pa.R.E. 104.

All comments, concerns, and suggestions concerning this proposal are welcome.

[Pa.B. Doc. No. 19-1132. Filed for public inspection July 26, 2019, 9:00 a.m.]

Title 225—RULES OF EVIDENCE

[225 PA. CODE ART. IX]

Proposed Amendment of Pa.R.E. 901

The Committee on Rules of Evidence is considering proposing to the Supreme Court of Pennsylvania the amendment of Pennsylvania Rule of Evidence 901 to add a new paragraph (b)(11) to provide an example of authentication of digital evidence for the reasons set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. No. 103(a)(1), the proposal is being published in the

Pennsylvania Bulletin for comments, suggestions, or objections prior to submission to the Supreme Court.

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

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

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

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

All communications in reference to the proposal should be received by September 10, 2019. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

*By the Committee on
Rules of Evidence*

JOHN P. KRILL, Jr.,
Chair

Annex A

TITLE 225. RULES OF EVIDENCE

ARTICLE IX. AUTHENTICATION AND IDENTIFICATION

Rule 901. Authenticating or Identifying Evidence.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(11) Digital Evidence. To connect digital evidence with a person or entity:

(A) direct evidence such as testimony of a person with personal knowledge; or

(B) circumstantial evidence such as:

(i) identifying content; or

(ii) proof of ownership of, possession of, control of, or access to a device or account at the relevant time when corroborated by circumstances indicating authorship.

Comment

Pa.R.E. 901(a) is identical to F.R.E. 901(a) and consistent with Pennsylvania law. The authentication or identification requirement may be expressed as follows: When a party offers evidence contending either expressly or impliedly that the evidence is connected with a person, place, thing, or event, the party must provide evidence sufficient to support a finding of the contended connection. *See Commonwealth v. Hudson*, [489 Pa. 620,] 414 A.2d 1381 (Pa. 1980); *Commonwealth v. Pollock*, [414 Pa. Super. 66,] 606 A.2d 500 (Pa. Super. 1992).

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

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

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

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

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

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

Pa.R.E. 901(b)(4) is identical to F.R.E. 901(b)(4). Pennsylvania law has permitted evidence to be authenticated by circumstantial evidence similar to that discussed in this illustration. The evidence may take a variety of forms including: evidence establishing chain of custody, see *Commonwealth v. Melendez*, [326 Pa. Super. 531,] 474 A.2d 617 (Pa. Super. 1984); evidence that a letter is in reply to an earlier communication, see *Roe v. Dwelling House Ins. Co. of Boston*, [149 Pa. 94,] 23 A. 718 (Pa. 1892); testimony that an item of evidence was found in a place connected to a party, see *Commonwealth v. Bassi*, [284 Pa. 81,] 130 A. 311 (Pa. 1925); a phone call authenticated by evidence of party's conduct after the call, see *Commonwealth v. Gold*, [123 Pa. Super. 128,] 186 A. 208 (Pa. Super. 1936); and the identity of a speaker established by the content and circumstances of a conversation, see *Bonavitacola v. Cluver*, [422 Pa. Super. 556,] 619 A.2d 1363 (Pa. Super. 1993).

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

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

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

Pa.R.E. 901(b)(8) differs from F.R.E. 901(b)(8), in that the Pennsylvania Rule requires thirty years, while the Federal Rule requires twenty years. This change makes

the rule consistent with Pennsylvania law. *See Commonwealth ex rel. Ferguson v. Ball*, [277 Pa. 301,] 121 A. 191 (Pa. 1923).

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

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

Pa.R.E. 901(b)(11) has no counterpart in the Federal Rules of Evidence. "Digital evidence," as used in this rule, is intended to include a communication, statement, or image existing in an electronic medium. This includes emails, text messages, social media postings, and images. The rule illustrates the manner in which digital evidence may be attributed to the author.

The proponent of digital evidence is not required to prove that no one else could be the author. Rather, the proponent must produce sufficient evidence to support a finding that a particular person or entity was the author. See Pa.R.E. 901(a).

Direct evidence under Pa.R.E. 901(b)(11)(A) may also include an admission by a party-opponent.

Circumstantial evidence of identifying content under Pa.R.E. 901(b)(11)(B)(i) may include self-identification or other distinctive characteristics, including a display of knowledge only possessed by the author. Circumstantial evidence of content may be sufficient to connect the digital evidence to its author.

Circumstantial evidence of ownership, possession, control, or access of or to a device or account alone is insufficient for authentication of authorship of digital evidence under Pa.R.E. 901(b)(11)(B)(ii). See, e.g., Commonwealth v. Mangel, 181 A.3d 1154, 1163 (Pa. Super. 2018) (social media account bearing defendant's name, hometown, and high school was insufficient to authenticate the online and mobile device chat messages as having been authored by defendant). However, this evidence is probative in combination with other evidence of the author's identity.

Expert testimony may also be used for authentication purposes. See, e.g., Commonwealth v. Manivannan, 186 A.3d 472 (Pa. Super. 2018).

There are a number of statutes that provide for authentication or identification of various types of evidence. *See,*

e.g., 42 Pa.C.S. § 6103 (official records within the Commonwealth); 42 Pa.C.S. § 5328 (domestic records outside the Commonwealth and foreign records); 35 P.S. § 450.810 (vital statistics); 42 Pa.C.S. § 6106 (documents filed in a public office); 42 Pa.C.S. § 6110 (certain registers of marriages, births and burials records); 75 Pa.C.S. § 1547(c) (chemical tests for alcohol and controlled substances); 75 Pa.C.S. § 3368 (speed timing devices); 75 Pa.C.S. § 1106(c) (certificates of title); 42 Pa.C.S. § 6151 (certified copies of medical records); 23 Pa.C.S. § 5104 (blood tests to determine paternity); 23 Pa.C.S. § 4343 (genetic tests to determine paternity).

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

Committee Explanatory Reports:

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

Final Report explaining the _____, **2019 amendment published with the Court's Order at 49 Pa.B.** _____, **2019.**

REPORT

Proposed Amendment of Pa.R.E. 901

The Committee on Rules of Evidence is considering amendment of Pennsylvania Rule of Evidence 901 to add a new paragraph (b)(11) to provide an example of evidence for the authentication of digital evidence. The Committee's initial consideration of this issue arose from its review of *Commonwealth v. Koch*, 106 A.3d 705 (Pa. 2014) (plurality) and the lack of rules-based guidance for resolving authentication questions involving attributed authorship of digital evidence.

Authorship is a component of authentication when the proponent intends to attribute authorship to a person. The Comment to Pa.R.E. 901 indicates such: "When a party offers evidence contending either expressly or impliedly that the evidence is connected with a person, place, thing, or event, the party must provide evidence sufficient to support a finding of the contended connection."

Attribution can be established either by direct or circumstantial evidence. Direct evidence to connect digital evidence with the author may be from a person who witnessed the author construct and transmit the digital evidence. It may also include the author's admission. The more perplexing issue is the quantum of circumstantial evidence necessary to attribute authorship of digital evidence.

The Committee previously proposed rulemaking to provide such guidance at 46 Pa.B. 3795 (July 16, 2016). The proposal provided examples of authentication through the testimony of persons with knowledge and by circumstantial evidence involving content or the exclusivity of ownership, access, or possession of the device or account at the relevant time. Upon further review, the Committee has refined its earlier proposal and now solicits comments.

Generally, the requirement of authentication is satisfied when the judge determines there is sufficient proof so that a reasonable juror could find in favor of authentication or identification. See Pa.R.E. 901(a); Pa.R.E. 104 (Preliminary Questions); see also *Sublet v. State*, 113 A.3d 695, 718 (M.D. 2015) (collecting cases). The growing

national consensus is that digital evidence can be authenticated using the existing rules:

Courts and legal commentators have reached a virtual consensus that, although rapidly developing electronic communications technology often presents new and protean issues with respect to the admissibility of electronically generated, transmitted and/or stored information, including information found on social networking web sites, the rules of evidence already in place for determining authenticity are at least generally "adequate to the task."

Tienda v. State, 358 S.W.3d 633, 638-39 (Tex. Crim. App. 2012) (footnote omitted); see also *In re F.P.*, 878 A.2d 91, 95-96 (Pa. Super. 2005).

While jurisdictions have relied upon existing, identically worded authentication rules, namely Rule of Evidence 901, to authenticate digital evidence, the jurisdictions have applied the rules differently. The authentication of digital evidence has developed into several approaches. "The Maryland Approach" and "The Texas Approach" are at opposite ends of the spectrum:

[The] Maryland Approach courts are skeptical of social media evidence, finding the odds too great that someone other than the alleged author of the evidence was the actual creator. The proponent must therefore affirmatively disprove the existence of a different creator in order for the evidence to be admissible.

Courts following the Texas Approach are seen as more lenient in determining what amount of evidence a "reasonable juror" would need to be persuaded that the alleged creator did create the evidence. The burden of production then transfers to the objecting party to demonstrate that the evidence was created or manipulated by a third party.

Wendy Angus-Anderson, *Authenticity and Admissibility of Social Media Website Printouts*, 14 Duke L. & Tech. Rev. 33, 37-38 (2015) (footnotes omitted); see also *Parker v. State*, 85 A.3d 682 (Del. 2014).

A middle ground has evolved: "The Massachusetts Approach." This approach is neither the heightened proof of no one else being the author (Maryland) nor the lower proof of sufficient evidence for a reasonable juror to determine authorship (Texas); rather, it is a "reasonable juror plus" standard. See John T. Lee *et al.*, *Status Update on Authenticating Social Media Evidence: The Three Primary Approaches Applied Nationally*, 2 NAGTRI J. 2, 6 (2017).

Evidence that the defendant's name is written as the author of an e-mail or that the electronic communication originates from an e-mail or a social networking Web site such as Facebook or MySpace that bears the defendant's name is not sufficient alone to authenticate the electronic communication as having been authored or sent by the defendant. There must be some "confirming circumstances" sufficient for a reasonable jury to find by a preponderance of the evidence that the defendant authored the e-mails.

Commonwealth v. Purdy, 945 N.E.2d 372, 381 (Mass. 2011) (internal citations omitted). The "reasonable juror plus" standard requires not only sufficient evidence for a reasonable juror to attribute the digital evidence to the purported author, but also "confirming circumstances" showing authorship.

In *Commonwealth v. Koch*, 106 A.3d 705 (Pa. 2014), the opinion in support of affirmative eschewed the Massachu-

setts Approach (“This is not an elevated form of ‘prima facie plus’ standard or imposition of an additional requirement.”), although it required corroboration of authorship of text messages. *See id.* at 714. An opinion in support of reversal contended that authorship went to the weight of the evidence, not authentication, *see id.* at 721-22, while another opinion in support of reversal aligned more closely with the view that authorship is a relevant consideration in most electronic communication authentication matters, *see id.* at 717.

The Committee does not believe that the authentication of digital evidence requires a heightened standard of proof; the *prima facie* standard applies. *See* Pa.R.E. 901(a). However, Pennsylvania case law is developing with regard to the type of circumstantial evidence used to authenticate digital evidence. Mere evidence of ownership of an account no longer appears adequate to attribute authorship of digital evidence. For example, in *Commonwealth v. Mangel*, 181 A.3d 1154 (Pa. Super. 2018), the prosecution tried to attribute Facebook postings to the defendant by showing the account bore the defendant’s name, hometown, and high school. Citing *In re F.P.*, 878 A.2d 91 (Pa. Super. 2005) and *Commonwealth v. Koch*, 39 A.3d 996 (Pa. Super. 2011), and relying upon *U.S. v. Browne*, 834 F.3d 403 (3rd Cir. 2016), the Superior Court held that a proponent of text messages and social media must present direct or circumstantial evidence to corroborate the identity of the author of the communication. Citing other jurisdictions’ precedent, the Superior Court concluded that the mere fact that an electronic communication facially appears to have originated from a certain person’s account is generally insufficient to attribute the communication to the author. *Cf. State v. Hannah*, 151 A.3d 99, 107 (N.J. Super. 2016) (court holding that identity similarities, including Twitter handle and profile picture, and content containing information known by the sender and its nature as a reply to be sufficient to connect a Tweet to the author).

The authentication of digital evidence with circumstantial evidence is nuanced. The use of circumstantial evidence of content (“attribution by content”) appears distinct from the use of circumstantial evidence of ownership of, possession of, control of, or access to a device or account (“attribution by device or account”) to attribute digital evidence to an author. With “attribution by content,” the content of the digital evidence itself is used to connect it to the author. This concept that connectivity can be proven circumstantially through content, similar to Rule 901(b)(4), is not new with regard to digital evidence. *See, e.g., U.S. v. Siddiqui*, 235 F.3d 1318 (11th Cir. 2000) and *Massimo v. State*, 144 S.W.3d 210 (Tex. App. 2004).

The Committee believes that “attribution by content” can be a means of attributing authorship. There may be words or statements in the content of digital evidence that establish *prima facie* evidence sufficient for the jury to decide authorship. This is consistent with Pa.R.E. 901(b)(4). However, the Committee is mindful of appropriated identity concerns. Therefore proposed paragraph (b)(11)(B)(i) specifies “identifying content” of digital evidence rather than reiterating the more inclusive language of Pa.R.E. 901(b)(4). This was intended to exclude evidence of the device or account when making a content-only authentication determination involving authorship. Further, it was intended to emphasize “identity” and focus less on potentially imitated appearance and patterns contained within the evidence.

With “attribution by device or account,” the ownership, possession, control, or access of the device or account is

used to connect the digital evidence to the author. For example, the ownership of a cellular telephone is used to attribute the owner as the author of a text message sent from the telephone number associated with the telephone. Connecting digital evidence to a person or entity as the author based solely on a device or account when the substance of the digital evidence does not contain distinctive characteristics may be a cause of uneasiness. There are concerns about false attribution when devices are shared, accounts were unsecure, or exclusive access was otherwise compromised. Relatedly, the issue of “spoofing” arises wherein another may masquerade as the author by appropriating the author’s identity even though the author’s account or device remains secure.

The Committee believes that “attribution by device or account” has a role in authentication, but with respect to Pennsylvania case law, proposed paragraph (b)(11)(B)(ii) contains a requirement for corroboration by circumstances indicating authorship. In considering language, the Committee rejected evidence of “sole” ownership, possession, control, or access to authenticate digital evidence. Such a standard appeared near impossible to prove in some matters. Instead, the proponent would need to show sufficient proof of ownership of, possession of, control of, or access to a device or account at the relevant time for a reasonable juror to make a finding, as well as corroborating circumstances indicating authorship, which can include content-related evidence, the strength of which may not be sufficient to authenticate the digital evidence.

The proposal does not alter the quantum of evidence for authentication; rather it illustrates the nature of the evidence sufficient for a finding of attribution. All comments, concerns, and suggestions concerning this proposal are welcome.

[Pa.B. Doc. No. 19-1133. Filed for public inspection July 26, 2019, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 1915]

Proposed Amendments of Pa.R.C.P. Nos. 1915.3, 1915.5 and 1915.15

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, 1915.5, and 1915.15 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. Commencement of Action. Complaint. Order[.]

(a) Except as provided [**by**] **in** subdivision (c), [**an action shall be commenced**] **the plaintiff shall commence a custody action** by filing a verified complaint substantially in the form provided by Pa.R.C.P. No. 1915.15(a).

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

(b) An order shall be attached to the complaint **or petition for modification** directing the defendant to appear at a time and place specified. The order shall be substantially in the form provided by [**Rule 1915.5(b)**] **Pa.R.C.P. No. 1915.15(c)**.

Official Note: See [**§ 5430(d) of the**] Uniform Child Custody Jurisdiction and Enforcement Act, 23 Pa.C.S. § 5430(d), relating to costs and expenses for appearance of parties and child, and 23 Pa.C.S. § 5471, relating to intrastate application of the Uniform Child Custody Jurisdiction and Enforcement Act.

(c) A [**claim for custody which**] **custody claim that** is joined with [**an action of divorce**] a **divorce action** shall be asserted in the **divorce** complaint or a subsequent petition, which shall be substantially in the form provided by [**Rule**] **Pa.R.C.P. No. 1915.15(a)**.

Official Note: [**Rule**] See Pa.R.C.P. No. 1920.13(b) [**provides that claims which may be joined with an**] (**claims that are joined in a divorce** action [**of divorce**] shall be raised [**by the**] **in a** complaint or a subsequent petition).

(d) If the **child's** mother [**of the child**] is not married and the child has no legal or presumptive father, [**then**] a putative father initiating [**an action of**] a custody [**must**] **action shall** file a **paternity** claim [**of**

paternity] pursuant to 23 Pa.C.S. § 5103 and attach a copy to the **custody** complaint [**in the custody action**].

Official Note: If a putative father is uncertain of paternity, the correct procedure is to commence a civil action for paternity pursuant to the procedures set forth at [**Rule**] **Pa.R.C.P. No. 1930.6**.

[(e) A grandparent who is not in loco parentis to the child and is seeking physical and/or legal custody of a grandchild pursuant to 23 Pa.C.S. § 5323 must plead, in paragraph 9 of the complaint set forth at Rule 1915.15(a), facts establishing standing under § 5324(3). A grandparent or great-grandparent seeking partial physical custody or supervised physical custody must plead, in paragraph 9 of the complaint, facts establishing standing pursuant to 23 Pa.C.S. § 5325.]

(e) *Pleading Facts Establishing Standing.*

(1) An individual seeking physical or legal custody of a child, who is *in loco parentis* to the child, shall plead facts establishing standing under 23 Pa.C.S. § 5324(2) in Paragraph 9(a) of the complaint in Pa.R.C.P. No. 1915.15(a).

(2) A grandparent seeking physical or legal custody of a grandchild, who is not *in loco parentis* to the child, shall plead facts establishing standing under 23 Pa.C.S. § 5324(3) in Paragraph 9(b) of the complaint in Pa.R.C.P. No. 1915.15(a).

(3) An individual seeking physical or legal custody of a child, who is not *in loco parentis* to the child, shall plead facts establishing standing under 23 Pa.C.S. § 5324(4) and (5) in Paragraph 9(c) of the complaint in Pa.R.C.P. No. 1915.15(a).

(4) A grandparent or great-grandparent seeking partial physical custody or supervised physical custody of a grandchild or great-grandchild shall plead facts establishing standing under 23 Pa.C.S. § 5325 in Paragraph 9(d) of the complaint in Pa.R.C.P. No. 1915.15(a).

(f) An unemancipated minor parent may commence, maintain, or defend [**an action for**] a custody **action** of the minor parent's child without the requirement of the appointment of a guardian for the minor parent.

Explanatory Comment—2019

Act of May 4, 2018, P.L. 112, No. 21, amended 23 Pa.C.S. § 5324 by adding a new class of third-party standing for individuals seeking custody of a child whose parents do not have care and control of the child. The individual seeking custody may or may not be related to the child. Subject to Section 5324(5), the newly added standing provision requires that: (1) the individual has assumed or is willing to assume responsibility for the child; (2) the individual has a sustained, substantial, and sincere interest in the child's welfare; and (3) the child's parents do not have care and control of the child. In asserting standing under Section 5324(4), the plaintiff shall demonstrate the Section 5324(4) standing provisions by clear and convincing evidence. Additionally, if a juvenile dependency proceeding has been initiated or is ongoing or if there is an order for permanent legal custody, Section 5324(5) provides that an individual cannot assert standing under Section 5324(4).

Consistent with the statutory change in Act 21 of 2018, subdivision (e) has been revised to include a third party seeking custody of a child under 23 Pa.C.S. § 5324(4). The subdivision has been reorganized to follow the statutory provisions in 23 Pa.C.S. §§ 5324(2)—(4) and 5325. Similarly, Paragraph 9 on the Complaint for Custody form in Pa.R.C.P. No. 1915.15(a) has been reorganized to follow the statutory and rules sequence, as well. See Pa.R.C.P. No. 1915.15(a).

Rule 1915.5. Question of Jurisdiction, Venue or Standing. [No Responsive Pleading by Defendant Required.] Counterclaim. Discovery. No Responsive Pleading by Defendant Required

[(a) A party must raise any question of jurisdiction of the person or venue, and may raise any question of standing, by preliminary objection filed within twenty days of service of the pleading to which objection is made or at the time of hearing, whichever first occurs. No other pleading shall be required, but if one is filed it shall not delay the hearing.]

(a) Question of Jurisdiction, Venue, or Standing.

(1) A party shall raise jurisdiction of the person or venue by preliminary objection.

(2) A party may raise standing by preliminary objection or at a custody hearing or trial.

(3) The court may raise standing sua sponte.

(4) In a third-party plaintiff custody action in which standing has not been resolved by preliminary objection, the court shall address the third-party plaintiff's standing and include its standing decision in a written opinion or order.

Official Note: The court may raise at any time a question of (1) jurisdiction over the subject matter of the action or (2) the exercise of its jurisdiction pursuant to [§] Section 5426 of the Uniform Child Custody Jurisdiction and Enforcement Act, relating to simultaneous proceedings in other courts, [§] Section 5427, relating to inconvenient forum, and [§] Section 5428, relating to jurisdiction declined by reason of conduct. The Uniform Child Custody Jurisdiction and Enforcement Act, 23 Pa.C.S. § 5407, provides that, upon request of a party, an action in which a question of the existence or exercise of jurisdiction is raised shall be given calendar priority and handled expeditiously.

(b) A party may file a counterclaim asserting the right of physical or legal custody within [twenty] 20 days of service of the complaint upon that party or at the time of

hearing, whichever first occurs. The claim shall be in the same form as a complaint as required by [Rule] Pa.R.C.P. No. 1915.3.

(c) There shall be no discovery unless authorized by special order of court.

Official Note: The rule relating to discovery in domestic relations matters generally is [Rule] Pa.R.C.P. No. 1930.5.

(d) Except as set forth in subdivisions (a) and (b), a responsive pleading shall not be required. If a party files a responsive pleading, it shall not delay a hearing or trial.

Explanatory Comment—1994

Under subdivision (a), the defendant may but is not required to plead to the complaint. All averments may be disputed by the defendant at the custody hearing. An attorney who wished to file another pleading may do so. However, the action is not to be delayed to permit its filing.

Explanatory Comment—2019

Act of May 4, 2018, P.L. 112, No. 21, amended 23 Pa.C.S. § 5324 by adding a new class of third-party standing for individuals seeking custody of a child whose parents do not have care and control of the child. Subject to the limitations in 23 Pa.C.S. § 5324(5), the newly added standing provision requires that: (1) the individual has assumed or is willing to assume responsibility for the child; (2) the individual has a sustained, substantial, and sincere interest in the child's welfare; and (3) the child's parents do not have care and control of the child. In asserting standing under Section 5324(4), the plaintiff shall demonstrate the Section 5324(4) standing provisions by clear and convincing evidence.

Typically, when a third party is seeking custody of a child, the child's parents can raise the issue of the third party's standing to pursue custody. However, Section 5324(4) permits a party to seek custody of a child when the child's parents do not have care and control of the child. If the parents' lack of care and control also results in their non-participation in the custody litigation, the third party's standing may go unchallenged. Subdivision (a) has been amended by including two new subdivisions to address this circumstance. Subdivision (a)(3) permits the court to raise standing sua sponte and, if third-party standing is not resolved by preliminary objection, the court shall address the standing issue in its written opinion or order as required by subdivision (a)(4).

Rule 1915.15. Form of Complaint. Caption. Order. Petition to Modify a Custody Order[.]

(a) The complaint in [an action for custody] a custody action shall be substantially in the following form:

(Caption)

COMPLAINT FOR CUSTODY

1. The plaintiff is _____, residing at _____
(Street) (City) (Zip Code) (County)
2. The defendant is _____, residing at _____
(Street) (City) (Zip Code) (County)

3. Plaintiff seeks (shared legal custody) (sole legal custody) (partial physical custody) (primary physical custody) (shared physical custody) (sole physical custody) (supervised physical custody) of the following child(ren):

Name	Present Residence	Age
_____	_____	_____
_____	_____	_____

The child (was) (was not) born out of wedlock.

The child is presently in the custody of _____, (Name) who resides at _____
(Street) (City) (State)

During the past five years, the child has resided with the following persons and at the following addresses:

(List All Persons)	(List All Addresses)	(Dates)
_____	_____	_____
_____	_____	_____
_____	_____	_____

A parent of the child is _____, currently residing at _____.
This parent is (married) (divorced) (single).

A parent of the child is _____, currently residing at _____.
This parent is (married) (divorced) (single).

4. [The] **Plaintiff's** relationship [of plaintiff] to the child is that of _____.

[The plaintiff] **Plaintiff** currently resides with the following persons:

Name	Relationship
_____	_____
_____	_____

5. [The] **Defendant's** relationship [of defendant] to the child is that of _____.

[The defendant] **Defendant** currently resides with the following persons:

Name	Relationship
_____	_____
_____	_____

6. Plaintiff (has) (has not) participated as a party or witness, or in another capacity, in other litigation concerning the custody of the child in this or another court. The court, term and number, and its relationship to this action is: _____

Plaintiff (has) (has no) information of a custody proceeding concerning the child pending in a court of this Commonwealth or any other state. The court, term and number, and its relationship to this action is: _____.

Plaintiff (knows) (does not know) of a person not a party to the proceedings who has physical custody of the child or claims to have custodial rights with respect to the child. The name and address of such person is: _____.

7. The **child's** best interest and permanent welfare [of the child] will be served by granting the relief requested because (set forth facts showing that the granting of the relief requested will be in the **child's** best interest and permanent welfare [of the child]): _____.

8. Each parent whose parental rights to the child have not been terminated and the person who has physical custody of the child have been named as parties to this action. All other persons, named below, who are known to have or claim a right to custody of the child will be given notice of the pendency of this action and the right to intervene:

Name	Addresses	Basis of Claim
_____	_____	_____
_____	_____	_____
_____	_____	_____

[9. (a) If the plaintiff is a grandparent who is not in loco parentis to the child and is seeking physical and/or legal custody pursuant to 23 Pa.C.S. § 5323, you must plead facts establishing standing pursuant to 23 Pa.C.S. § 5324(3).

(b) If the plaintiff is a grandparent or great-grandparent who is seeking partial physical custody or supervised physical custody pursuant to 23 Pa.C.S. § 5325, you must plead facts establishing standing pursuant to § 5325.

(c) If the plaintiff is a person seeking physical and/or legal custody pursuant to 23 Pa.C.S. § 5324(2) as a person who stands in loco parentis to the child, you must plead facts establishing standing.

9. (a) If the plaintiff is seeking physical or legal custody of a child, who is *in loco parentis* to the child, the plaintiff shall plead facts establishing standing under 23 Pa.C.S. § 5324(2).

(b) If the plaintiff is a grandparent seeking physical or legal custody of a grandchild and is not *in loco parentis* to the child, the plaintiff shall plead facts establishing standing under 23 Pa.C.S. § 5324(3).

(c) If the plaintiff is seeking physical or legal custody of a child and is not *in loco parentis* to the child, the plaintiff shall plead facts establishing standing pursuant to 23 Pa.C.S. §§ 5324(4) and (5).

(d) If the plaintiff is a grandparent or great-grandparent seeking partial physical custody or supervised physical custody of a grandchild or great-grandchild, the plaintiff shall plead facts establishing standing under 23 Pa.C.S. § 5325.

10. Plaintiff has attached the Criminal Record/Abuse History Verification form required pursuant to Pa.R.C.P. No. 1915.3-2.

Wherefore, [plaintiff] Plaintiff requests the court to grant (shared legal custody) (sole legal custody) (partial physical custody) (primary physical custody) (shared physical custody) (sole physical custody) (supervised physical custody) of the child.

Plaintiff/Attorney for Plaintiff

I verify that the statements made in this Complaint are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Plaintiff

Official Note: The form of complaint is appropriate if there is one plaintiff and one defendant and [if] the custody of one child is sought [, or if] or the custody of several children is sought and the information required by [paragraphs] Paragraphs 3 to 7 is identical for all of the children. If there are [multiple] more than two parties, the complaint should be appropriately adapted to accommodate them. If the custody of several children is sought and the information required is not identical for all of the children, the complaint should contain a separate paragraph for each child.

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

* * * * *

Explanatory Comment—2019

Act of May 4, 2018, P.L. 112, No. 21, amended 23 Pa.C.S. § 5324 by adding a new class of third-party standing for individuals seeking custody of a child whose parents do not have care and control of the child. The individual seeking custody may or may not be related to the child. Subject to the limitations in 23 Pa.C.S. § 5324(5), the newly added standing provision requires that: (1) the individual has assumed or is willing to assume responsibility for the child; (2) the individual has a sustained, substantial, and sincere interest in the child’s welfare; and (3) the child’s parents do not have care and control of the child. In asserting standing under Section 5324(4), the plaintiff shall demonstrate the Section 5324(4) standing provisions by clear and convincing evidence. Additionally, if a juvenile dependency proceeding has been initiated or is ongoing or if there is an order for permanent legal

custody, Section 5324(5) provides that an individual cannot assert standing under Section 5324(4).

Consistent with the statutory change in the Act, Paragraph 9 in the Complaint for Custody form has been revised to include a third party seeking custody of a child under 23 Pa.C.S. § 5324(4). Also, Paragraph 9 has been reorganized to sequentially follow the statutory provisions in 23 Pa.C.S. §§ 5324(2)—(4) and 5325. Similarly, Pa.R.C.P. No. 1915.3(e) has been reorganized to follow the statutory sequence. See Pa.R.C.P. No. 1915.3(e).

**PUBLICATION REPORT
RULE PROPOSAL 172**

The Domestic Relations Procedural Rules Committee (Committee) is proposing amendments to Pa.R.C.P. Nos. 1915.3, 1915.5, and 1915.15.

Act of May 4, 2018, P.L. 112, No. 21 (Act), amended 23 Pa.C.S. § 5324 by adding a new class of third-party standing for individuals seeking custody of a child whose parents do not have care and control of the child. The individual seeking custody may or may not be related to the child. Subject to 23 Pa.C.S. § 5324(5), the newly added standing provision requires that: (1) the individual has assumed or is willing to assume responsibility for the child; (2) the individual has a sustained, substantial, and sincere interest in the child's welfare; and (3) the child's parents do not have care and control of the child. In asserting standing under Section 5324(4), the plaintiff shall demonstrate standing by clear and convincing evidence. Additionally, if a juvenile dependency proceeding has been initiated or is ongoing or if there is an order for permanent legal custody, Section 5324(5) provides that an individual cannot assert standing under Section 5324(4).

Consistent with the statutory change in the Act, the Committee proposes revising Pa.R.C.P. No. 1915.3(e) to include a third party seeking custody of a child under Section 5324(4). The Rule Proposal reorganizes subdivision (e) to follow the sequential order in the statutory provisions in Sections 5324(2)—(4) and 5325. Similarly, the Rule Proposal revises and reorganizes Paragraph 9 in Pa.R.C.P. No. 1915.15(a), which is the Complaint for Custody form, to include a third party seeking custody of a child under Section 5324(4) and follows the statutory and rules sequence, as well.

Typically, when a third party seeks custody of a child, the child's parents can raise the issue of the third party's standing to pursue custody. However, Section 5324(4) only permits a party to seek custody of a child when the child's parents do not have care and control of the child. If the parents' lack of care and control also results in their non-participation in the custody litigation, the third party's standing may go unchallenged. The Committee proposes amending Pa.R.C.P. No. 1915.5(a) by including two new subdivisions to address this circumstance.

First, the proposed amendment to Pa.R.C.P. No. 1915.5(a)(3) would permit the court to raise standing *sua sponte*. This proposed rule amendment may appear to be in tension with Supreme Court precedent. See *In re: Nomination Petition of DeYoung*, 903 A.2d 1164 (Pa. 2006); *Rendell v. Pa. State Ethics Comm'n*, 983 A.2d 708 (Pa. 2009). Specifically, the Supreme Court in *DeYoung* noted it "has consistently held that a court is prohibited from raising the issue of standing *sua sponte*." *DeYoung*, 903 A.2d at 1168. However, the Superior Court has analyzed third-party standing as being intertwined with subject-matter jurisdiction and, as such, within the province of the court to raise standing *sua sponte*. See *Hill v.*

Divecchio, 625 A.2d 642 (Pa. Super. 1993), *alloc. denied*, 645 A.2d 1316 (Pa. 1991); *Grom v. Burgoon*, 672 A.2d 823, 824-825 (Pa. Super. 1996); and *R.M. v. J.S.*, 20 A.3d 496 (Pa. Super. 2011).

With the statutory requirement under Section 5324(4)(iii) that the parents not have care and control of the child, the typical preliminary objection process of a parent raising the issue of a third party's standing or litigating the issue at trial may be ineffective and impractical. The Committee proposes that permitting a court to raise standing *sua sponte* may be the most efficient, timely, and perhaps the only way this issue properly comes before the court in order for the third-party plaintiff to demonstrate by clear and convincing evidence the statutory requirements under Section 5324(4).

Second, if third-party standing is not resolved by preliminary objection, the Rule Proposal requires in subdivision (a)(4) that the court address the standing issue in its written opinion or order. This procedure will ensure that the court will properly assess and determine a third party's standing, whether by the court *sua sponte* or a party by preliminary objection.

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

[Pa.B. Doc. No. 19-1134. Filed for public inspection July 26, 2019, 9:00 a.m.]

**Title 231—RULES OF
CIVIL PROCEDURE**

PART I. GENERAL

[231 PA. CODE CH. 200]

Proposed Amendment of Pa.R.C.P. No. 223.2

The Civil Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the amendment of Pa.R.C.P. No. 223.2 governing juror note taking for the reasons set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. No. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

Any reports, notes, or comments in the proposal have been inserted by the Committee for the convenience of those using the rules. They will neither 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:

Karla M. Shultz, Counsel
Civil Procedural Rules Committee
Supreme Court of Pennsylvania
Pennsylvania Judicial Center
PO Box 62635
Harrisburg, PA 17106-2635
FAX: 717-231-9526
civilrules@pacourts.us

All communications in reference to the proposal should be received by September 27, 2019. E-mail is the pre-

ferred 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 Civil Procedural
Rules Committee*

JOHN J. HARE,
Chair

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 200. BUSINESS OF COURTS

Rule 223.2. Conduct of the Jury Trial. Juror Note Taking.

(a)(1) [**Whenever**] **When** a jury trial is expected to last for more than two days, jurors[, **except as otherwise provided by subdivision (a)(2), may**] **shall be permitted to** take notes during the [**proceedings**] **presentation of evidence and closing arguments** and use their notes during deliberations.

Official Note: The court in its discretion may permit jurors to take notes when the jury trial is not expected to last for more than two days.

(2) Jurors [**are**] **shall not be** permitted to take notes **during opening statements or** when the judge is instructing the jury as to the law that will govern the case.

(b) The court shall give an appropriate cautionary instruction to the jury prior to the commencement of the testimony before the jurors. The instruction shall include:

(1) Jurors are not required to take notes and those who take notes are not required to take extensive notes[,];

(2) Note taking should not divert jurors from paying full attention to the evidence and evaluating witness credibility, **or the closing arguments;**

(3) Notes are merely memory aids and are not evidence or the official record[,];

(4) Jurors who take few or no notes should not permit their independent recollection of the evidence to be influenced by the fact that other jurors have taken notes[,];

(5) Notes are confidential and will not be reviewed by the court or anyone else[,];

(6) A juror may not show his or her notes or disclose their contents to other jurors until deliberations begin, but may show the notes or disclose the contents during deliberations[,];

(7) Jurors shall not take their notes out of the courtroom except to use their notes during deliberations[,] and

(8) All juror notes will be collected after the trial is over and immediately destroyed.

Official Note: It is recommended that the trial judge instruct the jurors along the following lines:

We will distribute notepads and pens to each of you in the event you wish to take notes during the trial. You are under no obligation to take notes and those who take notes are not required to take extensive notes.

Remember that one of your responsibilities as a juror is to observe the demeanor of witnesses to help you assess their credibility. If you do take notes, do not become so involved with note taking that it interferes with your ability to observe a witness or distracts you from hearing other answers being given by the witness.

You may also take notes while the closing arguments are presented at the end of the trial. Again, if you do take notes, do not become so involved with note taking that it distracts you from paying attention to the remainder of the closing argument.

[Your notes may help you refresh your recollection of the testimony and should be treated as a supplement to, rather than a substitute for, your memory. Your notes are only to be used by you as memory aids and are not evidence or the official record.] Your notes may help you refresh your recollection of the evidence as well as the closing arguments. Your notes should be treated as a supplement to, rather than a substitute for, your memory. Your notes are only to be used by you as memory aids and are not evidence or the official record.

Those of you who do not take notes should not permit your independent recollection of the evidence to be influenced by the fact that other jurors have taken notes. It is just as easy to write something down incorrectly as it is to remember it incorrectly and your fellow jurors' notes are entitled to no greater weight than each juror's independent memory. Although you may refer to your notes during deliberations, give no more or no less weight to the view of a fellow juror just because that juror did or did not take notes.

Each time that we adjourn, your notes will be collected and secured by court staff. Jurors shall not take their notes out of the courtroom except to use their notes during deliberations.

A juror may not show his or her notes or disclose their contents to other jurors until deliberations begin, but may show the notes or disclose their contents during deliberations. The only notes you may use during the deliberations are the notes you write in the courtroom during the proceedings on the materials distributed by the court staff.

Your notes are completely confidential and will not be reviewed by the court or anyone else. After the trial is over, your notes will be collected by court personnel and immediately destroyed.

(c) The court shall

(1) provide materials suitable for note taking,

Official Note: The materials provided by the court are the only materials that jurors may use for note taking.

(2) safeguard all juror notes at each recess and at the end of each trial day, and

(3) collect all juror notes as soon as the jury is dismissed and, without inspection, immediately destroy them.

(d)(1) Neither the court nor counsel may (i) request or suggest that jurors take notes, (ii) comment on their note taking, or (iii) attempt to read any notes.

(2) Juror notes may not be used by any party to the litigation as a basis for a request for a new trial.

Official Note: A court shall immediately deny a litigant's request that juror notes be placed under seal until they are reviewed in connection with a request for a new trial on any ground, including juror misconduct. The notes shall be destroyed without inspection as soon as the jury is dismissed.

EXPLANATORY COMMENT

The Civil Procedural Rules Committee is considering proposing the amendment of Pa.R.C.P. No. 223.2 governing note taking by jurors to clarify and expand when note taking is permitted during a trial that is expected to last more than two days.

Current subdivision (a)(1) provides that jurors "may take notes during the proceedings," but does not specify or define the term "proceedings." Pa.R.C.P. No. 223.2 has generally been interpreted to permit juror note taking only when witnesses are testifying during trial and not during opening statements and closing arguments. While subdivision (a)(2) of the rule expressly prohibits note taking during the reading of the jury charge, there is no similar express prohibition on note taking during opening statements and closing arguments.

To provide clarification, the Committee proposes amending Pa.R.C.P. No. 223.2 to permit note taking during the presentation of evidence and closing arguments only. The rule would continue to prohibit note taking during the reading of the jury charge, but be amended to extend that prohibition to opening statements. The Committee believes that note taking during opening statements, during which information that may ultimately not be supported by the evidence or even entered into evidence, could lead to confusion for jurors. Note taking during closing arguments would help jurors with their deliberations.

The Committee is also proposing an amendment to preserve the ability for jurors to take notes for all trials expected to last more than two days. Current subdivision (a)(1) uses the permissive "may" to allow juror note taking, which offers the opportunity for variation in procedure. The Committee believes that, in order to ensure a uniform practice throughout the Commonwealth, all jurors should be permitted to take notes subject to the parameters of the rule. The rule would continue to place no obligation on the part of jurors to take notes, but the authority for jurors to use this tool for deliberations would be expressly permitted.

As proposed, the amendment of Rule 223.2 is intended to clarify the specific "proceedings" during which jurors may take notes. Subdivision (a)(1) would be amended to clarify that jurors shall be permitted to take notes during the presentation of evidence and expand that subdivision to include closing arguments. Subdivision (a)(2) would be amended to expressly prohibit note taking during opening statements and the reading of the jury charge. In addition, subdivision (b) would be amended to include a cautionary juror instruction that note taking should not divert jurors' attention from, *inter alia*, the closing arguments. Those requirements would also be incorporated into the suggested jury instruction set forth in the note following the rule text.

Accordingly, the Committee invites all comments, objections, concerns, and suggestions regarding this rule-making proposal.

*By the Civil Procedural
Rules Committee*

JOHN J. HARE,
Chair

[Pa.B. Doc. No. 19-1135. Filed for public inspection July 26, 2019, 9:00 a.m.]

Title 237—JUVENILE RULES

PART I. RULES

[237 PA. CODE CH. 13]

Proposed Amendment of Pa.R.J.C.P. 1300 and Rescission and Replacement of Pa.R.J.C.P. 1302

The Juvenile Court Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the amendment of Pennsylvania Rule of Juvenile Court Procedure 1300 and the rescission and replacement of Pennsylvania Rule of Juvenile Court Procedure 1302 concerning venue and intercounty transfers of dependency matters for the reasons set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. No. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

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

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

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

Daniel A. Durst, Chief Counsel
Juvenile Court Procedural Rules Committee
Supreme Court of Pennsylvania
Pennsylvania Judicial Center
PO Box 62635
Harrisburg, PA 17106-2635
FAX: 717-231-9541
juvenilerules@pacourts.us

All communications in reference to the proposal should be received by September 10, 2019. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

*By the Juvenile Court
Procedural Rules Committee*

JUDGE JENNIFER R. SLETVOLD,
Chair

Annex A
TITLE 237. JUVENILE RULES
PART I. RULES
Subpart B. DEPENDENCY MATTERS
CHAPTER 13. PRE-ADJUDICATORY
PROCEDURES
PART A. VENUE

Rule 1300. Venue.

A. *Generally.* A dependency proceeding shall be commenced in:

- 1) the county in which the child is present; or
- 2) the child's county of residence.

B. *Change of [venue] Venue. [For] At any time prior to the adjudicatory hearing, for* the convenience of parties and witnesses, the court, upon its own motion or motion of any party, may transfer an action to the appropriate court of any county where the action could originally have been brought or could be brought at the time of filing the motion to change venue.

C. *Transmission of [all records] All Records.* If there is a change of venue **ordered** pursuant to paragraph (B), **within five days:**

1) the transferring county's clerk of courts shall inform the receiving county's clerk of courts of the manner in which certified copies of all documents, reports, and summaries in the child's official court record will be transferred;

[1) the transferring court] 2) the transferring county's clerk of courts shall transfer certified copies of all documents, reports, and summaries in the child's official court record to the **[receiving court] receiving county's clerk of court; [and]**

[2) The] 3) the transferring county agency **[of the transferring court]** shall transfer all its records to the receiving county agency **[where venue has been transferred.];**

4) the receiving county's clerk of courts shall notify its county agency and the transferring county's clerk of courts of its receipt of the official court records; and

5) the receiving county agency shall schedule the next court proceeding in accordance with the time requirements of these Rules.

Comment

See 42 Pa.C.S. § 6321(b).

For procedures regarding motions and answers, see Rule 1344. In addition to the procedures for service of orders under Rule 1167, an order changing venue is to be served upon the new county agency and the receiving court so they may begin proceedings in the receiving county.

Pursuant to paragraph (C), all records are to be transferred within five days of the order for change in venue. Nothing in this rule prohibits the use of electronic means when transferring and receiving records, but the manner in which records are transmitted must be communicated. If there is an electronic transfer, the receiving county is to send an electronic confirmation of receipt of the records as the return receipt. The transferring county's

clerk of courts is to docket the confirmation of receipt of records by the receiving county and may close the case once the confirmation has been received.

For transfer of agency records, see 55 Pa. Code § 3490.401.

To ensure there is no interruption in services, the transferring county agency is to continue services until the case has been transferred officially, which is the receiving county's clerk of court's notification of receipt of the official court record as provided in paragraph (C)(4).

Official Note: Rule 1300 adopted August 21, 2006, effective February 1, 2007. Amended December 24, 2009, effective immediately. **Amended _____, 2019, effective _____, 2019.**

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1300 published with the Court's Order at 36 Pa.B. 5571 (September 2, 2006).

Final Report explaining the amendments to Rule 1300 published with the Court's Order at 40 Pa.B. 222 (January 9, 2010).

Final Report explaining the amendments to Rule 1300 published with the Court's Order at _____ Pa.B. (_____, 2019).

Rule 1302. **[Inter-County] Intercountry** Transfer.

[A. Transfer. A court may transfer a case to another county at any time.

B. Transmission of official court record. If the case is transferred pursuant to paragraph (A):

1) the transferring court shall transfer certified copies of all documents, reports, and summaries in the child's official court record to the receiving court; and

2) the county agency of the transferring court shall transfer all its records to the county agency where jurisdiction has been transferred.

Comment

See 42 Pa.C.S. § 6321.]

(Editor's Note: The text of this rule is entirely new and printed in regular type to enhance readability.)

A. *Best Interest of the Child.* Any time after the adjudicatory hearing, upon motion of a party or court, a court may consider the transfer of a case to another county if the transfer is best suited to the safety, protection, and physical, mental, and moral welfare of the child.

B. *Notice.* The court shall serve notice of a hearing upon the parties. The county agency in the proposed receiving county shall receive notice of the hearing and be granted standing to participate in the hearing.

C. *Hearing.* The hearing should be conducted in the transferring county no more than 20 days from the date of the notice in paragraph (B). The county agency in the proposed receiving county shall be permitted to appear at the hearing utilizing advance communications technology.

D. *Acceptance of Jurisdiction.* If the court in the transferring county finds that a proposed transfer would be in the child's best interest and would result in a transfer between judicial districts:

1) the court shall communicate with the president judge or designee of the receiving judicial district to ascertain whether jurisdiction will be accepted;

2) a record of the communication shall be made and served promptly by the court on the parties; and

3) upon service of the record, the parties shall have five days to file written responses with the court regarding the decision to accept jurisdiction.

E. Order.

1) An order approving a transfer shall specify an effective date for the transfer no less than ten days from date of the order to allow for the coordination of services and preparation of the official court record for transmission.

2) The court shall direct the clerk of courts to serve the order upon the parties, the receiving county agency, and the president judge or designee of the receiving court, if applicable.

F. Matters of Cooperation between Courts. Communication between courts on schedules, calendars, court records, and similar matters may occur without informing the parties. A record need not be made of the communication.

G. Receiving Court. On or before the effective date of the order established in paragraph (E)(1), the receiving court shall enter an order:

1) accepting jurisdiction of the case as of the effective date;

2) appointing a guardian ad litem and counsel, if necessary;

3) directing the clerk of courts to serve the order upon the transferring court, if necessary, the county agencies, the parties, and the transferring county's clerk of courts;

4) directing the receiving county agency to conduct a home visit and safety assessment consistent with the requirements of 55 Pa. Code § 3490.401; and

5) scheduling a review hearing to occur within 30 days.

