

PENNSYLVANIA BULLETIN

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Agencies in this issue

The Courts
Department of Agriculture
Department of Banking and Securities
Department of Community and Economic
Development
Department of Environmental Protection
Department of Health
Department of Revenue
Department of State
Fish and Boat Commission
Independent Regulatory Review Commission
Insurance Department
Pennsylvania Public Utility Commission
Susquehanna River Basin Commission

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

No. 538, September 2019

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

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

Citation to the Pennsylvania Bulletin

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

Pennsylvania Code

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

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

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

How to Find Rules and Regulations

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

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.

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Printing Format

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

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

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

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

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

Court Rules in Titles 201—246 of the Pennsylvania Code

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

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

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

Fiscal Notes

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

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

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

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List of Pa. Code Chapters Affected

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

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THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT [204 PA. CODE CHS. 85, 87, 89, 91, 93 AND 95] Amendments to Rules of Organization and Procedure of The Disciplinary Board of The Supreme Court of Pennsylvania; Order No. 92

By Order dated April 18, 2019, the Supreme Court of Pennsylvania amended Rules 102, 104, 205, 206, 208, 209, 213—219, 301, 401, and 403 of the Pennsylvania Rules of Disciplinary Enforcement related to the realignment of the Board’s Executive Office. By this Order, the Board is making conforming changes to its Rules to reflect the adoption of those amendments.

The Disciplinary Board of the Supreme Court of Pennsylvania finds that:

(1) To the extent that 42 Pa.C.S. § 1702 (relating to rule making procedures) and Article II of the act of July 31, 1968 (P.L. 769, No. 240), known as the Commonwealth Documents Law, would otherwise require notice of proposed rulemaking with respect to the amendments adopted hereby, those proposed rulemaking procedures are inapplicable because the amendments adopted hereby relate to agency procedure and are perfunctory in nature.

(2) The amendments to the Rules of Organization and Procedure of the Board adopted hereby are not inconsistent with the Pennsylvania Rules of Disciplinary Enforcement and are necessary and appropriate for the administration of the affairs of the Board.

The Board, acting pursuant to Pa.R.D.E. 205(c)(12), orders:

(1) Title 204 of the *Pennsylvania Code* is hereby amended as set forth in Annex A hereto.

(2) The Executive Director shall duly certify this Order, and deposit the same with the Administrative Office of Pennsylvania Courts as required by Pa.R.J.A. 103(c).

(3) The amendments adopted hereby shall take effect 30 days after publication in the *Pennsylvania Bulletin*.

*By The Disciplinary Board of the
Supreme Court of Pennsylvania*

JESSE G. HEREDA,
Executive Director

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart C. DISCIPLINARY BOARD OF THE SUPREME COURT OF PENNSYLVANIA

CHAPTER 85. GENERAL PROVISIONS

§ 85.2. Definitions.

* * * * *

Board Chair—The Chair of the Disciplinary Board of the Supreme Court of Pennsylvania.

Board Prothonotary—The Prothonotary of the Disciplinary Board.

Board Rule—Any provision of this subpart.

Censure—Public censure by the Supreme Court.

Chief Disciplinary Counsel—The Chief Disciplinary Counsel appointed by the Board or, in the absence of such Chief Disciplinary Counsel, the [**Assistant**] Disciplinary Counsel designated by the Chief Disciplinary Counsel to serve in his absence. In the case of vacancy in office, absence or inability of such Chief Disciplinary Counsel, the [**Assistant**] Disciplinary Counsel designated by the Board.

Complaint—A grievance concerning an attorney communicated to the Office of Disciplinary Counsel or considered by the Office of Disciplinary Counsel on its own motion.

Conservator—A conservator appointed under § 91.121 (relating to appointment of conservator to protect interests of clients of absent attorney).

Court—The Supreme Court of Pennsylvania.

Court Prothonotary—The Prothonotary of the Supreme Court of Pennsylvania.

Disciplinary Counsel—The Chief Disciplinary Counsel and [**assistant disciplinary counsel**] Disciplinary Counsel within the Office of Disciplinary Counsel.

Disciplinary District—One of the four districts into which this Commonwealth is divided for disciplinary purposes as set forth in § 93.1 (relating to disciplinary districts).

Disciplinary Rule—The provisions of the Code of Professional Responsibility, as adopted by the Supreme Court of Pennsylvania on May 20, 1970, 438 Pa. XXV, as amended from time to time by special order of the Court and governing lawyer conduct occurring or beginning on or before March 31, 1988, as well as the provisions of the Rules of Professional Conduct, as adopted by the Supreme Court of Pennsylvania on October 16, 1987, Pa. , and effective on April 1, 1988, as amended from time to time by special order. See Chapter 81 (relating to rules of professional conduct).

Enforcement Rule—Any provision of Chapter 83 (relating to Pennsylvania rules of disciplinary enforcement).

Executive Office—The Office of the Disciplinary Board established by § 93.51 (relating to Executive Office), referred herein as the “Executive Office.”

Experienced hearing committee member—An attorney who at the time is a member of the panel of hearing committee members in a disciplinary district and who has served [**as a member of a panel of hearing committee members for at least one year and**] on **at least one** hearing committee that has conducted [**at least one**] a hearing into formal charges of misconduct by a respondent-attorney.

* * * * *

Investigator—Any person designated by the Office of Disciplinary Counsel to assist it in investigation of alleged misconduct or of reinstatement.

Legal Counsel—Counsel to the Board and Special Counsel.

Limited In-House Corporate Counsel License—A license issued under Pennsylvania Bar Admission Rule 302 (relating to limited in-house corporate counsel license).

* * * * *

Office of Disciplinary Counsel—The Office of Disciplinary Counsel established by § 93.61 (relating to Office of Disciplinary Counsel).

[*Office of the Secretary*—The Office of the Secretary established by § 93.51 (relating to Office of the Secretary).]

Participant—The respondent-attorney, any other person admitted by the Board to limited participation in a proceeding, and staff counsel.

* * * * *

Proof of service—A certificate of service complying with § 89.26 (relating to form of certificate of service).

[*Prothonotary*—The Prothonotary of the Supreme Court of Pennsylvania.]

Public Reprimand—Public reprimand by the Board.

Respondent-attorney—Includes any person subject to the Enforcement Rules (See § 85.3(a) (relating to jurisdiction)).

Reviewing hearing committee member—A [**senior or experienced**] hearing committee member designated under these rules to review the disposition of a complaint recommended by the Office of Disciplinary Counsel.

Rules—The provisions of this subpart.

[*Secretary*—The Secretary of the Board.]

Senior hearing committee member—An attorney who at the time is a member of the panel of hearing committee members in a disciplinary district and who has [**previously**] served either (i) as a member of the Board, or (ii) [**a full three-year term on a panel of hearing committee members and**] on **at least two** hearing committees that have conducted [**at least two**] hearings into formal charges of misconduct by respondent-attorneys.

Special Master—[**A special master assigned**] **Assigned** under § 93.91 (relating to special masters), **includes former Board members, former or retired justices or judges not on senior status, Special Counsel, and former senior hearing committee members.**

* * * * *

§ 85.4. Information and special instructions.

Information as to procedure under these rules, and instructions supplementing these rules in special instances, will be furnished upon application to:

(1) The Office of Disciplinary Counsel, except with respect to matters which have become the subject of formal proceedings.

(2) The **Executive Office**[**of the Secretary**], with respect to matters which have become the subject of formal proceedings.

§ 85.5. Location of Office of Disciplinary Counsel.

* * * * *

(b) *Disciplinary District Offices*. The present locations of the district offices of the Office of Disciplinary Counsel

[**and the office of the Assistant Disciplinary Counsel**] for each such disciplinary district are:

- (1) District I Office
Office of Disciplinary Counsel
The Disciplinary Board of the
Supreme Court of Pennsylvania
1601 Market Street
Suite 3320
Philadelphia, PA 19103-2337
(215-560-6296)
(fax: 215-560-4528)
- (2) District II Office
Office of Disciplinary Counsel
The Disciplinary Board of the
Supreme Court of Pennsylvania
Suite 170
820 Adams Avenue
Trooper, PA 19403-2328
(610-650-8210)
(fax: 610-650-8213)
- (3) District III Office
Office of Disciplinary Counsel
The Disciplinary Board of the
Supreme Court of Pennsylvania
Pennsylvania Judicial Center
601 Commonwealth Avenue, Suite 5800
PO Box 62675
Harrisburg, PA 17106-2675
(717-772-8572)
(fax: 717-772-7463)
- (4) District IV Office
Office of Disciplinary Counsel
The Disciplinary Board of the
Supreme Court of Pennsylvania
Suite 1300, Frick Building
437 Grant Street
Pittsburgh, PA 15219-6002
(412-565-3173)
(fax: 412-565-7620)

§ 85.6. Location of **Executive** Office [**of the Secretary**].

The location of the **Executive** Office [**of the Secretary**] is:

Executive Office [**of the Secretary**]
The Disciplinary Board of the
Supreme Court of Pennsylvania
Pennsylvania Judicial Center
601 Commonwealth Avenue, Suite 5600
PO Box 62625
Harrisburg, PA 17106-2625
(717-231-3380)
(fax: 717-231-3381)

§ 85.12. Filings with the Supreme Court.

* * * * *

(c) *Centralized filing*. Enforcement Rule 104(c) provides that all filings with the Supreme Court under this Subpart shall be made only with the [**prothonotary**] **Court Prothonotary**, and the person making a filing shall not distribute copies to the members of the Court.

CHAPTER 87. INVESTIGATIONS AND INFORMAL PROCEEDINGS

Subchapter A. PRELIMINARY PROVISIONS

COMPLAINTS

§ 87.4. Preliminary screening and docketing of complaints.

Complaints received by the Office of Disciplinary Counsel against Disciplinary Counsel involving alleged violations of the Disciplinary Rules shall be transmitted forthwith to the **Executive Office [of the Secretary]** for disposition pursuant to § 93.52(d)(2) (relating to communications and filings generally). All other complaints shall be assigned a docket number consisting of the letter "C", the number of the disciplinary district to which the matter will be assigned, the last two digits of the calendar year in which the matter is docketed, and the serial number of the matter in such disciplinary district in such calendar year, e.g.: "C4-73-1," etc.

§ 87.7. Notification to respondent-attorney of complaint and duty to respond; duty to produce Pa.R.P.C. 1.15's required records and effect of failure to produce.

* * * * *

(c) *Contents of statement of position.* All statements of position shall be in writing and sufficiently detailed as to advise Disciplinary Counsel and any reviewing hearing committee member that the **[Board Secretary] Executive Office** may appoint under § 87.32 (relating to action by reviewing hearing committee member) of the nature of any defense. The respondent-attorney should include with the statement any corroborating documentation and may include in the statement mitigating factors and any relevant facts or circumstances that may assist Disciplinary Counsel in determining under § 87.8(b) the action to be taken or the disposition recommended.

* * * * *

§ 87.8. District office action or recommendation.

* * * * *

(b) *District office procedure.* Following completion of any investigation of the complaint and after consideration of any statement of position filed by the respondent-attorney pursuant to § 87.7 (relating to notification to respondent of complaint), the **[Assistant]** Disciplinary Counsel assigned to the district office shall promptly complete the appropriate form specified in subsection (c). The action taken or disposition recommended shall be one of the following:

- (1) Dismissal for lack of jurisdiction.
- (2) Dismissal because frivolous.
- (3) Dismissal on the basis of prosecutorial discretion.
- (4) Dismissal on the basis of Board policy.
- (5) Dismissal for any other reason.

(6) Conditional or unconditional informal admonition, private reprimand, or public reprimand. An informal admonition, private reprimand, or public reprimand shall be administered in those cases in which a violation of § 85.7 (relating to grounds for discipline) is found, but which is determined to be of insufficient gravity to warrant prosecution of formal charges.

(7) Prosecution of formal charges before a hearing committee or special master.

(c) *Selection of form.* Action under paragraphs (b)(1), (2), (3), (4), or (5) of this section may be recommended by the assigned **[Assistant]** Disciplinary Counsel and taken with the written concurrence of the **[Assistant]** Disciplinary Counsel-in-Charge, any other **[Assistant]** Disciplinary Counsel designated to serve in his or her absence or unavailability, the Chief Disciplinary Counsel, or an **[Assistant]** Disciplinary Counsel designated by the Chief Disciplinary Counsel to review such recommendations. In such cases the district office shall prepare and attach to the file Form DB-4 (Final Disposition of Complaint). In other cases where disposition under subsection (b)(1), (2), (3), (4), or (5) may be appropriate, the assigned **[Assistant]** Disciplinary Counsel shall prepare a Form DB-5 (Recommendation on Final Disposition of Complaint) and forward such form and the related file to Chief Disciplinary Counsel or his or her designee for review and action. In all other cases, **[Assistant]** Disciplinary Counsel shall prepare and attach to the file Form DB-3 (Referral of Complaint to Reviewing Hearing Committee Member).

§ 87.9. Office of Disciplinary Counsel action.

* * * * *

(b) *Other cases.* In all other cases the Office of Disciplinary Counsel shall forward to the **Executive Office [of the Secretary]** a request for the assignment of a Reviewing Hearing Committee Member.

(c) *Review of dismissed complaints.* The Office of Disciplinary Counsel will review complaints dismissed under subsection (a) of this section upon request of the complainant. The request shall be in writing and submitted to the **[Assistant]** Disciplinary Counsel-in-Charge of the district office that dismissed the complaint. The request should specify the reason or reasons why Office of Disciplinary Counsel should reopen the investigation under § 87.6 and include any evidence that was not previously brought to the attention of Disciplinary Counsel. The **[Assistant]** Disciplinary Counsel-in-Charge or designated **[Assistant]** Disciplinary Counsel who concurred in the recommendation to dismiss the complaint pursuant to § 87.8(c) shall conduct the review and notify the complainant in writing of the decision to grant or deny the request. Where the request is denied by the **[Assistant]** Disciplinary Counsel-in-Charge, the complainant may direct a written request for further review to the Chief Disciplinary Counsel or his or her designee. The decision of the Chief Disciplinary Counsel or the designee shall be final for purposes of this subsection.

* * * * *

Subchapter B. REVIEW OF RECOMMENDED DISPOSITION OF COMPLAINT

§ 87.31. Transmission to reviewing hearing committee member.

Upon receipt of a request from the Office of Disciplinary Counsel for the assignment of a reviewing hearing committee member to review the disposition of a complaint recommended by the Office of Disciplinary Counsel, the **Executive Office [of the Secretary]** shall assign a reviewing hearing committee member and forward the file with the recommendation of the Office of Disciplinary Counsel to the assigned reviewing hearing committee member for action.

§ 87.33. Appeal by Office of Disciplinary Counsel from modification of recommendation.

(a) General rule. Enforcement Rule 208(a)(4) provides that Disciplinary Counsel may appeal the recommended disposition directed by a reviewing hearing committee member to a reviewing panel composed of three members of the Board. The appeal shall be set forth on Form DB-8 (Appeal from Determination of Reviewing Member), shall state briefly the grounds relied upon by the Office of Disciplinary Counsel for recommending modification of the determination of the reviewing hearing committee member. The appeal shall be filed with the [Office of the Secretary] Board Prothonotary within 30 days after the determination of the reviewing hearing committee member has become effective. The preceding sentence is not applicable to a motion made by the Office of Disciplinary Counsel to dismiss formal charges, which motion may be made at any time.

* * * * *

(c) Action by Board. The Executive Office [of the Secretary] shall transmit the Form DB-8 and related file to a panel of three members of the Board designated by the Chair, who shall consider the appeal and, as provided by Enforcement Rule 208(a)(4), order that the matter be concluded by dismissal, conditional or unconditional informal admonition or conditional or unconditional private reprimand, or conditional or unconditional public reprimand, or direct that a formal proceeding be instituted before a hearing committee or special master in the appropriate disciplinary district.

(d) Notice of Board action. The Executive Office [of the Secretary] shall return the Form DB-8 and related file, showing the action of the reviewing panel of the Board on the appeal, to the Office of Disciplinary Counsel and shall notify the reviewing hearing committee member of the action taken by the Board.

§ 87.34. Review of recommendation of private reprimand or public reprimand.

* * * * *

(b) Procedure. Where a recommendation by a reviewing hearing committee member for a conditional or unconditional private or public reprimand is not appealed by Disciplinary Counsel, the Executive Office [of the Secretary] shall transmit the file to a panel of three members of the Board designated by the Chair, who shall consider the matter and, as provided by Enforcement Rule 208(a)(5), approve or modify the recommendation for private or public reprimand.

(c) Notice of Board action. The Executive Office [of the Secretary] shall return the file, showing the action of the reviewing panel of the Board, to the Office of Disciplinary Counsel and shall notify the reviewing hearing committee member of the action taken by the Board.

Subchapter C. FINAL DISPOSITION WITHOUT FORMAL PROCEEDINGS

§ 87.51. Notification of disposition of complaint.

(a) General rule. Upon completion of the procedures prescribed by Subchapter B (relating to review of recommended disposition of complaint), the Executive Office [of the Secretary] or the Office of Disciplinary Counsel, as appropriate, shall:

(1) Notify the complainant of the disposition of the complaint.

(2) Unless the disposition involves the institution of formal proceedings, notify the respondent-attorney:

(i) that the complaint has been dismissed; or

(ii) that the respondent-attorney shall appear in person before the Chief Disciplinary Counsel for the purpose of receiving an informal admonition or before the Board for the purpose of receiving a private or public reprimand. The respondent-attorney shall also be notified of the place and date to appear. The date fixed shall be not earlier than 20 days after the date of the notice to the respondent-attorney of the disposition of the complaint.

* * * * *

§ 87.54. Demand by respondent-attorney for formal proceedings.

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(b) Procedure. A demand under subsection (a) of this section shall be in writing, shall be filed [in the Office of the Secretary] with the Board Prothonotary within 20 days after the date of the notice of the disposition of the complaint required by § 87.51 (relating to notification of disposition of complaint), which time limit is jurisdictional, and shall be accompanied by proof of service of a copy thereof upon the Office of Disciplinary Counsel.

Subchapter D. ABATEMENT OF INVESTIGATION

§ 87.72. Matters involving related pending civil or criminal litigation.

* * * * *

(b) Procedure. An original and three conformed copies of an application for deferment of action under subsection (a) of this section shall be filed [in the Office of the Secretary] with the Board Prothonotary with proof of service on the Office of Disciplinary Counsel. The Office of Disciplinary Counsel may file and serve a written response thereto within 20 days thereafter.

* * * * *

§ 87.73. Resignation by attorneys under disciplinary investigation.

(a) Voluntary resignation. Enforcement Rule 215(a) provides that an attorney who is the subject of an investigation into allegations of misconduct by the attorney may submit a resignation, but only by delivering to Disciplinary Counsel or the [Secretary of the] Board Prothonotary a verified statement stating that the attorney desires to resign and that:

* * * * *

(6) The attorney is aware that pursuant to subsection (c) of Enforcement Rule 215, the fact that the attorney has tendered his or her resignation shall become a matter of public record immediately upon delivery of the resignation statement to Disciplinary Counsel or the [Secretary of the] Board Prothonotary.

* * * * *

(c) Order of disbarment. Enforcement Rule 215(b) provides that upon receipt of the required statement, the [Secretary of the] Board Prothonotary shall file it with the Supreme Court and the Court shall enter an order disbarring the attorney on consent.

(d) Confidentiality of resignation statement. Enforcement Rule 215(c) provides that the fact that the attorney has submitted a resignation statement to Disciplinary

Counsel or the [**Secretary of the**] Board **Prothonotary** for filing with the Supreme Court shall become a matter of public record immediately upon delivery of the resignation statement to Disciplinary Counsel or the [**Secretary of the**] Board **Prothonotary**; the order disbaring the attorney on consent shall be a matter of public record; and that, if the statement required by subsection (a) is submitted before the filing and service of a petition for discipline and the filing of an answer or the time to file an answer has expired, the statement shall not be publicly disclosed or made available for use in any proceeding other than a subsequent reinstatement proceeding except:

- (1) upon order of the Supreme Court[,];
- (2) pursuant to an express written waiver by the attorney[,];
- (3) upon a request of another jurisdiction for purposes of a reciprocal disciplinary proceeding[,];
- (4) upon a request by the Pennsylvania Client Security Fund Board pursuant to Enforcement Rule 521(a) (relating to cooperation with Disciplinary Board)[,] or
- (5) when the resignation is based on an order of temporary suspension from the practice of law entered by the Court either pursuant to Enforcement Rule 208(f)(1) (relating to emergency temporary suspension orders and related relief) or pursuant to Enforcement Rule 214 (relating to attorneys convicted of crimes).

CHAPTER 89. FORMAL PROCEEDINGS

Subchapter A. PRELIMINARY PROVISIONS

GENERAL MATTERS

§ 89.3. Filings generally.

(a) *General rule.* The filing of pleadings, briefs and other documents in connection with a formal proceeding under these rules shall be as follows:

(1) Except as otherwise requested by the [**Office of the Secretary**] **Board Prothonotary**, at the time any pleading or other document is filed in a formal proceeding that is not at the time in the hands of a hearing committee or special master, there shall be furnished to the [**Office of the Secretary**] **Board Prothonotary** an original and three conformed copies thereof, including all exhibits, if any.

(2) Except as otherwise provided by these rules in the case of briefs, at the time any document is filed in a formal proceeding that is at the time in the hands of a hearing committee, there shall be furnished to the hearing committee an original and three conformed copies thereof, including all exhibits, if any, and one conformed copy with exhibits, if any, shall be filed with the [**Office of the Secretary**] **Board Prothonotary**.

(3) Except as otherwise provided by these rules in the case of briefs, at the time any document is filed in a formal proceeding that is at the time in the hands of a special master, there shall be furnished to the special master an original and one conformed copy thereof, including all exhibits, if any, and one conformed copy with exhibits, if any, shall be filed with the [**Office of the Secretary**] **Board Prothonotary**.

(4) Notwithstanding paragraphs (2) and (3), it shall not be necessary to file with the [**Office of the Secretary**]

Board Prothonotary a copy of any prepared testimony or documentary exhibits submitted in connection with a hearing.

(5) Briefs shall be filed in accordance with § 89.164 (relating to filing and service of briefs).

(b) *Timely filing required.* Pleadings, briefs or other documents in formal proceedings required or permitted to be filed under these rules must be received for filing [**at the Office of the Secretary**] **by the Board Prothonotary** within the time limits, if any, for such filing. The date of receipt by the [**Office of the Secretary**] **Board Prothonotary** and not the date of deposit in the mail is determinative.

(c) *Copies furnished to hearing committee members.* Where copies of pleadings, briefs or other documents are furnished to members of a hearing committee, each member shall retain possession of one complete set of papers and, following conclusion of the work of the committee with respect to a particular proceeding, each such member shall independently [**transmit his or her set of papers to the Office of the Secretary**] **permanently destroy the set of papers or coordinate with the Executive Office.**

(d) *Papers of special masters.* Following conclusion of his or her work with respect to a particular proceeding, a special master shall [**transmit his or her papers regarding the proceeding to the Office of the Secretary**] **permanently destroy the set of papers or coordinate with the Executive Office.**

§ 89.4. Representation of respondent-attorney.

(a) *Appearance in propria persona.* When a respondent-attorney appears pro se in a formal proceeding such attorney shall file with the [**Office of the Secretary**] **Board Prothonotary**, with proof of service of a copy upon the Office of Disciplinary Counsel, an address at which any notice or other written communication required to be served upon such attorney may be sent.

(b) *Representation of respondent-attorney by counsel.* When a respondent-attorney is represented by counsel in a formal proceeding counsel shall file with the [**Office of the Secretary**] **Board Prothonotary**, with proof of service of a copy upon the Office of Disciplinary Counsel, a written notice of such appearance, which shall state the name, address and telephone number of such counsel, the name and address of the respondent-attorney on whose behalf such counsel appears, and the caption and docket number of the subject proceeding. Any additional notice or other written communication required to be served on or furnished to a respondent-attorney may be sent to the counsel of record for such respondent-attorney at the stated address of the counsel in lieu of transmission to the respondent-attorney. In any proceeding where counsel has filed a notice of appearance pursuant to this subsection, any notice or other written communication required to be served upon or furnished to the respondent-attorney shall also be served upon or furnished to such counsel (or one of such counsel if the respondent-attorney is represented by more than one counsel) in the same manner as prescribed for the respondent-attorney, notwithstanding the fact that such communication may be furnished directly to the respondent-attorney.

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§ 89.7. Continuances.

(a) *Avoidance of delay.* All formal proceedings under these rules shall be as expeditious as possible, but the

failure of the [**Office of the Secretary or the**] Board to comply with any of the procedural time periods in these rules shall not result in the dismissal of a petition for discipline or a lessening of the charges set forth therein. Only the Board Chair may extend the time for hearing or grant any other extension of time in a formal proceeding.

(b) *Notice to other tribunals.* Upon receipt of notice fixing a date in connection with a formal proceeding (including a hearing date before a hearing committee or special master or oral argument before the Board) or the date of a meeting of the Board, any involved person within 48 hours thereafter shall deliver written notice (which shall not identify the respondent-attorney) of the fixing of such date to the clerk, prothonotary, court administrator, chairperson or other appropriate administrative officer of any court, administrative agency or other body with which a conflict might reasonably arise, and shall file a copy of such notice with the [**Office of the Secretary**] **Board Prothonotary**.

* * * * *

SERVICE OF DOCUMENTS

§ 89.21. Service by the Board.

Orders, notices and other documents originating with the Board, including all forms of Board action, petitions and similar process, and other documents designated by the Board for this purpose, shall be served by the **Executive Office [of the Secretary]** by mail, except when service by another method shall be specifically required by these rules, by mailing a copy thereof to the person to be served, addressed to the person designated in the initial pleading or submittal at the address of record of such person. When service is not accomplished by mail, personal service may be effected by any one duly authorized by the **Executive Office [of the Secretary in the manner provided in 231 Pa. Code Rule 1504 (relating to service of process in actions in equity)]**.

§ 89.27. Service upon Disciplinary Counsel.

Whenever any provision of these rules refers to service of any pleading, petition or other document upon Disciplinary Counsel, such service shall be made by, and these rules shall be deemed to require, service of the pleading, petition or other document in accordance with this subchapter separately upon both the [**Office of the Secretary**] **Board Prothonotary** and Disciplinary Counsel.

AMENDMENT OR WITHDRAWAL OF PLEADINGS

§ 89.32. Withdrawal of petition for discipline.

(a) *General rule.* Chief Disciplinary Counsel may at any stage of the proceeding apply for leave to withdraw a petition for discipline when it shall appear that it was improvidently filed. The application shall be set forth on Form DB-44 (Application for Leave to Withdraw Petition for Discipline), shall set forth briefly the grounds relied upon by the Office of Disciplinary Counsel for recommending withdrawal, and shall be filed with the [**Office of the Secretary**] **Board Prothonotary**.

(b) *Action by Board.* The **Executive Office [of the Secretary]** shall transmit the Form DB-44, any answer thereto, and related file to a member of the Board designated by the Chair, who shall consider and act upon

the application on behalf of the Board. The **Executive Office [of the Secretary]** shall notify the parties of the action taken by the Board.

Subchapter B. INSTITUTION OF PROCEEDINGS

§ 89.54. Answer.

(a) *General rule.* Enforcement Rule 208(b)(3) provides that within 20 days after service of the petition, the respondent-attorney shall serve an answer upon Disciplinary Counsel and file the original thereof with the Board. (See also subsection (d) of this section.) Such answer shall be filed [**in the Office of the Secretary**] **with the Board Prothonotary**. The respondent-attorney and Disciplinary Counsel may stipulate to only one extension, not to exceed 20 days, of the 20 day period in which to file the answer, which stipulation shall be filed [**in the Office of the Secretary**] **with the Board Prothonotary**.

* * * * *

§ 89.56. Assignment for hearing.

(a) *General rule.* Enforcement Rule 208(b)(4) provides that following service of the answer, if there are any issues raised by the pleadings or if the respondent-attorney requests the opportunity to be heard in mitigation, the matter shall be assigned to a hearing committee or a special master. The **Executive Office [of the Secretary]** shall transmit copies of the file of the Board by means of Form DB-9 (Reference for Disciplinary Hearing) to the members of the hearing committee appointed to hear the matter or a special master in the appropriate disciplinary district not later than five days after the date on which the answer of the respondent-attorney is due under § 89.54(a) (relating to answer).

(b) *Composition of committee.* The [**Secretary of the**] Board **Prothonotary** shall appoint the members of the hearing committee to which the matter is assigned as provided by § 93.81(c) (relating to hearing committees). As provided by § 93.86 (relating to disqualification of reviewing member to sit on hearing in same matter), the hearing committee shall not include the hearing committee member who passed upon Disciplinary Counsel's recommended disposition of the matter. The [**Secretary**] **Board Prothonotary** shall also designate which member of the hearing committee will conduct the prehearing conference.

§ 89.57. Scheduling of hearing and prehearing conference.

The date, time and place of hearing on a petition for discipline shall be scheduled by the [**Office of the Secretary**] **Board Prothonotary** at the time the members of the hearing committee are appointed. The date fixed for the hearing shall not be later than 90 days after the file is transmitted to a hearing committee or special master under § 89.56 (relating to assignment for hearing), unless an extension has been granted by the Board Chair at the request of any party. At the time that the hearing is scheduled, the [**Office of the Secretary**] **Board Prothonotary** shall also schedule a prehearing conference for a date not less than 30 days before the scheduled date of the hearing.

§ 89.58. Notice of hearing and prehearing conference.

The [**Office of the Secretary**] **Board Prothonotary** shall serve or cause to be served notice of

the hearing and prehearing conference required by § 89.57 (relating to scheduling of hearing and prehearing conference) by means of Form DB-34 (Notice of Hearing and Prehearing Conference) upon the respondent-attorney, at least seven days in advance of the date fixed for the prehearing conference. The notice shall indicate the dates, times and places of the prehearing conference and the hearing and shall state that the respondent-attorney is entitled to be represented by counsel, to cross-examine witnesses and to present evidence in the respondent-attorney's own behalf. A copy of the notice shall at the same time be transmitted to staff counsel. See § 89.7(b) (relating to continuances).

**Subchapter C. HEARING PROCEDURES
TRANSCRIPT**

§ 89.101. Recording of proceedings.

Hearings shall be reported by an official reporter designated by the Executive Office [of the Secretary] and except as provided in § 89.181 (relating to abbreviated procedure), a transcript of such report shall be a part of the record and the sole official transcript of the proceeding. Such transcripts shall include a verbatim report of the hearings and nothing shall be omitted therefrom except as is directed on the record by the hearing committee or special master. After the closing of the record, there shall not be received in evidence or considered as part of the record any document submitted after the close of testimony except as provided in § 89.95 (relating to additional evidence) or changes in the transcript as provided in § 89.102 (relating to transcript corrections). Oral argument, if any, made pursuant to § 89.161 (relating to oral argument) shall not be included in the transcript of the hearing or become a part of the record unless so requested by a party after completion of the oral argument.

ORAL ARGUMENT AND BRIEFS

§ 89.164. Filing and service of briefs.

Briefs not filed and served on or before the dates fixed therefor shall not be accepted for filing, except by special permission of the hearing committee or special master. In the case of a formal proceeding that is in the hands of a hearing committee, one copy of each brief shall be served on each member of the committee and one copy shall be filed with the [Office of the Secretary] Board Prothonotary. In the case of a formal proceeding that is in the hands of a special master, two copies of each brief shall be served on the special master and one copy shall be filed with the [Office of the Secretary] Board Prothonotary. A hearing committee or special master may permit or direct the service of a different number of copies of a brief on the members of the hearing committee or special master.

REPORT

§ 89.171. Filing of report.

Enforcement Rule 208(c) provides that unless waived in the manner provided in § 89.181 (relating to abbreviated procedure) at the conclusion of the hearing, the hearing committee or special master shall submit a report to the Board containing the findings and recommendations of the committee or special master. Such report shall be filed with the [Office of the Secretary] Board Prothonotary no later than 60 days after the conclusion of the hearing and submission of briefs, if any. Failure to file a report within the time prescribed by this section shall not affect the validity of the report when filed or of the proceedings generally.

§ 89.172. Contents of report.

[(a)] *General rule.* The report of the hearing committee or special master shall be accompanied by Form DB-10 (Transmittal of Report of Hearing) and shall set forth:

* * * * *

[(b)] *Copy of the record.* The report shall have annexed to it one complete copy of the record before the hearing committee or special master.]

§ 89.173. Report a part of the record.

The report of the hearing committee or special master and the record before the hearing committee or special master shall become a part of the record of the proceeding on file with the Executive Office [of the Secretary].

§ 89.174. Service of report.

The [Office of the Secretary] Board Prothonotary shall serve copies of the report of the hearing committee or special master upon the respondent-attorney and staff counsel.

ABBREVIATED PROCEDURE

§ 89.181. Abbreviated procedure.

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(c) *Procedures.*

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(7) If no timely objection is made no briefs shall be filed, no formal findings and recommendations shall be prepared by the hearing committee and the official reporter shall not prepare a transcript. The chair of the hearing committee shall, however, prepare and file a brief summary of the case, in the form of a letter to the Board, which summary ordinarily should not exceed two pages in length, and the record of the proceedings shall forthwith be transmitted to the [Office of the Secretary] Board Prothonotary which shall serve upon the respondent-attorney and staff counsel copies of the brief summary of the case filed by the chair of the hearing committee.

* * * * *

(9) Where the proceeding is disposed of as provided by Paragraph (8)(i), (ii), or (iii), the official reporter shall preserve the untranscribed notes or recording of testimony in the manner and for the duration specified by the Executive Office [of the Secretary].

Subchapter D. ACTION BY BOARD AND SUPREME COURT

§ 89.201. Review by Board.

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(f) *Participation by reviewing members.* Enforcement Rule 208(d)(1) provides that members of the Board who have participated on a review panel under § 87.33 (relating to appeal by Office of Disciplinary Counsel for modification of recommendation) or § 87.34 (relating to review of recommendation of private reprimand or public reprimand) shall not participate in further consideration of the same matter or decision thereof on the merits under this section. A Board member who pursuant to § 89.32(b) (relating to withdrawal of petition for discipline) denied an application for leave to withdraw a petition for discipline shall not participate in the consideration of or decision on the merits of that matter.

§ 89.202. Content and form of briefs on exceptions.

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(d) *Copies.* Three copies of each brief shall be filed with the [**Office of the Secretary**] **Board Prothonotary** in addition to the copies served on the participants in the proceedings.

§ 89.204. **Dismissal of proceeding.**

Enforcement Rule 208(d)(2)(i) provides that in the event that the Board determines that a proceeding should be dismissed, it shall so notify the respondent-attorney. In such event the **Executive Office [of the Secretary]** shall notify the respondent-attorney and staff counsel by means of Form DB-11 (Notice of Dismissal of Formal Proceedings).

§ 89.205. **Informal admonition, private reprimand or public reprimand following formal hearing.**

(a) *General rule.* Enforcement Rule 208(d)(2)(ii) provides that in the event that the Board determines that the proceeding should be concluded by informal admonition, private reprimand, or public reprimand, the Board shall arrange to have the respondent-attorney appear in person before Disciplinary Counsel for the purpose of receiving informal admonition or before a designated panel of three members selected by the Board Chair pursuant to [**Pa.R.D.E**] **Enforcement Rule** 205(c)(11) for the purpose of receiving private reprimand or public reprimand, in which case the designated member shall deliver the private reprimand or public reprimand.

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(c) *Notice to appear.*

(1) In the event that the Board determines that the proceeding should be concluded by public reprimand, the **Executive Office [of the Secretary]** shall notify the respondent-attorney and staff counsel by means of Form DB-12.2 (FP) (Notice to Appear for Public Reprimand Following Formal Proceedings) which shall state that Enforcement Rule 203(b)(2) and (c) expressly provides that willful failure to appear before the Board for public reprimand shall be an independent ground for discipline and that the Board is a “tribunal” within the meaning of the Disciplinary Rules (see, e.g., Rules 3.3, 3.4(c), and 3.5).

(2) In the event that the Board determines that the proceeding should be concluded by private reprimand, the **Executive Office [of the Secretary]** shall notify the respondent-attorney and staff counsel by means of Form DB-12(FP) (Notice to Appear for Private Reprimand Following Formal Proceedings) which shall state that Enforcement Rule 203(b)(2) and (c) expressly provides that willful failure to appear before the Board for private reprimand shall be an independent ground for discipline and that the Board is a “tribunal” within the meaning of the Disciplinary Rules (see, e.g. Rules 3.3, 3.4(c), and 3.5).

* * * * *

(e) *Failure to appear.* The neglect or refusal of the respondent-attorney to appear before Disciplinary Counsel for the purposes of informal admonition without good cause shall automatically convert the decision of the Board on informal admonition into one for private reprimand. The neglect or refusal of the respondent-attorney to appear before the Board for the purposes of private or public reprimand without good cause shall automatically convert the decision of the Board on private or public reprimand into a recommendation to the Supreme Court for censure, and the **Executive Office**

[**of the Secretary**] shall notify the respondent-attorney[,] and the Office of Disciplinary Counsel accordingly.

* * * * *

§ 89.206. **Transmission of record to Supreme Court.**

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(b) *Procedure.* The Board [**Chair**] **Prothonotary** shall file the record, the briefs on exceptions and the briefs opposing exceptions, if any, and the finding and recommendations of the Board with the Supreme Court by means of Form DB-13 (Request for Supreme Court Action) and an appropriate letter of transmittal. Copies of such finding and recommendations and letter of transmittal shall be served by the [**Office of the Secretary**] **Board Prothonotary** upon the participants.

Subchapter E. REOPENING OF RECORD

§ 89.251. **Reopening on application of party.**

(a) *Petition to reopen.* At any time after the conclusion of a hearing in a proceeding or adjournment thereof *sine die*, any participant in the proceeding may file with the hearing committee or special master, if before issuance by the hearing committee or special master of the report to the Board required by § 89.171 (relating to filing of report), otherwise with the [**Office of the Secretary**] **Board Prothonotary**, a petition to reopen the proceeding for the purpose of taking additional evidence. Such petition shall set forth clearly the facts claimed to constitute grounds requiring reopening of the proceedings, including material changes of fact or of law alleged to have occurred since the conclusion of the hearing.

(b) *Responses.* Within ten days following the service of such petition, any other participant may file with the hearing committee, special master or the [**Office of the Secretary**] **Board Prothonotary**, an answer thereto, and in default thereof shall be deemed to have waived any objection to the granting of such petition.

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Subchapter F. REINSTATEMENT AND RESUMPTION OF PRACTICE

REINSTATEMENT OF FORMERLY ADMITTED ATTORNEYS

§ 89.273. **Procedures for reinstatement.**

(a) Enforcement Rule 218(c) provides that the procedure for petitioning for reinstatement from suspension for a period exceeding one year or disbarment is as follows:

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(2) Within 60 days after the filing of a petition for reinstatement, Disciplinary Counsel shall file a response thereto with the Board and serve a copy on the formerly admitted attorney. Upon receipt of the response, the Board shall refer the petition and response to a hearing committee appointed by the [**Office of the Secretary**] **Board Prothonotary** pursuant to § 93.81(c) (relating to hearing committee) in the disciplinary district in which the formerly admitted attorney maintained an office at the time of the disbarment or suspension. If any other formal disciplinary proceedings are then pending or have been authorized against the formerly admitted attorney, the reinstatement and disciplinary matters may be heard by the same hearing committee. In such case the

combined hearing shall be held not later than 45 days after receipt by the Board of the response to the petition for reinstatement.

Official Note: If Disciplinary Counsel objects to reinstatement of the formerly admitted attorney, the response to the petition for reinstatement should explain in reasonable detail the reasons for the objection.

* * * * *

(4) At conclusion of the hearing, the hearing committee shall promptly file a report containing its findings and recommendations and transmit same [, together with the record,] to the Board.

(5) The Board shall review the report of the hearing committee and the record and shall promptly file its own findings and recommendations, together with the briefs, if any, before the Board along with the entire record, [and a statement of the Secretary of any expenses taxable under § 93.111 (relating to determination of reimbursable expenses),] with the Supreme Court. See § 89.208 (relating to participation by the Board before the Supreme Court).

* * * * *

(b) Enforcement Rule 218(d) provides that the procedure for petitioning for reinstatement from retired status for more than three years; inactive status for more than three years; administrative suspension for more than three years, retired status, inactive status or administrative suspension if the formerly admitted attorney has not been on active status at any time within the past three years; or after transfer to inactive status as a result of the sale of a law practice pursuant to Rule 1.17 of the Pennsylvania Rules of Professional Conduct, is as follows:

(1) Petitions for reinstatement shall be filed with the Board.

(2) Within 60 days after the filing of a petition for reinstatement, Disciplinary Counsel shall either:

(i) file a response thereto with the Board and serve a copy on the formerly admitted attorney; or

(ii) file a certification with the Board [**Secretary**] **Prothonotary** stating that after a review of the petition for reinstatement and reasonably diligent inquiry, Disciplinary Counsel has determined that there is no impediment to reinstatement and that the petitioner-attorney will meet his or her burden of proof under subsection (3) if the petition were to proceed to hearing under (4).

Official Note: If Disciplinary Counsel objects to reinstatement of the formerly admitted attorney under (b)(2)(i), the response to the petition for reinstatement should explain in reasonable detail the reasons for the objection.

* * * * *

(6) Upon receipt of a certification filed by Disciplinary Counsel under paragraph (b)(2)(ii) of this section, the Board Chair shall designate a single member of the Board to review the record and certification and to issue a report and recommendation.

(i) If the Board Member decides that reinstatement should be denied or that a hearing on the petition is warranted, the designated Board Member shall issue a report setting forth the areas of the designated Board Member's concern and direct [**the Board Secretary**

schedule] **that** the matter **be scheduled** for hearing pursuant to paragraph (b)(4) of this section.

(7) Upon receipt of a report and recommendation for an order of reinstatement, the Court may enter an order reinstating the formerly admitted attorney to active status; the Chief Justice may delegate the processing and entry of orders under this paragraph (b)(7) to the **Court Prothonotary**.

* * * * *

§ 89.274. Notice of reinstatement proceedings.

(a) *General rule.* The **Executive** Office [**of the Secretary**] shall forward a copy of the petition for reinstatement and Form DB-30 (Reference for Reinstatement Hearing) to:

(1) The Office of Disciplinary Counsel [.];

(2) The president judge of the court of common pleas of the judicial district in which the formerly admitted attorney practiced [.];

(3) The chief judge of the United States district court for the district in which such attorney practiced [.];

(4) The executive director of the bar association of the county in which such attorney practiced [.];

(5) The Executive Director of the Pennsylvania Bar Association [.]; **and**

(6) The Executive Director of the Lawyers Fund for Client Security.

(b) *Publication of notice.* The **Executive** Office [**of the Secretary**] shall cause a notice to be published in the legal journal and a newspaper of general circulation in the county in which the formerly admitted attorney practiced and in each county in Pennsylvania in which the formerly admitted attorney has resided since being disbarred or suspended for disciplinary reasons. The notice shall state and be confined to:

(1) The name of such formerly admitted attorney.

(2) That on or after a specified date (to be set forth in the notice) a hearing committee of the Board will consider a petition for reinstatement filed by such person.

(3) The address of the district office of the Office of Disciplinary Counsel that is handling the reinstatement proceeding.

§ 89.275. Completion of questionnaire by petitioner-attorney.

(a) *General rule.* If the petition for reinstatement does not have attached thereto a fully completed Form DB-36 (Reinstatement Questionnaire), the [**Office of the Secretary**] **Board Prothonotary** shall forward to the formerly admitted attorney four copies of Form DB-36 which shall require such attorney to set forth fully and accurately the following information and such other information as the Office of Disciplinary Counsel may require:

* * * * *

§ 89.277. Abbreviated reinstatement procedure.

* * * * *

(c) *Procedures.*

* * * * *

(5) If no timely objection is made no briefs shall be filed, no formal findings and recommendations shall be prepared by the hearing committee member and the official reporter shall not prepare a transcript. The hearing committee member shall, however, prepare and file a brief summary of the case, in the form of a letter to the Board, which summary ordinarily should not exceed two pages in length, and the record of the proceedings shall forthwith be transmitted to the [**Office of the Secretary**] **Board Prothonotary** which shall serve upon the formerly admitted attorney and staff counsel copies of the brief summary of the case filed by the hearing committee member.

* * * * *

(7) Where the proceeding is disposed of as provided by Paragraph (6)(i) of this subsection, the official reporter shall preserve the untranscribed notes or recording of testimony in the manner and for the duration specified by the **Executive Office [of the Secretary]**.

§ 89.279. Evidence of competency and learning in law.

(a) *General rule.* Except as provided in subsection (b), in order to permit the Board to determine under Enforcement Rule 218 (relating to reinstatement) whether a formerly admitted attorney who has been disbarred or suspended for more than one year or who has been on administrative suspension, retired status or inactive status for more than three years possesses the competency and learning in the law required for reinstatement to practice in this Commonwealth, such a formerly admitted attorney shall within one year preceding the filing of the petition for reinstatement take courses meeting the requirements of the current schedule published by the **Executive Office [of the Secretary]** under subsection (c).

* * * * *

(c) *Publication of schedule.* The **Executive Office [of the Secretary]** shall publish in the *Pennsylvania Bulletin* a schedule of the minimum amount, type and subjects of continuing legal education courses that will satisfy the requirements of subsection (a).

* * * * *

§ 89.280. Notice of reinstatement.

* * * * *

(b) *Transmission of notice to local president judge.* Enforcement Rule 218(j) provides that the Board when appropriate shall promptly transmit to the president judge of the court of common pleas in the judicial district in which the formerly admitted attorney practiced a copy of:

(1) the certification filed with the **Court Prothonotary [of the Supreme Court]** under § 93.145(a)(2) (relating to reinstatement of an attorney who has been administratively suspended for three years or less) or § 93.112(c) (relating to failure to pay taxed expenses); or

(2) any other order of reinstatement entered under these rules.

Subchapter G. PROBATION

§ 89.292. Violation of probation.

Enforcement Rule 208(h) provides that:

(1) Where it appears that a respondent-attorney who has been placed on probation has violated the terms of the probation, [**the Office of**] Disciplinary Counsel may file a petition with the Board detailing the violation and suggesting appropriate modification of the order imposing the probation, including without limitation immediate suspension of the respondent-attorney.

* * * * *

§ 89.293. Substance abuse probation.

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(c) *Sobriety monitor.* In addition to the conditions required by § 89.291(c) (relating to conditions), an order placing a respondent-attorney on probation in cases of alcohol or drug abuse shall appoint a sobriety monitor. The sobriety monitor shall be an attorney admitted to practice law in this Commonwealth, in good standing, and designated by the Drug and Alcohol Committee of the Pennsylvania Bar Association. The sobriety monitor shall:

(1) monitor the compliance by the respondent-attorney with the terms and conditions of the order imposing probation;

(2) assist the respondent-attorney in arranging any necessary professional or substance abuse treatment;

(3) meet with the respondent-attorney at least twice a month, and maintain weekly telephone contact with the respondent-attorney;

(4) maintain direct contact with the Alcoholics Anonymous or Narcotics Anonymous sponsor of the respondent-attorney if the respondent-attorney participates in either of those programs;

(5) file with the [**Secretary of the**] **Board Prothonotary** quarterly written reports; and

(6) immediately report to the [**Secretary of the**] **Board Prothonotary** any violations by the respondent-attorney of the terms and conditions of the probation.

* * * * *

(f) *Violation of probation.* The [**Secretary of the**] **Board Prothonotary** shall immediately forward any report by a sobriety monitor under subsection (c)(6) of a violation of the terms and conditions of probation by a respondent-attorney to the Office of Disciplinary Counsel who shall then proceed in accordance with § 89.292 (relating to violation of probation).

CHAPTER 91. MISCELLANEOUS MATTERS

Subchapter A. SERVICE, SUBPOENAS, DEPOSITIONS AND RELATED MATTERS IN GENERAL

§ 91.2. Subpoenas and investigations.

* * * * *

(b) *Procedure.* Enforcement Rule 213(b) provides that subpoenas shall be obtained by filing with the **Court Prothonotary** in the district of the Supreme Court where the subpoena is to be returnable a statement calling for the issuance of the subpoena (Form DB-14) (Request for Issuance of Subpoena); that on the same day that such statement is filed with the **Court Prothonotary**, the party seeking the subpoena shall send by certified mail a copy

of such statement to either Disciplinary Counsel or the respondent-attorney, as the case may be; that upon the filing of Form DB-14, the Court Prothonotary shall forthwith issue a subpoena (Form DB-15) (Subpoena/Subpoena Duces Tecum) and it shall be served in the regular way; and that a subpoena issued pursuant to subsection (a)(2) shall not be returnable until at least ten days after the date of its issuance.

(c) *Investigatory hearing committee.* On application by the Office of Disciplinary Counsel or of a respondent-attorney, where no petition for discipline has yet been filed under these rules, the Executive Office [of the Secretary] shall appoint an investigatory hearing committee for the purpose of conducting an investigatory hearing under subsection (a)(1).

* * * * *

§ 91.3. Determination of validity of subpoena.

(a) *In general.* Enforcement Rule 213(d) provides that any attack on the validity of a subpoena issued under these rules shall be handled as follows:

(1) A challenge to a subpoena authorized by § 91.2(a)(1) (relating to subpoenas and investigations) shall be heard and determined by the hearing committee or special master before whom the subpoena is returnable in accordance with the procedure established by the Board in subsection (b).

(2) A challenge to a subpoena authorized by § 91.2(a)(2) shall be heard and determined by a senior or experienced member of a hearing committee in the disciplinary district in which the subpoena is returnable in accordance with the procedure established by the Board in subsection (b).

* * * * *

(b) *Procedure.*

(1) A motion attacking a subpoena must be filed with the [Office of the Secretary] Board Prothonotary within ten days after service of the subpoena. A copy of the motion must be served on the other party to the investigation or proceeding. If a motion attacking a subpoena is filed by a third party to the investigation or proceeding who has been served with a subpoena, a copy of the motion must be served on Disciplinary Counsel and the respondent-attorney.

(2) Any answer to the motion must be filed with the [Office of the Secretary] Board Prothonotary within five business days after receipt of the motion served by the other party under paragraph (1).

(3) The [Office of the Secretary] Board Prothonotary must transmit the motion and any answer to the person designated in paragraphs (a)(1) or (2) to hear the motion, who must schedule a hearing on the motion within ten business days after the date by which an answer must be filed. A report with findings of fact and conclusions of law must be filed with the [Office of the Secretary] Board Prothonotary within ten business days after the conclusion of the hearing.

DEPOSITIONS

§ 91.15. Oath and reduction to writing.

* * * * *

(b) *Transmission.* Unless otherwise directed in the Form DB-17 (Authorization to take Deposition), after the deposition has been certified, it shall, together with the

number of copies specified in the authorization, the copies being made by, or under the direction of, such notarial officer, be forwarded by such notarial officer in a sealed envelope addressed to the Executive Office [of the Secretary] at the address set forth in § 85.6 (relating to location of Executive Office [of Secretary]), with sufficient stamps for postage affixed. Upon receipt thereof, the [Office of the Secretary] Board Prothonotary shall file the original in the proceeding and shall forward a copy to each participant and to each member of the hearing committee or the special master conducting the proceeding.

Subchapter B. ATTORNEYS CONVICTED OF CRIMES

§ 91.34. Temporary suspension upon conviction of a crime.

* * * * *

(e) *Dissolution or modification of temporary suspension.* Enforcement Rule 214(d)(4) provides that:

(1) the respondent-attorney may at any time petition the Court for dissolution or amendment of an order of temporary suspension;

(2) a copy of the petition shall be served upon Disciplinary Counsel and the [Secretary of the] Board Prothonotary (see § 89.27 (relating to service upon Disciplinary Counsel));

(3) a hearing on the petition before a member of the Board designated by the Chair of the Board shall be held within ten business days after service of the petition on the [Secretary of the] Board Prothonotary;

* * * * *

§ 91.35. Institution of formal proceedings upon conviction of a crime.

* * * * *

(b) *Accelerated disposition.* Enforcement Rule 214(f)(2) provides that:

(1) notwithstanding the provision of subsection (a) that a hearing shall not be held until sentencing and all appeals from a conviction have been concluded, a respondent-attorney who has been temporarily suspended pursuant to § 91.34 shall have the right to request an accelerated disposition of the charges which form the basis for the temporary suspension by filing a notice with the [Secretary of the] Board Prothonotary and Disciplinary Counsel requesting accelerated disposition;

* * * * *

Subchapter C. RECIPROCAL DISCIPLINE AND DISABILITY

§ 91.51. Reciprocal discipline [and disability].

Enforcement Rule 216 provides as follows:

(1) Upon receipt of a certified copy of a final adjudication of any court or any body authorized by law or by rule of court to conduct disciplinary proceedings against attorneys by any state or territory of the United States or of the District of Columbia, a United States court, or a federal administrative agency or a military tribunal demonstrating that an attorney admitted to practice in this Commonwealth has been disciplined by suspension, disbarment, revocation of license or pro hac vice admission, or has resigned from the bar or otherwise relinquished his or her license to practice while under

disciplinary investigation in another jurisdiction or has been transferred to disability inactive status, the Supreme Court shall forthwith issue a notice (Form DB-19) (Notice of Reciprocal Discipline) directed to the respondent-attorney containing:

(i) A copy of the final adjudication described in subdivision (1).

(ii) An order directing that the respondent-attorney inform the Court within 30 days from service of the notice, of any claim by the respondent-attorney that the imposition of the identical or comparable discipline or disability inactive status in the Commonwealth would be unwarranted, and the reasons [**therefor**] **therefore**. The **Executive Office [of the Secretary]** shall cause this notice to be served upon the respondent-attorney by mailing it to the address furnished by the respondent-attorney in the last registration statement filed by such person in accordance with § 93.142(b) (relating to filing of annual fee form by attorneys) or, in the case of a foreign legal consultant, by serving it pursuant to the designation filed by the foreign legal consultant under Pennsylvania Bar Admission Rule 341(b)(8) (relating to licensing of foreign legal consultants).

* * * * *

(5) An attorney who has been transferred to disability inactive status or disciplined in another court or by any body authorized by law or by rule of court to conduct disciplinary proceedings against attorneys by any state or territory of the United States or of the District of Columbia, a United States court, or by a federal administrative agency or a military tribunal, by suspension, disbarment, or revocation of license or pro hac vice admission, or who has resigned from the bar or otherwise relinquished his or her license to practice while under disciplinary investigation in another jurisdiction, shall report the fact of such transfer, suspension, disbarment, revocation or resignation to the [**Secretary of the Board**] **Executive Office** within 20 days after the date of the order, judgment or directive imposing or confirming the discipline or transfer to disability inactive status.

Subchapter D. DISABILITY

§ 91.75. Effect of raising defense of disability in formal proceedings.

(a) *General rule.* Enforcement Rule 301(e) provides that if, during the course of a disciplinary proceeding, the respondent contends that the respondent is suffering from a disability by reason of mental or physical infirmity or illness, or because of addiction to drugs or intoxicants, which make it impossible for the respondent to prepare an adequate defense, the respondent shall complete and file with the Court a certificate of admission of disability. The certificate shall:

* * * * *

Upon receipt of the certificate, the Supreme Court thereupon shall enter an order immediately transferring the respondent to inactive status until a determination is made of the capacity of the respondent to aid effectively in the preparation of a defense or to continue to practice law in a proceeding instituted in accordance with the provisions of § 91.74 (relating to petition by Board for determination of professional competency), unless the Court finds that the certificate does not comply with the requirements of Enforcement Rule 301(e), in which case the Court may deny the request for transfer to disability inactive status or enter any other appropriate order.

Before or after the entry of the order transferring the respondent to inactive status under Enforcement Rule 301(e), the Court may, upon application by [**disciplinary counsel**] **Disciplinary Counsel** and for good cause shown, take or direct such action as the Court deems necessary or proper to a determination of whether it is impossible for the respondent to prepare an adequate defense, including a direction for an examination of the respondent by such qualified medical experts as the Court shall designate. In its discretion, the Court may direct that the expense of such an examination shall be paid by the respondent.

* * * * *

(b) *Procedure.* Whenever a respondent makes a contention within the scope of subsection (a) of this section, the respondent shall complete and file a certificate thereof with the **Court Prothonotary [of the Supreme Court]** by means of Form DB-21 (Certificate of Admission of Disability by Attorney). [**The certificate shall be available to the bar through the Office of the Secretary to the Board.**] The respondent shall serve a copy of the certificate on the Board and [**disciplinary counsel**] **Disciplinary Counsel**.

§ 91.76. Publication of notice of transfer to inactive status.

Enforcement Rule 301(f) provides that the Board shall cause a notice of transfer to inactive status (Form DB-22) (Notice of Transfer to Inactive Status upon Disability) to be published in the legal journal and a newspaper of general circulation in the county in which the disabled attorney practiced. If there is no such legal journal, the notice shall be published in the legal journal of an adjoining county. Such notice shall be published by the **Executive Office [of the Secretary]** within 20 days after the transfer to inactive status becomes effective and shall be furnished to such courts as may be appropriate.

Subchapter E. FORMERLY ADMITTED ATTORNEYS

§ 91.91. Notification of clients in nonlitigation matters.

* * * * *

(b) *Copies of notices and proofs of receipt.* At the time of the filing of the verified statement of compliance required by § 91.96 of this Subchapter E, the formerly admitted attorney shall file copies of the notices required by this section and proofs of receipt with the [**Secretary of the**] Board **Prothonotary** and shall serve a conforming copy on [**the Office of**] **Disciplinary Counsel**.

§ 91.92. Notification of clients in litigation matters.

* * * * *

(b) *Copies of notices and proofs of receipt.* At the time of the filing of the verified statement of compliance required by § 91.96 of this Subchapter E, the formerly admitted attorney shall file copies of the notices required by this section and proofs of receipt with the [**Secretary of the**] Board **Prothonotary** and shall serve a conforming copy on [**the Office of**] **Disciplinary Counsel**.

§ 91.93. Notification of other persons.

* * * * *

(c) Copies of notices and proofs of receipt. Enforcement Rule 217(c) further provides that at the time of the filing of the verified statement of compliance required by § 91.96 of this Subchapter E, the formerly admitted attorney shall file copies of the notices required by this section and proofs of receipt with the [Secretary of the] Board Prothonotary and shall serve a conforming copy on [the Office of] Disciplinary Counsel.

* * * * *

§ 91.96. Proof of compliance.

(a) General rule. Enforcement Rule 217(e)(1) provides that within ten days after the effective date of the disbarment, suspension, administrative suspension or transfer to inactive status order, the formerly admitted attorney shall file with the [Secretary of the] Board Prothonotary a verified statement (Form DB-25) (Statement of Compliance) and serve a copy on Disciplinary Counsel. In the verified statement, the formerly admitted attorney shall:

* * * * *

(4) in cases of disbarment or suspension for a period exceeding one year, aver that he or she has attached his or her attorney registration certificate for the current year, certificate of admission, any certificate of good standing issued by the Court Prothonotary, and any other certificate required by subdivision (h) of Enforcement Rule 217 to be surrendered; or, in the alternative, aver that he or she has attached all such documents within his or her possession, or that he or she is not in possession of any of the certificates required to be surrendered;

* * * * *

(7) aver that he or she has served a copy of the verified statement and its attachments on [the Office of] Disciplinary Counsel;

* * * * *

§ 91.100. Indicia of licensure.

Enforcement Rule 217(h) provides that within ten days after the effective date of an order of disbarment or suspension for a period longer than one year, the formerly admitted attorney shall surrender to the Board the certificate issued by the Attorney Registration Office under § 93.143 (relating to issue of certificate as evidence of compliance) for the current year, along with any certificate of good standing issued under Pennsylvania Bar Admission Rule 201(d) (relating to certification of good standing), certificate of admission issued under Pennsylvania Bar Admission Rule 231(d)(3) (relating to action by Court Prothonotary), certificate of licensure issued under Pennsylvania Bar Admission Rule 341(e)(3) (relating to motion for licensure), Limited In-House Corporate Counsel License issued under Pennsylvania Bar Admission Rule 302 (relating to limited in-house corporate counsel license) or limited certificate of admission issued under Pennsylvania Bar Admission Rule 303 (relating to limited admission of military attorneys). The Board may destroy the annual certificate issued under § 93.143, but shall retain any other documents surrendered under this subdivision and shall return those documents to the formerly admitted attorney in the event that he or she is subsequently reinstated.

Subchapter G. EMERGENCY PROCEEDINGS

§ 91.151. Emergency temporary suspension orders and related relief.

* * * * *

(b) Order of temporary suspension. Enforcement Rule 208(f)(2) provides that if a rule to show cause has been issued under subsection (a) of this section, and the period for response has passed without a response having been filed, or after consideration of any response, the Court may enter an order requiring temporary suspension of the practice of law by the respondent-attorney pending further definitive action under the Enforcement Rules.

(1) Where the Court enters an order under Enforcement Rule 208(f)(1)(ii), the Board shall promptly transmit a certified copy of the order to the president judge, whose jurisdiction and authority under this rule shall extend to all client matters of the respondent-attorney.

(2) Where the Court enters an order under Enforcement Rule 208(f)(1)(i) or (ii) before the issuance of a rule or before the entry of an order of temporary suspension under paragraph (f)(2), the Court Prothonotary shall serve a certified copy of the Court's order on the respondent-attorney by regular mail addressed to the address furnished by the respondent-attorney in the last registration statement filed by the respondent-attorney and to an address where the respondent-attorney is located if that address is known.

* * * * *

(d) Dissolution or amendment. Enforcement Rule 208(f)(4) provides that:

(1) the respondent-attorney may at any time petition the Court for dissolution or amendment of an order of temporary suspension;

(2) a copy of the petition shall be served upon Disciplinary Counsel and the [Secretary of the] Board Prothonotary (see § 89.27 (relating to service upon Disciplinary Counsel));

(3) a hearing on the petition before a member of the Board designated by the Chair of the Board shall be held within ten business days after service of the petition on the [Secretary of the] Board Prothonotary;

* * * * *

(f) Request for accelerated disposition. Enforcement Rule 208(f)(6) provides that:

(1) a respondent-attorney who has been temporarily suspended pursuant to this section for conduct described in subsection (a), or pursuant to the procedures of subsection (e) where a formal proceeding has not yet been commenced, shall have the right to request an accelerated disposition of the charges which form the basis for the temporary suspension by filing a notice with the [Secretary of the] Board Prothonotary and Disciplinary Counsel requesting accelerated disposition;

* * * * *

CHAPTER 93. ORGANIZATION AND ADMINISTRATION

Subchapter A. PRELIMINARY PROVISIONS

§ 93.3. Statements "under penalty."

Any form prepared by the Administrative Office, the Executive Office [of the Secretary] or the Office of Disciplinary Counsel for use under these rules, and which is intended to elicit facts upon the basis of which a public

officer or employee performs in an official capacity, may pursuant to 18 Pa.C.S. § 4904(b) (relating to statements “under penalty”) contain a statement to the effect that false statements made therein are punishable.

Subchapter B. THE DISCIPLINARY BOARD

§ 93.23. Powers and duties.

(a) *General rule.* Enforcement Rule 205(c) provides that the Board shall have the power and duty:

(1) To consider the conduct of any person subject to the Enforcement Rules after investigation by Disciplinary Counsel pursuant to Enforcement Rule 207(b)(1). Complaints filed directly with the Board shall be forwarded to [**the Office of**] Chief Disciplinary Counsel for assignment to a district office.

Official Note: In order to avoid the commingling of prosecutorial and adjudicative functions, which would be a violation of due process, *see Lyness v. Com. of Pa., State Board of Medicine*, 529 Pa. 535, 605 A.2d 1204 (1992), the Office of Disciplinary Counsel is charged with the duty of investigating and prosecuting all disciplinary matters subject to adjudication by the Board. *See* Enforcement Rule 208(a)(1), (a)(2)(iv). Under Enforcement Rule 208(d)(1), Board Members appointed in a matter to review Disciplinary Counsel’s charging decisions or recommended disposition are precluded from further participation in that matter.

(2) To appoint [**a Secretary**] **an Executive Director**, a Chief Disciplinary Counsel, **Legal Counsel** and such [**assistant disciplinary counsel and**] staff as may from time to time be required to properly perform the functions prescribed in the Enforcement Rules.

(3) To appoint not less than 18 hearing committee members within each disciplinary district.

(4) To assign [**as**] special masters [**three or more former members of the Board or former or retired justices or judges who are not in senior judge status**] **pursuant to Enforcement Rule 206(d).**

(5) To assign formal charges or the conduct of an investigatory hearing to a hearing committee or special master, and to assign a reinstatement petition to a hearing committee. [**The assignment to a hearing committee of formal charges or the conduct of an investigatory hearing or a reinstatement petition may be delegated by the Board to its Secretary.**]

(6) To review the conclusions of hearing committees and special masters with respect to formal charges or petitions for reinstatement, and to prepare and forward its own findings and recommendations, together with the record of the proceeding before the hearing committee or special master, to the Supreme Court.

(7) To assign [**periodically, through its Secretary, senior or experienced hearing committee members within each disciplinary district to**]:

(i) **hearing committee members** to review and approve or modify recommendations by Disciplinary Counsel for dismissals, informal admonitions, private reprimands, public reprimands and institution of formal charges;

(ii) **senior or experienced hearing committee members** to hear and determine attacks on the validity of subpoenas issued pursuant to § 91.2 (relating to subpoenas and investigations), as provided in § 91.3(a)(2) (relating to determination of validity of subpoenas); or

(iii) **senior or experienced hearing committee members** to consider a petition for reinstatement to active status from retired or inactive status, or administrative suspension, under § 89.273(b) (relating to procedures for reinstatement).

* * * * *

§ 93.24. Officers.

[(a)] *Chair and Vice Chair.* Enforcement Rule 205(a) provides that the Supreme Court shall designate the Board Chair and the Board Vice Chair. In case of the vacancy in office, absence, disability or other unavailability of the Board Chair, the Board Vice Chair shall exercise the powers and perform the duties of the Board Chair.

[(b)] *Secretary.* **The Secretary need not be a member of the Board and shall hold office at the pleasure of the Board.**]

§ 93.26. Meetings of the Board.

(a) *Call and notice.* Meetings shall be held upon the call in writing of the Chair or of any two members of the Board at any place designated in the call or at any other place designated for such purpose by resolution of the Board or in the absence of such resolution as designated by the Chair. Notice of special meetings shall be given in person or by telephone [**or telegraph**], **mail**, or **electronic mail** to each member of the Board (at the address furnished to the **Executive** Office [**of the Secretary**] for that purpose) at least 24 hours prior to the time fixed for the special meeting. Notice of a special meeting may be waived in writing and shall be waived by attendance at the meeting.

(b) *Organization.* The Chair shall preside at meetings of the Board. In the absence of the Chair one of the following persons in the order stated shall preside:

(1) The Vice Chair.

(2) An acting chair selected by the Board for such purpose.

§ 93.28. Agenda.

An agenda for each meeting of the Board shall be prepared by the **Executive** Office [**of the Secretary**] with the approval of the Chair.

Subchapter C. EXECUTIVE OFFICE [OF THE SECRETARY]

§ 93.51. **Executive** Office [**of the Secretary**].

There shall be an **Executive** Office [**of the Secretary**], which shall be the office of the [**Secretary of the Board**] **Executive Director, Legal Counsel, Board Prothonotary, Attorney Registration**, and all other staff of the Board who are not assigned to the Office of Disciplinary Counsel, and shall be maintained at the location specified in § 85.6 (relating to location of **Executive** Office [**of the Secretary**]). [**It**] **Non-legal staff** shall be supervised by the [**Secretary of the Board**] **Executive Director** who shall, either personally, by deputy, or by other duly authorized staff of the Board, or by duly authorized agent, exercise the powers and perform the duties vested in and imposed upon the **Executive** Office [**of the Secretary**] by these rules.

§ 93.52. Communications and filings generally.

(a) *General rule.* Except as otherwise provided in this section, all **pleadings shall be addressed to the Board**

Prothonotary. All other communications[,] and submittals[, and pleadings] should be addressed to the Board at the **Executive Office [of the Secretary]** unless otherwise specially directed. All communication and filings should clearly designate the docket number, or similar identifying symbols, if any, employed by the Board, and should set forth a short title. All communications shall include the address of the person communicating, the party such person represents, and how response should be sent to such person if not by first class mail.

(b) *Pleadings.* All pleadings and other documents filed pursuant to any provision of Chapter 89 (relating to formal proceedings) shall comply with the applicable provisions of such Chapter.

(c) *Incomplete documents.* In any proceeding when upon inspection the **Board Prothonotary or Executive Office [of the Secretary]** is of the opinion that a submittal or pleading tendered for filing does not comply with this Subpart such Office may decline to accept the document for filing and may return it unfiled, or such Office may accept it for filing and advise the person tendering it of the deficiency and require that the deficiency be corrected.

(d) *Disposition of complaints.*

(1) Except as otherwise provided in this subsection all complaints received by the **Executive Office [of the Secretary]** against attorneys shall be transmitted forthwith to the Office of Disciplinary Counsel. Thereafter correspondence concerning the complaint, the investigation thereof, and informal proceedings relating thereto should be addressed to the Office of Disciplinary Counsel.

(2) Complaints received by the **Executive Office [of the Secretary]** against Disciplinary Counsel involving alleged violations of the Disciplinary Rules or the Enforcement Rules shall be submitted directly to the Board and assigned to a reviewing member of the Board for disposition, as provided by Enforcement Rule 209(b).

(3) Complaints received by the **Executive Office [of the Secretary]** or the Office of Disciplinary Counsel against members of the Board involving alleged violations of Chapter 81 (relating to rules of professional conduct) or the Enforcement Rules shall, as provided by Enforcement Rule 209(b), be handled in the same manner as other complaints, except that if action is required by the Board, the **[Secretary] Executive Office** shall notify the Supreme Court which shall appoint an Ad Hoc Disciplinary Board comprised of five former members of the Board who shall discharge the functions of the Board and have all the powers of the Board with respect to that one matter only.

§ 93.53. Dockets.

(a) *General rule.* The **Executive Office [of the Secretary]** shall maintain such dockets of matters considered by the Board as may be directed by the Board.

* * * * *

§ 93.54. Powers and duties of Executive Office [of the Secretary].

The **Executive Office [of the Secretary]** shall have the power and duty:

* * * * *

(3) To exercise the powers and perform the duties expressly vested in the **[Secretary or the Office of the Secretary] Executive Office** by these rules.

Subchapter D. OFFICE OF DISCIPLINARY COUNSEL

§ 93.61. Office of Disciplinary Counsel.

(a) *General rule.* There shall be an Office of Disciplinary Counsel, which shall be the office of the Chief Disciplinary Counsel and the following staff of the Board:

(1) **[Assistant disciplinary counsel.] Disciplinary Counsel;**

(2) **Investigators[.]; and**

(3) Such other staff of the Board as may be designated by the Board Chair.

(b) *Powers and duties.* The Office of Disciplinary Counsel shall be supervised by the Chief Disciplinary Counsel who shall, either personally, by **[assistant disciplinary counsel] Disciplinary Counsel**, or by other duly authorized staff of the Board, or by duly authorized agent, exercise the powers and perform the duties vested in and imposed upon the Office of Disciplinary Counsel by these rules.

(c) *Location.* The principal office and district offices of the Office of Disciplinary Counsel shall be maintained at the locations specified in § 85.5 (relating to location of Office of Disciplinary Counsel).

§ 93.63. Powers and duties of Office of Disciplinary Counsel.

(a) *General rule.* The Office of Disciplinary Counsel shall have the power and duty (pursuant to Enforcement Rule 207(b)):

(1) To investigate all matters involving alleged misconduct called to its attention whether by complaint or otherwise except, unless as otherwise directed by the Supreme Court or the Board, complaints against Disciplinary Counsel and members of the Board.

(2) To dispose of any matter that is governed by Enforcement Rules 214 (Attorneys convicted of crimes), 215 (Discipline on Consent), and 216 (Reciprocal discipline) in accordance with the substantive and procedural provisions of those rules, and to dispose of all other matters involving alleged misconduct by dismissal or (subject to review by a **[senior or experienced]** hearing committee member) by recommendation for informal admonition, private or public reprimand, or the prosecution of formal charges before a hearing committee or special master.

(3) To request the appointment of a special master, where appropriate, and to prosecute all disciplinary proceedings before hearing committees, the Board and the Supreme Court.

(4) To appear at hearings conducted with respect to petitions for reinstatement by formerly admitted attorneys, to cross-examine witnesses testifying in support of the petition and to marshal available evidence, if any, in opposition thereto.

(5) To maintain, through the **Executive Office [of the Secretary]**, permanent records of all matters processed by the Office of Disciplinary Counsel and the disposition thereof. This paragraph shall not be construed to require the permanent retention of correspondence, memoranda, transcripts and other similar documents which underlie

the final disposition of a matter by the Office of Disciplinary Counsel and such materials may be retained or disposed of by the Office of Disciplinary Counsel in its discretion.

* * * * *

Subchapter E. HEARING COMMITTEES AND SPECIAL MASTERS

HEARING COMMITTEES

§ 93.81. Hearing committees.

* * * * *

(c) *Terms.* Enforcement Rule 206(a) provides that when a hearing committee is required to handle a matter, the Board shall appoint a hearing committee consisting of three hearing committee members from the appropriate disciplinary district[; that at]. Under exigent circumstances, the Board has the discretion to appoint a hearing committee member or members from outside the appropriate disciplinary district, or to require that a matter be transferred to another disciplinary district. At least one of the members of the hearing committee shall be a senior hearing committee member, and another member shall be either a senior hearing committee member or an experienced hearing committee member; the terms of hearing committee members shall be three years; [that] no member shall serve for more than two consecutive three-year terms; [that] a hearing committee member who has served two consecutive three-year terms may be reappointed after the expiration of one year; and [that] the terms of members shall commence on July 1. A hearing committee member whose term has expired may continue to serve until the conclusion of any matter commenced before the member prior to the expiration of such term, if so requested in writing by the Executive Office [of the Secretary].

§ 93.83. Powers and duties.

(a) *General rule.* Enforcement Rule 206(b) provides that each hearing committee shall have the power and duty:

(1) To conduct investigatory hearings and hearings into formal charges of misconduct upon assignment by the [Board or the Secretary of the Board] Executive Office.

* * * * *

§ 93.87. Replacement of unavailable members.

Enforcement Rule 206(c) provides that if a member of a hearing committee becomes disqualified or otherwise unavailable to serve with respect to any particular matter, the [Secretary] Executive Office shall designate a replacement.

SPECIAL MASTERS

§ 93.91. Special masters.

(a) *Assignment.* Enforcement Rule 206(d) provides that a special master instead of a hearing committee may be assigned by the Board to conduct an investigatory hearing or formal proceeding[where it appears that the hearing or proceeding may be protracted and should be conducted continuously from day to day until conclusion].

(b) *Powers and duties.* Enforcement Rule 206(e) provides that a special master shall have the power and duty:

(1) To conduct investigatory hearings and hearings into formal charges of misconduct upon assignment by the Board.

(2) To submit his or her conclusions set forth as prescribed by these rules[, together with the record of the hearing into formal charges,] to the Board.

Subchapter F. CONFIDENTIALITY

§ 93.101. Complaints confidential.

Enforcement Rule 209(a) provides that complaints submitted to the Executive Office [of the Secretary] or to the Office of Disciplinary Counsel shall be confidential unless the matter results in the filing of formal charges.

§ 93.102. Access to disciplinary information and confidentiality.

(a) *General rule.* Enforcement Rule 402(a) provides that, except as provided in subsections (b) and (d) and [§§] § 93.104 (relating to access by judicial system agencies to confidential information) and § 93.108 (relating to restoration of confidentiality), all proceedings under these rules shall be open to the public after:

* * * * *

(g) *Requests for documents.* Requests for copies of documents relating to disciplinary proceedings that are available to the public under this subchapter must be in writing and directed to the Executive Office [of the Secretary]. A copying fee, which shall be the same as the copying fee charged to respondent-attorneys, must be prepaid at the time a request is made.

(h) *Transcripts and exhibits.* The Board will not make available to the public copies of transcripts or exhibits introduced as evidence in a proceeding.

Official Note: Nothing in this Rule shall preclude any individual from obtaining copies of transcripts or exhibits through the official reporter designated by the Executive Office [of the Secretary].

Subchapter G. FINANCIAL MATTERS

TAXATION OF COSTS

§ 93.111. Determination of reimbursable expenses.

* * * * *

(d) *Assessed Penalties on Unpaid Taxed Expenses and Administrative Fees.*

(1) Failure to pay taxed expenses within thirty days of the assessment becoming final in accordance with subdivisions (g)(1) and (g)(2) of Enforcement Rule 208 and/or failure to pay administrative fees assessed in accordance with subdivision (g)(4) of Enforcement Rule 208 within thirty days of notice transmitted to the respondent-attorney shall result in the assessment of a penalty, levied monthly at the rate of 0.8% of the unpaid principal balance, or such other rate as established by the Supreme Court of Pennsylvania, from time to time.

(2) Monthly penalties shall not be retroactively assessed against unpaid balances existing prior to the enactment of this rule; monthly penalties shall be assessed against these unpaid balances prospectively, starting 30 days after the effective date of the rule.

(3) The Disciplinary Board for good cause shown, may reduce the penalty or waive it in its entirety.

§ 93.112. Failure to pay taxed expenses.

* * * * *

(b) *Action by Supreme Court.* Enforcement Rule 219(g) provides that upon certification to the Supreme Court of the name of any attorney pursuant to paragraph (a)(2) of this section, the Court shall enter an order administratively suspending the attorney; and that the Chief Justice may delegate the processing and entry of orders under this subsection to the **Court** Prothonotary.

(c) *Reinstatement upon payment of taxed costs.* Enforcement Rule 219(m) provides that upon payment of all expenses taxed pursuant to § 89.205(b) and § 89.209 by a formerly admitted attorney on administrative suspension solely for failure to comply with paragraph (a)(1) of this section, the Board shall so certify to the Supreme Court; and that unless such person is subject to another outstanding order of suspension or disbarment or the order has been in effect for more than three years, the filing of the certification from the Board with the **Court** Prothonotary [**of the Supreme Court**] shall operate as an order reinstating the person to active status.

EXPENSES GENERALLY

§ 93.121. Expenses.

[(a)] *General.* Enforcement Rule 401 provides that the salaries of [**the staff of the Office of the Secretary and of the Office of Disciplinary Counsel**] **Disciplinary Board employees**, their expenses, administrative costs, [**and the**] expenses of the members of the Board and of hearing committees, **and expenses and compensation, if any, of special masters** shall be paid by the Board out of the funds collected under the provisions of §§ 93.141[—] **through 93.148** (relating to annual registration of attorneys) **and §§ 89.205(b), 89.209, and 89.278** (relating to costs and fees).

[(b)] *Special masters.* Enforcement Rule 205(c)(4) provides that the expenses and compensation of special masters shall be paid as a cost of disciplinary administration and enforcement. See § 93.141(a) (relating to annual registration).]

ANNUAL REGISTRATION OF ATTORNEYS

§ 93.142. Filing of annual fee form by attorneys.

* * * * *

(b) *Filing of annual fee form.* Enforcement Rule 219(d) provides that on or before July 1 of each year all attorneys required by the rule to pay an annual fee shall file electronically with the Attorney Registration Office an electronically endorsed form prescribed by the Attorney Registration Office in accordance with the following procedures:

* * * * *

(2) Payment of the annual fee shall be made in one of two ways: a) electronically by credit or debit card at the time of electronic transmission of the form through the online system of the Attorney Registration Office, which payment shall include a nominal fee to process the electronic payment; or b) by check or money order drawn on a U.S. bank, in U.S. dollars using a printable, mail-in voucher. IOLTA, trust, escrow and other fiduciary account checks tendered in payment of the annual fee will not be accepted. If the annual fee form, voucher or payment is incomplete or if a check in payment of the annual fee has been returned to the Board unpaid, the annual fee shall

not be deemed to have been paid until a collection fee shall also have been paid. The amount of the collection fee, and one or both of the late payment penalties prescribed in § 93.144(a)(1) and (2) of these rules if assessed, shall be established by the Board annually after giving due regard to the direct and indirect costs incurred by the Board during the preceding year for checks returned to the Board unpaid. On or before July 1 of each year the **Executive** Office [**of the Secretary**] shall publish in the *Pennsylvania Bulletin* a notice of the collection fee established by the Board for the coming registration year.

* * * * *

§ 93.144. Administrative suspension for failure to comply.

* * * * *

(b) *Action by the Supreme Court.* Enforcement Rule 219(g) provides that upon receipt of certification of the name of any attorney pursuant to paragraph (a)(3) of this section, the Supreme Court shall enter an order administratively suspending the attorney; and that the Chief Justice may delegate the processing and entry of orders under this subsection to the **Court** Prothonotary.

§ 93.145. Reinstatement of administratively suspended attorneys.

(a) *General rule.* An attorney who has been administratively suspended pursuant to § 93.144(b) of these rules for three years or less is not eligible to file the annual fee form electronically. Enforcement Rule 219(h) provides that the procedure for reinstatement is as follows:

* * * * *

(2) Upon receipt of the annual fee form, a verified statement showing compliance with Enforcement Rule 217 (relating to formerly admitted attorneys), and the payments required by paragraph (a)(1) of this section, the Attorney Registration Office shall so certify to the [**Office of the Secretary**] **Board Prothonotary** and to the Supreme Court; and that unless the formerly admitted attorney is subject to another outstanding order of suspension or disbarment or the order has been in effect for more than three years, the filing of the certification from the Attorney Registration Office with the **Court** Prothonotary [**of the Supreme Court**] shall operate as an order reinstating the person to active status.

* * * * *

(b) *Late payment penalties.* Enforcement Rule 219(h)(3) provides that a formerly admitted attorney who is administratively suspended must pay the late payment penalties incurred in the year in which the formerly admitted attorney is transferred to administrative suspension. The amount of the late payment penalties shall be established by the Board annually after giving due regard to such factors as it considers relevant, including the direct and indirect costs incurred by the Board during the preceding year in processing the records of attorneys who fail to timely file the form required by § 93.142(b). On or before July 1 of each year the **Executive** Office [**of the Secretary**] shall publish in the *Pennsylvania Bulletin* a notice of the late payment penalty established by the Board for the coming registration year.

§ 93.146. **Selection of retired or inactive status and resumption of active status.**

(a) *Retired Status.* Enforcement Rule 219(i) provides that:

* * * * *

(6) The Chief Justice may delegate the processing and entry of orders under this subsection to the Court Prothonotary.

* * * * *

§ 93.149. [**Former or retired justice or judge and resumption of active status**] **Reserved.**

[(a) Rule 219(n) provides that a former or retired justice or judge who is not the subject of an outstanding order of discipline affecting his or her right to practice law and who wishes to resume the practice of law shall file with the Attorney Registration Office a notice in writing. The notice shall:

(1) describe:

(i) any discipline imposed within six years before the date of the notice upon the justice or judge by the Court of Judicial Discipline;

(ii) any proceeding before the Judicial Conduct Board or the Court of Judicial Discipline settled within six years before the date of the notice on the condition that the justice or judge resign from judicial office or enter a rehabilitation program; and

(2) include a waiver available through the Attorney Registration Office and signed by the justice or judge, if the notice discloses a proceeding described in subsection (1), of the confidentiality of the record in that proceeding for the limited purpose of making the record available to the Board in any subsequent proceeding under these rules.

An annual fee form will be provided by the Attorney Registration Office. The form must be filed by mail or delivered in person to said Office and be accompanied by payment of the full annual fee for the assessment year in which the notice is filed.]

CHAPTER 95. STATEMENTS OF POLICY

§ 95.3. **Monitoring of notices to be sent by formerly admitted attorneys.**

It is the practice of the Executive Office [of the Secretary] to monitor the filing by formerly admitted attorneys of the verified statement of compliance required under § 91.96 (relating to proof of compliance) and, if the statement is not filed within the prescribed period, the Executive Office [of the Secretary] will mail to the formerly admitted attorney a reminder of the obligation under § 91.96 to file the statement. Failure by the Executive Office [of the Secretary] to mail the reminder, or failure by the formerly admitted attorney to receive the reminder, shall not relieve the formerly admitted attorney of the obligation to file the verified statement of compliance. As required by § 91.99 (relating to maintenance of records), the Executive Office [of the Secretary] will not accept for filing a petition for reinstatement until the formerly admitted attorney has filed the verified statement of compliance or obtained a

waiver from the Board of the requirement to file the statement. As required by Enforcement Rule 217(e)(3) and subsections (a) and (b) of § 89.272 (relating to waiting period), if an order of disbarment or suspension for a period exceeding one year is entered on or after February 28, 2015, the waiting period for eligibility to apply for reinstatement to the practice of law shall not begin until the formerly admitted attorney who is the subject of that order files the verified statement of compliance required by § 91.96.

[Pa.B. Doc. No. 19-1437. Filed for public inspection September 27, 2019, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Administrative Suspension

Notice is hereby given that the following attorneys have been Administratively Suspended by Order of the Supreme Court of Pennsylvania dated August 14, 2019, pursuant to Pennsylvania Rules of Disciplinary Enforcement 219 which requires that all attorneys admitted to practice in any court of this Commonwealth must pay an annual assessment of \$225.00. The Order became effective September 13, 2019.

Notice with respect to attorneys having Pennsylvania registration addresses, which have been administratively suspended by said Order, was published in the appropriate county legal journal.

Agee, William Paul
Princeton, NJ

Arnold, Curtis, Jr.
Washington, DC

Bailey, Pamela Jean
Billings, MT

Baird, Macavan Alexander
Burlington, NC

Barnes, Thomas Woodford, III
Germantown, TN

Barringer, Karen A.
Milford, OH

Battaglini, Michael D.
Vero Beach, FL

Beaver, Myralinn
San Diego, CA

Blue, Dana Andrea
Wilmington, DE

Bogale, Tsedey Abai
New York, NY

Brown, Vanessa Renee
Wilmington, DE

Browndorf, Matthew C.
Irvine, CA

Buckley, Jocelyn Louise
The Woodlands, TX

Callahan, Glenn Patrick
Cape May Court House, NJ

Campbell, Charles Taylor
Houston, TX

Carson-Smith, Winifred Y.
Washington, DC

Cecchi, James Edward
Roseland, NJ

Chamberlain, Malcomb Jo
Houston, TX

Chase, Christine D.
Daytona Beach, FL

Colitti, Mario C.
Morristown, NJ

Conte, Michael Andrew
Pennington, NJ

Curci, Brian Eric
Princeton, NJ

Curtis, Michael Thomas
Elkins, WV

Cutinello, Katelyn Elizabeth
Morristown, NJ

Darout, Enante
Roselle Park, NJ

De Angulo, Marta Maria
Edcouch, TX

Dixon, Rodney Eric
Washington, DC

Duffy, Paul Rhodes
Liberty Corner, NJ

Dukes, Stephen William
Oceanside, CA

Emmett, Ryan Matthew
West Trenton, NJ

Fishman, Karen Susan
Raleigh, NC

Forbes, Lance Stuart
West Windsor, NJ

Foreman, Bryan Edwin
Greenbelt, MD

Grant, Melanie S.
Moorestown, NJ

Gunn, Susan Brahm
Galloway, OH

Gutekunst, Neil Thomas, Jr.
Portland, ME

Hayes, Tayanita Tara
San Mateo, CA

Hearon, James
New Egypt, NJ

Holmes, Rashonda
Parkville, MD

Hordis, Steven
Woodland Township, NJ

Hudock, Philip F.
Hyannis, MA

Huffman, David
Parkersburg, WV

Hung, Nicholas Fan Kwon
Canada

Jackson, Angela
Alexandria, VA

Jones, Michael Blake
Stamford, CT

Kamstra, John P.
Halifax, VT

Kearns, Nathan W.
Newport, RI

Kirkley, Kenneth A.
Silver Springs, MD

Kreger, Verne E., Jr.
Cincinnati, OH

Langer, Edward
Israel

Laudeman, Robert Allen
St. Louis, MO

Leister, Daniel A
University Heights, OH

Lemonious, Lauren Michelle
Detroit, MI

Little, William C., Jr.
Arlington, VA

Lovett, Lara Robyn
Lawrence Township, NJ

Lusenhop, Peter Andrews
Columbus, OH

Maher, Timothy
Miami Gardens, FL

Marconi, William J.
Moorestown, NJ

Martin, Quin Harry
Edison, NJ

Mininno, John R.
Collingswood, NJ

Mlotkowski, Michael John
McLean, VA

Myers, William Anthony
Youngstown, OH

O'Malley, Kathleen Marie
Columbia, MD

Orsen, Jonathan Allen
Trenton, NJ

Ostien, Paul Henry, III
Wilmington, DE

Pauley, Troy A.
Kansas City, MO

Perricone, Anthony Lawrence
New York, NY

Petersen, Steven R.
Katonah, NY

Piedra, Hillary Devorah
Boonton, NJ

Pina, Stephen A., II
Deptford, NJ

Ramnath, Fernette P.
North Port, FL

Reynolds, Matthew Roger
Houston, TX

Richards, Ryan Campbell
Naples, FL

Roselle, Jody
San Antonio, TX

Sanios, Vasilios Emmanuel
Davison, MI

Sawyer, David Michael
Weston, FL

Schirmacher, Walter D.
Brighton, NY

Schuh, Denise Brunson
Parker, CO

Shahlapour, Zahra
New York, NY

Soriano, Enrico Castor
Woodbridge, VA

Steenburg, David Michael
Washington, DC

Stuhldreher, Justin M.
Spring, TX

Tennent, Jeremy Tyler
Riverview, FL

Timms, Derek Guy
Marlton, NJ

Victor, Sydney Elizabeth
Materials Park, OH

Viets, Whitney Meredith
Huntington, NY

Walton, Noel Shaun
San Jose, CA

Warren, Bruce K., Jr.
Westville, NJ

Washington, Kathryn Ann
New Orleans, LA

Werbin, Stuart D.
Brooklyn, NY

West, Thomas Seelye
Saratoga Springs, NY

Wexberg, Marcia Julie
Cleveland, OH

Wilkinson, Wade Christopher
Long Beach, NY

Williams, Kevin Theodore
Warren, MI

Wilson, William T.
Oak Park, IL

Wu, Paloma
Jackson, MS

Yoon, Saejin
Arlington, VA

SUZANNE E. PRICE,
Attorney Registrar

[Pa.B. Doc. No. 19-1438. Filed for public inspection September 27, 2019, 9:00 a.m.]

RULES AND REGULATIONS

BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

DEPARTMENT OF STATE
[49 PA. CODE CH. 43b]

Expungement; Fees

The Acting Commissioner of Professional and Occupational Affairs (Commissioner) hereby amends 49 Pa. Code, Chapter 43b by adding Subchapters B and C (relating to expungement; and fees) to read as set forth in Annex A.

Effective Date

The amendments will be effective upon publication of this final-form rulemaking in the *Pennsylvania Bulletin*.

Statutory Authority

The act of February 15, 2018 (P.L. 14, No. 6) (Act 6 of 2018) amended section 5(a) of the act of July 2, 1993 (P.L. 345, No. 48) (63 P.S. § 2205(a)) to provide the authority to the Commissioner to expunge certain disciplinary records, provided various criteria are met and requires the applicant for expungement to pay all costs associated with expungement “as established by the commissioner by regulation.” In addition, sections 506 and 810(a)(7) of The Administrative Code of 1929 (71 P.S. §§ 186 and 279.1(a)(7)) provide the Department of State and the Commissioner the general authority to prescribe rules and regulations, not inconsistent with law, and to set fees. This final-form rulemaking effectuates Act 6 of 2018.

Purpose and Explanation

This final-form rulemaking is needed to effectuate Act 6 of 2018, which requires the Commissioner to expunge certain disciplinary actions upon application and the payment of all costs associated with expungement “as established by the commissioner by regulation.” This final-form rulemaking adds two new subchapters to Chapter 43b (relating to Commissioner of Professional and Occupational Affairs). The existing language in Chapter 43b relating to “Schedule of civil penalties; guidelines for imposition of civil penalties and procedures for appeal” is now set forth as Subchapter A. New Subchapter B sets forth the requirements to apply for and obtain expungement of disciplinary records in accordance with Act 6 of 2018. New Subchapter C sets forth a fee of \$155 for the expungement of a disciplinary record. This fee is based on an evaluation of the costs associated with processing expungement applications by the Bureau of Professional and Occupational Affairs (Bureau) legal office staff, including administrative overhead. Rather than include the fee in new Subchapter B, the Commissioner elected to establish a separate subchapter relating to fees to provide for the possibility of future fees being promulgated under the Commissioner’s general authority to “fix the fees to be charged by the several professional and occupational examining boards within the department” as set forth in section 810 of The Administrative Code of 1929 (71 P.S. § 279.1).

Notice of proposed rulemaking was published at 48 Pa.B. 7120 (November 10, 2018), for thirty days of public comment. During the public comment period, the Commissioner received comments from LeadingAge PA, an association of not-for-profit senior services; the Pennsylvania Institute of Certified Public Accountants (PICPA); and

Cynthia Reddy, a licensee of the State Board of Nursing. Each of these comments was generally supportive of the proposed rulemaking. On January 9, 2019, the Commissioner received comments from the Independent Regulatory Review Commission (IRRC).

Summary of Comments and the Commissioner’s Response

LeadingAge PA, a trade association representing more than 320 not-for-profit providers of senior housing, health care and community services across this Commonwealth wrote in support of the proposed regulation, noting that it would provide a second chance for a licensee who has otherwise complied with all licensure requirements, but has made a one-time error with their licensure renewal or continuing education credits. PICPA found the proposed regulations to be consistent with the statutory provisions and offered no objections to the proposal.

Likewise, Cynthia Reddy commented that “this regulation is a good move since there are plenty of people that have had their employment affect [sic] by small infractions.” However, she questioned the calculation of the proposed fee for expungement of a disciplinary record. Specifically, she asked for a breakdown in the overhead charges and lamented that the agency has not made adequate use of technology. As noted in the proposed preamble, individuals will be able to apply for expungement through their “dashboard” in the Pennsylvania Licensing System (PALS). The Commissioner is very interested in leveraging technology to increase efficiency and lower costs. As Cynthia Reddy notes, it is more cost effective to process applications for expungement electronically, rather than “paying government employees to scan paper.” The new process will allow licensees who have eligible disciplinary records to apply online for expungement, in much the same way as they currently apply for an initial license. Regarding Cynthia Reddy’s request for a breakdown of the overhead charges, generally overhead includes costs incurred that are not attributable to a specific task, for example rent, utilities, insurance, and costs associated with various supporting functions such as information technology costs. Part of the overhead charges specific to this fee are the costs associated with development of the expungement functionality through PALS and ongoing information technology support. Cynthia Reddy also asks why the Commissioner chose to “round up” to \$155 based on the calculation of current costs to process an expungement application of \$150.27. The Bureau’s Revenue Office conducted a cost analysis based on estimated costs as of August 27, 2018. Given the passage of time since the original calculation, the Commissioner elected to impose a fee of \$155 to cover all costs as required by Act 6 of 2018, as well as anticipated increases over the next few years. When the fee is insufficient to cover the costs associated with processing an application for expungement, the Commissioner will reassess the fee and promulgate a new fee by regulation.

IRRC submitted two comments. The first relates to the definition of “expunge or expungement.” IRRC aptly pointed out that the Commissioner modified the definition slightly in the proposed rulemaking. This modification was made to simplify the language of the act to be more understandable by the regulated community without changing the meaning of the term. Individuals with disciplinary records are concerned about the ability to represent that they have no disciplinary record after an expungement. However, in light of IRRC’s comment, the

Commissioner has revised the final-form rulemaking to parrot the statutory definition in its entirety.

Next, IRRC asks how an online application process for expungement is consistent with the statute that explicitly requires a licensee, registrant, certificate holder or permit holder to “make written application” to the Commissioner. In response, the Commissioner believes that the requirement for a written application is meant to distinguish between oral communications versus written communications, and not the medium in which the written material is transcribed and stored (paper versus electronic). The Commissioner notes that an application created through an online process is no less a “writing” than one in which an applicant puts pen to paper. The PALS system generates the “application” based on the applicant’s response to various questions and prompts for information. Once complete, the applicant can review the application, “sign” the application electronically, and submit it to the Commissioner for consideration. The completed application is capable of transfer from storage to a tangible medium. That is, it can be printed out on paper. The Commissioner believes that the General Assembly could not have intended to impede technological solutions and efficiencies in the expungement process by the use of its terminology requiring a written application for expungement. The Commissioner also believes the acceptance of online applications to be submitted in the manner and format prescribed by the Commissioner is consistent with section 502 of the Electronic Transactions Act (73 P.S. § 2260.502) which provides that “[e]ach governmental agency in this Commonwealth shall determine whether and the extent to which it will send and accept electronic records and electronic signatures to and from other persons and otherwise create, generate, communicate, store, process, use and rely upon electronic records and electronic signatures” and to “specify. . .[t]he manner and format in which the electronic records must be created, generated, sent, communicated, received and stored and the systems established for those purposes.” For this reason, the Commissioner amended § 43b.103(a) to provide that a licensee may apply for expungement in the “manner and format” prescribed by the Commissioner, to be consistent with the authority provided under the Electronic Transactions Act (73 P.S. §§ 2260.101—2260.5101).

Fiscal Impact and Paperwork Requirements

This final-form rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The costs to the Bureau and its licensing boards and commissions related to processing applications for expungement will be recouped through fees paid by applicants. Licensees, registrants, certificate holders and permit holders who apply for expungement of disciplinary records will be impacted by the \$155 application fee. Because the PALS licensing system will include an online process to apply for expungement of an applicable disciplinary record, there should be minimal paperwork requirements for applicants.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on Thursday, October 25, 2018, the Commissioner submitted a copy of the notice of proposed rulemaking, published at 48 Pa.B. 7120, to IRRC and to the Chairpersons of the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) and the House Professional Licensure Committee (HPLC) 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 the final-form rulemaking, the Commissioner has considered all comments from IRRC and the public. The Commissioner received no comments from the HPLC or the SCP/PLC.

On July 9, 2019, the Commissioner delivered this final-form rulemaking to IRRC, the HPLC and the SCP/PLC. Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on August 14, 2019, the 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 August 15, 2019, and approved this final-form rulemaking.

Additional Information

Individuals who need information about this final-form rulemaking may contact the Bureau of Professional and Occupational Affairs, P.O. Box 2649, Harrisburg, PA 17105-2649, RA-BPOA@pa.gov.

Findings

The Commissioner 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 (relating to notice of proposed rulemaking required; and adoption of regulations).
- (2) A public comment period was provided as required by law and all comments were considered.
- (3) The amendments to this final-form rulemaking do not enlarge the original purpose of the proposed regulation published at 48 Pa.B. 7120.
- (4) This final-form rulemaking is necessary and appropriate for the administration of the act of February 15, 2018 (P.L. 14, No. 6).

Order

The Commissioner, therefore, orders that:

- (a) The regulations of the Commissioner at 49 Pa. Code, Chapter 43b are amended by adding §§ 43b.101—43b.103 and 43b.201 to read as set forth in Annex A.
- (b) The Commissioner shall submit this order and Annex A to the Office of Attorney General and the Office of General Counsel for approval as required by law.
- (c) The Commissioner shall submit this order and Annex A to IRRC, the HPLC and the SCP/PLC as required by law.
- (d) The Commissioner shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.
- (e) This final-form rulemaking shall take effect upon publication in the *Pennsylvania Bulletin*.

K. KALONJI JOHNSON,
Acting Commissioner

(Editor’s Note: See 49 Pa.B. 5078 (August 31, 2019) for IRRC’s approval order.)

Fiscal Note: 16A-60. 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 43b. COMMISSIONER OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

Subchapter A. SCHEDULE OF CIVIL PENALTIES, GUIDELINES FOR IMPOSITION OF CIVIL PENALTIES AND PROCEDURES FOR APPEAL

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Subchapter B. EXPUNGEMENT

Sec.

43b.101. Definitions.

43b.102. Expungement of disciplinary records.

43b.103. Application for expungement.

§ 43b.101. Definitions.

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

Expunge or expungement—Removal of a disciplinary record from a licensee’s record accomplished by (1) permanently sealing the affected record from public access; (2) deeming the disciplinary proceedings to which the affected record refers as not having occurred; and (3) except with respect to any subsequent application for expungement, affording the licensee the right to represent that no record exists regarding the subject matter of the affected record.

Licensee—Any person holding a license, registration, certificate or permit issued by a licensing board or commission under the Bureau.

§ 43b.102. Expungement of disciplinary records.

(a) Eligibility. The following disciplinary records are eligible for expungement:

(1) Discipline imposed for a violation involving failure to complete continuing education requirements.

(2) Discipline imposed for a violation involving practicing for 6 months or less on a lapsed or expired license, registration, certificate or permit.

(b) Prohibition. The Commissioner will not expunge disciplinary records for any violation other than those listed in subsection (a).

(c) Criteria for expungement of an eligible disciplinary record. The Commissioner will expunge an eligible disciplinary record if the following criteria are met:

(1) The disciplinary record must be the licensee’s only disciplinary record with a licensing board or commission under the Commissioner’s jurisdiction.

(2) The licensee may not be the subject of an active investigation related to professional or occupational conduct.

(3) The licensee may not be in a current disciplinary status, such as revoked, suspended or on probation.

(4) Any fees or fines, including civil penalties and costs imposed in a disciplinary proceeding, assessed against the licensee must be paid in full.

(5) The licensee may not have had a disciplinary record previously expunged by the Commissioner.

§ 43b.103. Application for expungement.

(a) A licensee may apply for expungement in accordance with this subchapter in the manner and format prescribed by the Commissioner.

(b) A licensee may apply for expungement not earlier than 4 years from the final disposition of the disciplinary record.

(c) A licensee applying for expungement shall pay the fee set forth in § 43b.201 (relating to fees for services) for expungement of a disciplinary record.

Subchapter C. FEES

Sec.