H. Transmission of Official Court Record.

1) The transferring county's clerk of courts shall inform the clerk of the receiving court of the manner in which certified copies of all documents, reports, and summaries in the child's official court record will be transferred.

2) On the effective date of the transfer, the transferring county's clerk of courts shall transmit certified copies of all documents, reports, and summaries in the child's official court record to the clerk of the court of the receiving county.

3) The receiving county's clerk of the courts shall notify its county agency and the transferring court of its receipt of the official court records.

I. County Agencies. The transferring county agency shall continue services until the effective date of the transfer.

Comment

If proceedings are commenced in a county other than the county of the child's residence, then a change of venue should be sought pursuant to Rule 1300 prior to adjudication.

The child's best interest concerning an intercounty transfer includes, but is not limited to, the child's current or anticipated county of residence, the resources of the receiving county, and needs of the child and family. A

proposed transfer between judicial districts is not in the child's best interest unless the court of the receiving judicial district accepts jurisdiction.

Service of the acceptance order on the transferring court pursuant to paragraph (G)(3) is unnecessary if the transfer occurs within the same judicial district.

The period between the order approving the transfer and the effective date of the transfer is intended to prepare for the case transfer. The county agencies are expected to communicate prior to the actual transfer of a case to another county so that efforts can be coordinated and services transitioned without interruption. Coordination includes the inter-agency transfer of records maintained by the county agency that are not otherwise included in the official court record. See 55 Pa. Code § 3490.401. This period also allows the clerk to prepare the official court record for transmission to the receiving county on the effective date of the transfer.

Nothing in this rule prohibits the use of electronic means when transferring and receiving records. However, if there is an electronic transfer, the receiving county is to send an electronic confirmation of receipt of the records as the return receipt. The transferring county's clerk of courts is to docket the confirmation of receipt of records by the receiving county and may close the case once the confirmation has been received.

Upon receiving the order accepting the case, the transferring court may order the termination of court supervision pursuant to Rule 1631(A)(12).

Official Note: Rule 1302 adopted August 21, 2006, effective February 1, 2007. Amended December 24, 2009, effective immediately. **Rescinded and replaced** _____, **2019, effective** _____, **2019.**

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1302 published with the Court's Order at 36 Pa.B. 5571 (September 2, 2006).

Final Report explaining the amendments to Rule 1302 published with the Court's Order at 40 Pa.B. 222 (January 9, 2010).

Final Report explaining the rescission and replacement of Rule 1302 published with the Court's Order at Pa.B. (_____, 2019).

REPORT

Proposed Amendment of Pa.R.J.C.P. 1300 and Rescission and Replacement of Pa.R.J.C.P. 1302

The Juvenile Court Procedural Rules Committee proposes amendment of Pennsylvania Rules of Juvenile Court Procedure 1300 concerning venue in dependency proceedings together with rescission and replacement of Pennsylvania Rule of Juvenile Court Procedure 1302 concerning intercounty transfer of dependency cases.

In 2014, as part of a larger proposal, the Committee published proposed amendments to Rule 1302 to clarify the procedures for intercounty transfers. See 44 Pa.B. 3307 (June 7, 2014). After reviewing comments and further deliberations, this rulemaking proposal was discontinued. More recently, the Committee received a request that several facets of intercounty transfers be addressed in the Pennsylvania Rules of Juvenile Court Procedure.

In formulating the current proposal, the Committee considered several issues. First, whether the child's residence was the only determinate of an intercounty trans-

fer. Second, whether the decision to transfer was in the sole discretion of the transferring court or whether it was a shared decision between the transferring and receiving courts. The following discussion of these issues is that of the Committee; it does not carry with it the imprimatur of the Supreme Court of Pennsylvania.

Best Interest of the Child

The statutory basis for a transfer is the child's residence either when the adjudication occurs in a non-residential county or if the child's residence changes after adjudication. See 42 Pa.C.S. § 6321(c)(1). The case law interpreting this statutory provision is scant. Distilled from *Interest of J.S.M.*, 514 A.2d 899 (Pa. Super. 1986) and *In re G.B.*, 530 A.2d 496 (Pa. Super. 1987), it appears that an intercounty transfer decision is not based entirely on residence; rather, it is a best interest determination concerning the child.

Authority to Order Transfer

Under the Uniform Child Custody Jurisdiction and Enforcement Act, the receiving court can decline jurisdiction if it finds that it is an inconvenient forum based on enumerated factors or when the person seeking to invoke the court's jurisdiction has engaged in unjustifiable conduct. See 23 Pa.C.S. §§ 5427, 5428. However, the Juvenile Act does not provide a similar mechanism for a dependency court to refuse to accept a transfer. Notably, Section 6321(c)(1) uses "the court" in the singular when identifying the entity to transfer a proceeding. If construed strictly, then the transferring court where the transfer motion is made, as opposed to the receiving court, is statutorily authorized to unilaterally decide the transfer.

Yet, if the transferring court is the only authority deciding whether a transfer is in the child's best interest, then there is nothing to prevent a case from "ping ponging" back to the transferring county once received in the receiving county. Comity informs that instances of refused transfers will be rare, but the Committee also recognizes that the receiving court should be part of the decision-making process given the compressed timeline set forth in the proposal. Further, mutual decision-making ensures that a case will be received with the attendant judicial oversight necessary to maintain the child's best interest.

Proposed Amendments—Venue

The Committee proposes to amend Rule 1300 (Venue) to indicate in paragraph (B) that the window for seeking a change in venue is prior to adjudicatory hearing. The basis for a change in venue is the convenience of the parties and witnesses with the option of venue being the county in which the child is present or where the child resides. This basis and option are contained in the existing venue rule.

As proposed, paragraph (C) contains a specific five-day deadline for the transfer of records. Further, the paragraph includes a communication loop to indicate that the records have been received, and a requirement for the receiving county agency to schedule the next court pro-

ceeding. These further revisions are intended to facilitate the location of records and ensure the case proceeds after the change of venue.

Proposed Amendments—Intercounty Transfer

Given the scope of the revisions, the Committee proposes to rescind and replace Rule 1302 in its entirety. The procedural concept for intercounty transfers involves a two-step process. First, the transferring county is to conduct a hearing to determine whether it is in the child's best interest for an intercounty transfer. Second, assuming the transferring court determines in the affirmative, the transferring court then communicates with the receiving court to ascertain whether jurisdiction will be accepted, if the decision will result in a transfer between judicial districts.

In paragraph (A), the child's best interest for an intercounty transfer is set forth. The Committee believes that the receiving county agency, as the provider of services and the party to receive legal custody, has an interest in the transfer. Therefore, in paragraph (B), that county agency is given notice of the transfer hearing in the transferring county and granted standing to participate. Further, in paragraph (C), the receiving county agency is permitted to appear via advance communications technology.

Paragraph (D) requires the subsequent communication with the court in the receiving judicial district. The manner of communication and requirements of a record are intentionally non-specific. Judges, at their preference, may opt to communicate via email or telephonically. A "record of the communication" can be memorialization of communications or a transcript. Thereafter, the parties may file written responses with the transferring court regarding the decision to accept jurisdiction. While the Committee did not anticipate intercounty transfers to often be contested, this provision for written responses is intended to provide due process in contested transfers. Paragraph (F) permits the courts to discuss administrative matters without informing the parties or making a record. Paragraphs (D) and (F) are based, in part, on the Uniform Child Custody Jurisdiction and Enforcement Act, 23 Pa.C.S. § 5410.

Paragraph (E) requires that an order approving a transfer contain a date certain and at least a ten-day window before the actual transfer. This window is to provide for the transmission of the record and coordination of services between the county agencies as set forth in paragraphs (H) and (I). Prior to the transfer order's effective date, the receiving court is required to enter an order accepting jurisdiction, as well as appointing a guardian ad litem and counsel, as needed, directing a home visit and safety assessment, and scheduling a review hearing.

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

[Pa.B. Doc. No. 19-1136. Filed for public inspection July 26, 2019, 9:00 a.m.]

RULES AND REGULATIONS

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

STATE BOARD OF NURSING

[49 PA. CODE CH. 21]

Fees; General Provisions

The State Board of Nursing (Board) and the Acting Commissioner of Professional and Occupational Affairs (Commissioner) jointly amend §§ 21.5, 21.147, 21.253, 21.705 and 21.805 to read as set forth in Annex A. This final-form rulemaking provides for new and increased application fees and increased biennial renewal fees for Licensed Practical Nurses (LPN), Registered Nurses (RN), Certified Registered Nurse Practitioners (CRNP), Licensed Dietitian-Nutritionists (LDN) and Clinical Nurse Specialists (CNS), as well as new and increased application fees relating to nursing education programs.

Effective Date

The amendments will be effective upon publication of this final-form rulemaking in the *Pennsylvania Bulletin*. New and increased application fees will be implemented immediately upon publication. It is anticipated that the increased biennial renewal fees will begin with the October renewal cohort in Fiscal Year (FY) 2019-2020.

Statutory Authority

Section 11.2(a) and (b) of The Professional Nursing Law (RN Law) (63 P.S. § 221.2(a) and (b)) and section 17.5(a) and (b) of the Practical Nurse Law (LPN Law) (63 P.S. § 667.5(a) and (b)) require the Board to fix and increase fees by regulation to meet or exceed projected expenditures if the revenues raised by fees, fines and civil penalties are not sufficient to meet expenditures over a 2-year period. Additionally, section 810(a)(3) and (7) of The Administrative Code of 1929 (71 P.S. § 279.1(a)(3) and (7)) authorizes the Commissioner to issue all certificates and other official documents of the various professional and occupational examining boards and, unless otherwise provided by law, to fix the fees to be charged by the boards within the Bureau of Professional and Occupational Affairs (Bureau).

Background and Purpose

Under section 11.2(a) of the RN Law and section 17.5(a) of the LPN Law, the Board is required to support its operations from the revenue it generates from fees, fines and civil penalties. In addition, these acts provide that the Board shall increase fees if the revenue raised by fees, fines and civil penalties is not sufficient to meet expenditures over a 2-year period. The Board raises approximately 80% of its revenue through biennial renewal fees. The remaining 20% of its revenue comes from other fees, fines and civil penalties. If revenue is inadequate to meet the minimum enforcement efforts required, section 11.2(b) of the RN Law and section 17.5(b) of the LPN Law require the Bureau, after consultation with the Board, to increase the fees such that adequate revenues are raised to meet the required enforcement effort.

The Board receives an annual report from the Department of State's Bureau of Finance and Operations (BFO) regarding the Board's income and expenses. During the annual presentation on April 17, 2019, the BFO reported that the Board would face an inability to meet its obligations if fees were not increased. Using the most recent fiscal information, the BFO advised the Board that for the biennial period that included FY 2016-2017 and FY 2017-2018, the Board's 2-year expenditures were \$30,894,360.20 and its revenue was \$23,746,193.93, for an operating deficit of \$7,148,166.30. The Board's ongoing operational deficits have depleted the Board's reserves and continue to leave the Board with a negative balance. The BFO estimates a projected negative balance of \$12,198,166.30 at the conclusion of FY 2018-2019. Without a fee increase, the BFO projects accumulating deficits increasing to approximately \$44,383,166.30 by the end of FY 2025-2026.

However, if the application and renewal fees are increased as proposed, the BFO projects biennial revenues of \$40,662,000, while projected expenditures for the next 5 biennial periods are projected at \$32,986,000 for FY 2019-2020 and FY 2020-2021, \$33,646,000 for FY 2021-2022 and FY 2022-2023, \$34,318,000 for FY 2023-2024 and 2024-2025 and \$35,004,000 for FY 2025-2026 and 2026-2027. These increases would permit the Board to recoup the accumulated deficits and result in a positive balance in the Board's account, estimated at approximately \$14,495,833.70 by the end of FY 2026-2027 (an amount that is less than 1 year's operating budget).

Accordingly, the Board is amending a total of 68 fees, consisting of 39 existing application fees, 6 existing biennial renewal fees, and 23 new and increased fees for education-related services as follows:

Applications:

- RN and LPN licensure by examination fees for graduates of Board-approved nursing education programs increase from \$35 to \$95.
- RN and LPN licensure by examination fees for graduates of out-of-State nursing education programs increase from \$100 to \$115.
- RN and LPN reexamination fees increase from \$30 to \$75.
- RN and LPN licensure by endorsement (without examination) fees increase from \$100 to \$120.
- RN and LPN licensure by endorsement with examination fees of \$145 added.
- RN and LPN Temporary Practice Permit (TPP) fees increase from \$35 to \$70.
- RN and LPN TPP extension fees increase from \$60 to \$85.
- RN and LPN review and challenge the licensure examination fees increase from \$170 to \$435.
- RN and LPN reactivations of licenses that have lapsed or been inactive for 5 or more years fees increase from \$50 to \$130.
- RN, LPN, LDN and CNS restoration of licenses following revocation or suspension fees increase from \$50 to \$60. A new fee of \$60 is added for CRNP and CRNP-PA restoration of licenses following revocation or suspension.
- RN, LPN, CRNP, LDN and CNS verifications of licensure/certification fees increase from \$15 to \$45.

- RN and LPN verifications with history fees increase from \$40 to \$50.
- LDN verifications with history fees increase from \$25 to \$50.
- CNS verifications with history fees increase from \$30 to \$50.
- New CRNP fee for verification of certification with history of \$50.
- CRNP certification for graduates from out-of-State nursing education programs fees increase from \$100 to \$140.
- CRNP initial prescriptive authority fees increase from \$50 to \$95.
- CRNP additional prescriptive authority fees increase from \$30 to \$45.
- LDN licensure fees increase from \$45 to \$95.
- CNS certification fees increase from \$100 to \$115.

Biennial renewal:

- RN biennial renewal fees increase from \$65 to \$122.
- LPN biennial renewal fees increase from \$60 to \$76.
- CRNP biennial renewal fees increase from \$75 to \$81.
- LDN biennial renewal fees increase from \$65 to \$71.
- CNS biennial renewal fees increase from \$50 to \$56.
- CRNP prescriptive authority biennial renewal fees increase from \$25 to \$41.

Education-related services:

- New RN, LPN and CRNP nursing education program survey visit fee of \$1,525.
- New RN, LPN and CRNP review of nursing education programs' annual compliance report fee of \$430.
- New RN, LPN and CRNP review of nursing education programs' curriculum revisions fee of \$585.
- New RN, LPN and CRNP review and approval of nursing education programs' stand-alone courses (RN and LPN reactivation programs, LPN IV therapy courses and CRNP advanced pharmacology courses) that require Board-approval fee of \$285.
- New LDN fee for approval for non-preapproved continuing education programs of \$115 per course-hour.
- New RN, CRNP, LDN and CNS fee for the renewal of non-preapproved continuing education programs of \$35.
- RN and LPN new nursing education program application fee increases from \$935 to \$2,195.
- CRNP new nursing education program application fee increases from \$735 to \$2,195.
- RN and CNS fee for approval for non-preapproved continuing education programs increases from \$75 to \$115 per course-hour.
- CRNP fee for approval for non-preapproved continuing education programs increases from \$100 to \$115.

Summary and Responses to Comments

Notice of proposed rulemaking was published at 49 Pa.B. 458 (February 2, 2019). Publication was followed by a 30-day public comment period during which the Board received comments from Alycia Seelig, BSN, RN; Michael J. Lawson, Esquire; Ashlee Homer, RN; and Amanda Baker, RN. The Independent Regulatory Review Commission (IRRC) also submitted comments. Neither the House Professional Licensure Committee (HPLC) nor the Senate

Consumer Protection and Professional Licensure Committee (SCP/PLC) submitted comments.

Generally

IRRC questioned the role the Professional Licensure Augmentation Account (PLAA) could have on reducing the Board's deficit. The PLAA is made up of revenue from 26 of the 29 licensing boards and commissions. However, the Board is the single largest contributor to the PLAA. The revenue that is in the PLAA is accounted for on a board-by-board basis by the BFO, because each board is required to support its own operations. Normally the PLAA has a balance of approximately \$30 million to \$35 million. Currently, in large part due to the Board's mounting deficits, the PLAA has a balance of about \$12 million. In recent years, the annual appropriation from the PLAA for all 26 boards has been between \$48 million to \$50 million.

The Board has been using money from the PLAA to continue operating throughout the period of its mounting deficit. While sections 301 and 302 of the Bureau of Professional and Occupational Affairs Fee Act (63 P.S. §§ 1401-301 and 1401-302) authorize payment of processing and operational costs for the various regulatory boards and the Bureau from monies appropriated annually from the PLAA by the General Assembly, section 11.2(a) and (b) of the RN Law and section 17.5(a) and (b) of the LPN Law require the Board to fix and increase fees by regulation to meet or exceed projected expenditures if the revenues raised by fees, fines and civil penalties are not sufficient to meet expenditures over a 2-year period. In light of the specific mandate in the RN and LPN Laws, licensees of the Board, and not licensees of the other 25 boards that contribute to the PLAA, should bear the obligation of paying the actual costs associated with the Board's operations. Additionally, PLAA funds should not be used to pay off the Board's deficit as there would not be sufficient funds available for use by other similarly situated boards while they pursue necessary fee increases. Should the Board continue to drain the PLAA of funds, it would quickly become insolvent affecting the operation of all 26 participating boards.

Alycia Seelig, BSN, RN, requested that the Board consider an alternate means to raise revenue other than increasing licensure fees. In response, the Board would note again that it is required to support its operations through fees, fines and civil penalties. Fines and civil penalties represent only about .5% of the Board's revenues, at an average of \$60,000 per year. Additionally, fines and civil penalties are not intended to be utilized to balance a board's budget. Instead, they are intended to be imposed as a deterrent to violating the law and regulations of the Board. Thus, the only option for the Board to increase revenues is licensure fees. In the past, the Board has chosen to increase biennial renewal fees rather than application fees thereby requiring existing licensees to bear the increased costs for new licensees and programs. Following a review of the costs of all services, the Board determined that licensees should not solely bear the increased costs and that applicants must also bear the applicable costs. The Board believes the proposed fees represent the least burdensome acceptable alternative. Even with the increased fees, the Board's fees are not out of sync with neighboring states.

Ashlee Homer, RN, and Amanda Baker, RN, submitted identical comments opposing the RN biennial renewal fee increase on the grounds that the RN biennial renewal fee is nearly double the current fee even though RNs are paid less than CRNPs and CNAs, and noting the difficulties

they experienced with their last renewal. The Board is statutorily required by section 11.2(a) of the RN Law and section 17.5(a) of the LPN Law to support its operations from the revenue it generates from fees. In determining the biennial renewal amount, based upon the size of the deficit, which has steadily increased, the Board considered the amount of disciplinary and administrative workload related to the licensure/certification classes. Because there are 170,277 more RNs than LPNs and LDNs combined, there are greater costs associated with the Board's disciplinary and administrative workload for RNs. Further, there are additional costs, beyond licensure as an RN, associated with issuing CRNP certifications, CRNP prescriptive authority authorizations (CRNP-PA) and CNS licenses. As a result, the Board determined that the additional costs should be borne by the licensure classes who receive those services. In addition to paying the RN biennial renewal fee, CRNPs with prescriptive authority pay additional biennial fees to renew their CRNP certifications and their prescriptive authority authorizations, for a combined biennial renewal fee of \$244. CRNPs without prescriptive authority pay a biennial fee to renew their RN licenses plus an additional biennial fee to renew their CRNP certifications, for a combined biennial renewal fee of \$203. CNSs pay a biennial fee to renew their RN licenses plus an additional biennial fee to renew their CNS licenses, for a combined biennial renewal fee of \$178. RNs who are neither CRNPs nor CNSs pay a biennial renewal fee of \$122.

The Board began renewing licenses and processing new licenses utilizing the Pennsylvania Licensing System (PALS) in October of 2017. As with the conversion to any new system, there were steep learning curves and processing time delays. However, with program enhancements coupled with a dedicated help desk for licensees, the platform has since been stabilized and licensees should notice a marked improvement when they next renew.

Licensure by Endorsement with Examination

IRRC requested that the Board explain what applicants fall within "licensure by endorsement with examination." Licensure by endorsement is the category of licensure for applicants who hold licenses in other states or jurisdictions based upon substantially equivalent education and examination. In many states and jurisdictions, the education and examination requirements are equivalent such that no additional education or examination is required. In some states and jurisdictions, however, they are not. For example, Florida grants licensure to applicants who have taken licensure examinations other than the NCLEX® which the Board and other states deem to be not equivalent to the NCLEX®. When the examination is not equivalent, the Board requires applicants to pass the NCLEX® before obtaining a Pennsylvania license. Thus, licensure by endorsement with examination is an alternate pathway that makes licensure possible for individuals who would not otherwise qualify for licensure by endorsement.

It is imperative for applicants who hold licensure in another state or jurisdiction without an equivalent examination to complete applications for licensure by endorsement with examination rather than simply apply for licensure by examination as they would for initial licensure so that the Board can confirm that there are no outstanding reciprocal issues in other states of licensure. Prior to beginning an application in PALS, applicants complete a survey that asks whether they are licensed in another state or jurisdiction and whether they passed the applicable NCLEX® examination.

Licensed Practical Nurse Fees

Michael Lawson, Esquire, requested that the Board not increase any of the LPN fees because they are the lowest paid of the nurse licensee classes. In formulating its proposal, the Board considered increasing the biennial renewal fees by the same percentage across the licensure classes, however, when the Board noted the fewer number of LPNs when compared with RNs and the fewer number of disciplinary cases based upon those fewer numbers, the Board determined that LPNs should pay a lower percentage of increase for biennial renewal than RNs. That lower percentage has been continued in this final-form rule-making. As for the application fees, because they are based upon the actual cost of the service no reduction was made to the LPN application fees.

Michael Lawson, Esquire, also questioned whether the \$1.7 million reduction in revenue between FY 2015-2016 and FY 2016-2017 is accurate. The BFO confirmed the accuracy of this revenue reduction. Approximately 90% or more of all revenue comes from renewals and applications. When the licensee counts decline, the result directly affects the revenue. In FY 2015-2016, the revenue was \$12,065,709.63 based upon a licensee count of 302,799. In FY 2016-2017, the revenue decreased by \$1,755,001.93 to \$10,310,707.70 because the licensee count decreased to 296,018, a difference of 6,781 licensees. The licensee counts have continued to rise since that time.

Nursing Education Program Fees

Alycia Seelig, BSN, RN, noted that the increased fees for nursing education programs will adversely impact Career and Technology Center nursing education programs as they are funded by the school districts in which they reside. Like the application fees for individual applicants, the nursing education program fees are based upon an average of the actual costs of the services being provided and despite the lengthy review associated with program approval delineated as follows, the fees have not increased in over 13 years.

Prior to establishment of a practical nursing education program, for example, an application, fee and proposal are submitted to the Board. The Board's Nursing Education Advisor evaluates if the proposal contains statistical data to support the need for a program and supporting evidence that the standards for a nursing education program are met. These program standards include organizational requirements, faculty requirements and qualifications, curriculum requirements and evaluation methodologies, facility and resource requirements, student policies and services and record management. If incomplete information or clarification of information is required a detailed discrepancy letter, prepared in consultation with the Executive Secretary and Board Counsel, summarizing the discrepancies is mailed to the author of the proposal. Almost all of the proposals require at least one revision and result in multiple phone calls, e-mails and correspondence.

When the application is evaluated as complete by the Board's Nursing Education Advisor, a proposal summary is prepared with input from the Executive Secretary and Counsel, and the proposal and summary are placed on the Board's agenda by the Board Administrator who also schedules an appointment with the proposal author to make a presentation about the proposal to the Board. Following approval by the Board, an initial approval letter is sent to the program and the Board's Nursing Education Advisor schedules an initial site visit to perform a facility and resource review. This review involves

travel to the facility and depending on the location of the program includes lodging and meals. Following the visit, a summary is prepared and a letter is sent to the program allowing it to recruit and admit students. The program is also scheduled for orientation, password access and registration in the Board's electronic database.

When the program graduates its first class of graduates, the Board's Nursing Education Advisor conducts a second site visit and evaluates the program to determine if it meets Board standards. A letter summarizing the visit is sent to the program and as appropriate, the program's approval status is changed from initial to full or provisional.

The existing fee structure is inadequate to cover the costs associated with these activities. Consequently, the fees must be raised, and the Board believes the programs, and not the entire regulated community of nurses and dietitian-nutritionists, should bear these increases.

Fiscal Impact and Paperwork Requirements

This final-form rulemaking will increase the application and biennial renewal fees for licensees of the Board. As of April 30, 2019, there are approximately 226,448 RNs, 51,931 LPNs, 13,813 CRNPs, 4,240 LDNs, 250 CNSs and 14,629 CRNP prescriptive authority authorizations, for a total of approximately 311,311 licensees/certificate holders who will be required to pay more to renew their licenses/certifications/authorizations when they expire. There are also 225 Board-approved nursing education programs who will be required to pay more for review of their programs. Additionally, there are approximately 38,895 applications filed with the Board annually, including 10,250 applications for licensure by examination, 5,150 applications for licensure by endorsement, 1,400 reexamination applications, 3,740 initial and TPP/Graduate Practice Permit extension applications, 450 reactivation applications, 38 restoration applications, 426 applications for verifications of licensure/certifications, 12,135 applications for verifications of licensure/certifications with histories, 300 LDN licensure applications, 1,350 CRNP certification applications, 3,300 prescriptive authority authorizations, 30 CNS certification applications, and 326 applications involving nursing education programs. These fees may be paid by applicants/licensees while others may be paid by their employers should their employers choose to pay these fees. This final-form rulemaking should have no other fiscal impact on the private sector, the general public or political subdivisions of the Commonwealth.

This final-form rulemaking will require the Board to alter/create applications and biennial forms to reflect the new fees; however, the amendments will not create additional paperwork for the regulated community or for the private sector.

Sunset Date

The Board continuously monitors the effectiveness of its regulations. Additionally, the BFO provides the Board with an annual report detailing the Board's financial condition. In this way, the Board continuously monitors the adequacy of its fee schedule. Therefore, no sunset date has been assigned.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on January 17, 2019, and February 15, 2019, the Board submitted notice of proposed rulemaking, published at 49 Pa.B. 558, to IRRC and the Chairpersons of the HPLC and SCP/PLC with a copy to IRRC for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC, the HPLC and the SCP/PLC were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing this final-form rulemaking, the Board has considered all comments from IRRC and the public. The HPLC and the SCP/PLC did not submit comments.

Under section 5.1(g)(3) and (j.2) of the Regulatory Review Act (71 P.S. § 745.5a(g)(3) and (j.2)), on June 19, 2019, this final-form rulemaking was deemed approved by the HPLC and the SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on June 20, 2019, and approved this final-form rulemaking.

Additional Information

Additional information may be obtained by contacting Cynthia Miller, Board Administrator, State Board of Nursing, P.O. Box 2649, Harrisburg, PA 17105-2649, ST-NURSE@pa.gov.

Findings

The Board finds that:

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

(2) A public comment period was provided as required by law and all comments were considered in drafting this final-form rulemaking.

(3) No amendments have been made to this final-form rulemaking.

(4) These amendments to the regulations of the Board are necessary and appropriate for the regulation of the practice of nursing in this Commonwealth.

Order

The Board therefore orders that:

(A) The regulations of the Board at 49 Pa. Code Chapter 21 are amended by amending §§ 21.5, 21.147, 21.253, 21.705 and 21.805 to read as set forth in Annex A.

(B) The Board shall submit a copy of this final-form regulation to the Office of the Attorney General and the Office of General Counsel for approval as required by law.

(C) The Board shall submit this final-form regulation to IRRC, the HPLC and the SCP/PLC as required by law.

(D) The Board shall certify this final-form regulation and shall deposit it with the Legislative Reference Bureau as required by law.

(E) The regulations shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

ANN M. COUGHLIN, MBA, MSN, RN,
Chairperson
State Board of Nursing

K. KALONJI JOHNSON,
Acting Commissioner

Bureau of Professional and Occupational Affairs

(Editor's Note: See 49 Pa.B. 3546 (July 6, 2019) for IRRC's approval order.)

Fiscal Note: 16A-5142. No fiscal impact; (8) recommends adoption.

Annex A
TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS
PART I. DEPARTMENT OF STATE
Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS
CHAPTER 21. STATE BOARD OF NURSING
Subchapter A. REGISTERED NURSES
GENERAL PROVISIONS

§ 21.5. Fees.

(a) The following application fees are charged by the Board for services provided to licensees and applicants:

Licensure by examination—Board-approved nursing education program graduates	\$95
Reexamination	\$75
Licensure by endorsement	\$120
Licensure by endorsement with examination	\$145
Temporary practice permit	\$70
Extension of temporary practice permit	\$85
Fee for review and challenge of RN exam	\$435
Licensure by examination—Graduates of out-of-State nursing education programs	\$115
Verification of licensure	\$45
Reactivation of inactive or lapsed license (5 years or longer)	\$130
Restoration after suspension or revocation	\$60
Certification of scores	\$25
Verification of licensure with history	\$50

(b) The following renewal fees are charged by the Board to support its operations:

Biennial renewal of license	\$122
-----------------------------------	-------

(c) The following fees are charged by the Board for services provided to nursing education programs:

Application for approval of new nursing education program	\$2,195
Review of curriculum revisions fee	\$585
Review of annual compliance report fee	\$430
New nursing education program survey visit fee	\$1,525

(d) The following fees related to continuing education are charged by the Board:

Approval of each hour of registered nurse continuing education activity by sources not listed in § 21.134(a) (relating to continuing education sources)	\$115
Renewal of approval of registered nurse continuing education activity by sources not listed in § 21.134(a)	\$35

(e) The following fee is charged for evaluations of programs requiring Board approval under § 21.30a(a)(2) (relating to continued competency)	\$285
---	-------

(f) In addition to the fees prescribed in subsection (a), which are payable directly to the Board, a candidate for the registered nurse licensing examination shall also pay a fee to the National Council of the State Board of Nursing (www.ncsbn.org) to cover costs associated with the preparation and administration of the registered nurse licensing examination.

Subchapter B. PRACTICAL NURSES
GENERAL PROVISIONS

§ 21.147. Fees.

(a) The following application fees are charged by the Board for services to licensees and applicants:

Licensure by examination—Board-approved nursing education program graduates	\$95
Reexamination	\$75
Licensure by endorsement	\$120
Licensure by endorsement with examination	\$145
Temporary practice permit	\$70
Extension of temporary practice permit	\$85
Fee for review and challenge of PN exam	\$435
Licensure by examination—Graduates of out-of-State nursing education programs	\$115

Verification of licensure	\$45
Reactivation of inactive or lapsed license (5 years or longer)	\$130
Restoration after suspension or revocation	\$60
Certification of scores	\$25
Verification of licensure with history	\$50
(b) The following renewal fees are charged by the Board to support its operations:	
Biennial renewal of license	\$76
(c) The following fees are charged by the Board for services to nursing education programs:	
Application for approval of new nursing education program	\$2,195
Review of curriculum revisions fee	\$585
Review of annual compliance report fee	\$430
New nursing education program survey visit fee	\$1,525
(d) The following fee is charged for evaluations of curricula and programs requiring Board approval under §§ 21.145b(b) and 21.156a(2) (relating to IV therapy curriculum requirements; and continued competency) ..	
	\$285
(e) In addition to the fees prescribed in subsection (a), which are payable directly to the Board, a candidate for the practical nurse licensing examination shall also pay a fee to the National Council of the State Boards of Nursing (www.ncsbn.org) to cover costs associated with the preparation and administration of the practical nurse licensing examination.	

Subchapter C. CERTIFIED REGISTERED NURSE PRACTITIONERS

GENERAL PROVISIONS

§ 21.253. Fees.

(a) The following application fees are charged by the Board for services to licensees and applicants:	
CRNP Certification—Board-approved nursing education program graduates	\$100
CRNP Certification—graduates of out-of-State nursing education programs	\$140
Verification of certification	\$45
Verification of certification with history	\$50
Application for prescriptive authority	\$95
Each additional application for prescriptive authority	\$45
Restoration of CRNP certification after suspension or revocation	\$60
Restoration of CRNP prescriptive authority after suspension or revocation	\$60
(b) The following renewal fees are charged by the Board to support its operations:	
Biennial renewal of CRNP certification	\$81
Biennial renewal of prescriptive authority approval	\$41
(c) The following fees for approval and review of CRNP education programs are charged by the Board:	
Application for approval of new nursing education program	\$2,195
Review of curriculum revisions fee	\$585
Review of annual compliance report fee	\$430
New nursing education program survey visit fee	\$1,525
(d) The following fee is charged for course evaluations requiring Board approval under § 21.283(b)(1)(i) (relating to authority and qualifications for prescribing, dispensing and ordering drugs)	
	\$285
(e) The following fees related to continuing education are charged by the Board:	
Approval of each hour of CRNP continuing education activity by sources not listed in § 21.334(a) (relating to sources of continuing education)	\$115
Renewal of approval of CRNP continuing education activity by sources not listed in § 21.334(a)	\$35

Subchapter G. DIETITIAN-NUTRITIONISTS

GENERAL PROVISIONS

§ 21.705. Fees.

(a) The following application fees are charged by the Board for services to licensees and applicants:	
Application for licensure	\$95
Reactivation of inactive or lapsed license (after 5 years or longer)	\$50
Verification of licensure	\$45

Verification of licensure with history \$50

Restoration after suspension or revocation \$60

Approval of each hour of LDN continuing education activity by sources not listed in § 21.724(b) (relating to continuing education) \$115

Renewal of approval of LDN continuing education activity by sources not listed in § 21.724(b) \$35

(b) The following renewal fees are charged by the Board to support its operations:

Biennial renewal of license \$71

(c) In addition to the application fee prescribed in subsection (a), which is payable directly to the Board, a candidate shall also pay an additional examination fee to the Commission on Dietetic Registration or to the Board for Certification of Nutrition Specialists for the examinations set forth in § 21.722(b) (relating to education, examination and re-examination of applicants).

Subchapter H. CLINICAL NURSE SPECIALISTS
GENERAL PROVISIONS

§ 21.805. Fees.

(a) The following application fees are charged by the Board:

Certification as a CNS \$115

Biennial renewal fee \$56

Restoration of certificate after suspension or revocation \$60

Reactivation of inactive or lapsed certificate (5 years or longer) \$50

Verification of certification \$45

Verification of certification with history \$50

Approval of each hour of CNS continuing education activity by sources not listed in § 21.825(a) (relating to sources of continuing education) \$115

Renewal of approval of CNS continuing education activity by sources not listed in § 21.825(a) \$35

(b) In addition to the application fee prescribed in subsection (a), which is payable directly to the Board, a candidate for National certification will also pay an additional fee to the certifying organization. A candidate may contact the certifying organization for more information regarding the National certification examination and examination fee.

[Pa.B. Doc. No. 19-1137. Filed for public inspection July 26, 2019, 9:00 a.m.]

Title 7—AGRICULTURE
DEPARTMENT OF AGRICULTURE
[7 PA. CODE CH. 59a]
Milk Sanitation

The Department of Agriculture (Department) amends § 59a.402 (relating to raw milk; prohibitions) to read as set forth in Annex A.

Effective Date

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

Authority

This final-form rulemaking is authorized under the act of July 2, 1935 (P.L. 589, No. 210) (31 P.S. §§ 645—660g), known as the Milk Sanitation Law (act), which establishes the powers and duties of the Department with respect to milk sanitation. Section 19 of the act (31 P.S. § 660c) authorizes the Department to adopt the regulations necessary to administer the act. This final-form rulemaking is also authorized under 3 Pa.C.S. §§ 5721—5737 (relating to Food Safety Act), which: 1) authorize the Department to promulgate regulations and food standards necessary for enforcement of 3 Pa.C.S. §§ 5721—5737; 2) defines certain “Federal acts” including the Federal Food, Drug, and Cosmetic Act (21 U.S.C.A. §§ 301—399i); and 3) encourage consistency among the Department’s food safety regulations and the defined

Federal acts and their attendant regulations. See 3 Pa.C.S. §§ 5722, 5733(a) and 5736(a) (relating to definitions; rules and regulations; and construction of subchapter).

Background and Summary

The United States Food and Drug Administration’s (FDA) regulations in 21 CFR Part 133, Subpart B (relating to requirements for specific standardized cheese and related products) were promulgated under the authority of the Federal Food, Drug, and Cosmetic Act, and establish standardized definitions and requirements for 72 different kinds of cheese. These same Federal regulations allow for 57 of these standardized cheeses to be produced from raw (unpasteurized) milk.

Section 59a.402 addresses the types of cheese that can be produced from raw milk and is more restrictive than 21 CFR Part 133, Subpart B. The Department is satisfied that the FDA’s raw milk cheese standards are reasonable and represent the current state of food science with respect to the safe production of raw milk cheeses. There is no practical reason for the Department’s raw milk cheese standards to be any more stringent than the FDA’s raw milk cheese standards. This final-form rulemaking will also further the objective of 3 Pa.C.S. §§ 5721—5737 to make the Department’s food regulations consistent with the FDA’s food safety regulations.

This final-form rulemaking will revise § 59a.402 to allow the holder of a raw milk permit to obtain an additional permit from the Department, authorizing the manufacture and sale of cheese from raw milk if: 1) the

type of cheese that is being produced is a standardized cheese under the FDA's standards; and 2) the FDA's standards allow that type of standardized cheese to be produced from raw milk. This revision will bring this Commonwealth into alignment with FDA standards and allow the manufacture and sale of cheese from raw milk to the full extent allowed under the FDA standards. It will also allow manufacturers of raw milk cheese to market a greater variety of raw milk cheeses and provide consumers a wider selection of these cheeses.

Response to Comments

Notice of proposed rulemaking was published at 48 Pa.B. 4761 (August 4, 2018), with a 30-day public comment period.

The Department received a total of 10 comments from the public. The commentators included the Pennsylvania Cheese Guild, the Pennsylvania Farm Bureau, Oldways Cheese Coalition, the Real Food Consumer Coalition and six individuals. Each of these commentators offered support for the proposed rulemaking as written, without recommending any revisions. Commentators noted the benefits of aligning this Commonwealth's raw milk cheese standards with existing Federal standards of identity for cheese, and believe the rulemaking will bring economic benefits to the raw milk cheese industry and provide consumers a wider variety of raw milk cheeses in the marketplace.

The Department appreciates these comments and agrees with the sentiments expressed by the commentators.

The Independent Regulatory Review Commission (IRRC) had no objections, comments or recommendations to offer on the proposed rulemaking.

Fiscal Impact

Commonwealth

This final-form rulemaking will have no fiscal impact on the Commonwealth.

Political Subdivisions

This final-form rulemaking will have no fiscal impact on political subdivisions.

Private Sector

This final-form rulemaking will have some fiscal impact on the private sector. Businesses that manufacture raw milk cheese will benefit from being able to market a greater variety of raw milk cheeses. There are approximately 90 of these manufacturers.

General Public

This final-form rulemaking will have no appreciable impact on the general public, other than to make a greater variety of Pennsylvania-made raw milk cheeses available to consumers.

Paperwork Requirements

This final-form rulemaking will not add to paperwork requirements for any entity or the Department. The persons who are currently making raw milk cheese under authority of Department-issued permits are the same group that will be producing the expanded variety of standardized raw milk cheeses when the final-form regulation is promulgated. New permits or paperwork will not be necessary.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on July 25, 2018, the Department sub-

mitted a copy of proposed rulemaking, published at 48 Pa.B. 4761, to IRRC and the Chairpersons of the House and Senate Agriculture and Rural Affairs Committees for review and comment.

Under section 5(c) of the Regulatory Review Act, the Department is required to submit to IRRC and the referenced Legislative Standing Committees copies of comments received during the public comment period, as well as other documents when requested. The Department provided the required copies of comments it received. No other documents were requested by the Legislative Standing Committees.

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on June 19, 2019, this final-form rulemaking was deemed approved by the House and Senate Agriculture and Rural Affairs Committees. IRRC did not comment on, make recommendations regarding or object to any portion of the proposed rulemaking, and the Department did not make any changes to the proposed rulemaking. Thus, under section 5.1(e) of the Regulatory Review Act (71 P.S. § 745.5a(e)), IRRC met on June 20, 2019, and this final-form rulemaking was deemed approved under section 5(g) of the Regulatory Review Act.

Additional Information

Additional information may be obtained from Lydia Johnson, Ph.D., Director, Bureau of Food Safety and Laboratory Services, Department of Agriculture, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 787-4315.

Findings

The Department finds that:

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

(2) A public comment period was provided as required by law.

(3) The amendments to the regulations of the Department are necessary and appropriate for the administration of the authorizing statute.

Order

The Department, acting under its authorizing statute, orders that:

(a) The regulations of the Department, 7 Pa. Code Chapter 59a are amended by amending § 59a.402 to read as set forth in Annex A.

(b) The Department shall submit a copy of this final-form regulation to the Office of the Attorney General and the Office of General Counsel for approval as required by law.

(c) The Department shall submit this final-form regulation to IRRC and the committees as required by law.

(d) The Department shall certify this final-form regulation and deposit it with the Legislative Reference Bureau as required by law.

(e) This final-form regulation shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

RUSSELL C. REDDING,
Secretary

(*Editor's Note:* See 49 Pa.B. 3546 (July 6, 2019) for IRRC's approval order.)

Fiscal Note: Fiscal Note 2-191 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 7. AGRICULTURE

PART III. BUREAU OF FOOD SAFETY AND LABORATORY SERVICES

Subpart B. LIQUID FOODS

CHAPTER 59a. MILK SANITATION

Subchapter F. RAW MILK FOR HUMAN CONSUMPTION

§ 59a.402. Raw milk; prohibitions.

(a) *Sale of raw milk without permit.* A person may not sell raw milk for human consumption without having a current raw milk permit issued by the Department. The term “sell” includes the selling, exchanging, delivering or having in possession, care, control or custody with intent to sell, exchange, or deliver or to offer or to expose for sale.

(b) *Actions authorized under a raw milk permit.* A raw milk permit authorizes the permitholder to lawfully produce and sell (within this Commonwealth) raw whole milk for human consumption. It also authorizes the permitholder to obtain an additional permit, issued by the Department under authority of 21 CFR Part 133 (relating to cheese and related cheese products), authorizing the sale of cheese manufactured from raw milk if all of the following apply:

(1) The cheese is a standardized cheese identified in 21 CFR Part 133, Subpart B (relating to requirements for specific standardized cheese and related products).

(2) The standards for that cheese allow for it to be manufactured from raw milk.

(c) *Compliance with testing and documentation requirements.* A person may not sell raw milk for human consumption without being in compliance with the testing and documentation requirements of this section.

[Pa.B. Doc. No. 19-1138. Filed for public inspection July 26, 2019, 9:00 a.m.]

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Department of Military and Veterans Affairs

The Executive Board approved a reorganization of the Department of Military and Veterans Affairs effective July 8, 2019.

The organization chart at 49 Pa.B. 3901 (July 27, 2019) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)

[Pa.B. Doc. No. 19-1139. Filed for public inspection July 26, 2019, 9:00 a.m.]

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

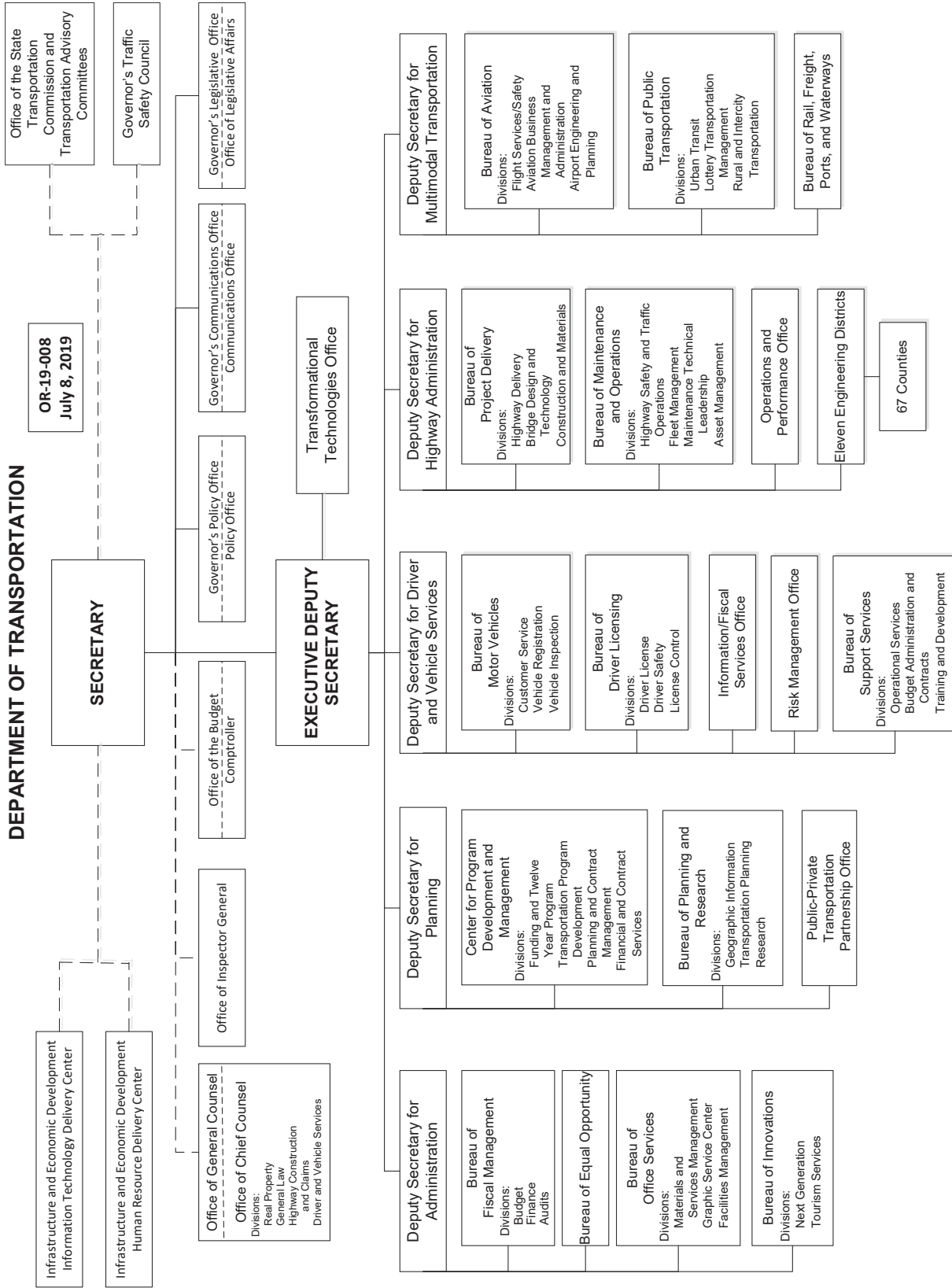
Reorganization of the Department of Transportation

The Executive Board approved a reorganization of the Department of Transportation effective July 8, 2019.