43b.201. Fees for services.

§ 43b.201. Fees for services.

The following fees are charged for services provided by the Commissioner/Bureau:

Expungement of a disciplinary record \$155

[Pa.B. Doc. No. 19-1439. Filed for public inspection September 27, 2019, 9:00 a.m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Agricultural Product Promotion, Education and Export Promotion Matching Grant Program; 2019-2020 Application Period

The Department of Agriculture (Department) announces the program requirements and application period for grants under the Pennsylvania Agricultural Product Promotion, Education and Export Promotion Matching Grant Program (Program). The Program is authorized under a Fiscal Year (FY) 2019-2020 budgetary appropriation to the Department for agricultural product promotion, education and exports. The Department intends to make up to \$300,000 available for grants under the Program.

1. Program objectives.

(a) *Purpose.* The Department will award grants to provide matching funds to nonprofit agricultural product promotion and marketing organizations to reimburse up to 50% of the cost of projects intended to:

(1) increase consumer awareness of Pennsylvania agricultural products and thereby increase sales of these agricultural products;

(2) educate producers and consumers with respect to Pennsylvania agricultural products; or

(3) otherwise facilitate the growth and development of export markets for Pennsylvania agricultural products.

(b) *Applicants.* Grants will be awarded to Pennsylvania nonprofit agricultural product promotion and marketing organizations.

(c) FY 2019-2020 project funding priorities.

(1) The Department will prioritize eligible projects for promotion, education and export market development of Pennsylvania agricultural products through exhibits, displays and vending operations at the 2020 State Farm Products Show to receive grant funding.

(2) The Department will also prioritize eligible projects that improve food security in this Commonwealth, including projects that improve access to nutritious food, decrease food waste in schools and other settings, and that leverage Federal, community and State resources through public-private partnerships.

(d) *Competitive program.* The Program is competitive. Grant requests and related documentation will be reviewed by the Secretary, who will approve or reject each grant request.

(e) *Funds available basis.* Grants will not be awarded unless funds are available for this purpose. The Department need not expend all the funds that are available for the Program.

2. *Definitions.* The following words and terms have the following meanings:

Applicant—A Pennsylvania nonprofit agricultural product promotion and marketing organization which applies for grant moneys under the Program.

Bureau—The Bureau of Market Development of the Department.

Pennsylvania agricultural products—Any of the following agricultural commodities grown, processed or manu-

factured within this Commonwealth: agricultural, horticultural, aquacultural, viticulture and dairy products, livestock and the products thereof, ranch raised fur-bearing animals and the products thereof, the products of poultry and bee raising, forestry and forestry products, and all products raised or produced on farms intended for human consumption, and the processed or manufactured products thereof intended for human consumption, transported or intended to be transported in commerce.

Pennsylvania nonprofit agricultural product promotion and marketing organization—A nonprofit business organization having its principal business offices within this Commonwealth, or having 50% or more of its membership within this Commonwealth, or having 50% or more of the agricultural products which it promotes or markets produced within this Commonwealth, and having as its members groups, individuals or organizations that serve to distribute a Pennsylvania agricultural product in commerce. These members may include wholesalers, distributors, brokers, retailers, processors, growers and producers.

Secretary—The Secretary of the Department.

3. *Limitations on grants.* The minimum amount of a matching grant is \$1,000. A matching grant is a reimbursement grant, meaning no payment of grant funds will be made by the Department until the subject project is completed and the applicant documents the completion of the project to the Department in accordance with this notice.

4. Uses of matching grant moneys.

(a) *Conformity to application.* Matching grant moneys awarded to an applicant shall be expended solely to reimburse up to 50% of the cost of the specific project described in the grant application.

(b) *Allowable expenditures of grant moneys.* Grant moneys shall be used for one or more of the following purposes described in the grant application:

(1) To pay the cost of the specific project described in the grant application.

(2) To pay the cost of a portion of a Pennsylvania nonprofit agricultural product promotion and marketing organization's contribution to a National or regional agricultural product promotion and marketing project.

(3) To pay the cost of programs conducted by an applicant to educate producers and consumers with respect to Pennsylvania agricultural products.

(4) To pay the cost of trade shows conducted or attended by an applicant, or other projects to facilitate the growth and development of export markets for Pennsylvania-produced agricultural products.

(c) *Prohibited expenditure of grant moneys.* Grant moneys may not be used to defray the costs of employing temporary or permanent personnel.

5. Applications.

(a) *Application required.* Interested Pennsylvania nonprofit agricultural product promotion and marketing organizations shall submit grant applications to the Department. An application shall include a detailed work plan and project budget.

(b) *Project commencement and completion dates.* An application shall designate November 1, 2019, or a later

date, as the project start date and June 30, 2020, or earlier, as the project completion date. Program grant funds will not be awarded or paid for project activities that occur before the stated project start date or beyond the stated project completion date.

(c) *Electronic applications only.* Interested applicants must submit a complete electronic project proposal and grant application using the Department's Electronic Single Application web site at <https://www.esa.dced.state.pa.us/login.aspx?var=5>.

(d) *Application window.* Applications shall be submitted by 4:59 p.m. on Friday, November 1, 2019.

(e) *Additional documentation.* The Secretary may require that an applicant submit additional documentation to complete or verify an application. The additional documentation may include a letter, affidavit or other documentation:

(1) Verifying that an applicant is a Pennsylvania non-profit agricultural product promotion and marketing organization.

(2) Verifying the activities and location of offices of an applicant.

(3) Confirming that the applicant for a matching grant has secured funds in an amount at least equal to the matching grant amount sought for the project.

6. *Review of application.*

(a) *Transmittal of application to Bureau.* When the Bureau receives a complete and accurate grant application, it will forward this application, together with supporting documentation submitted therewith, to the Secretary for review. The Bureau may also forward a recommendation as to whether the application should be approved or rejected, whether the grant should be in an amount less than requested and whether special restrictions or limitations should be placed on the grant.

(b) *Factors.* The Secretary will review and evaluate the application and supporting documentation and may consider the following factors, among others, in deciding whether to approve or reject the grant request:

(1) The relevance of the project to the promotion or marketing of Pennsylvania agricultural products.

(2) The innovativeness of the project described in the application.

(3) The scope of the project and the number of people who will be exposed to or affected by the project described in the application.

(4) The impact which the project will have upon the promotion and sales of the Pennsylvania agricultural products to which the project is targeted.

(5) The availability of full funding for the project from the applicant or from any source other than the Grant Program.

(6) The apparent ability of the applicant to complete the project as described in the application or, in the case of a grant to fund a National or regional agricultural product promotion or marketing project, the apparent ability of the entity with primary responsibility for the project to complete it.

(7) The overall performance of the project if the project had received funding through any other grant program administered by the Department in a previous fiscal year.

(8) Projects that are joint efforts between two or more Pennsylvania nonprofit agricultural product promotion and marketing organizations may be given preference over projects involving only one organization.

(9) Projects where reference to the Department as a source of funding can practicably be made in promotional materials or broadcasts, and that would make such a reference, may be given preference over projects that would not make such a reference.

(10) Whether the project has been assigned priority for funding in FY 2019-2020, as previously described in Paragraph No. 1(c).

(c) *Decisions.* The Secretary may approve a grant in an amount less than that requested in the grant application. In addition, the Secretary may impose restrictions or special conditions upon the issuance of a grant. The Secretary will review all recommendations of the Bureau, but will have final authority to accept or reject these recommendations.

7. *Notice of disposition of application.*

The Department will mail written notice of the acceptance or rejection of a grant application by Monday, December 2, 2019. This notice will be by regular mail to the address provided by the applicant in the grant application.

8. *Grant agreement.*

After 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 will execute a written or electronic grant agreement which describes the terms and conditions subject to which the grant is made. The grant agreement shall contain and conform to the requirements of this notice, and shall also contain special terms and conditions as required by the Secretary.

9. *Verification of project completion.*

(a) *General.* Within 30 days of completion of the subject project, the applicant shall provide the Department with proof of the completion of the project and eligibility to receive reimbursement grant funds from the Department.

(b) *Required documentation.* The proof described in subsection (a) shall consist of:

(1) copies of invoices for goods or services directly related to the project, confirming that the total billed amount is at least twice the amount of the grant, along with the written certification of the president or treasurer of the applicant that the goods or services that are the subject of the invoices have been delivered or provided to the applicant; and

(2) a certificate of completion, signed by its president or treasurer, verifying completion of the subject project and stating that the grant funds will reimburse the applicant for a portion of the costs incurred by the applicant in completing the subject project.

10. *Delivery of grant funds by the Department.* The Department will pay the grant amount to the applicant in a single payment within 45 days of receiving the proof of completion previously described in Paragraph No. 9.

11. *Questions and additional information.* Questions on this Program, including on the online application process, may be directed to Morgan Sheffield, Bureau of Market Development, Department of Agriculture, 2301 North Cameron Street, Room 310, Harrisburg, PA 17110-9408, (717) 787-3568.

RUSSELL C. REDDING,
Secretary

[Pa.B. Doc. No. 19-1440. Filed for public inspection September 27, 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 September 17, 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

Holding Company Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
09-12-2019	ACNB Corporation Gettysburg Adams County Application for approval to acquire 100% of Frederick County Bancorp, Inc., Frederick, MD, and thereby indirectly acquire 100% of Frederick County Bank, Frederick, MD.	Filed

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
09-09-2019	First Commonwealth Bank Indiana Indiana County Application for approval to purchase assets and assume liabilities of 14 branches of Santander Bank, NA, Wilmington, DE, located at: 315 Mill Street Danville Montour County, PA 448 Bellefonte Avenue Lock Haven Clinton County, PA 1535 North Atherton Street State College Centre County, PA 7125 Westbranch Highway Lewisburg Union County, PA 20 South Main Street Muncy Lycoming County, PA 301 Shiffler Avenue Williamsport Lycoming County, PA 251 South Market Street South Williamsport Lycoming County, PA 364 Erie Avenue Renovo Clinton County, PA 250 Main Street Beech Creek Clinton County, PA 537 Mahoning Street Milton Northumberland County, PA 239 Market Street Lewisburg Union County, PA 222 Allegheny Street Jersey Shore Lycoming County, PA 355 Broad Street Montoursville Lycoming County, PA 216 West College Avenue State College Centre County, PA	Effective
09-12-2019	ACNB Bank Gettysburg Adams County Application for approval to merge Frederick County Bank, Frederick, MD, with and into ACNB Bank, Gettysburg, PA.	Filed

NOTICES

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
09-16-2019	Hyperion Bank Philadelphia Philadelphia County	3525 Piedmont Road Atlanta Fulton County, GA	Approved
09-16-2019	Somerset Trust Company Somerset Somerset County	5256 US 30, Unit FC-05 Greensburg Westmoreland County	Opened
09-16-2019	Riverview Bank Marysville Perry County	3556 Gettysburg Road Camp Hill Cumberland County	Opened

Branch Relocations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
09-06-2019	Huntingdon Valley Bank Huntingdon Valley Montgomery County	<i>To:</i> 2005 South Easton Road Suite 304 Doylestown Bucks County (Limited Service Facility) <i>From:</i> 1388 West Street Road Warminster Bucks County (Limited Service Facility)	Effective
09-09-2019	First Commonwealth Bank Indiana Indiana County	<i>To:</i> 4021 Freeport Road Natrona Heights Allegheny County <i>From:</i> 1880 Heights Plaza Natrona Heights Allegheny County	Effective

CREDIT UNIONS

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
9-12-2019	Freedom Credit Union Warminster Bucks County	2333-47 Fairmount Avenue Philadelphia Philadelphia County	Approved

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. 19-1441. Filed for public inspection September 27, 2019, 9:00 a.m.]

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

Waterfront Development Organizations

Under the Act of July 13, 2016 (P.L. 526, No. 84) (act), the Waterfront Development Tax Credit Program in this Commonwealth was established. This act authorizes the Department of Community and Economic Development (Department) to approve qualified waterfront development organizations who are eligible to submit waterfront development projects. The act requires the Department to annually publish a list of each waterfront development organization, its approved waterfront development projects and the total aggregate cost of those projects in the *Pennsylvania Bulletin*.

A list of the approved waterfront development organizations, their approved waterfront development projects and the total aggregate cost of those projects for Fiscal Year 2019-2020 follows.

**Waterfront Development Organizations
(Effective August 30, 2019—June 30, 2020)**

<i>Organization Name</i>	<i>Approved Projects</i>	<i>Total Aggregate Cost of Approved Projects</i>
Schuylkill River Development Corporation	1. Schuylkill Crossing at Grays Ferry 2. Christian to Crescent Connection 3. Bartram's to Passyunk Point (Phase 1)	\$67,612,194
Erie-Western Pennsylvania Port Authority	1. East Dobbins Landing Public Access	\$1,252,300
Colebrookdale Railroad Preservation Trust	1. Steel River Station 2. Colebrookdale Children's Educational Grove 3. Glasgow Gardens Formal Event Space	\$1,350,000
Riverfront Alliance of Delaware County	1. Engle Street Reconstruction	\$215,864
PUSH Beaver County Corporation	1. Lower Beaver River Greenway, Amphitheater and Recreational Trail Loop (Phase 1 and Phase 2)	\$1,775,664

DENNIS M. DAVIN,
Secretary

[Pa.B. Doc. No. 19-1442. Filed for public inspection September 27, 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>
PA0051799 (Sewage)	Lehigh Carbon Community College WWTF 4525 Education Park Drive Schnecksville, PA 18078	Lehigh County North Whitehall Township	Tributary 3450 of Jordan Creek (HQ-CWF/MF) (2-C)	Yes
PA0062332 (Sewage)	Eaton Hills Development Grandview Drive Tunkhannock, PA 18657	Wyoming County Eaton Township	Susquehanna River (WWF, MF) (4-G)	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>
PA0103870 (Sewage)	Greenville MHP 347 Hadley Road Greenville, PA 16125	Mercer County Hempfield Township	Unnamed Tributary to the Little Shenango River (TSF) (20-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>
PA0253804 (Sewage)	Goulding SR STP 2640 Weinman Road Wexford, PA 15090-7916	Allegheny County Franklin Park Borough	East Branch Big Sewickley Creek (TSF) (20-G)	Yes
PA0098817 (Sewage)	Hickory Acres STP 669 Nelson Road Farmington, PA 15437-1225	Fayette County Wharton Township	Unnamed Tributary to Meadow Run (HQ-CWF) (19-E)	Yes
PA0098779 (Industrial)	Portage Area Municipal Authority—Martindale WTP 606 Cambria Street Portage, PA 15946-1516	Cambria County Portage Township	Trout Run (CWF) (18-E)	Yes
PA0032069 (Sewage)	Saint Francis University STP 492 Metz Road Loretto, PA 15940-0600	Cambria County Loretto Borough	Unnamed Tributary to Clearfield Creek (CWF, MF) (8-C)	Yes

Changes to Previous Pennsylvania Bulletin Notice

NPDES Permit No. PA0023698 A-1, Vanport Township Municipal Authority Beaver County, 285 River Avenue, Vanport, PA 15009, Vanport Township, **Beaver County**.

The following notice reflects changes to the notice published in the April 27, 2019, edition of the *Pennsylvania Bulletin*:

The CBOD mass loading limits are revised to Average Monthly—417.3 lbs./day, Weekly Average—625.9 lbs./day

The TSS mass loading limits are revised to Average Monthly—500.7 lbs./day, Weekly Average—751.1 lbs./day

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.

PA0055891, Industrial, SIC Code 8748, **Henderson Road Superfund Site IWOU Technical Steering Committee O'Hara Environmental Services, Inc.**, 14 Dogwood Hill Lane, Chadds Ford, PA 19317-9106. Facility Name: Henderson Road Superfund Site. This existing facility is located in 372 South Henderson Road, King of Prussia, PA 19406 in Upper Merion Township, **Montgomery County**.

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

The receiving stream(s), Unnamed Tributary to Schuylkill River, is located in State Water Plan watershed 3-F 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 .082 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
Flow (GPD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	Inst Min XXX	100	200	XXX
Total Suspended Solids	XXX	XXX	XXX	100	200	XXX
Total Dissolved Solids	XXX	XXX	XXX	1,000	2,000	XXX
Oil and Grease	XXX	XXX	XXX	15	XXX	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	20	40	XXX
Arsenic, Total	XXX	XXX	XXX	0.05	XXX	XXX
Barium, Total	XXX	XXX	XXX	Annl Avg 1.0	2.0	XXX
Cadmium, Total	XXX	XXX	XXX	0.01	0.02	XXX
Chromium, Total	XXX	XXX	XXX	0.05	0.1	XXX
Copper, Total	XXX	XXX	XXX	0.2	0.4	XXX
Iron Dissolved	XXX	XXX	XXX	0.3	0.6	XXX
Iron, Total	XXX	XXX	XXX	22.7	45.4	XXX
Lead, Total	XXX	XXX	XXX	0.036	0.072	XXX
Silver, Total	XXX	XXX	XXX	0.05	0.1	XXX
Zinc, Total	XXX	XXX	XXX	0.6	1.2	XXX
Acetone	XXX	XXX	XXX	0.109	0.218	XXX
Chlorobenzene	XXX	XXX	XXX	0.02	0.04	XXX
1,3-Dichloropropylene	XXX	XXX	XXX	0.087	0.174	XXX
Ethylbenzene	XXX	XXX	XXX	1.4	2.8	XXX
Benzene	XXX	XXX	XXX	0.001	XXX	XXX
Carbon Tetrachloride	XXX	XXX	XXX	Annl Avg 0.005	XXX	XXX
2-Butanone	XXX	XXX	XXX	Annl Avg 0.21	0.42	XXX
1,2-Dichloroethane	XXX	XXX	XXX	0.0004	XXX	XXX
Dibromochloromethane	XXX	XXX	XXX	Annl Avg 0.1	XXX	XXX
Dichlorobromomethane	XXX	XXX	XXX	Annl Avg 0.1	XXX	XXX
Chloroform	XXX	XXX	XXX	Annl Avg 0.1	XXX	XXX
Methylene Chloride	XXX	XXX	XXX	Annl Avg 0.005	XXX	XXX
Phenolics, Total	XXX	XXX	XXX	Annl Avg Report	Report	XXX
1,1-Dichloroethylene	XXX	XXX	XXX	0.0004	0.0008	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>Daily Maximum</i>	
Tetrachloroethylene	XXX	XXX	XXX	0.0007 Annl Avg	XXX	XXX
Toluene	XXX	XXX	XXX	2.0	4.0	XXX
Trichloroethylene	XXX	XXX	XXX	0.003 Annl Avg	XXX	XXX
Xylenes, Total	XXX	XXX	XXX	0.01	0.02	XXX
Vinyl Chloride	XXX	XXX	XXX	0.00057 Annl Avg	XXX	XXX

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

I. Other Requirements

- A. Acquire Necessary Property Rights
- B. Sludge Disposal Requirements
- C. BAT/BCT Reopener
- D. Small Stream Discharge
- E. Annual Average

II. WQBELs Below Quantitation Limits

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.

PA0020460, Sewage, SIC Code 4952, **Pennridge Wastewater Treatment Authority**, 180 Maple Avenue, Sellersville, PA 18960-0031. Facility Name: Pennridge WWTP. This existing facility is located in West Rockhill Township, **Bucks County**.

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

The receiving stream(s), East Branch Perkiomen 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 4.325 MGD.—Interim Limits.

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

The proposed effluent limits for Outfall 001 are based on a design flow of 4.325 MGD.—Final Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Copper, Total	0.89	1.38 Daily Max	XXX	0.024	0.038 Daily Max	0.06

The proposed effluent limits for Outfall 001 are based on a design flow of 4.325 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>Daily Maximum</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0 Inst Min	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)						
Nov 1 - Apr 30	900	1,440	XXX	25	40 Wkly Avg	50
May 1 - Oct 31	541	830	XXX	15	23 Wkly Avg	30
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Daily Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Biochemical Oxygen Demand (BOD ₅)						
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	721	1,082	XXX	20	30	40
					Wkly Avg	
Total Suspended Solids						
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
May 1 - Sep 30	XXX	XXX	XXX	200.0	XXX	1,000
				Geo Mean		
Ultraviolet light transmittance (%)	XXX	XXX	Report	XXX	XXX	XXX
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	325	XXX	XXX	9.0	XXX	18
May 1 - Oct 31	108	XXX	XXX	3.0	XXX	6
Total Phosphorus						
Nov 1 - Apr 30	72	XXX	XXX	2.0	XXX	4
May 1 - Oct 31	54	XXX	XXX	1.5	XXX	3
Cyanide, Free	0.43	0.72	XXX	0.012	0.020	0.03
		Daily Max				
Zinc, Total	7.3	11.4	XXX	0.203	0.316	0.50
		Daily Max				

The proposed effluent limits for Outfall 001 are based on a design flow of 4.325 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>Daily Maximum</i>	
Total Dissolved Solids	XXX	XXX	XXX	Report	XXX	XXX
Hardness, Total (as CaCO ₃)	XXX	XXX	XXX	Avg Qrtly Report	XXX	XXX
Toxicity, Chronic - Ceriodaphnia						
Survival (TUc)	XXX	XXX	XXX	XXX	2.56	XXX
Reproduction (TUc)	XXX	XXX	XXX	XXX	2.56	XXX
Toxicity, Chronic - Pimephales						
Survival (TUc)	XXX	XXX	XXX	XXX	Report	XXX
Growth (TUc)	XXX	XXX	XXX	XXX	Report	XXX

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Daily Maximum</i>	<i>Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	Report	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	Report	XXX	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	XXX
Oil and Grease	XXX	XXX	XXX	Report	XXX	XXX
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
Iron Dissolved	XXX	XXX	XXX	Report	XXX	XXX

Sludge use and disposal description and location(s): Sludge is disposed off by private contractor by either land application or landfilling at Conestoga Landfill.

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

- Proper disposal of sludges, slurries, and solids.
- Designation of responsible operator
- Development of Operation and Maintenance Plan
- Pretreatment Program Implementation
- WET Testing requirements

- Requirements applicable to stormwater Outfalls
- Fecal Coliform Monitoring

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

The EPA Waiver is not in effect.

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

PA0087165, Industrial, SIC Code 3081, **Bleyer Gift Packs LLC**, 80 Voice Road, Carle Place, NY 11514. Facility Name: Bleyer Gift Packs Mt Union Plant. This existing facility is located in Mount Union Borough, **Huntingdon 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), Juniata River (WWF), is located in State Water Plan watershed 12-C 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 .022 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
Temperature (deg F) (°F)	XXX	XXX	XXX	XXX	110	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	XXX	20.0	20
Total Suspended Solids	XXX	XXX	XXX	XXX	19	19
Oil and Grease	XXX	XXX	XXX	XXX	29	29

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.

PA0266990, Sewage, SIC Code 8811, **John J Pepple**, 1954 French Creek Road, Everett, PA 15537. Facility Name: Pepple Residence. This proposed facility is located in East Providence Township, **Bedford 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), Unnamed Tributary to French Run (WWF, MF), is located in State Water Plan watershed 11-D 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 .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
Biochemical Oxygen Demand (BOD ₅)	Annl Avg XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

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

The EPA Waiver is in effect.

PA0248240, Sewage, SIC Code 6514, **Zemir Alic**, 191 Shatto Drive, Carlisle, PA 17013-2120. Facility Name: Alic Res. This existing facility is located in North Middleton Township, **Cumberland County**.

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

The receiving stream(s), Conodoguinet Creek (WWF, MF), is located in State Water Plan watershed 7-B 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 0.0005 MGD.

<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
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report	XXX	XXX
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	25.00	XXX	50.00
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60.0
Fecal Coliform (No./100 ml) Jan 1 - 31, Jul 1 - 31	XXX	XXX	XXX	200.0 Geo Mean	XXX	XXX

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

The EPA Waiver is in effect.

PA0086045, Sewage, SIC Code 6515, **Castle Hill Mobile Home Park**, 20 Erford Road, Suite 215, Lemoyne, PA 17043-1163. Facility Name: Castle Hill MHP. This existing facility is located in Straban 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 Rock Creek (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 0.012 MGD.

<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 Daily Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0 Daily Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.05	XXX	0.16
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	25	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 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Ammonia-Nitrogen Nov 1 - Apr 30	XXX	XXX	XXX	6.0	XXX	12.0
May 1 - Oct 31	XXX	XXX	XXX	2.0	XXX	4.0

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.

PA0262111, SIC Code 8811, **Gerald S. Miller**, 847 Johnstown Road, East Freedom, PA 16637. Facility Name: Gerald S Miller Residence. This proposed facility is located in East Freedom Township, **Blair 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 South Dry Run, is located in State Water Plan watershed 11-A and is classified for Warm 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 0.0004 MGD.

Parameters	Mass (lb/day)		Minimum	Concentration (mg/l)		Instant. Maximum
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
	Annual Avg					
BOD ₅	XXX	XXX	XXX	10.0	XXX	20
TSS	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		

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.

PA0080209, Sewage, SIC Code 8361, **Hoffman Homes Inc.**, 815 Orphanage Road, Littlestown, PA 17340-9329. Facility Name: Hoffman Homes For Youth Inc. This existing facility is located in Mount Joy 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 Lousy 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 0.02 MGD.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Average Monthly	Maximum	
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
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.12	XXX	0.39
Carbonaceous Biochemical Oxygen Demand (CBOD 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)						
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		
Ammonia-Nitrogen						
Nov 1 - Apr 30	XXX	XXX	XXX	9.0	XXX	18.0
May 1 - Oct 31	XXX	XXX	XXX	3.0	XXX	6.0
Nitrate-Nitrite as N	XXX	Report	XXX	Report	XXX	XXX
				Daily Max		
Total Nitrogen	XXX	Report	XXX	Report	XXX	XXX
				Daily Max		
Total Kjeldahl Nitrogen	XXX	Report	XXX	Report	XXX	XXX
				Daily Max		
Total Phosphorus	XXX	Report	XXX	Report	XXX	XXX
				Daily Max		

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.

PA0009741, Industrial, SIC Code 4911, **Exelon Generation Co. LLC**, 300 Exelon Way, Suite 310, Kennett Square, PA 19348. Facility Name: Exelon Muddy Run Pumped Storage Facility. This existing facility is located in Drumore Township, **Lancaster 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), Susquehanna River, is located in State Water Plan watershed 7-K and is classified for Migratory Fishes and Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.051 MGD.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Daily Maximum		Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	Inst Min XXX	0.5*	XXX	1.6*
Temperature (deg F) (°F)	XXX	XXX	XXX	110	XXX	XXX
Total Suspended Solids	XXX	XXX	XXX	Daily Average XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	15*	XXX	30*

*Oil and Grease and TRC requirements are ONLY applicable in the event the wastewater from the seepage pit is temporarily re-routed from Outfall 004 to Outfall 001.

The proposed effluent limits for Outfall 002 are based on a design flow of 2.16 MGD.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Daily Maximum		Average Monthly	Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX

The proposed effluent limits for Outfall 004 are based on a design flow of 2.16 MGD.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Daily Maximum		Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	Inst Min XXX	0.5	XXX	1.6
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	15	XXX	30

The proposed effluent limits for Outfall 401 are based on a design flow of 0.0069 MGD.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Daily Maximum		Average Monthly	Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
Internal Monitoring Point Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Internal Monitoring Point Fecal Coliform (No./100 ml)	XXX	XXX	XXX	2,000	XXX	10,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean	XXX	1,000

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

The EPA Waiver is in effect.

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

PA0005746, Industrial, SIC Code 3229, **Corelle Brands LLC**, 100 8th Street, Charleroi, PA 15022-1619. Facility Name: Corelle Brands LLC Charleroi Facility. This existing facility is located in Charleroi Borough, **Washington County**.

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

The receiving stream(s), Monongahela River, is located in State Water Plan watershed 19-C 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 0.087 MGD.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Daily Maximum		Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
			Daily Min			
Temperature (deg F) (°F)	XXX	XXX	XXX	XXX	XXX	110
Total Suspended Solids	70	140	XXX	25	50	XXX
Oil and Grease	28	56	XXX	15.0	XXX	30

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

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

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

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

The proposed effluent limits for Outfall 006 are based on a design flow of 0 MGD.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Daily Maximum		Average Monthly	Daily Maximum	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Nickel, 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 412-442-4000.

The EPA Waiver is not in effect.

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

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

WQM Permit No. 3919406, Sewage, **Upper Macungie Township**, 8330 Schantz Road, Breinigsville, PA 18031.

This existing facility is located in Upper Macungie Township, **Lehigh County**.

Description of Proposed Action/Activity: The purpose of the project is to increase the capacity of several segments of a gravity sewer system downstream of the Applewood pump station to accommodate additional flows from the Lehigh Hills Lot No. 5 development project. Approximately 702 linear feet of 12-inch clay pipe will be replaced with 12-inch PVC with increased slope. Approximately 511 linear feet of 8-inch pipe will be upsized to 10-inch PVC pipe and approximately 2,946 linear feet of 12-inch pipe will be upsized to 15-inch PVC pipe.

WQM Permit No. 3919407, Sewage, **Upper Macungie Township**, 8330 Schantz Road, Breinigsville, PA 18031.

This existing facility is located in Upper Macungie Township, **Lehigh County**.

Description of Proposed Action/Activity: The project is for the replacement of the existing Applewood pump station with a new pump station to accommodate additional flows from the Lehigh Hills Lot No. 5 development project. Two identical suction lift pumps rated for 1,275 gpm at 137 ft TDH will operate in a lead/lag format and convey wastewater from the wet well through a 12-inch PVC force main before reaching existing Upper Macungie Township gravity sewers and ultimate disposal at the Kline's Island Treatment Plant in Allentown City.

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

WQM Permit No. 3670408, Amendment No. 1, Sewerage, **Penn Valley Mobile Home Park**, P.C.S. Chadaga, 123 Gilpin Drive, West Chester, PA 19382.

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

Description of Proposed Action/Activity: Seeking permit approval for the operation/construction for replacement of existing tanks from the 0.011 MGD at the Penn Valley Village Mobile Home Park WWTP.

WQM Permit No. WQG02211902, Sewerage, **Lemoyne Municipal Authority**, 510 Herman Avenue, Lemoyne, PA 17043-1856.

This proposed facility is located in Lemoyne Borough, **Cumberland County**.

Description of Proposed Action/Activity: Seeking permit approval for the replacement of the Clark and Walton pump stations.

WQM Permit No. WQG01671904, Sewerage, **Teresa Caldwell**, 6000 Brook Valley Road, Monroe, NC 28100.

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

Description of Proposed Action/Activity: Seeking permit approval for construction/operation of a single residence sewage treatment system to serve the residence at 303 Capital Hill Road, Dillsburg, PA 17019.

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

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.

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

WQM Permit No. WQG02251901, Sewage, **Millcreek Township Erie County**, 3608 West 26th Street, Erie, PA 16506.

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

Description of Proposed Action/Activity: Sewer extension to serve Lester Lane and Lawndale Drive area.

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

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

PAI130528, MS4, **Westtown Township Chester County**, 1039 Wilmington Pike, West Chester, PA 19382. 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 Westtown Township, **Chester County**. The receiving streams, Ridley Creek (HQ-TSF, MF), Chester Creek (TSF, MF), Goose Creek (TSF, MF), East Branch Chester Creek (TSF, MF), Plum Run (WWF, MF), Hunters Run (HQ-TSF, MF), and Radley Run (WWF, MF), are located in State Water Plan watershed 3-H and 3-G and is classified for Migratory Fishes, Warm Water Fishes, Trout Stocking, and High Quality Waters—Trout Stocking, aquatic life, water supply and recreation. The applicant is classified as a small MS4.

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

- A combined Plan for Pollutant Reduction and Total Maximum Daily Load.

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

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

PAI130076, MS4, **Langhorne Manor Borough**, 618 Hulmeville Avenue, Langhorne, PA 19047-2749. 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 Langhorne Manor Borough, **Bucks County**. The receiving stream(s), Unnamed Tributary to Mill Creek (WWF, MF) and Unnamed Tributary to Neshaminy Creek (WWF, MF), is located in State Water Plan watershed 2-F and 2-E and is classified for Migratory Fishes and Warm Water Fishes, aquatic life, water supply and recreation. The applicant is classified as a small MS4.

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

- A Pollutant Reduction Plan (PRP)
- A Total Maximum Daily Load (TMDL) Plan

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

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

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD130022	PPL Electric Util Corp 2 N 9th St, Genn 4 c/o Luke Portieles Allentown, PA 18101	Carbon	Franklin Twp Lower Towamensing Twp	Bull Run (EV, MF)

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

NPDES

Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAD390136	Isett Property One LLC 85 S Rt 100 Allentown, PA 18106	Lehigh	Upper Macungie Twp	Little Cedar Creek (HQ-CWF, MF) EV Wetlands

Monroe County Conservation District, 8050 Running Valley Road, Stroudsburg, PA 18347.

NPDES

Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAD450093	Brodhead Creek Regional Authority 410 Mill Creek Rd East Stroudsburg, PA 18301	Monroe	Pocono Twp	UNT to Pocono Creek (HQ-CWF, MF)

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

NPDES

Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAD480104	Joseph Correia Jerc Partners LII LLC 171 SR 173 Ste 201 Asbury, NY 08802	Northampton	Wind Gap Boro Plainfield twp	UNT to Little Bushkill Creek (HQ-CWF, MF) EV Wetlands

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

Permit #	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAD500008	PennDOT Engineering District 8-0 2140 Herr Street Harrisburg, PA 17103-1699	Perry	Carroll Township	UNT Shermans Creek (WWF, MF)
PAD360045	Horst & Sons, Inc. 120 North Pointe Boulevard Lancaster, PA 17601	Lancaster	Mount Joy Township	UNT Donegal Creek (CWF, TSF, MF)
PAD360047	PPL Electric Utilities Corporation 2 North Ninth Street Allentown, PA 18101	Lancaster	Martic Township Pequea Township	Susquehanna River (WWF, MF) Tobe Run (WWF, MF) Kellys Run (WWF, MF) Tucquan Creek (HQ-CWF, MF) Pequea Creek 1 (WWF, MF) Pequea Creek (HQ-CWF, MF) Climbers Run (CWF, MF) Sliver Mine Run (TSF, 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.

NPDES

Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAD140055	PennDOT 2-0 70 PennDOT Drive Clearfield, PA 16830	Centre	Marion Township	Nittany Creek HQ-CWF Lick Run HQ-CWF

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

Permit No.	Applicant & Address	County	Municipality	Stream Name
PAD260011	First Energy 311 South Seventh Street Connellsville, PA 15424	Fayette County	City of Connellsville	Youghiogheny River (HQ-CWF)

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

PAG-12 CAFOs

CAFO Notices of Intent Received.

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

NPDES Permit No. PAG124869, CAFO, **Wolfe Steve**, 272 Middle Road, Centre Hall, PA 16828.

This proposed facility is located in Harris Township, **Centre County**.

Description of size and scope of proposed operation/activity: Dairy (Cows, Heifers): 1,487.00 AEUs.

The receiving stream, Unnamed Tributary to Penns Creek (CWF, MF), is in watershed 6-A and classified for: Cold Water Fishes and Migratory Fishes.

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

NPDES Permit No. PAG123895, CAFO, **Matter Dylan**, 1501 Sugar Run Road, Millerstown, PA 17062.

This proposed facility is located in Greenwood Township, **Perry County**.

Description of size and scope of proposed operation/activity: Poultry (Ducks): 84.98.

The receiving stream, Cocolamus Creek (TSF, MF), is in watershed 12-B and classified for: Migratory Fishes and Trout Stocking.

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

NPDES Permit No. PAG123894, CAFO, **Zimmerman Lavon J**, 11653 William Penn Highway, Thompsettown, PA 17094.

This proposed facility is located in **Juniata County**.

Description of size and scope of proposed operation/activity: Swine (Grow—Finish): 386.53 AEUs.

The receiving stream, Unnamed Tributary to Locust Run (CWF, MF), is in watershed 12-B and classified for: Cold Water Fishes and Migratory Fishes.

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

NPDES Permit No. PAG123893, CAFO, **Fair Family Farms LLC**, 3949 Allegheny Road, Manns Choice, PA 15550.

This proposed facility is located in **Bedford County**.

Description of size and scope of proposed operation/activity: Poultry (Layers), Dairy (Heifers, Calves): 621.30 AEUs.

The receiving stream, Raystown Branch Juniata River (TSF, MF), is in watershed 11-C and classified for: Migratory Fishes and Trout Stocking.

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

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>
David Kauffman 12050 Greenwood Road Huntingdon, PA 16652	Huntingdon	76.3	775.90	Beef Cattle/Finishing Swine	HQ	Renewal
Joann & Earl Ebling 761 Airport Road Bethel, PA 19507	Berks	76.63	136.11	Poultry— Pullets	NA	Renewal
Greenfield Farms Mervin King Mgr. 16551 Rte 35 South Port Royal, PA 17082	Juniata	1,193.7	441.42	Poultry, Sheep & Goats	Doughrty Run & Woodward Run	Renewal
Lynn Royer 273 Greentree Rd Elizabethtown, PA 17022	Lancaster	319.4	763.3	Dairy/Poultry	NA	R
Joel Christianson 160 Frystown Road Myerstown, PA 17067	Berks	1	2,262.53	Swine	NA	Renewal
Oscar Manbeck 10 Fort Henry Road Bethel, PA 19507	Berks	677.1	917.94	Swine	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. 4019507MA, Minor Amendment.

Applicant **Hazleton City Authority**
400 E. Arthur Gardner Parkway
Hazleton, PA 18201

Township or Borough **Hazleton City & Hazle Township Luzerne County**

Responsible Official Randy Cahalan, Director of Operations
Hazleton City Authority
400 E. Arthur Gardner Parkway
Hazleton, PA 18201

Type of Facility Public Water Supply

Consulting Engineer John Synoski, P.E.
Hazleton City Authority
400 E. Arthur Gardner Parkway
Hazleton, PA 18201

Application Received Date 7/17/2019

Description of Action Addition of secondary chlorine feed to Lattimer Booster Station and if required Driftor Pump station and Buck Mountain PRV pit to maintain minimum distribution system chlorine residuals. Addition of chlorine dioxide feed as a second type of pre-treatment at the Hazleton WTP along with existing potassium permanganate to reduce DPBs.

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

Permit No. 3619520, Public Water Supply.

Applicant **Pilgrim's Oak Golf Course LLP**

Municipality Drumore Township

County **Lancaster**

Responsible Official Peter P. Trimble
1107 Pilgrim's Pathway
Peach Bottom, PA 17563

Type of Facility Public Water Supply

Consulting Engineer Charles A. Kehew II, P.E.
James R. Holley & Associates, Inc.
18 South George Street
York, PA 17401

Application Received: 8/28/2019

Description of Action Construction of a new nitrate treatment system and the replacmenet of two existing UV disinfection units.

Permit No. 0619513, Public Water Supply.

Applicant **Speedway, LLC**

Municipality Richmond Township

County **Berks**

Responsible Official Scott Fleming, Manager—
Environmental Compliance
500 Speedway Drive
Enon, OH 45323

Type of Facility Public Water Supply

Consulting Engineer Charles A. Kehew II, P.E.
James R. Holley & Associates, Inc.
18 South George Street
York, PA 17401

Application Received: 8/15/2019

Description of Action Construction of a new nitrate treatment system and the replacement of an existing softener.

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

Permit No. 6610020-19E1, Public Water Supply.

Applicant **City of Franklin General Authority**

Township or Borough City of Franklin

County **Venango**

Responsible Official Tracy Jamieson

Type of Facility Public Water Supply

Consulting Engineer Kyle Fritz, P.E.
The EADS Group
15392 Route 322
Clarion, PA 16214

Application Received Date September 12, 2019

Description of Action Emergency Permit to put Barrett Flats WTP back in service

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION UNDER ACT 2, 1995 PREAMBLE 1

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P.S. §§ 6026.302—6026.305) require the Department to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. A person intending to use the background standard, Statewide health standard, the site-specific standard or intend to remediate a site as a special industrial area shall file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of cleanup

standards or receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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

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

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

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

Klugh/Beck Residence, 6340 Lemon Street, East Petersburg, **Lancaster County**. August Mack Environmental, Inc., 941 Wheatland Avenue, Suite 401, Lancaster, PA 17603, on behalf of Nationwide Insurance, P.O. Box 182067, and Timothy Beck and Ami Klugh, 6340 Lemon Street, East Petersburg, PA 17520 submitted a Notice of Intent to Remediate site soil contaminated with heating oil. The site will be remediated to the Residential Statewide Standard. Future use of the site is for residential purposes. The Notice of Intent to Remediate was published in the *LNP* on August 30, 2019.

Former Lytle Farms Dump Site, 915 East Harrisburg Pike, Middletown, PA 17057, Londonderry Township, **Dauphin County**. Liberty Environmental, Inc, 505 Penn Street, Suite 400, Reading, PA 19601, on behalf of Tuck A Way II, LLC, 1085 Manheim Pike, Lancaster, PA 17601-3117, submitted a Notice of Intent to Remediate site soil contaminated with VOCs and SVOCs from a landfill. The site will be remediated to the Site-Specific Standard. Future use of the site is for non-residential purposes. The Notice of Intent to Remediate was published in the *Press and Journal* on August 28, 2019.

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

Correction: Gail Caldwell Residence, 248 Vickerman Road, East Lackawannock Township, **Mercer**

County. Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, on behalf of Gail Caldwell, 248 Vickerman Road, Mercer, PA 16137, submitted a Notice of Intent to Remediate. A release of home heating oil resulted in site soil and site groundwater impacted with Benzene, Toluene, Ethylbenzene, Isopropylbenzene, Naphthalene, MTBE, 1,2,4-trimethylbenzene, and 1,3,5-trimethylbenzene. The selected remediation standard is Statewide Health. Future use of the property will be residential. The Notice of Intent to Remediate was published in *The Herald* on August 13, 2019.

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

Wintersteen Property, 221 Ryan Road, West Marlborough Township, **Chester County**. Joseph Diamadi, Jr., Marshall Geoscience, Inc., 170 East First Avenue, Collegeville, PA 19426 on behalf of Mr. & Mrs. George Wintersteen, 221 Ryan Road, West Grove, PA 19390 submitted a Notice of Intent to Remediate. Soil at the site has been found to be contaminated with gasoline. The proposed future use of the property will be maintained as a residential property. The Notice of Intent to Remediate was published in the *Daily Local News* on August 2, 2019.

(Revised) ECO Energy Distribute Philadelphia LLC, 4400 Columbus Boulevard, City of Philadelphia, **Philadelphia County**. Jamey Stynchula, PG, GEI Consultants, 1800 Horizon Way, Suite 200, Mount Laurel, NJ 08054 on behalf of Chadwick Conn, Eco-Energy Distribution-Philadelphia, LLC, 725 Cool Springs Boulevard, Suite 500, Franklin, TN 37067 submitted a Notice of Intent to Remediate. Soil at the site has been contaminated with the release of benzo(a)pyrene, arsenic, thallium and benzene. The Notice of Intent to Remediate was published in the *Philadelphia Weekly* on June 4, 2014.

Vereline Residence, 1420 Delmar Drive, Folcroft Borough, **Delaware County**. Joseph Kraycik, Environmental Standards, Inc., 1140 Valley Forge Road, P.O. Box, 810, Valley Forge, PA 18482 on behalf of Michael Vereline, 1420 Delmar Drive Associates, LP, 595 East Lancaster Avenue, Suite 203, St. Davids, PA 19087 submitted a Notice of Intent to Remediate. Soil and groundwater have been contaminated with the release of VOCs. The future use of the property is expected to remain non-residential. The Notice of Intent to Remediate was published in the *Delaware County Times* on June 29, 2019.

Horan Residence, 46 Village Way, East Whiteland Township, **Chester County**. Richard Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073 on behalf of Erin Bydalek, Nationwide, P.O. Box 19, Harleysville, PA 19438 submitted a Notice of Intent to Remediate. A release of petroleum occurred at the site with impacts to shallow soil. The current use and proposed future use of the site is residential. The Notice of Intent to Remediate was published in the *Daily Times* and *Sunday Times* on July 13, 2019.

Neve Site, 101 Washington Street, Borough of Conshohocken, **Montgomery County**. Richard Lake, Geo-Technology Associates, Inc., 2405 John Fries Highway, Quakertown, PA 18951 on behalf of Chris Senvindiver, High Street Conshohocken State Road, Conshohocken, PA 19428 submitted a Notice of Intent to Remediate. The site has been found to be contaminated with historic fill containing selected PAHs, metals and VOCs in groundwater. The proposed future use of the property will be residential. The Notice of Intent to Remediate was published in the *Medial News Group* on July 28, 2019.

Constitution Square, LLC, 108 East Walnut Street, Perkasio Borough, **Bucks County**. Sean M. Damon, PG, Langan Engineering and Environmental Services, P.O. Box 1569, Doylestown, PA 18901 on behalf of James W. Moulton, Constitution Square, LLC, 402 Swedesford Road, North Wales, PA 19454 submitted a Notice of Intent to Remediate. The site has been found to be contaminated with PAHs and metals in the soil and VOCs in groundwater. The Notice of Intent to Remediate was published in the *Intelligence* on July 5, 2019.

880 Downingtown Pike, 880 Downingtown Pike, East Bradford Township, **Chester County**. Stephen Huxta, PG, Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382 on behalf of Linda Christensen, Estate of William E. Aberts, 304 Deanhurst Avenue, Camp Hill, PA 17011 submitted a Notice of Intent to Remediate. The site was impacted by a release of heating oil. The proposed future use of the property will remain residential. The Notice of Intent to Remediate was published in the *Intelligence* on July 5, 2019.

Hulmeville Landfill Site, Parcel ID #s 16-005-50; 16-005-51; 16-005-52, Hulmeville Borough, **Bucks County**. Richard S. Werner, PG, Environmental Consultants, Inc., 2002 Renaissance Boulevard, Suite 110, King of Prussia, PA 19406 on behalf of Jeff Darwak. The Redevelopment Authority of the County of Bucks submitted a Notice of Intent to Remediate. Soil and groundwater were contaminated with the release of lead in soil and manganese in groundwater. The Notice of Intent to Remediate was published in the *Advance of Bucks County* on July 28, 2019.

White Clay Creek Preserve, 350 Glen Road, London Britain Township, **Chester County**. Michael Sarcinelli, Aquaterra Technologies, Inc., 122 South Church Street, West Chester, PA 19382 on behalf of Phillip Schmidt, White Clay Creek Preserve, 1023 Sycamore Mills Road, Media, PA 19063 submitted a Notice of Intent to Remediate. The property will return to residential use when the remediation has been completed. The site soil and groundwater have been impacted due to a release of heating oil. The Notice of Intent to Remediate was published in the *Daily Local News* on June 11, 2019.

D. Craig Goodman Property, 461 Old Reading Pike, West Pottsgrove Township, **Montgomery County**. Andrew Markoski, PG, Patriot Environmental Management, LLC, 2404 Brown Street, Pottstown, PA 19464 on behalf of Kevin Silverang, SDC SMKOZ, LLC, 595 East Lancaster Avenue, Suite 203, St. Davids, PA 19087 submitted a Notice of Intent to Remediate. Soil and groundwater were impacted by the release of diesel fuel and No. 2 fuel oil. The future use of the property will remain commercial. The Notice of Intent to Remediate was published in the *Mercury* on July 16, 2019.

DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

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

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

General Permit Application No. WMGR028SC012A. **Allan Myers, L.P. dba Allan Myers Materials** has submitted an application for a Determination of Applicability under General Permit No. WMGR028. The application is for Allan Myers Materials' Paradise Asphalt Plant, 47 McIlvaine Road, Paradise, PA 17562 in Paradise Township, **Lancaster County**. This general permit authorizes the beneficial use of baghouse fines and/or scrubber pond precipitates, generated by hot-mix asphalt plants, for use as (i) an aggregate in roadway construction, (ii) a soil additive, (iii) a soil conditioner, or (iv) a component or ingredient in the manufacturing of construction products. The application was determined to be complete on September 12, 2019.

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

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.

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

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

39-00004F: Mack Trucks, Inc. (700 Alburts Road, Macungie, PA 18062) for their facility in Lower Macungie Township, **Lehigh County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received a Plan Approval for Mack Trucks, Inc. (700 Alburts Road, Macungie, PA 18062) for their facility in Lower Macungie Township, Lehigh County. This Plan Approval No. 39-00004F will be incorporated into a Title V Permit through an administrative amendment at a later date.

Plan Approval No. 39-00004F is for the revision of the permit limit for Volatile Organic Compounds (VOCs) emissions. The company has requested to add a VOC emission limits of 20.0 tons/year each to the following sources combined at the facility (ID 120, 121). No other operational changes, modification or new equipment installation is proposed by the company. The company has requested these voluntary VOC emission limits in order for the facility to meet RACT 2 applicability. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are

available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711.

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No. 39-00004F and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Environmental Group Manager, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711, Phone 570-826-2511 within 30 days after publication date.

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.

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

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

54-00041C: Silberline Manufacturing Co., Inc. (130 Lincoln Drive, Tamaqua, PA 18252) for their facility in Rush Township, **Schuylkill County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Pennsylvania Department of Environmental Protection intends to issue for plan approval to construct a new manufacturing process line with control devices and one (1) new boiler for their facility in Rush Township, Schuylkill County. This Plan Approval No. 54-00041C will be incorporated into a Title V Permit through an administrative amendment at a later date.

Plan Approval No. 54-00041C is for installation of a new encapsulation process for pigments including one (1) new Particulate Matter (PM) condenser. VOC emission increases from this source are not to exceed 9.08 tons/year. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name,

address and telephone number of the person submitting the comments, identification of the proposed permit No. 54-00041C and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Phone 570-826-2511 within 30 days after publication date.

Notice of Intent to Issue A Plan Approval for a Title V Facility and Notice of Proposed Revision to the State Implementation Plan for Oxides of Nitrogen, Volatile Organic Compounds, and Notice of Public Hearing

Notice is hereby given in accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), that the Department of

Environmental Protection (DEP) intends to issue a **Plan Approval # 39-00006F to American Craft Brewery LLC**, 7880 Penn Drive, Breinigsville, PA 18031-1508, for their plant located in Upper Macungie Township, **Lehigh County**. The facility currently operates pursuant to a Title V Operating Permit No. 39-00006. This plan approval will be incorporated into the Title V operating permit through an administrative amendment at a later date, and the action will be published as a notice in the *Pennsylvania Bulletin*.

Plan Approval No. 39-00006F is to install a new can line as Source ID 164, ancillary equipment to provide packaging flexibility, and to increase annual throughput of total produced and total packaged product. The increase in the permitted limit on annual product throughput will allow for greater brewing, fermentation, blending, and packaging flexibility at the facility. The company also proposes to install an additional new two-deck pasteurizer in conjunction with the new can line. Although the pasteurizer is not a direct source of emissions, the additional steam required to operate the pasteurizer will result in an incremental increase in emissions from the boilers.

Following table represent emissions increases due to proposed project.

<i>Pollutant</i>	<i>NO_x</i>	<i>VOCs</i>	<i>SO₂</i>	<i>PM</i>	<i>PM₁₀</i>	<i>PM_{2.5}</i>	<i>CO</i>
Project Emissions Increase (tpy)	4.67	30.06	0.06	0.5	0.80	0.75	2.98

The total net VOC emissions increase for this project does not trigger a significant VOC emission increase as a major modification, but it does trigger a de minimis emissions increase of VOCs. When considering this project's VOC emission increases along with other de minimis VOC increases and decreases over the past 10-year period, those emission increases in aggregation total 68.69 tpy, which exceeds the 40 tpy VOC significance threshold which requires offsetting with 79 tons of VOC emission reduction credits in accordance with 25 Pa. Code Subchapter E requirements.

A review of the information submitted by the company indicates that the proposed project will meet all applicable State and Federal air quality requirements. Based upon these findings, DEP plans to approve the application and issue a permit for the facility.

In order to assure compliance with the applicable standards, DEP will place conditions in the plan approval.

The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701.

The proposal also includes Approval of a Reasonably Available Control Technology (RACT II) plan for the company.

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 their beer, FMB and hard cider manufacturing and packaging facility located in Upper Macungie Township, Lehigh County.

The 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 determined to satisfy the requirements for the 1997, 2008 and 2015 National Ambient Air Quality Standards (NAAQS) for ozone.

The proposed amendments to the RACT II determination, if finally approved, will be incorporated into a revised operating permit (39-00006) for the facility. The relevant RACT II requirements will be submitted to the U.S. Environmental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan and will remain in effect until replaced pursuant to 40 CFR 51 and approval by the EPA. Requirements that are not part of the RACT II determination will be excluded from the SIP submittal.

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

<i>Source</i>	<i>New RACT Limit Proposed for VOC emissions</i>
Fermentation, Source Id 121	Maintain and operates the source in accordance with the manufacturer's specification and with good operating practices.
Off Spec Product Destruction, Source Id 127	Maintain and operates the source in accordance with the manufacturer's specification and with good operating practices.

Source	New RACT Limit Proposed for VOC emissions
Yeast Storage, Source Id 131	Maintain and operates the source in accordance with the manufacturer's specification and with good operating practices.
Packaging Bottle Filler, Source Id 143	Maintain and operates the source in accordance with the manufacturer's specification and with good operating practices.
Ph Adjustment Tank Source Id 160	Maintain and operates the source in accordance with the manufacturer's specification and with good operating practices.

Public hearing. A public hearing will be held if requested by October 4, 2019 to accept oral comments on the proposed plan approval, operating permit revision and the proposed SIP revision. The hearing will be held, if requested, on October 11, 2019, at 10:00 a.m. at the DEP Bethlehem District Office, 4530 Bath Pike, Bethlehem, PA 18017. To request a hearing, to register to speak at a hearing, or to inquire if a hearing will be held, contact Colleen Connolly, Regional Community Relations Coordinator at 570-826-2035. The last day to pre-register to speak at a hearing, if one is held, will be October 4, 2019.

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 Northeast Regional Office website. The Department asks that you contact Colleen Connolly, Regional Community Relations Coordinator at 570-826-2035 or monitor the Department's web site to determine if a hearing will be held.

Persons wishing to present testimony at the hearing should contact Colleen Connolly at 570-826-2035 at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to a maximum of 5 minutes per individual and 2 written copies of the oral testimony are requested. Each organization is requested to designate one witness to present testimony on its behalf. Persons unable to attend the hearing, if it is held, may submit 3 copies of a written statement and exhibits within 10 days thereafter to Mark J Wejkszner, Environmental Program Manager, Pennsylvania Department of Environmental Protection, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701.

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 J Wejkszner, Environmental Program Manager, Pennsylvania Department of Environmental Protection, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701. A 30-day comment period from September 19, 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 Plan Approval and/or 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 Plan Approval and/or RACT II Plan.

All pertinent application documents are available for public review between 8 a.m. and 4 p.m. at the PA DEP Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915. Appointments for scheduling a review may be made by calling 570-826-2419.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should contact Colleen Connolly at 570-826-2035

or the Pennsylvania AT&T Relay Service at 1-800-654-5984 (TDD) to discuss how the Department may accommodate your needs.

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

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

06-05077E: Can Corporation of America, Inc. (326 June Avenue, Blandon, PA 19510) for revisions of the State Only Operating Permit for the can manufacturing plant located in Maiden Creek Township, **Berks County**. This plan approval is for the following items: 1.) Remove Source 104 (360 Spray Line); Change SG01 VOC emission limits from 7.25 lb/hr, 174 lb/day and 13.22 tpy to 2.57 lb/hr and 11.26 tpy; Change SG01 catalytic oxidizer VOC destruction efficiency from 92% to 80%. DEP's review of the information submitted by the applicant indicates that the air contamination sources as constructed or modified will comply with all regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12. Based on these findings, the Department proposes to issue a plan approval for the proposed revisions. If, after the project has been implemented, the Department determines that the sources are constructed and operated in compliance with the plan approval conditions and the specification of the application for plan approval, the requirements established in the plan approval will be incorporated into an Operating Permit pursuant to the administrative amendment provisions of 25 Pa. Code § 127.450.

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

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

26-00610A: Iron Mountain US, LLC (1 Pilarsky Way, Aliquippa, PA 15001). Notice is hereby given in accordance with 25 Pa. Code §§ 127.44 and 127.45 that the Department of Environmental Protection ("Department") intends to issue Air Quality Plan Approval: PA-26-00610A to Iron Mountain US, LLC ("IMUL") for installation and operation of new material handling and processing equipment for the mining of non-coal industrial materials (industrial slag) for metals recovery at 600 Leisenring Vanderbilt Road, Dunbar Township and Vanderbilt Borough, **Fayette County**.

The facility is limited to a material throughput of 3,200,000 tpy on a 12-month rolling basis and the estimated emissions from the facility are 43.0 tpy particulate matter (PM), 14.0 tpy PM₁₀, 7.0 tpy SO_x, 27.0 tpy NO_x, 24 tpy CO, 6.5 tpy VOC, and 2.5 tpy of hazardous air pollutants (HAPs).

This authorization is subject to State regulations including 25 Pa. Code Chapters 123, 127, and 129. Plan

approval conditions include throughput limitations on material throughput, operational restrictions for diesel-fired engines, monitoring requirements, work practice standards, associated recordkeeping, and reporting requirements. Once compliance with the Plan Approval is demonstrated, the applicant will be required to revise or submit a State Only Operating Permit ("SOOP") application in accordance with 25 Pa. Code Subchapter F.

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

A person may oppose the proposed Air Quality plan approval by filing a written protest with the Department or may submit written comments through Jesse S. Parihar via the U.S. Postal Service to the Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222; written comments may also be submitted via email to jparihar@pa.gov or via fax to 412-442-4194. Each set of written comments or protest must contain the name, address, and telephone number of the person submitting the comments or protest, identification of the proposed plan approval (26-00610A) and a concise statement of the objections to the plan approval issuance and the relevant facts upon which the objections are based.

All comments must be received prior to the close of business 30 days after the date of this publication. A protest to the proposed action shall be filed with the Department within 30 days of the date that notice of the proposed action was published under 25 Pa. Code § 127.44 (relating to public notice).

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. All persons who have properly filed a protest under 25 Pa. Code § 127.46 may appear and give testimony. The applicant, the protestant and other participants will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient.

*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. IP19-000482: D'Angelo Bros., Inc. (3700 South 26th Street, Philadelphia, PA 19145) for the installation of one 325 horsepower diesel-fired emergency generator powering a 100 ton-per-hour portable concrete crushing plant with water spray dust control system at their facility in the City of Philadelphia, **Philadelphia County**. Nitrogen Oxides (NO_x) have a potential emissions of 4.03 tons per year. Carbon Monoxide (CO) has a potential emissions of 0.87 ton per year. Particulate Matter (PM) has a potential emissions of 0.05 ton 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 previously listed address.

Persons wishing to file protest, comments or to request a public hearing on the previously listed 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.

IP19-000528: Hilton City Avenue and Homewood Suites City Avenue (4200 City Ave., Philadelphia, PA 19131) for the installation of boilers, hot water heaters, and air handling units at two contiguous hotels, in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include six (6) boilers firing natural gas each rated less than 1 MMBtu/hr, three (3) hot water heaters firing natural gas each rated less than 1 MMBtu/hr, and two (2) air handling units firing natural gas rated 0.60 MMBtu/hr and 0.80 MMBtu/hr. The potential emission from the installation are as follows: (1) 3.409 tons per year (tpy) of Nitrogen Oxides (NO_x), (2) 2.863 tpy of Carbon Monoxide (CO), (3) 0.259 tpy of Particulate Matter (PM), and (4) 0.187 tpy of Volatile Organic Compound (VOC). The plan approval will contain operating, monitoring, recordkeeping, and reporting requirements to ensure operation within all applicable requirements.

The plan approval 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 previously listed plan approval must submit the protest, comments or request for a 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 plan approval 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.

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

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

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

35-00064: Innocor Foam Technologies—ACP, Inc. (2222 Surret Drive, High Point, NC 27263). The Department intends to issue a State-Only Operating Permit for operation of sources at a foam manufacturing operation in Archibald Borough, **Lackawanna County**. The sources include a slab stock foam pour line and adhesive usage process. 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.

40-00128: InterMetro Industries Corporation (1101 North Washington Street, Wilkes-Barre, PA 18705-1817). The Department intends to issue a State-Only Operating Permit for operation of sources at a miscellaneous fabricated wire product manufacturing operation in Wilkes-Barre City, **Luzerne County**. The sources include a burn off oven, cleaning tanks, plating tanks, chromate coating tanks, electropolishing tanks, arc welding, a silicone sealant booth, and emergency generators. 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.

39-00093: A. Schulman Inc., A. Schulman, Inc., Plant (6355 Farm Bureau Road, Allentown, PA 18106-5900). The Department intends to issue a renewal (Natural Minor) permit for the unlaminated plastics products profile shape manufacturing facility in Upper Macungie Township, **Lehigh County**. The sources consist of Air Mills, Cryogenic Systems, and Silos. The sources are controlled by fabric collectors. 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.

45-00024: Eureka Stone Quarry (P.O. Box 249, Chalfont, PA 18914-0249). The Department intends to issue a renewal State-Only Synthetic Minor Permit for the Eureka Stone Quarry located in Hamilton Township, **Monroe County**. Operations at this quarry include a stone crushing plant and a batch asphalt plant. 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 proposed permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

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

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

67-05028: Tolna Power LLC (1890 Granite Station Road, Gettysburg, PA 17325) to issue a State-Only Operating Permit for the electricity generation facility (Tolna Electric Generating Station) located in Hopewell Township, **York County**. This is for renewal of the existing operating permit. The actual emissions from the facility in 2018 were reported to be 6.02 tons NO_x and less than 1 ton of each CO, PM, VOC, SO_x, and HAPs. The Operating Permit will include emission limits and work practice standards along with testing, monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR Part 63, Subpart ZZZZ—National Emission Standards for Hazardous Air

Pollutants for Stationary Reciprocating Internal Combustion Engines (Source IDs 201A and 202A).

67-03162: Church & Dwight Co., Inc. (5197 Commerce Drive, York, PA 17408) to issue a State Only Operating Permit for the facility located in Jackson Township, **York County**. This is for renewal of the existing operating permit. The actual emissions from the facility in 2018 are estimated at 21.76 tons of VOC, 13.84 tons of PM₁₀, 10.27 tons of PM_{2.5}, 3.38 tons of NO_x, 2.64 tons of CO, and 0.05 ton of SO_x. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping, and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR Part 60, Subpart Dc—Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units, and 40 CFR Part 60, Subpart IIII—Standards of Performance for Stationary Compression Ignition Internal Combustion Engines.

36-03024: Astro Machine Works, Inc. (470 Wenger Drive, Ephrata, PA 17522) to issue a State-Only Operating Permit for the operation of the custom machine manufacturing facility in Ephrata Borough, **Lancaster County**. This is for renewal of the existing operating permit. Actual emissions from the facility in 2017 were estimated at 1.75 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 25 Pa. Code §§ 123.13, 129.52d and 129.63.

21-03128: Holy Spirit Hospital (503 North 21st Street, Camp Hill, PA 17011), to issue a Natural Minor operating permit for the hospital facility located in East Pennsboro Township, **Cumberland County**. This permit will supersede the current Title V operating permit No. 21-05038. The primary emissions from the facility are NO_x and CO from diesel emergency generator engines and natural gas fired package boilers with backup No. 2 oil fuel. The facility's actual 2018 emissions are NO_x 5.78 tons, CO 4.27 tons, VOC 0.6 ton, PM₁₀ 0.38 ton and HAPs 0.38 ton. 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 for Sources derived from 25 Pa. Code § 123 and § 127 for restrictions, monitoring, recordkeeping, and reporting. The emergency generators are subject to Federal 40 CFR, Part 60 NSPS Subpart IIII or Part 63 NESHAP Subpart ZZZZ.

38-05023: Pennsy Supply, Inc. (1 Clear Spring Road, Annville, PA 17003) for the Prescott Asphalt Plant in South Lebanon Township, **Lebanon County**. This is for renewal of the existing operating permit. Actual emissions from the facility in 2017 were estimated at 12.79 tons of CO, 1.42 ton of NO_x, 2.80 tons of NO_x, 2.28 tons of PM₁₀, 0.34 ton of SO_x, 3.16 tons of VOC, and 0.53 ton of combined HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring and recordkeeping requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR 60, Subpart I—Standards of Performance for Hot Mix Asphalt Facilities.

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

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

65-00860: Hydro Carbide Inc. (4439 State Route 982, Latrobe, PA 15650) In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) gives notice that they intend to issue a Synthetic Minor State Only Operating Permit (SOOP) to Hydro Carbide Inc. to authorize the continued operation for the production of cemented tungsten carbide at their Latrobe Plant located in Unity Township, **Westmoreland County**.

The operation process at this facility include 10 attritors and 2 ball mills, heptane storage tank, and condensers. The company is proposing to take an enforceable limit of 20.7 tpy VOC emission from the facility. The proposed SOOP contains emission restriction, testing, monitoring, recordkeeping, reporting and work practice standards derived from the applicable requirements of 25 Pa. Code Article III, Chapters 121—145.

A person may oppose the proposed State Only Operating Permit by filing a written protest with the Department through Noor Nahar via mail to Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222. Each protest or set of written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed State Only Operating Permit (65-00860) and a concise statement of the objections to the Operating Permit issuance and the relevant facts upon which the objections are based.

Hydro Carbide Synthetic Minor State Only Operating Permit application, the Department’s Air Quality Review Memorandum, and the Proposed Air Quality Operating Permit for this facility are available for review by any interested party at the Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. To request a review of the Hydro Carbide State Only Operating Permit application, to receive an electronic copy of the Department’s Air Quality Review Memorandum, or to receive an

electronic copy of the Department’s proposed air Quality Operating Permit for this facility, a person may contact Noor Nahar at nnahar@pa.gov or 412.442.5225.

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

Notice of Proposed Revision to the State Implementation Plan for Oxides of Nitrogen, Volatile Organic Compounds, Notice of Public Hearing, and Notice of Intent to Issue Revised Air Quality Operating Permit 65-00860.

Approval of a Reasonably Available Control Technology (RACT II) plan for Hydro Carbide Inc located in Unity Township, Westmoreland 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 cemented tungsten carbide facility owned and operated by Hydro Carbide Inc at 4439 State Route 982, Latrobe, PA 15650 in Unity Township, Westmoreland 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, if finally approved, will be incorporated into the synthetic minor operating permit (65-00860) for the facility.

The relevant RACT II requirements will be submitted to the U.S. Environmental Protection Agency (EPA) as a revision to Pennsylvania’s 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	RACT II Requirement	SOOP 65-00860 Cond. No
101—3 100SC Attritors 102—5 30S attritors 104—3 Rota-Cone Vacuum dryers 105—3 Conaform Vacuum Dryers 106—2 Attritors 107—2 Rota-Cone Vacuum dryers	The facility will take an enforceable Volatile Organic Compound (VOC) facility-wide emissions cap of 20.7 tons in any consecutive 12-month period.	Section C, Condition # 008
	All air cleaning devices and air contamination sources at the facility shall be operated and maintained in accordance with manufacturer’s specification and good air pollution and engineering practices.	Section C, Condition # 030

Public hearing. A public hearing will be held if requested by October 21, 2019 to accept oral comments on the proposed operating permit revision and the proposed SIP revision. The hearing will be held, if requested, on November 20, 2019 at 10 a.m. at the Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222.

To request a hearing, 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, if one is held, will be October 21, 2019.

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>.

The Department asks that you contact Thomas Joseph at 412.442.4336 or monitor the Department's 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 September 21, 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.

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

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

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

40-00139A: Gonnella Frozen Products, LLC (301 Parkview Road, Hazle Township, PA 18202) for their facility in Hazle Township, **Luzerne County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to Gonnella Frozen Products, LLC (301 Parkview Road, Hazle Township, PA 18202) for their facility in Hazle Township, Luzerne County. This Plan Approval No. 40-00139A will be incorporated into a Synthetic Minor Permit at a later date.

Plan Approval No. 4-00139A is for the installation of one (1) 1,881 CFM baghouse to control dust from three (3) flour silos and four (4) dough mixers. Particulate Matter (PM) emissions from the plant will remain under their 100 TPY threshold limit, 12-month rolling sum. The company shall be subject to and comply with 25 Pa. Code § 123.13 for PM emissions. These limits will meet BAT requirements for this source. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711.

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No. 40-00139A and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Environmental Group Manager, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711, Phone 570-826-2511 within 30 days after publication date.

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

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

Permit No. 56080104. Rosebud Mining Company, 301 Market Street, Kittanning, PA 16201, permit renewal for reclamation only of a bituminous surface and auger mine in Paint & Adams Townships, **Somerset & Cambria Counties**, affecting 252.9 acres. Receiving streams: unnamed tributary to/and Paint Creek, classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: September 11, 2019.

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

16140109 and NPDES Permit No. PA0259594. K & A Mining (119 Atwell Lane, Kennerdell, PA 16374). Revision to an existing bituminous surface mine to add 8.0 acres in Washington Township, **Clarion County**. Receiving streams: Unnamed tributaries to East Sandy Creek, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: September 9, 2019.

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

Permit No. 54840106R7. City of Philadelphia, Trustee, Girard Estate (1101 Market Street, Suite 2600, Philadelphia, PA 19107) renewal of an existing anthracite surface mine and coal refuse reprocessing operation in Butler and West Mahanoy Townships, **Schuylkill County** affecting 447.6 acres, receiving stream: Mahanoy Creek, classified for the following uses: warm water and migratory fishes. Application received: September 4, 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

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

NPDES No. PA0278408 (Mining Permit No. 65-19-02), P&N Coal Company, Inc., P.O. Box 332, Punxsutawney, PA 15767, new NPDES permit for a bituminous surface mine in Derry Township, **Westmoreland County**, affecting 5.9 acres. Receiving stream(s): unnamed tributary to McGee Run, classified for the following use(s): CWF. This receiving stream is included in the Kiskiminetas-Conemaugh TMDL. Application received: August 7, 2019. There will be no discharges from this site.

NPDES No. PA0252069 (Surface Mining Permit No. 63110101), Neiswonger Construction, Inc., 17592 Route 322, Strattanville, PA 16258, renewal NPDES permit for a bituminous surface mine located in Deemston Borough, **Washington County**, affecting 24.4 acres. Receiving stream: Unnamed tributaries to Ten Mile Creek, classified for the following use: TSF. Application received January 14, 2019. All previously permitted outfalls have been reclaimed and no outfalls are being renewed as part of this renewal application.

Noncoal NPDES Draft Permits

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

NPDES No. PA0242365 (Permit No. 16030302). IA Construction Corporation (24 Gibb Road, P.O. Box 568, Franklin, PA 16323). Revised NPDES permit for a large industrial minerals surface mine in Licking and Richland Townships, **Clarion County**, affecting 156.5 acres. Receiving streams: Unnamed tributary to the Clarion River and an unnamed tributary to Turkey Run, classified for the following uses: CWF and HQ-CWF, respectively. TMDL: Lower Clarion River. Application received: July 24, 2019.

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

The following outfalls discharge to unnamed tributary to the Clarion River:

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

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Alkalinity greater than acidity ¹				
¹ The parameter is applicable at all times.				
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		2.0	4.0	5.0
Aluminum (mg/l)		0.75	.75	0.75
Total Suspended Solids (mg/l)		35.0	70.0	90.0

The following outfalls discharge to unnamed tributary to the Clarion River:

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

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Alkalinity greater than acidity ¹				
¹ The parameter is applicable at all times.				
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		2.0	4.0	5.0
Aluminum (mg/l)		0.75	0.75	0.75
Total Suspended Solids (mg/l)		35.0	70.0	90.0

The following outfall requires a non-discharge alternative:

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

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

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

E3902119-003. Pa Department of Transportation, Eng District 5-0, 1002 Hamilton Street, Allentown, PA 18101, Catasauqua Borough, **Lehigh County,** Army Corps of Engineers, Philadelphia District.

To remove the existing structure and to construct and maintain a single span composite pre-stressed concrete bridge having a span of 48' and an underclearance of 6.8' across Catasauqua Creek (HQ-CWF, MF); To widen an existing single span composite pre-stressed concrete bridge to a span of 61.5 l.f. with an underclearance of 12.0-feet across tributary Lehigh River (TSF, MF); To install an outfall structure to Catasauqua Creek and to place fill in the floodway of Catasauqua Creek to support the maintenance of the D&L recreational trail through the project area.

The project is located along S.R. 1004 Sect 03S at intersection with S.R. 1007 (Lehigh St.), Catasauqua, PA

Quadrangle, Latitude: 40° 38' 52.8"N; Longitude: -75° 28' 5.1"W) in Catasauqua Borough, Lehigh County.

E4002119-010 Pa Department of Transportation, Eng District 4-0, 55 Keystone Industrial Park, Dunmore, PA 18512, Union Township, **Luzerne County**, Army Corps of Engineers, Baltimore District.

To remove the existing structure and to construct and maintain a roadway carrying SR 4016 over Reyburn Creek (CWF, MF) consisting of a 70-foot long, closed bottom, precast concrete box culvert depressed 12-inches below the existing streambed elevation having a 8-foot span and a 6-foot underclearance, fish baffles, precast concrete headwalls and rip rap aprons. Fill will be placed within the floodway of an existing tributary to Reyburn Creek (CWF, MF) due to an increase in the width of the roadway. The tributary will be realigned for approximately 147 linear feet in order to connect the watercourse to the upstream side of the new culvert. In addition, R-4 rip rap bank stabilization will be placed along the tributary to Reyburn Creek and immediately upstream and downstream of the Reyburn Creek culvert replacement.

Approximately 0.01 acre of PEM/PSS wetland will be permanently impacted due to the project.

The project is located along S.R. 4016 Sect D01 Seg 0140, off 1484 (Shickshinny Quadrangle, Latitude: 41° 13' 48.17"N; Longitude: -76° 09' 23.75"W) in Union Township, Luzerne County.

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

E0804119-009 PA DOT Engineering District 3-0, 715 Jordan Ave., Montoursville, PA 17754. SR 1012, Section 010, Segment 0030, Offset 2066 through Segment 0040, Offset 0195, Slope Failure Restoration, Wysox Township, **Bradford County**, Baltimore ACOE (Rome, PA Quadrangle N: 41° 47' 21"; W: -76° 22' 27").

PA DOT propose to restore a roadway slope failure adjacent to an Unnamed Tributary to Wysox Creek. The roadway failure will result in approximately 240 L.F. of R-8 Rip Rap Slope. The 1.5:1 side slope will be grouted to above the 100 year water surface elevation of the Unnamed Tributary to Wysox Creek. The Rip Rap slope will restore the roadway side slope to Pre-Flood location. Approximately 210 L.F. of the Unnamed Tributary to Wysox Creek will be shifted approximately 15 Ft. South. The left streambank will be graded to a 12:1 side slope. The project will include two J Hook rock structures on the upstream end and a root wad structure on the downstream end. The project will utilize a temporary diversion to construct the Rip Rap slope. A detour will be utilized to convey traffic during construction. The project will permanently impact 0.02 acre of jurisdictional wetlands. The unnamed tributary to Wysox Creek is classified as a Cold Water Fishery by 25 Pa. Code Chapter 93 Water Quality Standards.

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

E02052-1815, Merante Properties, LLC, 4740 Streets Run Road, West Mifflin Borough, **Allegheny County**; Pittsburgh ACOE District.

The applicant proposes to:

1. Construct and maintain a steel bridge with a length of 60-feet and a width of 32-feet over Streets Run (WWF);

2. Construct and maintain a 12.5-foot wide bench within the floodway of Streets Run (WWF); and

3. Construct and maintain a 15" stormwater outfall within the floodway of Streets Run.

For the purpose of creating a new access point for the office and yard on the Merante property. The project will permanently impact 56 feet of Streets Run and temporarily impact 25 feet of Streets Run. 0.27 acre of floodway will be permanently impacted by the project. Due to the nature of the project, compensatory mitigation is not required.

The project site is located on Streets Run Road, approximately 0.1 mile north from the intersection of Lutz Hollow Road and Streets Run Road, (Glassport, PA USGS topographic quadrangle; N: 40°, 22', 09"; W: -79°, 56', 45"; Sub-basin 19A; USACE Pittsburgh District), in West Mifflin Borough, Allegheny County.

E02052-1821, River Materials, Inc., 103 Yost Boulevard, Suite 200, Pittsburgh, PA 15221, City of McKeesport, **Allegheny County**; Pittsburgh ACOE District.

The applicant proposes to:

Operate and maintain an existing docking facility located on the Monongahela River (WWF-N).

The project will permanently impact 43,500 square feet of the Monongahela River for the purpose of dredging to return full functionality of the docking facility. No mitigation is required.

The project site is located 275 Center Street, McKeesport, PA 15132, McKeesport, PA USGS topographic quadrangle; N: 40°, 21', 26"; W: -79°, 50', 29"; Sub-basin 19A; USACE Pittsburgh District), in The City of McKeesport, Allegheny County.

E26052-386, Murray American River Towing, Inc., 1200 Maronda Way, Suite 100, Monessen, PA 15062, Washington Township, **Fayette County**; Pittsburgh ACOE District.

The applicant proposes to:

Construct, operate, and maintain three (3) mooring structures within the Monongahela River (WWF-N). Permanent impacts include 300 square feet.

Operate and maintain three 5'3" x 5'3" mooring cells, two 14.5' diameter mooring cells, a 16' 1.5" diameter mooring cell, and a 114' x 8' walkway/conveyor located within the Monongahela River.

No mitigation is required.

The project site is located along the right descending bank of the Monongahela River at River Mile 42, (Fayette City, PA 1954 USGS topographic quadrangle; N: 40°, 06', 50"; W: -79°, 50', 52"; Sub-basin 19C; USACE Pittsburgh District), in Washington Township, Fayette County.

E63052-737, Canon McMillan School District, 186 Boone Avenue, Strabane, PA 15363, North Strabane Township, **Washington County**; Pittsburgh ACOE District.

The applicant proposes to:

Construct, operate, and maintain a 115 linear foot, 6'5" by 10' box culvert, and gas, sewer, water, electric, and telephone utilities within an unnamed tributary to Chartiers Creek (UNT 1 WWF) for the purpose of constructing a new middle school facility. Temporary impacts include 44 linear feet of stream impacts and 0.10 acre of

floodway impacts. Permanent impacts include 146 linear feet of stream impacts and 0.32 acre of floodway impacts.

Additionally, an existing 60" corrugated metal pipe located within UNT 1 will be utilized during construction to gain access to the site. Upon completion the corrugated metal pipe will be removed resulting in 37 linear feet of stream impacts and 0.06 acre of floodway impacts.

Earth disturbances associated with the box culvert and utilities will result in 0.12 acre of temporary floodway impacts and 0.006 acre of permanent impacts to a separate unnamed tributary of Chartiers Creek (UNT 4 WWF).

No mitigation is required for this project.

The project site is located at Hill Church Houston Road, Canonsburg and Washington East, PA USGS topographic quadrangle; N: 40°, 14', 26"; W: -80°, 11', 38"; Sub-basin 20F; USACE Pittsburgh District), in North Strabane Township, Washington County.

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

E42-379, Keating Township, 760 Route 46, P.O. Box 103, East Smethport, PA 16730. Phase III Sewer Collection System, in Keating Township, **McKean County**, ACOE Pittsburgh District (Smethport, PA Quadrangle N 41.862164, -78.441960).

Keating Township proposes a major modification to the Phase III sewer collection system project (E42-379). The township is requesting to relocate approximately 1,602 linear feet of low-pressure force main to the north utilizing Horizontal Directional Drilling. The project will permanently impact 0.002 acre of PEM, PSS, and PFO wetland. It will also impact approximately 20 linear feet of UNTs' to Potato Creek (WWF).

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

E5829-148: Springville Township, Susquehanna County; Williams Field Services Company, LLC, 30351 Route 6, Wysox, PA 18854; ACOE Baltimore District.

To construct, operate, and maintain:

1) a stream restoration project impacting 406 lineal feet of White Creek (CWF, MF, AT) (Springville, PA Quadrangle; Latitude: 41° 42' 06", Longitude: -75° 56' 58").

The White Creek Stream Restoration project consists of restoring White Creek to its preconstruction condition in Springville Township, Susquehanna County. The project will result in 406 lineal feet of stream impacts to restore stream ecology and vegetative conditions.

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.

D07-015EA. Bruce Erb, Chair, Blair County Commissioners, 423 Allegheny Street, Hollidaysburg, PA 16648, Logan Township, **Blair County**, USACOE Baltimore District.

Project proposes to remove approximately 9.6 acres of accumulated silts and sediments from the reservoir impounded by the Lakemont Park Dam located across Brush Run (WWF) (Altoona, Hollidaysburg, PA Quadrangles, Latitude: 40.4679; Longitude: -78.3961).

DAM SAFETY

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

D67-484. Pixelle Specialty Solutions LLC, 228 South Main Street, Spring Grove, PA 17632. To modify, operate, and maintain Lake Pahagaco Dam across First Fork Bunch Creek (WWF, MF), for the purpose of meeting the Commonwealth's regulations for stability (Abottstown, PA Quadrangle Lat: 39.884 Long: -76.890) in Jackson Township, **York County**.

ACTIONS

THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

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

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

Sections I—VI contain actions regarding industrial, animal or sewage wastes discharges, discharges to groundwater, and discharges associated with MS4, stormwater associated with construction activities and CAFOs. Section VII contains notices for parties who have submitted NOIs for Coverage under General NPDES Permits. The approval for coverage under these General NPDES Permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions in each General Permit. The approval of coverage for land application of sewage sludge or residential

septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions in the respective permit. The permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

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

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

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

I. NPDES Renewal Permit Actions.

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>
PAS602205 (Stormwater)	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
PA0060780 (Sewage)	Leggett & Platt 515 Salem Boulevard Berwick, PA 18603-6459	Luzerne County Salem Township	Unnamed Tributary of Susquehanna River (CWF) (5-B)	Yes
PA0039861 (Industrial)	Altadis McAdoo Plant 1000 Tresckow Road McAdoo, PA 18237-2504	Banks Township, Carbon County	Catawissa Creek (CWF/MF) (5-E)	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>
PA0087149—IW	PA Emergency Mgmt Agency 1150 Riverside Drive Lewistown, PA 17044	Lewistown Boro/ Mifflin County	Juniata River/12-A	Y
PA0081281—SEW	Park Acquisition LLC— Calvary Heights MHP 2160 Hanover Road Gettysburg, PA 17325	Mt. Pleasant Twp/ Adams	UNT to White Run/13-D	Y
PA0086754—IW	East Penn Mfg Co Deka Rd Lyon Station, PA 19536	Lyons Borough/ Berks	Willow Creek & Sacony Creek/3-B	Y
PA0028649—SEW	Borough of Sinking Spring 3940 Penn Avenue Sinking Spring, PA 19608-1168	Spring Twp/ Berks	Cacoosing Creek/3-C	Y

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>
PA0217905 (Industrial)	Oakmont Municipal Authority Hulton Purification Plant P.O. Box 73 721 Allegheny Avenue Oakmont, PA 15139-0073	Allegheny County Oakmont Borough	Allegheny River (WWF) and Falling Springs Run (WWF) (18-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>
PA0204889 (Industrial)	Harmar Garage Allegheny County Port Authority 345 Sixth Avenue Floor 3 Pittsburgh, PA 15222-2527	Allegheny County Harmar Township	Deer Creek (WWF) (18-A)	Yes

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

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

NPDES Permit No. PA0276189, Sewage, SIC Code 4952, **Schuylkill County Municipal Authority**, 221 S Centre Street, Pottsville, PA 17901.

This proposed facility is located in Mahanoy Township, **Schuylkill County**.

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

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

NPDES Permit No. PA0255564, Sewage, SIC Code 8800, **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: Issuance of an NPDES Permit for a new discharge of treated sewage.

NPDES Permit No. PA0038181, Sewage, SIC Code 4952, **Municipal Authority of Westmoreland County**, 124 Park & Pool Road, New Stanton, PA 15672.

This existing facility is located in Hempfield Township, **Westmoreland County**.

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

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

NPDES Permit No. PA0272272, Sewage, SIC Code 8800, **Mark Gennuso**, 5371 Bear Creek Road, Fairview, PA 16415.

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

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

NPDES Permit No. PA0272221, Sewage, SIC Code 8800, **Elizabeth & Philip Hutchinson**, P.O. Box 561, North East, PA 16428.

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

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

NPDES Permit No. PA0272248, Sewage, SIC Code 4952, 8800, **Tracy Delmonaco**, 3 Maple Avenue, Oil City, PA 16301.

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

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

NPDES Permit No. PA0272256, Sewage, SIC Code 8800, **Steven Croud**, 416 Western Avenue, Beaver, PA 15009.

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

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

NPDES Permit No. PA0272396, Sewage, SIC Code 4952, 8800, **Gary L Snyder**, 4119 Maple Grove Drive, Erie, PA 16510-6601.

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

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

NPDES Permit No. PA0272311, Sewage, SIC Code 8800, **Matthew Getner**, 595 Irvine Run Road, Irvine, PA 16329.

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

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

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

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

WQM Permit No. WQG02651901, Sewage, SIC Code 4952, **Westmoreland County Bureau Of Parks & Recreation**, 1744 Rostraver Road, Belle Vernon, PA 15012-4001.

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

Description of Proposed Action/Activity: Installation of new sanitary sewer system to serve Cedar Creek Park.

WQM Permit No. 6319407, Sewage, SIC Code 8800, **Stepp D Keith**, 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, erosion tablet chlorinator and chlorine contact tank.

WQM Permit No. 8775S A-3, Sewage, SIC Code 4952, **Clairton City Municipal Authority Allegheny County**, 1 N State Street, Clairton, PA 15025-2172.

This existing facility is located in Clairton City, **Allegheny County**.

Description of Proposed Action/Activity: Replacement of 3,500 feet of 30-inch diameter, 1,100 feet of 18-inch diameter, 200 feet of 12-inch diameter and 500 feet of 8-inch diameter sanitary sewer. This work will also include the elimination of 2 unpermitted CSO and replacement of one existing CSO.

The Pennsylvania Infrastructure Investment Authority (PENNVEST) which administers Pennsylvania's State Revolving Fund has been identified as a possible funding source. The Department's review of the sewage facilities plan revision has not identified any significant environmental impacts resulting from this proposal.

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

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

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

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

WQM Permit No. 1619403, Sewage, **PA American Water Co.**, 425 Waterworks Road, Clarion, PA 16214.

This proposed facility is located in Paint & Elk Townships, **Clarion County**.

Description of Proposed Action/Activity: Replacement of Maple Drive, State Route 66, State Route 208, and Riverhill pump stations.

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

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

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

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

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

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

WQM Permit No. 2513402, Sewage, **Youngstown YMCA**, 17 N Champion Street, Youngstown, OH 44501-1287.

This existing facility is located in Springfield Township, **Erie County**.

Description of Proposed Action/Activity: Issuance of renewed permit for land application and sewage treatment plant at Camp Fitch.

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

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

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

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

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

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

WQM Permit No. 2519415, Sewage, **Gary L Snyder**, 4119 Maple Grove Drive, Erie, PA 16510-6601.

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

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

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

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

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

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

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

<i>NPDES Permit No.</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>Receiving Water(s)/Use(s)</i>	<i>TMDL Plan Submitted (Y/N)</i>	<i>Pollutant Reduction Plan Submitted (Y/N)</i>
PAI132254	Lower Milford Township 7607 Chestnut Hill Church Road Coopersburg, PA 18036-3712	Lower Milford Township, Lehigh	Tributary 1401 to Licking Creek (HQ-TSF/MF), Tributary 3882 to Saucon Creek (CWF/MF), Saucon Creek (CWF/MF (HQ-CWF/MF existing use)), Tributary 1402 to Unami Creek (HQ-TSF/MF), Tributary 1404 to Unami Creek (HQ-TSF/MF)	N	Y
PAI132265	Stroud Township 1211 North 5th Street, Stroudsburg, PA 18360	Stroud Township, Monroe	Brodhead Creek (TSF/MF (CWF/MF existing use)), Tributary 47777 to Brodhead Creek (TSF/MF), Tributary 4929 to Brodhead Creek (HQ-CWF/MF), Unnamed Tributary to Tributary 4929 to Brodhead Creek (HQ-CWF/MF), McMichael Creek (HQ-CWF/MF), Pocono Creek (HQ-CWF/MF), Tributary 4785 to Pocono Creek (HQ-CWF/MF), Little Pocono Creek (HQ-CWF/MF), Tributary 4782 to Little Pocono Creek (HQ-CWF/MF), Big Meadow Run (HQ-CWF/MF), Flagler Run (HQ-CWF/MF), Tributary 4784 to Flagler Run (HQ-CWF/MF), Wigwam Run (HQ-CWF/MF), Sambo Creek (CWF/MF)	N	Y

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.

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 c/o Mr. Charles Dertinger 669 Washington Street Easton, PA 18042-7499	Northampton	Upper Nazareth Township	UNT to Monocacy Creek (HQ-CWF, MF)

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

<i>Permit #</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD050004 Issued	Pennsylvania Department of Conservation & Natural Resources 400 Market Street 8th Floor Harrisburg, PA 17101	Bedford	Southampton Township	UNT Elk Lick Creek (HQ-CWF, MF) Sweet Root Creek (HQ-CWF, MF)
PAD210023 Issued	Westgate Development, LLC 10 Hidden Meadow Drive Mechanicsburg, PA 17050	Cumberland	South Middleton Township	Yellow Breeches 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>
PAD140048 RENEWAL— Major Modification— Phased Previously PAS10F073R2 & PAI041415001	Village of Nittany Glen, LP 940 West Sproul Road Suite 301 Springfield, PA 19064	Centre	Benner Twp	UNT to Buffalo Run 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

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

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>
PAC400132	Interstate Building Materials Inc. James Harowicz 3000 N Township Blvd Pittston, PA 18640	Luzerne	Pittston Twp	UNT to Susquehanna River (CWF, MF)
PAC400128	Thomas E Herron 36 E Cherry Rd Nescopeck, PA 18635	Luzerne	Nescopeck Twp	UNT to Nescopeck Creek (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>
PAC450015	Rite Aid of PA Inc. 30 Hunter Ln Camp Hill, PA 17011	Monroe	Chestnuthill Twp	Weir Creek (CWF, MF)

Schuylkill Conservation District, 1206 AG Center Drive, Pottsville, PA 17901-9733.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAC540081	DG Distribution PA LLC Attn Michael Daly 100 Mission Ridge Goodlettsville, TN 37202	Schuylkill	Cass Twp Foster Twp	West Branch of Schuylkill River (CWF, MF)

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

Facility Location:

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Susquehanna Township Dauphin County Issued	PAC220101	The McNaughton Company 4400 Deer Path Road Suite 201 Harrisburg, PA 17110	Paxton Creek (WWF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
Middletown Borough Dauphin County Issued	PAC220037	H-T Partners, LLC P.O. Box 277 Landisville, PA 17538	UNTs Swatara Creek (WWF) Swatara Creek (WWF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100

Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Benner Twp & Spring Twp, Centre Cnty	PAC140091 RENEWAL Previously PAG02001 404020R1	Terry Rogers 450 Rishel Hill Rd Bellefonte, PA 16823 Michael Fiore 5506 6th Ave, Rear Altoona, PA 16602	UNT to Logan Branch 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>
Gregg Twp, Centre Cnty	PAC140086	BCM Holdings, LLC P.O. Box 527 Centre Hall, PA 16828	UNT to Penns Creek CWF	Centre County Conservation District 414 Holmes Ave Ste 4 Bellefonte, PA 16823 (814) 355-6817
City of DuBois, Clearfield Cnty	PAC170031	Jude Pfingstler 239 Logan Ave DuBois, PA 15801	Beaver Run CWF	Clearfield County Conservation District 511 Spruce St Ste 6 Clearfield, PA 16830 (814) 765-2629
Scott Twp, Columbia Cnty	PAC190038	Bloomsburg (Columbia) DG 361 Summit Blvd Suite 110 Birmingham, AL 35243	UNT Susquehanna River	Columbia County Conservation District 702 Sawmill Rd Ste 204 Bloomsburg, PA 17815 (570) 784-1310 X 102
Mifflin Twp, Columbia Cnty	PAC190036	Marr Development 823 Central Rd Bloomsburg, PA 17815	UNT Susquehanna River	Columbia County Conservation District 702 Sawmill Rd Ste 204 Bloomsburg, PA 17815 (570) 784-1310 X 102
Limestone Twp, Lycoming Cnty	PAC410042	LGN Management LLC 323 Rose St Williamsport, PA 17701	UNT to Antes Creek CWF	Lycoming County Conservation District 542 County Farm Rd Ste 202 Montoursville, PA 17754 (570) 433-3003
Milton Boro & West Chillisquaque Twp, Northumberland Cnty	PAC490044 Formerly PAG02004914004	Weis Markets Distribution Center Expansion Renewal 40 Industrial Rd Milton, PA 17847	UNT West Branch Susquehanna River WWF, MF	Northumberland County Conservation District 441 Plum Creek Rd Sunbury, PA 17801 (570) 286-7114 ext. 4
Roulette Twp, Potter Cnty	PAC530004	Airosmith Development, Inc. 32 Clinton St Saratoga Springs, NY 12866	Card Creek, CWF	Potter County Conservation District 107 Market St Coudersport, PA 16915 (814) 274-8411 ext. 4
Jackson Twp, Snyder Cnty	PAC550036	Timothy L. J. Carr 54 Yoder Rd Winfield, PA 17889	UNT to Penns Creek WWF, MF	Snyder County Conservation District 403 W Market St Middleburg, PA 17842 (570) 837-3000 X110

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

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Phone No.</i>
Indiana Township	PAC020354	Pennsylvania Turnpike Commission 700 South Eisenhower Boulevard Middletown, PA 17057	Plum Creek (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 412-241-7645

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<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Phone No.</i>
Robinson Township	PAC020367	Chen Family Pleasantview, LP 99 Brookside Lane Coraopolis, PA 15108	UNT to Campbells Run (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 412-241-7645
Municipality of Monroeville	PAC020438	Pennsylvania Turnpike Commission P.O. Box 67676 Harrisburg, PA 17106	Thompson Run (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 412-241-7645
Kennedy Township	PAC020028	Frank Bryan, Inc. 1263 Chartiers Avenue McKees Rocks, PA 15136	Chartiers Creek (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 412-241-7645
Findlay Township	PAC020444	KTA Tator, Inc. 115 Technology Drive Pittsburgh, PA 15275	Montour Run (TSF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 412-241-7645
Findlay Township	PAC020415	Maronda Homes 11 Timberglen Drive Imperial, PA 15126	Potato Garden Run (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 412-241-7645
Pleasant Hills Borough	PAC020432	Plaza Drive, LP 375 Golfside Drive Wexford, PA 15090	UNT to Lewis Run (TSF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 412-241-7645
Pine Township	PAC020450	Saint Barnabas Land Trust, Inc. 5850 Meridian Road Gibsonia, PA 15044	North Fork Pine Creek (CWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 412-241-7645
Municipality of Monroeville	PAC020377	AR Building Company, Inc. 310 Seven Fields Boulevard Suite 350 Seven Fields, PA 16046	Leak Run (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 412-241-7645

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Phone No.</i>
Robinson Township	PAC020441	Sampson Morris Group 2500 Eldo Road Monroeville, PA 15146	UNT to Campbells Run (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 412-241-7645
Robinson Township	PAC020386	Kossmann Development Company 11 Parkway Center Suite 300 Pittsburgh, PA 15220	UNT to Campbells Run (WWF); Chartiers Creek (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 412-241-7645
Findlay Township	PAC020187	Columbia Gas of PA 4000 Energy Drive Bridgeville, PA 15017	UNT to Montour Run (TSF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 412-241-7645
Municipality of Monroeville; Turtle Creek Borough	PAC020394-A1	Monroeville LFG, LLC 680 Anderson Drive Foster Plaza Ten Fifth Floor Pittsburgh, PA 15220	Turtle Creek (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 412-241-7645
Moon Township	PAC020405	Village at Marketplace, LLC 2000 Marketplace Drive Suite 101 Sewickley, PA 15143	UNT to Montour Run (TSF); McClarens Run (TSF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 412-241-7645
Ross Township	PAC020407	Penn Ross Joint Ventures 225 West Washington Street Indianapolis, IN 46204	Little Pine Creek (CWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 412-241-7645
Pine Township	PAC020358	Pine Township 230 Pearce Mill Road Wexford, PA 15090	Pine Creek (CWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 412-241-7645
Municipality of Monroeville	PAC020426	# 1 Cochran Automotive 4520 William Penn Highway Monroeville, PA 15146	Leak Run (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 412-241-7645

NOTICES

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<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Phone No.</i>
South Fayette Township	PAC020419	South Fayette School District 3680 Old Oakdale Road McDonald, PA 15057	UNT to Millers Run (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 412-241-7645
Municipality of Monroeville	PAC020437	Zokaites Properties, LP 375 Golfside Drive Wexford, PA 15090	Turtle Creek (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 412-241-7645
Bradford Woods Borough	PAC020457	American Transmission Systems, Inc. 800 Cabin Hill Drive Greensburg, PA 15601	Wexford Run (CWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 412-241-7645
Oakmont Borough	PAC020452	Seth and Michelle Cohen 1002 East New Port Center Drive Deerfield Beach, FL 33442	Falling Springs Run (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 412-241-7645
Wilkesburg Borough	PAC020453	Chatham University 1 Woodland Road Pittsburgh, PA 15232	Nine Mile Run (TSF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 412-241-7645
Baldwin Borough	PAC020445	W. G. Tomko, Inc. 2559 State Route 88 Finleyville, PA 15332	Leak Run (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 412-241-7645
Baldwin Borough	PAC020112-A1	Borough of Baldwin 3344 Churchview Avenue Pittsburgh, PA 15227	Streets Run (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 412-241-7645
Pine Township	PAC020005	Gigliotti Holdings, LP 11279 Perry Highway Suite 509 Wexford, PA 15090	UNT to North Fork Pine Creek (CWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 412-241-7645

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Phone No.</i>
City of Pittsburgh	PAC020454	Public Parking Authority of Pittsburgh 232 Boulevard of the Allies Pittsburgh, PA 15222	Allegheny River (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 412-241-7645
West Mifflin Borough	PAC020181	Merante Properties, LLC 4740 Streets Run Road Pittsburgh, PA 15236	Streets Run (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 412-241-7645
Ross Township	PAC020448	Executive Developers, LLC 208 Crawford Court Mars, PA 16046	Lowries Run (TSF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 412-241-7645
Croyle Township	PAC110053	Summerhill DPP, LLC 9010 Overlook Boulevard Brentwood, TN 37027	Little Conemaugh River (WWF)	Cambria County Conservation District 401 Candlelight Drive Suite 229 Ebensburg, PA 15931 (814) 472-2120
Paint Township	PAC560035	Wessley, LLC 212 Pomroy's Drive Windber, PA 15963	Weaver Run (CWF); Seese Run (CWF)	Somerset County Conservation District 6024 Glades Pike Suite 103 Somerset, PA 15501 (814) 289-4250
City of Washington; Amwell Township; South Strabane Township	PAC630158	Columbia Gas of Pennsylvania 2021 West State Street New Castle, PA 16101	UNT to Chartiers Creek (WWF)	Washington County Conservation District 50 Old Hickory Ridge Road Suite 1 Washington, PA 15301 724-705-7098

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

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Adams Township, Butler County	PAC100157	Penn Acres, LLC 1552 Barrington Drive Wexford, PA 15090	UNT to Breakneck Creek WWF	Butler County Conservation District 120 Hollywood Drive Suite 201 Butler, PA 16001 724-284-5270
Adams Township, Butler County	PAC100140	Brookhaven LLC 1712 Mt. Nebo Road Sewickley, PA 15143	UNT to Glade Run WWF	Butler County Conservation District 120 Hollywood Drive Suite 201 Butler, PA 16001 724-284-5270

<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>
Cranberry Township, Butler County	PAC100146	Forest Edge LP P.O. Box 97 Mars, PA 16046	UNT to Kaufman Run WWF, UNT to Wolfe Run WWF	Butler County Conservation District 120 Hollywood Drive Suite 201 Butler, PA 16001 724-284-5270
Lancaster Township, Butler County	PAC100149	Keystone Industrial Services Inc 300 Orchard Drive Cranberry Township, PA 16066	Scholars Run WWF	Butler County Conservation District 120 Hollywood Drive Suite 201 Butler, PA 16001 724-284-5270
Cranberry Township, Butler County	PAC100087	Pikewood Land Partners LLC 2543 Washington Road Pittsburgh, PA 15241	UNT to Brush Run WWF	Butler County Conservation District 120 Hollywood Drive Suite 201 Butler, PA 16001 724-284-5270
Saegertown Borough, Crawford County	PAC200062	Deist Industries 3550 Perry Highway Hadley, PA 16130	UNT to French Creek WWF	Crawford County Conservation District 21742 German Road Meadville, PA 16335 814-763-5269

General Permit Type—PAG-8

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

<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>
Towamensing Township Carbon County	PAG-08-0002	Synagro	George Farm	Northeast Regional
	PAG-08-2203	1600 Dooley Road	250/835 Strohl	570-826-2511
	PAG-08-3504	P.O. Box B	Valley Road/	
	PAG-08-9903	Whiteford MD 21160	6440 Interchange	
	PAG-08-3522		Road	
	PAG-08-2224			
	PAG-08-3547			
	PAG-08-0016			
	PAG-08-3518			
	PAG-08-3825			
	PAG-08-0007			
	PAG-08-3515			
	PAG-08-2219			
	PAG-08-3565			
	PAG-07-3508			
	PAG-08-3610			
	PAG-08-9904			
	PAG-08-3540			
	PAG-08-0022			
	PAG-08-3568			
	PAG-08-3596			
	PAG-08-3597			
	PAG-08-3556			
	PAG-08-3605			
	WMGR-099			
	PAG-08-3535			
	PAG-08-9905			
	PAG-08-3510			
	PAG-08-0011			
	PAG-08-2211			
	PAG-08-3551			
	PAG-08-3573			
	PAG-08-3600			
	PAG-08-3611			

*Facility Location:
Municipality &
County*

Permit No.