The organization chart at 49 Pa.B. 3902 (July 27, 2019) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)

[Pa.B. Doc. No. 19-1140. Filed for public inspection July 26, 2019, 9:00 a.m.]



NOTICES

DEPARTMENT OF AGRICULTURE

Licensure of Retail Food Facilities

The Department of Agriculture (Department) gives notice of the following:

The Department administers and enforces the Retail Food Facility Safety Act (3 Pa.C.S. §§ 5701—5714) and—along with local health authorities—licenses retail food facilities (typically, restaurants and food stores) throughout this Commonwealth. The Department also administers and enforces the Food Safety Act (3 Pa.C.S. §§ 5721—5737) and registers all “food establishments” (typically, food processing plants and warehouses) throughout this Commonwealth.

In areas where the Department, rather than a local health authority, is the “licensor” of retail food facilities, the Department will license and inspect an establishment that would otherwise be registered with the Department as a “food establishment” under authority of the Food Safety Act as a “retail food facility” under authority of the Retail Food Facility Safety Act if the establishment provides the Department written confirmation that it:

- (1) seeks to be licensed and inspected as a “retail food facility” under authority of the Retail Food Facility Safety Act;
- (2) stores, prepares, packages, vends, offers for sale or otherwise provides food for human consumption;
- (3) relinquishes food to a consumer indirectly through a delivery service, such as a home delivery of grocery orders or a delivery service provided by common carriers; and
- (4) otherwise follows the application and licensure process prescribed under the Retail Food Facility Safety Act and its attendant regulations (7 Pa. Code Chapter 46 (relating to food code)).

The written confirmation previously described shall be delivered to the Department of Agriculture, Bureau of Food Safety and Laboratory Services, Attn: Chief, Food Safety Policy and Programs Division, 2301 North Cameron Street, Harrisburg, PA 17110-9408.

Where the Department issues a retail food facility license to an establishment that had previously been registered with the Department as a food establishment, the Department will terminate the referenced registration as of the licensure of that establishment as a retail food facility.

In areas where a local health authority, rather than the Department, is the licensor of retail food facilities, retail food facility licensure matters will be addressed and resolved by the licensing local health authority. Where a local health authority agrees to issue a retail food facility license to an establishment that had previously been registered with the Department as a food establishment, the Department will terminate the referenced registration as of the licensure of that establishment as a “retail food facility” by the local health authority.

The previously described process addresses evolving business models that impact the way consumers acquire food and businesses provide that food. The Department is aware of increasing numbers of businesses that provide food directly to consumers solely through a delivery service. Such a business might straddle the line between being a food establishment (such as a processing plant or

food warehouse) and being a retail food facility (such as a restaurant that delivers take-out food to consumers or a food store that home-delivers groceries).

The standards of the most current edition of the Model Food Code published by the United States Department of Health and Human Services, Food and Drug Administration (Model Food Code), are (with inapplicable exceptions) adopted as the Department’s regulatory food safety standards (7 Pa. Code § 46.4 (relating to adoption of Model Food Code)). The Conference for Food Protection is the advisory body that administers and refines the Model Food Code. The Department is aware the Conference for Food Protection is considering addressing the evolving business models previously described in future updates to the Model Food Code. For this reason, the Department may revisit the substance of this notice based upon the evolving language of the Model Food Code.

Questions on the subject matter of this notice should be directed to Sheri Morris, Chief, Food Safety Policy and Programs Division, (717) 787-4315.

RUSSELL C. REDDING,
Secretary

[Pa.B. Doc. No. 19-1141. Filed for public inspection July 16, 2019, 9:00 a.m.]

DEPARTMENT OF AGRICULTURE

Program Requirements for the Urban Agricultural Infrastructure Grant Program

The Department of Agriculture (Department) hereby provides notice of the standards and requirements for the Urban Agricultural Infrastructure Grant Program (Program).

The Program is established under the authority of the act of July 1, 2019 (3 Pa.C.S. §§ 10701—10705), referred to as the Urban Agricultural Infrastructure Grant Program Act (act). The act takes effect August 30, 2019. The Program allows the Department to award reimbursement grants for certain eligible projects to improve urban agricultural infrastructure in an urban area, improve or facilitate the aggregation of agricultural products in an urban area, entail the sharing of resources among urban agricultural entities or community organizations and support community development in the project area.

This notice establishes the procedures by which grant applications will be solicited and reviewed, and by which grants will be awarded, drawing on \$500,000 in funding available in Fiscal Year (FY) 2019-2020.

1. *Program Objectives.* The Program’s objective is to provide grants to reimburse some portion of the costs of implementing projects that improve agriculture infrastructure in urban areas and that focus on aggregation of agricultural products, sharing of resources and support for community development resources.

2. *Definitions.* The following words and phrases apply to the Program:

Department. The Department of Agriculture (Department) of the Commonwealth.

Eligible project. A project that the Department determines does all of the following:

a. Improves agricultural infrastructure in an urban area.

b. Improves or facilitates the aggregation of agricultural products in an urban area.

c. Entails the sharing of resources among urban agricultural operations, agricultural producers or community organizations.

d. Supports community development in the project area.

Person. An individual, partnership, association, firm, corporation or any other legal entity.

Program. The Urban Agricultural Infrastructure Grant Program.

Secretary. The Secretary of the Department.

3. *Reimbursement Grant Program.* Program grants shall be reimbursement grants. The following shall apply:

a. The amount of reimbursement is based on actual eligible costs submitted by an approved applicant for an approved project during any fiscal year in which grants are offered.

b. Grant reimbursement money is limited to 50% or less of the costs of an eligible project.

c. Grant reimbursement money shall not be used to reimburse any portion of an in-kind contribution to an eligible project.

d. Grant money may not be used to pay or reimburse wages or salaries of grant recipient staff.

e. Grant money may not be used to reimburse any portion of the project costs which are being paid or reimbursed under another Federal or State grant program.

f. A single applicant may not be awarded more than \$100,000 in grants in any 5-year period, calculated from the date the Department awards the grant.

4. *Eligibility.* A person may apply to the Department for a grant under the Program.

5. *Grant Types.* An applicant for a grant under the Program shall specify whether the applicant seeks a Microgrant or a Collaboration Grant.

a. A "Microgrant" shall be awarded for a one-time project or to a single entity applicant. The maximum amount of a Microgrant shall be the lesser of \$2,500 or 50% of project costs. No more than \$50,000 of available funds in FY 2019-2020 shall be used for microgrants.

b. A "Collaboration Grant" shall be awarded for an eligible project (as defined in Paragraph No. 2) for which a Microgrant is not sought. An application for a Collaboration Grant may be submitted by multiple partners on a single project. The maximum amount of a Microgrant shall be the lesser of \$50,000 or 50% of project costs.

6. *Application procedure.*

a. *Online Applications Only.* An applicant for a grant under the Program shall be submitted through the Commonwealth's Single Application for Assistance online application system at www.esa.dced.state.pa.us.

b. *Application Window.* Applications must be submitted through the Single Application for Assistance online application system between 7 a.m. August 1, 2019, and 5 p.m. September 6, 2019. Applications received outside of that application window will not be considered or reviewed.

c. *Application Requirements.* An application for a grant under the Program shall contain the following information:

i. The applicant's name, business address and contact information.

ii. A statement as to whether the applicant seeks a Microgrant or a Collaboration Grant.

iii. The details of the project for which reimbursement grant money is sought, including the following:

A. A project budget.

B. A statement of the maximum amount of grant money sought for the project, not to exceed 50% of project costs.

C. A project construction and implementation schedule.

D. A narrative identifying each entity that will assist in, participate in and benefit from the project.

iv. Separate descriptions of how the project would meet each of the following statutory requirements:

A. Improve agricultural infrastructure in an urban area.

B. Improve or facilitate the aggregation of agricultural products in an urban area.

C. Entail the sharing of resources among urban agricultural operations, agricultural producers or community organizations.

D. Support community development in the project area.

v. An attestation signed by the applicant, verifying the accuracy of the information presented on the application.

7. *Disposition and Review of Grant Applications.* The Department will review each application, and supporting documentation submitted therewith, for completeness and accuracy. If an application is found to be incomplete or inaccurate, the Department may request additional documentation and may discontinue further processing of the application until the requested information is received.

8. *Notice of Disposition of Application.* The Secretary will make a decision with respect to each timely, complete grant application it receives by September 15, 2019, and will provide the applicant written notice of the disposition of that application.

9. *Agreement Required.* If the Secretary approves a grant application, and as a precondition to the Department's release of grant moneys to a successful applicant, the Department and the applicant shall execute a Grant Agreement which describes the terms and conditions subject to which the grant is made.

10. *Distribution of Grant Money.* As Program grants are reimbursement grants, the Department will not issue grant money until the successful applicant submits all of the following to the Department:

a. A verified statement that the eligible project has been completed or implemented.

b. A verified statement of the project completion date.

c. Photos of the completed or implemented project with a narrative explanation of each photo.

d. Bills and invoices demonstrating that expenses were incurred for which reimbursement grant funds are sought.

Documents submitted to the Department under this Paragraph shall be directed to the Department of Agriculture, Bureau of Market Development, Attn: Agricultural Infrastructure Grant Program Coordinator, 2301 North Cameron Street, Harrisburg, PA 17110-9408.

11. *Additional Information:* Additional information may be obtained from the Department by contacting Dr. Scott Sheely, Special Assistant, (717) 346-0426, scsheely@pa.gov.

RUSSELL C. REDDING,
Secretary

[Pa.B. Doc. No. 19-1142. Filed for public inspection July 26, 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 July 16, 2019.

Under section 503.E of the Department of Banking and Securities Code (71 P.S. § 733-503.E), any person wishing to comment on the following applications, with the exception of branch applications, may file comments in writing with the Department of Banking and Securities, Bank Supervision or Credit Union and Trust Supervision (as applicable), 17 North Second Street, Suite 1300, Harrisburg, PA 17101-2290. Comments must be received no later than 30 days from the date notice regarding receipt of the application is published in the *Pennsylvania Bulletin*. The nonconfidential portions of the applications are on file at the Department and are available for public inspection, by appointment only, during regular business hours. To schedule an appointment, for banks (717) 783-8240 and for credit unions and trust companies (717) 783-2253. Photocopies of the nonconfidential portions of the applications may be requested consistent with the Department's Right-to-Know Law Records Request policy.

BANKING INSTITUTIONS

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
07-10-2019	The Gratz Bank Gratz Dauphin County Application for approval to purchase assets and assume liabilities of one branch of Riverview Bank, Marysville, PA, located at: 450 West Shamokin Street Trevorton Northumberland County, PA	Filed

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
06-27-2019	Centric Bank Harrisburg Dauphin County	2003 South Easton Road Doylestown Bucks County	Opened
07-11-2019	Republic First Bank Philadelphia Philadelphia County	90 Fifth Avenue New York New York County, NY	Opened
07-16-2019	PS Bank Wyalusing Bradford County	241 Church Street Montrose Susquehanna County	Filed

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. 19-1143. Filed for public inspection July 26, 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>
PA0010987 (Sewage)	Tobyhanna Army Depot Sewage Treatment Plant 11 Hap Arnold Boulevard Bldg 7 Environmental Branch Tobyhanna, PA 18466	Monroe County Coolbaugh Township	Cross Keys Run (EV, MF), Hummler Run (HQ-CWF, MF), and Unnamed Tributary to Lehigh River (EV, MF) (2-A)	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>
PAS602205 (Storm Water)	Shafer's Auto Graveyard 233 Kromer Road Wind Gap, PA 18091-9775	Northampton County Bushkill Township	Unnamed Tributary of Bushkill Creek (EV (existing use)) (1-F)	Yes
PA0041009 (Industrial)	Buckeye Terminals LLC Macungie Terminal 800 South Street P.O. Box 9161 Waltham, MA 02454-9161	Lehigh County Lower Macungie Township	Unnamed Tributary to Little Lehigh Creek (HQ-CWF, MF) (2-C)	Yes
PAS802226 (Storm Water)	Wyman Gordon PA LLC 701 Crestwood Drive Mountain Top, PA 18707-0068	Luzerne County Wright Township	Bow Creek (CWF) (5-B)	Yes
PA0052132 (Sewage)	Parkland School District Orefield Middle School STP 2675 Pa Route 309 Orefield, PA 18069-9701	Lehigh County South Whitehall Township	Jordan Creek (TSF, MF) (2-C)	Yes
PA0020206 (Sewage)	Bath Borough Authority WWTP 160 Mill Street Bath, PA 18014	Northampton County Bath Borough	Monocacy Creek (HQ-CWF) (2-C)	Yes
PA0020435 (Sewage)	Aqua PA Wastewater Inc. White Haven WWTP 762 W Lancaster Avenue Bryn Mawr, PA 19010-3489	Luzerne County White Haven Borough	Lehigh River (HQ-CWF) (2-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>
PA0261238 (Sew)	Michael Civils 369 Trouts Lane Duncansville, PA 16635	Blair County/ Allegheny Township	UNT Sugar Run/ 11-A	Y
PA0261289 (Sew)	Garren Wilkins 10524 Hyndman Road Manns Choice, PA 15550	Bedford County/ Manns Choice Township	UNT Buffalo Run/ 11-C	Y
PA0081442 (Sew)	South East School District 377 Main Street Fawn Grove, PA 17321	York County/ Fawn Township	UNT to Falling Branch/ 7-I	Y
PA0080837 (Sew)	CM Estates Mgmt, LLC Conodoguinet MMP P.O. Box 677 Morgantown, PA 19543	York County/ Lower Mifflin Township	Conodoguinet Creek/ 7-B	Y
PA0087459 (Sew)	Country View Village MHP P.O. Box 375 Gap, PA 17257	Perry County/ Centre Township	UNT Trout Run/ 7-A	Y
PA0084964 (Sew)	Bethel Township Sewer Auth 283 Pigeon Cove Road Warfordsburg, PA 17267	Fulton County/ Bethel Township	Little Tonoloway Creek/ 13-B	Y
PA0088978 (Sew)	West Pennsboro Township Municipal Authority 2150 Newville Rd Carlisle, PA 17015	Cumberland County/ West Pennsboro Township	Conodoguinet Creek/ 7-B	Y
PA0083623 (SW)	TB Woods Foundry 440 N 5th Ave Chambersburg, PA 17201-1778	Franklin County/ Chambersburg Borough	UNT Falling Spring Branch/ 13-C	Y
PA0083941 (IW)	Community Refuse Service, LLC Cumberland County Landfill 620 Newville Road Newburg, PA 17240	Cumberland County/ Hopewell and North Newton Townships	Conodoguinet Creek/ 7-B	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0027677 (Industrial)	US DOI Northern Appalachian Research Laboratory 176 Straight Run Road Wellsboro, PA 16901-8070	Tioga County Shippen Township	Marsh Creek (CWF) (9-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>
PA0023906 (Sewage)	Masontown WWTP 1 East Church Avenue Masontown, PA 15461-1819	Fayette County Masontown Borough	Unnamed Tributary to Monongahela River (WWF) (19-G)	Yes
PA0046671 (Sewage)	Linden Hall STP Five Gateway Center Pittsburgh, PA 15222	Fayette County Lower Tyrone Township	Unnamed Tributary to Youghioghney River (WWF) (19-D)	Yes
PA0217778 (Industrial)	Dawson TP P.O. Box 2223 Johnson City, TN 37605-2223	Fayette County Dunbar Township	Youghioghney River (WWF) (19-D)	Yes
PA0252522 (Sewage)	Lavansville STP P.O. Box 247 Somerset, PA 15501-0247	Somerset County Somerset Township	West Branch Coxes Creek (WWF) (19-F)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0272850 (Sewage)	Dornbusch SRSTP 131 Watters Station Road Evans City, PA 16033-9323	Butler County Forward Township	Unnamed Tributary to Breakneck Creek (WWF) (20-C)	Yes
PA0239500 (Sewage)	Richard L Spellman SRSTP 2200 Brickyard Road North East, PA 16428-2828	Erie County North East Township	Unnamed Tributary to Twelvemile Creek (HQ-CWF, MF) (15-A)	Yes

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

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

PA0030112, Sewage, SIC Code 8211, **Methacton School District**, 4001-C Eagleview Road, Eagleville, PA 19403. Facility Name: Methacton School District STP. This existing facility is located in Worcester Township, **Montgomery County**.

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

The receiving stream(s), Unnamed Tributary of Skippack Creek (TSF, MF), is located in State Water Plan watershed 3-E and is classified for Migratory Fishes and Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .027 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Maximum</i>	
Flow (GPD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min 5.0 Inst Min	XXX	XXX	XXX

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.2	XXX	0.5
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)						
Nov 1 - Apr 30	XXX	XXX	XXX	25	XXX	50
May 1 - Oct 31	XXX	XXX	XXX	20	XXX	40
Total Suspended Solids	XXX	XXX	XXX	20	XXX	40
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Ammonia-Nitrogen						
Nov 1 - Apr 30	XXX	XXX	XXX	6.0	XXX	12
May 1 - Oct 31	XXX	XXX	XXX	2.0	XXX	4
Total Phosphorus	XXX	XXX	XXX	1.2	XXX	2.4

Sludge use and disposal description and location(s): DELCORA.

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

I. Other Requirements

- A. No Stormwater
- B. Property Rights
- C. Sludge Disposal
- D. Connect to Public Sewers
- E. TRC Optimization
- F. Responsible Operator
- G. O&M Plan

II. A. Wasting Rate

- B. Supplemental Reports

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

The EPA Waiver is in effect.

PA0012769, Industrial, SIC Code 2821, **Rohm & Haas Chemicals, LLC**, 2900 River Road, Croydon, PA 19021. Facility Name: Rohm & Haas Bristol Facility. This existing facility is located in Bristol Township, **Bucks County**.

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

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

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
			Inst Min			
Total Suspended Solids	XXX	XXX	XXX	30.0	45.0	75.0
Total Dissolved Solids	XXX	XXX	XXX	Report	XXX	XXX
Oil and Grease	XXX	XXX	XXX	15.0	XXX	30

The proposed effluent limits for Outfall 003 are based on a design flow of 0.515 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
			Inst Min			
Temperature (deg F) (°F)	XXX	XXX	XXX	XXX	XXX	91.0

The proposed effluent limits for Outfall 003 are based on a design flow of 0.515 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Zinc, Total	XXX	XXX	XXX	Report Daily Max	XXX	XXX

The proposed effluent limits for Outfall 008 are based on a design flow of 0.529 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Total Dissolved Solids	XXX	XXX	XXX	1,000.0 Avg Qrtly	2,000.0 Daily Max	2,500
Zinc, Total	XXX	XXX	XXX	XXX	Report Daily Max	XXX

The proposed effluent limits for Outfall 008 are based on a design flow of 0.529 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Temperature (deg F) (°F)	XXX	XXX	XXX	XXX	XXX	91.0
Total Suspended Solids	XXX	XXX	XXX	30.0	45.0	75.0

The proposed effluent limits for Outfall 009 are based on a design flow of 1.716 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD ₅)						
Industrial Influent	XXX	XXX	XXX	Report	XXX	XXX
Biochemical Oxygen Demand (BOD ₅)	343	916	XXX	24	64	80
BOD ₅ Minimum % Removal (%)						
Percent Removal	88.50	XXX	XXX	XXX	XXX	XXX
Total Suspended Solids						
Industrial Influent	XXX	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	429.0	644 Wkly Avg	XXX	30.0	45.0 Wkly Avg	75.0
Total Suspended Solids Minimum % Removal (%)						
Percent Removal	85	XXX	XXX	XXX	XXX	XXX
Total Dissolved Solids	Report	Report	XXX	1,000	2,000	2,500
Ammonia-Nitrogen	500.0	XXX	XXX	35.0	XXX	70.0
Chromium, Total	15.866	39.643	XXX	1.110	2.770	3.463
Copper, Total	20.752	48.373	XXX	1.450	3.380	3.625
Cyanide, Total	6.011	17.174	XXX	0.420	1.200	1.5
Lead, Total	4.580	9.875	XXX	0.320	0.690	0.8
Nickel, Total	24.186	56.960	XXX	1.690	3.980	4.225
Zinc, Total	15.027	37.353	XXX	1.05	2.61	3.26
2-Chlorophenol	0.444	1.403	XXX	0.031	0.098	0.123
2,4-Dichlorophenol	0.558	1.603	XXX	0.039	0.112	0.14
2,4-Dimethylphenol	0.258	0.515	XXX	0.018	0.036	0.045
Fluorene	0.315	0.844	XXX	0.022	0.059	0.074
2,4-Dinitrophenol	1.016	1.760	XXX	0.071	0.123	0.178
2,4-Dinitrotoluene	1.617	4.079	XXX	0.113	0.285	0.356
2,6-Dinitrotoluene	3.654	9.174	XXX	0.255	0.641	0.801
4,6-dinitro-o-cresol	1.116	3.964	XXX	0.078	0.277	0.346
2-Nitrophenol	0.587	0.987	XXX	0.041	0.069	0.103
4-Nitrophenol	1.030	1.775	XXX	0.072	0.124	0.18
Phenol	0.215	0.372	XXX	0.015	0.026	0.038
Acenaphthene	0.315	0.844	XXX	0.022	0.059	0.074
Acenaphthylene	0.315	0.844	XXX	0.022	0.059	0.074

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Acrylonitrile	1.374	3.463	XXX	0.096	0.242	0.302
Anthracene	0.315	0.844	XXX	0.022	0.059	0.074
Chlorobenzene	0.214	0.400	XXX	0.015	0.028	0.038
1,2-Dichlorobenzene	1.102	2.333	XXX	0.077	0.163	0.193
1,3-Dichlorobenzene	0.444	0.630	XXX	0.031	0.044	0.078
1,4-Dichlorobenzene	0.215	0.401	XXX	0.015	0.028	0.038
1,3-Dichloropropylene	0.415	0.630	XXX	0.029	0.044	0.073
1,2,4-Trichlorobenzene	0.973	2.00	XXX	0.068	0.140	0.17
Ethylbenzene	0.458	1.546	XXX	0.032	0.108	0.135
Hexachlorobenzene	0.214	0.400	XXX	0.015	0.028	0.038
Nitrobenzene	0.386	0.973	XXX	0.027	0.068	0.085
Benzene	0.530	1.946	XXX	0.037	0.136	0.17
Benzo(a)Anthracene	0.315	0.844	XXX	0.022	0.059	0.074
Benzo(a)Pyrene	0.329	0.873	XXX	0.023	0.061	0.076
Benzo(k)Fluoranthene	0.315	0.844	XXX	0.022	0.059	0.074
3,4-Benzofluoranthene	0.329	0.873	XXX	0.023	0.061	0.076
Bromoform	XXX	Report	XXX	XXX	Report	XXX
Carbon Tetrachloride	0.258	0.544	XXX	0.018	0.038	0.045
Chlorodibromomethane	XXX	Report	XXX	XXX	Report	XXX
Chloroethane	1.488	3.835	XXX	0.104	0.268	0.335
1,1,1-Trichloroethane	0.300	0.774	XXX	0.021	0.054	0.068
1,1,2-Trichloroethane	0.300	0.774	XXX	0.021	0.054	0.068
1,1-Dichloroethane	0.315	0.844	XXX	0.022	0.059	0.074
1,2-Dichloroethane	0.973	3.02	XXX	0.068	0.211	0.264
1,2-Dichloropropane	2.190	3.292	XXX	0.153	0.230	0.383
Dichlorobromomethane	XXX	Report	XXX	XXX	Report	XXX
Bis(2-Ethylhexyl)Phthalate	1.474	3.993	XXX	0.103	0.279	0.349
Chloroform	0.300	0.658	XXX	0.021	0.046	0.053
Chrysene	0.315	0.844	XXX	0.022	0.059	0.074
Diethyl Phthalate	1.159	2.905	XXX	0.081	0.203	0.254
Dimethyl Phthalate	0.272	0.673	XXX	0.019	0.047	0.059
Di-n-Butyl Phthalate	0.386	0.816	XXX	0.027	0.057	0.068
Fluoranthene	0.356	0.973	XXX	0.025	0.068	0.085
Hexachlorobutadiene	0.286	0.701	XXX	0.020	0.049	0.061
Hexachloroethane	0.300	0.774	XXX	0.021	0.054	0.068
Methyl Chloride	1.230	2.719	XXX	0.086	0.190	0.215
Methylene Chloride	0.572	1.274	XXX	0.040	0.089	0.1
Naphthalene	0.315	0.844	XXX	0.022	0.059	0.074
Phenanthrene	0.315	0.844	XXX	0.022	0.059	0.074
Phenolics, Total	XXX	Report	XXX	XXX	Report	XXX
Pyrene	0.358	0.959	XXX	0.025	0.067	0.084
1,1-Dichloroethylene	0.229	0.358	XXX	0.016	0.025	0.04
trans-1,2-Dichloroethylene	0.300	0.774	XXX	0.021	0.054	0.068
Tetrachloroethylene	0.315	0.801	XXX	0.022	0.056	0.07
Toluene	0.372	1.145	XXX	0.026	0.080	0.1
Trichloroethylene	0.300	0.774	XXX	0.021	0.054	0.068
Vinyl Chloride	1.488	3.835	XXX	0.104	0.268	0.335

The proposed effluent limits for Outfall 009 are based on a design flow of 1.716 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Cadmium, Total	Report	XXX	XXX	Report	XXX	XXX
Toxicity, Chronic - Ceriodaphnia Survival (TUc)	Avg Qrtly XXX	XXX	XXX	Avg Qrtly XXX	Report	XXX
Toxicity, Chronic - Ceriodaphnia Reproduction (TUc)	XXX	XXX	XXX	XXX	Report	XXX
Toxicity, Chronic - Pimephales Survival (TUc)	XXX	XXX	XXX	XXX	Report	XXX
Toxicity, Chronic - Pimephales Growth (TUc)	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 009 are based on a design flow of 1.716 MGD.—Limits.

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

The proposed effluent limits for Outfall 013 and Outfall 019 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Chromium, Total	XXX	XXX	XXX	XXX	Report	XXX
Copper, Total	XXX	XXX	XXX	XXX	Report	XXX
Cyanide, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Dissolved	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Nickel, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX
2-Chlorophenol	XXX	XXX	XXX	XXX	Report	XXX
2,4-Dichlorophenol	XXX	XXX	XXX	XXX	Report	XXX
2,4-Dimethylphenol	XXX	XXX	XXX	XXX	Report	XXX
Fluorene	XXX	XXX	XXX	XXX	Report	XXX
2,4-Dinitrophenol	XXX	XXX	XXX	XXX	Report	XXX
2,4-Dinitrotoluene	XXX	XXX	XXX	XXX	Report	XXX
2,6-Dinitrotoluene	XXX	XXX	XXX	XXX	Report	XXX
4,6-dinitro-o-cresol	XXX	XXX	XXX	XXX	Report	XXX
2-Nitrophenol	XXX	XXX	XXX	XXX	Report	XXX
4-Nitrophenol	XXX	XXX	XXX	XXX	Report	XXX
Phenol	XXX	XXX	XXX	XXX	Report	XXX
Acenaphthene	XXX	XXX	XXX	XXX	Report	XXX
Acenaphthylene	XXX	XXX	XXX	XXX	Report	XXX
Acrylonitrile	XXX	XXX	XXX	XXX	Report	XXX
Anthracene	XXX	XXX	XXX	XXX	Report	XXX
Chlorobenzene	XXX	XXX	XXX	XXX	Report	XXX
1,2-Dichlorobenzene	XXX	XXX	XXX	XXX	Report	XXX
1,3-Dichlorobenzene	XXX	XXX	XXX	XXX	Report	XXX
1,4-Dichlorobenzene	XXX	XXX	XXX	XXX	Report	XXX
1,3-Dichloropropylene	XXX	XXX	XXX	XXX	Report	XXX
1,2,4-Trichlorobenzene	XXX	XXX	XXX	XXX	Report	XXX
Ethylbenzene	XXX	XXX	XXX	XXX	Report	XXX
Hexachlorobenzene	XXX	XXX	XXX	XXX	Report	XXX
Nitrobenzene	XXX	XXX	XXX	XXX	Report	XXX
Benzene	XXX	XXX	XXX	XXX	Report	XXX
Benzo(a)Anthracene	XXX	XXX	XXX	XXX	Report	XXX
Benzo(a)Pyrene	XXX	XXX	XXX	XXX	Report	XXX
Benzo(k)Fluoranthene	XXX	XXX	XXX	XXX	Report	XXX
3,4-Benzofluoranthene	XXX	XXX	XXX	XXX	Report	XXX
Carbon Tetrachloride	XXX	XXX	XXX	XXX	Report	XXX
Chloroethane	XXX	XXX	XXX	XXX	Report	XXX
1,1,1-Trichloroethane	XXX	XXX	XXX	XXX	Report	XXX
1,1,2-Trichloroethane	XXX	XXX	XXX	XXX	Report	XXX
1,1-Dichloroethane	XXX	XXX	XXX	XXX	Report	XXX
1,2-Dichloroethane	XXX	XXX	XXX	XXX	Report	XXX
1,2-Dichloropropane	XXX	XXX	XXX	XXX	Report	XXX
Bis (2-Ethylhexyl)Phthalate	XXX	XXX	XXX	XXX	Report	XXX
Chloroform	XXX	XXX	XXX	XXX	Report	XXX
Chrysene	XXX	XXX	XXX	XXX	Report	XXX
Diethyl Phthalate	XXX	XXX	XXX	XXX	Report	XXX
Dimethyl Phthalate	XXX	XXX	XXX	XXX	Report	XXX
Di-n-Butyl Phthalate	XXX	XXX	XXX	XXX	Report	XXX
Fluoranthene	XXX	XXX	XXX	XXX	Report	XXX

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
Hexachlorobutadiene	XXX	XXX	XXX	XXX	Report	XXX
Hexachloroethane	XXX	XXX	XXX	XXX	Report	XXX
Methyl Chloride	XXX	XXX	XXX	XXX	Report	XXX
Methylene Chloride	XXX	XXX	XXX	XXX	Report	XXX
Naphthalene	XXX	XXX	XXX	XXX	Report	XXX
Phenanthrene	XXX	XXX	XXX	XXX	Report	XXX
Pyrene	XXX	XXX	XXX	XXX	Report	XXX
1,1-Dichloroethylene	XXX	XXX	XXX	XXX	Report	XXX
Trans-1,2-Dichloroethylene	XXX	XXX	XXX	XXX	Report	XXX
Tetrachloroethylene	XXX	XXX	XXX	XXX	Report	XXX
Toluene	XXX	XXX	XXX	XXX	Report	XXX
Trichloroethylene	XXX	XXX	XXX	XXX	Report	XXX
PCBs Wet Weather Analysis (pg/L) (for Outfall 019 only)	XXX	XXX	XXX	XXX	Report	XXX
Vinyl Chloride	XXX	XXX	XXX	XXX	Report	XXX

Stormwater Outfalls 011, 012, 014, 015, 016, 017, 018, 020, 022, 023, 024, 025, 026, 027, 028, 029, 030, and 031 are not to be monitored, but are subject to the terms and conditions of other requirement No. X (Requirements applicable to stormwater outfalls).

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

- Use of Chemical Additives
- 88.5 % reduction for BOD₅ per DRBC requirements
- Thermal requirements
- Acceptance of outside R & H and Non-R & H wastestream
- Stormwater Monitoring Requirements
- PCBs Monitoring and Minimization Plan
- WET Testing requirements

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

The EPA Waiver is not in effect.

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

PA0065340, Pesticides, SIC Code 0782, **Stillwater Estates Property Owners Association (POA)**, 382 Stillwater Drive, Pocono Summit, PA 18346-7765.

Description of Existing Activity: The application is for a renewal of an NPDES permit for a renewal of a discharge associated with the application of pesticides in Coolbaugh & Tobyhanna Townships, **Monroe County**.

The receiving stream(s), Stillwater Lake (on the Unnamed Tributary to Upper Tunkhannock Creek (HQ-CWF, MF)), is located in State Water Plan watershed(s) 2-A and is classified for High Quality—Cold Water and Migratory Fish, aquatic life, water supply and recreation. Applicators are required to follow product labeling instructions of pesticides, which may include provisions to reduce application doses and notify public water suppliers in the event applications are conducted near public water supply intakes. The discharges associated with the pesticide applications are not expected to affect public water supplies.

PA DEP has made a tentative determination to issue the NPDES permit subject to the terms and conditions of the permit. An anti-degradation analysis has been completed to document that pesticide application activities in High Quality (HQ) or Exceptional Value (EV) waters will be conducted in a manner that minimizes adverse environmental effects. The proposed permit contains conditions that require implementation of Pest Management Measures, Recordkeeping and Annual Reporting Requirements, Corrective Action Documentation and Reporting, and a Pesticides Discharge Management Plan.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472. You may submit written comments on the application and draft permit within 30 days to the address above. After the 30-day comment period, PA DEP will make a final determination on the issuance of the permit.

The EPA waiver is not in effect.

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

PA0085430, Sewage, SIC Code 7033, **MHC Robin Hill LLC**, 2 North Riverside Plaza, Suite 800, Chicago, IL 60606-2682. Facility Name: Robin Hill Campground. This existing facility is located in Greenwich Township, **Berks County**.

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

The receiving stream(s), Unnamed Tributary of Maiden Creek (TSF), is located in State Water Plan watershed 3-B and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .01 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0 Inst Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.3	XXX	1.0
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	25.0	XXX	50.0
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60.0
Total Suspended Solids (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	XXX	XXX	XXX	8.4	XXX	17.0
May 1 - Oct 31	XXX	XXX	XXX	2.8	XXX	5.6
Ammonia-Nitrogen (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	2.0	XXX	XXX
Total Phosphorus (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of .01 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Total Suspended Solids (Total Load, lbs) (lbs)	XXX	914.0 Total Annual	XXX	XXX	XXX	XXX
Total Phosphorus (Total Load, lbs) (lbs)	XXX	30.0 Total Annual	XXX	XXX	XXX	XXX

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

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

- N/A

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

The EPA Waiver is in effect.

PA0087149, Industrial, SIC Code 9224, 9229, **PA Emergency Management Agency**, 1150 Riverside Drive, Lewistown, PA 17044-1971. Facility Name: PA Fire Academy Lewistown. This existing facility is located in Lewistown Borough, **Mifflin County**.

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

The receiving stream(s), Unnamed Tributary to Juniata River (HQ-CWF), is located in State Water Plan watershed 12-A and is classified for High Quality Waters—Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .02 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	Daily Max XXX	6.0 Inst Min	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	15	XXX	30
Ethylbenzene	XXX	XXX	XXX	XXX	Report	XXX
Benzene	XXX	XXX	XXX	XXX	Report	XXX
BTEX, Total	XXX	XXX	XXX	XXX	Report	XXX
Toluene	XXX	XXX	XXX	XXX	Report	XXX
Xylenes, Total	XXX	XXX	XXX	XXX	Report	XXX

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

The EPA Waiver is in effect.

Application No. PA0261955 A-1, Concentrated Animal Feeding Operation (CAFO), **S & A Kreider & Sons Inc. (S & A Kreider & Sons Farm CAFO)**, 761 Spring Valley Road, Quarryville, PA 17566-9773.

S & A Kreider & Sons Inc. has submitted an application for an Individual NPDES permit for an amendment of a CAFO known as S & A Kreider & Sons Farm CAFO, located in East Drumore Township, **Lancaster County**.

The CAFO is situated near Jackson Run (HQ-CWF, MF) in Watershed 7-K, which is classified for High Quality—Cold Water and Migratory Fish. The CAFO is designed to maintain an animal population of approximately 4,709.06 animal equivalent units (AEUs) consisting of 2,529 mature cows, 895 heifers, and 350 calves. Liquid manure is collected in multiple storages and solid manure is composted. Prior to operation of the manure storage facilities, the design engineer will be required to submit certification that the facilities were constructed in accordance with appropriate PA Technical Guide Standards. A release or discharge to waters of the Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 25-year, 24-hour storm event.

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

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

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

Application No. PA0246468, Concentrated Animal Feeding Operation (CAFO), **Virgil Gutshall Jr (Beaver Ridge Farm)**, 1400 Fowler Hollow Road, Blain, PA 17006-6260.

Virgil Gutshall Jr has submitted an application for an Individual NPDES permit for a renewal of a CAFO known as Beaver Ridge Farm, located in Jackson Township, **Perry County**.

The CAFO is situated near Unnamed Tributary to Sherman Creek (HQ-CWF, MF) and Unnamed Tributary to Sherman Creek (HQ-CWF) in Watershed 7-A, which is classified for High Quality—Cold Water, High Quality Waters—Cold Water Fishes, and Migratory Fish. The CAFO is designed to maintain an animal population of approximately 437.78 animal equivalent units (AEUs) consisting of 3,000 Grow-Finish Swine and 1 Light Horse. Liquid manure is stored in an 83 ft × 13 ft round concrete storage and a 60 ft × 13 ft round concrete storage. A release or discharge to waters of the Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 100-year, 24-hour storm event.

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

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

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

Application No. PA0233544, Concentrated Animal Feeding Operation (CAFO), **Joel D Knoebel (Cleveland Pork CAFO)**, 110 Center School Road, Elysburg, PA 17824-9142.

Joel D Knoebel has submitted an application for an Individual NPDES permit for a renewal of a CAFO known as Cleveland Pork CAFO, located in Cleveland Township, **Columbia County**.

The CAFO is situated near Unnamed Tributary to Mugser Run (HQ-CWF) and Unnamed Tributary to Mugser Run (HQ-CWF, MF) in Watershed 5-E, which is classified for High Quality—Cold Water, High Quality Waters—Cold Water

Fishes, and Migratory Fish. The CAFO is designed to maintain an animal population of approximately 660.27 animal equivalent units (AEUs) consisting of 4,360 Grow-Finish Swine. Liquid manure is collected in a 458 ft × 80 ft × 6 ft concrete underbarn tank. A release or discharge to waters of the Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 100-year, 24-hour storm event.

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

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

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

PA0082651, Sewage, SIC Code 4952, **Landisburg Municipal Authority Perry County**, P.O. Box 213, Landisburg, PA 17040-0213. Facility Name: Landisburg STP. This existing facility is located in Tyrone Township, **Perry County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of .03 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Nitrate-Nitrite as N	XXX	XXX	XXX	Report Annl Avg	XXX	XXX
Nitrate-Nitrite as N (Total Load, lbs) (lbs)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report Annl Avg	XXX	XXX
Total Nitrogen (Total Load, lbs) (lbs)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report Annl Avg	XXX	XXX
Total Kjeldahl Nitrogen (Total Load, lbs) (lbs)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report Annl Avg	XXX	XXX
Total Phosphorus (Total Load, lbs) (lbs)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of .03 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0 Inst Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	6.3	10	XXX	25	40	50
Biochemical Oxygen Demand (BOD ₅)						
Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids	7.5	11	XXX	30	45	60
Total Suspended Solids Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Ammonia-Nitrogen	2.7	XXX	XXX	11.0	XXX	22

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

The EPA Waiver is in effect.

PA0266841, Sewage, SIC Code 8811, **John Dietrich**, 3497 New Holland Road, Mohnton, PA 19540. Facility Name: Dietrich Residence. This proposed facility is located in Cumru Township, **Berks County**.

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

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

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

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

Sludge use and disposal description and location(s): hauled off-site for proper disposal.

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

- Submitting Annual Monitoring Reports

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

The EPA Waiver is in effect.

PA0085171, Sewage, SIC Code 4952, **Lyons Borough Municipal Authority Berks County**, P.O. Box 131, Lyon Station, PA 19536-0131. Facility Name: Lyons Borough STP. This existing facility is located in Lyons Borough, **Berks County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of .3 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)						
Nov 1 - Apr 30	62	100	XXX	25.0	40.0	50
May 1 - Oct 31	40	62	XXX	16.0	25.0	32
Total Suspended Solids	75	112	XXX	30.0	45.0	60
Total Suspended Solids (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Dissolved Solids	Report	XXX	XXX	1,000.0	XXX	2,000

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
Ultraviolet light intensity (mW/cm ²)	XXX	XXX	Report	Geo Mean XXX	XXX	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	37	XXX	XXX	15.0	XXX	30
May 1 - Oct 31	12.5	XXX	XXX	5.0	XXX	10
Total Kjeldahl Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus	5	XXX	XXX	2.0	XXX	XXX
Total Phosphorus (Total Load, lbs)	Report	XXX	XXX	XXX	XXX	XXX
(lbs)	Total Mo					
Copper, Total	Report	XXX	XXX	Report	Report	XXX
					Daily Max	
Lead, Total	0.03	XXX	XXX	0.013	0.021	XXX
					DailyMax	
Sulfate, Total	Report	XXX	XXX	Report	XXX	XXX
Chloride	Report	XXX	XXX	Report	XXX	XXX
Bromide	Report	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of .3 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs)</i>		<i>Instantaneous Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Monthly</i>	<i>Annual</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Total Suspended Solids (Total Load, lbs)	XXX	13,698	XXX	XXX	XXX	XXX
Total Phosphorus (Total Load, lbs)	XXX	Total Annual 456.6	XXX	XXX	XXX	XXX
		Total Annual				

Sludge use and disposal description and location(s): On-site dewatering, and off-site disposal.

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

- EPA-Approved Pretreatment Program
- Whole Effluent Toxicity testing on a minimum annual basis

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

The EPA Waiver is not in effect.

PA0083852, Sewage, SIC Code 7033, **Ferryboat Campsite Inc.**, 32 Ferry Lane, Liverpool, PA 17045-9254. Facility Name: Ferryboat Campsites. This existing facility is located in Buffalo Township, **Perry County**.

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

The receiving stream(s), Bangers Run, is located in State Water Plan watershed 6-C and is classified for 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 .03 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
				Annl Avg		
Nitrate-Nitrite as N (Total Load, lbs)	Report	XXX	XXX	XXX	XXX	XXX
(lbs)	Annl Avg					
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
				Annl Avg		
Total Nitrogen (Total Load, lbs)	Report	XXX	XXX	XXX	XXX	XXX
(lbs)	Annl Avg					

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Ammonia-Nitrogen (Total Load, lbs)	Report	XXX	XXX	XXX	XXX	XXX
(lbs)	Annl Avg					
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
	Annl Avg			Annl Avg		
Total Kjeldahl Nitrogen (Total Load, lbs)	Report	XXX	XXX	XXX	XXX	XXX
(lbs)	Annl Avg					
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
	Annl Avg			Annl Avg		
Total Phosphorus (Total Load, lbs)	Report	XXX	XXX	XXX	XXX	XXX
(lbs)	Annl Avg					

The proposed effluent limits for Outfall 001 are based on a design flow of .03 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
		Daily Max				
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
			Inst Min			
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
			Inst Min			
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	25.0	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
				Geo Mean		
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		

Sludge use and disposal description and location(s): Advanced septic Services, PAG093528.

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

The EPA Waiver is in effect.

PA0081281, Sewage, SIC Code 6515, **Park Acquisition LLC**, 2160 Hanover Road, Gettysburg, PA 17325-7719. Facility Name: Cavalry Heights MHP. This existing facility is located in Mount Pleasant Township, **Adams County**.

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

The receiving stream(s), Unnamed Tributary to White Run (WWF), is located in State Water Plan watershed 13-D and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .025 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
		Daily Max				
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
			Inst Min			
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
			Daily Min			
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.10	XXX	0.20
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
				Geo Mean		
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Ammonia-Nitrogen						
Nov 1 - Apr 30	XXX	XXX	XXX	4.5	XXX	9
May 1 - Oct 31	XXX	XXX	XXX	1.5	XXX	3
Total Kjeldahl Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus	Report	XXX	XXX	2.0	XXX	4

Sludge use and disposal description and location(s): Sludge is hauled off site via a local septage hauler to another WWTP for ultimate treatment/disposal.

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

The EPA Waiver is in effect.

PA0028592, Sewage, SIC Code 4952, **Bonneauville Borough**, 46 E Hanover Street, Gettysburg, PA 17325. Facility Name: Bonneauville STP. This existing facility is located in Bonneauville Borough, **Adams County**.

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

The receiving stream(s), Chicken Run (WWF), is located in State Water Plan watershed 13-D and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .55 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Daily Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	115	183	XXX	25.0	40.0	50
Biochemical Oxygen Demand (BOD ₅)						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	138	206	XXX	30.0	45.0	60
Total Suspended Solids Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
Ultraviolet light transmittance (%)	XXX	XXX	Report	XXX	XXX	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N (Total Load, lbs) (lbs)	Report	XXX	XXX	XXX	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen (Total Load, lbs) (lbs)	Report	XXX	XXX	XXX	XXX	XXX
Total Nitrogen (Total Load, lbs) (lbs)						
Effluent Net	Report	XXX	XXX	XXX	XXX	XXX
Total Mo						
Ammonia-Nitrogen						
Nov 1 - Apr 30	13.7	XXX	XXX	3.0	XXX	6
May 1 - Oct 31	4.5	XXX	XXX	1.0	XXX	2
Ammonia-Nitrogen (Total Load, lbs) (lbs)	Report	XXX	XXX	XXX	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen (Total Load, lbs) (lbs)	Report	XXX	XXX	XXX	XXX	XXX
Total Phosphorus	9.2	XXX	XXX	2.0	XXX	4

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Daily Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Total Phosphorus (Total Load, lbs) (lbs) Effluent Net	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Phosphorus (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX

The proposed monitoring requirements and effluent limits for implementation of Pennsylvania's Chesapeake Bay Watershed Implementation Plan are as follows for Outfall 001.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Monthly</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Monthly</i>	<i>Annual</i>		<i>Monthly Average</i>	<i>Maximum</i>	
Total Nitrogen (Total Load, lbs) (lbs) Effluent Net	XXX	9,741 Total Annual	XXX	XXX	XXX	XXX
Total Nitrogen (Total Load, lbs) (lbs)	XXX	Report Total Annual	XXX	XXX	XXX	XXX
Ammonia-Nitrogen (Total Load, lbs) (lbs)	XXX	Report Total Annual	XXX	XXX	XXX	XXX
Total Phosphorus (Total Load, lbs) (lbs) Effluent Net	XXX	1,218 Total Annual	XXX	XXX	XXX	XXX
Total Phosphorus (Total Load, lbs) (lbs)	XXX	Report Total Annual	XXX	XXX	XXX	XXX

* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department's Chapter 96 regulations. The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

Sludge use and disposal description and location(s): Sludge is treated and land applied under PAG083547.

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

The EPA Waiver is not in effect.

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

PA0026239, Sewage, SIC Code 4952, **University Area Joint Authority**, 1576 Spring Valley Road, State College, PA 16801-8401. Facility Name: Spring Creek Pollution Control Facility. This existing facility is located in Benner Township, **Centre County**.

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

The receiving stream(s), Spring Creek, is located in State Water Plan watershed 9-C and is classified for High Quality Waters—Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 6 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
Flow (MGD)	6.0 Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Temperature (deg F) (°F)	XXX	XXX	XXX	XXX	Report Daily Max	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	500	750	XXX	10.0	15.0	20

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Biochemical Oxygen Demand (BOD ₅)						
Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids	500	750	XXX	10.0	15.0	20
Total Suspended Solids Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Dissolved Solids	XXX	Report Daily Max	XXX	XXX	Report Daily Max	XXX
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Ultraviolet light transmittance (%)	XXX	XXX	Report	XXX	XXX	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen (Total Load, lbs) (lbs)						
Effluent Net	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Nitrogen (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Ammonia-Nitrogen						
Jan 1 - 31	225	335	XXX	4.5	6.7	9
Feb 1 - 28	250	375	XXX	5.0	7.5	10
Mar 1 - 31	275	410	XXX	5.5	8.2	11
Apr 1 - 30	200	300	XXX	4.0	6.0	8
May 1 - 31	150	225	XXX	3.0	4.5	6
Jun 1 - 30	125	185	XXX	2.5	3.7	5
Jul 1 - Nov 30	50	75	XXX	1.0	1.5	2
Dec 1 - 31	200	300	XXX	4.0	6.0	8
Ammonia-Nitrogen (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Phosphorus, Dissolved	6.5	XXX	XXX	0.13	XXX	0.26
Total Phosphorus	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus (Total Load, lbs) (lbs)						
Effluent Net	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Phosphorus (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Copper, Total (ug/L)	2.68	5.37	XXX	53.69	107.3	134.2
Sulfate, Total	XXX	Daily Max Report	XXX	XXX	Daily Max Report	XXX
Zinc, Total	16.01	Daily Max 32.02	XXX	0.32	Daily Max 0.64	0.8
Chloride	XXX	Daily Max Report	XXX	XXX	Daily Max Report	XXX
Bromide	XXX	Daily Max Report	XXX	XXX	Daily Max Report	XXX
Bis(2-Ethylhexyl)Phthalate (ug/L)	0.56	Daily Max 1.13	XXX	11.32	Daily Max 22.64	28.3
Cadmium, Total (ug/L)	XXX	Daily Max Report	XXX	XXX	Daily Max Report	XXX
Lead, Total	XXX	Daily Max Report	XXX	XXX	Daily Max Report	XXX

The proposed monitoring requirements and effluent limits for implementation of Pennsylvania's Chesapeake Bay Watershed Implementation Plan are as follows for Outfall 001.

Parameters	Mass Units (lbs/day)		Monthly	Concentrations (mg/L)		Instant. Maximum
	Monthly	Annual		Monthly Average	Maximum	
Total Nitrogen (Total Load, lbs) (lbs) Effluent Net	XXX	164,381	XXX	XXX	XXX	XXX
		Total Annual Report	XXX	XXX	XXX	XXX
Total Nitrogen (Total Load, lbs) (lbs)	XXX	Total Annual Report	XXX	XXX	XXX	XXX
Ammonia-Nitrogen (Total Load, lbs) (lbs)	XXX	Total Annual Report	XXX	XXX	XXX	XXX
Total Phosphorus (Total Load, lbs) (lbs)	XXX	Total Annual Report	XXX	XXX	XXX	XXX
Total Phosphorus (Total Load, lbs) (lbs) Effluent Net	XXX	21,918	XXX	XXX	XXX	XXX
		Total Annual				

* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department's Chapter 96 regulations. The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

Sludge use and disposal description and location(s): The facility creates Class A biosolids marketed for public use.

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

- Dissolved Phosphorus Evaluation

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

The EPA Waiver is not in effect.

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

PA0272353, Sewage, SIC Code 4952, 8800, **Don P. Hegburg**, 729 Railroad Street, Clarion, PA 16214. Facility Name: Don Hegburg SRSTP. This proposed facility is located in Clarion Township, **Clarion County**.

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

The receiving stream is an Unnamed Tributary to the Clarion River, located in State Water Plan watershed 17-B and classified for Cold Water Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0004 MGD.

Parameters	Mass Units (lbs/day)		Instant. Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Annual Average	Maximum	
Flow (MGD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

Sludge is stored for off-site disposal.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6340.

The EPA Waiver is in effect.

PA0272302, Sewage, SIC Code 0742, **Lori L Love**, 637 New Castle Road, Butler, PA 16001-8325. Facility Name: Lori L Love Veterinary Ofc. This proposed facility is located in Connoquenessing Township, **Butler 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 Little Connoquenessing Creek (CWF), is located in State Water Plan watershed 20-C and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .0005 MGD.—Limits.

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

Sludge use and disposal description and location(s): Septage must be pumped and hauled off-site by a septage hauler for land application under a general permit authorized by DEP or disposal at an STP.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6340.

The EPA Waiver is in effect.

PA0272213, Sewage, SIC Code 8800, **Rebecca Howell**, 2813 Pleasant Drive, Warren, PA 16365. Facility Name: Rebecca Howell SRSTP. This proposed facility is located in Pleasant Township, **Warren County**.

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

The receiving stream, an Unnamed Tributary to the Sill Run (CWF), is located in State Water Plan watershed 16-B and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0004 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Annual Average	Maximum	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	Annl Avg XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

Sludge use and disposal description and location(s): Septage must be pumped and hauled off-site by a septage hauler for land application under a general permit authorized by DEP, or disposal at an STP.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6340.

The EPA Waiver is in effect.

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

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

WQM Permit No. 2119401, Sewerage, **Ken Mansfield**, 711 Oposum Lake Road, Carlisle, PA 17015.

This proposed facility is located in West Pennsboro Township, **Cumberland County**.

Description of Proposed Action/Activity: Seeking permit approval for the construction/operation of a single residence sewage treatment system to serve property located at 141 Creek Road, Newville, PA 17241.

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

WQM Permit No. 0219200, Industrial, **Duquesne Light Co.**, 2825 New Beaver Avenue # N6-Tng, Pittsburgh, PA 15233-1003.

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

Description of Proposed Action/Activity: Installation of a stormwater conveyance to allow enhanced segregation of stormwater runoff from landfill leachate.

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

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

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

WQM Permit No. 0219403, Sewage, **Sharpsburg Borough Allegheny County**, 1611 Main Street, Pittsburgh, PA 15215.

This proposed facility is located in Borough of Sharpsburg, **Allegheny County**.

Description of Proposed Action/Activity: Installation of new sanitary sewers, conversion of two combined sewers into storm sewers and construction of a 48-inch diameter storm sewer.

WQM Permit No. 0274469 A-10, Sewage, **Allegheny County Sanitary Authority ALCOSAN**, 3300 Preble Avenue, Pittsburgh, PA 15233-1092.

This existing facility is located in Pittsburgh City, **Allegheny County**.

Description of Proposed Action/Activity: Installation of temporary storage and feed system for hypochlorite at ALCOSAN Woods Run WWTP.

WQM Permit No. 6319406, Sewage, **Peters Creek Sanitary Authority**, 3502 Lincoln Avenue, Finleyville, PA 15332.

This proposed facility is located in Nottingham Twp, **Washington Co.**

Description of Proposed Action/Activity: Gravity sewer system for development at Castlewood Fields.

WQM Permit No. 9084-S A-5, Sewage, **Municipal Authority of Westmoreland County**, 124 Park and Pool Road, New Stanton, PA 15672.

This existing facility is located in the City of Jeannette, **Westmoreland County**.

Description of Proposed Action/Activity: The applicant proposes to increase the peak pumping rate of their influent raw sewage pump station from 9.0 MGD to 10.25 MGD and eliminate pump station SSOs. The applicant also proposes to redirect flows related to the consolidation and relocation of CSO Outfalls 003 & 008. As a result of this work there will be a partial separation of Basin 6, tributary to CSO Outfall 003, and the existing regulator/outfall structures associated with CSO 003 will be sealed and abandoned. All sewage flows from CSO 003 & 008 will be directed to a newly constructed two vault regulator structure and outfall.

WQM Permit No. 6319407, Sewage, **Keith Stepp**, 131 Fort Cherry Road, McDonald, PA 15057.

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

Description of Proposed Action/Activity: Installation of a small flow single residence sewage treatment plant consisting of a Singulair Bio-Kinetic Model 960-500 treatment tank, Hydro-Kinetic Bio-Film Reactor and erosion tablet chlorinator and chlorine contact tank.

WQM Permit No. WQG02631901, Sewage, **Marianna Borough & West Bethlehem Township Joint Sewer Authority Washington County**, P.O. Box 428, Marianna, PA 15345-0428.

This proposed facility is located in West Bethlehem Township, **Washington County**.

Description of Proposed Action/Activity: Installation of a new sewage pump station and force main.

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

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

PAI132236, MS4, **Weisenberg Township**, 2175 Seipstown Road, Fogelsville, PA 18051. The application is for a renewal of an individual NPDES permit for the discharge of stormwater from a regulated municipal separate storm sewer system (MS4) to waters of the Commonwealth in Weisenberg Township, **Lehigh County**. The receiving streams, Mill Creek and Tributary 2045 to Mill Creek (TSF, MF), Haasen Creek and Tributaries 3442 and 3445 to Haasen Creek (HQ-CWF, MF), Lyon Creek and Tributary 3508 to Lyon Creek (HQ-CWF, MF), Iron Run and Tributaries 3598, 3601 and 3602 to Iron Run (HQ-CWF, MF), and Tributaries 3613, 3617, 3619 and 3620 to Schaefer Run (HQ-CWF, MF), are located in State Water Plan watersheds 3-B and 2-C and are classified for High Quality—Cold Water and Migratory Fishes, Trout Stocking, aquatic life, water supply and recreation. The applicant is classified as a small MS4.

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

- A Pollutant Reduction Plan (PRP)

The Department has made a tentative determination to issue the NPDES permit. Written comments on the application and draft permit will be accepted for 30 days following publication of this notice. The period for comment may be extended at the discretion of DEP for one additional 15-day period. You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472.

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD150130	GMH East Whiteland Holdings, LLC 10 Campus Boulevard Newtown Square, PA 19073	Chester	East Whiteland Township	Unnamed Tributary to Valley Creek EV-MF
PAD150128	U.S. Home Corporation d/b/a Lennar 2465 Kuser Road 3rd Floor Hamilton, NJ 08690-3303	Chester	East Vincent Township	Stony Run HQ-TSF-MF Unnamed Tributary to Stony Run HQ-TSF-MF

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD390132	Kay Mill LLC 5930 Hamilton Blvd Allentown, PA 18106	Lehigh	Upper Milford Twp	UNT to Little Lehigh Creek (HQ-CWF, MF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD400028	DCNR Andrew Evans 400 Market St Harrisburg, PA 17101	Luzerne	White Haven Boro Dennison Twp Foster Twp	Lehigh River (HQ-CWF, MF) Linesville Creek (HQ-CWF, MF) UNT to Lehigh River (HQ-CWF, MF)
PAD400030	David Washinski 3 Dingwall St Plains, PA 18705	Luzerne	Bear Creek Twp	Tenmile Run (HQ-CWF, MF)

Monroe County Conservation District, 8050 Running Valley Road, Stroudsburg, PA 18347.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD450089	Todd & Susan Stem 544 Executive Dr Stroudsburg, PA 18360	Monroe	Jackson Twp	UNT to Appenzel Creek (HQ-CWF, MF) UNT to Appenzel Creek (HQ-CWF, MF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD480101	County of Northampton 669 Washington St Easton, PA 18042	Northampton	Upper Nazareth Twp	UNT to East Branch of Monocacy Creek (HQ-CWF, MF)
PAD480094	Joseph Correia Triple Net Investments LII LLC 171 SR 173 Ste 201 Asbury, NJ 08802-1365	Northampton	Forks Twp	Bushkill Creek (HQ-CWF, MF)

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

<i>Permit #</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD070006	Oakview Land Associates, LLC 100 Hammersmith Drive Pine Grove, PA 17963	Blair	North Woodbury Township Taylor Township Martinsburg Borough	UNT Plum Creek (WWF, MF)
PAD210037	Samuel L. Burkholder 152 Tanger Road Boiling Springs, PA 17007	Cumberland	South Middletown Township	Letort Spring Run (HQ-CWF) Alexanders Spring Creek (CWF)

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD180019	Chestnut Grove Recreation Authority 2 Piper Way Suite 300 Lock Haven, PA 17745-2210	Clinton	Castanea Twp	Bald Eagle Creek, WWF

Tioga County Conservation District: 50 Plaza Lane, Wellsboro, PA 16901, (570) 724-1801, X 3.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD590007	Mid-Atlantic Interstate Transmission, LLC Linear Project, Middlebury Township to Wellsboro Boro via Delmar and Charleston Townships	Tioga	Charleston, Delmar Middlebury Twps Wellsboro Boro	Baldwin Run HQ-CWF/MF

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

Indiana County Conservation District, 350 North 4th Street, Indiana, PA 15701, 724-471-4751.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD320006	Pennsylvania Electric Company (a FirstEnergy Company) 800 Cabin Hill Drive Greensburg, PA 15701	Indiana	Green Township	Two Lick Creek TSF, Buck Run CWF, Dixon Run CWF, UNT S Branch Two Lick Creek HQ-CWF, Sides Run HQ-CWF, Whitaker Run HQ-CWF, UNT Browns Run CWF, UNT Two Lick Creek CWF

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>
PAD680006	Attention: Patrick M. Webb Bureau of Abandoned Mine Reclamation Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119 814-472-1800	Clearfield County	Boggs Township	Simeling Run (HQ-CWF)

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>
Lamar & Sylvia High 920 W. Matterstown Road Millersburg, PA 17061	Dauphin	43.4	314.4	Poultry	NA	Renewal
Hemlock Lane Farm LP 121 Hemlock Lane Williamsburg, PA 16693	Blair	653.2	759.45	Swine	None	Renewal
Dr. Joe Jurgielewicz & Son, Ltd (Home Farm) Cheese Lane Shartlesville, PA 19554	Berks	258.1	498.18	Ducks	N/A	Renewal
Dr. Joe Jurgielewicz & Son, Ltd (Mountain Breeze Farm) 8069 Spring Road Bernville, PA 19506	Berks	197.1	355.92	Ducks	N/A	Renewal
Scott & Andrew Brinton 323 Riverview Rd Peach Bottom, PA 17563	Lancaster	431	660.18	Swine/ Poultry	HQ	Renewal
Evergreen Farms, Inc. 3102 Evergreen Lane Spruce Creek, PA 16683	Huntingdon	5,501.3	7,533.18	Dairy	HQ	Renewal
Paul Dotterer & Sons, Inc 410 Kryder Road Mill Hall, PA 17751	Clinton	2,726.3	2,217.5	Dairy	HQ	Renewal
Critter Hill Farm Mike and Dottie Hare 224 Quaker Run Road Biglerville, PA 17307	Adams	39	389.29	Poultry and Beef	NA	Renewal
Blue Berry Hill Farm Ken Gebhart 2950 Centennial Road Hanover, PA 17331	Adams	465.4	595.94	Swine	NA	Renewal

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>AEU's</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>New or Renewal</i>
Ar-Joy Farms (Duane Hershey) 1600 Althouse Road Cochranville, PA 19330	Chester	636.3	1,561.85	Dairy	NA	Renewal

PUBLIC WATER SUPPLY (PWS) PERMITS

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

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

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

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

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

SAFE DRINKING WATER

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

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

Application No. 5219502, Public Water Supply.

Applicant	Twin Lakes Utilities, Inc. Middlesex Water Co. 485 C Route 1 South Suite 400 Iselin, NJ 08830
[Township or Borough]	Shohola Township Pike County
Responsible Official	Michael Barnes, Director Twin Lakes Utilities, Inc. Middlesex Water Co. 485 C Route 1 South Suite 400 Iselin, NJ 08830

Type of Facility	PWS
Consulting Engineer	R. Scott Hughes, PE Gannett Fleming, Inc. 1010 Adams Avenue Audubon, PA 19403
Application Received Date	6/27/2019
Description of Action	Application proposes the replacement of the entire distribution system, rehabilitation of the existing well station and storage tank, installation of a new storage tank, construction of a new well and well station with treatment facilities, installation of emergency generators and system monitoring and security upgrades.

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

Permit No. 3119505, Public Water Supply.

Applicant	Petersburg Borough Water Authority
Municipality	Logan Township
County	Huntingdon
Responsible Official	William L. Lightner Authority Chairman 316 King Street Petersburg, PA 16669
Type of Facility	Public Water Supply
Consulting Engineer	Christopher M. Eckenrode, P.E. Gwin, Dobson & Foreman, Inc. 3121 Fairway Drive Altoona, PA 16602

Application Received:	6/17/2019
Description of Action	Proposed to make several changes to the existing treatment plant which include replacing the filter media and support gravel in the 3 slow sand filters, installing the necessary equipment for automated shut down capability, installing new flow measuring devices for the existing sources, and extending the casing of Well No. 2 18" above ground.

Permit No. 0619509, Public Water Supply.

Applicant	Econo Lodge—Douglassville
Municipality	Amity Township
County	Berks

Responsible Official	Bela Laliwala General Manager 387 Benjamin Franklin Hwy Douglassville, PA 19518
Type of Facility	Public Water Supply
Consulting Engineer	John D. Brady, P.E. Entech Engineering Inc. 201 Penn Street Reading, PA 19601
Application Received:	6/19/2019
Description of Action	Installation of a new sodium hypochlorite disinfection system and multiple contact tanks to provide 4-log inactivation of viruses at Entry Point No. 101. The permittee will also replace the existing softener and bladder tank and will remove the existing UV disinfection units.
Permit No. 2119507, Minor Amendment, Public Water Supply.	
Applicant	Middlesex Township Municipal Authority
Municipality	Middlesex Township
County	Cumberland
Responsible Official	Rory Morrison Operations Manager 350 North Middlesex Road Suite 2 Carlisle, PA 17013
Type of Facility	Public Water Supply
Consulting Engineer	N Peter Fleszar, P.E. Glac Associates, Inc. 3705 Trindle Road Camp Hill, PA 17011
Application Received:	6/25/2019
Description of Action	Proposed to install a bulk water loading station for non-potable use.

WATER ALLOCATIONS

Applications received under the Act of June 24, 1939 (P.L. 842, No. 365) (35 P.S. §§ 631—641) relating to the Acquisition of Rights to Divert Waters of the Commonwealth.

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

WA 3-1001B, Water Allocations. Mahoning Township Municipal Authority, P.O. Box, Distant, PA 16223, Mahoning Township, Armstrong County. Water Allocation Permit application requesting to renew the existing water purchase agreement between Mahoning Township Municipal Authority and the Redbank Valley Municipal Authority to purchase a maximum of 85,000 gpd of treated water.

Actions taken on applications received under the Act of June 24, 1939 (P.L. 842, No. 365) (35 P.S. §§ 631—641) relating to the acquisition of rights to divert waters of the Commonwealth.

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

WA 14-947A, Water Allocations. Haines-Aaronsburg Municipal Authority, P.O. Box 254, Aaronsburg, PA 16820, Haines Township, Centre County. This permit grants the right to withdraw a maximum of 72,000 gallons per day (gpd) when available, from Spring Nos. 1, 2, and 3, located in Haines Township, Centre County.

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 appro-

priate 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:

Southwest Region: Environmental Cleanup & Brownfields Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

UPMC Vision and Rehabilitation Hospital at UPMC Mercy, 1400 Locust Avenue, City of Pittsburgh, **Allegheny County**. SE Technologies, LLC, 98 Vanadium Road, Building D, 2nd Floor, Bridgeville, PA 15017 on behalf of UPMC—Corporate Construction, 600 Grant Street, 60th Floor, Pittsburgh, PA 15219 has submitted a Notice of Intent to Remediate. Construction activities for the UPMC Vision and Rehabilitation Hospital at UPMC Mercy will result in excavation and removal of historic fill from the Site for off-site transport and placement on a separate active Act 2 site. Analytical data has classified the historic fill material and shallow mixed soil as a regulated waste in accordance with the Pennsylvania Department of Environmental Protection Management of Fill Program. The proposed cleanup standard for the Site is residential Statewide Health Standard for metals in soil. The Notice of Intent to Remediate was published in the *Pittsburgh Post-Gazette* on January 16, 2019.

Mongell's Former Gasoline Station Property, 224 West Crawford Avenue, City of Connellsville, **Fayette County**. Insite Group, Inc., 611 South Irvine Avenue, Sharon, PA 16146 on behalf of DJB Associates, LP, 218 North Broadway Street, Scottdale, PA 15683 has submitted a Notice of Intent to Remediate. The Site was formerly a retail gas station and has been found to be contaminated with petroleum products which impacted soil and groundwater. The proposed future use of the Site will be non-residential. The proposed cleanup standard for the Site is non-residential Statewide Health Standard for lead, gasoline & lubricating oil parameters in soil and Site Specific Standard for gasoline parameters in groundwater. The Notice of Intent to Remediate was published in the *Daily Courier* on May 22, 2019.

Franks Development Former Gasoline Station Property, 718 South Pittsburgh Street, City of Connellsville, **Fayette County**. Insite Group, Inc., 611 South Irvine Avenue, Sharon, PA 16146 on behalf of Franks Development, LLC, 2561 Memorial Blvd., P.O. Box 899, Connellsville, PA 15425 has submitted a Notice of Intent to Remediate. The Site was formerly a retail gas station and has been found to be contaminated with petroleum products which impacted soil and groundwater. The proposed future use of the Site will be non-residential and includes gasoline retail sales. The proposed cleanup standard for the Site is residential Statewide Health Standard for lead, benzene, ethylbenzene, cumene, MTBE, naphthalene, toluene, 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, 1,2-dichloroethane, 1,2-dibromoethane. The Notice of Intent to Remediate was published in the *Daily Courier* on May 21, 2019.

Larimer/East Liberty Phase III Development, located along Larimer Avenue, Winslow Street, Stoebner Way, and Meadow Street, City of Pittsburgh, **Allegheny County**. KU Resources, Inc., 22 South Linden Street, Duquesne, PA 15110 on behalf of the Housing Authority of the City of Pittsburgh, 200 Ross Street, Pittsburgh, PA 15219, and McCormack Baron Salazar, Inc., 720 Olive Street, Suite 2500, St. Louis, MO 63101 has submitted a Notice of Intent to Remediate. Antimony, arsenic, manga-

nese, lead, vanadium and the semi-volatiles benzo(a)-anthracene, benzo(a)pyrene, benzo(b)fluoranthene, and benzo(k)fluoranthene have been identified in Site soils in concentrations above their respective medium-specific concentrations (MSCs) for residential use. The metals cobalt and manganese have been identified in Site groundwater at concentrations above its MSC for residential used aquifers. The proposed future use of the Site will be residential. The proposed cleanup standard for the Site is the Site Specific Standard. The Notice of Intent to Remediate was published in the *Pittsburgh Post-Gazette* on June 30, 2019.

Larimer/East Liberty Phase IV Development, located along Larimer Avenue, Winslow Street, and Maxwell Way, City of Pittsburgh, **Allegheny County**. KU Resources, Inc., 22 South Linden Street, Duquesne, PA 15110 on behalf of the Housing Authority of the City of Pittsburgh, 200 Ross Street, Pittsburgh, PA 15219, and McCormack Baron Salazar, Inc., 720 Olive Street, Suite 2500, St. Louis, MO 63101 has submitted a Notice of Intent to Remediate. Antimony, arsenic, manganese, and lead; the semi-volatiles benzo(a)anthracene, benzo(a)pyrene, and benzo(k)fluoranthene; and the volatile organic compound benzene have been identified in Site soils in concentrations above their respective medium-specific concentrations (MSCs) for residential use. The metals manganese and molybdenum; and the volatile organic compound 2, 6-dinitrotoluene have been identified in Site groundwater at concentrations above its MSC for residential used aquifers. The metals aluminum and iron have been identified in Site groundwater above their respective secondary maximum contaminant levels (SMCLs). The proposed future use of the Site will be residential. The proposed cleanup standard for the Site is the Site Specific Standard. The Notice of Intent to Remediate was published in the *Pittsburgh Post-Gazette* on June 30, 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.

25-029F: Erie Coke Corporation (925 East Bay Drive, Erie, PA 16512), for the proposed installation of a backup hydrogen sulfide (H₂S) control system for coke oven gas in Erie City, **Erie County**. This is a Title V facility.

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

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

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

AMS 14347: On July 10, 2019, AMS issued a Plantwide Applicability Limitation (PAL) Plan Approval Permit to **Naval Surface Warfare Center, Philadelphia Division (NSWCPD)** located at 901 Admiral Peary Way, Philadelphia, PA 19112-1403 for the following pollutants:

- Nonattainment New Source Review (NNSR) PAL for Nitrogen Oxides (NO_x) for 240.4 tons per rolling 12-month period.
- Attainment New Source Review/Pollution of Significant Deterioration (PSD) NO_x for 240.4 tons per rolling 12-month period.
- Attainment New Source Review/Pollution of Significant Deterioration (PSD) PAL for Sulfur Oxides (SO_x) for 54.3 tons per rolling 12-month.

OPERATING PERMITS

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

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

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

Approval of a Reasonably Available Control Technology (RACT II) plan for **GenOn Northeast Management Company** located in West Wheatfield Township, **Indiana County**.

In accordance with 25 Pa. Code §§ 129.96—129.100, the Pennsylvania Department of Environmental Protection has made a preliminary determination to approve a RACT II plan and an amendment to the State Implementation Plan (SIP) for the Conemaugh Generating Station owned and operated by GenOn Northeast Management Company located at 1442 Power Plant Road, in West Wheatfield Township, Indiana County.

The proposed SIP revision does not adopt any new regulations. It incorporates the provisions and requirements contained in the amended RACT approval for the facility, which are intended to satisfy the requirements for the 1997, 2008, and 2015 National Ambient Air Quality Standards (NAAQS) for ozone. Other sources at the facility meet the presumptive RACT II requirements of 25 Pa. Code § 129.97.

The proposed amendments to the RACT II determination will be incorporated into a revised operating permit (TV-32-00059) for the facility. After the public participation requirements of 40 CFR 51.102 are met, including public hearings to be held on the dates and at the location advertised below, the relevant RACT II requirements will be submitted to the U.S. Environmental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan and will remain in effect until replaced pursuant to 40 CFR 51 and approval by the EPA. Requirements that are not part of the RACT II determination will be excluded from the SIP submittal.

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

Source	Proposed NO _x RACT	TVOP No. 32-00059
RACT II Source Group 031—Main Boiler 1 032—Main Boiler 2 039—Aux Boiler A 041—Aux Boiler B	25 Pa. Code § 129.98(a), (b), (e) NO _x emissions averaging plan	Section E, Condition # 001
	25 Pa. Code § 129.98(j) Reporting	Section E, Condition # 006

Public hearing. A public hearing will be held on September 11, 2019, from 10:00—10:30 a.m. at the Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. To register to speak at a hearing, or to inquire if a hearing will be held, please contact Thomas Joseph at 412-442-4336. The last day to pre-register to speak at a hearing will be August 27, 2019. If we do not receive any pre-registered speakers by this date, the hearing will be cancelled.

Please note that any updates made to any aspect of the hearing, including whether or not a hearing will be held, will be posted online at <https://www.dep.pa.gov/About/Regional/SouthwestRegion/Community%20Information/Pages/default.aspx>. We ask that you contact Thomas Joseph at 412-442-4336 or monitor our Web site to determine if a hearing will be held.

Persons wishing to present testimony at the hearing should contact Thomas Joseph at 412-442-4336 at least one week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to a maximum of 10 minutes per individual and two written copies of the oral testimony are requested. Each organization is requested to designate one witness to present testimony on its behalf. Persons unable to attend the hearing, if it is held, may submit three (3) copies of a written statement and exhibits within 10 days thereafter to Mark Gorog, Environmental Program Manager, Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222.

Persons wishing to file a written protest or provide comments or additional information, which they believe should be considered prior to the issuance of a permit, may submit the information to Mark Gorog, Environmental Program Manager, Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. A 30-day comment period from July 27, 2019 will exist for the submission of comments, protests and information. Each submission must contain the name, address and telephone number of the person submitting the comments, identification of the proposed RACT II Operating Permit including the permit number and a concise statement regarding the relevancy of the information or objections to issuance of the proposed RACT II Plan.

All pertinent documents are available for public review between 8 a.m. and 4 p.m. at the Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. Appointments for scheduling a review may be made online at <https://www.dep.pa.gov/Citizens/PublicRecords/Pages/Informal-File-Review.aspx> or by calling the Department at 412-442-4000.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should contact Lauren Fraley at 412-442-4203 or the Pennsylvania AT&T Relay Service at 1-800-654-5984 (TDD) to discuss how the Department may accommodate your needs.

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

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

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

46-00166: Harleysville Materials, LLC (460 Indian Creek Road, Harleysville, PA 19438) for renewal of a State Only Operating Permit (synthetic minor) located in Lower Salford Township, **Montgomery County**. Harleysville Materials operates a quarry using various crushers, screeners, and conveyors, and leases operation of a batch asphalt plant to Independence Construction Materials (ICM). This renewal will incorporate the requirements of general permits GP3-46-0152 and GP3-46-0159 for two portable crushers rated at 600 and 700 tons per hour respectively. The permit will include monitoring, record keeping and reporting requirements designed to address all applicable air quality requirements.

09-00136: Powdersize LLC (20 Pacific Drive, Quakertown, PA 18951-3601) located in Richland Township, **Bucks County**, for operation of pulverizing and screening powder form products to meet customer specifications. This action is a renewal of the State Only Operating Permit (Natural Minor). The renewal contains all applicable requirements including monitoring, recordkeeping and reporting designed to keep the facility operating within all applicable air quality requirements.

23-00029: Upper Darby School District (8201 N Lansdowne Ave, Upper Darby, PA 19082) for the Upper Darby High School located in Upper Darby Township, **Delaware County**. The renewal permit is for a non-Title V (State only) facility. Air emissions sources at the facility include three dual fuel fired (natural gas/No. 2 fuel oil) boilers (16 MMBtu/hr each), a natural gas fired chiller (8.1 MMBtu/hr), and 4 emergency generators (3 natural gas fired, 1 No. 2 fuel oil fired), ranging in capacity of 15—375 kilowatts. Each boiler is equipped with Low NO_x (nitrogen oxides) Burners and Flue Gas Recirculation. The boilers are the major emissions sources at the facility. The following emissions limits in tons/year per 12-month rolling period are maintained with the renewal: nitrogen oxides (NO_x): 1.7, particulate matter (PM): 0.28, carbon monoxide (CO): 1.27, and volatile organic compounds (VOC): 0.08. The facility continues to take a restriction to operate the boilers as gas fired boilers, pursuant to 40 CFR Section 63.11237 thereby avoiding applicability of 40 CFR Part 63 Subpart JJJJJJ, National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources. The facility also continues to operate the emergency generators only for readiness testing or emergencies, thereby obtaining the institutional exemption from 40 CFR Part 63 Subpart ZZZZ, National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines. The operating permit will include monitoring and recordkeeping requirements

designed to keep the facility operating within all applicable air quality requirements.

15-00005: PA State System of Higher Education—West Chester University (201 Carter Drive, Ste. 500, West Chester, PA 18383) for a non-Title V, State Only, Synthetic Minor operating permit in West Chester Borough, **Chester County**. The permit is for the operation of natural gas and diesel or No. 2 fuel oil-fired emergency generators and numerous other insignificant emergency generators, boilers, heaters and furnaces for backup electric power, heating of building and domestic hot water. West Chester University was previously a Title V facility, but the application contains proposed limits on natural gas and fuel oil usage that will ensure that the facility stay below the 24.9 tons per year threshold for nitrogen oxides (NO_x).

The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

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

54-00084 Pierson-Middleport, LLC (P.O. Box 704, Bridgeport, NJ 08014-0704) The Department intends to issue a State-Only Operating Permit for operation of sources at a sand and gravel mining operation in Walker Township, **Schuylkill County**. The sources include crushers, conveyors, screens, sandscrews, feeders, stackers, and a classifying tank. Other sources include two water pump engines. The sources are controlled by water spray systems. Two general permits have been issued for a portable crusher and associated engine. The proposed permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

45-00010: HG Smith Wilbert Vault Co., Inc., Stroudsburg Facility (2120 N. 5th Street, Stroudsburg, PA 18360-2802). The Department intends to issue a renewal State-Only (Natural Minor) Permit for the animal and human crematory facility located in Stroudsburg, **Monroe County**. The primary sources consist of one (1) animal incinerator and three (3) human crematories. The control devices consist of afterburners. The 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 operating permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

35-00030: General Dynamics Land Systems, Eynon Plant (175 East Street, Archbald, PA 18403). The Department intends to issue a renewal (Synthetic Minor) permit to operate a military armored vehicle, tank, and tank components manufacturing facility in Archbald Borough, **Lackawanna County**. The sources consist of two (2) natural gas fired boilers and paint booths. The sources are controlled by particulate arrestors. The sources are considered minor emission sources of nitrogen oxide (NO_x), sulfur oxides (SO_x), carbon monoxide (CO), particulate matter (PM₁₀), and volatile organic compounds (VOC) emissions. The operating permit contains applicable requirements for emission limitations, work practice

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

Southcentral Region: Air Quality Program, 909 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.

01-05021: Knouse Foods Coop., Inc. (450 Gardners Station Rd, Gardners, PA 17324) for the operation of a fruit processing facility in Tyrone Township, **Adams County**. This is for renewal of the existing State-only permit. Potential air emissions from the facility are estimated at 11.2 tpy PM₁₀, 66.6 tpy NO_x, 18.0 tpy CO, 1.38 tpy VOC, 82.6.0 tpy SO₂ and 0.76 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.

28-05018: Knouse Foods Coop, Inc. (421 E Grant St, Chambersburg, PA 17201) for the operation of a fruit processing facility in Chambersburg Borough, **Franklin County**. This is for renewal of the existing State-only permit. Potential air emissions from the facility are estimated at 9.17 tpy PM, 53.6 tpy NO_x, 14.6 tpy CO, 0.96 tpy VOC, and 68.8 tpy SO₂. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

21-05028: Fry Communications, Inc.—Building 3 (101 Fry Drive, Mechanicsburg, PA 17050) for the operation of a lithographic printing facility in Mechanicsburg Borough, **Cumberland County**. This is for renewal of the existing State-only permit. Actual 2017 air emissions from the facility were 3.36 tpy NO_x, 1.43 tpy CO, 6.73 tpy VOC, and less than 1 tpy each of PM, SO₂ and HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

06-03093: H & K Group, Inc. (2052 Lucon Road, P.O. Box 196, Skippack, PA 19474) to issue a State Only Operating Permit for the railcar unloading station located in Cumru Township, **Berks County**. This is for renewal of the existing State-only permit. The actual emissions from the facility in 2018 were estimated at less than 1 ton of particulate matter. The operating permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR Part 60, Subpart 000.

06-05092: H & K Group, Inc. (2052 Lucon Road, P.O. Box 196, Skippack, PA 19474) to issue a State Only Operating Permit for the South Reading Asphalt Plant located in Cumru Township, **Berks County**. This is for renewal of the existing State-only permit. The actual emissions from the facility in 2017 year were estimated at 0.46 ton of SO_x, 2.53 tons of NO_x, 2.73 tons of PM₁₀, 40.42 tons of CO, and 0.83 ton of VOC. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with

the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR 60 Subpart I.

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

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

10-00326: Oesterling Sandblasting & Painting, Inc. (686 Glenwood Way, Butler, PA 16001-8422), the Department intends to issue a State Only Operating Permit for the facility located in Center Township, **Butler County**. The facility is a Natural Minor. The primary sources at the facility include abrasive blasting operations, two (2) paint booths for spray painting, and natural gas fueled space heaters. The potential emissions from the facility are less than the Title V thresholds. The permit includes a federally enforceable restriction on VOC emissions not to exceed 20 tons per year. The permit renewal contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

37-00327: R. Cunningham Funeral Home (2429 Wilmington Road, New Castle, PA 16105) the Department intends to issue a State Only Operating Permit (SOOP) renewal for the facility located in Neshannock Township, **Lawrence County**. The sources at the facility are two (2) natural gas fueled cremators. Each rated at 2.0 MMBtu/hr and equipped with afterburners. The facility is a Natural Minor. The conditions of the previous SOOP are incorporated into the renewed permit. The potential emissions from the facility are as follows: PM, 3.5 tpy; NO_x, 1.5 tpy; CO, 4.9 tpy; SO_x, 1.2 tpy; and VOCs, 1.5 tpy. The permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

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

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

OP19-000013: FMC Tower at Cira Centre South (2929 Walnut Street, Philadelphia, PA 19104) for the operation of commercial and residential building in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include one diesel-fired 168 kW fire pump, two (2) diesel-fired 496 kW fire pumps, one diesel-fired 208 kW tenant emergency generator, and one diesel-fired 1,655 kW emergency generator.

The operating permit will be issued under the 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

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

OP19-000010: Philadelphia Crematories, Inc. (7350 State Road, Philadelphia, PA 19136) for the operation of a human crematory in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include two (2) natural gas fired 150 pounds per hour cremation unit and one (1) natural gas fired 100 pounds per hour cremation unit, equipped with both primary burners and afterburners.

The operating permit will be issued under the 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

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

OPERATING PERMITS

PUBLIC HEARINGS

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

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

Approval of a Reasonably Available Control Technology (Alternate RACT II) plan for **Monroe Energy, LLC** located in Trainer Borough, **Delaware County**.

In accordance with 25 Pa. Code §§ 129.96—129.100, the Pennsylvania Department of Environmental Protection has made a determination for an alternate RACT II plan and seeks approval of the amendment to the State Implementation Plan (SIP) for the petroleum refinery owned and operated by Monroe Energy, LLC in Trainer Borough, Delaware County.

The proposed SIP revision does not adopt any new regulations. It incorporates the provisions and requirements contained in the amended RACT II approval for the facility, which are intended to satisfy the requirements for the 1997, 2008, and 2015 National Ambient Air Quality Standard (NAAQS) for ozone.

The proposed amendments to the RACT II determination have been incorporated into this revised operating permit 23-00003 for the facility. After the public participation requirements of 40 CFR 51.102 are met, including that public hearings to be held on the dates and at the location advertised below, the relevant RACT II requirements will be submitted to the U.S. Environmental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan and will remain in effect until replaced pursuant to 40 CFR 51 and approval by the EPA. Requirements that are not part of the RACT II determination will be excluded and/or redacted from the SIP submittal.

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

<i>Source</i>	<i>RACT II Requirement</i>	<i>TVOP No. 23-00003 Section D, Condition No.</i>
Source 101— Fluid Catalytic Cracking Unit (FCCU)	For NO _x , good operating practices, continued use of SNCR, and compliance with emission limits of TVOP Condition # 001(a)(2) and (3). For VOC, good operating practices, continued use of CO Boiler, and compliance with VOC emission limit of 8.1 tons per 12-month rolling period. Condition #	# 008(a), (b)(2); # 018; # 012(b); # 013; # 024(b); # 001(a)(2) and (3) # 009(a)(2); # 012(a)(5),(b); # 024(c); # 001(c)
Source 104— Marine Vessel Ballasting	For VOC, limiting vessel ballasting to 2% total volume of receipts.	# 001; # 002
Source 105— Marine Vessel Loading	For VOC, good operating practices and continued use of MVR System.	# 003(a); # 004; # 005; # 007
Source 111 & 700— Cooling Towers	For VOC, good operating practices and compliance with 40 CFR Part 63, Subpart CC LDAR requirements.	# 008 (Source ID 700)
Source 118— Railcar Loading LPG & Butane	For VOC, good operating practices and continued use of flare gas recovery system to meet the VOC limit of 3.94 tons per 12-month rolling period.	# 001; # 002
Source 130— Peabody Heater, 74.0 MMBtu/hr	For NO _x , good operating practices and compliance with the NO _x limit of 7.6 tons per 12-month rolling period. Condition #	# 003; # 006; # 007; # 008
Source 735— Kerosene/HCN HTU Heater, 23.0 MMBtu/hr	For NO _x , good operating practices, compliance with NO _x limit of 14.32 tons per 12-month rolling period, and conducting an annual tune-up. Condition #	# 002(a); # 011; # 015
Source 736— Diesel HTU Heater, 39.0 MMBtu/hr	For NO _x , good operating practices, compliance with NO _x limit of 24.36 tons per 12-month rolling period, and conducting an annual tune-up. Condition #	# 002; # 010; # 013

Public hearing. A public hearing will be held on September 4, 2019, at 10:00 AM at the Pennsylvania Department of Environmental Protection, Southeast Regional Office, 2 East Main Street, Norristown, PA 19401. To register to speak at the hearing, or to inquire if a hearing will be held, contact Virginia Cain, Environmental Community Relations Specialist at 484-250-5808. The last day to pre-register to speak at the hearing will be August 31, 2019. If we do not receive any pre-registered speakers by this date, the hearing will be cancelled.

Please note that any updates made to any aspect of the hearing, including whether or not a hearing will be held, will be posted online at: <http://www.dep.pa.gov/About/Regional/SoutheastRegion/Community%20Information/Pages/default.aspx>.

We ask that you contact Virginia Cain, Environmental Community Relations Specialist at 484-250-5808 or monitor our Web site to determine if a hearing will be held.

Persons wishing to present testimony at the hearing should contact Virginia Cain, Environmental Community Relations Specialist at 484-250-5808 at least one week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to a maximum of 5 minutes per individual and two written copies of the oral testimony are requested. Each organization is requested to designate one witness to present testimony on its behalf. Persons unable to attend the hearing, if it is held, may submit a written statement and exhibits within 10 days thereafter to James Rebarchak, Environmental Program Manager, Pennsylvania Department of Environmental Protection, Southeast Regional Office, 2 East Main Street, Norristown, PA 19401 or electronically to RA-EPSEROAQPUBCOM@pa.gov.

The 30-day comment period from August 1, 2019 will exist for the submission of comments, protests and information. Each submission must contain the name, address and telephone number of the person submitting the comments, identification of the proposed RACT II Operating Permit including the permit number and a concise statement regarding the relevancy of the information or objections to issuance of the proposed RACT II Plan. Persons wishing to file a written protest or provide comments or additional information, which they believe should be considered prior to amending the SIP, may submit the information to James Rebarchak, Environmental Program Manager, Pennsylvania Department of Environmental Protection, Southeast Regional Office, 2 East Main Street, Norristown, PA 19401 or electronically to RA-EPSEROAQPUBCOM@pa.gov.

All pertinent documents are available for public review between 8 a.m. and 4 p.m. at the Pennsylvania Department of Environmental Protection, Southeast Regional Office, 2 East Main Street, Norristown, PA 19401. Appointments for scheduling a review may be made by calling the Department at 484-250-5910.

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

Notice of Proposed Revision to the State Implementation Plan for Oxides of Nitrogen, Volatile Organic Compounds, and Notice of Public Hearing for the Revised Air Quality Operating Permit 09-00016

Approval of a Reasonably Available Control Technology (Alternate RACT II) plan for **Exelon Generation Company Croydon Generation Station** located in Bristol Township, **Bucks County**.

In accordance with 25 Pa. Code §§ 129.96—129.100, the Pennsylvania Department of Environmental Protection has made a determination for an alternate RACT II plan and seeks approval of the amendment to the State Implementation Plan (SIP) for the eight (8) combustion turbines owned and operated by Exelon Generation Company Croydon Generation Station located in Bristol Township, Bucks County.

The proposed SIP revision does not adopt any new regulations. It incorporates the provisions and requirements contained in the amended RACT II approval for the facility, which are intended to satisfy the requirements for the 1997, 2008, and 2015 National Ambient Air Quality Standard (NAAQS) for ozone.

The proposed amendments to the RACT II determination have been incorporated into this revised operating permit 09-00016 for the facility. After the public participation requirements of 40 CFR 51.102 are met, including that public hearings to be held on the dates and at the location advertised below, the relevant RACT II requirements will be submitted to the U.S. Environmental Protection Agency (EPA) as a revision to Pennsylvania’s State Implementation Plan and will remain in effect until replaced pursuant to 40 CFR 51 and approval by the EPA. Requirements that are not part of the RACT II determination will be excluded and/or redacted from the SIP submittal.

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

<i>Source Description</i>	<i>Proposed RACT II Requirement</i>	<i>TVOP 09-00016 Condition No.</i>
Facility-wide Testing	Stack test shall be performed on at least three (3) of (8) turbines listed in the permit once within the 5-year term of the permit, and all eight (8) within three permit terms. Results to be within 10% for similar loads and capacities.	Section C, Condition # 007
Simple Cycle Turbine # 11 (031); Simple Cycle Turbine # 12 (032); Simple Cycle Turbine # 21 (033); Simple Cycle Turbine # 22 (034); Simple Cycle Turbine #31 (035); Simple Cycle Turbine # 32 (036A); Simple Cycle Turbine # 41 (037); Simple Cycle Turbine # 42 (038)	The NO _x emissions for this turbine shall not exceed 0.70 pound per MMBtu or 587 pounds per hour, whichever is more stringent.	Section D, Condition # 004
	(a). The capacity factor for this turbine shall not exceed 20% in any consecutive 12-month rolling period. The capacity factor is defined as the ratio of net electrical power generation, in megawatt hours (MWH), for the last twelve (12) months to the maximum capacity of the unit (MW) times the number of hours in the same twelve (12) months. (b). The rolling 12-month capacity factor is expressed in the following formula: [(Last 12 months net electric power generation (MWH))*(100)] divided by (Maximum capacity of unit (MW))*(Number of operating hours in last 12 months)] (a). The permittee shall record the following information for this turbine: (1). Monthly fuel consumption; (2). Monthly net electrical power (MWH) generated;	Section D, Condition # 006 Section D, Condition # 009

Source Description	Proposed RACT II Requirement	TVOP 09-00016 Condition No.
	(3). The dates and times of operation of this turbine, including discharge temperature and operation conditions related to stack opacity; (4). Monthly and 12 month rolling capacity factor; (5). Monthly NO _x emissions calculated using the emission factors from the most recent stack test result.	

Public hearing. The hearing will be held on September 4, 2019, at 2:00 PM at the Pennsylvania Department of Environmental Protection, Southeast Regional Office, 2 East Main Street, Norristown, PA 19401. To register to speak at the hearing, or to inquire if a hearing will be held, contact Virginia Cain, Environmental Community Relations Specialist at 484-250-5808. The last day to pre-register to speak at the hearing will be August 31, 2019. If we do not receive any pre-registered speakers by this date, the hearing will be cancelled.

Please note that any updates made to any aspect of the hearing, including whether or not a hearing will be held, will be posted online at: <http://www.dep.pa.gov/About/Regional/SoutheastRegion/Community%20Information/Pages/default.aspx>.