Applicant Name & Address

*Site Name &
Location*

*Contact Office &
Phone No.*

PAG-08-3506
PAG-07-0003
PAG-08-0004
PAG-08-0003
PAG-08-0005
PAG-08-3615
PAG-08-3581
PAG-08-2223
PAG-08-3567
PAG-08-9909
PAG-08-0021
PAG-08-9903
PAG-08-0006
PAG-08-0008
PAG-07-0005
PAG-08-0023
PAG-08-0018
PAG-08-9601
PAG-08-3614
PAG-08-3501

General Permit Type—PAG-8 (SSN)

*Facility Location:
Municipality &
County*

Permit No.

Applicant Name & Address

*Site Name &
Location*

*Contact Office &
Phone No.*

Frank Musselman
Farm
547 Butter Hollow
Road
East Freedom, PA
16637
Greenfield &
Freedom Townships,
Blair

PAG083589

Freedom Township
Water & Sewer Authority
131 Municipal Street
East Freedom, PA 16637

Same As Facility

DEP—SCRO—
Clean Water Program
909 Elmerton Avenue
Harrisburg, PA
17110-8200
717-705-4707

General Permit Type—PAG-9 (SSN)

*Facility Location:
Municipality &
County*

Permit No.

Applicant Name & Address

*Site Name &
Location*

*Contact Office &
Phone No.*

King Brook Jacob
Sheep Farm
24533 O'Donnell
Road
Burnt Cabins, PA
17215
Dublin Township/
Huntingdon County

PAG093557

Mr. Michael Lake
Lake's Portable Toilets
22640 Tannery Road
Shade Gap, PA 17255

Same As Facility

DEP—SCRO—
Clean Water Program
909 Elmerton Avenue
Harrisburg, PA
17110-8200
717-705-4707

**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>
Troester Dairy 175 Cannon Road Mifflinburg, PA 17844	Union	999.1	2,085.98	Dairy Cattle/ Swine	HQ	Approval
Jerry Martin 121 Paradise Lane Lewisburg, PA 17837	Union	34.2	993.92	Swine/ Horse/ Pony/ Beef/ Sheep/ Chicken	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. 3130043, Public Water Supply.
 Applicant **Borough of Jim Thorpe**
 101 East 10th Street
 Jim Thorpe, PA 18229-2582
 [Township or Borough] **Jim Thorpe Borough,**
Carbon County
 Responsible Official Vincent Yaich
 101 East 10th Street
 Jim Thorpe, PA 18229-2582
 Type of Facility PWS
 Consulting Engineer Utility Service Company, Inc.,
 Donnell Duncan, P.E.
 1230 Peachtree Street
 Atlanta, GA 30309
 Permit to Construct 08/07/2019
 Issued

Permit No. 4819504MA, Public Water Supply.
 Applicant **Walnutport Authority**
 417 Lincoln Avenue
 Walnutport, PA 18088
 [Township or Borough] **Walnutport Borough,**
Northampton County
 Responsible Official Mr. Ronald Kuntz
 Authority Chairman
 Walnutport Authority
 417 Lincoln Avenue
 Walnutport, PA 18088
 Type of Facility Public Water Supply
 Consulting Engineer Mr. Jamie D. Lorah,
 Spotts Stevens &
 McCoy, Inc.
 1605 N. Cedar Crest Blvd
 Suite 106
 Allentown, PA 18104
 Permit Issued 08/20/2019

Permit No. 3540070, Public Water Supply.
 Applicant **Aqua PA, Inc.**
 1 Aqua Way
 White Haven, PA 18661

[Township or Borough] North Union Township
Schuylkill County
 Responsible Official Patrick R. Burke, PE
 Aqua PA, Inc.
 204 E. Sunbury Street
 Shamokin, PA 17872
 Type of Facility PWS
 Consulting Engineer Jonathan Morris, PE
 GHD
 1240 North Mountain Road
 Harrisburg, PA 17112
 (814) 643-8260
 Permit Issued Date 08/15/2019

Permit No. 2400140, Operations Permit, Public Water Supply.

Applicant **Aqua Pennsylvania, Inc.**
 1 Aqua Way
 White Haven, PA 18661

[Borough or Township] Butler Township
 County **Luzerne**
 Type of Facility PWS
 Consulting Engineer Douglas Berg, PE
 Entech Engineering, Inc.
 8 Silk Mill Drive
 Hawley, PA 18428

Permit to Operate Issued 9/06/2019

Permit No. 2359008, Operations Permit, Public Water Supply.

Applicant Pennsylvania American Water
 Company (PAWC)
 852 Wesley Drive
 Mechanicsburg, PA 17055

[Borough or Township] Roaring Brook Township
 County **Lackawanna**
 Type of Facility PWS
 Consulting Engineer Richard Dudek, P.E.
 PAWC
 2699 Stafford Avenue
 Scranton, PA 18505

Permit to Operate Issued 8/20/2019

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

Permit No. 6719505, Public Water Supply.

Applicant **Walmart MHC LLC**
 Municipality Franklin Township
 County **York**
 Responsible Official Joseph R. Weber,
 Chief Operating Officer
 9073 Nemo Street
 West Hollywood, CA 90069

Type of Facility Installation of Well No. 3 as a
 new source of supply. Treatment
 will include sodium hypochlorite
 disinfection, GWR 4-log
 treatment of viruses and
 softening.

Consulting Engineer N Peter Fleszar, P.E.
 Glace Associates, Inc.
 3705 Trindle Road
 Camp Hill, PA 17011

Permit to Construct Issued 9/13/2019

Permit No. 2219504, Public Water Supply.
 Applicant **Millersburg Area Authority**
 Municipality Upper Paxton Township
 County **Dauphin**

Responsible Official Nick McCarron, Manager
 101 West Street
 Millersburg, PA 17601

Type of Facility Installation of a sodium
 hypochlorite booster feed system
 and recirculation pump at the
 Cloverly Acres Standpipe.

Consulting Engineer Bruce A. Brubaker, P.E.
 Gannett Fleming Inc
 P.O. Box 67100
 Harrisburg, PA 17106-7100

Permit to Construct Issued 9/13/2019

Permit No. 2819504 MA, Minor Amendment, Public Water Supply.

Applicant **Shippensburg Borough Water Authority**

Municipality Orrstown Borough
 County **Franklin**

Responsible Official Kevin Plasterer,
 Authority Secretary
 111 North Fayette Street
 P.O. Box 129
 Shippensburg, PA 17257-0129

Type of Facility Repainting interior surfaces of
 the existing 0.50 MG Roxbury
 Tank.

Consulting Engineer Jason G. Saylor, P.E.
 Utility Service Company Inc
 1230 Peachtree Street NE
 P.O. Box 129
 Atlanta, GA 30309

Permit to Construct Issued 9/9/2019

Permit No. 6719515 MA, Public Water Supply.

Applicant **Exelon Generation Co., LLC**
 Municipality Peach Bottom Township
 County **York**

Responsible Official Patrick D. Navin,
 Peach Bottom Site
 Vice President
 Exelon Generation
 Company, LLC
 Peach Bottom Atomic
 Power Station
 1848 Lay Road
 Delta, PA 17314-9032

Type of Facility Tracer study of the CWST and
 accumulator tanks using sodium
 fluoride.

Consulting Engineer Christopher M. Eckenrode, P.E.
Gwin, Dobson & Foreman, Inc.
3121 Fairway Drive
Altoona, PA 16602

Permit to Construct 9/11/2019
Issued

Operation Permit No. 4418503 MA issued to: **Municipal Authority of the Borough of Lewistown (PWS ID No. 4440010)**, Lewistown Borough, **Mifflin County** on 9/13/2019 for facilities approved under Construction Permit No. 4418503 MA.

Comprehensive Operation Permit No. 7380358 issued to: **Shree Om Balaji, LLC (PWS ID No. 7380358)**, Heidelberg Township, **Lebanon County** on 9/13/2019 for the operation of facilities at Mountain Trial Motel approved under Construction Permit No. 3819501.

Transferred Comprehensive Operation Permit No. 7040051 issued to: **Polaris Detox, LLC (PWS ID No. 7010051)**, Berwick Township, **Adams County** on 9/13/2019. Action is for a Change in Ownership for Innovo Detox, Adams County for the operation of facilities previously issued to Middle Atlantic Financial, LLC.

Operation Permit No. 2119507 MA issued to: **Middlesex Township Municipal Authority (PWS ID No. 7210063)**, Middlesex Township, **Cumberland County** on 9/9/2019 for facilities approved under Construction Permit No. 2119507 MA.

Source Water Protection Program Approval issued to **Mifflintown Municipal Authority**, P.O. Box 36, Mifflintown, PA 17059, PWSID 4340008, Borough of Mifflintown, **Juniata County** on September 17, 2019.

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

Permit No. 1719501MA—Operation—Public Water Supply.

Applicant	Pike Township Municipal Authority
Township/Borough	Pike Township
County	Clearfield County
Responsible Official	Mr. Randy Bloom, Manager Pike Township Municipal Authority P.O. Box 27 Curwensville, PA 16833
Type of Facility	Public Water Supply— Operation
Consulting Engineer	Mr. Patrick J. Ward Uni-Tec Consulting Engineers, Inc. 2007 Cato Avenue State College, PA 16801
Permit Issued	September 10, 2019
Description of Action	Authorizes operation of the new Jo-Lin Pump Station, containing a 7.5 hp triplex-booster-pump system.

Permit No. 4985501—Cancellation—Public Water Supply.

Applicant	Aqua Pennsylvania, Inc.— East Cameron
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Township/Borough	East Cameron Township
County	Northumberland County
Responsible Official	Mr. Curt R. Steffy Aqua Pennsylvania, Inc.— East Cameron 204 East Sunbury Street Shamokin, PA 17872

Type of Facility	Public Water Supply— Cancellation
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Consulting Engineer	N/A
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Permit Issued	September 12, 2019
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Description of Action	Authorizes the cancellation of Permit No. 4985501 in its entirety. On August 12, 2019, the Department received request for the abandonment of Well # 1 from PWS Permit No. 4985501, issued March 18, 1996. PWS Permit No. 4985501 was for Well # 1 and spring as sources of supply for the water system. On February 10, 2017, the springs were removed from this permit; therefore, PWS Permit No. 4985501 is cancelled in its entirety.
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Permit No. 6062-T1 & 4900501-T1—Operation—Public Water Supply.

Applicant	Pennsylvania American Water
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Township/Borough	Turbotville Borough
County	Northumberland County

Responsible Official	Mr. Jeffrey McIntyre, President Pennsylvania American Water 852 Wesley Drive Mechanicsburg, PA 17055
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Type of Facility	Public Water Supply— Operation
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Consulting Engineer	N/A
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Permit Issued	September 16, 2019
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Description of Action	Authorizes the transfer of two water supply transfer permits for operation. Permit No. 6062-T1 authorizes Warrior Run Spring source, pumping station, 284,000-gallon standpipe and distribution facilities. Permit No. 4900501-T1 authorizes filtration by EPD filter plant, 287,000-gallon standpipe, 650 feet of distribution main, general corrosion control and disinfection facilities.
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Northwest Region: Safe Drinking Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Operation Permit issued to **PA DCNR Clear Creek State Park, PWSID No. 3318501**, Heath Township, **Jefferson County**. Permit Number 3318501 issued September 10, 2019 for the operation of the Clear Creek State Park Public Water System. This permit is issued in response to an operation inspection conducted by the Department of Environmental Protection personnel on September 3, 2019.

Operation Permit issued to **Aqua PA Shenango Valley, PWSID No. 6430054**, Farrell Township, **Mercer County**. Permit Number 4300503-T1-MA8 issued September 11, 2019 for the operation of the new tank mixing system in the Lunn Blvd Tank. This permit is issued in response to an operation inspection conducted by the Department of Environmental Protection personnel on September 4, 2019.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 2

The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P.S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; 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:

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

South Philadelphia Shopping Center, 2301-2311 Oregon Avenue, City of Philadelphia, **Philadelphia County**. Jeff Walsh, Penn Environmental and Remediation, Inc., 2755 Bergey Road, Hatfield, PA 19440 on behalf of Ehud Kupperman, Cedar Realty Trust, Inc., 44 South Bayless Avenue, Fort Washington, NY 11050 submitted a Remedial Investigation Report/Risk Assessment Report/

Cleanup Plan/Final Report concerning remediation of site soil and groundwater contaminated with chlorinated VOCs. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Horan Residence, 48 Village Way, East Whiteland Township, **Chester County**. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains, Pennsburg, PA 18073 on behalf of Erin Bydalek, Nationwide, P.O. Box 198, Harleysville, PA 19438 submitted a Final Report concerning remediation of site soil contaminated with petroleum. The report is intended to document remediation of the site to meet the Statewide Health Standard.

United States Steel Corporation KIPC, One Ben Fairless Drive, Falls Township, **Bucks County**. John Garges, GHD Services, 410 Eagleview Boulevard, Suite 110, Exton, PA 19341 on behalf of Michael H. Leon, United States Steel Corporation, 1350 Penn Avenue, Suite 200, Pittsburgh, PA 15222 submitted a Remedial Investigation Report/Risk Assessment Report/Final Report concerning remediation of site soil contaminated with PAHs, metals, PCBs and SVOCs. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Crossings at Ambler, South Maple Way, Borough of Ambler, **Montgomery County**. Walter Hungarter, III, RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406 on behalf of John Zaharchuk, Ambler Crossings Development Partners, LP, 201 South Maple Avenue, Ambler, PA 19002 submitted a Final Report concerning remediation of site soil contaminated with arsenic and asbestos. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Rubinstein Property, 250 E. Market Street/308 E. Market Street/100 E. Minor Street/126 S. Franklin Street, Borough of West Chester, **Chester County**. Michael S. Welsh, PE, Welsh Environmental Inc., 131 Clearview, Downingtown, PA 19355 on behalf of Eli Kahn, 250 East Market Street Partners, LLC, 120 Pennsylvania Avenue, Malvern, PA 19355 submitted a Cleanup Plan concerning remediation of site groundwater contaminated with chlorinated VOCs. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Mulloy Property, 34 Yale Avenue, Morton Borough, **Delaware County**. Joanne Van Rensselaer, Envirosearch Consultants, Inc., P.O. Box 940, Springhouse, PA 19477 on behalf of Marshall Mulloy, 305 Freese Road, Oxford, PA 19363 submitted a Final Report or Plan concerning remediation of site groundwater contaminated with PCE and TCE. The report is intended to document remediation of the site to meet the Background Standard.

Lansdowne Meadows, 7284 Radbourne Road, Upper Darby Township, **Delaware County**. John C. Lydzkinski, PG, RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406 on behalf of Phillip Balderson, Odin Properties, 1200 Callowhill Street, Suite 403, Philadelphia, PA 19107 submitted a Final Report concerning remediation of site groundwater contaminated with VOCs. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Rohm & Haas Chemical Bristol Manufacturing Area, 200 Route 413, Bristol Township, **Bucks County**. David J. Kistner, AECOM, 625 West Ridge Pike, Suite E-100, Conshohocken, PA 19428 on behalf of Jerome E. Cibrik, Rohm and Haas Company, P.O. Box 8361, 2001 Union Carbide Drive, South Charleston, WV 25303 submitted Remedial Investigation Report/Cleanup Plan/Risk

Assessment Report concerning remediation of site soil and groundwater contaminated with PCBs and pesticides. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Dupont Glenolden Facility, 500 South Ridgeway Avenue, **Delaware County**. Michael S. Welsh, Welsh Environmental Inc., 131 Clearview Drive, Downingtown, PA 19335 on behalf of Eli Kahn, 500 Ridgeway Partners, LLC, 120 Pennsylvania Avenue, Malvern, PA 19355 submitted a Risk Assessment Report/Remedial Investigation Report concerning remediation of petroleum hydrocarbons and nitrobenzene which have contaminated soil. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Bernhard Residence, 1811 Yellow Springs Road, Tredyffrin Township, **Chester County**. Vincent Carbone, HDR Engineering Inc., 1720 Spillman Drive, Bethlehem, PA 18015 on behalf of Sean Craner, Lewis Environmental, 155 Railroad Plaza, Royersford, PA 19468 on behalf of FedEx submitted a Final Report concerning remediation of site soil contaminated with diesel fuel. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Pattillo Residence, 1446 Schirra Drive, Upper Dublin Township, **Montgomery County**. Geoff Kristof, PG, Aquaterra Technologies, Inc., P.O. Box 744, West Chester, PA 19381 on behalf of Alan Chris Pattillo, 1446 Schirra Drive, Ambler, PA 19002 submitted a Final Report concerning remediation of site soil contaminated with heating oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

701 South Main Street, 701 South Main Street, Phoenixville Borough, **Chester County**. Paul White, Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382 on behalf of Mr. & Mrs. Paul Hartmann, CGF Properties, LLC, 20 Hedgerow Lane, Phoenixville, PA 19460 submitted a Remedial Investigation Report/Cleanup Plan concerning remediation of site soil and groundwater contaminated with heating oil, metals and SVOCs. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Biddle Residence, 2803 Diamond Street, Hilltown Township, **Bucks County**. Kevin Burns, CB&I, 200 Horizon Center Boulevard, Trenton, NJ 08691 on behalf of Gary Ecott, Petro Heating Oil Services, 650 Knowles Avenue, Southampton, PA 18966 submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Warminster Plaza, 606 York Road, Warminster Township, **Bucks County**. Paul Martino, Pennoni Associates Inc., 1900 Market Street, Suite 300, Philadelphia, PA 19103 on behalf of John Giangiuilli, Liberty Bell Capital III, LP, 401 East City Avenue, Suite 812, Bala Cynwyd, PA 19004 submitted a Risk Assessment Report/Final Report concerning remediation of site soil and groundwater contaminated with PCE. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Sun Pipeline Lima Release Site, Route 452 and Route 1, Middletown Township, **Delaware County**. Stephanie Grillo, Groundwater & Environmental Services, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341 on behalf of Bradfish L. Fish, PG, Sunoco Pipeline, LP, 100 Green Street, Marcus Hook, PA 19061 submitted a Final Report concerning remediation of site soil and

groundwater contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Hoplamazian Residence, 4 Hampton Lane, Edgemont Township, **Delaware County**. Joseph Diamadi, Jr. PG, Marshall Geoscience, Inc., 170 East First Avenue, Collegeville, PA 19426 on behalf of Sona Hoplamazian, 4 Hampton Lane, Glen Mills, PA 19342 submitted a Remedial Investigation Report concerning remediation of site soil and groundwater contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Davisville Shopping Center, 800 East Street Road, Warminster Township, **Bucks County**. Jeffery A. Smith, PG, Langan Engineering & Environmental Services, Inc., 1818 Market Street, Philadelphia, PA 19103 on behalf of Matthew J. Kelly, IL Davisville Associates, LP, 307 Fellowship Road, Suite 300, Mount Laurel, NJ 08054 submitted a Remedial Investigation Report/Cleanup Plan/Final Report concerning remediation of site groundwater contaminated with TCE and PCE. The report is intended to document remediation of the site to meet the Site-Specific Standard.

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

Bethlehem Commerce Center Site—Lot 62, 2675 Commerce Center Avenue, Bethlehem City, **Northampton County**. HDR Engineering, Inc., 1720 Spillman Drive, Bethlehem, PA 18015, on behalf of Lehigh Valley Industrial Park, Inc., 1720 Spillman Drive, Bethlehem, PA 18015, re-submitted a Site-Specific cleanup plan concerning remediation of site soils contaminated with historical fill. The report is intended to document remediation of the site to meet the Site-Specific Standard.

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

Hershey 19 East Facility—The Hershey Company, 19 East Chocolate Avenue, Hershey, PA 17033. Derry Township, **Dauphin County**. Langan Engineering & Environmental Services, 2700 Kelly Road, Suite 200, Warrington, PA 18976, on behalf of The Hershey Company, 19 East Chocolate Avenue, Hershey, PA 17033, and Chocolate Realty DST, 10 Tara Boulevard, Suite 103, Nashua, NH 03062 submitted a Remedial Investigation Report/Cleanup Plan concerning remediation of site groundwater contaminated with VOCs, PAHs and inorganics. The report is intended to document remediation of the site to meet the Site-Specific Standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 3

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document

cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department regional office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

Kenneth R. & Gladys M. Stoltzfus Property, 890 Hanover Road, York, PA 17408, Jackson Township, **York County**. Liberty Environmental Inc., 505 Penn Street, Reading, PA 19601, on behalf of Poplar Partners, 130 Carlisle Street, Hanover, PA 17331 and Kenneth R. and Gladys M. Stoltzfus, 761 Valley Drive, Dallastown, PA 17313, submitted a Remedial Investigation Report and Cleanup Plan for site soil contaminated with PAHs and Vanadium. The Report was disapproved by the Department on September 12, 2019.

Former Blue Ridge Country Club, 3940 Linglestown Road, Harrisburg, PA 17110, Lower Paxton Township, **Dauphin County**. Geo-Technology Associates, Inc., 3445A Box Hill Corporate Center Drive, Abingdon, MD 21009, on behalf of BRCC LP, 5351 Jaycee Avenue, Harrisburg, PA 17112, submitted a Remedial Investigation Report concerning remediation of site soil contaminated with pesticides and fungicides. The Report was approved by the Department on September 11, 2019.

Former Blue Ridge Country Club, 3940 Linglestown Road, Harrisburg, PA 17110, Lower Paxton Township, **Dauphin County**. Geo-Technology Associates, Inc., 3445A Box Hill Corporate Center Drive, Abingdon, MD 21009, on behalf of BRCC LP, 5351 Jaycee Avenue, Harrisburg, PA 17112, submitted a Cleanup Plan concerning remediation of site soil contaminated with pesticides and fungicides. The Plan was disapproved by the Department on September 11, 2019.

Northwest Region: Environmental Cleanup & Brownfields Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Punxsutawney Tile & Glass, 220 Lane Avenue, Punxsutawney Borough, **Jefferson County**. Mavickar Environmental Engineering Consultants, P.O. Box 61620, Harrisburg, PA 17106-1620, on behalf of Punxsutawney Tile & Glass, Inc., 220 Lane Avenue, Punxsutawney, PA 15767, submitted a Final Report concerning the remediation of site soil contaminated with arsenic, barium, cadmium, chromium, lead, selenium, silver, and mercury. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on September 10, 2019.

Sheetz Store No. 613, 2 Bolivar Drive, Foster Township, **McKean County**. United Environmental Services, Inc., P.O. Box 701, Schuylkill Haven, PA 17972 on behalf of Miller Brothers Construction, Inc., P.O. Box 472, Schuylkill Haven, PA 17972, submitted a Remedial Investigation Report/Risk Assessment Report/Cleanup Plan concerning the remediation of site soil and groundwater contaminated with 1,2,4-trimethylbenzene, benzene, toluene, ethylbenzene, xylenes, MTBE, naphthalene, cumene, 1,3,5-trimethylbenzene, 1,2-dibromoethane, 1,2-dichloroethane, and lead. The Plan/Report was approved by the Department on September 17, 2019.

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

Davisville Shopping Center, 800 East Street Road, Warminster Township, **Bucks County**. Jeffery A. Smith, PG, Langan Engineering & Environmental Services, Inc., 1818 Market Street, Suite 3300, Philadelphia, PA 19103 on behalf of Matthew J. Kelly, IL Davisville Associates, LP, 307 Fellowship Road, Suite 300, Mount Laurel, NJ 08054 submitted a Remedial Investigation Report/Cleanup Plan/Final Report concerning the remediation of site groundwater contaminated with TCE and PCE. The Report was approved by the Department on August 20, 2019.

483 Spring Street, 483 Spring Street, Pottstown Borough, **Montgomery County**. Geoff Kristof, PG, Aquaterra Technologies, Inc, 122 South Church Street, West Chester, PA 19381 on behalf of Justin Keller, Pottstown Borough, 100 East High Street, Pottstown, PA 19464 submitted a Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on June 25, 2019.

PECO Bristol MGP—Northeast Parcel, Mifflin and Linden Streets, Bristol Borough, **Bucks County**. Douglas Kier, AECOM, 625 West Ridge Pike, Suite E-100, Conshohocken, PA 19428 on behalf of Peter Farrant, PECO Energy, 2301 Market Street, Philadelphia, PA 19103 submitted a Remedial Investigation Report/Risk Assessment Report/Cleanup Plan/Final Report concerning the remediation of site soil and groundwater contaminated with PAHs. The Report was approved by the Department on July 15, 2019.

2740 Amber Street, 2740 Amber Street, City of Philadelphia, **Philadelphia County**. Christopher Zeliznak, PG, EnviroSure, Inc, 319 South High Street, First Floor, West Chester, PA 19382 on behalf of Jordan Brody, Amber Street Holdings, LLC, 107-109 South 13th Street, 3B, Philadelphia, PA 19107 submitted a Remedial Investigation Report concerning the remediation of site soil contaminated with VOCs, SVOCs and metals. The Report was approved by the Department on July 17, 2019.

Reilly Residence, 75 Timber Lane, Falls Township, **Bucks County**. Jeremy W. Bolyn, Environmental Maintenance, 1420 East Mermaid Lane, Glenside, PA 19038 on behalf of Lisa Reilly, 12 Terry Drive, Suite 204, Newtown, PA 18940 submitted a Final Report concerning the remediation of site soil and groundwater contaminated with heating oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on July 12, 2019.

Central Penn Capital Management, 1247 Ward Avenue, West Goshen Township, **Chester County**. Paul Nachlas, PG, Independence Environmental Consulting, LLC, 1750 Kaylor Road, Hummelstown, PA 17036 on behalf of Gregory K. Millen, Central Penn Capital Management, 1817 Olde Homestead Lane, Lancaster, PA 17610 submitted a Remedial Investigation Report/Cleanup Plan/Final Report concerning the remediation of site soil and groundwater contaminated with aviation fuel. The Report was approved by the Department on August 5, 2019.

Dial North Property B, 1600 Radcliffe Street, Bristol Borough, **Bucks County**. Peter R. Lamont, PG, Penn E&R, 2755 Bergey Road, Hatfield, PA 19440 on behalf of Kevin O'Hallora, Island View Crossing II, LP, c/o Box 1281, Largo, FL 33779 submitted a Final Report concerning the remediation of site soil contaminated with inorganics and chlorinated solvents. The Report was disapproved by the Department on August 2, 2019.

2283 Huntingdon Pike, 2283 Huntingdon Pike, Lower Moreland Township, **Montgomery County**. Richard S. Werner, Environmental Consulting Inc., 2002 Renaissance Boulevard, Suite 110, King of Prussia, PA 19406 on behalf of Dorothy Liebold, Alfred P. Liebold Associates Family LP, 495 Lawrence Road, Huntingdon Valley, PA 19006 submitted a Remedial Investigation Report/Cleanup Plan concerning the remediation of site soil and groundwater contaminated with unleaded gasoline. The Report was approved by the Department on August 5, 2019.

Quaker Car Wash, 71 South West End Boulevard, Quakertown Borough, **Bucks County**. Brenda MacPhail-Kellogg, REPSG, Inc, 6901 Kingsessing Avenue, Second Floor, Philadelphia, PA 19143 on behalf of John Pillegi Jr., Noah Bank, 2337 Lemoine Avenue, Second Floor, Fort Lee, NJ 07024 submitted a Remedial Investigation Report/Cleanup Plan concerning the remediation of site soil and groundwater contaminated with VOCs and lead. The Report was approved by the Department on May 24, 2019.

Brightview Wayne, 293-319 East Conestoga Road, Tredyffrin Township, **Chester County**. Richard Lake, Geo-Technology Associates, Inc., 14 Woods Fair Drive, Somerset, NJ 08873 on behalf of David Holland, Shelter Development, LLC, 218 North Charles Street, Baltimore, MD 21201 submitted a Final Report concerning the remediation of site soil and groundwater contaminated with metals, SVOCs, and VOCs. The Final Report demonstrated attainment of the Statewide Health Standard and was disapproved by the Department on July 29, 2019.

Furniture Mart USA, 50 Hulmerville Avenue, Pennel Borough, **Bucks County**. David Schantz, Aquaterra Technologies, Inc., 122 South Church Street, West Chester, PA 19382 on behalf of Roger Betesh, Furniture Mart USA submitted a Risk Assessment Report/Remedial Investigation Report concerning the remediation of site soil and groundwater contaminated with metals. The Report was disapproved by the Department on July 19, 2019.

Society Hill Shopping Center, 314-326 South 5th Street, City of Philadelphia, **Philadelphia County**. Thomas A. Petrecz, Penn E&R, Inc., 2755 Bergey Road, Hatfield, PA 19440 on behalf of Harry Feinberg, Society Hill Shopping Center, LP, 100 South Broad Street, Suite 105, Philadelphia, PA 19110 submitted a Remedial Investigation Report/Final Report concerning the remediation of site soil and groundwater contaminated with chlorinated solvents. The Report was approved by the Department on August 7, 2019.

Holtz Residence, 2500 Pleasant Hill Road, Upper Moreland Township, **Montgomery County**. Michael E. Kern, PG, Mountain Research, LLC, 825 25th Street, Altoona, PA 16601 on behalf of Joseph Holtz, 2500 Pleasant Hill Road, Hatboro, PA 19040 submitted a Final Report concerning the remediation of site soil contaminated with fuel oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on August 1, 2019.

109 Water Street, 109 Water Street, Borough of Norristown, **Montgomery County**. James Mulry, PG, Mulry & Cresswell Environmental, Inc., 1679 Horseshoe Pike, Glenmoore, PA 19343 on behalf of Andrew Kasmen, Burns and Kasmen, 2 Bala Plaza, Suite 718, Bala Cynwyd, PA 19004 submitted a Final Report concerning the remediation of site soil contaminated with heating oil. The Final Report demonstrated attainment of the Statewide Health Standard and was disapproved by the Department on August 2, 2019.

101 Pinewood Drive, 101 Pinewood Drive, Falls Township, **Bucks County**. Chris Black, Synergy Environmental, Inc., 155 Railroad Plaza, Royersford, PA 19468 on behalf of Mr. and Mrs. Glenn Gerhart, 101 Pinewood Drive, Levittown, PA 19054 submitted a Remedial Investigation Report/Cleanup Plan/Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The Report was approved by the Department on August 12, 2019.

Roberto Clemente Middle School, 3921-3961 North 5th Street, City of Philadelphia, **Philadelphia County**. Natalie Griffith, REPSG, P.O. Box 5377, 6901 Kingsessing Avenue, Suite 201, Philadelphia, PA 19140 on behalf of Walter Toliver, Esperanza, 4261 North 5th Street, Philadelphia, PA 19140 submitted a Remedial Investigation Report/Cleanup Plan concerning the remediation of site soil contaminated with inorganics. The Report was approved by the Department on August 13, 2019.

Kowloon Cleaners, 270 Main Street, Lower Salford Township, **Montgomery County**. Jeremy W. Bolyn, Environmental Maintenance, 1420 East Mermaid Lane, Glenside, PA 19038 on behalf of Sui Cheong Lui, Kowloon Cleaners, 270 Main Street, Harleysville, PA 19438 submitted a Final Report concerning the remediation of site groundwater contaminated with No. 2 fuel oil. The Report was approved by the Department on August 22, 2019.

723 Wheatland Street, 723 Wheatland Street, Phoenixville Borough, **Chester County**. Paul Martino, Pennoni Associates, Inc., 1900 Market Street, Philadel-

phia, PA 19103 on behalf of Jon Herzog, CSW Wheatland Associates, LP, 1300 Virginia Drive, Suite 215, Fort Washington, PA 19034 submitted a Remedial Investigation Report/Cleanup Plan concerning the remediation of site soil and groundwater contaminated with chlorinated solvents. The Report was approved by the Department on August 15, 2019.

AAA Car Care, 533 West Baltimore Avenue, Clifton Heights, **Delaware County**. Jeffery T. Bauer, Whitestone Associates, Inc., 1600 Manor Drive, Suite 220, Chalfont, PA 18914 on behalf of Matthew J. Kelly, SN & JN, LP c/o Metro Commercial Management, 307 Fellowship Road, Suite 300, Mt. Laurel, NJ 08054 submitted a Final Report concerning the remediation of site soil and groundwater contaminated with heating oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on August 5, 2019.

Werthman Residence, 93 Upland Road, Middletown Township, **Bucks County**. Richard D. Trimpi, Trimpi Associates Inc., 1635 Old Plains Road, Pennsburg, PA 18073 on behalf of Andrea Gluch, State Farm Insurance, P.O. Box 106169, Atlanta, GA 30348-6169 submitted a Final Report concerning the remediation of site soil and groundwater contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on August 7, 2019.

Superior Beverage Company, 701 Wheatland Street, Phoenixville Borough, **Chester County**. Brittany Potter, Center Point Tank Services, 536 East Benjamin Franklin Highway, Douglasville, PA 19518 on behalf of Thomas Mirable Jr., Superior Value Beverage Center/Superior Beverage Company, 701 Wheatland Street, Phoenixville, PA 19460 submitted a Final Report concerning the remediation of site soil contaminated with diesel and fuel oil No. 2. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on August 28, 2019.

225 Lincoln Highway, 225 Lincoln Highway, Falls Township, **Bucks County**. J. Matthew Brainard, Brightfields, Inc., 801 Industrial Street, Wilmington, DE 19801 on behalf of Bill Koelewyn, 225 Lincoln Properties, LP, 225 Lincoln Highway, Suite 150, Fairless Hill, PA 19030 submitted a Remedial Investigation Report concerning the remediation of site soil and groundwater contaminated with VOCs. The Report was approved by the Department on August 27, 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

PSC Industrial Outsourcing, LP, dba Philip West Industrial Services, 900 Georgia Ave., Deer Park, TX 77536. License No. PA-AH 0395. Effective Sep 12, 2019.

Care Environmental Corp., 1620 Route 57, Hackettstown, NJ 07840. License No. PA-AH 0735. Effective Sep 10, 2019.

Energy Transportation, LLC, P.O. Box 430, Bridgeport, WV 26330. License No. PA-AH 0807. Effective Sep 10, 2019.

Transporter Licenses Reissued

PSC Industrial Outsourcing, LP, dba Philip West Industrial Services, 900 Georgia Ave., Deer Park, TX 77536. License No. PA-AH 0395. Effective Sep 12, 2019.

Care Environmental Corp., 1620 Route 57, Hackettstown, NJ 07840. License No. PA-AH 0735. Effective Sep 10, 2019.

Energy Transportation, LLC, P.O. Box 430, Bridgeport, WV 26330. License No. PA-AH 0807. Effective Sep 10, 2019.

New Applications Received

Nexeo Solutions Plastics, LLC, 415 S First St, Lurkin, TX 75901. License No. PA-AH 0894. Effective Aug 13, 2019.

New Transporter Licenses Issued

Nexeo Solutions Plastics, LLC, 415 S First St, Lurkin, TX 75901. License No. PA-AH 0894. Effective Sep 13, 2019.

REGULATED MEDICAL AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSES

Actions on applications for Regulated Medical and Chemotherapeutic Waste Transporter License received under the Solid Waste Management Act of July 7, 1980 (P.L. 380, No. 97) (35 P.S. §§ 6018.101—6018.1003) and Act 93 of June 28, 1988 (P.L. 525, No. 93) and regulations to transport regulated medical and chemotherapeutic waste.

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

Citiwaste, LLC, 893 Shepherd Ave, Brooklyn, NY 11208. License No. PA-HC 0243. Effective Sep 12, 2019.

Transporter License Reissued

Citiwaste, LLC, 893 Shepherd Ave, Brooklyn, NY 11208. License No. PA-HC 0243. Effective Sep 12, 2019.

AIR QUALITY

General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

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

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

GP11-67-03183A: Arco Design/Build, Inc. (5950 Symphony Woods Road, Columbia, MD 21044) on September 5, 2019, for four (4) Cat C27 non-road engines, under GP11, at the facility located in East Manchester Township, **York County**.

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

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

GP3-08-331C: FS Lopke Contracting, Inc. (3430 State Route 434, Apalachin, NY 13732-1232) on September 4, 2019, to operate a portable crushing and sizing operation pursuant to the General Plan Approval and/or General Operating Permit for Portable Nonmetallic Mineral Processing Plants (BAQ-GPA/GP-3) at the Wysox quarry in Townada Township, **Bradford County**.

GP9-08-331C: FS Lopke Contracting, Inc. (3430 State Route 434, Apalachin, NY 13732-1232) on September 4, 2019, to operate diesel engines to power a portable mineral processing operation pursuant to the General Plan Approval and/or General Operating Permit for Diesel or # 2 fuel-fired Internal Combustion Engines (BAQ-GPA/GP-9) at the Wysox Quarry located in Towanda Township, **Bradford County**.

Plan Approvals Issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

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

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

48-00003F: Keystone Cement Company (P.O. Box A, Route 329, Bath, PA 18014) issued on September 5, 2019 to install a natural gas line and upgrade the burner system at the facility located in East Allen Twp., **Northampton County**.

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

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

53-00020A: Olney Funeral Home & Cremation Service (621 South Main Street, Ulysses, PA 16948), issued plan approval on September 5, 2019 for the construction and operation of a new Matthew International model IE-43-PPI 150 pounds per hour human cremation unit at their Olney Funeral Home facility located in Ulysses Borough, **Potter County**.

Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

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

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

36-05158D: Perdue AgriBusiness, LLC (1897 River Road, Marietta, PA 17547) on August 30, 2019, for the modification of the vertical seed conditioner (VSC) fan discharge and the ability to combust propane in Grain Dryer No. 2 (Source ID 104) at the soybean processing facility in Conoy Township, **Lancaster County**. The plan

approval was extended, with a compliance schedule, and a revised stack testing schedule.

36-05158E: Perdue AgriBusiness, LLC (1897 River Road, Marietta, PA 17547) on August 30, 2019, for the modification to the 40 CFR Part 64, Continuous Assurance Monitoring (CAM) pressure differential ranges for various particulate matter control devices, and the modification of the mineral oil absorber temperature and flow rate requirements and the mineral oil condenser coolant temperature and flow rate requirements, at the soybean processing facility in Conoy Township, **Lancaster County**. The plan approval was extended, with a compliance schedule.

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

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

55-00001F: Panda Hummel Station LLC (5001 Spring Valley Road, Suite 1150 West, Dallas, TX 75244) on August 20, 2019, to extend the authorization an additional 180 days, in order to continue the compliance evaluation and permit operation pending issuance of an operating permit for the sources. The extension authorization allows continued operation of the cooling tower located in Shamokin Dam Borough, **Snyder County**. The plan approval has been extended.

55-00026A: Panda Hummel Station LLC (5001 Spring Valley Road, Suite 1150 West, Dallas, TX 75244) on August 20, 2019, to extend the authorization an additional 180 days, in order to continue the compliance evaluation and permit operation pending issuance of an operating permit for the sources. The extension authorization allows continued operation of the sources located in Shamokin Dam Borough, **Snyder County**. The plan approval has been extended.

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

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

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

48-00095: Ecopax, LLC (3600 Glover Road, Easton, PA 18040-9203). On September 4, 2019 the Department issued an initial Title V Operating Permit for the Ecopax facility, located in Forks Township, **Northampton County**. The facility manufactures a wide range of polystyrene foam products, such as single use takeout containers and consumer tabletop ware. The control devices at this facility include a Regenerative Thermal Oxidizer and a Fabric Filter Baghouse. The potential facility-wide emissions of VOCs exceed the 50 tons per year, therefore it is subject to RACT II (25 Pa. Code §§ 129.96—129.100) presumptive requirements, and recordkeeping requirements. 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.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.

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

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

23-00072: Action Supply Co., Inc. (1401 Calcon Hook Road, Sharon Hill, PA 19079). On September 9, 2019, for renewal of the State Only Operating Permit for its ready-mix concrete facility, located in Darby Township, **Delaware County**.

23-00029: Upper Darby School District (8201 N Lansdowne Ave, Upper Darby, PA 19082). On September 9, 2019, for three (3) dual fuel fired boilers, a natural gas fired chiller and four (4) emergency generators operating at Upper Darby High School located in Upper Darby Township, **Delaware County**.

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

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

40-00038: Lion, Inc. (700 North Pennsylvania Avenue Wilkes-Barre, PA 18705). On September 10, 2019 the Department issued a renewal State-Only Natural Minor Permit for The Lion Brewery facility located in the City of Wilkes-Barre, **Luzerne County**. This facility brews and bottles malt beverages. Operations include malt grain handling, two boilers, spent grain handling and an emergency generator. 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.

48-00110: Lehigh Valley Animal Crematory Services, Inc. (415 Front Street, Hellertown, PA 18055). On September 3, 2019 the Department issued an initial State-Only Natural Minor Permit for their pet cremation facility located in the Borough of Hellertown, **Northampton County**. This facility operates two pet cremation units fired by natural gas. 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 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.

36-03195: Mount Joy Wire Corp. (1000 East Main Street, Mount Joy, PA 17552-9332) on August 30, 2019, for the wire manufacturing facility located in Mount Joy Borough, **Lancaster County**. The State-Only permit was renewed.

67-05056: Ardent Mills LLC (2800 Black Bridge Road, York, PA 17406-9703) on August 30, 2019, for the flour mill located in Manchester Township, **York County**. The State-Only permit was renewed.

21-05028: Fry Communications, Inc. (101 Fry Drive, Mechanicsburg, PA 17050-2654) on September 5, 2019, for

the Building 3 printing facility located in Mechanicsburg Borough, **Cumberland County**. The State-Only permit was renewed.

21-05013: Fry Communications, Inc. (101 Fry Drive, Mechanicsburg, PA 17050-2654) on September 6, 2019, for Buildings 1 and 2 printing facilities located in Mechanicsburg Borough, **Cumberland County**. The State-Only permit was renewed.

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

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

17-00036: Stella-Jones Corporation (392 Larkeytown Road, DuBois, PA 15801-3940) for their wood preserving facility located in Sandy Township, **Clearfield County** was issued on August 28, 2019, a State Only operating permit (renewal) for their wood preserving facility located in Sandy Township, Clearfield County. All applicable Federal and State regulatory requirements including testing, monitoring, recordkeeping, reporting, and work practice conditions to assure compliance with the applicable requirements have been included in the permit.

41-00026: General Cable Industries Inc. (409 Reighard Avenue, Williamsport, PA 17701). A State Only operating permit (renewal) for their facility located in the City of Williamsport, **Lycoming County** was issued on September 4, 2019. All applicable Federal and State regulatory requirements including testing, monitoring, recordkeeping, reporting, and work practice conditions to assure compliance with the applicable requirements have been included in the permit.

08-00012: Cargill Meat Solutions Corporation (P.O. Box 188, Wyalusing, PA 18853-0188) on September 6, 2019, for their facility located in Wyalusing Township, **Bradford County**. All applicable Federal and State regulatory requirements including testing, monitoring, recordkeeping, reporting, and work practice conditions to assure compliance with the applicable requirements have been included in the permit.

Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

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

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

23-00091: Union Packaging LLC (6250 Baltimore Ave., Yeadon, PA 19050-2700) on September 9, 2019, to identify a change in the name, address and phone number of the Responsible Official identified in the permit for its facility located in Yeadon Borough, **Delaware County**. The Administrative Amendment of the State-Only Operating Permit for this facility is issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code § 127.450.

09-00062: Oldcastle Infrastructure, Inc. (200 Keystone Drive, Telford, PA 18969) on September 9, 2019, for the change of name at the existing facility located in West Rockhill Township, **Bucks County**. The permit is for a non-Title V (State only) facility. The potential to emit facility-wide criteria pollutant emissions are greater than the major facility thresholds and capped below major facility thresholds; therefore, the facility is classified as a

Synthetic Minor facility. Administrative Amendment of the Synthetic Minor Operating Permit issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code § 127.450. The amended permit will include monitoring, recordkeeping, and reporting requirements designed to keep the facility within all applicable air quality requirements.

46-00198: Blommer Chocolate Co. (1101 Blommer Drive East Greenville, PA 18041) on September 9, 2019, the Operating Permit was amended for the Blommer Chocolate Company, a major (Title V) facility located in Upper Hanover Township, **Montgomery County**. The Administrative Amendment changes the Responsible Official.

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

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

48-00006: Portland Power, LLC (P.O. Box 238, Portland, PA 18351). The Department, on August 6, 2019, issued an administrative amendment of the Title V Permit to incorporate a change of: ownership, plant name, responsible official, and permit contact. The facility is located in Upper Mount Bethel Township, **Northampton County**.

45-00003: Shawnee Power, LLC (P.O. Box 238, Portland, PA 18351). The Department, on August 9, 2019, issued an administrative amendment of the Title V Permit to incorporate a change of: ownership, plant name, responsible official, and permit contact. The facility is located in Middle Smithfield Township, **Monroe County**.

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

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

01-05042: Hunterstown Power LLC (1890 Granite Station Road, Gettysburg, PA 17325-8348) on September 4, 2019, for the Hunterstown electric peaking station located in Straban Township, **Adams County**. The Title V permit was administratively amended in order to reflect a change of ownership.

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

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

55-00005: Wood Mode, LLC (One Second St., Kreamer, PA 17833) issued a revised Title V operating permit on August 29, 2019, for a change of ownership of the Kreamer wood kitchen cabinet manufacturing facility. This facility is located in Middlecreek Township, **Snyder County**. This revised Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping, and reporting conditions.

De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.

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

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

SOOP-04-00084: Anchor Hocking, LLC (400 Ninth Street, Monaca, PA 15061). Per 25 Pa. Code § 127.449(i),

this Notice is for the following de minimis emission increase at Anchor Hocking, LLC, located in Monaca Borough, Beaver County: This project is for the installation and operation of one (1) BAC closed circuit cooling tower (Model: FXV-0809B-36T-M) to replace an existing Imeco EFC/IDFC evaporative fluid cooling tower (Model: EFC-C 233-3) controlling Source 102 in the Synthetic Minor State-Only Operating Permit 04-00084. The emission increase resulting from this project will not exceed 0.54 TPY PM and 0.22 TPY PM₋₁₀ on a 12-month rolling basis. This project will not trigger the requirements of 25 Pa. Code Subchapter G at the facility. The list of de minimis increases for this facility includes only this project.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); The Clean Streams Law; the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.20a). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P.S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1002).

Coal Permits Issued

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

33080108. P. and N. Coal Co., Inc. (P.O. Box 332, Punxsutawney, PA 15767). Renewal of an existing bituminous surface and auger mine in Porter Township, **Jefferson County** affecting 457.8 acres. This renewal is issued for reclamation only. Receiving streams: Unnamed tributaries to Hamilton Run and Hamilton Run, and Sugarcamp Run. Application received: May 28, 2019. Permit issued: August 29, 2019.

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

17050107. Rosebud Mining Company (301 Market Street, Kittanning, PA 16201). Permit renewal for reclamation only of a bituminous surface coal and auger mine located in Girard Township, **Clearfield County** affecting 209.6 acres. Receiving stream(s): Unnamed Tributaries to Little Surveyor Run and Unnamed Tributary to Surveyor Run classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: May 1, 2019. Permit issued: September 6, 2019.

17803023 and NPDES PA0128198. EnerCorp, Inc. (1310 Allport Cutoff, Morrisdale, PA 16858). Permit renewal for continued postmining treatment system on a bituminous surface coal mine located in Cooper Township, **Clearfield County** affecting 14.2 acres. Receiving stream(s): Basin Run classified for the following use(s): CWF. There are no potable water supply intakes within

10 miles downstream. Application received: October 11, 2018. Permit issued: September 6, 2019.

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

Permit No. 54830107R7. Selkirk Enterprises, LLC (10 Gilberton Road, Gilberton, PA 17934), renewal of an existing anthracite surface mine and coal refuse reprocessing operation in Branch and Reilly Townships, **Schuylkill County** affecting 2,063.8 acres, receiving stream: West Branch Schuylkill River. Application received: January 15, 2019. Renewal issued: September 10, 2019.

Permit No. 54830107C6. Selkirk Enterprises, LLC (10 Gilberton Road, Gilberton, PA 17934), correction to update the post-mining land use of an existing anthracite surface mine and coal refuse reprocessing operation in Branch and Reilly Townships, **Schuylkill County** affecting 2,063.8 acres, receiving stream: West Branch Schuylkill River. Application received: January 15, 2019. Correction issued: September 10, 2019.

Permit No. PAM116023R. Selkirk Enterprises, LLC (10 Gilberton Road, Gilberton, PA 17934), renew coverage under the General NPDES Permit for Stormwater Discharges Associated With Mining Activities (BMP GP-104) on Surface Mining Permit No. 54830107 in Branch and Reilly Townships, **Schuylkill County**, receiving stream: West Branch Schuylkill River. Application received: January 15, 2019. Renewal issued: September 10, 2019.

Noncoal Permits Issued

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

Permit No. 6875SM1, New Enterprise Stone & Lime Co., Inc., 3912 Brumbaugh Road, New Enterprise, PA 16664, commencement, operation and restoration of a large noncoal (industrial minerals) mine to revise the existing permit to include a request to place Reclamation Fill within the permit area, located in Derry Township, **Mifflin County**, affecting 67.6 acres. Receiving stream: unnamed tributary to Kishacoquillas Creek, classified for the following uses: Trout Stocked Fishes, Migratory Fishes. The first downstream potable water supply intake from the point of discharge is Fairview Water Association source 001, 6.25 mi, site ID 796441. Application received: January 25, 2019. Permit issued: September 13, 2019.

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

24072802. James DeLullo (1247 Million Dollar Highway, Kersey, PA 15846). Final bond release for a small industrial minerals surface mine in Fox Township, **Elk County**. Restoration of 2.0 acre completed. Receiving streams: An unnamed tributary to Elk Creek to Laurel Run. Application Received: August 2, 2019. Final bond release approved: September 6, 2019.

16060808. Eagle Contracting, Inc. (306 Main Street, Clarion, PA 16214). Final bond release for a small industrial minerals surface mine in Highland Township, **Clarion County**. Restoration of 1.0 acre completed. Receiving streams: An unnamed tributary to the Clarion River. Application Received: August 7, 2019. Final bond release approved: September 9, 2019.

PAM613018. Ray Showman Jr. Excavating, Inc. (P.O. Box 646, Waterford, PA 16441). Renewal of coverage under General NPDES Permit for stormwater discharges (BMP GP-104) associated with mining activities on Surface Mining Permit No. 25820301 in McKean Township,

Erie County. Receiving streams: Unnamed tributary to Elk Creek. Application received: July 17, 2019. Permit Issued: August 29, 2019.

PAM614012. Raducz Stone Corporation (313 Pittsburgh Road, Butler, PA 16002). Renewal of coverage under General NPDES Permit for stormwater discharges (BMP GP-104) associated with mining activities on Surface Mining Permit No. 10040301 in Penn Township, **Butler County**. Receiving streams: Unnamed tributary to Thorn Creek. Application received: July 5, 2019. Permit Issued: August 29, 2019.

PAM619008. Original Fuels, Inc. (P.O. Box 343, Punxsutawney, PA 15767). Coverage under General NPDES Permit for stormwater discharges (BMP GP-104) associated with mining activities on Surface Mining Permit No. 33082802 in Ringgold Township, **Jefferson County**. Receiving streams: Unnamed tributary to Pine Run. Application received: September 4, 2019. Permit Issued: September 10, 2019.