We ask that you contact Virginia Cain, Environmental Community Relations Specialist at 484-250-5808 or monitor our Web site to determine if a hearing will be held.

Persons wishing to present testimony at the hearing should contact Virginia Cain, Environmental Community Relations Specialist at 484-250-5808 at least one week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to a maximum of 5 minutes per individual and two written copies of the oral testimony are requested. Each organization is requested to designate one witness to present testimony on its behalf. Persons unable to attend the hearing, if it is held, may submit a written statement and exhibits within 10 days thereafter to James Rebarchak, Environmental Program Manager, Pennsylvania Department of Environmental Protection, Southeast Regional Office, 2 East Main Street, Norristown, PA 19401 or electronically to RA-EPSEROAQPUBCOM@pa.gov.

The 30-day comment period from **August 1, 2019** will exist for the submission of comments, protests and information. Each submission must contain the name, address and telephone number of the person submitting the comments, identification of the proposed RACT II Operating Permit including the permit number and a concise statement regarding the relevancy of the information or objections to issuance of the proposed RACT II Plan. Persons wishing to file a written protest or provide comments or additional information, which they believe should be considered prior to amending the SIP, may submit the information to James Rebarchak, Environmental Program Manager, Pennsylvania Department of Environmental Protection, Southeast Regional Office, 2 East Main Street, Norristown, PA 19401 or electronically to RA-EPSEROAQPUBCOM@pa.gov.

All pertinent documents are available for public review between 8 a.m. and 4 p.m. at the Pennsylvania Department of Environmental Protection, Southeast Regional Office, 2 East Main Street, Norristown, PA 19401. Appointments for scheduling a review may be made by calling the Department at 484-250-5910.

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

Notice of Proposed Revision to the State Implementation Plan for Oxides of Nitrogen, Volatile Organic Compounds, and Notice of Public Hearing for the Revised Air Quality Operating Permit 46-00011

Approval of a Reasonably Available Control Technology (Alternate RACT II) plan for **Arcelormittal Plate LLC Company** located in Plymouth Township, **Montgomery County**.

In accordance with 25 Pa. Code §§ 129.96—129.100, the Pennsylvania Department of Environmental Protection has made a determination for an alternate RACT II plan and seeks approval of the amendment to the State Implementation Plan (SIP) for the Steel manufacturing facility/blast furnaces owned and operated by Arcelormittal Plate LLC Company located in Plymouth Township, Montgomery County.

The proposed SIP revision does not adopt any new regulations. It incorporates the provisions and requirements contained in the amended RACT II approval for the facility, which are intended to satisfy the requirements for the 1997, 2008, and 2015 National Ambient Air Quality Standard (NAAQS) for ozone.

The proposed amendments to the RACT II determination have been incorporated into this revised operating permit 46-00011 for the facility. After the public participation requirements of 40 CFR 51.102 are met, including that public hearings to be held on the dates and at the location advertised below, the relevant RACT II requirements will be submitted to the U.S. Environmental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan and will remain in effect until replaced pursuant to 40 CFR 51 and approval by the EPA. Requirements that are not part of the RACT II determination will be excluded and/or redacted from the SIP submittal.

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

Source ID	Source Name	Proposed RACT II
101	Drever Furnace	Good operating practices, NO _x limit 34.34 tons/12 consecutive months and Fuel limit is 490,571 MCF/YR; record hours of operation and fuel usage monthly; calculate and record emissions monthly and 12-month rolling using Emission Factor (E.F.) 0.14 lb NO _x /Mcf;
102	Quench Furnace	Good operating practices, NO _x limit 50.55 tons/12 consecutive months and natural gas limit of 722,143 Mcf per year; record hours of operation and fuel usage monthly; calculate and record emissions monthly and 12 month rolling using E.F.0.14 lb NO _x /Mcf;
106	Rose Annealing Furnace	Good operating practices, NO _x limit 36.84 tons/12 consecutive months with current natural gas limit of 526,286 MCF/Yr; record hours of operation and fuel usage monthly; calculate and record emissions monthly and 12 month rolling using E.F.0.14 lb NO _x /Mcf.
110	Slab Heating Furnace 1	Good operating practices, NO _x limit 86.01 tons/12 consecutive months with current natural gas limit: 1,563,901 MCF/Yr; record hours of operation and fuel usage monthly; calculate and record emissions monthly and 12 month rolling using E.F.0.11 lb NO _x /Mcf.
110	Slab Heating Furnace 2	Good operating practices, NO _x limit 187.34 tons/12 consecutive months with current natural gas limit: 1,821,848 MCF/Yr; record hours of operation and fuel usage monthly; calculate and record emissions monthly and 12 month rolling using E.F.0.198 lb NO _x /Mcf.
152	Temper Furnace	Good operating practices, NO _x limit 19.78 tons/12 consecutive months with current natural gas limit: 282,839 MCF/Yr; record hours of operation and fuel usage monthly; calculate and record emissions monthly and 12 month rolling using E.F.0.10 lb NO _x /Mcf.

Public hearing. The hearing will be held on September 4, 2019, at 8:00 AM at the Pennsylvania Department of Environmental Protection, Southeast Regional Office, 2 East Main Street, Norristown, PA 19401. To register to speak at the hearing, or to inquire if a hearing will be held, contact Virginia Cain, Environmental Community Relations Specialist at 484-250-5808. The last day to pre-register to speak at the hearing will be August 31, 2019. If we do not receive any pre-registered speakers by this date, the hearing will be cancelled.

Please note that any updates made to any aspect of the hearing, including whether or not a hearing will be held, will be posted online at: <http://www.dep.pa.gov/About/Regional/SoutheastRegion/Community%20Information/Pages/default.aspx>.

We ask that you contact Virginia Cain, Environmental Community Relations Specialist at 484-250-5808 or monitor our Web site to determine if a hearing will be held.

Persons wishing to present testimony at the hearing should contact Virginia Cain, Environmental Community Relations Specialist at 484-250-5808 at least one week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to a maximum of 5 minutes per individual and two written copies of the oral testimony are requested. Each organization is requested to designate one witness to present testimony on its behalf. Persons unable to attend the hearing, if it is held, may submit a written statement and exhibits within 10 days thereafter to James Rebarchak, Environmental Program Manager, Pennsylvania Department of Environmental Protection, Southeast Regional Office, 2 East Main Street, Norristown, PA 19401 or electronically to RA-EPSEROAQPUBCOM@pa.gov.

The 30-day comment period from August 1, 2019 will exist for the submission of comments, protests and information. Each submission must contain the name, address and telephone number of the person submitting the

comments, identification of the proposed RACT II Operating Permit including the permit number and a concise statement regarding the relevancy of the information or objections to issuance of the proposed RACT II Plan. Persons wishing to file a written protest or provide comments or additional information, which they believe should be considered prior to amending the SIP, may submit the information to James Rebarchak, Environmental Program Manager, Pennsylvania Department of Environmental Protection, Southeast Regional Office, 2 East Main Street, Norristown, PA 19401 or electronically to RA-EPSEROAQPUBCOM@pa.gov.

All pertinent documents are available for public review between 8 a.m. and 4 p.m. at the Pennsylvania Department of Environmental Protection, Southeast Regional Office, 2 East Main Street, Norristown, PA 19401. Appointments for scheduling a review may be made by calling the Department at 484-250-5910.

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

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.

11141302 (Formerly 11031702). ArcelorMittal Pristine Resources, LLC, (P.O. Box 36, 129 Bethlehem Road, Revloc, PA 15948). To renew the permit for the Mine 77 AMD Plant in East Taylor Township, **Cambria County** and related NPDES permit. No additional discharges. The application was considered administratively complete on July 8, 2019. Application received: May 13, 2019.

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

Permit No. 56080103 and NPDES No. PA0262617, Rosebud Mining Company, 301 Market Street, Kittanning, PA 16201, permit renewal for the continued operation and restoration of a bituminous surface mine in Milford Township, **Somerset County**, affecting 105.5 acres. Receiving streams: unnamed tributaries to and South Glad Creek to the Casselman River to the Youghiogheny River, classified for the following use: warm water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: July 1, 2019.

Permit No. 56120114 and NPDES No. PA0269158, Heritage Coal & Natural Resources, LLC, 550 Beagle Road, Rockwood, PA 15557, commencement, operation and restoration of a bituminous surface mine to revise the permit to add auger mining in Elk Lick and Summit Townships, **Somerset County**, affecting 353 acres. Receiving stream: unnamed tributary to and Casselman River classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: July 5, 2019.

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

17180101 and NPDES PA0269891. Bell Resources, Inc. (1340 Hoyt Road, Curwensville, PA 16833). Commencement, operation, and restoration of a bituminous surface and auger mine with coal refuse disposal located in Penn Township, **Clearfield County** affecting 146.2 acres. Receiving stream(s): Unnamed Tributaries to Bell Run classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: June 28, 2019.

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

65-19-01 and PAG-02 No. 256519001. Robindale Energy Services, Inc. (224 Grange Hall Road, P.O. Box 288, Armagh, PA 15920). Application for commencement, operation and restoration for a Government Financed Construction Contract, located in South Huntingdon Township, Westmoreland County, affecting 12 acres. Receiving streams: Sewickley Creek. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: July 3, 2019.

Noncoal Applications Received

Effluent Limits—The following effluent limits will apply to NPDES permits issued in conjunction with a noncoal mining permit:

Table 2

Parameter	30-day Average	Daily Maximum	Instantaneous Maximum
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Alkalinity exceeding acidity* pH*		greater than 6.0; less than 9.0	

* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to surface runoff resulting from a precipitation event of less than or equal to a 10-year 24-hour event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

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

4774SM4 and NPDES No PA0115789. Hanson Aggregates Pennsylvania LLC (7660 Imperial Way, Allentown, PA 18195). Permit and NPDES revision to relocate sedimentation pond 001 and add sedimentation pond 003 to an existing large noncoal in Montoursville Borough and Fairfield Township, **Lycoming County** affecting 950.10 acres. Receiving stream(s): Bennetts Run and Tules Run classified for the following use(s): WWF, MF. There are no potable water supply intakes within 10 miles downstream. Application received: June 28, 2019.

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

26990301 and NPDES Permit No. PA0278220. Iron Mountain US, LLC (1 Pilarsky Way, Aliquippa, PA 15001). NPDES renewal application for continued mining to an existing large noncoal surface mine, located in Dunbar Township, Vanderbilt Borough, **Fayette County**, affecting 297 acres. Receiving streams: Dickerson Run and unnamed tributaries to Dickerson Run, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: July 11, 2019.

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

Permit No. 7775SM4C6 and NPDES No. PA0594563. Lehigh Cement Co., LLC (7660 Imperial Way, Allentown, PA 18195), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Oley Township, Berks County affecting 303 acres, receiving stream: unnamed tributary to Manatawny Creek, classified for the following use: cold water fishes. Application received: June 27, 2019.

MINING ACTIVITY NPDES DRAFT PERMITS

This notice provides information about applications for a new, amended or renewed NPDES permits associated with mining activity (coal or noncoal) permits. The applications concern industrial waste (mining) discharges to surface water and discharges of stormwater associated with mining activities. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

The Department of Environmental Protection (Department) has prepared a draft NPDES permit and made a tentative determination to issue the NPDES permit in conjunction with the associated mining activity permit.

Effluent Limits for Coal Mining Activities

For coal mining activities, NPDES permits, when issued, will contain effluent limits that are the more stringent of technology-based (BAT) effluent limitations or Water Quality Based Effluent Limits (WQBEL).

The BAT limits for coal mining activities, as provided in 40 CFR Part 434 and 25 Pa. Code Chapters 87—90 are as follows:

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (Total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
Manganese (Total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
Suspended solids	35 mg/l	70 mg/l	90 mg/l
pH*		greater than 6.0; less than 9.0	
Alkalinity greater than acidity*			

*The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applies to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; mined areas backfilled and revegetated; and all other discharges and drainage (resulting from a precipitation event of greater than 1-year 24-hour to less than or equal to a 10-year 24-hour event) from coal refuse disposal piles. Similarly, modified BAT limits apply to iron, manganese and suspended solids in surface runoff, discharges and drainage resulting from these precipitation events and those of greater magnitude in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

Exceptions to BAT effluent limits may be applicable in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

Effluent Limits for Noncoal Mining Activities

The limits for noncoal mining activities as provided in 25 Pa. Code Chapter 77 are pH 6 to 9 and other parameters the Department may require.

Discharges from noncoal mines located in some geologic settings (for example, in the coal fields) may require additional water quality based effluent limits. If additional effluent limits are needed for an NPDES permit associated with a noncoal mining permit, then the permit description specifies the parameters.

In addition to BAT or WQBEL limits, coal and noncoal NPDES permits establish effluent limitations in the form of implemented Best Management Practices (BMPs) identified in the associated Erosion and Sedimentation Plan, the Reclamation Plan and the NPDES permit application. These BMPs restrict the rates and quantities of associated pollutants from being discharged into surface waters in this Commonwealth.

More restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining that may occur are incorporated into an NPDES permit when necessary for compliance with water quality standards and antidegradation requirements (in accordance with 25 Pa. Code Chapters 91—96).

The procedures for determining the final effluent limits, using a mass-balance equation or model, are found in Technical Guidance Document 563-2112-115, Developing National Pollutant Discharge Elimination System (NPDES) Permits for Mining Activities. Other specific factors to be considered include public comments and Total Maximum Daily Load(s). Additional discharge limitations may apply in the event that unexpected discharges occur.

Discharge rates for surface mining activities are precipitation driven. Discharge rates for proposed discharges associated with underground mining are noted in the permit description.

Persons wishing to comment on an NPDES draft permit should submit a written statement to the Department at the address of the district mining office indicated before each draft permit within 30 days of this public notice. Comments received within the comment period will be considered in the final determinations regarding the NPDES permit applications. Comments must include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests or petitions for a public hearing on NPDES permit applications, as provided in 25 Pa. Code § 92a.82(d). The request or petition for a public hearing shall be filed within 30 days of this public notice and contain the name, address, telephone number and the interest of the party filing the request, and state the reasons why a hearing is warranted. A public hearing may be held if the Department considers the public interest significant. If a hearing is scheduled, a notice of the hearing on the NPDES permit application will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. When a public hearing is held, the Department will consider comments from the public hearing in the final determination on the NPDES permit application.

Coal NPDES Draft Permits

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

NPDES No. PA0215635 (Mining Permit No. 10743701), ArcelorMittal Pristine Resources, LLC, (P.O. Box 36, 129 Bethlehem Road, Revloc, PA 15948). A renewal to the NPDES and mining activity permit for the Fawn Mine No. 91 CRDA in Clinton Township, **Butler County**. Surface Acres Affected 70. Receiving stream: Lardintown Run, classified for the following use: TSF. The application was considered administratively complete on December 31, 2015. Application received: June 29, 2015.

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

Outfall 003 discharges to: Lardintown Run.

The proposed effluent limits for *Outfall 003* (Lat: 40° 41' 39" Long: -79° 48' 37") are:

Parameter		Minimum	30-Day Average	Daily Maximum	Instant. Maximum
Flow	(mgd)	-	-	-	Report
Iron	(mg/l)	-	3.0	6.0	7.0
Suspended Solids	(mg/l)	-	35	70	90
Manganese	(mg/l)	-	2.0	4.0	5.0
Aluminum	(mg/l)	-	-	-	Report
Sulfate	(mg/l)	-	-	-	Report
Total Dissolved Solids	(mg/l)	-	-	-	Report
pH	(mg/l)	6.0	-	-	9.0
Alkalinity, Total as CaCO ₃	(mg/l)	-	-	-	Report
Acidity, Total as CaCO ₃	(mg/l)	-	-	-	Report
Alkalinity, Net	(mg/l)	0.0	-	-	-

EPA waiver in effect.

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

NPDES No. PA0279722 (Mining Permit No. 29190101), J & J Svonavec Excavating, Inc., 110 Windermere Lane, Somerset, PA 15501, new NPDES permit for bituminous surface mine in Wells and Wood Townships, **Fulton and Huntingdon Counties**, affecting 112.5 acres. Receiving streams: unnamed tributaries to Great Trough Creek, classified for the following use: trout stocking. Application received: May 22, 2019.

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

The following outfalls discharge to unnamed tributary No. 2 to Great Trough Creek:

Outfall Nos.	New Outfall (Y/N)
001	Y
002	Y

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

Outfalls: 001 and 002 (All Weather Conditions) Parameter	30-Day Average	Daily Maximum	Instant. Maximum
Iron (mg/l)	2.5	5.0	6.2
Manganese (mg/l)	1.6	3.2	4.0

<i>Outfalls: 001 and 002 (All Weather Conditions)</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Aluminum (mg/l)	1.0	2.0	2.5
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

The following outfall discharges to unnamed tributary No 1 to Great Trough Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
003	Y

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

<i>Outfalls: 001 and 002 (All Weather Conditions)</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	1.4	2.8	3.5
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

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

NPDES Permit No. PA0223492 on Surface Mining Permit Nos. 54930102 and 54150301. Rausch Creek Anthracite Coal, LLC and Rausch Creek Aggregates, LLC, (978 Gap Street, Valley View, PA 17983), renewal of an NPDES Permit for an anthracite coal and industrial mineral quarry operations, in Porter Township, **Schuylkill County**, affecting 546.3 acres. Receiving stream: East Branch Rausch Creek, classified for the following use: cold water fishes. Application received: October 12, 2018.

The following outfall discharges to East Branch Rausch Creek.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
01	No	Mine Drainage Treatment Facility Outfall

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instantaneous</i> <i>Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Discharge (MGD)		0.13		
Total Suspended Solids	35.0	70.0	90.0	
Iron (mg/l)	3.0	6.0	7.0	
Manganese (mg/l)	2.0	4.0	5.0	
Aluminum (mg/L)	.75	.75	.75	
Alkalinity			Monitor and Report	
Acidity			Monitor and Report	
Net Alkalinity			Monitor and Report	
TDS (mg/l)			Monitor and Report	
Sulfates (mg/l)			Monitor and Report	

¹ The parameter is applicable at all times.

Noncoal NPDES Draft Permits

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

NPDES No. PA0280704 (Permit No. 10090803). Bernard J. McCrea Excavating (100 Pine Haven Drive, Fenelton, PA 16034) New NPDES permit for a small industrial minerals surface mine in Clearfield Township, **Butler County**, affecting 5.0 acres. Receiving streams: Little Buffalo Run to Buffalo Creek, classified for the following uses: HQ-CWF. TMDL: None. Application received: June 14, 2019.

There will be no discharge from this site.

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

Correction

NPDES No. PA0278301 (Mining Permit No. 65182802), Curry & Kepple Inc., 126 Ten School Road, New Alexandria, PA 15670, NPDES Permit for a small noncoal surface mine in Derry Township, **Westmoreland County**, affecting 12.6 acres. Receiving stream: Unnamed Tributary to Loyalhanna Creek to Conemaugh River, classified for the following use(s): WWF. The receiving stream is included in the Kiskiminetas-Conemaugh TMDL. Application received: June 13, 2018.

The following treated wastewater outfall discharges to Unnamed Tributary to Loyalhanna Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
001	Y	SWO

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

<i>Outfalls: Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	1.5	3.0	3.7
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	0.75	0.75
Total Suspended Solids (mg/l)	35	70	90

pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.
Alkalinity must exceed acidity at all times.

Sulfate (mg/l)	Monitor & Report
Specific Conductance (micromhms/cm) at 25°C	Monitor & Report

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

NPDES Permit No. PA0614203 on Surface Mining Permit No. 15830602. Allen Myers, LP d/b/a Allen Myers Materials, (638 Lancaster Avenue, Malvern, PA 19355), renewal of an NPDES Permit for a granitic gneiss quarry operation in Charlestown Township, **Chester County**, affecting 87.74 acres. Receiving stream: unnamed tributary to Pickering Creek, classified for the following use: HQ-trout stocking fishes. Application received: April 15, 2019.

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

The following outfall discharges to unnamed tributary to Pickering Creek:

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>		
001	No	Groundwater/Pit Sump		
<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Discharge (MGD)		0.75 MGD		
Total Suspended Solids (mg/L)	35.0	70.0	90.0	
Turbidity (NTU)		40		

¹ The parameter is applicable at all times.

NPDES Permit No. PA0034690 on Surface Mining Permit No. 5777SM4. Barletta Materials & Construction, Inc., (P.O. Box 550, Tamaqua, PA 18252), renewal of an NPDES Permit for a sand & gravel quarry operation in Nescopeck Township, **Luzerne County**, affecting 165.3 acres. Receiving streams: unnamed tributary to the Susquehanna River & the Susquehanna River, classified for the following uses: cold water, migratory & warm water, migratory fishes, respectively. Application received: September 27, 2018.

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

The following outfall discharges to unnamed tributary to the Susquehanna River & the Susquehanna River:

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
001	N	stormwater

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

<i>30-Day Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Discharge (MGD)		0.13	1.54	
Total Suspended Solids (mg/L)		35.0	70.0	90.0
Oil and Grease (mg/L)			Monitor and Report	
Net Alkalinity (mg/L)	0.0			
Alkalinity, Total (as CaCO ₃) (mg/L)			Monitor and Report	
Acidity, Total (as CaCO ₃) (mg/L)			Monitor and Report	

¹ The parameter is applicable at all times.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
002	N	Stormwater

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

Parameter	Minimum	30-Day Average	Daily Maximum	Instantaneous Maximum
pH ¹ (S.U.)	6.0			9.0
Discharge (MGD)			1.17	
Total Suspended Solids (mg/L)		35.0	70.0	90.0
Oil and Grease (mg/l)			Monitor and Report	
Net Alkalinity (mg/L)	0.0			
Alkalinity, Total (as CaCO ₃) (mg/L)			Monitor and Report	
Acidity, Total (as CaCO ₃) (mg/L)			Monitor and Report	

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

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

E51-297: Pennsylvania Department of Transportation Engineering District 6-0, 7000 Geerdes Blvd., King of Prussia, PA 19406, Philadelphia County, ACOE Philadelphia District.

The Pennsylvania Department of Transportation District 6-0 (PennDOT 6-0) is proposing to perform the following water obstruction and encroachment activities within Frankford Creek (WWF-MF) for the S.R. 0095, Section BR2 (Betsy Ross Ramps A and B) Project:

1. To remove a 177 foot, two-span curved steel multi-girder bridge and in its place, construct and maintain a 184 foot, two-span curved steel plate girder bridge (Ramp A) over Frankford Creek (WWF-MF). This activity also includes the construction and maintenance of two (2) temporary causeways to facilitate the removal of the existing pier and the construction of the new center pier at the same location and also the grading and placement of riprap scour protection at pier and abutment locations resulting in 65 linear feet (3,251 square feet) of permanent stream impact, 245 linear feet (19,697 square feet) of temporary stream impact, 1,659 square feet of permanent floodway impact and 6,186 square feet of temporary floodway impact.

2. To construct and maintain a new 27-inch outfall (E-464) to facilitate drainage from a stormwater facility to Frankford Creek (WWF-MF) resulting in 21 linear feet (90 square feet) of permanent stream impact, 64 linear feet (1,135 square feet) of temporary stream impact, 84 square feet of permanent floodway impact, and 420 square feet of temporary floodway impact. This activity also involves the placement of riprap rock apron and is located adjacent to Ramp A replacement activities.

3. To construct and maintain a new 36-inch outfall (E-419) to facilitate drainage from two (2) stormwater facilities to Frankford Creek (WWF-MF) located adjacent to S.R. 0095 Southbound lane resulting in 24 linear feet (126 square feet) of permanent stream impact, 75 linear feet (1,495 square feet) of temporary stream impact, 215 square feet of permanent floodway impact, and 380 square feet of temporary floodway impact. This activity also includes the placement of riprap rock apron.

4. To remove a 161 foot, two-span curved steel multi-girder bridge and in its place, construct and maintain 283 foot, two-span curved steel plate girder bridge (Ramp B) over Frankford Creek (WWF-MF). This activity also includes the construction and maintenance of a temporary causeway to facilitate the removal of the existing pier and the construction of the new center pier at the same location as well as pier construction located within the floodway resulting in 43 linear feet (1,591 square feet) of permanent stream impact, 157 linear feet (12,466 square feet) of temporary impact, and 11,236 square feet of temporary floodway impact.

This project will also have some 100-year floodplain impacts and is located at the Betsy Ross Bridge interchange at S.R. 0095 in Philadelphia (USGS NJ Camden Quadrangle—Latitude 39.99689 N, Longitude 75.08389 W).

E46-1190: Upper Merion Township, 175 West Valley Forge Road, Upper Merion Township, **Montgomery County**, ACOE Philadelphia District.

Upper Merion Township is submitting Small Projects application to obtain authorization to maintain a 73-foot long, maximum 7.5-foot-high retaining wall as a follow up to a previously issued emergency permit (EP4619301) associated with stream bank failure along Crow Creek (WWF-MF). This activity also includes the placement of riprap scour protection, the placement of fill and grading within the floodplain resulting in 74 linear feet (3,385 square feet) of permanent stream impact, and 74 linear feet (4,878 square feet) of temporary stream impact. This project is located at 364 Cover Bridge Road (USGS PA Valley Forge Quadrangle—Latitude 40.104962, Longitude 75.381676 W).

E09-1032: Bucks County Conservation District, 1465 Ferry Road, Doylestown, PA 18901-5550, Middletown Township, **Bucks County**, ACOE Philadelphia District.

To restore and maintain the existing Lake Luxembourg settling basin to its original dimension and hydraulic capacity by removing approximately 6.8 acres of accumulated sediments, and to restore approximately 0.31 acre of wetland and 2.61 acres of conservation pool via wildlife habitat for the purpose of slowing down storm water discharge to the existing lake.

The site is located in Core Creek Park near the intersection of Woodbourne and Ellis Roads (Langhorne, PA, Latitude: 40.211598; Longitude: -74.901168). This project is funded by EPA.

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

E2203219-002: Pennsylvania Department of Conservation and Natural Resources, P.O. Box 315, Aristes, PA 17920 in Jackson Township, **Dauphin County**, U.S. Army Corps of Engineers Baltimore District.

To 1.) install and maintain a 50.0-foot long by 6.0-foot wide premanufactured fiberglass bridge over West Branch Rattling Creek (EV, MF) and 2.) install and maintain a 30.0-foot long by 6.0-foot wide premanufactured fiberglass bridge over Shale Run (EV, MF) for the purpose of providing safe pedestrian stream crossings. The project is located within Weiser State Forest in Jackson Township, Dauphin County. No wetlands will be impacted by this project.

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

E3306219-001, National Fuel Gas Supply Corporation (Applicant), 6363 Main Street, Williamsville, NY 14221. FM100 Brockway Modernization (Project), in Snyder Township **Jefferson County** and Horton Township, **Elk County**, ACOE Pittsburgh District. The proposed project starts at the interconnection/tie-in at the existing National Fuel FM100 Line along Longwell Rd, approximately 1.5 mile north of SR 28 (Sabula, PA Quadrangle N: 41.265491°; W: 78.866349°) Snyder Township, Jefferson County, extending generally south and east crossing through a portion of Horton Township, Elk County, to where it terminates at the existing FM100 tie in (Carman, PA Quadrangle N: 41.221231°; W: 78.699183°) in Horton Township, Elk County.

Today's *Pennsylvania Bulletin* includes notices for Erosion and Sediment Control Permit (ESG0600019001) and

Chapter 105 Joint Permits (E2406219-001, E3306219-001) and 401 Water Quality Certification (WQ3306219-001) applications for the Project which are currently under review by the PADEP.

The Project, as proposed is to modernize approximately 9.715 miles of existing steel pipeline replacing it with 12-inch coated steel pipeline from [N: 41.265491° W: 78.866349 to N: 41.221231°; W: 78.699183°] adjacent to the old pipeline with a small area of new ROW to maintain gas service to National Fuels customers. The project also included the construction of approximately 0.40 mile of 6-inch steel pipeline lateral to connect the newly installed pipeline to an existing station in Snyder Township, Jefferson County and the installation of a mainline block valve and above ground equipment. Pipeline work also includes numerous temporary access roads and staging areas to support construction and facility access. Numerous stream and wetland crossings will occur along the project route as described below.

The Project, as proposed, will require approximately 128.3 acres of earth disturbance in Jefferson and Elk, the crossing of 25 streams (including floodways of streams not crossed by the pipeline) resulting in 1,830 linear feet of temporary impact and 248 linear feet of permanent impacts to the following surface waters: Rattlesnake Creek (HQ-CWF) and tributaries; Mill Creek (CWF) and tributaries; Beaver Meadow Run (EV) and tributaries, tributaries to Crooked Creek (HQ-CWF), tributaries to Conneaut Creek (CWF), Curry Run; tributaries to Little Toby Creek (CWF); and two ponds; 2.42 acres of temporary wetland impact; .14 acre of permanent wetland impacts. All crossings will be installed by open trench, with the exception of Beaver Meadow Run, which will be installed by conventional bore.

The Jefferson County portion of the project covered by this permit is to construct 9.125 miles of 12-inch steel gas line and .4 mile of 6-inch steel pipeline lateral to connect the newly installed pipeline to an existing station in Snyder Township, Jefferson County. The project will cross 22 streams (including floodways not crossed by the pipeline) resulting in 1,700 linear feet of temporary impacts and 238 linear feet of permanent impact to the following surface waters: Rattlesnake Creek (CWF) and tributaries; Mill Creek (CWF) and tributaries; Beaver Meadow Run (EV) and tributaries, tributaries to Crooked Creek (HQ-CWF), tributaries to Conneaut Creek (CWF), Curry Run; tributaries to Little Toby Creek (CWF); and two ponds; 2.42 acres of temporary wetland impact; .14 acre of permanent wetland impacts. The applicant proposes to mitigate for the .14 acre of permanent wetland impact thru replacement.

E2406219-001, National Fuel Gas Supply Corporation (Applicant), 6363 Main Street, Williamsville, NY 14221. FM100 Brockway Modernization (Project), in Snyder Township, **Jefferson County** and Horton Township, **Elk County**, ACOE Pittsburgh District. The proposed project starts at the interconnection/tie-in at the existing National Fuel FM100 Line along Longwell Rd, approximately 1.5 mile north of SR 28 (Sabula, PA Quadrangle N: 41.265491°; W: 78.866349°) Snyder Township, Jefferson County, extending generally south and east crossing through a portion of Horton Township, Elk County, to where it terminates at the existing FM100 tie in (Carman, PA Quadrangle N: 41.221231°; W: 78.699183°) in Horton Township Elk County.

Today's *Pennsylvania Bulletin* includes notices for Erosion and Sediment Control Permit (ESG0600019001) and Chapter 105 Joint Permits (E2406219-001, E3306219-001)

and 401 Water Quality Certification (WQ3306219-001) applications for the Project which are currently under review by the PADEP.

The Project, as proposed is to modernize approximately 9.715 miles of existing steel pipeline replacing it with 12-inch coated steel pipeline from [N: 41.265491° W: 78.866349 to N: 41.221231°; W: 78.699183°] adjacent to the old pipeline with a small area of new ROW to maintain gas service to National Fuels customers. The project also included the construction of approximately 0.40 mile of 6-inch steel pipeline lateral to connect the newly installed pipeline to an existing station in Snyder Township, Jefferson County and the installation of a mainline block valve and above ground equipment. Pipeline work also includes numerous temporary access roads and staging areas to support construction and facility access. Numerous stream and wetland crossings will occur along the project route as described below.

The Project, as proposed, will require approximately 128.3 acres of earth disturbance in Jefferson and Elk, the crossing of 25 streams (including floodways of streams not crossed by the pipeline) resulting in 1,830 linear feet of temporary impact and 248 linear feet of permanent impacts to the following surface waters: Rattlesnake Creek (HQ-CWF) and tributaries; Mill Creek (CWF) and tributaries; Beaver Meadow Run (EV) and tributaries, tributaries to Crooked Creek (HQ-CWF), tributaries to Conneaut Creek (CWF), Curry Run; tributaries to Little Toby Creek (CWF); and two ponds; 2.42 acres of temporary wetland impact; .14 acre of permanent wetland impacts. All crossings will be installed by open trench, with the exception of Beaver Meadow Run, which will be installed by conventional bore.

The Elk County portion of the project covered by this permit number is to construct 0.59 mile of 12-inch steel gas line, impacting the following surface waters: crossing 3 Tributaries to Rattlesnake Creek (HQ-CWF), resulting in 130 linear feet of temporary stream impacts and 10 linear feet of permanent impacts.

ENVIRONMENTAL ASSESSMENTS

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

EA3603219-002: Manheim Township, 1840 Municipal Drive, Lancaster, PA 17601 in Manheim Township, **Lancaster County**, U.S. Army Corps of Engineers Baltimore District.

To 1.) regrade and maintain approximately 1,137 feet of Landis Run (WWF, MF) including the construction of floodplain benches on both sides of the watercourse; and 2.) regrade and maintain 50 feet of an unnamed tributary to Landis Run (WWF, MF), impacting 0.02 acre of palustrine emergent wetlands, all for the purpose of reducing sediment and nutrient loading to the streams. The project is located approximately 0.14 mile west of the intersection of East Delp Road and Valleybrook Drive (Latitude: 40.08904° N; Longitude: 76.29040° W) in Manheim Township, Lancaster County. No wetland loss is proposed, and replacement is not required

EA3603219-003: Manheim Township, 1840 Municipal Drive, Lancaster, PA 17601 in Manheim Township, **Lancaster County**, U.S. Army Corps of Engineers Baltimore District.

To regrade and maintain approximately 1,507 feet of an unnamed tributary to the Conestoga River (WWF, MF) including the construction of floodplain benches on both

sides of the watercourse, impacting 0.04 acre of palustrine emergent wetlands, all for the purpose of reducing sediment and nutrient loading to the stream. The project is located immediately south of the intersection of Pleasure Road and Sunnybrook Drive (Latitude: 40.0558° N; Longitude: 76.2786° W) in Manheim Township, Lancaster County. No wetland loss is proposed, and replacement is not required

EA3603219-004: Manheim Township, 1840 Municipal Drive, Lancaster, PA 17601 in Manheim Township, **Lancaster County**, U.S. Army Corps of Engineers Baltimore District.

To 1.) regrade and maintain approximately 1,065 feet of an unnamed tributary to the Conestoga River (WWF, MF) including the construction of floodplain benches on both sides of the watercourse; and 2.) regrade and maintain 45 feet of an unnamed tributary to the Conestoga River (WWF, MF), all for the purpose of reducing sediment and nutrient loading to the streams. The project is located near the intersection of Oregon Boulevard and Edgemoor Court (Latitude: 40.00635° N; Longitude: 76.2831° W) in Manheim Township, Lancaster County. No wetlands will be impacted by this project.

WATER QUALITY CERTIFICATIONS REQUESTS

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

WQ3306219-001, National Fuel Gas Supply Corporation (Applicant), 6363 Main Street, Williamsville, NY 14221. FM100 Brockway Modernization (Project), in Snyder Township, **Jefferson County** and Horton Township, **Elk County**, ACOE Pittsburgh District. The proposed project starts at the interconnection/tie-in at the existing National Fuel FM100 Line along Longwell Rd, approximately 1.5 mile north of SR 28 (Sabula, PA Quadrangle N: 41.265491°; W: 78.866349°) Snyder Township, Jefferson County, extending generally south and east crossing through a portion of Horton Township, Elk County, to where it terminates at the existing FM100 tie in (Carman, PA Quadrangle N: 41.221231°; W: 78.699183°) in Horton Township Elk County.

On April 24, 2019, Applicant filed an application with the Federal Energy Regulatory Commission (FERC) under Section 7 of the Natural Gas Act (15 U.S.C.A. § 717f) seeking blanket authorization prior notice filing to construct and operate its Project (FERC Docket No. CP19-220-000). The FERC documents may be viewed on FERC's website at www.ferc.gov (search eLibrary; Docket Search; CP19-220-000).

On April 3, 2019, Applicant requested a State water quality certification from the Pennsylvania Department of Environmental Protection (PADEP), as required by Section 401 of the Clean Water Act (33 U.S.C.A. § 1341), to ensure that the construction, operation and maintenance of the Project will protect water quality in Pennsylvania through compliance with State water quality standards and associated State law requirements, which are consistent with the requirements of the Clean Water Act.

Today's *Pennsylvania Bulletin* includes notices for Erosion and Sediment Control Permit (ESG0600019001) and Chapter 105 Joint Permits (E2406219-001, E3306219-001) applications for the Project which are currently under review by the PADEP.

The Project, as proposed is to modernize approximately 9.715 miles of existing steel pipeline replacing it with 12-inch coated steel pipeline from [N: 41.265491° W: 78.866349 to N: 41.221231°; W: 78.699183°] adjacent to

the old pipeline with a small area of new ROW to maintain gas service to National Fuels customers. The project also included the construction of approximately 0.40 mile of 6-inch steel pipeline lateral to connect the newly installed pipeline to an existing station in Snyder Township, Jefferson County and the installation of a mainline block valve and above ground equipment. Pipeline work also includes numerous temporary access roads and staging areas to support construction and facility access. Numerous stream and wetland crossings will occur along the project route as described below.

The Project, as proposed, will require approximately 128.3 acres of earth disturbance in Jefferson and Elk, the crossing of 25 streams (including floodways of streams not crossed by the pipeline) resulting in 1,830 linear feet of temporary impact and 248 linear feet of permanent impacts to the following surface waters: Rattlesnake Creek (HQ-CWF) and tributaries; Mill Creek (CWF) and tributaries; Beaver Meadow Run (EV) and tributaries, tributaries to Crooked Creek (HQ-CWF), tributaries to Conneaut Creek (CWF), Curry Run; tributaries to Little Toby Creek (CWF); and two ponds; 2.42 acres of temporary wetland impact; .14 acre of permanent wetland impacts. All crossings will be installed by open trench, with the exception of Beaver Meadow Run, which will be installed by conventional bore.

PADEP anticipates issuing a State water quality certification to Applicant for the Project that will require compliance with the following State water quality permitting programs, criteria and conditions established pursuant to State law to ensure the Project does not violate applicable State water quality standards set forth in 25 Pa. Code Chapter 93:

1. *Discharge Permit*—Applicant shall obtain and comply with a PADEP National Pollutant Discharge Elimination System (NPDES) permit for the discharge of water from the hydrostatic testing of the pipeline pursuant to Pennsylvania's Clean Streams Law (35 P.S. §§ 691.1—691.1001), and all applicable implementing regulations (25 Pa. Code Chapter 92a).

2. *Discharge Permit*—Applicant shall obtain and comply with a PADEP National Pollutant Discharge Elimination System (NPDES) permits for the discharge of industrial wastewater and/or contaminated industrial stormwater from the compressor stations pursuant to Pennsylvania's Clean Streams Law (35 P.S. §§ 691.1—691.1001), and all applicable implementing regulations (25 Pa. Code Chapter 92a).

3. *Erosion and Sediment Control Permit*—Applicant shall obtain and comply with PADEP's Chapter 102 Erosion and Sediment Control Permit issued pursuant to Pennsylvania's Clean Streams Law and Storm Water Management Act (32 P.S. §§ 680.1—680.17), and all applicable implementing regulations (25 Pa. Code Chapter 102).

4. *Water Obstruction and Encroachment Permits*—Applicant shall obtain and comply with a PADEP Chapter 105 Water Obstruction and Encroachment Permits for the construction, operation and maintenance of all water obstructions and encroachments associated with the project pursuant to Pennsylvania's Clean Streams Law, Dam Safety and Encroachments Act (32 P.S. §§ 673.1—693.27), and Flood Plain Management Act (32 P.S. §§ 679.101—679.601.), and all applicable implementing regulations (25 Pa. Code Chapter 105).

5. *Air Quality Permits*—Applicant shall obtain and comply with all necessary PADEP Air Quality Permits

associated with the installation of compressors at the Meadville Compressor Station and the modification of the County Line Compressor Station.

6. *Storage Tank Permit*—Applicant shall obtain and comply with all necessary PADEP Storage Tank Permits associated with the installation and operation of storage tanks at the compressor stations.

7. *Water Quality Monitoring*—PADEP retains the right to specify additional studies or monitoring to ensure that the receiving water quality is not adversely impacted by any operational and construction process that may be employed by Applicant.

8. *Operation*—Applicant shall at all times properly operate and maintain all Project facilities and systems of treatment and control (and related appurtenances) which are installed to achieve compliance with the terms and conditions of this State Water Quality Certification and all required permits, authorizations and approvals. Proper operation and maintenance includes adequate laboratory controls, appropriate quality assurance procedures, and the operation of backup or auxiliary facilities or similar systems installed by Applicant.

9. *Inspection*—The Project, including all relevant records, are subject to inspection at reasonable hours and intervals by an authorized representative of PADEP to determine compliance with this State Water Quality Certification, including all required State water quality permits and State water quality standards. A copy of this certification shall be available for inspection by the PADEP during such inspections of the Project.

10. *Transfer of Projects*—If Applicant intends to transfer any legal or equitable interest in the Project which is affected by this State Water Quality Certification, Applicant shall serve a copy of this certification upon the prospective transferee of the legal and equitable interest at least thirty (30) days prior to the contemplated transfer and shall simultaneously inform the PADEP Regional Office of such intent. Notice to PADEP shall include a transfer agreement signed by the existing and new owner containing a specific date for transfer of certification responsibility, coverage, and liability between them.

11. *Correspondence*—All correspondence with and submittals to PADEP concerning this State Water Quality Certification shall be addressed to Department of Environmental Protection, Northwest Regional Office, Lori Boughton, 230 Chestnut Street, Meadville, PA 16335.

12. *Reservation of Rights*—PADEP may suspend or revoke this State Water Quality Certification if it determines that Applicant has not complied with the terms and conditions of this certification. PADEP may require additional measures to achieve compliance with applicable law, subject to Applicant's applicable procedural and substantive rights.

13. *Other Laws*—Nothing in this State Water Quality Certification shall be construed to preclude the institution of any legal action or relieve Applicant from any responsibilities, liabilities, or penalties established pursuant to any applicable Federal or State law or regulation.

14. *Severability*—The provisions of this State Water Quality Certification are severable and should any provision of this certification be declared invalid or unenforceable, the remainder of the certification shall not be affected thereby.

Prior to issuance of the final State water quality certification, PADEP will consider all relevant and timely comments, suggestions or objections submitted to PADEP

within 30 days of this notice. Comments should be directed to Lori Boughton, Regional Program Manager at the above address or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD). Comments must be submitted in writing and contain the name, address

and telephone number of the person commenting and a concise statement of comments, objections, or suggestions on this proposal. No comments submitted by facsimile will be accepted.

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>
PA0065561 (Storm Water)	Acme Cryogenics 2801 Mitchell Avenue Allentown, PA 18103-7111	Lehigh County Allentown City	Unnamed Tributary to Trout Creek (HQ-CWF, MF) (2-C)	Yes
PA0063606 (Industrial)	Closed Bangor Ash Disposal Site 315 Riegelsville Road Via Gilbert Generating Station Milford, NJ 08848	Northampton County Bangor Borough	Unnamed Tributary to Martins Creek (CWF, MF) (1-F)	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>
PAS212202 (Storm Water)	Allentown R-M 3912 Brumbaugh Road New Enterprise, PA 16664	Lehigh County South Whitehall Township	Unnamed Tributary to Little Cedar Creek (HQ-CWF, MF) (2-C)	Yes
PA0020940 (Sewage)	Tunkhannock Borough Municipal Authority WWTP 26 McCord Street Tunkhannock, PA 18657	Wyoming County Tunkhannock Borough	Tunkhannock Creek (TSF, MF) (4-F)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0041491 (Sewage)	Mountain Village MHP 3613 Seisholtzville Road Hereford, PA 18056-1542	Berks County Longswamp Township	Unnamed Tributary to Perkiomen Creek (HQ-CWF, MF) (3-E)	No

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

<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>
PA0101427 (Sewage)	Brian J. Buchsen SFTF 383 Irish Farm Road Coudersport, PA 16915-8095	Potter County Sweden Township	Trout Run (HQ-CWF) (16-C)	Yes
PA0111902 (Industrial)	Dairy Farmers of America Middlebury Center 1405 N 98th Street Kansas City, KS 66111-1865	Tioga County Middlebury Township	Norris Brook (TSF, MF) (4-A)	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>
PA0220787 (Sewage)	Patrick G & V Kaye Williams SFTF 390 Osborn Road Greenville, PA 16125-3332	Mercer County Salem Township	Unnamed Tributary to Sandy Creek (WWF) (16-G)	Yes
PA0221520 (Sewage)	Highland Township Municipal Authority STP P.O. Box 143 James City, PA 16734-0143	Elk County Highland Township	Unnamed Tributary to Wolf Run (HQ-CWF) (16-F)	Yes
PA0040967 (Sewage)	Wolf Run Marina P.O. Box 395 Clarendon, PA 16313-0395	Warren County Mead Township	Allegheny River (HQ-CWF) (16-B)	Yes

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

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

NPDES Permit No. PA0272191, Sewage, SIC Code 4952, 8800, Deborah McLaughlin, 3389 Hoover Heights, Harborcreek, PA 16421.

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

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

WQM Permit No. 5688403 A-1, Sewage, SIC Code 4952, **Highland Tank & Manufacturing Co.**, 1 Highland Road, Stoystown, PA 15563-6456.

This existing facility is located in Quemahoning Township, **Somerset County**.

Description of Proposed Action/Activity: Construction of a small flow treatment facility with a Singular Bio-Kinetic 960-500 treatment tank utilizing the extended aeration process. This new facility will replace the existing malfunctioning facility consisting of septic tank and sand filter treatment process.

WQM Permit No. 467S032 A-4, Sewage, **Mon Valley Sewer Authority**, 20 S Washington Street, Donora, PA 15033.

This existing facility is located in Carroll Township, **Washington County**.

Description of Proposed Action/Activity: Mechanical bar screen and washer compactor to replace existing comminutor at Donora Pump Station.

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

WQM Permit No. 2519409, Sewage, **Deborah McLaughlin**, 3389 Hoover Heights, Harborcreek, PA 16421.

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

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

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 MS4s listed as follows instead of NPDES permit coverage.

Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481. Phone: 814.332.6942.

<i>NPDES Waiver No.</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Receiving Water(s)/Use(s)</i>
PAG138302	South Pymatuning Township Mercer County 3483 Tamarack Drive Sharpsville, PA 16150-9321	South Pymatuning Township, Mercer	Unnamed Tributary to Shenango River (WWF) and Shenango River (WWF)/WWF

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD390116	PPL Electric Utilities Corp. 2 North Ninth St. Allentown, PA 18101	Lehigh	Lower Macungie Township & Upper Macungie Township	Cedar Creek, HQ-CWF, MF Little Lehigh Creek, HQ-CWF, MF Iron Run, HQ-CWF, MF Schaefer Run, HQ-CWF, MF Breinig Run, HQ-CWF, MF Swabia Creek, HQ-CWF, MF
PAD390127	Myron R. Haydt Development Company 2105 Sonoma Drive Bethlehem, PA 18015	Lehigh County	Salisbury Township	Trout Creek, HQ-CWF, MF and Black River—CWF, MF
PAD390009	Dorney Park & Wildwater Kingdom 3830 Dorney Park Rd. Allentown, PA 18104	Lehigh	South Whitehall Township	Cedar Creek, HQ-CWF, MF
PAD390088	Howard Construction, Inc. 203 E. Emmaus Ave. Allentown, PA 18103	Lehigh County	Lower Macungie Township	Little Lehigh Creek—HQ-CWF, MF

Susquehanna County Conservation District, 88 Chenango Street, Montrose, PA 18801.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD580007	Blue Ridge School District 5150 School Road New Milford, PA 18834	Susquehanna	New Milford Township	Beaver Creek, (HQ-CWF, MF) and Salt Lick Creek, (HQ-CWF, MF)

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

Centre County Conservation District: 414 Holmes Avenue, Suite 4, Bellefonte, PA 16823, (814) 355-6817.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD140043	Columbia Gas of Pennsylvania, Inc. 1600 Colony Road York, PA 17408	Centre	Ferguson Twp	UNT to Big Hollow CWF, MF UNT Spruce Creek HQ, CWF
PAD140045	The Pennsylvania State University 139J Physical Plant Building University Park, PA 16802	Centre	State College Boro	Thompson Run HQ-CWF Big Hollow CWF
PAD140046 Renewal Previously PAI041403006R	Stearns Boal, LP 100 N. Patterson Street State College, PA 16801	Centre	College Twp	Spring Creek HQ-CWF
PAD140050 Renewal Previously PAI041408011R	GTW Associates 1951 Pine Hall Rd Ste 150 State College, PA 16801	Centre	Harris Twp	Spring Creek HQ-CWF
PAD140051 Renewal Previously PAI041413009	Loesch Construction 2221 Upper Brush Valley Rd Centre Hall, PA 16828	Centre	Spring Twp	Logan Branch HQ-CWF

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

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

List of NPDES and/or Other General Permit Types.

PAG-1	General Permit for Discharges from Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges from Small Flow Treatment Facilities
PAG-5	General Permit for Discharges from Petroleum Product Contaminated Groundwater Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharges from Hydrostatic Testing of Tanks and Pipelines
PAG-11	General Permit for Discharges from Aquatic Animal Production Facilities
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)
PAG-14	(To Be Announced)
PAG-15	General Permit for Discharges from the Application of Pesticides

*General Permit Type—PAG-02**Waterways & Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401. Telephone 484-250-5160.*

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Upper Makefield Township Bucks County	PAC090271	Toll PA XIII, L.P. 250 Gibraltar Road Horsham, PA 19044-2323	Unnamed Tributary to Houghs Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Perkasie Borough Bucks County	PAC090241	Gregory Thompson 524 Derstine Avenue Lansdale, PA 19446-3537	Unnamed Tributary to East Branch Perkiomen Creek	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Warminster Township Bucks County	PAC090256	Sandkris Properties, Inc. 955 Mearns Road Warminster, PA 18974-2811	Unnamed Tributary to Little Neshaminy Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Richland Township Bucks County	PAC090270	JMD Group, LLC 50 High Saddle Lane Allentown, PA 18104	Unnamed Tributary to Tohickon Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAC510124	PECO Energy Company 3201 Market Street, S7-2 Philadelphia, PA 19103	Delaware River WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

*Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.**Lackawanna County Conservation District, 1038 Montdale Road, Scott Township, PA 18447.*

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAC350061	Seokoh Inc. 102 Life Sciences Dr Olyphant, PA 18447	Lackawanna	Scott Twp	Leggetts Creek (CWF, MF) Hull Creek (CWF, MF) UNT South Branch Tunkhannock Creek (CWF, MF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAC390080	Habitat for Humanity of the Lehigh Valley 245 N Graham St Allentown, PA 18109	Lehigh	Allentown City	Lehigh River (WWF, MF)

Wyoming County Conservation District, 31 Hollow Crest Road, Tunkhannock, PA 18657.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAC660017	Lemon Twp & Tunkhannock Twp Joint Muni Sewer Auth 113 Tunkhannock Twp Dr Tunkhannock, PA 18657	Wyoming	Tunkhannock Twp Lemon Twp	Tunkhannock Creek (TSF, MF)

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

Facility Location:

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Oxford Township Adams County Issued	PAC010112	Good Hope Ventures NO, LP 4250 Crums Mill Road Suite 301 Harrisburg, PA 17112	UNT South Branch Conewago Creek (WWF)	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325-3404 717.334.0636
Reading Township Adams County Issued	PAC010111	Porto Vecchio Properties, LLC 113 Westminster Road Suite 200 Reisterstown, MD 21136	UNT West Branch Conewago Creek (WWF)	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325-3404 717.334.0636
Carlisle Borough Cumberland County Issued	PAC210047	Chapel Pointe 770 South Hanover Street Carlisle, PA 17013-4105	Conodoguinet Creek (WWF-MF)	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013-9101 717.240.7812
Hampden Township Cumberland County Issued	PAC210153	Fishing Creek Valley Associates, LP 4712 Smith Street Harrisburg, PA 17109	Sears Run (WWF)	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013-9101 717.240.7812
South Annville Township Lebanon County Issued	PAC380119	Jeffrey Martin 566 Mount Wilson Road Lebanon, PA 17042	UNT Bachman Run (TSF)	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 717.277.5275
South Lebanon Township Lebanon County Issued	PAC380133	Jamie Yiengst 1800 South 5th Avenue Lebanon, PA 17042	Quittapahilla Creek (TSF)	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 717.277.5275
South Londonderry Township Lebanon County Issued	PAC380124	Don Lechleitner 1840 Fishburn Road Hershey, PA 17033	UNT Spring Creek (WWF-MF)	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 717.277.5275
Penn Township York County Issued	PAC670261	Penn Township 20 Wayne Avenue Hanover, PA 17331-3300	UNTs South Branch Conewago Creek (WWF, MF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717.840.7430
Windsor Township York County Issued	PAC670219	Red Lion Salvage LLC 350 Craley Road Red Lion, PA 17356	Fishing Creek (TSF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717.840.7430

NOTICES

3955

*Facility Location:
Municipality &
County*

Jackson Township
York County
Issued

Permit No.
PAC670259

Applicant Name & Address
Jackson Township
439 Roths Church Road
Spring Grove, PA 17362

*Receiving
Water/Use*
UNT Codorus Creek
(WWF)

*Contact Office &
Phone No.*
York County
Conservation District
118 Pleasant Acres
Road
York, PA 17402
717.840.7430

Springettsbury
Township
York County
Issued

PAC670310

Patton-Shelley
Joint Venture
10 Venture Way
Suite A
Sykesville, MD 21784

Kreutz Creek
(WWF)

York County
Conservation District
118 Pleasant Acres
Road
York, PA 17402
717.840.7430

York Township
York County
Issued

PAC670232

Wellspan Properties Inc.
2500 South George Street
York, PA 17403

Codorus Creek
(WWF)

York County
Conservation District
118 Pleasant Acres
Road
York, PA 17402
717.840.7430

Penn Township
York County
Issued

PAC670221

Yazoo Mills Inc.
305 Commerce Street
New Oxford, PA 17350-1724

Gitts Run
(WWF)

York County
Conservation District
118 Pleasant Acres
Road
York, PA 17402
717.840.7430

Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

*Facility Location &
Municipality*

Herrick Twp
Bradford Cnty

PAC080035

Rev LNG, LLC
1002 Empson Rd
Ulysses, PA 16948

*Receiving
Water/Use*
Rummerfield Creek
WWF

*Contact Office &
Phone No.*
Bradford County
Conservation District
Stoll Natural
Resource Ctr
200 Lake Rd
Ste E
Towanda, PA 18848
(570) 265-5539, X 6

N. Towanda Twp
Bradford Cnty

PAC080027A-1

Bradford County
301 Main Street
Towanda, PA 18848

UNT to
Susquehanna River
WWF

Bradford County
Conservation District
Stoll Natural
Resource Ctr
200 Lake Rd
Ste E
Towanda, PA 18848
(570) 265-5539, X 6

Ferguson Twp
Centre Cnty

PAC140050 A-1

Columbia Gas of
Pennsylvania, Inc.
1600 Colony Road
York, PA 17408

UNT to Big Hollow
CWF, MF

Centre County
Conservation District
414 Holmes Ave
Ste 4
Bellefonte, PA 16823
(814) 355-6817

Spring Twp &
Bellefonte Boro
Centre Cnty

PAC140052 A-1
Major
Amendment
Previously
PAC140052

Columbia Gas of
Pennsylvania, Inc.
1600 Colony Road
York, PA 17408

Spring Creek
CWF, MF

Centre County
Conservation District
414 Holmes Ave
Ste 4
Bellefonte, PA 16823
(814) 355-6817

Ferguson Twp
Centre Cnty

PAC140073

Ferguson Twp
3147 Research Drive
State College, PA 16801

Slab Cabin Run
CWF

Centre County
Conservation District
414 Holmes Ave
Ste 4
Bellefonte, PA 16823
(814) 355-6817

<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>
Potter Twp & Centre Hall Boro Centre Cnty	PAC140079	Columbia Gas of Pennsylvania, Inc. 1600 Colony Road York, PA 17408	UNT Cedar Run UNT Sinking Creek CWF, MF	Centre County Conservation District 414 Holmes Ave Ste 4 Bellefonte, PA 16823 (814) 355-6817
Spring Twp Centre Cnty	PAC140081	S & A Custom Built Homes, Inc. 2121 Old Gatesburg Rd State College, PA 16803	Logan Branch CWF, MF	Centre County Conservation District 414 Holmes Ave Ste 4 Bellefonte, PA 16823 (814) 355-6817
Delaware Twp Northumberland Cnty	PAC490042	Moran Industries Building # 19 635 8th Street Drive Watsontown, PA 17777	Spring Run WWF, MF	Northumberland County Conservation District 441 Plum Creek Rd Sunbury, PA 17801 (570) 286-7114 ext. 4
Selinsgrove Boro Snyder Cnty	PAC550035	Selinsgrove Area SD 401 18th Street Selinsgrove, PA 17870	Penns Creek WWF, MF Weiser Run CWF, MF	Snyder County Conservation District 403 W Market St Middleburg, PA 17842 (570) 837-3000 X110

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

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Findley Township Mercer County	PAC430036	Lakeland Dairy Farm 1272 Angel Road New Wilmington, PA 16142	Unnamed Tributary to West Branch Little Neshannock Creek TSF	Mercer County Conservation District 747 Greenville Road Mercer, PA 16137 724-662-2242

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

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Cooper Township Clearfield County	PAC680025	Bureau of Abandoned Mine Reclamation Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119	Moshannon Creek (TSF)	Attention: Patrick M. Webb PA DEP Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119 814-472-1800
North Fayette Township Allegheny County	PAC680026	Bureau of Abandoned Mine Reclamation Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119	Robinson Run (WWF)	Attention: Patrick M. Webb PA DEP Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119 814-472-1800

General Permit Type—PAG-3

<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>
South Middleton Twp. Cumberland County	PAG033571 A-1	Amazon.com Services Inc. P.O. Box 80842 Attn: Amazon.com, NA Env Dept Seattle, WA 98108-0842	Alexanders Spring Creek (CWF, MF)	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
East Franklin Township Armstrong County	PAG038379	Glacial Sand & Gravel Co. P.O. Box 1022 Kittanning, PA 16201-5022	Allegheny River (WWF)—17-E	DEP Northwest Regional Office Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814.332.6942

General Permit Type—PAG-7

<i>Facility Location & County/Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
City of Reading/ Berks County	PAG073516	Joint Municipal Authority of Wyomissing Valley 701 Old Wyomissing Road Reading, PA 19611	JMAV WWTP City of Reading/ Berks County	DEP—SCRO— Clean Water Program 909 Elmerton Ave. Harrisburg, PA 17110-8200 717-705-4707

General Permit Type—PAG-8

<i>Facility Location & County/Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
Upper Paxton Township/ Dauphin County	PAG083544	Millersburg Area Authority 101 West Street Millersburg, PA 17061	Millersburg Area Authority WWTP Upper Paxton Township/ Dauphin County	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707
Berwick Township/ Adams County	PAG083613	Berwick Township 85 Municipal Road Hanover, PA 17331	Berwick Township WWTP Berwick Township/ Adams County	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707

General Permit Type—PAG-8 (SSN)

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
Lyons Boro & Maxatawny Township/ Berks County	PAG08	SYNAGRO 1605 Dooley Road P.O. Box B Whiteford, MD 21160	Lyons Boro & Maxatawny Township/ Berks County Winkler Farm	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707

General Permit Type—PAG-10

<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 Huntingdon Township Westmoreland County	PAG106220	Laurel Mountain Midstream Operating LLC 111 Enterprise Lane Connellsville, PA 15425	Unnamed Tributary to Hunters Run (WWF) and Unnamed Tributary to Sewickley Creek (WWF)—19-D	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000

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

The State Conservation Commission has taken the following actions on previously received applications for nutrient management plans under 3 Pa.C.S. Chapter 5, for agricultural operations that have or anticipate submitting applications for new, amended or renewed NPDES permits or NOIs for coverage under a general permit for CAFOs under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Persons aggrieved by an action may appeal under 3 Pa.C.S. § 517, section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704 to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decision law.

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

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

NUTRIENT MANAGEMENT PLAN
PUBLIC NOTICE SPREADSHEET—ACTIONS

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>AEU's</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Tyler Bauman (Greg Kennard Farm CAFO) 1277 Bridgeton Rd Airville, PA 17302	York	134.74	378.18	Poultry	NA	Approved
Alan Harnish 3421 Blue Rock Rd Lancaster, PA 17603	Lancaster	46.1	566.08	Swine	NA	A
Casey S. Carowick 16946 Beavertown Road Todd, PA 16685	Huntingdon	338.6	766.08	Finishing Swine and Beef	N/A	Approved
Stahl Family Farms 4089 Produce Road Selinsgrove, PA 17870	Snyder	89.7 for manure application	1,434.3	Swine/ Dairy	NA	Approval

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).

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

Permit No. 2450538, Operation Permit, Public Water Supply.

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

Municipality Pocono Township

County **Monroe**

Type of Facility Public Water Supply

Consulting Engineer Sarah Bue-Morris, P.E.
Bue-Morris Associates Inc.
P.O. Box 201
Newfoundland, PA 18445-0201

Permit to Operate Issued July 10, 2019

Type of Facility

Proposed to construct a new booster pumping station near the Charles Estates, at the intersection of Luisa Court and Main Street. The permittee has also proposed to install liquid chlorine injection equipment in order to boost the chlorine residual throughout the distribution system.

Consulting Engineer

William W. Witman, P.E.
Envirotech & Associates Inc.
519 Reading Avenue
West Reading, PA 19611

Permit to Construct Issued

7/9/2019

Permit No. 4019504, Public Water Supply.

Applicant **Aqua PA, Inc.**
762 W. Lancaster Avenue
Bryn Mawr, PA 19010

[Township or Borough] White Haven Borough,
Luzerne County

Responsible Official Curt R. Stefey
Aqua PA, Inc.
762 W. Lancaster Avenue
Bryn Mawr, PA 19010

Type of Facility PWS

Consulting Engineer Brennan Kelly, PE
Aqua PA, Inc.
762 W. Lancaster Avenue
Bryn Mawr, PA 19010

Permit Issued Date 06/26/2019

Permit No. 6719503, Public Water Supply.

Applicant **Miller Group Holdings LP**

Municipality Newberry Township

County **York**

Responsible Official Dan McMahon, Project Manager
950 East Main Street
Suite 107
Schuylkill Haven, PA 17972

Type of Facility Installation of iron and manganese removal treatment.

Consulting Engineer Sean Sweeney, P.E.
Barton & Loguidice
3901 Hartzdale Drive
Camp Hill, PA 17011

Permit to Construct Issued 7/8/2019

Permit No. 3480059, Public Water Supply.

Applicant **Portland Borough Authority**
P.O. Box 572
Portland, PA 18351

[Township or Borough] Portland Borough,
Northampton County

Responsible Official Mr. Lance Prator, Chairman
Portland Borough Authority
P.O. Box 572
Portland, PA 18351

Type of Facility PWS

Consulting Engineer Russell D. Scott, P.E.
RKR Hess
112 North Courtland Street
East Stroudsburg, PA 18301

Permit Issued Date 07/08/2019

Operation Permit No. 0516502 issued to: **Bedford Township Municipal Authority (PWS ID No. 4050037)**, Bedford Township, **Bedford County** on 7/8/2019 for facilities approved under Construction Permit No. 0516502.

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

Somers Lane Mobile Home Community (Public Water Supply), Tioga County: On July 10, 2019, the Safe Drinking Water Program approved the Source Water Protection (SWP) plan for the Somers Lane Mobile Home Community, community water system. The personnel involved with the development of this SWP are to be commended for taking these proactive steps to protect these water sources for their community. Development of the SWP plan was funded by the Department of Environmental Protection (Mark R. Stephens, P.G., (570) 327-3422).

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

Permit No. 0619503, Public Water Supply.

Applicant **Perry Township Municipal Authority**

Municipality Shoemakersville Borough

County **Berks**

Responsible Official Donald Mast, Chairman
P.O. Box 308
Shoemakersville, PA 19555

Permit No. 41717511MA—Operation—Public Water Supply.

Applicant **Aqua Pennsylvania—Treasure Lake Division**

Township/Borough Sandy Township

County **Clearfield County**

Responsible Official	Mr. Patrick Burke Operations Manager Aqua Pennsylvania— Treasure Lake Division 204 East Sunbury Street Shamokin, PA 17872
Type of Facility	Public Water Supply— Operation
Consulting Engineer	Mr. Michael J. Daschbach Entech Engineering, Inc. 1524 West College Avenue Suite 206 State College, PA 16801
Permit Issued	July 9, 2019
Description of Action	Authorizes Aqua Pennsylvania—Treasure Lake Division to operate the following finished-water, storage tanks/standpipes that have height to overflow at 1,987-gallon Daxon Point standpipe (2) Rehabilitated, welded steel 500,000-gallon Daxon Point standpipe, to which inlet/outlet piping for mixing water and an electric mixer have been added.
Permit No. 1719502—Construction—Public Water Supply.	
Applicant	Aqua Pennsylvania— Treasure Lake Division
Township/Borough	Sandy Township
County	Clearfield County
Responsible Official	Mr. Patrick Burke Operations Manager Aqua Pennsylvania— Treasure Lake Division 204 East Sunbury Street Shamokin, PA 17872
Type of Facility	Public Water Supply— Construction
Consulting Engineer	Mr. Robert Horvat Jr., P.E. Entech Engineering, Inc. 400 Rouser Road Building 2 Suite 200 Coraopolis, PA 15108
Permit Issued	July 12, 2019
Description of Action	Authorizes Aqua Pennsylvania—Treasure Lake Division to construct an iron and manganese filtration system at Cayman Pump Station to treat raw water from Wells N-12 and N-14, including 4-Log virus sodium hypochlorite chemical feed systems from the wellhouses to the Cayman Pump Station, removal of hexametaphosphate chemical feed systems, and upgrades to Well N-12.

Delmar Meadows MHC (Public Water Supply), Tioga County: On July 16, 2019, the Safe Drinking Water Program approved the Source Water Protection

(SWP) plan for the Delmar Meadows MHC community water system. The personnel involved with the development of this SWP are to be commended for taking these proactive steps to protect these water sources for their community. Development of the SWP plan was funded by the Department of Environmental Protection (Mark R. Stephens, P.G., (570) 327-3422).

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

Operation Permit issued to **Greenville Municipal Water Authority, PWSID No. 6430037**, West Salem Township, **Mercer County**. Permit Number 4388510-MA4 issued July 10, 2019 for the operation of the modifications made to the West and East End Tanks. This permit is issued in response to an operation inspection conducted by the Department of Environmental Protection personnel on June 27, 2019.

Operation Permit issued to **Sandy Lake Borough, PWSID No. 6430052**, Sandy Lake Borough, **Mercer County**. Permit Number 4311502-MA1 issued July 10, 2019 for the operation of the Emergency Interconnection between Sandy Lake Borough and Stoneboro Borough.

Permit No., 0375501-T1-MA1, Public Water Supply.	
Applicant	Worthington—West Franklin Joint Municipal Authority
Township or Borough	West Franklin Township
County	Armstrong
Type of Facility	Public Water Supply
Consulting Engineer	Michael Basista, P.E.
Permit to Construct Issued	July 12, 2019

Construction/Operation Permit issued to **Bradys Bend Township Water and Sewer Authority, PWSID No. 5030037**, Bradys Bend Township, **Armstrong County**, for the construction/operation of a public water system interconnection with the Petroleum Valley Regional Water Authority system. Construction and Operation authorized simultaneously under Permit Number 50030037-19E1 issued July 11, 2019.

SEWAGE FACILITIES ACT PLAN APPROVAL

Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. 1535, as amended, 35 P.S. § 750.5.

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Exeter Township	4975 DeMoss Road Reading, PA 19606	Berks

Plan Description: Approval is granted for a revision to the Official Plan for Exeter Township, Berks County. The plan revision is entitled the David and Christina Parker Property. The plan provides for the replacement of a malfunctioning on lot sewage disposal system with a small flow treatment facility on a 0.38-acre lot to serve a single-family dwelling. The property is located at 208 Daniel Boone Road and the facility will discharge to an unnamed tributary to Molasses Run. Permits must be obtained in the name of the property owner. The Department's review of the official plan has not identified any

significant impacts resulting from this proposal. The DEP Code Numbers for this plan are A3-06932-293-3s and Application No. 988635.

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

Plan Location: Turbotville Borough, Northumberland County.

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Turbotville Borough	P.O. Box 264 Turbotville, PA 17772	Northumberland

Plan Description: The plan concerns the existing Turbotville wastewater system and its service area, and it proposes the sale of that system in its entirety, to Pennsylvania-American Water Company (PAWC), and proposes to construct a new wastewater treatment plant, which consists of installing a new extended aeration plant with concrete basins, new blowers, instrumentation, and controls, a permanent pump between the digester and the sludge drying beds, UV disinfection, and a phosphorus removal/alum precipitation system. This proposal's projected cost for the construction of a new wastewater treatment plant is expected to be \$3,260,000.00, and the purchase price for Turbotville Borough wastewater assets is \$365,000. The primary funding source identified is Pennsylvania-American Water Company operating cash flows, with the potential to seek funding through a line of credit with American Water Capital Corporation (AWCC), low-cost financing through Pennsylvania Infrastructure Investment Authority (PENNVEST) and the Pennsylvania Economic Development Financing Authority (PEDFA), and/or equity investments. The submission is consistent with the planning requirements in Chapter 71 of DEP's regulations. No significant environmental or historical impacts were identified in the review of the plan.

SEWAGE FACILITIES ACT PLAN DISAPPROVAL

Plan Disapprovals Granted Under the Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. 1535, as amended, 35 P.S. § 750.5.

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
East Lampeter Township	2250 Old Philadelphia Pike Lancaster, PA 17602	Lancaster

Plan Description: The planning module for new land development for the Kauffman Residence, DEP Code No. A3-36929-425-2, consisting of the development of an existing 2-acre lot with two single-family dwellings to be served by a single on lot sewage disposal system is denied. The project is located on the south side of Millstream Road, east of Strasburg Pike in East Lampeter Township, Lancaster County. The plan is denied because the application was technically deficient, and the applicant failed to address the deficiency in the time allowed for response. The plan was deficient in that the preliminary hydrogeologic study determined the minimum lot size for a single dwelling unit to be 1.06 acre. For two dwelling units the area required is 2.12 acres. The lot is not big enough to accommodate the two dwelling units being proposed.

HAZARDOUS SITES CLEAN-UP UNDER THE ACT OF OCTOBER 18, 1988

PUBLIC NOTICE OF PROPOSED CONSENT ORDER AND AGREEMENT PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION HIGH QUALITY PLATING SITE

UPPER MILFORD TOWNSHIP, LEHIGH COUNTY

Pursuant to Section 1113 of the Pennsylvania Hazardous Sites Cleanup Act, Act of October 18, 1988, P.L. 756, No. 108, 35 P.S. §§ 6020.101—6020.1305 (HSCA), notice is hereby provided that the Pennsylvania Department of Environmental Protection (DEP) has entered into a Prospective Purchaser Agreement (PPA) in the form of a Consent Order and Agreement (CO&A) with Kim R. Properties (Purchaser). The CO&A addresses the land-use restrictions on a portion of the property that is part of the High Quality Plating Site (Site). The Purchaser will record an Environmental Covenant for the 6464 Chestnut Street Property (Property), which is a portion of the Site.

The Site consists of commercial properties that formerly included an electroplating operation that operated between the late 1960s and the 1980s. A prior environmental investigation, conducted on behalf of the DEP, identified environmental impacts from prior plating operations at the Site. Specifically, contaminated groundwater migration from High Quality Plating to the Property was identified. A portion of the Property has been impacted by volatile organic compounds (VOCs), primarily chlorinated solvents including trichloroethylene (TCE) as well as heavy metal chromium. The results of the investigation performed for the DEP were summarized in a report for the DEP entitled "Revised Summary of October 2017 and April 2018 Groundwater Monitoring Results," dated June 5, 2018. The Purchaser has plans to use the Property for commercial purposes. For the purpose of resolving any potential environmental liability to the Commonwealth of Pennsylvania, relating to Existing Contamination, the Purchaser has agreed to the recordation of an Environmental Covenant (EC) that will limit the use of that portion of the Property described in the EC.

The settlement proposed in the CO&A referenced above would resolve certain potential claims of the DEP solely against the Purchaser, for future enforcement and reimbursement of response costs incurred by the DEP in addressing the release or threat of release of hazardous substances at the Site. The claims originated under the authority of the Hazardous Sites Cleanup Act (35 P.S. §§ 6020.101—6020.1305). The proposed settlement would require the Purchaser to record the EC noted above at such time the Purchaser purchases the Property. The Purchaser specifically agrees to comply with the limitations set forth in Paragraph 5 of the EC.

The specific terms of this settlement are set forth in the CO&A between the DEP and the Purchaser, which is available for public review and comment. The DEP will receive and consider comments relating to the CO&A from July 27, 2019 to September 25, 2019. The DEP has the right to withdraw its consent to the CO&A if the comments concerning the CO&A disclose facts or considerations which indicate that the CO&A is inappropriate, improper, or not in the public interest. After the public comment period, the DEP's settlement with the Purchaser shall be effective upon the date that the DEP notifies the

Purchaser, in writing, that this CO&A is final and effective in its present form, and that the DEP has filed a response to significant written comments to the CO&A, or that no such comments were received.

Copies of the CO&A are available for inspection at the DEP's Northeast Regional Office. Comments may be submitted, in writing, to Scott J. Bene, Department of Environmental Protection, Hazardous Sites Cleanup Program, 2 Public Square, Wilkes-Barre, PA 18711. Further information may be obtained by contacting Scott J. Bene, at 570-826-2511. TDD users may contact the DEP through the Pennsylvania AT&T Relay Services at 800-645-5984.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 2

The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P.S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the environmental cleanup program manager in the Department regional office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

BAE Systems Land and Armaments L.P., 1100 Bairs Road, York, PA 17408, West Manchester Township, York

County. Hydro-Terra Group, 7420 Derry Street, Harrisburg, PA 17111, on behalf of BAE Systems, Incorporated, 1100 Bairs Road, York, PA 17408, submitted a Final Report concerning remediation of site groundwater contaminated with volatile organic compounds. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

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

JKLM Sweden Valley Well Pad 107, 498 Fairway Drive, Coudersport, Sweden Township, **Potter County.** Penn Environmental & Remediation, 13180 Route 6, Mansfield, PA 16933, on behalf of JKLM Energy, LLC, 2200 Georgetowne Drive, Suite 500, Sewickley, PA 15143, has submitted a Final Report/Remedial Action Completion Report concerning remediation of the site soil contaminated with production fluid. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Former Faxon Lumber Site, 1700 East Third Street, Loyalsock Township, **Lycoming County.** RETTEW Associates, Inc., 130 Court Street, Suite 200, Williamsport, PA 17701, on behalf of Liberty Hospitality Partners, LP, 1500 Sycamore Road, Montoursville, PA 17754, has submitted a Final Report Addendum to their June 19, 2013 Final Report, re-evaluating the vapor intrusion migration pathway of chemicals of concern detected in site soil. 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:

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

Dorney Park and Wildwater Kingdom, 3830 Dorney Park Road, South Whitehall Township, **Lehigh County**. Barry Isett & Associates, 85 South Route 100, Allentown, PA 18106, on behalf of Dorney Park and Wildwater Kingdom, 3830 Dorney Park Road, Allentown, PA 18104, submitted a remedial investigation report and cleanup plan concerning remediation of site soils contaminated by deposition of construction debris and fill material. The report was approved by DEP on July 15, 2019.

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

Marstellar Oil Company/Morales Property, 3716 Green Street, Harrisburg, PA 17110, Susquehanna Township, **Dauphin County**. United Environmental Services, Inc., P.O. Box 701, Schuylkill Haven, PA 17972, on behalf of Ambrose Environmental Management, 5 Cherry Hill Drive, Suite L10, Danvers, MA 01923, and Ian Gardner, 3716 Green Street, Harrisburg, PA 17110, submitted a Final Report concerning remediation of site soil contaminated with home heating oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on July 10, 2019.

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

Raimo Unit Well Pad, 5662 Posted Lane, Monroeton, Overton Township, **Bradford County**. Woodard & Curran, 300 Penn Center Blvd, Suite 800, Pittsburgh, PA 15235, on behalf of Chief Oil & Gas, LLC, 1720 Sycamore Rd, Montoursville, PA 17754 has submitted a Final Remedial Action Completion Report concerning remediation of site soils contaminated with base oil. The report demonstrated attainment of the Statewide Health Standard and was approved by the Department on July 3, 2019.

The Standard at State College, 330 West College Avenue, Borough of State College, **Centre County**. Letterle & Associates, Inc., 2022 Axemann Road, Suite 201, Bellefonte, PA 16823, on behalf of The Standard at State College, LLC, 315 Oconee Street, Athens, GA 30601, has submitted a Remedial Investigation Report/Cleanup Plan/Final Report concerning remediation of site soils contami-

nated with heating oil. The report demonstrated attainment of the Site-Specific Standard and was approved by the Department on July 12, 2019.

Coldstream B, 2323 Coldstream Road, Frenchville, PA 16836, Goshen Township, **Clearfield County**. Moody and Associates, Inc., 199 South Johnsonville Road, BLDG # 2, Suite 101, Houston, PA 15342, on behalf of Greylock Production, LLC, 500 Corporate Landing, Charleston, WV 25311, has submitted a Cleanup Plan concerning remediation of site soil and groundwater contaminated with brine-related constituents. The report demonstrated attainment of the Background, Statewide Health, and Site-Specific Standards and was approved by the Department on July 12, 2019.

MBA Transport of Columbus, LLC, Interstate 80W at MM 191.0, Loganton, Greene Township, **Clinton County**. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857, on behalf of MBA Transport of Columbus, LLC, 2947 Northern Woods Lane, Columbus, OH 43231, has submitted a Final Report concerning site soil contaminated with diesel fuel. The report demonstrated attainment of the Statewide Health Standard and was approved by the Department on July 12, 2019.

Kennedy 137 Well Pad, 487 North Callahan Road, Wellsboro, Delmar Township, **Tioga County**. Arcadis U.S. Inc., 6041 Wallace Road Extension, Suite 300, Wexford, PA 15090, on behalf of SWEPI LP, 12880 Route 6, Wellsboro, PA 16901, has submitted a Final Report concerning remediation of site soil contaminated with produced water. The report demonstrated attainment of the Statewide Health Standard and was approved by the Department on July 10, 2019.

Principle Enterprises LLC Diesel Fuel and Production Water Cleanup, State Route 414, Roaring Branch, Union Township, **Tioga County**. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857, on behalf of Principle Enterprises, LLC, P.O. Box 177, Canton, PA 17724, has submitted a Final Report concerning remediation of site soil contaminated with diesel fuel and production water. The report demonstrated attainment of the Statewide Health Standard and was approved by the Department on July 10, 2019.

HAZARDOUS WASTE TRANSPORTER LICENSE

Actions on applications for Hazardous Waste Transporter License received under the Solid Waste Management Act of July 7, 1980 (P.L. 380, No. 97) (35 P.S. §§ 6018.101—6018.1003) and regulations to transport hazardous waste.

Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P.O. Box 69170, Harrisburg, PA 17106-9170.

Renewal Applications Received

STC Industrial, LLC, P.O. Box 1509, Sumter, SC 29151-1060. License No. PA-AH 0439. Effective Jul 15, 2019.

Waste Recovery Solutions LLC, 343 King Street, Myerstown, PA 17067. License No. PA-AH 0683. Effective Jul 10, 2019.

Wade Salvage, Inc., 382 Jackson Rd, Atco, NJ 08004. License No. PA-AH S246. Effective Jul 16, 2019.

Transporter Licenses Reissued

STC Industrial, LLC, P.O. Box 1509, Sumter, SC 29151-1060. License No. PA-AH 0439. Effective Jul 15, 2019.

Waste Recovery Solutions LLC, 343 King Street, Myerstown, PA 17067. License No. PA-AH 0683. Effective Jul 10, 2019.

Wade Salvage, Inc., 382 Jackson Rd, Atco, NJ 08004. License No. PA-AH S246. Effective Jul 16, 2019.

DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

Application(s) for Determination of Applicability administratively complete under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste.

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

General Permit No. WMGR081D034. Commonwealth Computer Recycling, LLC, 1628 Roseytown Road, Greensburg, PA 15601. A minor modification to increase the size of their facility operating under residual waste general permit WMGR081 for the processing and beneficial use of waste electronics in Hempfield Township, **Westmoreland County**, was deemed administratively complete in the Regional Office on July 15, 2019.

Persons interested in reviewing the general permit or the application may contact the Department of Environmental Protection, Regional Files, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

AIR QUALITY

General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

Southcentral Region: Air Quality Program, 909 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.

GP1-67-03162A: Church & Dwight Co., Inc. (5197 Commerce Drive, York, PA 17408) on July 10, 2019, for two (2) new Cleaver Brooks boilers, each rated at 16.74 MMBtu/hr., under GP1, at the consumer products manufacturing facility in Jackson Township, **York County**. The general permit authorization was renewed.

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.

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

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

07-05004C: Altoona Terminals DE LLC (P.O. Box 2621, Harrisburg, PA 17105-2621) on July 8, 2019, for project at the petroleum product bulk terminal in Allegheny Township, **Blair County**. Plan Approval No. 07-05004C will authorize installation of backup Vapor Combustion Unit (VCU). The VCU will control gasoline vapors from an existing Loading Rack North, which is primarily controlled by a vapor recovery unit (VRU).

06-05158A: Allan Myers, L.P. (638 Lancaster Avenue, Malvern, PA 19355) on July 8, 2019, for the construction of an asphalt plant on Leesport Avenue in Ontelaunee Township, **Berks County**.

50-05001A: Texas Eastern Transmission/Shermans Dale (425 Texas Eastern Road, Shermans Dale, PA 17090) on July 9, 2019, for the construction of two (2) new natural gas-fired simple cycle turbines at the Shermans Dale Compressor Station located in Carroll Township, **Perry County**. These new turbines will replace two (2) GE turbines. The turbines will be built with SoLoNO_x dry low NO_x (DLN) technology for the control of NO_x and equipped with oxidation catalysts for the control of CO, VOCs and organic hazardous air pollutants (HAPS). The facility is also replacing the current 440 bhp emergency generator (Source ID 033) with a Waukesha VGF48GL 1,175 bhp emergency, natural gas, emergency generator. The project will also include the installation of two (2) fuel gas heaters, each rated at 1.47 MMBtu/hr heat input, and five (5) 33-gallon separator vessels used to collect pipeline liquids. The facility will be a State Only facility upon completion of the project.

06-05033A: Texas Eastern Transmission/Bernville (306 Station Road, Robesonia, PA 19551) on July 9, 2019, for the construction of two (2) new natural gas-fired simple cycle turbines at the Bernville Compressor Station located in North Heidelberg Township, **Berks County**. These new turbines will replace two (2) GE turbines. The turbines will be built with SoLoNO_x dry low NO_x (DLN) technology for the control of NO_x and equipped with oxidation catalysts for the control of CO, VOCs and organic hazardous air pollutants (HAPS). The facility is also replacing the current 445 bhp emergency generator (Source ID 033) with a Waukesha VGF48GL 1,175 bhp, natural gas, emergency generator. The project will also include the installation of two (2) fuel gas heaters, each rated at 1.47 MMBtu/hr heat input, and five (5) 33-gallon separator vessels used to collect pipeline liquids. The facility will be a State Only facility upon completion of the project.

07-05045B: Curry Rail Services, Inc. (P.O. Box 538, Hollidaysburg, PA 16648-0538) on July 10, 2019, for four existing coating booths and a plasma table at the facility located in Hollidaysburg Borough, **Blair County**. This action re-permits the equipment as a Title V facility.

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

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

AMS Plan Approval No. IP19-000388: NovaCare Complex (2 Novacare Way, Philadelphia, PA 19145) for the installation of two (2) 1.25 MMBtu/hr water heaters, two (2) 0.4 MMBtu/hr duct furnaces, three (3) 0.35 MMBtu/hr or less industrial dryers, one (1) 0.6 MMBtu/hr make up air unit, two (2) 0.975 MMBtu/hr or less rooftop heating units, and one (1) 241 horsepower emergency

generator, all firing natural gas, at their facility in the City of Philadelphia, **Philadelphia County**. Nitrogen Oxides (NO_x) have potential emissions of 3.08 tons per year. Carbon Monoxide (CO) has a potential emission of 2.89 tons per year. The plan approval will contain operating, monitoring, and recordkeeping requirements to ensure operation within all applicable requirements.

Copies of all documents and information concerning this permit are available for review in the offices of Air Management Services, 321 University Ave., Philadelphia, PA 19104-4543 during normal business hours. Persons wishing to review these documents should contact Debra Williams (215-685-7572) at the above address.

Persons wishing to file protest, comments or to request a public hearing on the above permit must submit the protest, comments, or request for a public hearing to 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.

Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

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

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

28-05002J: Letterkenny Army Depot—US Department of Defense (One Overcash Avenue, Chambersburg, PA 17201) on July 11, 2019, to construct a new AP Rocket Motor Destruction (ARMD) Facility within the Letterkenny Munitions Center ammunition storage area, at the Letterkenny Army Depot in Greene/Letterkenny Townships, **Franklin County**. Air emissions from the ARMD will be controlled by a wet scrubber system, followed by an ADIOX packed bed scrubber tower absorption system. The plan approval was extended.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.

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

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

39-00051: Jaindl Farms, LLC (3150 Coffeetown Rd, Orefield, PA 18069-2511) The Department issued, on 7/10/19, a State-Only (Synthetic Minor) Operating Permit for operation of sources at a turkey and turkey egg agriculture facility in North Whitehall Township, **Lehigh County**. The sources include one # 2 fuel oil-fired boiler and one propane-fired boiler. The permit contains all

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

40-00125: Sunlight Crematory of Wilkes-Barre, LLC (628 Nanticoke Street, Hanover Township, PA 18706-5247). On July 11, 2019 the Department issued a renewal State-Only Natural Minor Permit for the Sunlight Crematory located in Hanover Township, **Luzerne County**. This facility operates three natural gas fired cremation units. The sources are considered minor emission sources of nitrogen oxide (NO_x), sulfur oxides (SO_x), carbon monoxide (CO), total suspended particulate (TSP) and VOC's. The 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.

48-00079: Lehigh Valley Crematory Services, Inc. (301 Front Street, Hellertown, PA 18055-1720). On July 12, 2019 the Department issued a renewal State-Only (Natural Minor) Permit for operation of Funeral Services & Crematories facility in Hellertown Borough, **Northampton County**. The primary sources at this facility are three (3) human crematory units operated with incinerators by natural gas, and the control devices are afterburners. The sources are considered minor emission sources of nitrogen oxide (NO_x), sulfur oxides (SO_x), carbon monoxide (CO), particulate matter (PM₁₀), and volatile organic compounds (VOC) emissions. The operating permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

39-00061: Electro Chemical Engineering & Manufacturing Company (750 Broad Street, Emmaus, PA 18049). On July 10, 2019, the Department issued a renewal State-Only (Synthetic Minor) Permit for the metal coating, engraving, and allied services manufacturing facility in Emmaus Borough, **Lehigh County**. The main sources consist of 5 ovens and 2 spray booths for baking coating, sheet lining, epoxy painting, and mortar application. The sources are considered minor emission sources of nitrogen oxide (NO_x), sulfur oxides (SO_x), carbon monoxide (CO), total suspended particulate (TSP) and VOC's. The operating permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

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

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

01-03022: Agricultural Commodities, Inc. (1585 Granite Station Road, Gettysburg, PA 17325) on June 27, 2019, for operation of the feed mill and grain handling facility located in Straban Township, **Adams County**. The state-only permit was renewed.

36-05003: Armstrong World Industries, Inc. (2500 Columbia Avenue, P.O. Box 3001, Lancaster, PA 17604-3001) on July 8, 2019, for the Armstrong Corporate Campus and R & D facility located in Manor Township, **Lancaster County**. The State-only permit was renewed.

06-05114: Birchcraft Kitchens, Inc. (425 Richmond Street, Reading, PA 19605-3065) on July 8, 2019, for the wood cabinet manufacturing facility located in Reading City, **Berks County**. The State-only permit was renewed.

06-05003: AGR 133 LLC (2525 North 12th Street, Reading, PA 19605-2749) on July 8, 2019, for the boilers at the convention center facility located in Muhlenberg Township, **Berks County**. The State-only permit was renewed.

67-03038: Masfab/Formit Steel Co. (775 Lombard Road, P.O. Box 285, Red Lion, PA 17356-8226) on July 3, 2019, for the structural steel manufacturing facility located in Windsor Township, **York County**. The State-only permit was renewed.

28-05029: Fayetteville Contractors, Inc. (P.O. Box 610, Fayetteville, PA 17222-0610) on July 12, 2019, for the batch asphalt plant located in Antrim Township, **Franklin County**. The State-only permit was renewed.

28-03022: New Enterprise Stone & Lime Co., Inc. (169 Quarry Road, Chambersburg, PA 17201) on July 12, 2019, for the Mt. Cydonia Sand Plant 1, located in Guilford Township, **Franklin County**. The State-only permit was renewed.

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

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

63-00626: Washington Penn Plastics Co., Inc. (450 Racetrack Road, Washington, PA 15301) on July 9, 2019 a State Only Operating Permit (SOOP) renewal to Washington Penn Plastics to authorize the production of custom polyolefin compounds. The facility is located in Canton Township, **Washington County**.

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

Contact: Matt Williams, Facilities Permitting Chief at Telephone: 814-332-6940.

25-00917: Performance Castings, LLC (242 East 16th St., Erie, PA 16503), on June 25, 2019, the Department issued the renewal of the State-Only Operating Permit of a gray iron foundry located in Erie City, **Erie County**. Air contamination sources at this facility are units that include an electric induction furnace, shell core machines, and binders, and operations that include inoculation, charge handling, pouring casting, casting cooling, casting shakeout, grinding, and shot blasting. The facility is Natural Minor for permitting purposes and an area source for MACT purposes. As an iron foundry, the facility has been subject to 40 CFR 63 Subpart ZZZZZ, which pertains to NESHAP for Iron and Steel Foundries Area Sources. In this renewal, a previously permitted core oven is removed from the operating permit.

25-01021: Team Hardinger Transportation (1314 West 18th Street, Erie, PA 16502-1517). On June 25, 2019, the Department re-issued the State Operating Permit for the coating operation which is located in the City of Erie, **Erie County**. The facility's primary emission sources include a surface coating booth equipped with dry filters for overspray. Coatings are applied with HVLP and electrostatic spray guns. The booths are heated with an air make-up unit rated at 5.3 MMBtu/hr. The heater is fired with natural gas. The facility has an emission limit of 10 TPY for VOC emissions in any 12-month rolling period. The facility is an area source of emissions. The operating permit contains requirements

from plan approval 25-1021A, applicable emission restrictions, testing requirements, monitoring requirements, reporting requirements, work practice requirements, and additional requirements in accordance with the Clean Air Act.

37-00314: Natural Sand Company, Inc.—Plain Grove Road Plant (4783 Harlansburg Road, Slippery Rock, PA 16057). On June 25, 2019, the Department re-issued the referenced permit for this specialty soil processing operation in Plain Grove Township, **Lawrence County**. The primary emissions from this facility are from various conveyors, a pug mill mixer manufactured by McLanahan, scalping screens manufactured by Link Belt, a Barber-Green pug mill mixer (125-ton capacity), a radial stacker, a bucket elevator, a screw auger, storage bins, a 10,000-gallon tank for polymer wax solution, and a 250-gallon tank for 'Grass Greenzit.' In addition, the source consists of a dryer manufactured by ACS/AEDCO which has a baghouse to control particulate emissions from the drying process and a vertical shaft impact crusher. The potential emissions from the facility were calculated based on 1,200 hours of operation PM₁₀ less than 5 TPY. The potential emissions from the dryer based on 1,200 hours of operations are 9.10 TPY CO and 1.58 TPY NO_x with much smaller amounts of VOC, PM, and SO_x emissions based on the use of natural gas or propane. Since typically dryer usage is much less than 1,200 hours, the actual emissions from combustion are much less.

24-00025: Alpha Precision Group, Sintered Metals (95 Mason Run Road, Ridgway, PA 15853), on July 9, 2019, the Department issued the renewal of the State-Only Operating Permit of a powder metal parts manufacturing facility located in Ridgway Township, **Elk County**. Permitted air contamination sources at the facility are powder metal sintering furnaces, a heat treat furnace, a dip tank for rust inhibitor application, parts washers, and an emergency generator. The sintering furnaces has been subject to conditions of GP-8 (General Permit for powder metal sintering furnaces). The emergency generator has been subject to 40 CFR 63 Subpart ZZZZ. In this renewal, a permitted activity no longer performed and the associated control device that has been decommissioned are removed from the operating permit. The parts washer authorized through a RFD issued in August 2018 is determined to be an insignificant activity because it uses a VOC/HAP-free cleaning solvent. A portable vacuum-type dust collection system that exhaust indoors is also determined an insignificant activity.