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

1474301 and NPDES No. PA0220248. Graymont (PA) Inc. (375 Graymont Road, Bellefonte, PA 16823). Revise NPDES permit, reduce mining acres from 1,110.3 to 1,082.0, new bond authorization, and change in postmining on an existing large noncoal surface mine in Spring Township, Centre County affecting 1,082.0 acres. Receiving stream(s): Logan Branch classified for the following use(s): CWF. Application received: May 21, 2018. Permit issued: September 3, 2019.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.

Blasting Permits Issued

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

14194107. Douglas Explosives, Inc. (2052 Philipsburg Bigler Highway, Philipsburg, PA 16866). Blasting for residential development, Nittany Glen Phase 5, located in Benner Township, **Centre County** with an expiration date of September 1, 2020. Permit issued: September 12, 2019.

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

Permit No. 15194105. Maine Drilling & Blasting, Inc. (P.O. Box 1140, Gardiner, ME 04345), construction blasting for 80 Park Avenue in Elverson Borough, **Chester County** with an expiration date of August 30, 2020. Permit issued: September 10, 2019.

Permit No. 15194106. Rock Work, Inc. (1257 DeKalb Pike, Blue Bell, PA 19422), construction blasting for Woodbine Apartment Complex in Downingtown Borough, **Chester County** with an expiration date of September 30, 2020. Permit issued: September 10, 2019.

Permit No. 15194107. Maine Drilling & Blasting, Inc. (P.O. Box 1140, Gardiner, ME 04345), construction blasting for To Jo Mushroom Farm in Elk Township, **Chester County** with an expiration date of September 6, 2020. Permit issued: September 10, 2019.

Permit No. 23194109. Brubacher Excavating, Inc. (825 Reading Road, Bowmansville, PA 17507), construction blasting for the Franklin Mint in Middletown Township, **Delaware County** with an expiration date of September 3, 2020. Permit issued: September 10, 2019.

Permit No. 46194113. Maine Drilling & Blasting, Inc. (P.O. Box 1140, Gardiner, ME 04345), construction blasting for Ragusa Development in Lower Frederick Township, **Montgomery County** with an expiration date of August 30, 2020. Permit issued: September 10, 2019.

Permit No. 06194119. J Roy's, Inc. (P.O. Box 125, Bowmansville, PA 17507), construction blasting for Harvest Development in Ontelaunee Township, **Berks County** with an expiration date of September 3, 2020. Permit issued: September 11, 2019.

Permit No. 38194112. Douglas Explosives, Inc. (2052 Philipsburg Bigler Highway, Philipsburg, PA 16866), construction blasting for Springwood Commons in North Cornwall and North Londonderry Townships, **Lebanon County** with an expiration date of September 1, 2020. Permit issued: September 11, 2019.

Permit No. 46194114. Rock Work, Inc. (1257 DeKalb Pike, Blue Bell, PA 19422), construction blasting for Squires Ridge in Springfield Township, **Montgomery County** with an expiration date of September 30, 2010. Permit issued: September 12, 2019.

Permit No. 48194111. Brubacher Excavating, Inc. (825 Reading Road, Bowmansville, PA 17507), construction blasting for Nancy Run in Bethlehem Township, **Northampton County** with an expiration date of September 3, 2020. Permit issued: September 12, 2019.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with sections 301–303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311–1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

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

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

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

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1–693.27), section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.

Permits, Environmental Assessments and 401 Water Quality Certifications Issued:

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E3603219-001: Brandon Wiggins, 229 West State Street, Quarryville, PA 17566 in Eden Township, **Lancaster County**, U.S. Army Corps of Engineers Baltimore District.

To construct and maintain a 50-foot long by 16-foot wide steel beam timber bridge that crosses a UNT to Bowery Run (HQ-CWF, MF). The bridge will include wing-walls and rip-rap streambank protection. The bridge structure will account for approximately 384-square feet of permanent stream channel impacts, the wing-walls, bridge approaches and grading will account for approximately 1,250 square feet of permanent floodway impacts and the rip-rap streambank protection will account for approximately 725 square feet of permanent stream channel impacts. The project location is approximately 0.5 mile NW of the intersection of Bushong Rd. and Dry Wells Rd. (T-389) (Gap, PA Quadrangle; (Latitude: 39.9012930), (Longitude: -76.112551)) in Eden Township, Lancaster County. The purpose of the project is to provide access to a landlocked, wooded parcel. No wetlands will be impacted by this project. The permit was issued on September 11, 2019.

E0703219-002: Martinsburg Municipal Authority, 110 South Walnut Street, Martinsburg, PA 16662 in North Woodbury & Taylor Townships, Martinsburg Borough, **Blair County**, U.S. Army Corps of Engineers Baltimore District.

To install and maintain (1) a 8-inch PVC sanitary sewer main and 2-inch PVC water line impacting 30 linear feet of UNT to Plum Creek (WWF, MF) stream and its floodway, (2) a 8-inch PVC sanitary sewer main and 2-inch PVC water line impacting 0.02 acre of Exceptional Value (EV) Palustrine Emergent (PEM) Wetland, (3) 4-inch PVC sanitary sewer force main impacting 20 linear feet of UNT to Plum Creek (WWF, MF) stream and its floodway, (4) a 4-inch PVC sanitary sewer force main impacting 0.05 acre of EV PEM wetland, (5) a 4-inch PVC sanitary sewer force main impacting 20 linear feet of UNT to Plum Creek (WWF, MF) stream and its floodway and impacting 0.02 acre of EV PEM Wetland, (6) a 4-inch PVC sanitary sewer force main impacting 30 linear feet of UNT to Plum Creek (WWF, MF) stream and its floodway and impacting 0.05 acre of EV PEM wetland, and (7) a sanitary sewer pump station permanently impacting 0.01

acre of floodway of a UNT to Plum Creek (WWF, MF), all for the purpose of extending an existing sewer lateral to provide sewer service to a residential development. The project is located from Towns Edge Way to Mansard Street (Martinsburg PA Quad), beginning at Latitude: 40.323400, Longitude: -78.343390 and ending at Latitude: 40.318648, Longitude: -78.334437 in Martinsburg Borough, Taylor Township, and North Woodbury Township Blair County. No compensatory wetland mitigation required because wetland loss proposed. The permit was issued on September 11, 2019.

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

E18-511: UGI Utilities Inc., Chapman Township, **Clinton County**, U.S. Army Corps of Engineers Baltimore District (Renovo East Quadrangle; Latitude 41° 22' 14" N; 77° 42' 3" W).

The applicant will install approximately 2,450 linear feet of 8" PE3408 medium pressure gas main by direct burial method within public and private right-of-way along Little Italy Rd and Right Hand Young Woman's Creek Rd. The new gas main will replace existing 6" and 8" steel gas main pipeline, which will be properly abandoned in place per Township Requirements. The pipeline will permanently impact 2,130 square feet and temporarily impact 2,040 square feet of Left Branch Young Woman's Creek (EV, MF).

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

E02-1791, Thomas and Tracy Landau, 751 Pearce Mill Road, Wexford, PA 15090, Pine Township, **Allegheny County**, Pittsburgh ACOE District.

Has been given consent to:

1. Construct and maintain a 126-linear foot 18" HDPE pipe stream enclosure conveying an Unnamed Tributary to North Fork Pine Creek (CWF);
2. Construct and maintain a 110-linear foot open channel conveying an Unnamed Tributary to North Fork Pine Creek (CWF);
3. Relocate 256-linear feet within the above-mentioned stream enclosure and open-channel;
4. Repair the existing culvert section beneath the existing private drive through the construction of the above-mentioned stream enclosure;
5. Place and maintain R-4 rip-rap outlet protection within the floodway of North Fork Pine Creek (CWF).

For the purpose of providing accelerated erosion protection currently occurring on the applicant's property and to maintain a safe means of access to use their home. The project will permanently impact 256-linear feet of stream channel and 0.03 acre of floodway. Stream restoration is proposed on a 110-linear foot segment of the on-site relocated stream channel and 160-linear foot on an off-site watercourse for the impacts associated with the project. The project is located on Pearce Mill Road approximately 3.9 miles from the intersection with PA-910E/Wexford Bayne Road (Mars USGS Topographic Quadrangle, Latitude 40° 38' 19"; Longitude -80° 1' 39"; Sub-basin 18-A; Pittsburgh Corps District) in Pine Township, Allegheny County.

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

E5929-083: Eclipse Resources—PA, LP, 2121 Old Gatesburg Road, State College, PA 16803 Gaines Township, **Tioga County**, ACOE Baltimore District.

To construct, operate, and maintain:

- 1) An intake structure, intake waterline, bank stabilization, and access road impacting 188 feet of Pine Creek (EV), 94,419 square feet of floodway, and 399 square feet of an exceptional value palustrine (EV-PEM) wetland (Marshlands, PA Quadrangle 41° 44' 58"N, 77° 33' 44"W);
- 2) An 18 inch diameter waterline, a 3 inch diameter airline, a temporary road crossing using timber mats, and two electric utility poles impacting 32,237 square feet of an exceptional value palustrine (EV-PEM) wetland (Marshlands, PA Quadrangle 41° 44' 59"N, 77° 33' 47"W);
- 3) An 18 inch diameter waterline and a 3 inch diameter airline impacting 76 linear feet of an unnamed tributary to Pine Creek (EV) and 3,263 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Marshlands, PA Quadrangle 41° 44' 57"N, 77° 33' 58"W);
- 4) An 18 inch diameter waterline, a 3 inch diameter airline, and a temporary road crossing using timber mats impacting 1,032 square feet of an exceptional value palustrine (EV-PEM) wetland (Marshlands, PA Quadrangle 41° 44' 57"N, 77° 34' 00"W);
- 5) An 18 inch diameter waterline, a 3 inch diameter airline, a temporary road crossing using timber mats impacting 1,845 square feet of an exceptional value palustrine (EV-PEM) wetland (Marshlands, PA Quadrangle 41° 44' 59"N, 77° 34' 02"W);
- 6) An 18 inch diameter waterline, a 3 inch diameter airline, a temporary road crossing using timber mats impacting 721 square feet of an exceptional value palustrine (EV-PEM) wetland (Marshlands, PA Quadrangle 41° 44' 57"N, 77° 34' 07"W);
- 7) An temporary timber mat bridge impacting 668 square feet of an exceptional value palustrine (EV-PEM) wetland (Marshlands, PA Quadrangle 41° 45' 00"N, 77° 34' 08"W);
- 8) An 18 inch diameter waterline, a 3 inch diameter airline, a temporary road crossing using timber mats impacting 1,162 square feet of an exceptional value palustrine (EV-PEM) wetland (Sabinsville, PA Quadrangle 41° 45' 02"N, 77° 34' 09"W);
- 9) An 18 inch diameter waterline, a 3 inch diameter airline, a temporary road crossing using timber mats impacting 2,583 square feet of an exceptional value palustrine (EV-PEM) wetland (Sabinsville, PA Quadrangle 41° 45' 04"N, 77° 34' 09"W).

The project will result in 188 linear feet of permanent stream impacts, 76 linear feet of temporary stream impacts, 399 square feet (0.01 acre) of permanent wetland impacts, 43,511 square feet (1.00 acre) of temporary wetland impacts, and 94,419 square feet of floodway impacts along Pine Creek for permanent access road all for the purpose of installing and maintaining a waterline and intake structure in Gaines Township, Tioga County.

ENVIRONMENTAL ASSESSMENTS

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

EA363219-002: Manheim Township, 1840 Municipal Drive, Lancaster, PA 17601 in Manheim Township, **Lancaster County**, U.S. Army Corps of Engineers Baltimore District.

For the regrading and maintenance of 1.) 1,137 feet of Landis Run (WWF, MF) including the construction of floodplain benches on both sides of the watercourse; and 2.) 35 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. The permit was issued on September 10, 2019.

EA363219-004: Manheim Township, 1840 Municipal Drive, Lancaster, PA 17601 in Manheim Township, **Lancaster County**, U.S. Army Corps of Engineers Baltimore District.

For the regrading and maintenance 1.) 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.) 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. The permit was issued on September 10, 2019.

EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

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

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

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free

pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

Southwest District: Oil & Gas Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222.

ESCGP-3 # ESG076319001-00
Applicant Name Range Resources Appalachia, LLC
Contact Person Karl Matz
Address 3000 Town Center Blvd
City, State, Zip Canonsburg, PA 15317
County Washington
Township(s) Chartiers Township
Receiving Stream(s) and Classification(s) Chartiers Run (WWF-Siltation Impaired) and UNT to Chartiers Run (WWF-Siltation Impaired)

ESCGP-3 # ESX17-003-0006
Applicant Name Huntley & Huntley Energy Exploration, LLC
Contact Person Kyle Shirey
Address 501 Technology Drive, Suite 1200
City, State, Zip Canonsburg, PA 15317
County Allegheny
Township(s) Elizabeth Township
Receiving Stream(s) and Classification(s) Tributaries 37522 and 37521 to Douglas Run, Douglas Run, Tributaries 37544 and 37545 to Pollock Run, Pollock Run, Youghiogeny River (WWF)

ESCGP-3 # ESX12-125-0063
Applicant Name Range Resources Appalachia, LLC
Contact Person Karl Matz
Address 3000 Town Center Blvd
City, State, Zip Canonsburg, PA 15317
County Washington
Township(s) Jefferson Township
Receiving Stream(s) and Classification(s) UNT to North Fork Cross Creek (WWF)

Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

ESCGP-3 # ESG290819015-00
Applicant Name Appalachia Midstream Services, LLC
Contact Person Scott Kinter
Address 30351 Route 6
City, State, Zip Wysox, PA 18854
County Bradford
Township(s) Standing Stone Twp.
Receiving Stream(s) and Classification(s) UNT to Rummerfield Creek (WWF, MF), Rummerfield Creek (WWF, MF), UNT to Susquehanna River (WWF, MF)
Secondary: Susquehanna River (WWF, MF)

ESCGP-3 # ESG295819018-00
Applicant Name SWN Production Company, LLC
Contact Person Afton Sterling
Address 917 State Route 92 North
City, State, Zip Tunkhannock, PA 18657
County Susquehanna
Township(s) Great Bend and New Milford Twps.
Receiving Stream(s) and Classification(s) Deacon Brook (CWF, MF) and an unnamed tributary thereto

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.

Bills Auto, 51-39840, 1952 Bryn Mawr Ave., **City of Philadelphia**. EnviroSure, Inc., 319 South High Street, First Floor, West Chester, PA 19382, on behalf of FJ Acquisitions, LLC, 417 South Street, Suite 17, Philadelphia, PA 19131, 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 Residential Site-Specific Standards.

Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Sunoco Station (0003-7077), Storage Tank Facility ID # 36-60264, 1750 Oregon Pike, Lancaster, PA 17601, Lancaster City, **Lancaster County**, Mulry and Cresswell Environmental, Inc., 1679 Horseshoe Pike, Glenmoore, PA 19343 on behalf of Evergreen Resources Group, LLC, 2 Righters Parkway, Suite 120, Wilmington, DE 19803, submitted a 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 Statewide Health Standard and the Site-Specific Standard.

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

Kwik Fill Station # M-108, Storage Tank Facility ID # 17-14820, 102 Race Street, City of Clearfield, **Clearfield County**. Groundwater & Environmental Services, Inc., 301 Commerce Park Dr, Cranberry Township, PA

16066, on behalf of United Refining Company of PA, 814 Lexington Ave, Warren, PA 16365, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gas. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Turkey Hill Minit Market Store # 184, Storage Tank Facility ID # 49-71058, 140 W. Lincoln St, City of Shamokin, **Northumberland County**. McKee Environmental, Inc., 145 Exeter Lane, Bellefonte, PA 16823, on behalf of Turkey Hill Minit Markets, 257 Centreville Rd, Lancaster, PA 17872, submitted a Remedial Action Completion Report concerning remediation of soil contaminated with unleaded gas. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Chestnut and Line Street, Storage Tank Facility ID # 60-13411, 29 East Chestnut St, Mifflinburg Borough, Union County. Synergy Environmental, Inc., 155 Railroad Plaza, 1st FL, Royersford, PA 19468, on behalf of CrossAmerica Partners, LP, 600 Hamilton St, Ste 500, Allentown, PA 18101, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with motor fuel. The plan is intended to document the remedial actions for meeting the Residential Statewide Health Standard.

Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Beard's Auto Center, Storage Tank Primary Facility ID # 63-09745, 1464 Park Avenue, City of Washington, Washington, PA 15301. Letterle and Associates, Inc., 2859 Oxford Boulevard, Allison Park, PA 15101, on behalf of Coen Markets, Inc., 1000 Philadelphia Street, Canonsburg, PA 15317, submitted a Revised Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum products. The plan is intended to document remediation of the site to meet the Site-Specific Standard.

Mike and Rob's Sunoco, Storage Tank Primary Facility ID # 02-38345, 140 Miller's Run Road, Bridgeville, PA 15017. South Fayette Township, **Allegheny County**. CORE Environmental Services, Inc., 3960 William Flinn Highway, Suite 100, Allison Park, PA 15101, on behalf of Mike and Sharon Chabile, 140 Millers Run Road, Bridgeville, PA 15017, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum products. The plan is intended to document remediation of the site to meet the Site-Specific Standard.

PDQ Mart, Storage Tank Primary Facility ID # 04-32111, 1203 Gringo Road, Aliquippa, PA 15001. Hopewell Township, **Beaver County**. Letterle and Associates, Inc., 2859 Oxford Boulevard, Allison Park, PA 15101, on behalf of Art Paulus, 141 Ridgewood Drive, Freedom, PA 15042, submitted a Revised Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum products. The plan is intended to document remediation of the site to meet the Site-Specific Standard.

Ligonier Quick G's, Storage Tank Primary Facility ID # 65-12446, 626 West Main Street, Ligonier, PA 15658. Ligonier Township, **Westmoreland County**. CORE Environmental Services, Inc., 3960 William Flinn Highway, Suite 100, Allison Park, PA 15101, on behalf of CRA Corporation, P.O. Box 216, Johnstown, PA 15907, submitted a Revised Remedial Action Plan and Remedial Action Completion Report concerning remediation of soil and

groundwater contaminated with petroleum products. The report is intended to document the remedial actions for meeting the Residential Statewide Health Standard for soil and the Site-Specific Standard for groundwater.

7-Eleven Store No. 36185, Storage Tank Primary Facility ID # 02-80289, 2269 Noblestown Road, Pittsburgh, PA 15205. City of Pittsburgh, **Allegheny County**. AECOM, 625 West Ridge Pike, Suite E-100, Conshohocken, PA 19428, on behalf of 7-Eleven, Inc., 3200 Hackberry Road, P.O. Box 711, Dallas, TX 75221, submitted a Revised Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum products. The plan is intended to document the remediation of soil and groundwater for meeting the Residential Statewide Health Standard for soil and the Site-Specific Standard for groundwater.

Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Hilltop Mini Mart, Storage Tank Facility ID # 10-91376, 285 Chicora Road, Butler, PA 16001, Oakland Township, **Butler County**. Applied Geology and Environmental Science, Inc., 2402 Hookstown Grade Road, Suite 200, Clinton, PA 15026, on behalf of Hilltop Mini Mart and Source One Transportation, LLC, 200 Speers Road, Belle Vernon, PA 15012, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with benzene, ethylbenzene, toluene, xylenes, isopropylbenzene, methyl tertiary butyl ether, trimethylbenzenes, naphthalene. The plan is intended to document the remedial actions for meeting the Statewide Health Standards.

CORRECTIVE ACTION UNDER ACT 32, 1989

PREAMBLE 3

The DEP has taken action on the following plans and reports under the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104).

Provisions of 25 Pa. Code Chapter 245 Subchapter D, Administration of the Storage Tank and Spill Prevention Program, require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports.

A remedial action plan is submitted to summarize the site characterization, document the design and construction details for the remedial action, and describe how the remedial action will attain the selected remediation standard. The remedial action plan also provides results of studies performed and data collected to support the remedial action and a description of postremediation care requirements. A remedial action completion report is submitted to document cleanup of a release of a regulated substance at a site to the selected remediation standard. A remedial action completion report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or non-residential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

The DEP may approve or disapprove plans and reports submitted. This notice provides the DEP's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, please contact the Environmental Cleanup Program Manager in the DEP Regional Office under which the notice of the plan or report appears. If information concerning a report is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the DEP through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The DEP has received the following plans and reports:

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

Monroe Energy, 23-41511, Monroe Energy, LLC, 4101 Post Road, Trainer, PA 19061, Trainer Borough, **Delaware County**. Advantage Engineers, 435 Independence Avenue, Suite C, Mechanicsburg, PA 17055, on behalf of Monroe Energy, LLC, 4101 Post Road, Trainer, PA 19061 submitted a Site Characterization Report 310(b) concerning remediation of soil contaminated with crude oil. The Site Characterization Report 310(b) demonstrated attainment of the Statewide Health Standard and was approved by DEP on September 11, 2019.

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

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 Remedial Action Plan was acceptable to meet Statewide Health Standards and was approved by DEP on September 11, 2019.

Lamont's Service Station, Storage Tank ID # 40-50622, 798 West 15th Street, Hazleton City, **Luzerne County**. LaBella Associates, 1000 Dunham Drive, Suite B, Dunmore, PA 18512, on behalf of Robert Lamanna, 104 Skyline Drive North, Clarks Summit, PA 18411, has submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with gasoline. The Remedial Action Plan was acceptable to meet Statewide Health Standards and was approved by DEP on September 16, 2019.

Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Sheetz Store # 116, Storage Tank Primary Facility ID # 28-29531, 215 West Baltimore Street, Greencastle, PA 17225, Greencastle Borough, **Franklin County**, EnviroTrac, Ltd., 176 Thorn Hill Road, Warrendale, PA 15086, on behalf of Sheetz, Incorporated, 351 Sheetz Way, Claysburg, PA 16625, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum constituents. The Remedial Action Completion Report did not demonstrate attainment of a combination of Statewide Health Standard and Site-Specific Standard and was approved by the Department on September 5, 2019.

Turkey Hill Store # 031, Storage Tank Primary Facility ID # 06-08674, 2240 Hampden Boulevard, Reading, PA 19604, Reading City, **Berks County**, Keystone

Environmental Health and Safety Services, Inc., 1111 12th Avenue, Altoona, PA 16601, submitted a Remedial Action Completion Report concerning the remediation of soil contaminated with unleaded gasoline petroleum constituents. The Remedial Action Completion Report demonstrated the attainment of the Residential Statewide Health Standard and was approved by the Department on September 9, 2019.

Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Prima Store 5175, Storage Tank Facility ID # 32-20079, 401 Philadelphia Street, Indiana, **Indiana County**. Core Environmental Services Inc., 3960 William Flynn Highway, Allison Park, PA 15101-3603, on behalf of Prima Marketing, LLC, c/o Paragon Consulting Group, LLC, 1103 Oak Park Drive, Suite 110, Fort Collins, CO 80525, submitted a Remedial Action Plan on June 3, 2019, concerning the remediation of soil and groundwater contaminated with benzene, toluene, ethyl benzene, xylenes, cumene, methyl tert-butyl ether, naphthalene, 1,2,4 trimethyl benzene, and 1,3,5 trimethyl benzene. The Remedial Action Plan was not acceptable to meet the Statewide Health Standards for soil and Site-Specific Standards for groundwater and was disapproved by DEP on August 29, 2019.

McKitten Service Station, Storage Tank Facility ID # 10-90308, 527 State Route 422 East, Butler, PA 16001, Summit Township, **Butler County**. Core Environmental Services, Inc., 4068 Mount Royal Boulevard, Allison Park, PA 15101, on behalf of Mr. Owen Osterling, 686 Glenwood Way, Butler, PA 16001, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with benzene, toluene, ethylbenzene, naphthalene, cumene, total xylenes, and methyl tert-butyl ether. The Remedial Action Completion Report demonstrated attainment of the Site-Specific Standard and was approved by DEP on September 3, 2019.

Lakeshore Service, Storage Tank Primary Facility ID # 25-90482, 5434 West Lake Road, Millcreek Township, **Erie County**. Environmental Remediation and Recovery, Inc., 4250 Route 6N, Edinboro, PA 16412, on behalf of Diamond Design Construction, 2503 Peach Street, Erie PA 16502, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with benzene, ethylbenzene, cumene, methyl tertiary butyl ether (MTBE), naphthalene, toluene, and xylenes. The Remedial Action Completion Report demonstrated attainment of the Site-Specific Standard and was approved by DEP on September 11, 2019.

Faulkner's Country Market, Storage Tank Facility ID # 25-90487, 13580 Routes 8 & 89, Venango Township, **Erie County**. ATC Group Services, LLC, 270 William Pitt Way, Pittsburgh, PA 15238, on behalf of Howard Faulkner, 13580 Routes 8 & 89, Wattsburg, PA 16442, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with benzene, ethylbenzene, cumene, methyl tertiary butyl ether, naphthalene, toluene, xylenes, 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, 1,2-dibromomethane, 1,2-dichloroethane, and lead. The Remedial Action Completion Report demonstrated attainment of the Statewide Health Standard and was approved by DEP on September 16, 2019.

SPECIAL NOTICES

PUBLIC NOTICE OF APPLICATION AND DRAFT STATE WATER QUALITY CERTIFICATION FOR A FERC REGULATED PIPELINE PROJECT

**Proposed State Water Quality Certification
Required by the Commonwealth of Pennsylvania,
Department of Environmental Protection**

**Pursuant to Section 401 of the Clean Water Act for
the Leidy South Project**

*Regional Permit Coordination Office: 400 Market Street,
Harrisburg, PA 17101, Domenic Rocco, PE, Program
Manager, 717-772-5987.*

WQ0083219-001, Transcontinental Gas Pipe Line Company, LLC (Transco) (Applicant), 2800 Post Oak Boulevard, Level 11, Houston, TX 77056. Leidy South Project (Project), in Chapman Township and Leidy Township, **Clinton County**; Jordan Township, **Lycoming County**; Clinton Township, **Wyoming County**; Fairmount Township, **Luzerne County**; Orange Township and Jackson Township, **Columbia County**; and Hegins Township, **Schuylkill County**, ACOE Baltimore District. The pipeline portion of this proposed project starts at the Leidy Hub in Clinton County (Latitude: 41.429722°; Longitude: -77.847892°) and proceeds discontinuously to an existing valve near Hilltop Lane (Latitude: 41.365753°; Longitude: -77.674233°), with another section continuing from State Road 2079 in Lycoming County (Latitude: 41.253964°; Longitude: 76.528692°) to the Lycoming County line near Route 118 (Latitude: 41.267467°; Longitude: 76.463275°). The project also includes: the new Compressor Station 607 in Luzerne County (Latitude: 41.299705°; Longitude: -76.22439°); the new Compressor Station 620 in Schuylkill County (Latitude: 40.676298°; Longitude: -76.473615°, no resource impacts); modifications to Compressor Station 610 in Columbia County (Latitude: 41.105032°; Longitude: -76.449796°, no resource impacts); modifications to Compressor Station 605 in Wyoming County (Latitude: 41.577222°; Longitude: -75.804444°, no resource impacts and no earth disturbance); and several pipe yards.

On July 31, 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 a certificate of public convenience and necessity to construct and operate its Project (FERC Docket No. CP19-494). The FERC Environmental Assessment for the Project, when available, may be viewed on FERC's website at www.ferc.gov (search eLibrary; Docket Search; CP19-494).

On August 23, 2019, Applicant requested a State water quality certification (SWQC) 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 consistent with the requirements of State law and the Clean Water Act.

The Project, as proposed, includes approximately 8.7-mile-long, 36-inch discontinuous pipeline, 3.5-mile-long, 42-inch pipeline, two new compressor stations, modifications at two existing compressor stations, and associated ancillary facilities to transport natural gas from northern and western Pennsylvania to Transco's Zone 6, which

includes portions of Pennsylvania, New York, New Jersey, and Maryland. The Project, as proposed, will require approximately 412.2 acres of earth disturbance, and impacts to 1,391 linear feet of UNT to Little Muncy Creek (EV, MF), Buck Run (EV, MF), West Branch Little Muncy Creek (EV, MF), UNT to West Branch Little Muncy Creek (EV, MF), Post Hollow Run (EV, MF), UNT to Young Womans Creek (HQ-CWF, MF), Young Womans Creek (HQ-CWF, MF), UNT to Dark Hollow (EV, MF), UNT to Paddy Run (EV, MF), Paddy Run (EV, MF), UNT to Hensel Fork (EV, MF), Hensel Fork (EV, MF), UNT to Drury Run (EV, MF), and Drury Run (EV, MF), 5.01 acres of floodway, 2.89 acres of temporary PEM, PSS, and PFO wetland impacts, and 3.44 acres of PEM, PSS, and PFO permanent impacts.

PADEP, by this notice, is proposing to issue a SWQC to Transcontinental Gas Pipe Line Company, LLC for the Leidy South Project. PADEP is proposing to certify that construction, operation and maintenance of the Leidy South Project complies with the applicable provisions of sections 301—303, 306 and 307 of the Federal Clean Water Act (33 U.S.C.A. §§ 1311—1313, 1316 and 1317). The PADEP is proposing to further certify that the construction, operation and Leidy South Project complies with Pennsylvania water quality standards and that the construction, operation and maintenance of the project will maintain and protect applicable Commonwealth water quality standards provided that the construction, operation and maintenance of the project complies with the following PADEP water quality permitting programs, criteria and conditions established pursuant to Pennsylvania law:

1. *Discharge of Hydrostatic Test Water*—Applicant shall obtain and comply with a National Pollutant Discharge Elimination System (NPDES) permit(s) for the discharge of water from the hydrostatic testing of the pipeline associated with the Project pursuant to Pennsylvania's Clean Streams Law (35 P.S. §§ 691.1—691.1001), 25 Pa. Code Chapter 92a (relating to NPDES permitting, monitoring and compliance), and all other applicable regulations.

2. *Erosion and Sediment Control and Stormwater Management*—All projects proposing earth disturbance must implement best management practices (BMPs) to protect and maintain water quality pursuant to Pennsylvania's Clean Streams Law (35 P.S. §§ 691.1—691.1001) and Storm Water Management Act (32 P.S. §§ 680.1—680.17), 25 Pa. Code Chapter 102 (relating to erosion and sediment control), and all other applicable regulations. Applicant shall obtain and comply with an Erosion and Sediment Control Permit(s) for earth disturbance associated with the Project as provided in 25 Pa. Code § 102.5.

3. *Water Obstruction and Encroachment Permits*—Applicant shall obtain and comply with a Water Obstruction and Encroachment Permit(s) for the construction, operation and maintenance of all stream and wetland crossings associated with the Project pursuant to Pennsylvania's Clean Streams Law, Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), and Flood Plain Management Act (32 P.S. §§ 679.101—679.601.), 25 Pa. Code Chapter 105 (relating to dam safety and waterway management), 25 Pa. Code Chapter 106 (relating to floodplain management) and all other applicable regulations.

4. *Other Water Quality Requirements*—Applicant shall obtain any other permits, authorizations or approvals required to construct, operate, and maintain the Project from any interstate or international agency as required by an interstate compact or international agreement that has established water quality standards applicable to surface waters of this Commonwealth, including wetlands.

5. *Water Quality Monitoring*—PADEP retains the right to specify additional studies or monitoring to ensure that water quality in the receiving waters associated with the Project is not adversely impacted by any operational and construction process that may be employed by Applicant.

6. *Operation*—Applicant shall properly operate and maintain at all times all Project facilities and systems of treatment and control (and related appurtenances) installed to achieve compliance with the terms and conditions of this SWQC and all required permits, authorizations and approvals. Proper operation and maintenance include adequate laboratory controls, appropriate quality assurance procedures, and the operation of backup or auxiliary facilities or similar systems installed by Applicant.

7. *Inspection*—The Project, including all relevant records, are subject to inspection at reasonable hours and intervals by an authorized representative of PADEP or the delegated County Conservation District to determine compliance with this SWQC, including all permits, authorizations or approvals which ensure the project shall maintain and protect State water quality standards as required by this SWQC. The Applicant shall provide a copy of this SWQC to an authorized representative conducting an inspection of the Project.

8. *Transfer of Projects*—If Applicant intends to transfer any legal or equitable interest in the Project or any portion(s) thereof, the Applicant shall provide a copy of this SWQC and copies of any permits, authorizations or approvals obtained to comply with the SWQC 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 appropriate PADEP Office of such intent. Notice to PADEP shall include a transfer agreement signed by the existing and new owners containing a specific date for transfer of responsibility, coverage, and liability under the SWQC and any permits, authorizations and approvals obtained to comply with the SWQC. The new owner shall submit to PADEP a new application form for the SWQC and any permits, authorizations and approvals required to comply with the SWQC signed by the new owner.

9. *Correspondence*—All correspondence with and submittals to PADEP concerning this SWQC shall be addressed to Department of Environmental Protection, Regional Permit Coordination Office, Domenic Rocco, PE, Program Manager, 400 Market Street, Harrisburg, PA 17101, RA-EPREGIONALPERMIT@pa.gov.

10. *Reservation of Rights*—PADEP may modify, suspend, or revoke this SWQC if (i) PADEP becomes aware of new facts about the Project that warrant such action; or (ii) PADEP determines that the Applicant has not complied with the terms and conditions of this certification. PADEP may require additional measures to achieve compliance with any applicable law or regulation.

11. *Other Laws*—Nothing in this SWQC shall be construed to preclude the institution of any legal action or to relieve Applicant from any responsibilities, liabilities, or penalties established pursuant to any applicable law or regulation.

12. *Severability*—The provisions of this SWQC are severable and should any provision of this SWQC be declared invalid or unenforceable, the remainder of this SWQC shall not be affected thereby.

Prior to issuance of the final SWQC, 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 Mr. Domenic Rocco, P.E., Program Manager, Regional Permit Coordination Office 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 of the person commenting and a concise statement of comments, objections or suggestions on this proposal. No comments submitted by facsimile will be accepted.

Final State Water Quality Certification Required by Section 401 of the Clean Water Act for the Army Corps of Engineers for the Indian Rock Dam/Codorus Creek Flood Risk Management Maintenance Project

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, Scott Williamson, 717-705-4802.

DEP File No.: WQ6703219-001. U.S. Army Corps of Engineers, Baltimore District. (“ACOE” or “Applicant”), 2 Hopkins Plaza, Baltimore, MD 21201-2930. Indian Rock Dam/Codorus Creek Flood Risk Management Maintenance Project in York City, **York County** (York, PA Quadrangles, From Lat: 39° 56' 52.81"; Long: -76° 44' 42.61" to Lat: 39° 59' 28.31"; Long: -76° 43' 24.58").

On April 15, 2019, ACOE requested a State water quality certification from the 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 operation and maintenance of the Indian Rock Dam/Codorus Creek Flood Risk Management (FRM) Maintenance 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.

The project consists of floodwall replacement near Penn Street Bridge, masonry floodwall repairs near Market Street Bridge, riprap repair and installation near South Richland Avenue Bridge and drainage conduit maintenance, repair or abandonment throughout the FRM project.

DEP published notice of its proposed State water quality certification in the *Pennsylvania Bulletin* on May 18, 2019, 49 Pa.B. 2512 and received no comments from the public.

DEP hereby issues a Section 401 Water Quality Certification to ACOE for the Indian Rock Dam/Codorus Creek Flood Risk Management (FRM) Maintenance Project that will require compliance with the following State water quality permitting programs, criteria and conditions established pursuant to State law to ensure that the Indian Rock Dam/Codorus Creek Flood Risk Management (FRM) Maintenance Project does not violate applicable State water quality standards set forth in 25 Pa. Code Chapter 93:

1. *Erosion and Sediment Control Permit*—Applicant shall comply with PADEP’s Chapter 102 Erosion and Sediment Control requirements 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).

2. *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.

3. *Operation*—Applicant shall at all times properly operate and maintain all FRM Maintenance 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 include adequate laboratory controls, appropriate quality assurance procedures, and the operation of backup or auxiliary facilities or similar systems installed by Applicant.

4. *Inspection*—The Indian Rock Dam/Codorus Creek Flood Risk Management Maintenance Project, including all relevant records, are subject to inspection at reasonable hours and intervals by an authorized representative of 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, or an authorized representative thereof, during such inspections of the Indian Rock Dam/Codorus Creek Flood Risk Management Maintenance Project.

5. *Transfer of Projects*—If Applicant intends to transfer any legal or equitable interest in the Indian Rock Dam/Codorus Creek Flood Risk Management Maintenance Project which is affected by this State Water Quality Certification, Applicant shall serve a copy of this certification upon the prospective transferee of the legal and equitable interest at least thirty (30) days prior to the contemplated transfer and shall simultaneously inform the 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.

6. *Correspondence*—All correspondence with and submittals to PADEP concerning this State Water Quality Certification shall be addressed to Department of Environmental Protection, Southcentral Regional Office, Program Manager, Waterways and Wetlands, 909 Elmerton Avenue, Harrisburg, PA 17110.

7. *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.

8. *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.

9. *Severability*—The provisions of this State Water Quality Certification are severable and should any provi-

sion of this certification be declared invalid or unenforceable, the remainder of the certification shall not be affected thereby.

Any person aggrieved by this action may appeal, 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, 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 Environmental Hearing Board within 30 days of publication of this notice, or within 30 days of receipt of written notice of this action, whichever occurs first. 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 any right of appeal beyond that permitted by applicable statutes and decisional law.

If you want to challenge this action, your appeal must reach the Board within 30 days. You do not need a lawyer to file an appeal with the Board.

[Pa.B. Doc. No. 19-1443. Filed for public inspection September 27, 2019, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Federal Consistency under the Coastal Zone Management Act; Development of AutoPort Facility at Philadelphia Navy Yard

This notice is published under section 306(d)(14) of the Federal Coastal Zone Management Act of 1972 (CZMA) (16 U.S.C.A. § 1455(d)(14)), regarding public participation during consistency determinations. The Department of Environmental Protection (Department), Coastal Resources Management Program has received notice that PhilaPort, The Port of Philadelphia, is proposing development of the AutoPort Facility at Site 2 of the Southport redevelopment at the Philadelphia Navy Yard.

The applicant is seeking authorization from the United States Army Corps of Engineers to place fill in 2.81 acres of jurisdictional wetlands and place approximately 3,850 cubic yards of fill within the default floodway of the Delaware River to provide required temporary automobile storage on Site 2 of the Southport redevelopment at the Philadelphia Navy Yard. The project will include raising the parking surface elevation above the regulatory 100-year floodplain and permanently filling the isolated wetlands. Four new stormwater outfalls with water quality filtration are proposed to drain the improved parking area and Vehicle Processing Center. Mitigation for permanent impacts to the jurisdictional wetlands is proposed to be accomplished by establishing a tidal marsh mitigation project in Neshaminy State Park, which will create 3.49 acres of tidal marsh wetlands fringed by 0.89 acre of forested wetlands.

This project is subject to Department review for Federal consistency because it is a Federal license and permit activity and will have reasonably foreseeable effects on the Commonwealth's coastal resources or uses.

In accordance with section 307 of the CZMA (16 U.S.C.A. § 1456) and the National Oceanic and Atmospheric Administration (NOAA) regulations in 15 CFR Part 930, Subpart D (relating to consistency for activities requiring a Federal license or permit), PhilaPort, The Port of Philadelphia, has determined that the proposed activity will be conducted in a manner consistent with the applicable enforceable policies of the Commonwealth's NOAA-approved Coastal Resources Management Program. Interested parties may request a copy of the Federal Consistency Certification from the Department contact listed as follows.

Questions regarding this review should be directed to Matthew Walderon, Federal Consistency Coordinator, RA-Fed_Consistency@pa.gov or (717) 772-2196.

The Department will consider all comments received on or before Tuesday, October 15, 2019, before issuing a final Federal consistency concurrence or objection. Comments submitted by facsimile will not be accepted. Comments, including comments submitted by e-mail, must include the originator's name and address. Commentators are encouraged to submit comments using the Department's online eComment tool at www.ahs.dep.pa.gov/eComment or by e-mail to ecomment@pa.gov. Written comments may be submitted by mail to the Department of Environmental Protection, Policy Office, 400 Market Street, P.O. Box 2063, Harrisburg, PA 17105-2063.

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 19-1444. Filed for public inspection September 27, 2019, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Proposed State Implementation Plan Revision for Regional Haze; Best Available Retrofit Technology; Extension of Public Comment Period

The Department of Environmental Protection (Department) announces that the public comment period for the "Proposed State Implementation Plan Revision for Regional Haze; Best Available Retrofit Technology; Public Hearings" published at 49 Pa.B. 5065 (August 31, 2019) has been extended through Thursday, October 31, 2019. The proposed State Implementation Plan revision and appendices are available on the Department's web site at www.ahs.dep.pa.gov/eComment.

The Department will accept comments through Thursday, October 31, 2019. Commentators are encouraged to submit comments using the Department's online eComment tool at www.ahs.dep.pa.gov/eComment or by e-mail to ecomment@pa.gov. Written comments can be mailed to the Policy Office, Department of Environmental Protection, Rachel Carson State Office Building, P.O. Box 2063, Harrisburg, PA 17105-2063. Use "Regional Haze BART" as the subject line in written communication.

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 19-1445. Filed for public inspection September 27, 2019, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Public Notice of Draft NPDES General Permit for Stormwater Discharges Associated with Small Construction Activities (PAG-01)

The Department of Environmental Protection (Department) is announcing the availability of a draft National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges Associated with Small Construction Activities (PAG-01). To access the draft PAG-01 and related documents, visit the Department's eLibrary at www.depgreenport.state.pa.us/elibrary/ (select "Permit and Authorization Packages," then "Clean Water," then "PAG-01 NPDES General Permit (Draft)").

The PAG-01 General Permit, which is a proposed general permit, is intended to provide NPDES permit coverage to persons discharging stormwater associated with small construction activities to surface waters of this Commonwealth in satisfaction of State NPDES permit requirements in 25 Pa. Code §§ 92a.1(b) and 102.5 (relating to purpose and scope; and permit requirements) and Federal NPDES permit requirements in 40 CFR 122.26(b)(15) (relating to storm water discharges (applicable to State NPDES programs, see § 123.25)). The PAG-01 General Permit would apply to eligible projects that propose less than 5 acres of earth disturbance and will have impervious surface areas no greater than 30,000 square feet within the area of disturbance and impervious surface areas no greater than 12% of the project site area.

If a project is ineligible for PAG-01 and requires NPDES permit coverage, an applicant may, submit a Notice of Intent (NOI) for coverage under the PAG-02 General Permit, if eligible, or may submit an application for an individual NPDES permit. A project may be eligible for PAG-01 coverage if stormwater and non-stormwater discharges will conform to the requirements of the General Permit, if technical criteria are met, and if the prohibitions identified in the General Permit do not apply.

The NOI to use the PAG-01 General Permit for NPDES permit coverage would be submitted by applicants to county conservation districts (CCD) that are delegated by the Department to complete reviews of NPDES permit applications under 25 Pa. Code Chapter 102 (relating to erosion and sediment control), or in the absence of a delegated CCD, a regional office of the Department. A 30-calendar-day or 60-calendar-day review period would then apply depending on specific factors as explained in the NOI instructions. An eligible PAG-01 applicant may not begin a new discharge under the General Permit until the following conditions have been met:

1. A pre-application meeting or call has been held, unless waived in writing by the Department/CCD.
2. The applicant has submitted a complete NOI package—Department document 3800-PM-BCW0404b and its required attachments—in accordance with the requirements of the General Permit and the NOI instructions;
3. The applicant has received written approval of coverage under PAG-01 signed by the appropriate Department/CCD manager or supervisor;
4. All other permits and approvals relating to the earth disturbance activities reported in the NOI—including but not limited to sewage planning approval required by the Pennsylvania Sewage Facilities Act (35 P.S. §§ 750.1—750.20a), if applicable, have been obtained.

5. A pre-construction meeting has been held unless waived in writing by the Department/CCD.

The PAG-01 General Permit includes: technology-based and water quality-based effluent limitations in the form of erosion and sediment controls and post-construction stormwater management (PCSM) best management practices (BMP); and requirements established in Federal regulations at 40 CFR Part 450 (relating to construction and development point source category). Site inspections must occur on a routine weekly basis, following measurable storm events and in response to an identified deficiency in order to document corrective action. Except for sites enrolled in the Department's Land Recycling and Environmental Remediation Standards (Act 2) program, all fill material excavated and used onsite, imported to the site and exported from the site, must meet the definition of clean fill. The Department/CCD may require cessation of earth disturbance activities where required plans are not in place, where plans are significantly deficient and could result in environmental harm, or where potential or actual harm is identified during onsite inspections. Other permit conditions include but are not limited to long-term operation and maintenance of PCSM BMPs, minimization of soil compaction, requirements related to offsite construction support activities and construction dewatering requirements.

To be eligible for PAG-01, applicants must: control post-construction stormwater by utilizing specific PCSM BMPs that have been evaluated by the Department to protect and maintain water quality and that satisfy 25 Pa. Code Chapter 102 regulatory requirements; or restore the area of disturbance to approximate original condition. PAG-01 may not be used for project sites located within watersheds of High Quality Waters or Exceptional Value Waters (for example, special protection waters) under 25 Pa. Code Chapter 93 (relating to water quality standards).

Applicants must submit a \$500 administrative filing fee to the delegated CCD with the NOI package, as well as any additional fees the CCD requires. Applicants must also submit a fee in the amount of \$100 for each disturbed acre to the Department. If a project is located in a county without a delegated CCD, both the disturbed acre fee and the administrative filing fee will be submitted to the Department. In addition, an annual fee of \$250 is due each year to a delegated CCD, where applicable, by January 31 until a Notice of Termination is submitted by the permittee and is approved by the CCD.

Written Comments

Interested persons are invited to submit written comments regarding the draft PAG-01 General Permit and associated documents through Monday, October 28, 2019. Comments submitted by facsimile will not be accepted. All comments, including comments submitted by e-mail, must include the commentator's name and address. Commentators are encouraged to submit comments using the Department's online eComment tool at www.ahs.dep.pa.gov/eComment or by e-mail to ecomment@pa.gov. Written comments can be mailed to the Department of Environmental Protection, Policy Office, Rachel Carson State Office Building, P.O. Box 2063, Harrisburg, PA 17105-2063.

Written comments submitted during the 30-day public comment period will be retained by the Department and considered before finalization of the General Permit. The Department will provide an opportunity for any interested person or group of persons, any affected State, any

affected interstate agency, the United States Environmental Protection Agency or any other interested agency, to request or petition for a public hearing with respect to the draft General Permit. The request or petition for public hearing, which must be filed within the 30-day period allowed for filing of written comments, must indicate the interest of the party filing the request and the reasons why a hearing is warranted. A hearing will be scheduled if there is significant public interest.

Questions regarding the draft PAG-01 can be directed to Sean Furjanic at sefurjanic@pa.gov or (717) 787-2137.

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 19-1446. Filed for public inspection September 27, 2019, 9:00 a.m.]

DEPARTMENT OF HEALTH

Long-Term Care Nursing Facilities; Requests for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 201.22(j) (relating to prevention, control and surveillance of tuberculosis (TB)):

Luther Crest Nursing Facility
800 Hausman Road
Allentown, PA 18104
FAC ID # 125502

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 211.12(f)(1) (relating to nursing services):

Smith Health Care, Ltd.
453 South Main Road
Mountain Top, PA 18707
FAC ID # 453102

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed address.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing-impaired persons, call the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

RACHEL L. LEVINE, MD,
Secretary

[Pa.B. Doc. No. 19-1447. Filed for public inspection September 27, 2019, 9:00 a.m.]

DEPARTMENT OF HEALTH

Special Pharmaceutical Benefits Program Advisory Council Public Meeting

The Statewide Special Pharmaceutical Benefits Program (SPBP) Advisory Council, established by the Department of Health (Department) to aid in the carrying out of its Federal grant responsibilities under section 2616 of the Ryan White Comprehensive AIDS Resource Emergency Act of 1990 (42 U.S.C.A. § 300ff-26), will hold a public meeting on Thursday, October 24, 2019, from 10 a.m. to 3 p.m. at the Radisson Hotel Harrisburg, 1150 Camp Hill Bypass, Camp Hill, PA 17011.

The SPBP Advisory Council will provide program guidance and recommendations to the Department's SPBP in regard to the following: drug formulary; covered lab services; drug utilization review; clinical programs; eligibility; and program management.

For additional information, 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 John Haines, Special Pharmaceutical Benefits Program, Bureau of Communicable Diseases, Department of Health, Room 611, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120, (800) 922-9384, or for speech 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 prior notice.

RACHEL L. LEVINE, MD,
Secretary

[Pa.B. Doc. No. 19-1448. Filed for public inspection September 27, 2019, 9:00 a.m.]

DEPARTMENT OF HEALTH

Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program); 2019-2020 WIC Food List

I. 2019-2020 WIC Food List

Under 28 Pa. Code § 1103.5(a) (relating to minimum inventory), the WIC Program publishes notice of the 2019-2020 WIC Food List which contains the required types of foods and, if applicable, names of the allowable brands of foods. Effective October 1, 2019, the 2019-2020 WIC Food List authorizes the following as allowable foods for the purpose of the WIC Program.

Cheese

Regular, reduced fat, low fat or fat free, low cholesterol, low sodium, lactose free, smoked or calcium fortified. Cheese must be marked with weight, type and cost. Cheese must be in the form of a block, sliced, shredded, stick or string cheese. Package size must be 8 ounces or 16 ounces.

American (Pasteurized Process)	Cheddar
Cheddarella	Cojack
Colby (Longhorn)	Monterey Jack
Mozzarella	Muenster
Provolone	Swiss

Kosher cheese must be specified on the WIC check to be purchased using a WIC check.

Not Allowed: Cubed, individually wrapped slices, imported, deli service, cheese foods, imitation cheese, cheese products or spreads, cheese with added ingredients, organic cheese, cheese packed in water.

Cow's Milk

Fluid (pasteurized; 1/2 gallons or gallons), any fat level, allowed as specified on the WIC check. Acidophilus milk allowed. Lactose free milk allowed, if specified on the WIC check. Evaporated milk (12-ounce cans), allowed if specified on the WIC check. Dry milk allowed, if specified on the WIC check. A quart of milk is allowed, if specified on the WIC check.

Not Allowed: Flavored milk, buttermilk, goat's milk, organic milk, ultra high temperature processed milk, milk in glass bottles, milk with added calcium, protein or plant sterols, vitamin C or omega 3s.

Soy Beverage

32-ounce or 64-ounce containers: Pacific—Ultra Soy (Original or Vanilla flavored) 8th Continent (Original or Vanilla) Refrigerated Section Silk Original, Refrigerated Section

Not Allowed: Any other brand or type of soy beverage.

Yogurt (32-ounce containers only)

Whole Fat Yogurts:

Dannon	All Natural Plain, Strawberry, Vanilla
ShopRite	Plain
<i>Lowfat Yogurts:</i>	
Best Yet	Plain, Vanilla
Coburn Farms	Plain, Vanilla
Dannon	Plain, Vanilla
Essential Everyday	Blended Blueberry, Peach, Plain, Raspberry, Strawberry, Vanilla
Giant	Plain
Giant Eagle	Plain, Vanilla
Great Value	Peach, Strawberry, Strawberry Banana, Vanilla
Lucerne	Strawberry, Vanilla
Market Pantry	Vanilla
ShopRite	Plain, Vanilla
Shurfine	Plain, Vanilla
Weis Quality	Peach, Plain, Strawberry
Yoplait	Harvest Peach, Strawberry, Strawberry Banana, Vanilla

Nonfat Yogurts:

Best Yet	Plain, Vanilla
Dannon	Plain, Strawberry, Strawberry Banana
Essential Everyday	Plain
Giant	Plain, Vanilla
Giant Eagle	Plain
Great Value	Plain

Lucerne	Plain
Market Pantry	Plain
ShopRite	Plain, Vanilla
Shurfine	Plain, Vanilla
Weis Quality	Plain, Vanilla
Yoplait	Plain

Not Allowed: Greek, Organic, Drinkable Yogurts, Yogurts with non-nutritive sweeteners, Yogurts with mix-in-ingredients such as: Granola, Candy pieces, Honey or Nuts.

Tofu

16-ounce containers: House Foods Premium—Medium Firm, Firm, Extra Firm Nasoya—Silken Azumaya—Silken, Firm, Extra Firm

Not Allowed: Any other brand or type of tofu.

Chicken Eggs

Any Brand Grade A or AA Regular: large, medium or small raw shell brown or white chicken eggs in 1-dozen package.

Not Allowed: Specialty eggs such as vegetarian fed, organic eggs, low cholesterol, fat modified, high in omega 3s, free range, egg substitute.

Legumes (Beans)

Black beans, black eye peas, garbanzo beans, great northern beans, kidney beans, lima beans, navy beans, pinto beans, soybeans, butter beans, pink beans, split peas and lentils.

1 pound dry or 15 1/2-ounce to 16-ounce canned any brand (canned kidney beans may contain sugar)

Not Allowed: Green beans, green peas, green lima beans, snap beans, yellow beans, wax beans, pork-n-beans, beans with added seasonings, sugars, oils, fats, sauces, meats, organic beans.

Fruits and Vegetables

Fruits Allowed:

Fresh, whole or cut without added sugars. Frozen, without added sugars. Canned, jarred or multi pack without added sugars, fats, oils or sodium (salt).

Vegetables Allowed:

Fresh, whole or cut without added sugars, fats or oils. Frozen, without added sugars, fats or oils. Canned or jarred, without added sugars, fats or oils. Whole kernel corn and green peas can contain sugar.

Organic fruits and vegetables can be purchased.

Not allowed:

- Party trays, fruit baskets, salad bar items
- Items that contain dips or sauces
- Ingredients other than fruit—sugar, honey, high fructose corn syrup, heavy or light syrup, dextrose, sucrose, maple syrup, artificial sweeteners, fats, oils or sodium (salt)
- Ingredients other than vegetables—sugar, honey, high fructose corn syrup, cheese sauce, noodles, rice, nuts, spices, fats or oils
- Sauerkraut, pickled vegetables, olives

- Jarred salsa, pasta sauce
- Fresh herbs and spices, edible blossoms
- Dried fruit, dried vegetables, trail mix
- Fruit leathers, fruit snacks, fruit roll-ups
- Fruit and nut mixtures
- Fruit cocktails, cranberry sauce, pie filling
- Baked goods containing fruit or vegetables
- Infant or toddler fruits and vegetables
- Maraschino cherries or products containing maraschino cherries
- Squeezable fruit or vegetable pouches

Juice

Single Strength (48-ounce container, 100% pure juice):

Apple	Apple & Eve, Food Club, Giant Eagle, Juicy Juice, Red & White, Seneca, Shurfine
Cranberry	Apple & Eve: Naturally Cranberry Northland: Traditional Cranberry
100% Grape (purple or white)	Juicy Juice, Red & White, Shurfine
Juice Blends	Apple & Eve: Cranberry Apple and Cranberry Raspberry Juicy Juice: All flavors

Single Strength (64-ounce container, 100% pure juice):

Apple	Apple & Eve, Best Yet, Essential Everyday, Food Club, Giant, Giant Eagle, Great Value, Hy-top, IGA, Krasdale, Lucky Leaf, Mott's, Musselman's, Market Pantry, Old Orchard, Parade, Red & White, Seneca, Shop Rite, Shurfine, Signature Select, Tipton Grove, Weis Quality
Cranberry	Food Club, Giant, Giant Eagle, Market Pantry, Shurfine, Signature Select
Grape (purple, red or white)	Best Yet, Essential Everyday, Food Club, Giant, Giant Eagle, Great Value, Hy-top, IGA, Krasdale, Market Pantry, Parade, Red & White, Shoprite, Shurfine, Signature Select, Tipton Grove, Weis Quality, Welch's
Orange	Any Brand, calcium and vitamin D added allowed
Pineapple	Best Yet, Essential Everyday, IGA, Libby's, Shurfine, Signature Select
Tomato	(regular or low sodium): Campbell's, Essential Everyday
Vegetable	Campbell's V8 (regular or low sodium), Best Yet, Diane's Garden, Essential Everyday
Juice Blends	Apple & Eve—all flavors (including Sesame Street) except "Cranberry Juice & More" and "Fruitables" Juicy Juice—all flavors Old Orchard—100% juice flavors, no premium flavors Welch's—Super Berry, Tropical Trio

Frozen Concentrated (11 1/2-ounce to 12-ounce container, 100% pure juice):

Apple	Best Yet, Essential Everyday, Food Club, Giant, Hy-top, IGA, Great Value, Market Pantry, Old Orchard, Parade, Seneca, Shop Rite, Shurfine, Signature Select, Tipton Grove, Weis Quality
Apple Juice Blends	Old Orchard (all flavors with green pull tab top)
Orange	Any brand (including calcium and vitamin D added)
Grape	Essential Everyday, Giant, Market Pantry, Welch's (all flavors with yellow pull tab top)
Grape Juice Blends	Welch's (all flavors with yellow pull tab top)

Shelf Stable Concentrated (11 1/2-ounce to 12-ounce container, 100% pure juice):

Welch's any flavors with yellow trim

Not Allowed: Ciders, cocktails, artificial sweeteners, food colorings, added sugar, alcohol, carbonation, fiber, omega 3s, DHA, ARA, beta-carotene, vitamin A, vitamin E, organic juice.

Cereal

Adult/Child Cereals:

Minimum package size 12 ounces

<i>General Mills:</i>	Cheerios (regular, multigrain) Chex (wheat, corn, rice) Kix (regular, honey or berry berry) Total (whole grain) Fiber One Honey Clusters Wheaties (regular flavor only)
<i>Kellogg Co.:</i>	All Bran Complete Wheat Flakes Corn Flakes Crispix Frosted Mini Wheats: Original, Little Bite, Touch of Fruit Raspberry Rice Krispies (regular) Special K (Original)
<i>Malto Meal, bag or box:</i>	Crispy rice, Frosted Mini Spooners (Original and Strawberry)
<i>Maypo:</i>	Instant Maple Oatmeal
<i>Nabisco: Cream of Wheat:</i>	Instant original, 1, 2 1/2, 10 minutes, Whole Grain or Healthy Grain
<i>Post:</i>	Grape-Nuts & Grape-Nut Flakes Great Grains-Banana Nut Crunch Bran Flakes Honey Bunches of Oats (Honey Roasted, with Almonds, Cinnamon Clusters, Vanilla Clusters)
<i>Quaker Co.:</i>	Original Instant Grits (Original and Butter) Corn Crunch Life (Original) Oatmeal Squares (cinnamon, brown sugar, Honey Nut, Golden Maple)
<i>Sunbelt Bakery</i>	Simple Granola

Store Brand Cereal:

Corn Flakes, Corn Squares-Biscuits, Toasted Oats, Tostitos, Rice Squares-Biscuits: (Essentials Everyday, Food Club, Giant, Giant Eagle, Great Value, IGA, Ralston Foods, Shop Rite, Shurfine, Weis Quality)

Not Allowed: Individual serving boxes, Organic cereal, any other brand or type of cereal.

Peanut Butter

16-ounce to 18-ounce container, labeled "Peanut Butter" only

Not Allowed: Reduced fat peanut butter, peanut butter spread, peanut butter mixed with jelly, marshmallow, chocolate or honey, organic peanut butter, added omega 3s, DHA, ARA or artificial sweeteners.

*Infant Formula**Contract Brand*

Milk Based: Similac Advance
Soy Based: Similac Soy Isomil

Other brands and types of formula must be specified on the WIC check.

Infant Foods

Infant Cereal: Brand specified on the WIC check: rice, oatmeal, barley, whole wheat or multigrain in 8-ounce or 16-ounce container.

Not Allowed: Organic varieties, variety pack, cereal with fruit, formula, yogurt, DHA or ARA.

Infant Fruits and Vegetables: Brand specified on the WIC check: 4-ounce containers of 100% fruits or vegetables.

Not Allowed: Desserts, organic varieties, mixed with salt, sugar, cereal, rice, noodles, meats, yogurt, DHA, ARA, flour, starch, any other ingredients or squeezable pouches.

Infant Meats: Brand specified on the WIC check: 2 1/2-ounce containers of single ingredient meats (with or without gravy or broth).

Not Allowed: Organic varieties, mixed with salt, sugar, cereal, rice, noodles, vegetables, fruit, DHA, ARA, flour, starch or any other ingredients.

Canned Fish

Any Brand: Chunk Light Tuna, Pink Salmon or Sardines in 3 3/4-ounce, 5-ounce or 6-ounce cans only

Not Allowed: Products packed in oil, albacore tuna, brisling sardines, red salmon, organic fish.

*Whole Grains**16-ounce packages:**Whole Wheat Bread & Rolls*

Store Brands 100% Whole Wheat Bread:

Best Yet, Essential Everyday, Giant, Giant Eagle, Great Value, IGA, Krasdale, Shoprite, Signature Select, Weis Quality

Arnold	100% Stoneground Whole Wheat Bread, 100% Whole Wheat Sandwich Rolls
Bimbo	100% Whole Wheat Bread
Gold Medal	100% Whole Wheat Bread
Harvest Pride	100% Whole Wheat Bread

Merita	100% Whole Wheat Bread
Monks	100% Whole Wheat Bread, Multi-Grain Bread
Nature's Harvest	100% Stone Ground Whole Wheat Bread
Nature's Own	100% Whole Wheat with Honey
Nickles	Country Style 100% Whole Wheat Bread
Pepperidge Farms	Stoneground 100% Whole Wheat Bread, Very Thin Soft 100% Whole Wheat Bread, Light Style 100% Whole Wheat Bread
Roman Meal	SunGrain 100% Whole Wheat Bread
Sara Lee	Classic 100% Whole Wheat Bread
Schwebel's	100% Whole Wheat Bread
Windmill Farms	100% Stoneground Whole Wheat Bread—Hamotzie, 100% Stoneground Whole Wheat Bread—Mezonot, 6 pack Whole Wheat Rolls
Wonder	100% Whole Wheat Bread

*Tortillas**Store Brands:*

Essential Everyday	Soft White Corn Tortilla, Whole Wheat Tortillas
Giant Eagle	Fajita Style White Corn, Soft Taco style whole wheat Tortillas
IGA	Corn Tortillas, Whole Wheat Tortillas
Giant	Yellow, White Corn, Whole Wheat Tortillas
Great Value	Whole Wheat Tortillas
Shurfine	Whole Wheat Fajita Style
Weis	Whole Wheat
Archer Farms	Soft Whole Wheat Tortillas
Celia's	Yellow or White Corn
Chi Chi's	White Corn Tortillas, Whole Wheat Fajita Style
Don Pancho	Yellow or White Corn Tortillas, Whole Wheat Tortillas
La Banderita	Corn, Whole Wheat Soft Taco, Whole Wheat Fajita, Yellow Corn
La Burrita	Yellow Corn Tortillas
MexAmerican	Whole Wheat with Honey
MiCasa	Whole Wheat Tortillas
Mission	Yellow Corn Extra Thin Tortillas, Whole Wheat Tortillas
Ortega	Whole Wheat Tortillas
Siempre Autentico	Whole Wheat Tortillas

Whole Grain Brown Rice:

Blue Ribbon, Mahatma, Uncle Ben's: Natural Whole Grain Brown Rice Store Brands: Best Yet, Essentials Everyday, Great Value, IGA, Market Pantry, Shurfine, Signature Select, Weis Quality

Oats: 16-ounce package: Mom’s Best (Natural Quick Oats, Old Fashioned Quick Oats)

Whole Wheat Pasta 16-ounce

Essential Everyday:	Whole Wheat Spaghetti, Thin Spaghetti, Macaroni, Penne, Rotini, Vermicelli
Giant Eagle	Whole Wheat Spaghetti, Elbow Macaroni, Penne Rigate, Rotini
Great Value	Whole Wheat Elbows, Linguine, Penne, Rotini, Spaghetti, Thin Spaghetti
Ronzoni	Whole Grain Penne Rigate, Whole Grain Spaghetti, Whole Grain Thin Spaghetti, Whole Grain Rotini, Whole Grain Linguini
ShopRite	Whole Wheat Rotini, Spaghetti Thin Spaghetti, Penne Rigate
Shurfine:	100% Whole Wheat Spaghetti, Penne Rigate
Weis Quality:	Whole Wheat Penne Rigate, Spaghetti, Angel Hair, Rotini

Not Allowed: Any other package size, brand or type of whole grain products, organic whole grains, items with added omega 3s, dried fruits, seeds, nuts, extra calcium or vitamin D.

II. Contract Brand of Formula

Under 28 Pa. Code § 1103.5(c), the WIC Program publishes notice of the name of the contract brand of infant formula. The WIC Program has entered into a contract with Abbott Laboratories to be the primary provider of infant formula for the WIC Program. The contract brand of infant formula is Similac Advance and Similac Soy Isomil. Other brands and types of formula must be specified on the WIC check to be authorized for purchase with a WIC check. The information contained herein is effective October 1, 2017.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotope, Braille) should contact Perce Morgan, Department of Health, Bureau of WIC, 625 Forster Street, 7th Floor West, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-1289, 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. 19-1449. Filed for public inspection September 27, 2019, 9:00 a.m.]

DEPARTMENT OF HEALTH

Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program); Maximum Allowable Prices and Competitive Prices

Maximum Allowable Prices and Competitive Prices for Type 1 Stores in Regular Cost Counties

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) (relating to selection criteria for authorization and reauthoriza-

tion; and terms and conditions of participation) and 7 CFR 246.12 (relating to food delivery methods), the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 1 Stores in Regular Cost Counties.

Maximum Allowable Prices

Effective October 1, 2019, through December 31, 2019, the Maximum Allowable Prices the Department of Health (Department) will pay Type 1 Stores in Regular Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
Beans, Canned—15.5/16 oz.	\$1.35
Beans/Peas—Dry—16 oz.	\$2.18
Canned Fish—Pink Salmon	\$2.20
Canned Fish—Sardines	\$1.50
Canned Fish—Tuna	\$1.29
Cereal (per oz.)	\$0.33
Cheese, 16 oz.	\$7.31
Eggs	\$2.35
Infant Cereal—8 oz.	\$2.55
Infant Fruits, 100%—4 oz.	\$1.07
Infant Vegetables, 100%—4 oz.	\$1.07
Infant Meats, 100%—2.5 oz.	\$1.16
Juice—11.5/12 oz.	\$2.76
Juice—48 oz.	\$3.45
Juice—64 oz.	\$4.19
Kosher Cheese—16 oz.	\$8.40
Kosher Lowfat and 2% Milk—quart	\$1.69
Kosher Lowfat and 2% Milk—1/2 gallon	\$3.27
Kosher Whole Milk—quart	\$1.80
Kosher Whole Milk—1/2 gallon	\$3.37
Milk, Dry—9.6 oz.	\$4.27
Milk, Dry—25.6 oz.	\$9.55
Milk, Evaporated—12 oz.	\$1.53
Milk, Lowfat and 2%—quart	\$1.36
Milk, Lowfat and 2%—1/2 gallon	\$2.29
Milk, Lowfat and 2% Lactose Free—quart	\$2.42
Milk, Lowfat and 2% Lactose Free—1/2 gallon ...	\$4.09
Milk, Whole—quart	\$1.45
Milk, Whole—1/2 gallon	\$2.29
Milk, Whole Lactose Free—quart	\$2.67
Milk, Whole Lactose Free—1/2 gallon	\$4.19
Peanut Butter—16—18 oz.	\$3.29
Soy Beverage—Pacific Natural Foods 32 oz.	\$3.29
Soy Beverage—8th Continent 64 oz.	\$3.89
Tofu—16 oz.	\$2.57
Whole Grain—Bread, 16 oz.	\$3.49
Whole Grain—Bread, 24 oz.	\$3.95
Whole Grain—Brown Rice, 16 oz.	\$1.80
Whole Grain—Brown Rice, 24 oz.	\$3.32
Whole Grain—Oats, 16 oz.	\$2.44
Whole Grain—Oats, 24 oz.	\$5.39
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.	\$2.57
Whole Wheat Pasta	\$1.37
Yogurt Nonfat	\$3.30
Yogurt Lowfat	\$3.30
Yogurt Wholefat	\$3.40
Boost RTF Formula—8 oz.	\$1.79
EnfaCare RTF Formula—32 oz.	\$7.30
EnfaCare w/Iron Powder Formula—12.8 oz.	\$18.00
Nutramigen Concentrate Formula—13 oz.	\$7.59
Nutramigen RTF Formula—32 oz.	\$10.64
Nutramigen w/Enflora Powder Formula— 12.6 oz.	\$28.40
Pediasure RTF Formula—8 oz.	\$1.93

<i>Description</i>	<i>Maximum Allowable Price</i>
Pediasure w/Fiber RTF Formula—8 oz.	\$2.09
Pediasure Sidekicks RTF Formula—8 oz.	\$1.95
Similac Advance Concentrate Formula—Blue—13 oz.	\$5.45
Similac Advance RTF Formula—Blue—32 oz.	\$7.65
Similac Advance Powder Formula—Blue—12.4 oz.	\$16.96
Similac Expert Care Alimentum RTF Formula—32 oz.	\$10.39
Similac Expert Care Alimentum Powder Formula—16 or 12.1 oz.	\$28.39
Similac Expert Care for Diarrhea RTF Formula—32 oz.	\$7.99
Similac Expert Care NeoSure RTF Formula—32 oz.	\$8.95
Similac Expert Care NeoSure Powder Formula—13.1 oz.	\$19.29
Similac Go and Grow Powder Milk Based Formula—Blue—1.5 lbs.	\$22.49
Similac for Spit Up RTF Formula—Green—32 oz.	\$8.05
Similac for Spit Up Powder Formula—Green—12.0 oz.	\$18.49
Similac Sensitive RTF Formula—Orange—32 oz.	\$7.49
Similac Sensitive Powder Formula—Orange—12.0 oz.	\$17.65
Similac Soy Isomil Concentrate Formula—Pink—13 oz.	\$5.51
Similac Soy Isomil RTF Formula—Pink—32 oz.	\$8.09
Similac Soy Isomil Powder Formula—Pink—12.4 oz.	\$17.99
Similac Total Comfort Powder Formula—Purple—12.0 oz.	\$17.15

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2 (relating to price adjustment).

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective, October 1, 2019, through December 31, 2019, the Competitive Prices for WIC Authorization for Type 1 Stores in Regular Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
Beans, Canned—15.5/16 oz.	\$1.29
Beans/Peas—Dry—16 oz.	\$1.98
Canned Fish—Pink Salmon	\$2.19
Canned Fish—Sardines	\$1.43
Canned Fish—Tuna	\$1.19
Cereal (per oz.)	\$0.31
Cheese, 16 oz.	\$6.84
Eggs	\$2.29
Infant Cereal—8 oz.	\$2.44
Infant Fruits, 100%—4 oz.	\$0.94
Infant Vegetables, 100%—4 oz.	\$0.94
Infant Meats, 100%—2.5 oz.	\$1.15
Juice—11.5/12 oz.	\$2.59

<i>Description</i>	<i>Competitive Prices</i>
Juice—48 oz.	\$3.30
Juice—64 oz.	\$3.79
Kosher Cheese—16 oz.	\$7.79
Kosher Lowfat Milk—1/2 gallon	\$3.15
Kosher Whole Milk—1/2 gallon	\$3.19
Milk, Lowfat—1/2 gallon	\$2.15
Milk, Whole—1/2 gallon	\$2.22
Peanut Butter—16—18 oz.	\$3.20
Whole Grain—Bread, 16 oz.	\$3.35
Whole Grain—Brown Rice, 16 oz.	\$1.69
Whole Grain—Oats, 16 oz.	\$2.39
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.	\$2.43
Whole Wheat Pasta	\$1.35
Similac Advance Concentrate Formula—Blue—13 oz.	\$5.35
Similac Advance Powder Formula—Blue—12.4 oz.	\$16.96
Similac Soy Isomil Concentrate Formula—Pink—13 oz.	\$5.51
Similac Soy Isomil Powder Formula—Pink—12.4 oz.	\$17.99

Maximum Allowable Prices and Competitive Prices for Type 2 Stores in Regular Cost Counties

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 2 Stores in Regular Cost Counties.

Maximum Allowable Prices

Effective October 1, 2019, through December 31, 2019, the Maximum Allowable Prices the Department will pay Type 2 Stores in Regular Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
Beans, Canned—15.5/16 oz.	\$1.45
Beans/Peas—Dry—16 oz.	\$2.26
Canned Fish—Pink Salmon	\$2.26
Canned Fish—Sardines	\$1.59
Canned Fish—Tuna	\$1.35
Cereal (per oz.)	\$0.34
Cheese, 16 oz.	\$7.33
Eggs	\$2.45
Infant Cereal—8 oz.	\$2.65
Infant Fruits, 100%—4 oz.	\$1.10
Infant Vegetables, 100%—4 oz.	\$1.10
Infant Meats, 100%—2.5 oz.	\$1.22
Juice—11.5/12 oz.	\$2.91
Juice—48 oz.	\$3.59
Juice—64 oz.	\$4.48
Kosher Cheese—16 oz.	\$8.40
Kosher Lowfat and 2% Milk—quart	\$1.69
Kosher Lowfat and 2% Milk—1/2 gallon	\$3.27
Kosher Whole Milk—quart	\$1.80
Kosher Whole Milk—1/2 gallon	\$3.37
Milk, Dry—9.6 oz.	\$4.46
Milk, Dry—25.6 oz.	\$9.65
Milk, Evaporated—12 oz.	\$1.63
Milk, Lowfat and 2%—quart	\$1.42
Milk, Lowfat and 2%—1/2 gallon	\$2.32
Milk, Lowfat and 2% Lactose Free—quart	\$2.52
Milk, Lowfat and 2% Lactose Free—1/2 gallon ...	\$4.29
Milk, Whole—quart	\$1.50

<i>Description</i>	<i>Maximum Allowable Price</i>
Milk, Whole—1/2 gallon	\$2.49
Milk, Whole Lactose Free—quart	\$2.76
Milk, Whole Lactose Free—1/2 gallon	\$4.39
Peanut Butter—16—18 oz.	\$3.49
Soy Beverage—Pacific Natural Foods 32 oz.	\$3.35
Soy Beverage—8th Continent 64 oz.	\$3.99
Tofu—16 oz.	\$2.62
Whole Grain—Bread, 16 oz.	\$3.55
Whole Grain—Bread, 24 oz.	\$4.00
Whole Grain—Brown Rice, 16 oz.	\$1.95
Whole Grain—Brown Rice, 24 oz.	\$3.39
Whole Grain—Oats, 16 oz.	\$2.55
Whole Grain—Oats, 24 oz.	\$5.89
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.	\$2.59
Whole Wheat Pasta	\$1.64
Yogurt Nonfat	\$3.35
Yogurt Lowfat	\$3.35
Yogurt Wholefat	\$3.45
Boost RTF Formula—8 oz.	\$1.85
EnfaCare RTF Formula—32 oz.	\$7.44
EnfaCare w/Iron Powder Formula—12.8 oz.	\$18.04
Nutramigen Concentrate Formula—13 oz.	\$7.65
Nutramigen RTF Formula—32 oz.	\$10.74
Nutramigen w/Enflora Powder Formula—12.6 oz.	\$28.45
Pediasure RTF Formula—8 oz.	\$1.99
Pediasure w/Fiber RTF Formula—8 oz.	\$2.15
Pediasure Sidekicks RTF Formula—8 oz.	\$2.04
Similac Advance Concentrate—Blue Formula—13 oz.	\$5.50
Similac Advance RTF—Blue Formula—32 oz.	\$7.75
Similac Advance Powder—Blue Formula—12.4 oz.	\$17.08
Similac Expert Care Alimentum RTF Formula—32 oz.	\$10.49
Similac Expert Care Alimentum Powder Formula—16 or 12.1 oz.	\$28.79
Similac Expert Care for Diarrhea RTF Formula—32 oz.	\$8.09
Similac Expert Care NeoSure RTF Formula—32 oz.	\$9.07
Similac Expert Care NeoSure Powder Formula—13.1 oz.	\$19.49
Similac Go and Grow Powder Milk Based Formula—Blue—1.5 lbs.	\$22.55
Similac for Spit Up RTF Formula—Green—32 oz.	\$8.15
Similac for Spit Up Powder Formula—Green—12.0 oz.	\$18.59
Similac Sensitive RTF Formula—Orange—32 oz.	\$7.70
Similac Sensitive Powder Formula—Orange—12.0 oz.	\$17.85
Similac Soy Isomil Concentrate—Pink Formula—13 oz.	\$5.69
Similac Soy Isomil RTF—Pink Formula—32 oz.	\$8.29
Similac Soy Isomil Powder—Pink Formula—12.4 oz.	\$18.29
Similac Total Comfort Powder Formula—Purple—12.0 oz.	\$17.25

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allow-

able foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective October 1, 2019, through December 31, 2019, the Competitive Prices for WIC Authorization for Type 2 Stores in Regular Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
Beans, Canned—15.5/16 oz.	\$1.30
Beans/Peas—Dry—16 oz.	\$2.10
Canned Fish—Pink Salmon	\$2.25
Canned Fish—Sardines	\$1.49
Canned Fish—Tuna	\$1.27
Cereal (per oz.)	\$0.32
Cheese, 16 oz.	\$6.86
Eggs	\$2.39
Infant Cereal—8 oz.	\$2.50
Infant Fruits, 100%—4 oz.	\$0.99
Infant Vegetables, 100%—4 oz.	\$0.99
Infant Meats, 100%—2.5 oz.	\$1.20
Juice—11.5/12 oz.	\$2.72
Juice—48 oz.	\$3.37
Juice—64 oz.	\$4.05
Kosher Cheese—16 oz.	\$7.89
Kosher Lowfat Milk—1/2 gallon	\$3.19
Kosher Whole Milk—1/2 gallon	\$3.25
Milk, Lowfat—1/2 gallon	\$2.19
Milk, Whole—1/2 gallon	\$2.25
Peanut Butter—16—18 oz.	\$3.30
Whole Grain—Bread, 16 oz.	\$3.39
Whole Grain—Brown Rice, 16 oz.	\$1.79
Whole Grain—Oats, 16 oz.	\$2.49
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.	\$2.45
Whole Wheat Pasta	\$1.60
Similac Advance Concentrate Formula—Blue—13 oz.	\$5.40
Similac Advance Powder Formula—Blue—12.4 oz.	\$17.08
Similac Soy Isomil Concentrate Formula—Pink—13 oz.	\$5.69
Similac Soy Isomil Powder Formula—Pink—12.4 oz.	\$18.29

Maximum Allowable Prices and Competitive Prices for Type 3 Stores in Regular Cost Counties

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 3 Stores in Regular Cost Counties.

Maximum Allowable Prices

Effective October 1, 2019, through December 31, 2019, the Maximum Allowable Prices the Department will pay Type 3 Stores in Regular Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
Beans, Canned—15.5/16 oz.	\$1.47
Beans/Peas—Dry—16 oz.	\$2.35
Canned Fish—Pink Salmon	\$2.30
Canned Fish—Sardines	\$1.65

<i>Description</i>	<i>Maximum Allowable Price</i>
Canned Fish—Tuna	\$1.40
Cereal (per oz.)	\$0.36
Cheese, 16 oz.	\$7.35
Eggs	\$3.05
Infant Cereal—8 oz.	\$2.70
Infant Fruits, 100%—4 oz.	\$1.15
Infant Vegetables, 100%—4 oz.	\$1.15
Infant Meats, 100%—2.5 oz.	\$1.27
Juice—11.5/12 oz.	\$2.96
Juice—48 oz.	\$3.70
Juice—64 oz.	\$4.57
Kosher Cheese—16 oz.	\$8.40
Kosher Lowfat and 2% Milk—quart	\$1.69
Kosher Lowfat and 2% Milk—1/2 gallon	\$3.30
Kosher Whole Milk—quart	\$1.80
Kosher Whole Milk—1/2 gallon	\$3.37
Milk, Dry—9.6 oz.	\$4.55
Milk, Dry—25.6 oz.	\$9.75
Milk, Evaporated—12 oz.	\$1.70
Milk, Lowfat and 2%—quart	\$1.47
Milk, Lowfat and 2%—1/2 gallon	\$2.62
Milk, Lowfat and 2% Lactose Free—quart	\$2.59
Milk, Lowfat and 2% Lactose Free—1/2 gallon	\$4.39
Milk, Whole—quart	\$1.57
Milk, Whole—1/2 gallon	\$2.69
Milk, Whole Lactose Free—quart	\$2.86
Milk, Whole Lactose Free—1/2 gallon	\$4.49
Peanut Butter—16—18 oz.	\$3.59
Soy Beverage—Pacific Natural Foods 32 oz.	\$3.45
Soy Beverage—8th Continent 64 oz.	\$4.16
Tofu—16 oz.	\$2.72
Whole Grain—Bread, 16 oz.	\$3.63
Whole Grain—Bread, 24 oz.	\$4.07
Whole Grain—Brown Rice, 16 oz.	\$2.09
Whole Grain—Brown Rice, 24 oz.	\$3.59
Whole Grain—Oats, 16 oz.	\$2.70
Whole Grain—Oats, 24 oz.	\$6.11
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.	\$2.64
Whole Wheat Pasta	\$2.17
Yogurt Nonfat	\$3.40
Yogurt Lowfat	\$3.40
Yogurt Wholefat	\$3.50
Boost RTF Formula—8 oz.	\$1.89
EnfaCare RTF Formula—32 oz.	\$7.74
EnfaCare w/Iron Powder Formula—12.8 oz.	\$18.81
Nutramigen Concentrate Formula—13 oz.	\$7.69
Nutramigen RTF Formula—32 oz.	\$10.84
Nutramigen w/Enflora Powder Formula—12.6 oz.	\$28.55
Pediasure RTF Formula—8 oz.	\$2.30
Pediasure w/Fiber RTF Formula—8 oz.	\$2.40
Pediasure Sidekicks RTF Formula—8 oz.	\$2.16
Similac Advance Concentrate Formula—Blue—13 oz.	\$5.65
Similac Advance RTF Formula—Blue—32 oz.	\$7.85
Similac Advance Powder Formula—Blue—12.4 oz.	\$17.87
Similac Expert Care Alimentum RTF Formula—32 oz.	\$10.69
Similac Expert Care Alimentum Powder Formula—16 or 12.1 oz.	\$29.19
Similac Expert Care for Diarrhea RTF Formula—32 oz.	\$8.29
Similac Expert Care NeoSure RTF Formula—32 oz.	\$9.24

<i>Description</i>	<i>Maximum Allowable Price</i>
Similac Expert Care NeoSure Powder Formula—13.1 oz.	\$19.69
Similac Go and Grow Powder Milk Based Formula—Blue—1.5 lbs.	\$23.29
Similac for Spit Up RTF Formula—Green—32 oz.	\$8.29
Similac for Spit Up Powder Formula—Green—12.0 oz.	\$19.19
Similac Sensitive RTF Formula—Orange—32 oz.	\$8.19
Similac Sensitive Powder Formula—Orange—12.0 oz.	\$18.05
Similac Soy Isomil Concentrate Formula—Pink—13 oz.	\$5.79
Similac Soy Isomil RTF Formula—Pink—32 oz.	\$8.49
Similac Soy Isomil Powder Formula—Pink—12.4 oz.	\$18.49
Similac Total Comfort Powder Formula—Purple—12.0 oz.	\$17.75

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective October 1, 2019, through December 31, 2019, the Competitive Prices for WIC authorization for Type 3 Stores in Regular Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
Beans, Canned—15.5/16 oz.	\$1.39
Beans/Peas—Dry—16 oz.	\$2.12
Canned Fish—Pink Salmon	\$2.29
Canned Fish—Sardines	\$1.54
Canned Fish—Tuna	\$1.30
Cereal (per oz.)	\$0.34
Cheese, 16 oz.	\$6.88
Eggs	\$2.99
Infant Cereal—8 oz.	\$2.55
Infant Fruits, 100%—4 oz.	\$1.02
Infant Vegetables, 100%—4 oz.	\$1.02
Infant Meats, 100%—2.5 oz.	\$1.25
Juice—11.5/12 oz.	\$2.77
Juice—48 oz.	\$3.59
Juice—64 oz.	\$4.20
Kosher Cheese—16 oz.	\$8.30
Kosher Lowfat Milk—1/2 gallon	\$3.29
Kosher Whole Milk—1/2 gallon	\$3.35
Milk, Lowfat—1/2 gallon	\$2.49
Milk, Whole—1/2 gallon	\$2.52
Peanut Butter—16—18 oz.	\$3.40
Whole Grain—Bread, 16 oz.	\$3.45
Whole Grain—Brown Rice, 16 oz.	\$2.05
Whole Grain—Oats, 16 oz.	\$2.65
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.	\$2.58
Whole Wheat Pasta	\$2.10

<i>Description</i>	<i>Competitive Prices</i>
Similac Advance Concentrate Formula—Blue— 13 oz.	\$5.55
Similac Advance Powder Formula—Blue— 12.4 oz.	\$17.87
Similac Soy Isomil Concentrate Formula—Pink— 13 oz.	\$5.79
Similac Soy Isomil Powder Formula—Pink— 12.4 oz.	\$18.49

Maximum Allowable Prices and Competitive Prices for Type 1 Stores in High Cost Counties

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 1 Stores in High Cost Counties.

Maximum Allowable Prices

Effective October 1, 2019, through December 31, 2019, the Maximum Allowable Prices the Department will pay Type 1 Stores in High Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
Beans, Canned—15.5/16 oz.	\$1.38
Beans/Peas—Dry—16 oz.	\$2.20
Canned Fish—Pink Salmon	\$2.27
Canned Fish—Sardines	\$1.60
Canned Fish—Tuna	\$1.35
Cereal (per oz.)	\$0.34
Cheese, 16 oz.	\$7.45
Eggs	\$2.45
Infant Cereal—8 oz.	\$2.62
Infant Fruits, 100%—4 oz.	\$1.09
Infant Vegetables, 100%—4 oz.	\$1.09
Infant Meats, 100%—2.5 oz.	\$1.20
Juice—11.5/12 oz.	\$2.85
Juice—48 oz.	\$3.54
Juice—64 oz.	\$4.25
Kosher Cheese—16 oz.	\$8.40
Kosher Lowfat and 2% Milk—quart	\$1.69
Kosher Lowfat and 2% Milk—1/2 gallon	\$3.27
Kosher Whole Milk—quart	\$1.80
Kosher Whole Milk—1/2 gallon	\$3.37
Milk, Dry—9.6 oz.	\$4.43
Milk, Dry—25.6 oz.	\$9.65
Milk, Evaporated—12 oz.	\$1.59
Milk, Lowfat and 2%—quart	\$1.40
Milk, Lowfat and 2%—1/2 gallon	\$2.32
Milk, Lowfat and 2% Lactose Free—quart	\$2.52
Milk, Lowfat and 2% Lactose Free—1/2 gallon ...	\$4.19
Milk, Whole—quart	\$1.52
Milk, Whole—1/2 gallon	\$2.49
Milk, Whole Lactose Free—quart	\$2.75
Milk, Whole Lactose Free—1/2 gallon	\$4.29
Peanut Butter—16—18 oz.	\$3.40
Soy Beverage—Pacific Natural Foods 32 oz.	\$3.35
Soy Beverage—8th Continent 64 oz.	\$3.95
Tofu—16 oz.	\$2.61
Whole Grain—Bread, 16 oz.	\$3.55
Whole Grain—Bread, 24 oz.	\$3.99
Whole Grain—Brown Rice, 16 oz.	\$1.95
Whole Grain—Brown Rice, 24 oz.	\$3.39
Whole Grain—Oats, 16 oz.	\$2.52
Whole Grain—Oats, 24 oz.	\$5.49

<i>Description</i>	<i>Maximum Allowable Price</i>
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.	\$2.59
Whole Wheat Pasta	\$1.47
Yogurt Nonfat	\$3.35
Yogurt Lowfat	\$3.35
Yogurt Wholefat	\$3.45
Boost RTF Formula—8 oz.	\$1.85
EnfaCare RTF Formula—32 oz.	\$7.40
EnfaCare w/Iron Powder Formula—12.8 oz.	\$18.24
Nutramigen Concentrate Formula—13 oz.	\$7.63
Nutramigen RTF Formula—32 oz.	\$10.70
Nutramigen w/Enflora Powder Formula— 12.6 oz.	\$28.70
Pediasure RTF Formula—8 oz.	\$2.04
Pediasure w/Fiber RTF Formula—8 oz.	\$2.15
Pediasure Sidekicks RTF Formula—8 oz.	\$1.99
Similac Advance Concentrate Formula—Blue— 13 oz.	\$5.50
Similac Advance RTF Formula—Blue—32 oz. ...	\$7.69
Similac Advance Powder Formula—Blue— 12.4 oz.	\$17.29
Similac Expert Care Alimentum RTF Formula— 32 oz.	\$10.49
Similac Expert Care Alimentum Powder Formula—16 or 12.1 oz.	\$28.79
Similac Expert Care for Diarrhea RTF Formula— 32 oz.	\$8.09
Similac Expert Care NeoSure RTF Formula— 32 oz.	\$9.09
Similac Expert Care NeoSure Powder Formula— 13.1 oz.	\$19.59
Similac Go and Grow Powder Milk Based Formula—Blue—1.5 lbs.	\$23.17
Similac for Spit Up RTF Formula—Green— 32 oz.	\$8.09
Similac for Spit Up Powder Formula—Green— 12.0 oz.	\$18.99
Similac Sensitive RTF Formula—Orange— 32 oz.	\$7.79
Similac Sensitive Powder Formula—Orange— 12.0 oz.	\$17.95
Similac Soy Isomil Concentrate Formula—Pink— 13 oz.	\$5.61
Similac Soy Isomil RTF Formula—Pink— 32 oz.	\$8.29
Similac Soy Isomil Powder Formula—Pink— 12.4 oz.	\$18.45
Similac Total Comfort Powder Formula—Purple— 12.0 oz.	\$17.65

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective October 1, 2019, through December 31, 2019, the Competitive Prices for WIC authorization for Type 1 Stores in High Cost Counties are as follows:

Description	Competitive Prices
Beans, Canned—15.5/16 oz.	\$1.30
Beans/Peas—Dry—16 oz.	\$2.10
Canned Fish—Pink Salmon	\$2.25
Canned Fish—Sardines	\$1.48
Canned Fish—Tuna	\$1.30
Cereal (per oz.)	\$0.32
Cheese, 16 oz.	\$6.91
Eggs	\$2.39
Infant Cereal—8 oz.	\$2.49
Infant Fruits, 100%—4 oz.	\$0.98
Infant Vegetables, 100%—4 oz.	\$0.98
Infant Meats, 100%—2.5 oz.	\$1.19
Juice—11.5/12 oz.	\$2.65
Juice—48 oz.	\$3.36
Juice—64 oz.	\$3.86
Kosher Cheese—16 oz.	\$7.89
Kosher Lowfat Milk—1/2 gallon	\$3.19
Kosher Whole Milk—1/2 gallon	\$3.25
Milk, Lowfat—1/2 gallon	\$2.29
Milk, Whole—1/2 gallon	\$2.35
Peanut Butter—16—18 oz.	\$3.29
Whole Grain—Bread, 16 oz.	\$3.39
Whole Grain—Brown Rice, 16 oz.	\$1.79
Whole Grain—Oats, 16 oz.	\$2.45
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.	\$2.50
Whole Wheat Pasta	\$1.40
Similac Advance Concentrate Formula—Blue— 13 oz.	\$5.50
Similac Advance Powder Formula—Blue— 12.4 oz.	\$17.29
Similac Soy Isomil Concentrate Formula—Pink— 13 oz.	\$5.61
Similac Soy Isomil Powder Formula—Pink— 12.4 oz.	\$18.45

Maximum Allowable Prices and Competitive Prices for Type 2 Stores in High Cost Counties

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 2 Stores in High Cost Counties.

Maximum Allowable Prices

Effective October 1, 2019, through December 31, 2019, the Maximum Allowable Prices the Department will pay Type 2 Stores in High Cost Counties for WIC allowable foods are as follows:

Description	Maximum Allowable Price
Beans, Canned—15.5/16 oz.	\$1.45
Beans/Peas—Dry—16 oz.	\$2.30
Canned Fish—Pink Salmon	\$2.30
Canned Fish—Sardines	\$1.72
Canned Fish—Tuna	\$1.40
Cereal (per oz.)	\$0.36
Cheese, 16 oz.	\$7.55
Eggs	\$2.65
Infant Cereal—8 oz.	\$2.76
Infant Fruits, 100%—4 oz.	\$1.11
Infant Vegetables, 100%—4 oz.	\$1.11
Infant Meats, 100%—2.5 oz.	\$1.27
Juice—11.5/12 oz.	\$2.96
Juice—48 oz.	\$3.73

Description	Maximum Allowable Price
Juice—64 oz.	\$4.54
Kosher Cheese—16 oz.	\$8.40
Kosher Lowfat and 2% Milk—quart	\$1.69
Kosher Lowfat and 2% Milk—1/2 gallon	\$3.27
Kosher Whole Milk—quart	\$1.80
Kosher Whole Milk—1/2 gallon	\$3.37
Milk, Dry—9.6 oz.	\$4.50
Milk, Dry—25.6 oz.	\$9.75
Milk, Evaporated—12 oz.	\$1.65
Milk, Lowfat and 2%—quart	\$1.44
Milk, Lowfat and 2%—1/2 gallon	\$2.42
Milk, Lowfat and 2% Lactose Free—quart	\$2.60
Milk, Lowfat and 2% Lactose Free—1/2 gallon ...	\$4.35
Milk, Whole—quart	\$1.57
Milk, Whole—1/2 gallon	\$2.59
Milk, Whole Lactose Free—quart	\$2.80
Milk, Whole Lactose Free—1/2 gallon	\$4.45
Peanut Butter—16—18 oz.	\$3.56
Soy Beverage—Pacific Natural Foods 32 oz.	\$3.40
Soy Beverage—8th Continent 64 oz.	\$4.15
Tofu—16 oz.	\$2.68
Whole Grain—Bread, 16 oz.	\$3.59
Whole Grain—Bread, 24 oz.	\$4.05
Whole Grain—Brown Rice, 16 oz.	\$1.99
Whole Grain—Brown Rice, 24 oz.	\$3.69
Whole Grain—Oats, 16 oz.	\$2.88
Whole Grain—Oats, 24 oz.	\$5.99
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.	\$2.64
Whole Wheat Pasta	\$1.74
Yogurt Nonfat	\$3.40
Yogurt Lowfat	\$3.40
Yogurt Wholefat	\$3.50
Boost RTF Formula—8 oz.	\$1.91
EnfaCare RTF Formula—32 oz.	\$7.74
EnfaCare w/Iron Powder Formula—12.8 oz.	\$18.38
Nutramigen Concentrate Formula—13 oz.	\$7.69
Nutramigen RTF Formula—32 oz.	\$10.80
Nutramigen w/Enflora Powder Formula— 12.6 oz.	\$29.10
Pediasure RTF Formula—8 oz.	\$2.06
Pediasure w/Fiber RTF Formula—8 oz.	\$2.19
Pediasure Sidekicks RTF Formula—8 oz.	\$2.07
Similac Advance Concentrate Formula—Blue— 13 oz.	\$5.75
Similac Advance RTF Formula—Blue—32 oz. ...	\$7.79
Similac Advance Powder Formula—Blue— 12.4 oz.	\$17.39
Similac Expert Care Alimentum RTF Formula— 32 oz.	\$10.59
Similac Expert Care Alimentum Powder Formula—16 or 12.1 oz.	\$29.29
Similac Expert Care for Diarrhea RTF Formula— 32 oz.	\$8.49
Similac Expert Care NeoSure RTF Formula— 32 oz.	\$9.14
Similac Expert Care NeoSure Powder Formula— 13.1 oz.	\$19.69
Similac Go and Grow Powder Milk Based Formula—Blue—1.5 lbs.	\$23.40
Similac for Spit Up RTF Formula—Green— 32 oz.	\$8.19
Similac for Spit Up Powder Formula—Green— 12.0 oz.	\$19.19
Similac Sensitive RTF Formula—Orange— 32 oz.	\$7.89

<i>Description</i>	<i>Maximum Allowable Price</i>
Similac Sensitive Powder Formula—Orange— 12.0 oz.	\$18.05
Similac Soy Isomil Concentrate Formula—Pink— 13 oz.	\$5.79
Similac Soy Isomil RTF Formula—Pink— 32 oz.	\$8.39
Similac Soy Isomil Powder Formula—Pink— 12.4 oz.	\$18.60
Similac Total Comfort Powder Formula—Purple— 12.0 oz.	\$17.85

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective October 1, 2019, through December 31, 2019, the Competitive Prices for WIC Authorization for Type 2 Stores in High Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
Beans, Canned—15.5/16 oz.	\$1.33
Beans/Peas—Dry—16 oz.	\$2.13
Canned Fish—Pink Salmon	\$2.29
Canned Fish—Sardines	\$1.62
Canned Fish—Tuna	\$1.32
Cereal (per oz.)	\$0.34
Cheese, 16 oz.	\$7.00
Eggs	\$2.49
Infant Cereal—8 oz.	\$2.62
Infant Fruits, 100%—4 oz.	\$1.00
Infant Vegetables, 100%—4 oz.	\$1.00
Infant Meats, 100%—2.5 oz.	\$1.25
Juice—11.5/12 oz.	\$2.80
Juice—48 oz.	\$3.46
Juice—64 oz.	\$4.10
Kosher Cheese—16 oz.	\$8.00
Kosher Lowfat Milk—1/2 gallon	\$3.25
Kosher Whole Milk—1/2 gallon	\$3.35
Milk, Lowfat—1/2 gallon	\$2.35
Milk, Whole—1/2 gallon	\$2.39
Peanut Butter—16—18 oz.	\$3.39
Whole Grain—Bread, 16 oz.	\$3.49
Whole Grain—Brown Rice, 16 oz.	\$1.90
Whole Grain—Oats, 16 oz.	\$2.65
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.	\$2.55
Whole Wheat Pasta	\$1.70
Similac Advance Concentrate Formula—Blue— 13 oz.	\$5.75
Similac Advance Powder Formula—Blue— 12.4 oz.	\$17.39
Similac Soy Isomil Concentrate Formula—Pink— 13 oz.	\$5.79
Similac Soy Isomil Powder Formula—Pink— 12.4 oz.	\$18.60

Maximum Allowable Prices and Competitive Prices for Type 3 Stores in High Cost Counties

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 3 Stores in High Cost Counties.

Maximum Allowable Prices

Effective October 1, 2019, through December 31, 2019, the Maximum Allowable Prices the Department will pay Type 3 Stores in High Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
Beans, Canned—15.5/16 oz.	\$1.54
Beans/Peas—Dry—16 oz.	\$2.40
Canned Fish—Pink Salmon	\$2.49
Canned Fish—Sardines	\$1.75
Canned Fish—Tuna	\$1.50
Cereal (per oz.)	\$0.37
Cheese, 16 oz.	\$7.70
Eggs	\$3.15
Infant Cereal—8 oz.	\$3.10
Infant Fruits, 100%—4 oz.	\$1.28
Infant Vegetables, 100%—4 oz.	\$1.28
Infant Meats, 100%—2.5 oz.	\$1.37
Juice—11.5/12 oz.	\$3.03
Juice—48 oz.	\$3.86
Juice—64 oz.	\$4.63
Kosher Cheese—16 oz.	\$8.40
Kosher Lowfat and 2% Milk—quart	\$1.87
Kosher Lowfat and 2% Milk—1/2 gallon	\$3.37
Kosher Whole Milk—quart	\$1.80
Kosher Whole Milk—1/2 gallon	\$3.40
Milk, Dry—9.6 oz.	\$4.60
Milk, Dry—25.6 oz.	\$9.85
Milk, Evaporated—12 oz.	\$1.72
Milk, Lowfat and 2%—quart	\$1.59
Milk, Lowfat and 2%—1/2 gallon	\$2.72
Milk, Lowfat and 2% Lactose Free—quart	\$2.63
Milk, Lowfat and 2% Lactose Free—1/2 gallon ...	\$4.45
Milk, Whole—quart	\$1.74
Milk, Whole—1/2 gallon	\$2.79
Milk, Whole Lactose Free—quart	\$2.89
Milk, Whole Lactose Free—1/2 gallon	\$4.55
Peanut Butter—16—18 oz.	\$3.68
Soy Beverage—Pacific Natural Foods 32 oz.	\$3.50
Soy Beverage—8th Continent 64 oz.	\$4.30
Tofu—16 oz.	\$2.75
Whole Grain—Bread, 16 oz.	\$3.65
Whole Grain—Bread, 24 oz.	\$4.10
Whole Grain—Brown Rice, 16 oz.	\$2.45
Whole Grain—Brown Rice, 24 oz.	\$3.79
Whole Grain—Oats, 16 oz.	\$3.00
Whole Grain—Oats, 24 oz.	\$6.11
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.	\$2.70
Whole Wheat Pasta	\$2.77
Yogurt Nonfat	\$3.45
Yogurt Lowfat	\$3.45
Yogurt Wholefat	\$3.55
Boost RTF Formula—8 oz.	\$2.04
EnfaCare RTF Formula—32 oz.	\$8.04
EnfaCare w/Iron Powder Formula—12.8 oz.	\$19.01
Nutramigen Concentrate Formula—13 oz.	\$8.19
Nutramigen RTF Formula—32 oz.	\$10.90

<i>Description</i>	<i>Maximum Allowable Price</i>	<i>Description</i>	<i>Competitive Prices</i>
Nutramigen w/Enflora Powder Formula— 12.6 oz.	\$29.30	Infant Fruits, 100%—4 oz.	\$1.15
Pediasure RTF Formula—8 oz.	\$2.35	Infant Vegetables, 100%—4 oz.	\$1.15
Pediasure w/Fiber RTF Formula—8 oz.	\$2.45	Infant Meats, 100%—2.5 oz.	\$1.35
Pediasure Sidekicks RTF Formula—8 oz.	\$2.45	Juice—11.5/12 oz.	\$2.90
Similac Advance Concentrate Formula—Blue— 13 oz.	\$6.08	Juice—48 oz.	\$3.67
Similac Advance RTF Formula—Blue—32 oz.	\$7.99	Juice—64 oz.	\$4.40
Similac Advance Powder Formula—Blue— 12.4 oz.	\$18.89	Kosher Cheese—16 oz.	\$8.40
Similac Expert Care Alimentum RTF Formula— 32 oz.	\$10.79	Kosher Lowfat Milk—1/2 gallon	\$3.35
Similac Expert Care Alimentum Powder Formula—16 or 12.1 oz.	\$30.19	Kosher Whole Milk—1/2 gallon	\$3.39
Similac Expert Care for Diarrhea RTF Formula— 32 oz.	\$8.79	Milk, Lowfat—1/2 gallon	\$2.58
Similac Expert Care NeoSure RTF Formula— 32 oz.	\$9.34	Milk, Whole—1/2 gallon	\$2.70
Similac Expert Care NeoSure Powder Formula— 13.1 oz.	\$19.79	Peanut Butter—16—18 oz.	\$3.59
Similac Go and Grow Powder Milk Based Formula—Blue—1.5 lbs.	\$23.45	Whole Grain—Bread, 16 oz.	\$3.55
Similac for Spit Up RTF Formula—Green— 32 oz.	\$8.59	Whole Grain—Brown Rice, 16 oz.	\$2.40
Similac for Spit Up Powder Formula—Green— 12.0 oz.	\$20.19	Whole Grain—Oats, 16 oz.	\$2.99
Similac Sensitive RTF Formula—Orange— 32 oz.	\$8.29	Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.	\$2.60
Similac Sensitive Powder Formula—Orange— 12.0 oz.	\$19.05	Whole Wheat Pasta	\$2.70
Similac Soy Isomil Concentrate Formula—Pink— 13 oz.	\$6.25	Similac Advance Concentrate Formula—Blue— 13 oz.	\$5.98
Similac Soy Isomil RTF Formula—Pink— 32 oz.	\$8.54	Similac Advance Powder Formula—Blue— 12.4 oz.	\$18.89
Similac Soy Isomil Powder Formula—Pink— 12.4 oz.	\$19.59	Similac Soy Isomil Concentrate Formula—Pink— 13 oz.	\$6.25
Similac Total Comfort Powder Formula—Purple— 12.0 oz.	\$18.55	Similac Soy Isomil Powder Formula—Pink— 12.4 oz.	\$19.59

Persons with a disability who require an alternative format of this listing (for example, large print, audiotape, Braille) should contact Perce Morgan, Department of Health, Bureau of WIC, 625 Forster Street, 7th Floor West, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-1289, 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. 19-1450. Filed for public inspection September 27, 2019, 9:00 a.m.]