10-00374: Three Rivers Aggregates, LLC, Black Run Plant (144 Brandon Road, Slippery Rock, PA 16057), on July 9, 2019, the Department issued the renewal of the State-Only Operating Permit of a nonmetallic mineral processing plant that produces sand and gravel located in Worth Township, **Butler County**. Permitted air contamination sources at the facility are crushing operations, screening operations, conveying systems, stockpiles, roadways, and truck load-out. The facility is subject to 3,000-hour/year operating hours restriction and 400 tons/hour and 1,000,000 tons/year throughput restrictions established through PA 10-374A. Crushing and screening operations at the facility are subject to 40 CFR 60 Subpart OOO pertaining to Standards of Performances (NSPS) for Nonmetallic Mineral Processing Plants. In this renewal, a work practice condition on water spray operation has been added pursuant to 40 CFR 60 Subpart OOO.

43-00356: Hermitage Municipal Authority (2133 Broadway Rd, Hermitage, PA 16148). On July 9, 2019, the Department issued the new State Only Natural Minor Operating Permit for operation of the waste-to-energy facility located in the City of Hermitage, **Mercer County**. The facility's primary emission source consists of the start-up boiler, the combined heat and power (CHP) unit with emissions controlled by a scrubber, catalytic oxidizer, and emergency flare, and the emergency generator. The potential emissions of the primary pollutants from the facility after permit limitations are as follows: 23.75 TPY (tons per year) NO_x, 13.68 TPY CO, 0.98 TPY SO_x, 0.55 TPY PM₁₀ and PM_{2.5}, 1.32 TPY VOC, and 0.87 TPY total HAPs; thus, the facility is a natural minor. The facility was previously operating under Plan Approval 43-356D. The CHP unit is subject to 40 CFR Part 60 Subpart JJJJ, Standards of Performance for Stationary Spark Ignition Internal Combustion Engines. The emergency generator is subject to 40 CFR Part 60 Subpart IIII, Standards of Performance for Stationary Compression Ignition Internal Combustion Engines. The renewal permit contains emission restrictions, recordkeeping, work practices, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

33-00175: Matson Lumber Corsica (1065 Route 322, Brookville, PA 15825). On July 9, 2019, the Department issued the renewal State Only Natural Minor Operating Permit for the lumber processing facility located in Union Township, **Jefferson County**. The facility's primary emission sources include two (2) natural gas-fired stand-by boilers, the 400 hp wood-fired boiler, and a boiler feed system through a cyclone. The potential emissions of the primary pollutants from the facility are as follows: 23.05 TPY (tons per year) NO_x, 53.79 TPY CO, 2.33 TPY VOC, 19.84 TPY filterable PM₁₀, 12.59 TPY PM_{2.5}, and 2.13 TPY SO_x; thus, the facility is a natural minor. The wood boiler is subject to 40 CFR 60 Subpart Dc, Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units, and 40 CFR 63 Subpart JJJJJJ, NESHAP for Industrial, Commercial, and Institutional Boilers Area Sources. The renewal permit contains emission restrictions, recordkeeping, work practices, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

43-00361: Reed Oil Company—Elliot Oil Division (408 Erie St., Grove City, PA 16127). On July 9, 2019, the Department issued the renewal State Only Synthetic Minor Operating Permit for operation of the petroleum products distribution facility located in Grove City Borough, **Mercer County**. The facility's primary emission source consists of the bulk gasoline plant. The potential emissions of the primary pollutants from the facility after permit limitations are as follows: 35.19 TPY (tons per year) VOC and 1.95 TPY total HAPs; all other criteria pollutants are estimated to be less than 1 TPY. The facility has taken an elective restriction of 20,000 gallons of gasoline throughput per day to maintain synthetic minor status. The gasoline plant is also subject to GP-2 (general operating permit) conditions for storage tanks of VOLs and 40 CFR Part 63 Subpart BBBB, the NESHAP for Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities. The renewal permit contains emission restrictions, recordkeeping, work practices, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

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.

63743702 and NPDES No. PA0214248. Eighty Four Mining Company (46226 National Road, Saint Clairsville, OH 43950). To renew the permit for the Mine 84 Refuse Area in Somerset Township, **Washington County** and related NPDES permit. No additional discharges. The application was considered administratively complete on November 17, 2015. Application received: June 29, 2015. Permit issued: July 8, 2019.

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

Permit No. 4075SM12 and NPDES No. PA0248860. Penn Coal Land, Inc., P.O. Box 68, Boswell, PA 15531, permit renewal for reclamation only of a bituminous surface mine in Summit Township, **Somerset County**, affecting 184 acres. Receiving stream: unnamed tributary to Casselman River, classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: April 8, 2019. Permit issued: July 8, 2019.

Permit No. 56080109, PBS Coals, Inc., P.O. Box 260, Friedens, PA 15541, permit renewal for reclamation only of a bituminous surface and auger mine in Somerset Township, **Somerset County**, affecting 320.7 acres. Receiving streams: unnamed tributaries to Wells Creek to Stonycreek, classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: April 24, 2019. Permit issued: July 11, 2019.

Permit No. 56070111. Mountaineer Mining Corp., 1010 Garrett Shortcut Road, Berlin, PA 15530, permit renewal for reclamation only of a bituminous surface and auger mine in Brothersvalley Township, **Somerset County**, affecting 115 acres. Receiving streams: unnamed tributaries to Swamp Creek and unnamed tributaries to Buffalo Creek, classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: April 12, 2019. Permit issued: July 11, 2019.

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

10130103. Ben Hal Mining Company (389 Irishtown Road, Grove City, PA 16127). Renewal of an existing bituminous surface mine in Clay Township, **Butler County** affecting 48.9 acres. This renewal is issued for reclamation only. Receiving streams: Muddy Creek. Application received: June 3, 2019. Permit issued: July 11, 2019.

PRIMACY BOND FORFEITURE PROJECT

New Stanton District Mining Office, 131 Broadview Road, New Stanton, PA 15672, Telephone 724-925-5542.

Primacy Bond Forfeiture Project	PBF 03890108.4
Location	Washington Township Armstrong County Pennsylvania
Description	Bond Forfeiture Reclamation Project Darmac Silver Rock Mine, Phase II
Contractor	Armstrong Count Conservation District 120 South Grant Street Suite 2 Kittanning, PA 16201-1450
Amount	\$445,936.00
Date of Award	June 26, 2019

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.

Blasting Permits Issued

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

53194102. Maine Drilling & Blasting, Inc. (P.O. Box 1140, Gardiner, ME 04345). Blasting for commercial development in Hector Township, **Potter County** with an expiration date of June 28, 2020. Permit issued: July 9, 2019.

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

Permit No. 35194108. Holbert Explosives, Inc., (237 Mast Hope Plank Road, Suite A, Lackawaxen, PA 18435), construction blasting for Mt Margaret Estates in Dunmore Borough, **Lackawanna County** with an expiration date of July 2, 2021. Permit issued: July 8, 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 con-

struction 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.

E06-731: Oak Grove Partners LLC, 3335 Morgantown Road, P.O. Box 7, Mohnton, PA 19540 in Robeson Township, **Berks County**, U.S. Army Corps of Engineers Philadelphia District.

To construct and maintain a road crossing in and across Hay Creek (EV, MF), its floodway, and EV PEM wetland permanently impacting 23 linear feet of Hay Creek and 0.07 acre of EV PEM wetland and install and maintain a 70-foot long 53-inch diameter CMP elliptical culvert with associated grading and riprap in and along a UNT to Hay Creek (EV, MF) and its associated floodway permanently impacting 144 linear feet of the UNT to Hay Creek all for the purpose of constructing a residential development (40.196831, -75.873274). The applicant is proposing to compensate for these impacts by creating 0.18 acre of wetland on-site. The project is located along Furnace Road east of the intersection with PA State Route 10, Latitude: 40° 11' 48", Longitude 75° 52' 23" in Robeson Township, Berks County. The permit was issued on July 12, 2019.

E06-734: PA Department of General Services, 1800 Herr Street, Harrisburg, PA 17103 in Exeter Township, **Berks County**, U.S. Army Corps of Engineers Philadelphia District.

To (1) install and maintain a 1.5-inch HDPE sanitary sewer force main impacting 480 square feet of Owatin Creek (WWF) and (2) install and maintain a 3-inch HDPE sanitary sewer force main impacting 190 square feet of an unnamed tributary to Owatin Creek (WWF) for the purpose of upgrading the existing site. The project is located at 400 Daniel Boon Road (Birdsboro Quad, Latitude: 40.293689, Longitude: -75.804903) in Exeter Township, Berks County. The permit was issued on July 15, 2019.

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

E43-358 Major Amendment, Grove City College, 100 Campus Drive, Grove City, PA 16127. Wolf Creek Stream Restoration Project in **Mercer County** (41.1590, -80.0846), ACOE Pittsburgh District.

Applicant is requesting a Major Amendment to Permit NO. E43-358 issued August 8, 2013 to restore 260 linear feet of streambank beginning 300 feet downstream of the intersection of Wolf Creek and East Pine Street and continuing downstream. The eroded stream bank was reconstructed using a combination of rock embankment and reinforced earth fill. The major amendment proposes to stabilize an additional 180 linear feet of eroded streambank immediately upstream of the 2013 repair area utilizing the same design.

E3206118-001, PA Department of Transportation, District 10-0, 2550 Oakland Ave., Indiana PA 15701. SR 8008, Section 402, Segment 0500, Offset 0650, in East Wheatfield Township, **Indiana County**, ACOE Pittsburgh District (New Florence, PA Quadrangle N: 40°, 27', 22.5"; W: 79°, 01', 51.8").

To rehabilitate and maintain an existing steel pipe-arch culvert by slip-lining a 90-ft, 4 7/8-in long aluminum pipe-arch culvert having a 73-in wide by 55-in high waterway opening in UNT Mardis Run on S.R. 8008, Segment 0500, Offset 0650 approximately 0.1-mi east of the entrance to S.R. 8008 from S.R. 0056, resulting in 150-ft of temporary and 115-ft of permanent impact to UNT Mardis Run (New Florence, PA Quadrangle N: 40° 27' 22.5"; W: 79° 01' 51.8") in East Wheatfield Township, Indiana County.

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

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

To construct, operate, and maintain:

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

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

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

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

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

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

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

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.

D14-001EA. Kurt Staller, Project Manager, Pennsylvania American Water Company, 852 Wesley Drive, Mechanicsburg, PA 17055, Rush Township, **Centre County**, USACOE Baltimore District.

Project proposes to remove the Cold Stream Dam to eliminate a threat to public safety and to restore approximately 600 feet of stream channel to a free-flowing condition. The project is located across Cold Stream (HQ-CWF) (Sandy Ridge, PA Quadrangle, Latitude: 40.8517; Longitude: -78.2068).

D14-013EA. Kurt Staller, Project Manager, Pennsylvania American Water Company, 852 Wesley Drive, Mechanicsburg, PA 17055, Rush Township, **Centre County**, USACOE Baltimore District.

Project proposes to remove the Lower Trout Run (Montola) Dam to eliminate a threat to public safety and to restore approximately 200 feet of stream channel to a free-flowing condition. The project is located across Trout Run (CWF) (Houtzdale, PA Quadrangle, Latitude: 40.8084, Longitude: -78.2613).

D14-014EA. Kurt Staller, Project Manager, Pennsylvania American Water Company, 852 Wesley Drive, Mechanicsburg, PA 17055, Rush Township, **Centre County**, USACOE Baltimore District.

Project proposes to remove the Upper Trout Run Dam to eliminate a threat to public safety and to restore approximately 300 feet of stream channel to a free-

flowing condition. The project is located across Trout Run (CWF) (Houtzdale, PA Quadrangle, Latitude: 40.8041; Longitude: -78.2674).

D14-077EA. Kurt Staller, Project Manager, Pennsylvania American Water Company, 852 Wesley Drive, Mechanicsburg, PA 17055, Rush Township, **Centre County**, USACOE Baltimore District.

Project proposes to remove the Middle Trout Run Dam to eliminate a threat to public safety and to restore approximately 150 feet of stream channel to a free-flowing condition. The project is located across Trout Run (HQ-CWF) (Houtzdale, PA Quadrangle, Latitude: 40.8047, Longitude: -78.2669).

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.

Northwest Region: Oil and Gas Program Manager, 230 Chestnut St., Meadville, PA 16335.

ESCGP-3 # ESG080319007-00—Walnut M&R Station & Pipelines Project
Applicant INR Operating LLC
Contact Ian Costello
Address 2605 Cranberry Square
City Morgantown State WV Zip Code 26508
County Armstrong Township South Bend
Receiving Streams and Classifications Crooked Creek, Trib 46443 to Crooked Creek and Trib 46430 to Gobblers Run and associated UNTs

ESCGP-3 # ESX11-063-0001-01—Crawford Pad—
Major Modification
Applicant CNX Gas Company LLC
Contact Sarah Weigand
Address 1000 Consol Energy Drive
City Canonsburg State PA Zip Code 15317
County Indiana Township Young
Receiving Stream(s) and Classification(s) Tributary 43217 to Whiskey Run, UNTs to Nesbit Run and Nesbit Run.

ESCGP-3 # ESG080319005-00—IDA Well Pad
Applicant Snyder Bros Inc
Contact Carl Rose
Address P.O. BOX 1022, One Glade Park East
City Kittanning State PA Zip Code 16201
County Armstrong Township(s) South Buffalo
Receiving Stream(s) and Classification(s) UNT to Nicholson Run, Nicholson Run (WWF)

ESCGP-3 # ESG084219002-00 South Branch 1408 ESX
Applicant SWEPI LP
Contact Jason Shoemaker
Address 150 North Dairy Ashford; Bldg E 12th Floor
City Houston State TX Zip Code 77079
County McKean Township(s) Wetmore
Receiving Stream(s) and Classification(s) UNT to Martin Creek HQ-CWF/East Branch Tionesta Creek HQ-CWF

Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

ESCGP-3 # ESG294119019-00
Applicant Name XTO Energy, Inc.
Contact Person Melissa Breitenbach
Address 190 Thorn Hill Road
City, State, Zip Warrendale, PA 15086
County Lycoming
Township(s) Jordan Twp.
Receiving Stream(s) and Classification(s) UNT to West Branch Run (CWF)
Secondary: West Branch Run (CWF)

ESCGP-3 # ESG294119004-00
Applicant Name Diversified Gas & Oil Corporation
Contact Person Doug Byers
Address P.O. Box 381087
City, State, Zip Birmingham, AL 35238
County Lycoming
Township(s) Gamble Twp.
Receiving Stream(s) and Classification(s) Murry Run (EV)
Secondary Receiving Waters: Wallis Run (EV)

ESCGP-3 # ESG290819007-00
Applicant Name Appalachia Midstream Services, LLC
Contact Person Scott Kinter
Address 400 IST Center
City, State, Zip Horseheads, NY 14845
County Bradford
Township(s) Tuscarora Twp.
Receiving Stream(s) and Classification(s) Little Tuscarora Creek (CWF-MF)
Secondary Receiving: Susquehanna River (WWF-MF)

ESCGP-3 # ESG29-105-17-0011(01)
Applicant Name JKLM Energy, LLC
Contact Person Scott C. Blauvelt
Address 2200 Georgetown Drive, Suite 500
City, State, Zip Sewickley, PA 15143
County Potter
Township(s) Pike Twp.
Receiving Stream(s) and Classification(s) Primary Watershed(s): (1) Judson Hollow (HQ-CWF), and (2) Genesee Forks (HQ-CWF).
Secondary Watershed(s): (1) Genesee Forks (HQ-CWF), and (2) Pine Creek (EV).

ESCGP-3 # ESG295819001-00
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) Lathrop and Springville Twps.
Receiving Stream(s) and Classification(s) Unnamed trib.

To Horton Creek (CWF-MF) and Unnamed trib. to Meshoppen Creek (CWF-MF).
Secondary Waters: Tunkhannock Creek (CWF-MF) and Meshoppen Creek (CWF-MF).

ESCGP-3 # ESG296619003-00
Applicant Name BKV Operating, LLC
Contact Person William Roszel

Address 12231 SR 706
City, State, Zip Montrose, PA 18801
County Wyoming
Township(s) Washington Twp.
Receiving Stream(s) and Classification(s) Primary Watershed(s): Meshoppen Creek (CWF).
Secondary Watershed(s): Susquehanna River (WWF).

STORAGE TANKS SITE-SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P.S. §§ 6021.304, 6021.504, 6021.1101-6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C, have been issued by the Bureau of Environmental Cleanup and Brownfields, Director, P.O. Box 8763, Harrisburg, PA 17105-8763.

SSIP Permit No.	Applicant Name & Address	County	Municipality	Tank Type	Tank Capacity
19-02-044	United States Steel Corporation 400 State Street Clairton, PA 15025-1855 Attn: Mike Dzurinko	Allegheny	City of Clairton	1 AST storing light oil	270,000 gallons

CORRECTIVE ACTION UNDER ACT 32, 1989

PREAMBLE 2

The following plans and reports were submitted under the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104).

Provisions of 25 Pa. Code Chapter 245 Subchapter D, Administration of the Storage Tank and Spill Prevention Program, require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A remedial action plan is submitted to summarize the site characterization, document the design and construction details for the remedial action, and describe how the remedial action will attain the selected remediation standard. The remedial action plan also provides results of studies performed and data collected to support the remedial action and a description of postremediation care requirements. A remedial action completion report is submitted to document cleanup of a release of a regulated substance at a site to the selected remediation standard. A remedial action completion report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or non-residential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

For further information concerning plans or reports, please contact the Environmental Cleanup Program Manager in the DEP Regional Office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the DEP through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

Lukoil 69726, 23-42587, 501 E Baltimore Pike, Media Borough, **Delaware County**. Envirotrac Ltd., 3070 Bristol Pike, Building 1, Suite 221, Bensalem, PA 19020, on behalf of Lukoil North America LLC, 302 Harper Drive, Suite 303, Moorestown, NJ 08057, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet residential and nonresidential State-wide health and site specific standards.

Eagle Texaco, 15-31315, 31 Pottstown Pike, Upper Uwchlan Township, **Chester County**. Liberty Environmental, Inc., 505 Penn Street, Suite 400, Reading, PA 19601, on behalf of Ramgin Holdings LP, 133 Barneston Rd, P.O. Box 486, Glenmoore, PA 19343 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum products. The report is intended to document remediation of the site to meet site specific standards.

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

G&G Express Mart, Storage Tank ID # 40-15488, 320 Wilkes-Barre Township Boulevard, Wilkes-Barre Township, **Luzerne County**, MEA Environmental Services, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of GILBRO Realty, 1241 South Main Street, Scranton, PA 18504, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with gasoline. The report is intended to document the remedial actions for meeting Statewide Health Standards.

Montrose Convenience Store, Storage Tank ID # 58-13082, 11046 State Route 29, Bridgewater Township, **Susquehanna County**, United Environmental Services, 1143 Long Run Road, Schuylkill Haven, PA 17972, on behalf of Rocks Investment LLC, 11046 State Route 29,

South Montrose, PA 18843, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with gasoline. The report is intended to document the remedial actions for meeting Site Specific Standards.

Convenient Food Mart, Storage Tank ID # 40-08918, 340 Wilkes-Barre Township Boulevard, Wilkes-Barre Township, **Luzerne County**, Reliance Environmental, 235 North Duke Street, Lancaster, PA 17602, on behalf of Central Development Group LLC, 304 North Wilkes-Barre Township Boulevard, Wilkes-Barre, PA 18702, submitted a Remedial Action Plan concerning remediation of soil contaminated with gasoline. The report is intended to document the remedial actions for meeting Statewide Health Standards.

Uni Mart # 4308, Storage Tank ID # 40-29872, 3000 Bear Creek Boulevard, Bear Creek Township, **Luzerne County**, LaBella Associates, 1000 Dunham Drive, Suite B, Dunmore, PA 18512, on behalf of National Retail Properties Trust, 450 South Orange Avenue, Orlando, FL 32801, submitted a Remedial Action Plan concerning remediation of groundwater contaminated with petroleum. The report is intended to document the remedial actions for meeting Statewide Health Standards.

Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Longstown Getty 67632, Storage Tank Primary Facility ID # 67-26028, 2873 East Prospect Road, York, PA 17402, York Township, **York County**, Antea USA, Inc., 535 Route 38, Suite 203, Cherry Hill, NJ 08002, on behalf of Getty Properties Corporation, Two Jericho Plaza, Suite 110, Wing C, Jericho, NY 11753 submitted a combination Remedial Action Plan and Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum constituents. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Bedford Sun Shop, Storage Tank Primary Facility ID # 05-22918, RR2, Business Route 220 & PA Turnpike Interchange, Bedford, PA 15222, Bedford Township, **Bedford County**, Gary C. Calvert, LLC, P.O. Box 504, Hollidaysburg, PA 16648, on behalf of Ashbridge Oil Company, 4470 West Pike Road, Indiana, PA 15701, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum constituents. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Huntingdon Asphalt, Storage Tank Primary Facility ID # 31-10513, 10867 Fairgrounds Road, Huntingdon, PA 16652, Walker Township, **Huntingdon County**, DMS Environmental Services, LLC, 103 South Spring Street, Bellefonte, PA 16823, on behalf of New Enterprise Stone & Lime Company, 10867 Fairgrounds Road, Huntingdon, PA 16652, submitted a Remedial Action Completion Report concerning remediation of groundwater contaminated with petroleum constituents. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Former Gulf Service Station No. 143670/V1555 Storage Tank Primary Facility ID # 02-09192, 301 Craft Avenue, Pittsburgh, PA 15213, City of Pittsburgh, **Allegheny County**, Kleinfelder, Inc., 51 Dutilh Road, Suite 240, Cranberry Township, PA 16066, on behalf of Cumberland Farms, Inc, 165 Flanders Road, Westborough, MA

01581, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum products. The report is intended to document remediation of the site to meet the site-specific standard.

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:

Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Etters Roxbury Store, Storage Tank Primary Facility ID # 28-01621, 11195 Forge Hill Road, Roxbury, PA 17251, Lurgan Township, **Franklin County**, Converse Consultants, 2738 West College Avenue, State College, PA 16801, on behalf of Garnet Etter, P.O. Box 73, Roxbury, PA 17251, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum constituents. The Remedial Action Plan was not acceptable to meet the Site-Specific Standard and was disapproved by the Department on July 9, 2019.

Greencastle Sunoco, Storage Tank Primary Facility ID # 28-21044, 705 Buchanan Trail East, Antrim Township, **Franklin County**, Creston Environmental, LLC, P.O. Box 1373, Camp Hill, PA 17001, on behalf of HET

Energy, Inc., 1631 Bridge Street, New Cumberland, PA 17070, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum constituents. The Remedial Action Plan was acceptable to meet the Site-Specific Standard and was approved by the Department on July 10, 2019.

Tylers Old 322 Service Center, Storage Tank Primary Facility ID # 44-62979, 14 Royal Street, Reedsville, PA 17084-9798, Armagh Township, **Mifflin County**, YCP, Inc., 1550 Oak Lane, Dover, PA 17315, on behalf of Tylers Old 322 Service Center, 14 Royal Street, Reedsville, PA 17084-9798, submitted a 3.10(b) Site Characterization—Remedial Action Completion Report concerning remediation of soil contaminated with Unleaded Gasoline constituents. The Remedial Action Completion Report did not demonstrate attainment of the Statewide Health Standard and was disapproved by the Department on July 11, 2019.

SPECIAL NOTICES

Plan Revision Approval under the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988, Act 101

Southwest Region: Waste Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222.

The Department of Environmental Protection (Department) approved the 2019 Allegheny County Municipal Waste Management Plan Revision on July 15, 2019.

Any person aggrieved by this action may appeal the action to the Environmental Hearing Board (Board) pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. § 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A. The Board's address is Environmental Hearing Board, Rachel Carson State Office Building, Second Floor, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457.

TDD users may contact the Environmental Hearing 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. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

A Notice of Appeal form and the Board's rules of practice and procedure may be obtained online at <http://ehb.courtapps.com> or by contacting the Secretary to the Board at (717) 787-3483. The Notice of Appeal form and the Board's rules are also available in braille and on audiotape from the Secretary to the Board.

Important legal rights are at stake. You should show this document to a lawyer at once. If you cannot afford a lawyer, you may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information. You do not need a lawyer to file a notice of appeal with the board.

If you want to challenge this action, your appeal must be filed with and received by the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

The plan revision is a public document and may be viewed at the Department Regional Office previously noted.

Questions concerning this approval should be directed to Lawrence Holley, Environmental Program Manager,

Department of Environmental Protection, Bureau of Waste Management, Division of Waste Minimization and Planning, P.O. Box 8472, Harrisburg, PA 17105-8472 or to Sharon Svitek, Regional Recycling and Planning Supervisor, Bureau of Waste Management at the previous Regional Office.

Proposed State Water Quality Certification

Required by Section 401 of the Clean Water Act, General Permit Registration and ESCGP-3 for the TP-4555 2019 Bare Pipeline

Southwest Region: Waterways & Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222, Dana Drake, P.E., Program Manager 412.442.4149.

WQ65052-001, Equitrans, L.P. (Applicant), 2200 Energy Drive, Canonsburg, PA 15317. TP-4555 2019 Bare Pipe Replacement Project (Project), in Unity and Derry Townships, **Westmoreland County**, in the Army Corps of Engineers (ACOE) Pittsburgh District. Section 1 of the proposed Project starts at Applicant's existing TP-4555 pipeline in Unity Township (Pittsburgh East, PA Quadrangle N: 40°, 17', 58.40"; W: 79°, 25', 1.60") and ends at Applicant's existing TP-4555 pipeline in Unity Township (Pittsburgh East, PA Quadrangle N: 40°, 17', 56.56"; W: 79°, 24', 8.72"). Section 2 of the proposed Project starts at Applicant's existing TP-4555 pipeline in Derry Township (Pittsburgh East, PA Quadrangle N: 40°, 18', 28.25"; W: 79°, 20', 55.50") and ends at Applicant's existing TP-4555 pipeline in Derry Township (Pittsburgh East, PA Quadrangle N: 40°, 19', 25.54"; W: 79°, 17', 45.47").

Equitrans will report the project to Federal Energy Regulatory Commission (FERC) in its annual blanket activities report, as authorized under blanket construction certificate (FERC Docket No. CP96-532-000) dated October 20, 1998.

On April 26, 2019, Applicant requested a State water quality certification from the Pennsylvania Department of Environmental Protection (PADEP), as required by Section 401 of the Clean Water Act (33 U.S.C.A. § 1341), to ensure that the construction, operation and maintenance of the Project will protect water quality in Pennsylvania through compliance with State water quality standards and associated State law requirements, which are consistent with the requirements of the Clean Water Act.

In addition, the Applicant submitted a General Permit Registration Package, seeking acknowledgement from DEP, of the Applicant's use of General Permits No. 5, 8, and 11 [GP056500219-006, GP086500219-007, and GP11650219-006], to construct and maintain several utility line stream crossings, temporary road crossings, and to replace a utility line, respectively, in accordance with the Department's Chapter 105 rules and regulations.

On March 28, 2019, the Department received an application for an ESCGP-3 [File no. ESG-00-129-16-0001(1)] after it was deemed to complete by the Westmoreland County Conservation District.

The Project, as proposed, includes approximately 3.92 miles long, 20-inch-diameter pipeline for the purpose of replacing two sections of existing 1950s vintage bare steel natural gas transmission pipeline. The Project proposes to abandon the replacement sections of pipeline in-place, totaling approximately 3.85 miles. The Project, as proposed, will require approximately 43.4 acres of earth disturbance, and impacts to 1,664 linear feet of UNTs to Fourmile Run (WWF), UNTs to McGee Run (CWF), UNTs to Miller Run (HQ-CWF), UNTs to Saxman Run (WWF),

3.66 acres of floodway, and temporary impacts to 0.29 acre of palustrine emergent wetland.

PADEP is proposing to issue a State water quality certification to Applicant for the Project that will require compliance with the following State water quality permitting programs, criteria and conditions established pursuant to State law to ensure the Project does not violate applicable State water quality standards set forth in 25 Pa. Code Chapter 93:

1. *Discharge Permit*—Applicant shall obtain and comply with a PADEP National Pollutant Discharge Elimination System (NPDES) permit for the discharge of water from the hydrostatic testing of the pipeline pursuant to Pennsylvania's Clean Streams Law (35 P.S. §§ 691.1—691.1001), and all applicable implementing regulations (25 Pa. Code Chapter 92a).

2. *Erosion and Sediment Control Permit*—Applicant shall obtain and comply with PADEP's Chapter 102 Erosion and Sediment Control General Permit for Earth Disturbance Associated with Oil and Gas Exploration, Production, Processing or Treatment issued pursuant to Pennsylvania's Clean Streams Law and Storm Water Management Act (32 P.S. §§ 680.1—680.17), and all applicable implementing regulations (25 Pa. Code Chapter 102).

3. *Water Obstruction and Encroachment Permits*—Applicant shall obtain and comply with a PADEP Chapter 105 Water Obstruction and Encroachment Permits for the construction, operation and maintenance of all water obstructions and encroachments associated with the project pursuant to Pennsylvania's Clean Streams Law, Dam Safety and Encroachments Act (32 P.S. §§ 673.1—693.27), and Flood Plain Management Act (32 P.S. §§ 679.101—679.601), and all applicable implementing regulations (25 Pa. Code Chapter 105).

4. *Water Quality Monitoring*—PADEP retains the right to specify additional studies or monitoring to ensure that the receiving water quality is not adversely impacted by any operational and construction process that may be employed by Applicant.

5. *Operation*—Applicant shall at all times properly operate and maintain all Project facilities and systems of treatment and control (and related appurtenances) which are installed to achieve compliance with the terms and conditions of this State Water Quality Certification and all required permits, authorizations and approvals. Proper operation and maintenance includes adequate laboratory controls, appropriate quality assurance procedures, and the operation of backup or auxiliary facilities or similar systems installed by Applicant.

6. *Inspection*—The Project, including all relevant records, are subject to inspection at reasonable hours and intervals by an authorized representative of PADEP to determine compliance with this State Water Quality Certification, including all required State water quality permits and State water quality standards. A copy of this certification shall be available for inspection by the PADEP during such inspections of the Project.

7. *Transfer of Projects*—If Applicant intends to transfer any legal or equitable interest in the Project which is affected by this State Water Quality Certification, Applicant shall serve a copy of this certification upon the prospective transferee of the legal and equitable interest at least thirty (30) days prior to the contemplated transfer and shall simultaneously inform the PADEP Regional Office of such intent. Notice to PADEP shall include a transfer agreement signed by the existing and new owner

containing a specific date for transfer of certification responsibility, coverage, and liability between them.

8. *Correspondence*—All correspondence with and submittals to PADEP concerning this State Water Quality Certification shall be addressed to Department of Environmental Protection, Dana Drake, P.E., Program Manager, Waterways and Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222.

9. *Reservation of Rights*—PADEP may suspend or revoke this State Water Quality Certification if it determines that Applicant has not complied with the terms and conditions of this certification. PADEP may require additional measures to achieve compliance with applicable law, subject to Applicant's applicable procedural and substantive rights.

10. *Other Laws*—Nothing in this State Water Quality Certification shall be construed to preclude the institution of any legal action or relieve Applicant from any responsibilities, liabilities, or penalties established pursuant to any applicable Federal or State law or regulation.

11. *Severability*—The provisions of this State Water Quality Certification are severable and should any provision of this certification be declared invalid or unenforceable, the remainder of the certification shall not be affected thereby.

Prior to issuance of the final State water quality certification, PADEP will consider all relevant and timely comments, suggestions or objections submitted to PADEP within 30 days of this notice. Comments should be directed to Dana Drake, P.E., Waterways and Wetlands Program Manager at the above address or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD). Comments must be submitted in writing and contain the name, address and telephone number of the person commenting and a concise statement of comments, objections or suggestions on this proposal. No comments submitted by facsimile will be accepted.

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

Request for an Informal Conference

Hanson Aggregates Pennsylvania, LLC, Midland and McQuiston Mines, Surface Mining Permit Nos. 3174SM14 and 37960301, North Beaver Township, **Lawrence County**: Knox District Mining Office has received a request for an informal conference concerning the transfer applications for the Midland and McQuiston Mines. An informal conference has been scheduled for August 6, 2019 from 10:00 am to 12:00 pm at the Knox District Mining Office, 310 Best Avenue, Knox, PA. A brief informational overview provided by Hanson Aggregates Pennsylvania, LLC will begin at 9:30 am. A copy of the application, plans, and other data concerning the permit are available at the Lawrence County Conservation District, 430 Court Street, New Castle, PA 16101 and at the Knox District Mining Office during regular business hours of 8:00 am to 4:00 pm, Monday through Friday.

APPLICATION FOR AN EROSION AND SEDIMENT CONTROL PERMIT FOR EARTH DISTURBANCE ACTIVITIES ASSOCIATED WITH OIL AND GAS EXPLORATION, PRODUCTION, PROCESSING OR TREATMENT OPERATIONS OR TRANSMISSION FACILITIES

**National Fuel Gas Supply Corporation,
FM100 Pipeline**

ESG060001190001. National Fuel Gas Supply Corporation (Applicant), 6363 Main Street, Williamsville,

NY 14221. FM100 Brockway Modernization (Project), in Snyder Township, **Jefferson County** and Horton Township, **Elk County**, ACOE Pittsburgh District. The proposed project starts at the interconnection/tie-in at the existing National Fuel FM100 Line along Longwell Rd, approximately 1.5 mile north of SR 28 (Sabula, PA Quadrangle N: 41.265491°; W: 78.866349°) Snyder Township, Jefferson County, extending generally south and east crossing through a portion of Horton Township, Elk County, to where it terminates at the existing FM100 tie in (Carman, PA Quadrangle N: 41.221231°; W: 78.699183°) in Horton Township, Elk County.

In April 2019, Applicant filed an application with the Federal Energy Regulatory Commission (FERC) under Section 7 of the Natural Gas Act (15 U.S.C.A. § 717f) seeking blanket authorization prior notice filing to construct and operate its Project (FERC Docket No. CP19-220-000). The FERC documents may be viewed on FERC's website at www.ferc.gov (search eLibrary; Docket Search; CP19-220-000).

On April 3, 2019, Applicant requested a state water quality certification from the Pennsylvania Department of Environmental Protection (PADEP), as required by Section 401 of the Clean Water Act (33 U.S.C.A. § 1341), to ensure that the construction, operation and maintenance of the Project will protect water quality in Pennsylvania through compliance with State water quality standards and associated State law requirements, which are consistent with the requirements of the Clean Water Act.

Today's *Pennsylvania Bulletin* includes notices for Erosion and Sediment Control Permit (ESG0600019001) and Chapter 105 Joint Permits (E2406219-001, E3306219-001) applications and 401 Water Quality Certification (WQ3306219) for the Project which are currently under review by the PADEP.

The Project, as proposed is to modernize approximately 9.715 miles of existing steel pipeline replacing it with 12-inch coated steel pipeline from [N: 41.265491° W: 78.866349 to N: 41.221231°; W: 78.699183°] adjacent to the old pipeline with a small area of new ROW to maintain gas service to National Fuels customers. The project also included the construction of approximately 0.40 mile of 6-inch steel pipeline lateral to connect the newly installed pipeline to an existing station in Snyder Township, Jefferson County and the installation of a mainline block valve and above ground equipment. Pipeline work also includes numerous temporary access roads and staging areas to support construction and facility access. Numerous stream and wetland crossings will occur along the project route as described below.

The Project, as proposed, will require approximately 128.3 acres of earth disturbance in Jefferson and Elk, the crossing of 25 streams (including floodways of streams not crossed by the pipeline) resulting in 1,830 linear feet of temporary impact and 248 linear feet of permanent impacts to the following surface waters: Rattlesnake Creek (HQ-CWF) and tributaries; Mill Creek (CWF) and tributaries; Beaver Meadow Run (EV) and tributaries, tributaries to Crooked Creek (HQ-CWF), tributaries to Conneaut Creek (CWF), Curry Run; tributaries to Little Toby Creek (CWF); and two ponds; 2.42 acres of temporary wetland impact; .14 acre of permanent wetland impacts. All crossings will be installed by open trench, with the exception of Beaver Meadow Run, which will be installed by conventional bore.

For more detailed information regarding the Erosion and Sediment Control Permit related to this proposed

project, which is available in the DEP Regional Office, please contact Lori Boughton at 814-332-6879 to request a file review.

[Pa.B. Doc. No. 19-1144. Filed for public inspection July 26, 2019, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Environmental Justice Advisory Board Meeting Change

The location and start time of the Environmental Justice Advisory Board meeting scheduled for Tuesday, August 13, 2019, has been changed. The meeting will be held in the East Middle School Library, 1001 Atkins Street, Erie, PA and will begin at 2 p.m.

Questions concerning the August meeting can be directed to Allison A. Acevedo at alacevedo@pa.gov or (484) 250-5818. 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 "Advisory Committees," then "Environmental Justice Advisory Board").

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Allison A. Acevedo at (484) 250-5818 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 19-1145. Filed for public inspection July 26, 2019, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Small Business Advantage Grant Availability

The Department of Environmental Protection (Department) announces the availability of up to \$1 million in grant funding for the 16th year of the Commonwealth's Small Business Advantage Grant Program (Program). The Program assists small businesses undertaking energy efficiency, pollution prevention or natural resource conservation projects. With nearly 1 million small businesses in this Commonwealth, well-designed projects can help small businesses cut operating costs and grow the economy, while simultaneously protecting the environment.

The Program is a first-come, first-served grant program that provides up to 50% matching grants, up to a maximum of \$7,000, depending on the project. Eligible projects must save the small business a minimum of \$500 per year and at least 25% in annual energy consumption or pollution-related expenses.

Natural resource protection projects are exempt from the minimum savings requirements; however, projects must quantify the sediment and nutrient diversion from the directly related receiving waterway to be eligible.

An eligible applicant must have 100 or fewer full-time equivalent employees, be a registered for-profit small

business and be taxed as a for-profit business located within this Commonwealth. The project to which the grant will apply must be undertaken in or on a facility located in this Commonwealth. Applicants may not have current environmental violations or obligations due to the Commonwealth.

Application guidance, required forms and information are located on the Department's web site at www.dep.pa.gov (select "Residents," then "Grants, Loans and Rebates," then "Small Business Ombudsman's Office," then "Small Business Advantage Grant").

For further information, contact the Department's Small Business Ombudsman Office at epAdvantageGrant@pa.gov or (717) 772-5160.

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 19-1146. Filed for public inspection July 26, 2019, 9:00 a.m.]

DEPARTMENT OF HEALTH

Approval of Drugs Which May be Used by Certain Optometrists

Under the Optometric Practice and Licensure Act (63 P.S. §§ 244.1—244.12), as amended by the act of December 16, 2002 (P.L. 1950, No. 225) (Act 225), the Secretary of Health (Secretary) has the authority to approve drugs for use in the "practice of optometry" as defined in Act 225. The State Board of Optometry, through the Secretary of State, sent the Secretary a letter on April 2, 2019, and requested that the Secretary approve the use of the following drug. Act 225 requires that the Secretary, within 90 days of the receipt of the list of drugs, approve or disapprove for good cause each drug. The Secretary has found good cause to approve the use of the following drug in the practice of optometry:

Latanoprostene bunod ophthalmic solution, 0.024%
(Vyzulta®)

The approval of the use of this drug is effective upon publication of this notice in the *Pennsylvania Bulletin*.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape or Braille) should contact Linda Chamberlain, Acting Director, Bureau of Community Program Licensure and Certification, 555 Walnut Street, 7th Floor, Harrisburg, PA 17101, (717) 736-7350, 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. 19-1147. Filed for public inspection July 26, 2019, 9:00 a.m.]

DEPARTMENT OF HEALTH

Health Research Advisory Committee Meeting

The Department of Health's Health Research Advisory Committee (Committee), established by section 903(b) of the Tobacco Settlement Act (35 P.S. § 5701.903(b)), will hold a public meeting on September 12, 2019, from 9 a.m. to 4 p.m. The meeting will be held in Room 129, Health and Welfare Building, 625 Forster Street, Harrisburg, PA

17120. The purpose of the meeting is to receive presentations based on public comment submitted to the Committee for future priority topics and to continue the planning process to establish the health research priorities for the State Fiscal Year 2020-2021.

For additional information or persons with disabilities who wish to attend the meeting and require an auxiliary aid, service or other accommodation, contact Penny E. Harris, MEd, CAC, LPC, Director, Health Research Office, or Sylvia Golas, DMD, MPH, Public Health Program Administrator, Health Research Office, (717) 231-2825, ra-healthresearch@pa.gov, by mail to Health and Welfare Building, Room 833, 625 Forster Street, Harrisburg, PA 17120-0701, or for speech and/or hearing-impaired persons, call the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

This meeting is subject to cancellation without notice.

RACHEL L. LEVINE, MD,
Secretary

[Pa.B. Doc. No. 19-1148. Filed for public inspection July 26, 2019, 9:00 a.m.]

DEPARTMENT OF HEALTH

Traumatic Brain Injury Advisory Board Meeting

The Traumatic Brain Injury Advisory Board (Board), established under section 1252 of the Federal Traumatic Brain Injury Act of 1996 (42 U.S.C.A. § 300d-52), will hold a public meeting on Friday, August 2, 2019, from 10 a.m. to 3:30 p.m. The meeting will be held in the large conference room of the Community Center, 2nd Floor, Giant Food Store, 2300 Linglestown Road, Harrisburg, PA 17110.

Currently in this Commonwealth, nearly 250,000 individuals are living with brain injury. Every year, on average, 8,600 residents of this Commonwealth sustain long term disabilities from brain injury. The Department of Health's (Department) Head Injury Program (HIP) strives to ensure that eligible individuals who have a traumatic brain injury receive high quality rehabilitative services aimed at reducing functional limitations and improving quality of life. The Board assists the Department in understanding and meeting the needs of persons living with traumatic brain injury and their families. This quarterly meeting will provide updates on a variety of topics including the number of people served by HIP. In addition, meeting participants will discuss budgetary and programmatic issues, community programs relating to traumatic brain injury and available advocacy opportunities.

For additional information, or for persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so, contact Nicole Johnson, Division of Community Systems Development and Outreach, (717) 772-2763, or for speech and/or hearing-impaired persons, contact V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

This meeting is subject to cancellation without notice.

RACHEL L. LEVINE, MD,
Secretary

[Pa.B. Doc. No. 19-1149. Filed for public inspection July 26, 2019, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY
Workers' Compensation Appeal Board 2020 Hearing Schedule

<i>Date</i>	<i>Room</i>	<i>Time</i>
Tuesday, January 7, 2020	319 Eastgate Center Harrisburg, PA 17102	TBD
Wednesday, January 8, 2020	319 Eastgate Center Harrisburg, PA 17102	TBD
Wednesday, January 22, 2020	Room 310, 411 7th Avenue Pittsburgh, PA 15219	TBD
Thursday, January 23, 2020	Room 310, 411 7th Avenue Pittsburgh, PA 15219	TBD
Tuesday, February 4, 2020	Room 401, 1110 North 8th Street Philadelphia, PA 19107	TBD
Wednesday, February 5, 2020	Room 401, 1110 North 8th Street Philadelphia, PA 19107	TBD
Thursday, February 6, 2020	Room 401, 1110 North 8th Street Philadelphia, PA 19107	TBD
Wednesday, February 19, 2020	321 Spruce Street 3rd Floor, Scranton, PA 18503	TBD
Thursday, February 20, 2020	321 Spruce Street 3rd Floor, Scranton, PA 18503	TBD
Tuesday, March 3, 2020	Room 310, 411 7th Avenue Pittsburgh, PA 15219	TBD
Wednesday, March 4, 2020	Room 310, 411 7th Avenue Pittsburgh, PA 15219	TBD
Tuesday, March 17, 2020	319 Eastgate Center Harrisburg, PA 17102	TBD
Wednesday, March 18, 2020	319 Eastgate Center Harrisburg, PA 17102	TBD
Tuesday, March 31, 2020	Room 401, 1110 North 8th Street Philadelphia, PA 19107	TBD
Wednesday, April 1, 2020	Room 401, 1110 North 8th Street Philadelphia, PA 19107	TBD
Thursday, April 2, 2020	Room 401, 1110 North 8th Street Philadelphia, PA 19107	TBD
Tuesday, April 21, 2020	321 Spruce Street 3rd Floor, Scranton, PA 18503	TBD
Wednesday, April 22, 2020	321 Spruce Street 3rd Floor, Scranton, PA 18503	TBD
Tuesday, May 5, 2020	3400 Lovell Place 13th and Holland Streets Erie, PA 16503	TBD
Wednesday, May 6, 2020	Room 310, 411 7th Avenue Pittsburgh, PA 15219	TBD
Thursday, May 7, 2020	Room 310, 411 7th Avenue Pittsburgh, PA 15219	TBD
Tuesday, May 19, 2020	Room 401, 1110 North 8th Street Philadelphia, PA 19107	TBD
Wednesday, May 20, 2020	Room 401, 1110 North 8th Street Philadelphia, PA 19107	TBD
Thursday, May 21, 2020	Room 401, 1110 North 8th Street Philadelphia, PA 19107	TBD
Wednesday, June 3, 2020	319 Eastgate Center Harrisburg, PA 17102	TBD
Thursday, June 4, 2020	319 Eastgate Center Harrisburg, PA 17102	TBD

<i>Date</i>	<i>Room</i>	<i>Time</i>
Wednesday, June 17, 2020	321 Spruce Street 3rd Floor, Scranton, PA 18503	TBD
Thursday, June 18, 2020	321 Spruce Street 3rd Floor, Scranton, PA 18503	TBD
Tuesday, July 7, 2020	3400 Lovell Place 13th and Holland Streets Erie, PA 16503	TBD
Wednesday, July 8, 2020	Room 310, 411 7th Avenue Pittsburgh, PA 15219	TBD
Thursday, July 9, 2020	Room 310, 411 7th Avenue Pittsburgh, PA 15219	TBD
Wednesday, July 22, 2020	319 Eastgate Center Harrisburg, PA 17102	TBD
Thursday, July 23, 2020	319 Eastgate Center Harrisburg, PA 17102	TBD
Tuesday, August 4, 2020	Room 401, 1110 North 8th Street Philadelphia, PA 19107	TBD
Wednesday, August 5, 2020	Room 401, 1110 North 8th Street Philadelphia, PA 19107	TBD
Thursday, August 6, 2020	Room 401, 1110 North 8th Street Philadelphia, PA 19107	TBD
Wednesday, August 26, 2020	321 Spruce Street 3rd Floor, Scranton, PA 18503	TBD
Thursday, August 27, 2020	321 Spruce Street 3rd Floor, Scranton, PA 18503	TBD
Wednesday, September 9, 2020	Room 310, 411 7th Avenue Pittsburgh, PA 15219	TBD
Thursday, September 10, 2020	Room 310, 411 7th Avenue Pittsburgh, PA 15219	TBD
Tuesday, September 15, 2020	319 Eastgate Center Harrisburg, PA 17102	TBD
Wednesday, September 16, 2020	319 Eastgate Center Harrisburg, PA 17102	TBD
Tuesday, October 6, 2020	Room 401, 1110 North 8th Street Philadelphia, PA 19107	TBD
Wednesday, October 7, 2020	Room 401, 1110 North 8th Street Philadelphia, PA 19107	TBD
Thursday, October 8, 2020	Room 401, 1110 North 8th Street Philadelphia, PA 19107	TBD
Tuesday, October 20, 2020	321 Spruce Street 3rd Floor, Scranton, PA 18503	TBD
Wednesday, October 21, 2020	321 Spruce Street 3rd Floor, Scranton, PA 18503	TBD
Wednesday, October 28, 2020	3400 Lovell Place 13th and Holland Streets Erie, PA 16503	TBD
Wednesday, November 4, 2020	Room 310, 411 7th Avenue Pittsburgh, PA 15219	TBD
Thursday, November 5, 2020	Room 310, 411 7th Avenue Pittsburgh, PA 15219	TBD
Tuesday, November 17, 2020	319 Eastgate Center Harrisburg, PA 17102	TBD
Wednesday, November 18, 2020	319 Eastgate Center Harrisburg, PA 17102	TBD
Tuesday, December 1, 2020	Room 401, 1110 North 8th Street Philadelphia, PA 19107	TBD

<i>Date</i>	<i>Room</i>	<i>Time</i>
Wednesday, December 2, 2020	Room 401, 1110 North 8th Street Philadelphia, PA 19107	TBD
Thursday, December 3, 2020	Room 401, 1110 North 8th Street Philadelphia, PA 19107	TBD
Wednesday, December 16, 2020	321 Spruce Street 3rd Floor, Scranton, PA 18503	TBD
Thursday, December 17, 2020	321 Spruce Street 3rd Floor, Scranton, PA 18503	TBD

W. GERARD OLEKSIK,
Secretary

[Pa.B. Doc. No. 19-1150. Filed for public inspection July 26, 2019, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P.S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b).

The Commission has issued comments on the following proposed regulation. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
7-536	Environmental Quality Board Air Quality Fee Schedule Amendments 49 Pa.B. 1777 (April 13, 2019)	6/17/19	7/17/19

Environmental Quality Board Regulation # 7-536 (IRRC # 3231)

Air Quality Fee Schedule Amendments July 17, 2019

We submit for your consideration the following comments on the proposed rulemaking published in the April 13, 2019 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (RRA) (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the Environmental Quality Board (EQB) to respond to all comments received from us or any other source.

1. Comments, objections or recommendations of a committee.

The Department of Environmental Protection (Department) is proposing increases for plan approval applications for both Title V and Non-Title V operating permits, as well as for the annual operating permit administration fee for both Title V and Non-Title V sources. The annual operating permit administration fee is proposed to be replaced with an annual operating permit maintenance fee that would be due on or before December 31 of each year.

The proposed regulation includes new fees for applications for plantwide applicability limits (PALS); ambient air impact modeling of certain plan approval applications,

risk assessments; asbestos abatement or demolition or renovation project notifications (asbestos notifications); requests for determination (RFDs) and for claims of confidential information. In addition, the proposal authorizes the Department to establish fees for the use of general plan approvals (GPAs) and general operating permits (GPs) for stationary or portable sources under Chapter 127, Subchapter H (relating to general plan approvals and operating permits).

On June 17, 2019, the House Environmental Resources and Energy Committee (Committee) voted to send a letter asking this Commission to disapprove the rulemaking in its proposed form and to urge the EQB and Department to withdraw it. The Committee is concerned with the financial and economic impact of the proposed fee increases on the Commonwealth's residents and businesses.

Forty-seven Republican members of the Pennsylvania House of Representatives submitted a joint letter expressing concerns with the proposed rulemaking. Legislators oppose the rulemaking because they believe the proposed fees exceed their statutory authority, violate legislative intent and will have a negative economic and fiscal impact on businesses, local governments and the overall economy. They request that the Department withdraw the regulation and also ask this Commission to not approve the proposed air quality fee schedule amendments.

As noted above, the Committee has issued comments and expressed their opposition to the regulation. If the

EQB proceeds with this rulemaking, the objections of the Committee could be the basis for a disapproval by this Commission. However, a stated goal of the RRA is to the encourage, to the greatest extent possible, the resolution of objections to a regulation and the reaching of a consensus among the commission, the standing committees, interested parties and the agency.

To that end, we ask the EQB to work with all interested parties, particularly the Committee and members of the Legislature to address the issues raised. It should be the goal of the dialogue between the EQB and those with an interest in this rulemaking to devise a funding structure that is authorized by statute, meets the intent of the General Assembly and ensures adequate revenue is available to fund the Title V program.

2. Whether the regulation is in the public interest; Economic and fiscal impact; Protection of the public health, safety and welfare.

We have received over 1,300 comments from individuals expressing their support for the proposal's fee increases. They believe the fees are necessary to ensure that the Air Quality Program has the ability to effectively conduct inspections, respond to complaints, and pursue enforcement actions, when necessary. A joint letter from four nonprofit environmental and health organizations state they support the spirit of the proposal but feel that the amendments do not go far enough to ensure the solvency of the air quality program. They assert that the amendments only maintain the existing level of funding which is inadequate to protect air quality in Pennsylvania.

Comments from statewide organizations representing parties subject to the fees are varied in their opinion of the rulemaking. Some commentators oppose the proposed fee increases because they view them as excessive. Others state that the fee increases are likely justified but seek assurances from the Department that the revenue from the increased fees will improve the functionality of the permitting process. Others remark that it is the responsibility of the General Assembly to increase the state allocation for the air quality program rather than tapping the regulated community for more funds.

The criteria in the RRA require consideration of the economic impact of the regulation and protection of the public health, safety and welfare. 71 P.S. 745.5b(1) and (2). The public comments submitted on the proposed regulation raise valid concerns related to both criteria. We will review the EQB's response to the issues raised by commentators as part of this Commission's determination of whether the regulation is in the public interest.

3. New Fees.—Statutory authority; Whether the regulation is consistent with the intent of the General Assembly.

The Department identifies section 6.3(a) of the Air Pollution Control Act (APCA) as the authorizing statute to amend the air quality fee schedule. Section 6.3(a) reads:

“This section authorizes the establishment of fees sufficient to cover the indirect and direct costs of administering the air pollution control plan approval process, operating permit program required by Title V of the Clean Air Act, other requirements of the Clean Air Act and the indirect and direct costs of administering the Small Business Stationary Source Technical and Environmental Compliance Assistance

Program, the Small Business Compliance Advisory Committee, and the Office of Small Business Ombudsman. This section also authorizes the board by regulation to establish fees to support the air pollution control program authorized by this act and not covered by fees required by section 502(b) of the Clean Air Act.” (35 P.S. § 4006.3.)

Legislators state that there are two other subsections in Section 6.3 of the APCA that must be considered in the construct of any fee schedule revisions. They point to subsection (c) which establishes the emission fee for Title V sources and subsection (j) that authorizes certain categories of fees not related to Title V of the Clean Air Act. It is their belief, based upon their review of these subsections, that the General Assembly clearly intended to prescribe specific and limited categories of fees for Title V and Non-Title V sources and that “any other fees that go beyond the explicit authorization in these subsections goes beyond statutory authority.”

The EQB should ask the Legislature to amend the statute to authorize other types of fees, or explain why it believes that the proposed fees for PAL, ambient air impact modeling of certain plan approval applications, risk assessments, asbestos project notifications, RFDs and for claims of confidential information are authorized by statute and consistent with the intent of the General Assembly. Additionally, the EQB should explain why it believes it has the statutory authority to require these new fees to be assessed cumulatively (Section 127.702(a)).

4. Annual operating permit maintenance fees.—Statutory authority; Whether the regulation is consistent with the intent of the General Assembly; Whether the regulation represents a policy decision of such a substantial nature that it requires legislative review; Possible conflict with or duplication of statutes or existing regulations.

The EQB proposes to implement an annual maintenance fee. This \$10,000 annual maintenance fee would be applicable to the owners and operators of affected Non-Title V and Title V facilities. It replaces the annual operating permit administration fee currently set at \$750.

Both lawmakers and commentators perceive the proposed annual maintenance fee as the Department's attempt to shift away from the current fee structure. For some in the regulated community that are subject to the fee, they view it as a means of making the program more sustainable long-term, provided the emissions continue to decrease.

Legislators, on the other hand, object to the annual maintenance fee because it is not explicitly authorized by statute. It is their belief that the legislature clearly intended for the emission fee to be the main source of revenue to support the Title V program. They state that if the Department wants to shift away from a reliance on the current fee structure to the various fees they are requesting, then it must ask the Legislature to consider amending the statute to authorize other categories of fees.

Both commentators and legislators question whether this new fee will be as effective as the emission fee in reducing air pollutants. Some commentators and the 47 Republican lawmakers state that this new fee seems “counterintuitive” to the 1990 Clean Air Act Amendments goal of providing an incentive to facilities to voluntarily reduce emissions by charging the per ton fee.

In light of the comments received from lawmakers and the regulated community, we believe the proposal being offered by the EQB maybe a policy decision of such a substantial nature that it requires legislative review.

We ask the EQB to explain why it believes that replacing the annual permit operating administrative fee with an annual operating permit maintenance fee is authorized by the APCA. How is this fee different from the administration fee and what types of activities does it cover? It should also explain how the fee is consistent with the intent of the General Assembly, the Clean Air Act and APCA.

5. Amount of Fee increases.—Statutory authority; Whether the regulation is consistent with the intent of the General Assembly; Direct and indirect costs to the Commonwealth, to its political subdivisions and to the private sector; Economic and fiscal impact.

The Department estimates that the fee schedule established in this regulation is expected to produce an additional \$12.7 million (\$5.9 million for Title V facilities; \$6.8 million for non-Title V) which will increase the total fees collected per year to \$29.6 million. The potential impact on the owners and operators of small business is estimated to be approximately \$4.8 million in increased plan approval applications, operating permit and asbestos notification costs.

In some instances, the EQB is proposing to increase existing fees by over 500 percent while also instituting a number of new fees. The Preamble states that the increased fees and new fees will allow the Department to maintain staffing levels as well as cover operating expenses.

The Committee, 47 Republican lawmakers and certain sectors of the regulated community are concerned about the economic and fiscal impact of this rulemaking on small businesses and ultimately the Commonwealth's taxpayers. They strongly object to the "exponential" fee increases being put forth by the EQB and remark that the decline in revenues due to a decrease in emissions is to be expected because, it is, in fact the goal of the Clean Air Act.

They question the need for the program to have the same amount of funding if there are significantly less pollutants being released into the air. In addition, the 47 legislators assert the Department's proposed fees, which are expected to generate revenue in excess of its expenditures, violates the APCA which states that "in no case shall the amount of the permanent fee be more than that which is necessary to comply with section 502(b) of the Clean Air Act." 35 P.S. § 4006.3(c).

Based on the concerns of the Committee and lawmakers, the EQB should address the issues relating to statutory authority and intent of the General Assembly. It should also explain its rationale for the timeline for implementation of the proposed air quality fee schedule amendments. How did the EQB determine that the incremental approach for fee increases until 2031 is appropriate? How will the EQB assess whether fees moving forward will be commensurate with the activities being performed, fair to the regulated community, and competitive with other states?

6. Compliance with the RRA.

Section 5.2 of the RRA directs this Commission to determine whether a regulation is in the public interest. 71 P.S. § 745.5b. When making this determination, the Commission considers criteria such as economic or fiscal impact and reasonableness. To make that determination, the Commission must analyze the text of the Preamble and proposed regulation and the reasons for the new or amended language. The explanation of the regulation in the Preamble is not sufficient to allow the Commission to determine if the regulation is in the public interest.

The Summary of Regulatory Requirements provided in the Preamble to the proposed regulation lacks an explanation for the new fees in Sections 127.708, 127.709, 127.711 and 127.712. In the Preamble to the final-form rulemaking, the EQB should provide a detailed description of the amendments proposed for each section and why the amendments are required.

CHAPTER 127. CONSTRUCTION, MODIFICATION, REACTIVATION AND OPERATION OF SOURCES

Subchapter F. OPERATING PERMIT REQUIREMENTS

OPERATING PERMIT MODIFICATIONS

7. Section 127.465. Significant operating permit modification procedures.—Implementation.

New subsection (e)

Subsection (e) provides for the Department's role once it has taken final action on the proposed change for the significant modification of an operating permit. It reads:

The Department will take final action on the proposed change for the significant modification of the applicable operating permit and, after taking final action, will publish notice of the action in the *Pennsylvania Bulletin*.

What is meant by final action? Does final action by the Department result in an approval or disapproval of the modification request? Subsection (e) should be revised to define final action. Also, the Department should specify a time period from final action within which it will publish notice in the *Pennsylvania Bulletin*.

Subchapter I. PLAN APPROVAL AND OPERATING PERMIT FEES

8. Section 127.709. Asbestos abatement or regulated demolition or renovation project notification.—Clarity; Implementation.

This new section establishes an asbestos abatement project fee for owners and operators of a project not located in Philadelphia or Allegheny counties.

One commentator states that this new section does not differentiate between an initial notification and subsequent revised notifications. The EQB should clarify the applicability of this new fee.

GEORGE D. BEDWICK,
Chairperson

[Pa.B. Doc. No. 19-1151. Filed for public inspection July 26, 2019, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations. They are scheduled to be considered on the dates noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA at 10 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or it can be viewed on the Commission's web site at www.irrc.state.pa.us.

<i>Final-Form Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
14-546	Department of Human Services Intensive Behavioral Health Services	7/12/19	8/15/19
125-206	Pennsylvania Gaming Control Board Junkets, Electronic Credit Systems and Table Game Rules of Play	7/16/19	9/19/19

GEORGE D. BEDWICK,
Chairperson

[Pa.B. Doc. No. 19-1152. Filed for public inspection July 26, 2019, 9:00 a.m.]

INSURANCE DEPARTMENT

Agency Contract Termination of Brigandi, Gleghorn & Associates, Inc. under Act 143; Erie Insurance; Doc. No. AT19-07-003

Brigandi, Gleghorn & Associates, Inc. have requested review of an agency contract termination by Erie Insurance under sections 1—6 of The Insurance Department Act of 1921 (40 P.S. §§ 241—246).

A pre-review telephone conference initiated by this office is scheduled for August 14, 2019, at 9:30 a.m. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before August 12, 2019. A date for a review shall be determined, if necessary, at the pre-review conference.

Protests, petitions to intervene or notices of intervention, if any, must be filed on or before July 31, 2019, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to protests, petitions to intervene or notices of intervention, if any, shall be filed on or before August 12, 2019.

Persons with a disability who wish to attend the previously-referenced administrative proceedings and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Joseph Korman, (717) 787-4429 or jkorman@pa.gov.

JESSICA K. ALTMAN,
Insurance Commissioner

[Pa.B. Doc. No. 19-1153. Filed for public inspection July 26, 2019, 9:00 a.m.]

INSURANCE DEPARTMENT

Application for Renewal of Designation as a Certified Reinsurer

ACE INA Overseas Insurance Company Ltd. has applied for renewal of its designation as a certified reinsurer in this Commonwealth. The application was received on June 28, 2019, and was made under section 319.1(a) of The Insurance Company Law of 1921 (40 P.S. § 442.1(a)) and 31 Pa. Code § 161.3a (relating to requirements for certified reinsurers).

Persons who wish to comment on the application are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Nicholas S. Murray, Financial Analysis Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, nmurray@pa.gov. Comments received will be forwarded to the applicant for appropriate response.

JESSICA K. ALTMAN,
Insurance Commissioner

[Pa.B. Doc. No. 19-1154. Filed for public inspection July 26, 2019, 9:00 a.m.]

INSURANCE DEPARTMENT

Application for Renewal of Designation as a Certified Reinsurer

Chubb Reinsurance (Switzerland), Ltd. has applied for renewal of its designation as a certified reinsurer in this Commonwealth. The application was received on June 28, 2019, and was made under section 319.1(a) of The Insurance Company Law of 1921 (40 P.S. § 442.1(a)) and 31 Pa. Code § 161.3a (relating to requirements for certified reinsurers).

Persons who wish to comment on the application are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written

statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Nicholas S. Murray, Financial Analysis Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, nmurray@pa.gov. Comments received will be forwarded to the applicant for appropriate response.

JESSICA K. ALTMAN,
Insurance Commissioner

[Pa.B. Doc. No. 19-1155. Filed for public inspection July 26, 2019, 9:00 a.m.]

INSURANCE DEPARTMENT

Application for Renewal of Designation as a Certified Reinsurer

Chubb Tempest Reinsurance Ltd. has applied for renewal of its designation as a certified reinsurer in this Commonwealth. The application was received on June 27, 2019, and was made under section 319.1(a) of The Insurance Company Law of 1921 (40 P.S. § 442.1(a)) and 31 Pa. Code § 161.3a (relating to requirements for certified reinsurers).

Persons who wish to comment on the application are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Nicholas S. Murray, Financial Analysis Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, nmurray@pa.gov. Comments received will be forwarded to the applicant for appropriate response.

JESSICA K. ALTMAN,
Insurance Commissioner

[Pa.B. Doc. No. 19-1156. Filed for public inspection July 26, 2019, 9:00 a.m.]

INSURANCE DEPARTMENT

Application for Renewal of Designation as a Certified Reinsurer

Equator Reinsurance Limited has applied for renewal of its designation as a certified reinsurer in this Commonwealth. The application was received on July 11, 2019, and was made under section 319.1(a) of The Insurance Company Law of 1921 (40 P.S. § 442.1(a)) and 31 Pa. Code § 161.3a (relating to requirements for certified reinsurers).

Persons who wish to comment on the application are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date

of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Douglas Coleman, Financial Analysis Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, doucoleman@pa.gov. Comments received will be forwarded to the applicant for appropriate response.

JESSICA K. ALTMAN,
Insurance Commissioner

[Pa.B. Doc. No. 19-1157. Filed for public inspection July 26, 2019, 9:00 a.m.]

INSURANCE DEPARTMENT

Pennsylvania 2018 Private Passenger Automobile Data Call

The Insurance Department (Department) is conducting its annual Private Passenger Automobile Data Call (previously referred to as the "Act 6 Data Call"). The purpose of this data call is to monitor the private passenger automobile insurance marketplace in this Commonwealth.

The 2018 data call letter, instructions and templates are available on the Department's web site at www.insurance.pa.gov (select "Companies," then "Industry Activity," then "Data Calls" under "Product and Rate Activity").

Additionally, the Department sent e-mail notification of this data call to all companies licensed to write motor vehicle liability insurance in this Commonwealth.

Insurance companies with Pennsylvania private passenger automobile direct written premium in 2018 are required to complete Parts 1 and 2. Data for more than one insurance company may not be combined into a single submission. This information is to be submitted to the Department no later than October 15, 2019.

Insurance companies with no Pennsylvania private passenger automobile direct written premium in 2018 are required to submit only Part 2. This is to be submitted to the Department no later than October 15, 2019.

Consistent with previous data calls, the Department will consider the data submitted as proprietary and handle the data accordingly. See the instructions for additional information regarding the completion of the individual parts.

Completed data call files should be submitted by e-mail to Dennis Sloand at desloand@pa.gov.

The Department appreciates the companies' cooperation with this important study. Individuals who have any questions should contact Dennis Sloand, Bureau of Property and Casualty Insurance, (717) 214-1927, desloand@pa.gov.

JESSICA K. ALTMAN,
Insurance Commissioner

[Pa.B. Doc. No. 19-1158. Filed for public inspection July 26, 2019, 9:00 a.m.]

INSURANCE DEPARTMENT

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have 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 insureds' 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 appellants to appear at the scheduled hearing may result in dismissal with prejudice.

The hearing will be held in Room 200, Administrative Hearings Office, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Fred M. and Reva Levy; Travelers Property & Casualty Insurance Company; File No. 19-178-237604; Doc. No. P19-07-004; August 15, 2019, 9:30 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. 19-1159. Filed for public inspection July 26, 2019, 9:00 a.m.]

MILK MARKETING BOARD

Hearing and Presubmission Schedule; Milk Marketing Area No. 1

Under the provisions of the Milk Marketing Law (31 P.S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Area No. 1 on December 4, 2019, at 9 a.m. in Room 202, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning cost replacement in Milk Marketing Area No. 1. Evidence will be limited to the following: annualized processing, packaging and delivery costs; updated costs for containers, ingredients and Class II products; updated labor, utility and insurance costs based on comparisons between costs per point for the first halves of calendar years 2018 and 2019; skim and butterfat contents of products regulated by the Board; adjustment for shrinkage, sales of bulk products and cream processing costs; monthly adjustments to in-store handling costs; and a reasonable rate of return to milk

dealers and stores. Evidence and testimony will be considered regarding the heating fuel adjuster in Milk Marketing Area No. 1. Evidence and testimony will be considered regarding the diesel fuel cost adjuster in Milk Marketing Area No. 1. Evidence and testimony will be considered regarding the container efficiency adjustment.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons who wish to present evidence may be included on the Board's list of parties by: (1) having their attorney file with the Board on or before 1 p.m. on August 23, 2019, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the Board on or before 1 p.m. on August 23, 2019, notification of their desire to be included as a party. Parties should indicate in their notices of appearance if alternate means of service, that is, e-mail or fax, are acceptable. Notices of appearance filed electronically should be directed to deberly@pa.gov.

The parties shall observe the following requirements for advance filing of witness information and exhibits:

1. By 2 p.m. on November 1, 2019, Board staff shall file with the Board, in person or by mail, one original and four single-sided copies and ensure receipt by all other parties of one copy of:

a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise. For expert witnesses there shall also be filed a statement of the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 2 p.m. on November 15, 2019, each responding party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

3. By 2 p.m. on November 22, 2019, each party shall file and serve as set forth in paragraph 1 information concerning surrebuttal witnesses and copies of surrebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents or records in other proceedings before the Board, or who wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whether these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing directed to tmoyer@pa.gov and received in the Board office by 1 p.m. on November 18, 2019.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

TIM MOYER,
Secretary

[Pa.B. Doc. No. 19-1160. Filed for public inspection July 26, 2019, 9:00 a.m.]

MILK MARKETING BOARD

Hearing and Presubmission Schedule; Milk Marketing Area No. 2

Under the provisions of the Milk Marketing Law (31 P.S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Area No. 2 on December 4, 2019, at 9:30 a.m. in Room 202, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning cost replacement in Milk Marketing Area No. 2. Evidence will be limited to the following: annualized processing, packaging and delivery costs; updated costs for containers, ingredients and Class II products; updated labor, utility and insurance costs based on comparisons between costs per point for the first halves of calendar years 2018 and 2019; skim and butterfat contents of products regulated by the Board; adjustment for shrinkage, sales of bulk products and cream processing costs; monthly adjustments to in-store handling costs; and a reasonable rate of return to milk dealers and stores. Evidence and testimony will be considered regarding the heating fuel adjuster in Milk Marketing Area No. 2. Evidence and testimony will be considered regarding the diesel fuel cost adjuster in Milk Marketing Area No. 2. Evidence and testimony will be considered regarding the container efficiency adjustment.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons who wish to present evidence may be included on the Board's list of parties by: (1) having their attorney file with the Board on or before 1 p.m. on August 23, 2019, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the Board on or before 1 p.m. on August 23, 2019, notification of their desire to be included as a party. Parties should indicate in their notices of appearance if alternate means of service, that is, e-mail or fax, are acceptable. Notices of appearance filed electronically should be directed to deberly@pa.gov.

The parties shall observe the following requirements for advance filing of witness information and exhibits:

1. By 2 p.m. on November 1, 2019, Board staff shall file with the Board, in person or by mail, one original and four single-sided copies and ensure receipt by all other parties of one copy of:

a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise. For expert witnesses there shall also be filed a statement of the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 2 p.m. on November 15, 2019, each responding party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

3. By 2 p.m. on November 22, 2019, each party shall file and serve as set forth in paragraph 1 information concerning surrebuttal witnesses and copies of surrebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents or records in other proceedings before the Board, or who wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whether these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing directed to tmoyer@pa.gov and received in the Board office by 1 p.m. on November 18, 2019.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

TIM MOYER,
Secretary

[Pa.B. Doc. No. 19-1161. Filed for public inspection July 26, 2019, 9:00 a.m.]

MILK MARKETING BOARD

Hearing and Presubmission Schedule; Milk Marketing Area No. 3

Under the provisions of the Milk Marketing Law (31 P.S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Area No. 3 on November 6, 2019, at 9 a.m. in Room 202, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning cost replacement in Milk Marketing Area No. 3. Evidence will be limited to the following: annualized processing, packaging and delivery costs; updated costs for containers, ingredients and Class II products; updated labor, utility and insurance costs based on comparisons between costs per point for the first halves of calendar years 2018 and 2019; skim and butterfat contents of products regulated by the Board; adjustment for shrinkage, sales of bulk products and cream processing costs; monthly adjustments to in-store handling costs; and a reasonable rate of return to milk dealers and stores. Evidence and testimony will be considered regarding the heating fuel adjuster in Milk Marketing Area No. 3. Evidence and testimony will be considered regarding the diesel fuel cost adjuster in Milk Marketing Area No. 3. Evidence and testimony will be considered regarding the container efficiency adjustment.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons who wish to present evidence may be included on the Board's list of parties by: (1) having their attorney file with the Board on or before 1 p.m. on August 23, 2019, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the Board on or before 1 p.m. on August 23, 2019, notification of their desire to be included as a party. Parties should indicate in their notices of appearance if alternate means

of service, that is, e-mail or fax, are acceptable. Notices of appearance filed electronically should be directed to deberly@pa.gov.

The parties shall observe the following requirements for advance filing of witness information and exhibits:

1. By 2 p.m. on September 27, 2019, Board staff shall file with the Board, in person or by mail, one original and four single-sided copies and ensure receipt by all other parties of one copy of:

a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise. For expert witnesses there shall also be filed a statement of the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 2 p.m. on October 11, 2019, each responding party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

3. By 2 p.m. on October 25, 2019, each party shall file and serve as set forth in paragraph 1 information concerning surrebuttal witnesses and copies of surrebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents or records in other proceedings before the Board, or who wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whether these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing directed to tmoyer@pa.gov and received in the Board office by 1 p.m. on October 16, 2019.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

TIM MOYER,
Secretary

[Pa.B. Doc. No. 19-1162. Filed for public inspection July 26, 2019, 9:00 a.m.]

MILK MARKETING BOARD

Hearing and Presubmission Schedule; Milk Marketing Area No. 4

Under the provisions of the Milk Marketing Law (31 P.S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Area No. 4 on December 4, 2019, at 10 a.m. in Room 202, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning cost replacement in Milk Marketing Area No. 4. Evidence will be limited to the following: annualized processing, packaging and delivery costs; updated costs for containers, ingredients and Class II

products; updated labor, utility and insurance costs based on comparisons between costs per point for the first halves of calendar years 2018 and 2019; skim and butterfat contents of products regulated by the Board; adjustment for shrinkage, sales of bulk products and cream processing costs; monthly adjustments to in-store handling costs; and a reasonable rate of return to milk dealers and stores. Evidence and testimony will be considered regarding the heating fuel adjuster in Milk Marketing Area No. 4. Evidence and testimony will be considered regarding the diesel fuel cost adjuster in Milk Marketing Area No. 4. Evidence and testimony will be considered regarding the container efficiency adjustment.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons who wish to present evidence may be included on the Board's list of parties by: (1) having their attorney file with the Board on or before 1 p.m. on August 23, 2019, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the Board on or before 1 p.m. on August 23, 2019, notification of their desire to be included as a party. Parties should indicate in their notices of appearance if alternate means of service, that is, e-mail or fax, are acceptable. Notices of appearance filed electronically should be directed to deberly@pa.gov.

The parties shall observe the following requirements for advance filing of witness information and exhibits:

1. By 2 p.m. on November 1, 2019, Board staff shall file with the Board, in person or by mail, one original and four single-sided copies and ensure receipt by all other parties of one copy of:

a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise. For expert witnesses there shall also be filed a statement of the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 2 p.m. on November 15, 2019, each responding party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

3. By 2 p.m. on November 22, 2019, each party shall file and serve as set forth in paragraph 1 information concerning surrebuttal witnesses and copies of surrebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents or records in other proceedings before the Board, or who wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whether these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing directed

to tmoyer@pa.gov and received in the Board office by 1 p.m. on November 18, 2019.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

TIM MOYER,
Secretary

[Pa.B. Doc. No. 19-1163. Filed for public inspection July 26, 2019, 9:00 a.m.]

MILK MARKETING BOARD

Hearing and Presubmission Schedule; Milk Marketing Area No. 5

Under the provisions of the Milk Marketing Law (31 P.S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Area No. 5 on November 6, 2019, at 9:30 a.m. in Room 202, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning cost replacement in Milk Marketing Area No. 5. Evidence will be limited to the following: annualized processing, packaging and delivery costs; updated costs for containers, ingredients and Class II products; updated labor, utility and insurance costs based on comparisons between costs per point for the first halves of calendar years 2018 and 2019; skim and butterfat contents of products regulated by the Board; adjustment for shrinkage, sales of bulk products and cream processing costs; monthly adjustments to in-store handling costs; and a reasonable rate of return to milk dealers and stores. Evidence and testimony will be considered regarding the heating fuel adjuster in Milk Marketing Area No. 5. Evidence and testimony will be considered regarding the diesel fuel cost adjuster in Milk Marketing Area No. 5. Evidence and testimony will be considered regarding the container efficiency adjustment.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons who wish to present evidence may be included on the Board's list of parties by: (1) having their attorney file with the Board on or before 1 p.m. on August 23, 2019, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the Board on or before 1 p.m. on August 23, 2019, notification of their desire to be included as a party. Parties should indicate in their notices of appearance if alternate means of service, that is, e-mail or fax, are acceptable. Notices of appearance filed electronically should be directed to deberly@pa.gov.

The parties shall observe the following requirements for advance filing of witness information and exhibits:

1. By 2 p.m. on September 27, 2019, Board staff shall file with the Board, in person or by mail, one original and four single-sided copies and ensure receipt by all other parties of one copy of:

a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise. For expert witnesses there shall also be filed a statement of the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 2 p.m. on October 11, 2019, each responding party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

3. By 2 p.m. on October 25, 2019, each party shall file and serve as set forth in paragraph 1 information concerning surrebuttal witnesses and copies of surrebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents or records in other proceedings before the Board, or who wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whether these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing directed to tmoyer@pa.gov and received in the Board office by 1 p.m. on October 16, 2019.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

TIM MOYER,
Secretary

[Pa.B. Doc. No. 19-1164. Filed for public inspection July 26, 2019, 9:00 a.m.]

MILK MARKETING BOARD

Hearing and Presubmission Schedule; Milk Marketing Area No. 6

Under the provisions of the Milk Marketing Law (31 P.S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Area No. 6 on November 6, 2019, at 10 a.m. in Room 202, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning cost replacement in Milk Marketing Area No. 6. Evidence will be limited to the following: annualized processing, packaging and delivery costs; updated costs for containers, ingredients and Class II products; updated labor, utility and insurance costs based on comparisons between costs per point for the first halves of calendar years 2018 and 2019; skim and butterfat contents of products regulated by the Board; adjustment for shrinkage, sales of bulk products and cream processing costs; monthly adjustments to in-store handling costs; and a reasonable rate of return to milk dealers and stores. Evidence and testimony will be con-

sidered regarding the heating fuel adjuster in Milk Marketing Area No. 6. Evidence and testimony will be considered regarding the diesel fuel cost adjuster in Milk Marketing Area No. 6. Evidence and testimony will be considered regarding the container efficiency adjustment.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons who wish to present evidence may be included on the Board's list of parties by: (1) having their attorney file with the Board on or before 1 p.m. on August 23, 2019, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the Board on or before 1 p.m. on August 23, 2019, notification of their desire to be included as a party. Parties should indicate in their notices of appearance if alternate means of service, that is, e-mail or fax, are acceptable. Notices of appearance filed electronically should be directed to deberly@pa.gov.

The parties shall observe the following requirements for advance filing of witness information and exhibits:

1. By 2 p.m. on September 27, 2019, Board staff shall file with the Board, in person or by mail, one original and four single-sided copies and ensure receipt by all other parties of one copy of:

a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise. For expert witnesses there shall also be filed a statement of the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 2 p.m. on October 11, 2019, each responding party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

3. By 2 p.m. on October 25, 2019, each party shall file and serve as set forth in paragraph 1 information concerning surrebuttal witnesses and copies of surrebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents or records in other proceedings before the Board, or who wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whether these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing directed to tmoyer@pa.gov and received in the Board office by 1 p.m. on October 16, 2019.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

TIM MOYER,
Secretary

[Pa.B. Doc. No. 19-1165. Filed for public inspection July 26, 2019, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Electric Generation Supplier License Cancellations of Companies with an Expired Financial Security or Insufficient Financial Security Amount

Public Meeting held
July 11, 2019

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

*Electric Generation Supplier License Cancellations of
Companies with an Expired Financial Security or
Insufficient Financial Security Amount; M-2019-3006865*

Tentative Order

By the Commission:

The Commission's regulations at 52 Pa. Code § 54.40(a) state that an Electric Generation Supplier (EGS) license will not be issued or remain in force until the licensee furnishes a bond or other security approved by the Commission. In addition, 52 Pa. Code § 54.40(d) states that the maintenance of an EGS license is contingent on the licensee providing proof to the Commission that a bond or other approved security in the amount directed by the Commission has been obtained.

Each EGS must file an original bond, letter of credit, continuation certificate, amendment, or other approved financial instrument with Rosemary Chiavetta, Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120 prior to the EGS's current security expiration date. Each financial instrument must be an original document that displays a "wet" signature or digital signature, preferable in blue ink, and displays a "raised seal" or original notary stamp. The name of the principal on the original financial instrument must match exactly with the name that appears on the EGS's license issued by the Commission.

Failure to file before the financial security's expiration date may cause Commission staff to initiate a formal proceeding that may lead to the following: cancellation of each company's electric supplier license, removal of each company's information from the Commission's website and notification to all electric distribution companies, in which each company is licensed to do business, of the cancellation of the license.

As of June 28, 2019, each EGS listed in the Supplier Table below has not provided proof to the Commission that it has a bond or other approved security in the amount directed by the Commission, to replace its expired bond.

Supplier Table—List of Electric Generation Suppliers

<i>Docket Number</i>	<i>Company Name</i>	<i>Financial Security Expiration Date</i>	<i>Commission Approved Amount</i>
A-2012-2291186	MCENERGY, INC.	6/25/2019	Yes
A-2010-2190506	NATIONAL ENERGY MANAGEMENT, LLC	4/19/2020	No

As part of its EGS license validation procedures, the Commission's Bureau of Technical Utility Services sent a 90-day Security Renewal Notice Letter to each entity in the Supplier Table above stating that original documentation of a bond, or other approved security in the amount directed by the Commission, must be filed within 30 days prior to each entity's security expiration date. None of the companies listed in the Supplier Table provided the required documentation.

Based on the above facts, we tentatively conclude that the EGSs listed in the Supplier Table are not in compliance with 52 Pa. Code § 54.40(a) and (d) and therefore it is appropriate to initiate the cancellation process for the EGS license of each company listed in the Supplier Table, without the necessity of a formal complaint, as being in the public interest; *Therefore,*

It Is Ordered That:

1. Cancellation of the Electric Generation Supplier License of each company listed in the Supplier Table is hereby tentatively approved as being in the public interest.

2. The Secretary serve a copy of this Tentative Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Bureau of Investigation & Enforcement, the Department of Revenue—Bureau of Corporation Taxes, all electric distribution companies, all of the Electric Generation Suppliers in the Supplier Table and publish a copy of this Tentative Order in the *Pennsylvania Bulletin* with a 30-day comment period.

3. Absent the filing of adverse public comment or the filing of an approved security within 30 days after publication in the *Pennsylvania Bulletin*, the Bureau of Technical Utility Services shall prepare a Final Order for entry by the Secretary.

4. Upon entry of the Final Order described in Ordering Paragraph No. 3 above, each company listed in the Supplier Table will be stricken from all active utility lists maintained by the Commission's Bureau of Technical Utility Services and the Assessment Section of the Bureau of Administration, removed from the Commission's website, and notifications be sent to all electric distribution companies in which the Electric Generation Suppliers are licensed to do business.

5. Upon entry of the Final Order described in Ordering Paragraph No. 3, each electric distribution company in which the Electric Generation Suppliers are licensed to do business, shall return the customers of the Electric Generation Suppliers to default service.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 19-1166. Filed for public inspection July 26, 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 (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 August 12, 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.

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-2019-3011470. Metro Transportation, LLC (915 Hamilton Street, # 278, Allentown, Bucks County, PA 18101) persons upon call or demand, in the Counties of Lehigh, Northampton, Bucks, Schuylkill, Carbon and Monroe.

Application of the following for approval to *begin operating as a broker for transportation of household goods in use as described under the application.*

A-2019-3011336 (Corrected). Bellhops Movers, Inc. (1110 Market Street, Suite 502, Chattanooga, TN 37402) for a brokerage license evidencing the Commission's approval of the right and privilege to operate as a broker, to arrange for the transportation of household goods in use, between points in Pennsylvania.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 19-1167. Filed for public inspection July 26, 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 August 12, 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. SW Contracting, LLC; Doc. No. C-2019-3001485

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 Prosecutory Staff hereby represents as follows:

1. That SW Contracting, LLC, Respondent, maintains its principal place of business at 422 Bluebuff Road, King of Prussia, PA 19406.

2. That Respondent was issued a certificate of public convenience by this Commission authorizing transportation of property on April 27, 2018, at Application Docket No. A-2018-3001380.

3. That Respondent, by Commission Secretarial letter dated April 27, 2018, was informed to submit a copy of a current satisfactory safety rating from the U.S. Department of Transportation or another state, within 180 days, or complete a safety fitness review by a Commission enforcement officer. A satisfactory safety fitness rating must be achieved by Respondent in order to maintain a certificate of public convenience to operate as a common carrier of property between points in the Commonwealth of Pennsylvania.

4. That Motor Carrier Enforcement Supervisor Gerard King spoke with Respondent by telephone on July 8, 2018 and explained the process for completion of the Safety Fitness Review. Supervisor King was later unable to reach Respondent in an attempt to schedule the SFR. A letter was sent first-class mail on December 4, 2018 requesting Respondent contact Supervisor King. On January 4, 2019, Supervisor King traveled to the business address at 422 Bluebuff Road, King of Prussia, PA, Bucks County. The residence was being renovated and contractors had no knowledge of SW Contracting, LLC. On March 15, 2019 a certified letter went out which was returned on April 16, 2019, marked "undeliverable as addressed" by the USPS. Respondent has failed to schedule the SFR.

5. That Respondent, by failing to achieve a satisfactory evaluation on a safety fitness review, violated 66 Pa.C.S.

§ 501(c) and, for failure to maintain adequate, efficient and safe service and facilities, violated 66 Pa.C.S. § 1501.

Wherefore, the Bureau of Transportation Investigation and Enforcement Prosecutory Staff hereby requests that the Commission revoke the certificate of public convenience issued to SW Contracting, LLC at A-2018-3001380.

Respectfully submitted,
David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 6/26/2019

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original shall be mailed to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Or may be sent by overnight delivery to:
400 North Street, 2nd Floor
Harrisburg, PA 17120

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor
Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, e-mailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this complaint within twenty (20) days, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing a penalty. The penalty could include a fine, the suspension or revocation of your certificate of public convenience or other remedy.

C. You may elect not to contest this complaint by paying the fine proposed in this Complaint by certified check or money order. Payment must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 P.O. Box 3265
 Harrisburg, PA 17105-3265

D. Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the complaint proceeding shall be closed.

E. If you file an Answer, which admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing a penalty.

F. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. RLS Transport Express, LLC; Doc. No. C-2019-3010377

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 RLS Transport Express, LLC, (respondent) is under suspension effective May 27, 2019 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 2817A Walnut Hill Street, Philadelphia, PA 19152.

3. That respondent was issued a Certificate of Public Convenience by this Commission on October 30, 2018, at A-8921459.

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-8921459 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respon-

dent 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. 19-1168. Filed for public inspection July 26, 2019, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Staff Review of CAP Final Billing Methods; Doc. No. M-2019-3010190

By Order entered May 23, 2019, at Docket Nos. M-2017-2636969, et al., (FE Order) regarding FirstEnergy's 2019-2021 Universal Service and Energy Conservation Plan (USECP or Plan), the Pennsylvania Public Utility Commission (Commission) directed the initiation of a review of utility customer assistance program (CAP)¹ final billing practices. The Commission summarized in the FE Order that, over time, it has noted inconsistencies in how utilities calculate final CAP bills, with, for example, some companies charging full-tariff rates rather

than prorating a CAP payment for a partial month's usage. FE Order at 32-33. This Secretarial Letter initiates that review.

Through the FE Order, the Commission directed BCS, with the assistance of the Commission's Law Bureau, to commence, by July 22, 2019, an inquiry into the final billing method for CAP customers with the goal of determining whether the Commission should establish a standardized CAP final billing policy for all jurisdictional energy utilities. FE Order at 61-62, OP # 12.

The Commission acknowledges there are circumstances where calculating the final bill at the full tariff rate may be more beneficial for CAP customers. The full tariff rate for a partial month as a CAP customer may be lower than the CAP bill (e.g., summer usage for a natural gas customer or short partial month usage for either energy source). At other times, the full tariff rate for a partial month as a CAP customer may exceed the normal CAP bill (e.g., long partial month usage for either energy source). Some utilities forgo billing a CAP customer for the final partial month of CAP usage.

But it appears there is a lack of consistency in the way the NGDCs and EDCs are billing CAP customers for their final CAP usage. The Commission is reviewing how final CAP bill practices are justified and documented. CAPs are designed to provide participants with more affordable payment options while they are CAP customers. The costs of the USECPs are recovered from the non-CAP residential customers.² The process must be reasonable and justifiable from the perspective of both CAP and non-CAP customers.

Through this proceeding at Docket No. M-2019-3010190, the Commission is seeking input from utilities and stakeholders on whether a standard policy or regulation should be established for the final billing of CAP customers. Some options to be considered include (1) the CAP bill, prorated; (2) the full-tariff rate, prorated; or (3) the lessor of the CAP bill or full-tariff rate, prorated. This list is illustrative and not exclusionary.

Accordingly, each jurisdictional energy utility shall file information at this docket clarifying its CAP final billing practices. Each utility shall include the following information in its submission:

- 1) Its billing calculation process by which a CAP customer is final billed;
- 2) How it bills any remaining pre-program arrears (PPAs);
- 3) How it applies any budget true-up, PPA forgiveness, or credit amounts to a final bill;
- 4) What impact, if any, its current CAP final billing policy had on CAP costs and write-offs in 2017 and 2018; and
- 5) The potential CAP costs, system-related expenses, write-offs, and other impacts of adopting each of the above-noted final bill options as well as the same information for any alternative final billing processes the utility may propose.

This information is due 30 days from the date of this Secretarial Letter. Comments to the filings shall be due 30 days after the filing of information, followed by a

¹ CAPs are one of four mandatory elements of a USECP.

² Except, generally speaking, the cost of the Hardship Fund grants. Hardship Fund administration costs are, however, recovered as UCESP costs.

15-day reply comment period. Thereafter, staff will prepare a recommendation for Commission review.

Individuals with questions should contact Eric Tuttle, Bureau of Consumer Services, etuttle@pa.gov, (717) 705-0621.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 19-1169. Filed for public inspection July 26, 2019, 9:00 a.m.]

STATE BOARD OF NURSING

Bureau of Professional and Occupational Affairs v. Carrie Nicole Counterman, LPN; Case No. 15-51-05183

On June 11, 2019, Carrie Nicole Counterman, LPN, license No. PN294890, last known of Saylorsburg, Monroe County, had her practical nursing license indefinitely suspended until she proves that she is fit to practice nursing with reasonable skill and safety by reason of being addicted to hallucinogenic or narcotic drugs or other drugs which tend to impair judgment or coordination.

Individuals may obtain a copy of the adjudication by writing to Carole Clarke Smith, Board Counsel, State Board of Nursing, P.O. Box 69523, Harrisburg, PA 17106-9523.

This order represents the final State Board of Nursing (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review.

The Board contact for receiving service of appeals is the previously-named Board counsel.

ANN M. COUGHLIN, MBA, MSN, RN,
Chairperson

[Pa.B. Doc. No. 19-1170. Filed for public inspection July 26, 2019, 9:00 a.m.]

STATE BOARD OF NURSING

Bureau of Professional and Occupational Affairs v. Tracie Kelly Elam a/k/a Tracie Rochelle Elam, LPN; Case No. 16-51-02033

On October 26, 2018, Tracie Kelly Elam, a/k/a Tracie Rochelle Elam, LPN, license No. PN151115L, last known of Midland, Beaver County, after being convicted of a felony had her practical nursing license indefinitely suspended until she proves that she is fit to practice nursing with reasonable skill and safety to patients.

Individuals may obtain a copy of the adjudication by writing to Megan E. Castor, Board Counsel, State Board of Nursing, P.O. Box 69523, Harrisburg, PA 17106-9523.

This order represents the final State Board of Nursing (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of appeals is the previously-named Board counsel.

ANN M. COUGHLIN, MBA, MSN, RN,
Chairperson

[Pa.B. Doc. No. 19-1171. Filed for public inspection July 26, 2019, 9:00 a.m.]

STATE CONSERVATION COMMISSION

Action on Odor Management Plans for Concentrated Animal Operations and Concentrated Animal Feeding Operations and Volunteers Complying with the Commonwealth's Facility Odor Management Program

The State Conservation Commission has taken the following actions on previously received applications for Odor Management Plans under 3 Pa.C.S. §§ 501—522 (relating to nutrient management and odor management).

Persons aggrieved by any action may appeal under 3 Pa.C.S. § 517 (relating to appealable actions), section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

Important legal rights are at stake, so individuals interested in challenging this action should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary of the Board at (717) 787-3483 for more information.

Odor Management Plan—Public Notice Spreadsheet—Actions

<i>Ag Operation Name, Address</i>	<i>County/Township</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>New, Amended or Existing</i>	<i>Action Taken</i>
Round Hill Dairy Jeremy and Issac Miller 6105 Carlisle Pike East Berlin, PA 17316	Adams County/ Reading Township	119.25	Dairy	Existing	Rescind
David Blank Farm David Blank 2593 West Valley Road Loganton, PA 17747	Clinton County/ Logan Township	108.56	Veal	New	Approved

RUSSELL C. REDDING,
Chairperson

[Pa.B. Doc. No. 19-1172. Filed for public inspection July 26, 2019, 9:00 a.m.]