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective October 1, 2019, through December 31, 2019, the Competitive Prices for WIC Authorization for Type 3 Stores in High Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
Beans, Canned—15.5/16 oz.	\$1.50
Beans/Peas—Dry—16 oz.	\$2.15
Canned Fish—Pink Salmon	\$2.48
Canned Fish—Sardines	\$1.68
Canned Fish—Tuna	\$1.48
Cereal (per oz.)	\$0.35
Cheese, 16 oz.	\$7.20
Eggs	\$3.09
Infant Cereal—8 oz.	\$2.96

DEPARTMENT OF HEALTH

Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program); Minimum Inventory Requirements

Under 28 Pa. Code § 1103.5(a)(3) (relating to minimum inventory), the WIC Program hereby publishes notice of the minimum inventory requirements. Effective October 1, 2019, a store shall have available on the premises, at the time of an onsite review and at all times thereafter while participating as a WIC-authorized store, the following foods at shelf prices equal to or less than the competitive prices:

Formula

Seventeen 13-ounce cans of Similac Advance liquid concentrate.

Ten 12.4-ounce cans of Similac Advance powder.

Seventeen 13-ounce cans of Similac Soy Isomil liquid concentrate.

Ten 12.4-ounce cans of Similac Soy Isomil powder.

Other standard formulas specified on the WIC check are not minimum inventory requirements. The store must be able to provide these within 72 hours after a participant makes a request for formula.

Infant Foods

Two varieties of infant cereal in 8-ounce containers, totaling at least 24 ounces.

Two varieties 100% fruit, any brand, with a total of 32 4-ounce containers.

Two varieties 100% vegetable, any brand, with a total of 32 4-ounce containers.

Two varieties 100% meat, any brand, with a total of 31 2 1/2-ounce containers.

Fruits and Vegetables

Two types of fruits and two varieties of vegetables, fresh, frozen or canned, totaling at least \$16.50.

Whole Grains

Two WIC allowable varieties with a total of two 16-ounce packages.

Cow's Milk

Fluid Whole, Vitamin D Fortified: Eight 1/2 gallons.

Fluid Skim, Fat Free, 1%: 18 1/2 gallons.

Chicken Eggs

Grade "A" or "AA" Eggs: Three 1-dozen containers large or smaller raw shell eggs.

Cheese

Three WIC allowable types prepackaged in 8-ounce or 16-ounce containers, totaling at least 4 pounds of cheese.

Juices

Two WIC allowable single strength varieties with a total of five 48-ounce containers.

Two WIC allowable single strength varieties with a total of two 64-ounce containers.

Two WIC allowable varieties frozen concentrated or shelf stable concentrated, with a total of five 11 1/2-ounce to 12-ounce containers.

Cereal

Adult, five WIC allowable varieties, at least one whole grain variety, in 12-ounce or larger packages totaling at least 60 ounces.

Peanut Butter

Two 16-ounce to 18-ounce containers labeled "peanut butter."

Dried Peas and Beans or Canned Beans

Two varieties WIC allowable: 1 pound each dried or 15 1/2-ounce to 16-ounce canned with a total of four cans.

Canned Fish

At least 45 ounces in 3 3/4-ounce, 5-ounce or 6-ounce cans, chunk light tuna, pink salmon or sardines not packed in oil.

For additional information or for persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) contact Perce Morgan, Department of Health, Bureau of WIC, 625 Forster Street, 7th Floor West, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-1289 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. 19-1451. Filed for public inspection September 27, 2019, 9:00 a.m.]

DEPARTMENT OF HEALTH

Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program); Minimum Technology Standards

Under 28 Pa. Code § 1103.4(15) (relating to selection criteria for authorization and reauthorization), the WIC Program hereby publishes notice of minimum technology standards. A store applying to become a WIC authorized store must have all of the following to be considered for authorization:

Minimum Technology Standards Have an existing, active, hard wire telephone line on the store's premises. An active e-mail account for the store owner or manager. Upon authorization a store must maintain an active WIC Vendor Assistant (VA) account.

Internet connection on store premises (one of the following):

- Dial-up through an Internet provider
- Broadband DSL
- Broadband cable

A personal computer on store premises:

- Internet browser capable of accessing the WIC VA web site
- Adobe Reader software
- If using CheckScan, the following minimum software and hardware is required. *Note:* These are Windows XP minimum requirements. Newer operating systems may require additional hardware.
 - Personal computer with 300 megahertz or higher processor clock speed
 - Microsoft Windows XP, Vista or Windows 7 operating system
 - Microsoft.Net Framework 2.0 or higher (software)
 - 256 mb RAM
 - 1.5 gigabytes of available hard drive space
 - An available USB port (version 1.1 or 2.0)

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RACHEL L. LEVINE, MD,
Secretary

[Pa.B. Doc. No. 19-1452. Filed for public inspection September 27, 2019, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Crazy Wild Ca\$h Fast Play Game 5067

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 803.11 (relating to powers and duties of the Secretary of Revenue), the Secretary of Revenue hereby provides public notice of the rules for the following lottery game:

1. *Name*: The name of the lottery game is Pennsylvania Crazy Wild Ca\$h (hereinafter “Crazy Wild Ca\$h”). The game number is PA-5067.

2. *Definitions*:

(a) *Authorized Retailer* or *Retailer*: A person who is properly licensed by the Lottery pursuant to 61 Pa. Code §§ 805.1—805.17.

(b) *Bar Code*: The symbology on the ticket containing certain encrypted validation and accounting data used for identifying winning and losing tickets.

(c) *GAME*: A specific, pre-defined area of a game ticket located in the play area that contains play symbols and prize symbols that, when played according to the instructions, determine whether a player wins a prize. Each GAME is played separately, but winning combinations in more than one GAME can be combined to win larger prizes as described in section 6 (relating to prizes available to be won and determination of prize winners).

(d) *Game Ticket*: A bearer instrument produced through a Lottery Terminal that is the player’s record of a play for a Fast Play lottery game and sold by an authorized retailer containing the play and validation data as published in this game notice.

(e) *Lottery Central Computer System*: The computer gaming system on which all Fast Play plays are recorded.

(f) *Lottery Terminal*: A device authorized by the Lottery to function in an interactive mode with the Lottery Central Computer System for the purpose of issuing plays, executing Quick Pick selections, and entering, receiving, and processing lottery transactions, including making purchases, validating plays, and transmitting reports, and performing inventory functions.

(g) *MONEY BAG*: The area on a game ticket containing three Money Bags, each with two play symbols that, when matched against the “WINNING NUMBERS” or the “WILD NUMBER DOUBLER” according to the play instructions, determines whether a player wins a prize.

(h) *Play*: A chance to participate in a particular Fast Play lottery game.

(i) *Play Area*: The area on a ticket which contains one or more play symbols.

(j) *Play Symbol*: A number, letter, symbol, image or other character found in the play area which is used to determine whether a player wins a prize.

(k) *Prize*: A non-monetary item, money, or experience that can be won as specified in section 6 (relating to prizes available to be won and determination of prize winners) of this game notice.

(l) *WILD NUMBER DOUBLER*: The area on a game ticket containing a play symbol that, when matched against the play symbols in the “WINNING NUMBERS” area or the “MONEY BAG” area according to the instructions, determine whether a player wins double the corresponding prize.

(m) *WINNING NUMBERS*: The numbers, letters, symbols or other characters found in the play area that, when matched against the play symbols in the “YOUR NUMBERS” area or the “MONEY BAG” area, determine whether a player wins a prize.

(n) *Winning Ticket*: A game ticket which has been validated and qualifies for a prize.

(o) *YOUR NUMBERS*: The numbers, letters, symbols or other characters found in the main play area that, when matched against the play symbols in the “WINNING NUMBERS” area, determine whether a player wins a prize.

3. *Price*: The price of a Crazy Wild Ca\$h ticket is \$10.

4. *Description of the Crazy Wild Ca\$h lottery game*:

(a) The Crazy Wild Ca\$h lottery game is an instant win game printed from a Lottery Terminal. All prizes are predetermined, and the player does not have the ability to select his or her own play symbols. Crazy Wild Ca\$h tickets may be purchased from an authorized retailer or at a Lottery self-service terminal that sells terminal-based Lottery game tickets. Tickets purchased from an authorized retailer shall be printed on-demand at the time of purchase and may not be preprinted by the retailer.

(b) Crazy Wild Ca\$h consists of three separate “GAMES,” each of which has a unique play style. Each GAME is played separately, but winning combinations in more than one GAME can be combined to win larger prizes as described in section 6 (relating to prizes available to be won and determination of prize winners). A bet slip is not used to play this game.

(1) *Key Number Match*: Crazy Wild Ca\$h is played by matching the play symbols located in the “YOUR NUMBERS” area to the play symbols located in the “WINNING NUMBERS” area. A player correctly matching a “YOUR NUMBERS” play symbol to a “WINNING NUMBERS” play symbol wins the prize shown under the matching “YOUR NUMBERS” play symbol.

(2) *Money Bag*: Crazy Wild Ca\$h is also played by matching any two “WINNING NUMBERS” play symbols to the play symbols in the “MONEY BAG” area. A player matching any two “WINNING NUMBERS” play symbols to the play symbols located in any of the three “MONEY BAGS” in this manner will win the corresponding prize shown under that “MONEY BAG.” Each “MONEY BAG” is played separately.

(3) *Wild Number Doubler*: Crazy Wild Ca\$h is also played by matching the play symbol in the “WILD NUMBER DOUBLER” area to any of the play symbols in the “YOUR NUMBERS” area or by matching the play symbol in the “WILD NUMBER DOUBLER” area to either play symbol in any “MONEY BAG.” A player matching the “WILD NUMBER” in either of the above mentioned ways will win double the corresponding prize shown.

(c) Players can win the prize identified in section 6 (relating to prizes available to be won and determination of prize winners).

(d) A Crazy Wild Ca\$h game ticket cannot be canceled or voided once printed by the Lottery Terminal, even if printed in error.

(e) To purchase a ticket at an authorized retailer, a player must remit the purchase price to the retailer and verbally request a Crazy Wild Ca\$h game ticket. The

ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize.

(f) To purchase a ticket at a Pennsylvania Lottery self-service terminal, the player must insert into the self-service terminal a dollar amount equal to the total purchase price of a Crazy Wild Ca\$h game ticket and select the Crazy Wild Ca\$h option on the Lottery self-service terminal. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize.

5. *Crazy Wild Ca\$h ticket characteristics:*

(a) A Crazy Wild Ca\$h ticket shall contain a play area, the cost of the play, the date of sale, and a bar code.

(b) *Play Symbols:* Each Crazy Wild Ca\$h ticket play area will contain a "WINNING NUMBERS" area, a "YOUR NUMBERS" area, a "WILD NUMBER DOUBLER" area, and a "MONEY BAG" area. The play symbols located in the "WINNING NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWNIN), and 30 (THIRT). The play symbols located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWNIN), and 30 (THIRT). The play symbols located in the "WILD NUMBER DOUBLER" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWNIN), and 30 (THIRT). The play symbols located in the "MONEY BAG" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWNIN), and 30 (THIRT).

(c) *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$10⁰⁰ (TEN DOL), \$15⁰⁰ (FIFTEEN), \$20⁰⁰ (TWENTY), \$30⁰⁰ (THIRTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$5,000 (FIV THO), and \$100,000 (ONEHUNTHO). The prize symbols and their captions located in the "MONEY BAG" area are: \$10⁰⁰ (TEN DOL), \$15⁰⁰ (FIFTEEN), \$20⁰⁰ (TWENTY), \$30⁰⁰ (THIRTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN), and \$1,000 (ONE THO).

(d) *Prizes:* The prizes that can be won in this game are: \$10, \$15, \$20, \$30, \$50, \$100, \$500, \$1,000, \$5,000, and \$100,000. A player can win up to 10 times on a ticket.

(e) *Approximate number of tickets available for the game:* Approximately 4,800,000 tickets will be available for sale for the Crazy Wild Ca\$h lottery game.

6. *Prizes available to be won and determination of prize winners:*

(a) All Crazy Wild Ca\$h prize payments will be made as one-time, lump-sum cash payments.

(b) A winning Crazy Wild Ca\$h ticket is entitled to the highest prize won by the winning combinations in all three "GAMES," as described below, on each game ticket.

(c) *Determination of prize winners for Key Number Match:*

(1) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$100,000 (ONEHUNTHO) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100,000.

(2) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$5,000 (FIV THO) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5,000.

(3) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(4) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(5) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(6) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$50⁰⁰ (FIFTY) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(7) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$30⁰⁰ (THIRTY) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$30.

(8) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$20⁰⁰ (TWENTY) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(9) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$15⁰⁰ (FIFTEEN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$15.

(10) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the

“WINNING NUMBERS” play symbols and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10.

(d) *Determination of prize winners for Money Bag:*

(1) Holders of tickets upon which any two of the “WINNING NUMBERS” play symbols match both the play symbols in the same “MONEY BAG” and a prize symbol of \$1,000 (ONE THO) appears under that matching “MONEY BAG,” on a single ticket, shall be entitled to a prize of \$1,000.

(2) Holders of tickets upon which any two of the “WINNING NUMBERS” play symbols match both the play symbols in the same “MONEY BAG” and a prize symbol of \$500 (FIV HUN) appears under that matching “MONEY BAG,” on a single ticket, shall be entitled to a prize of \$500.

(3) Holders of tickets upon which any two of the “WINNING NUMBERS” play symbols match both the play symbols in the same “MONEY BAG” and a prize symbol of \$100 (ONE HUN) appears under that matching “MONEY BAG,” on a single ticket, shall be entitled to a prize of \$100.

(4) Holders of tickets upon which any two of the “WINNING NUMBERS” play symbols match both the play symbols in the same “MONEY BAG” and a prize symbol of \$50⁰⁰ (FIFTY) appears under that matching “MONEY BAG,” on a single ticket, shall be entitled to a prize of \$50.

(5) Holders of tickets upon which any two of the “WINNING NUMBERS” play symbols match both the play symbols in the same “MONEY BAG” and a prize symbol of \$30⁰⁰ (THIRTY) appears under that matching “MONEY BAG,” on a single ticket, shall be entitled to a prize of \$30.

(6) Holders of tickets upon which any two of the “WINNING NUMBERS” play symbols match both the play symbols in the same “MONEY BAG” and a prize symbol of \$20⁰⁰ (TWENTY) appears under that matching “MONEY BAG,” on a single ticket, shall be entitled to a prize of \$20.

(7) Holders of tickets upon which any two of the “WINNING NUMBERS” play symbols match both the play symbols in the same “MONEY BAG” and a prize symbol of \$15⁰⁰ (FIFTEEN) appears under that matching “MONEY BAG,” on a single ticket, shall be entitled to a prize of \$15.

(8) Holders of tickets upon which any two of the “WINNING NUMBERS” play symbols match both the play symbols in the same “MONEY BAG” and a prize symbol of \$10⁰⁰ (TEN DOL) appears under that matching “MONEY BAG,” on a single ticket, shall be entitled to a prize of \$10.

(e) *Determination of prize winners for Wild Number Doubler:*

(1) Holders of tickets upon which the “WILD NUMBER DOUBLER” play symbol matches either of the play symbols in a “MONEY BAG” area, and a prize symbol of \$1,000 (ONE THO) appears in the “Prize” area under that matching “MONEY BAG,” on a single ticket, shall be entitled to a prize of \$2,000.

(2) Holders of tickets upon which the “WILD NUMBER DOUBLER” play symbol matches any of the “YOUR NUMBERS” play symbols, and a prize symbol of \$1,000 (ONE THO) appears in the “Prize” area under the

matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$2,000.

(3) Holders of tickets upon which the “WILD NUMBER DOUBLER” play symbol matches either of the play symbols in a “MONEY BAG” area, and a prize symbol of \$500 (FIV HUN) appears in the “Prize” area under that matching “MONEY BAG,” on a single ticket, shall be entitled to a prize of \$1,000.

(4) Holders of tickets upon which the “WILD NUMBER DOUBLER” play symbol matches any of the “YOUR NUMBERS” play symbols, and a prize symbol of \$500 (FIV HUN) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(5) Holders of tickets upon which the “WILD NUMBER DOUBLER” play symbol matches either of the play symbols in a “MONEY BAG” area, and a prize symbol of \$100 (ONE HUN) appears in the “Prize” area under that matching “MONEY BAG,” on a single ticket, shall be entitled to a prize of \$200.

(6) Holders of tickets upon which the “WILD NUMBER DOUBLER” play symbol matches any of the “YOUR NUMBERS” play symbols, and a prize symbol of \$100 (ONE HUN) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$200.

(7) Holders of tickets upon which the “WILD NUMBER DOUBLER” play symbol matches either of the play symbols in a “MONEY BAG” area, and a prize symbol of \$50⁰⁰ (FIFTY) appears in the “Prize” area under that matching “MONEY BAG,” on a single ticket, shall be entitled to a prize of \$100.

(8) Holders of tickets upon which the “WILD NUMBER DOUBLER” play symbol matches any of the “YOUR NUMBERS” play symbols, and a prize symbol of \$50⁰⁰ (FIFTY) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$100.

(9) Holders of tickets upon which the “WILD NUMBER DOUBLER” play symbol matches any of the “YOUR NUMBERS” play symbols, and a prize symbol of \$30⁰⁰ (THIRTY) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$60.

(10) Holders of tickets upon which the “WILD NUMBER DOUBLER” play symbol matches either of the play symbols in a “MONEY BAG” area, and a prize symbol of \$30⁰⁰ (THIRTY) appears in the “Prize” area under that matching “MONEY BAG,” on a single ticket, shall be entitled to a prize of \$60.

(11) Holders of tickets upon which the “WILD NUMBER DOUBLER” play symbol matches either of the play symbols in a “MONEY BAG” area, and a prize symbol of \$20⁰⁰ (TWENTY) appears in the “Prize” area under that matching “MONEY BAG,” on a single ticket, shall be entitled to a prize of \$40.

(12) Holders of tickets upon which the “WILD NUMBER DOUBLER” play symbol matches any of the “YOUR NUMBERS” play symbols, and a prize symbol of \$20⁰⁰ (TWENTY) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$40.

(13) Holders of tickets upon which the “WILD NUMBER DOUBLER” play symbol matches either of the play symbols in a “MONEY BAG” area, and a prize symbol of

\$15^{.00} (FIFTEEN) appears in the “Prize” area under that matching “MONEY BAG,” on a single ticket, shall be entitled to a prize of \$30.

(14) Holders of tickets upon which the “WILD NUMBER DOUBLER” play symbol matches any of the “YOUR NUMBERS” play symbols, and a prize symbol of \$15^{.00} (FIFTEEN) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$30.

(15) Holders of tickets upon which the “WILD NUMBER DOUBLER” play symbol matches either of the play symbols in a “MONEY BAG” area, and a prize symbol of

\$10^{.00} (TEN DOL) appears in the “Prize” area under that matching “MONEY BAG,” on a single ticket, shall be entitled to a prize of \$20.

(16) Holders of tickets upon which the “WILD NUMBER DOUBLER” play symbol matches any of the “YOUR NUMBERS” play symbols, and a prize symbol of \$10^{.00} (TEN DOL) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$20.

7. *Number and description of prizes and approximate chances of winning.* The following table sets forth the approximate number of winners, amounts of prizes, and approximate chances of winning:

<i>When Any of YOUR NUMBERS Match Any WINNING NUMBER, Win Prize Shown Under The Matching Number. Win With:</i>	<i>MONEY BAG:</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 4,800,000 Tickets</i>
	\$10	\$10	20	240,000
\$10		\$10	20.16	238,080
\$15		\$15	28.9	166,080
\$10 × 2		\$20	100	48,000
\$10 w/ WILD		\$20	33.33	144,000
	\$10 × 2	\$20	40	120,000
	\$10 w/ WILD	\$20	33.33	144,000
	\$20	\$20	100	48,000
\$20		\$20	100	48,000
\$10 × 2	\$10	\$30	200	24,000
\$15 × 2		\$30	200	24,000
\$15 w/ WILD		\$30	125	38,400
\$20	\$10	\$30	200	24,000
	(\$10 w/ WILD) + \$10	\$30	125	38,400
	\$15 w/ WILD	\$30	125	38,400
	\$30	\$30	100	48,000
\$30		\$30	200	24,000
(\$10 × 2) + \$30		\$50	5,000	960
(\$15 × 2) + \$10	\$10	\$50	1,667	2,880
(\$15 w/ WILD) + (\$10 w/ WILD)		\$50	500	9,600
\$10 w/ WILD	\$15 × 2	\$50	400	12,000
	(\$10 w/ WILD) + \$30	\$50	333.33	14,400
\$10	\$20 w/ WILD	\$50	333.33	14,400
\$30	\$10 × 2	\$50	5,000	960
	\$50	\$50	1,667	2,880
\$50		\$50	5,000	960
\$20 × 4	\$10 w/ WILD	\$100	2,400	2,000
\$50 × 2		\$100	6,000	800
(\$15 × 4) + \$10	\$15 w/ WILD	\$100	2,400	2,000
(\$15 × 4) + (\$10 × 2)	\$10 × 2	\$100	4,000	1,200
(\$15 w/ WILD) × 2	\$20 w/ WILD	\$100	1,500	3,200
\$30 w/ WILD	(\$10 w/ WILD) × 2	\$100	1,500	3,200

<i>When Any of YOUR NUMBERS Match Any WINNING NUMBER, Win Prize Shown Under The Matching Number. Win With:</i>	<i>MONEY BAG:</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 4,800,000 Tickets</i>
\$50 w/ WILD		\$100	1,500	3,200
	\$50 w/ WILD	\$100	1,714	2,800
\$50	(\$15 w/ WILD) + \$20	\$100	1,714	2,800
	\$100	\$100	12,000	400
\$100		\$100	12,000	400
\$100 × 4	\$100	\$500	12,000	400
(\$100 × 3) + (\$50 × 2) + (\$20 × 3)	\$20 w/ WILD	\$500	6,000	800
(((\$20 w/ WILD) × 4) + (\$15 × 2) + \$10)	(\$100 w/ WILD) + (\$50 × 2)	\$500	6,000	800
(((\$50 w/ WILD) × 3) + (\$50 × 2) + (\$20 × 3))	(\$10 w/ WILD) × 2	\$500	6,000	800
(\$100 w/ WILD) × 2	\$50 × 2	\$500	6,000	800
	\$500	\$500	6,000	800
\$500		\$500	12,000	400
\$500 × 2		\$1,000	160,000	30
(\$100 × 4) + \$500	\$50 w/ WILD	\$1,000	120,000	40
(\$100 × 3) + \$500 + \$50	(\$50 w/ WILD) + \$30 + \$20	\$1,000	120,000	40
\$500 w/ WILD		\$1,000	120,000	40
	\$500 w/ WILD	\$1,000	120,000	40
\$1,000		\$1,000	160,000	30
(\$1,000 w/ WILD) + (\$100 × 4) + (\$50 × 2)	(\$1,000 w/ WILD) + \$500	\$5,000	240,000	20
\$5,000		\$5,000	240,000	20
\$100,000		\$100,000	480,000	10

WILD NUMBER DOUBLER: When the WILD NUMBER matches any of YOUR NUMBERS OR matches either number in any MONEY BAG, DOUBLE the prize shown under the matching number.

MONEY BAG: Match any WINNING NUMBERS to both numbers in the same MONEY BAG, win prize shown in that MONEY BAG. Each MONEY BAG is played separately.

Prizes, including top prizes, are subject to availability at the time of purchase.

8. Ticket responsibility:

(a) A Fast Play lottery game ticket is a bearer document deemed to be owned by the person holding the game ticket, except that if a name is contained on the back of the game ticket, the person named will, for all purposes, be considered the owner of the game ticket.

(b) The holder of a Fast Play lottery game ticket has the sole responsibility for checking the accuracy and condition of the data printed on the game ticket.

(c) The Commonwealth shall not be responsible for a lost or stolen Fast Play lottery game ticket, or for a Fast Play ticket redeemed by a player in error.

9. Ticket validation and requirements:

(a) *Valid Fast Play lottery game tickets:* To be a valid Fast Play lottery game ticket, the presented game ticket must meet the following requirements.

(1) The game ticket's bar code shall be present in its entirety.

(2) The game ticket must be intact.

(3) The game ticket may not be mutilated, altered, reconstituted or tampered with.

(4) The game ticket may not be counterfeit or a duplicate of a winning ticket.

(5) The game ticket must have been validly issued.

(6) The game ticket data shall have been recorded on the Lottery Central Computer System and the game ticket data shall match the computer record in every respect.

(7) The game ticket must not be defectively printed or printed or produced in error such that it cannot be processed or validated by the Lottery.

(8) The game ticket must pass other confidential security checks of the Lottery.

(b) *Invalid or defective game tickets:* A game ticket not passing the validation requirements in subsection (a) will be considered invalid and no payment will be made on account of any play recorded thereon. The determination of the Secretary in this regard is final.

10. *Procedures for claiming and payment of prizes:*

(a) A prize may be claimed through an authorized retailer or the Lottery, as provided in this section. A prize must be claimed within 1 year of the sale date of the Fast Play lottery game ticket.

(b) An authorized retailer is authorized to pay prizes of \$2,500 or less. The holder of a game ticket evidencing a winning play representing a prize of \$2,500 or less may be paid by a participating authorized retailer if a proper validation pay ticket was issued by the retailer's Lottery Terminal.

(c) The holder of a game ticket evidencing a winning play representing a prize in excess of \$2,500 may present the game ticket to an authorized retailer, Lottery District Office, or Lottery Headquarters.

(d) The holder of a game ticket evidencing a winning play shall present the ticket, in person, to an authorized retailer, Lottery Headquarters or a Lottery District Office. The retailer or the Lottery will issue payment if:

(1) The game ticket is scanned and the play is validated through the Lottery Terminal or the Lottery Central Computer System;

(2) A claim form is properly and fully completed;

(3) The identification of the claimant is confirmed; and

(4) The winning ticket has not expired, pursuant to this section or section 12 (relating to unclaimed prizes).

(e) The Commonwealth shall not be responsible for a winning play paid in error by an authorized retailer.

(f) In the event a prize described in these rules is not available, the Lottery may either provide a substitute prize, determined by the Secretary to have an equivalent value to the prize won, or make a cash payment to the winner, in an amount determined by the Secretary to have an equivalent value to the prize won.

11. *Funding for prizes:* Moneys will be drawn from the State Lottery Fund, to the extent necessary, to fund the payment of prizes under this section. If this lottery game is terminated for any cause, prize moneys remaining undistributed will remain in the State Lottery Fund and used for purposes otherwise provided for by law.

12. *Unclaimed prizes:* Unclaimed prize money on winning Fast Play lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto for 1 year from the sale date of the Fast Play lottery game ticket. If no claim is made within 1 year from the sale date of the Fast Play lottery game ticket, the right of a ticket holder to claim the prize represented by that ticket, if any, shall expire.

13. *Purchase and prize restrictions:* A Fast Play lottery game ticket may not be purchased by, and a prize may not be paid, to an officer or employee of the Lottery, Lottery professional services contractors or subcontractors, or to a spouse, child, brother, sister or parent residing in the same household of an officer, employee, contractor or subcontractor who is involved in the production, distribution or operation of systems for the validation or accounting of Fast Play games.

14. *Governing law:*

(a) By purchasing a ticket, the purchaser agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), this notice, instructions, conditions and final decisions of the Secretary, and procedures established by the Secretary for the conduct of the Fast Play Crazy Wild Ca\$h lottery game.

(b) Decisions made by the Secretary, including the declaration of prizes and the payment thereof, in interpretation of this notice are final and binding on players and persons making a claim in respect thereof.

15. *Retailer compensation:*

(a) Authorized retailers may be entitled to compensation as determined by the Lottery.

(b) No authorized retailer or employee of an authorized retailer shall request, demand, or accept gratuities or any compensation other than as provided in subsection (a) in exchange for the performance of duties authorized pursuant to the Lottery retailer's license without the Lottery's prior written authorization.

16. *Retailer incentive programs:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Fast Play Crazy Wild Ca\$h lottery game tickets.

17. *Retailer bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania Fast Play lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after the Fast Play game ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery Fast Play game ticket used to enter a Pennsylvania Lottery Second-Chance Drawing or promotion that is subsequently selected to win a prize.

18. *Termination of the game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Crazy Wild Ca\$h or through normal communications methods.

19. *Applicability:* This notice applies only to the Crazy Wild Ca\$h lottery game announced in this notice.

C. DANIEL HASSELL,
Secretary

[Pa.B. Doc. No. 19-1453. Filed for public inspection September 27, 2019, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Ghostly Green Fast Play Game 5069

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 803.11 (relating to powers and duties of the Secretary of Revenue), the Secretary of Revenue hereby provides public notice of the rules for the following lottery game:

1. *Name:* The name of the lottery game is Pennsylvania Ghostly Green (hereinafter "Ghostly Green"). The game number is PA-5069.

2. *Definitions:*

(a) *Authorized Retailer or Retailer:* A person who is properly licensed by the Lottery pursuant to 61 Pa. Code §§ 805.1—805.17.

(b) *Bar Code:* The symbology on the ticket containing certain encrypted validation and accounting data used for identifying winning and losing tickets.

(c) *Game Ticket:* A bearer instrument produced through a Lottery Terminal that is the player's record of a play for a Fast Play lottery game and sold by an authorized retailer containing the play and validation data as published in this game notice.

(d) *Lottery Central Computer System:* The computer gaming system on which all Fast Play plays are recorded.

(e) *Lottery Terminal:* A device authorized by the Lottery to function in an interactive mode with the Lottery Central Computer System for the purpose of issuing plays, executing Quick Pick selections, and entering, receiving, and processing lottery transactions, including making purchases, validating plays, transmitting reports, and performing inventory functions.

(f) *Play:* A chance to participate in a particular Fast Play lottery game.

(g) *Play Area:* The area on a ticket which contains one or more play symbols.

(h) *Play Symbol:* A number, letter, symbol, image or other character found in the play area which is used to determine whether a player wins a prize.

(i) *Prize:* A non-monetary item, money, or experience that can be won as specified in section 7 (relating to prizes available to be won and determination of prize winners) of this game notice.

(j) *WINNING SYMBOLS:* The numbers, letters, symbols or other characters found in the play area that, when matched against the play symbols in the "YOUR SYMBOLS" area, determine whether a player wins a prize.

(k) *Winning Ticket:* A game ticket which has been validated and qualifies for a prize.

(l) *YOUR SYMBOLS:* The numbers, letters, symbols or other characters found in the main play area that, when matched against the play symbols in the "WINNING SYMBOLS" area, determine whether a player wins a prize.

3. *Price:* The price of a Ghostly Green ticket is \$1.

4. *Description of Ghostly Green lottery game:*

(a) Ghostly Green lottery game is an instant win game printed from a Lottery Terminal. All prizes are predetermined, and the player does not have the ability to select his or her own play symbols. Ghostly Green tickets may be purchased from an authorized retailer or at a Lottery self-service terminal that sells terminal-based Lottery game tickets. Tickets purchased from an authorized retailer shall be printed on-demand at the time of purchase and may not be preprinted by the retailer.

(b) Ghostly Green is played by matching the play symbols located in the "YOUR SYMBOLS" area to the play symbols located in the "WINNING SYMBOLS" area. A player matching a play symbol in this manner will win the prize shown under the "YOUR SYMBOLS" play symbol. When the player matches a Ghost (GHOST)

symbol, the player wins triple the prize shown. A bet slip is not used to play this game.

(c) Players can win the prize identified in section 7 (relating to prizes available to be won and determination of prize winners).

(d) A Ghostly Green game ticket cannot be canceled or voided once printed by the Lottery Terminal, even if printed in error.

(e) To purchase a ticket at an authorized retailer, a player must remit the purchase price to the retailer and verbally request a Ghostly Green game ticket. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize.

(f) To purchase a ticket at a Pennsylvania Lottery self-service terminal, the player must insert into the self-service terminal a dollar amount equal to the total purchase price of a Ghostly Green game ticket and select Ghostly Green option on the Lottery self-service terminal. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize.

5. *Ghostly Green ticket characteristics:*

(a) A Ghostly Green ticket shall contain a play area, the cost of the play, the date of sale, and a bar code.

(b) *Play Symbols:* Each Ghostly Green ticket play area will contain a "WINNING SYMBOLS" area and a "YOUR SYMBOLS" area. The play symbols located in the "WINNING SYMBOLS" and the "YOUR SYMBOLS" areas are: Snake (SNAKE) symbol, Cauldron (CAULDRN) symbol, Candy (CANDY) symbol, Monster (MONSTR) symbol, Frog (FROG) symbol, Owl (OWL) symbol, Spooky Eyes (SPKYEYES) symbol, Pumpkin (PUMPKIN) symbol, Bat (BAT) symbol, Candelabra (CNDLBR) symbol, Spider (SPIDER) symbol, Cat (CAT) symbol, Broom (BROOM) symbol, Coins (COINS) symbol, Skull (SKULL) symbol, and a Ghost (GHOST) symbol.

(c) *Prize Symbols:* The prize symbols and their captions located in the play area are: FREE (TICKET), \$1⁰⁰ (ONE DOL), \$2⁰⁰ (TWO DOL), \$3⁰⁰ (THR DOL), \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$15⁰⁰ (FIFTEEN), \$20⁰⁰ (TWENTY), \$30⁰⁰ (THIRTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN), and \$1,300 (THRTN HUN).

(d) *Prizes:* The prizes that can be won in this game are: Free \$1 Ticket, \$1, \$2, \$3, \$5, \$10, \$15, \$20, \$30, \$50, \$100, \$500, and \$1,300. A player can win up to five times on a ticket.

(e) *Approximate number of tickets available for the game:* Approximately 2,400,000 tickets will be available for sale for the Ghostly Green lottery game.

6. *Second-Chance Drawing:* The Pennsylvania Lottery will conduct a Howl-O-Ween Second-Chance Drawing for which non-winning Ghostly Green Fast Play lottery game tickets may be eligible as provided for in section 9 (relating to Second-Chance Drawing).

7. *Prizes available to be won and determination of prize winners:*

(a) All Ghostly Green prize payments will be made as one-time, lump-sum cash payments.

(b) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols matches any of the "WINNING SYMBOLS" play symbols and a prize symbol of \$1,300 (THRTN HUN) appears in the "Prize" area under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$1,300.

“WINNING SYMBOLS” play symbols, and a prize symbol of \$1⁰⁰ (ONE DOL) appears in the “Prize” area under the matching “YOUR SYMBOLS” play symbol, on a single ticket, shall be entitled to a prize of \$1.

(x) Holders of tickets upon which any one of the “YOUR SYMBOLS” play symbols matches any of the “WINNING SYMBOLS” play symbols, and a prize symbol of FREE (TICKET) appears in the “Prize” area under the

matching “YOUR SYMBOLS” play symbol, on a single ticket, shall be entitled to a prize of one Ghostly Green game ticket.

8. *Number and description of prizes and approximate chances of winning.* The following table sets forth the approximate number of winners, amounts of prizes, and approximate chances of winning:

<i>When Any Of YOUR SYMBOLS Match Any WINNING SYMBOL, Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 2,400,000 Tickets</i>
FREE	FREE \$1 TICKET	10	240,000
\$1	\$1	142.86	16,800
\$1 × 2	\$2	40	60,000
\$2	\$2	40	60,000
\$1 × 3	\$3	76.92	31,200
\$1 w/ GHOST	\$3	33.33	72,000
\$3	\$3	76.92	31,200
(\$2 × 2) + \$1	\$5	250	9,600
(\$1 w/ GHOST) + \$2	\$5	111.11	21,600
\$5	\$5	250	9,600
\$5 × 2	\$10	1,000	2,400
(\$2 w/ GHOST) + (\$2 × 2)	\$10	500	4,800
(\$3 w/ GHOST) + \$1	\$10	500	4,800
\$10	\$10	1,000	2,400
\$5 × 3	\$15	2,000	1,200
(\$5 × 2) + (\$2 × 2) + \$1	\$15	2,000	1,200
\$5 w/ GHOST	\$15	666.67	3,600
\$15	\$15	2,000	1,200
\$10 × 2	\$20	10,000	240
(\$3 w/ GHOST) + (\$2 w/ GHOST) + \$5	\$20	10,000	240
(\$5 w/ GHOST) + (\$2 × 2) + \$1	\$20	5,000	480
(\$5 w/ GHOST) + \$5	\$20	5,000	480
\$20	\$20	5,000	480
(\$10 × 2) + (\$5 × 2)	\$30	120,000	20
(\$5 w/ GHOST) + (\$3 w/ GHOST) + (\$2 w/ GHOST)	\$30	1,200	2,000
\$10 w/ GHOST	\$30	12,000	200
\$30	\$30	120,000	20
(\$10 × 3) + \$20	\$50	120,000	20
(\$20 × 2) + (\$5 × 2)	\$50	120,000	20
(\$15 w/ GHOST) + \$3 + \$2	\$50	24,000	100
(\$10 w/ GHOST) + (\$5 w/ GHOST) + \$5	\$50	24,000	100
\$50	\$50	120,000	20
\$50 × 2	\$100	120,000	20
(\$20 w/ GHOST) + (\$10 w/ GHOST) + (\$5 × 2)	\$100	24,000	100

<i>When Any Of YOUR SYMBOLS Match Any WINNING SYMBOL, Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 2,400,000 Tickets</i>
(\$30 w/ GHOST) + (\$3 w/ GHOST) + \$1	\$100	24,000	100
\$100	\$100	120,000	20
(\$100 w/ GHOST) + (\$50 w/ GHOST) + (\$15 w/ GHOST) + \$5	\$500	240,000	10
\$500	\$500	240,000	10
\$1,300	\$1,300	120,000	20

When the matching symbol is a "GHOST" (GHOST) symbol, TRIPLE the prize shown under that symbol.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Second-Chance Drawing:* Pennsylvania Lottery's Howl-O-Ween Second-Chance Drawing for qualifying fast play lottery game tickets (hereafter, the "Drawing").

(a) *Qualifying Tickets:* Non-winning PA-5068 Pumpkin Patch Payout (\$5) and PA-5069 Ghostly Green (\$1) Fast Play lottery game tickets ("Qualifying Tickets") are eligible for entry in the Drawing.

(b) *Participation and Entry:*

(1) Entrants must be members of the Pennsylvania Lottery VIP Players Club to participate in the Drawing. To join the VIP Players Club, visit <http://www.palottery.state.pa.us/vipplayersclub/login.aspx>. Becoming a VIP Players Club member is free.

(2) To enter the Drawing, entrants must submit the identifying information from at least one Qualifying Ticket via the Drawing's promotional web site, available at <http://www.palottery.com>, or the Pennsylvania Lottery's official mobile application during the entry period. The identifying information from a Qualifying Ticket may be submitted only once in the Drawing. No other method of submission will be accepted, and entries submitted using any other method, including entries mailed or hand-delivered to the Pennsylvania Lottery, are not valid and will be disqualified.

(3) Each entry must be complete and the information supplied by the entrant must be accurate. Incomplete entries cannot be accepted.

(4) Only one claimant per entry allowed.

(5) Entrants must be 18 years of age or older.

(6) Players may submit the identifying information from an unlimited number of Qualifying Tickets in the Drawing.

(7) Once an entry has been submitted it cannot be withdrawn or changed.

(c) *Drawing Description:*

(1) The Lottery will conduct one Howl-O-Ween Second-Chance Drawing for qualifying Fast Play lottery game tickets. All time references are Eastern Prevailing Time.

(2) All entries received after 11:59:59 p.m. September 30, 2019, through 11:59:59 p.m. November 7, 2019, will be entered into the Drawing to be held between November 8, 2019 and November 18, 2019.

(3) The entry period for the Drawing will be posted to the Pennsylvania Lottery's publicly accessible web site.

(4) The number of entries an entrant will receive for the Drawing is determined by the purchase price of the Qualifying Ticket entered. The respective purchase price and corresponding number of entries for the Qualifying Ticket is as follows: PA-5068 Pumpkin Patch Payout (\$5) = five entries, PA-5069 Ghostly Green (\$1) = one entry.

(5) When a Qualifying Ticket is entered into the Drawing, the entry has a chance to be multiplied by two. Each Qualifying Ticket will have a predetermined ticket file assigned at the time the ticket is printed that will determine whether an entry will be multiplied. If an entry is multiplied, the entrant will be notified during the entry process.

(6) Players may review prizes won and their entries for the Drawing via the Drawing's promotional web site.

(d) *Prizes Available to be Won, Determination of Winners, and Odds of Winning:*

(1) The prize entitlements described below are subject to all restrictions and limitations described in section 9(e), or mentioned anywhere else in these rules.

(2) The Lottery will conduct one Drawing from among all the entries received during the entry period as described in section 9(c)(2).

(i) The first and the second entries selected in the Drawing will be a winning entry and the entrants who submitted the winning entry shall each be entitled to a prize of \$31,000, less required income tax withholding.

(ii) The third through the sixth entries selected in the Drawing will be a winning entry and the entrants who submitted the winning entry shall each be entitled to a prize of \$1,000.

(iii) The seventh through the thirty-seventh entries selected in the Drawing will be winning entries and the entrants who submitted the winning entries shall each be entitled to a prize of \$500.

(iv) The thirty-eighth through the eighty-seventh entries selected in the Drawing will be winning entries and the entrants who submitted the winning entries shall each be entitled to a prize of \$100 iLottery Bonus Money.

(3) All prizes will be paid as lump-sum cash payments or uploaded to a winning player's iLottery account.

(4) The number of winning entries to be selected for the Drawing will be posted to the Pennsylvania Lottery's publicly accessible web site.

(5) The odds of winning in the Drawing depend upon the number of entries received for the Drawing.

(6) A computer-generated randomizer will be used to select the Drawing winners.

(e) *Drawing Restrictions:*

(1) To be eligible to participate in the Drawing, entrants must have complied with the requirements of these rules.

(2) The Lottery is not responsible for late, lost or misdirected entries not entered into the Drawing. The Lottery is not responsible for entries that are not entered into the Drawing because of incompatible internet browsers, mobile lottery application failure or other technical issues. If an entry is selected as a winner and rejected or otherwise disqualified during or following the Drawing, the Lottery will select another entry to replace the rejected or otherwise disqualified entry in accordance with these rules and Lottery procedure.

(3) If any discrepancy exists between these rules and any material describing the Drawing, these rules shall govern.

(4) Employees of the Pennsylvania Lottery, MARC USA, Scientific Games International Inc., MDI Entertainment, LLC, and their subcontractors, or a spouse, child, brother, sister or parent residing as a member of the same household in the principle place of residence of any such person are not eligible to participate in the Drawing. Offer void where prohibited or restricted.

(5) The Pennsylvania Lottery reserves the right, in its sole discretion, to cancel or suspend the Drawing and change these rules if the Drawing cannot be conducted as planned due to errors in these rules or advertising, unauthorized intervention, tampering, fraud, technical errors, viruses, worms, bugs, or any other cause beyond the control of the Pennsylvania Lottery that, in the Pennsylvania Lottery's sole judgment, could corrupt or impair the administration, security, fairness, integrity, or proper conduct of the Drawing.

(6) All entries shall be subject to verification by the Pennsylvania Lottery.

(7) The Pennsylvania Lottery reserves the right, in its sole discretion, to disqualify an entrant found to be tampering with the operation of the Drawing or to be acting in violation of these rules or applicable law.

(8) The Drawing is governed by the laws of the Commonwealth of Pennsylvania. Applicable laws and regulations apply.

(9) Prizes must be claimed within 1 year of the drawing date of the drawing in which the prize was won. If no claim is made within 1 year of the drawing date of the drawing in which the prize was won, the right of an entrant to claim the prize won, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided by statute.

(10) Final determination of winners will be made by the Secretary, whose judgment will be final and binding.

(11) A prize awarded in the Drawing to a person who dies before receiving the prize shall be paid according to 61 Pa. Code § 811.16 (relating to prizes payable after death of a prize winner).

(12) A winner is responsible for all taxes arising from or in connection with any prize won.

(13) A player may only win the prize for which the player is first selected in the Drawing. Subsequent en-

tries, from the same individual, selected in the Drawing will be disqualified and a replacement entry will be selected.

(14) Prizes are not transferrable.

(15) Other restrictions may apply.

10. *Ticket responsibility:*

(a) A Fast Play lottery game ticket is a bearer document deemed to be owned by the person holding the game ticket, except that if a name is contained on the back of the game ticket, the person named will, for all purposes, be considered the owner of the game ticket.

(b) The holder of a Fast Play lottery game ticket has the sole responsibility for checking the accuracy and condition of the data printed on the game ticket.

(c) The Commonwealth shall not be responsible for a lost or stolen Fast Play lottery game ticket, or for a Fast Play ticket redeemed by a player in error.

11. *Ticket validation and requirements:*

(a) *Valid Fast Play lottery game tickets.* To be a valid Fast Play lottery game ticket, the presented game ticket must meet the following requirements:

(1) The game ticket's bar code shall be present in its entirety.

(2) The game ticket must be intact.

(3) The game ticket may not be mutilated, altered, reconstituted or tampered with.

(4) The game ticket may not be counterfeit or a duplicate of a winning ticket.

(5) The game ticket must have been validly issued.

(6) The game ticket data shall have been recorded on the Lottery Central Computer System and the game ticket data shall match the computer record in every respect.

(7) The game ticket must not be defectively printed or printed or produced in error such that it cannot be processed or validated by the Lottery.

(8) The game ticket must pass other confidential security checks of the Lottery.

(b) *Invalid or defective game tickets:* A game ticket not passing the validation requirements in subsection (a) will be considered invalid and no payment will be made on account of any play recorded thereon. The determination of the Secretary in this regard is final.

12. *Procedures for claiming and payment of prizes:*

(a) A prize may be claimed through an authorized retailer or the Lottery, as provided in this section. A prize must be claimed within 1 year of the sale date of the Fast Play lottery game ticket.

(b) An authorized retailer is authorized to pay prizes of \$2,500 or less. The holder of a game ticket evidencing a winning play representing a prize of \$2,500 or less may be paid by a participating authorized retailer if a proper validation pay ticket was issued by the retailer's Lottery Terminal.

(c) The holder of a game ticket evidencing a winning play representing a prize in excess of \$2,500 may present the game ticket to an authorized retailer, Lottery District Office, or Lottery Headquarters.

(d) The holder of a game ticket evidencing a winning play shall present the ticket, in person, to an authorized

retailer, Lottery Headquarters or a Lottery District Office. The retailer or the Lottery will issue payment if:

(1) The game ticket is scanned and the play is validated through the Lottery Terminal or the Lottery Central Computer System;

(2) A claim form is properly and fully completed;

(3) The identification of the claimant is confirmed; and

(4) The winning ticket has not expired, pursuant to this section or section 14 (relating to unclaimed prizes).

(e) The Commonwealth shall not be responsible for a winning play paid in error by an authorized retailer.

(f) In the event a prize described in these rules is not available, the Lottery may either provide a substitute prize, determined by the Secretary to have an equivalent value to the prize won, or make a cash payment to the winner, in an amount determined by the Secretary to have an equivalent value to the prize won.

13. *Funding for prizes:* Moneys will be drawn from the State Lottery Fund, to the extent necessary, to fund the payment of prizes under this section. If this lottery game is terminated for any cause, prize moneys remaining undistributed will remain in the State Lottery Fund and used for purposes otherwise provided for by law.

14. *Unclaimed prizes:* Unclaimed prize money on winning Fast Play lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto for 1 year from the sale date of the Fast Play lottery game ticket. If no claim is made within 1 year from the sale date of the Fast Play lottery game ticket, the right of a ticket holder to claim the prize represented by that ticket, if any, shall expire.

15. *Purchase and prize restrictions:* A Fast Play lottery game ticket may not be purchased by, and a prize may not be paid, to an officer or employee of the Lottery, Lottery professional services contractors or subcontractors, or to a spouse, child, brother, sister or parent residing in the same household of an officer, employee, contractor or subcontractor who is involved in the production, distribution or operation of systems for the validation or accounting of Fast Play games.

16. *Governing law:*

(a) By purchasing a ticket, the purchaser agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), this notice, instructions, conditions and final decisions of the Secretary, and procedures established by the Secretary for the conduct of the Fast Play Ghostly Green lottery game.

(b) Decisions made by the Secretary, including the declaration of prizes and the payment thereof, in interpretation of this notice are final and binding on players and persons making a claim in respect thereof.

17. *Retailer compensation:*

(a) Authorized retailers may be entitled to compensation as determined by the Lottery.

(b) No authorized retailer or employee of an authorized retailer shall request, demand, or accept gratuities or any compensation other than as provided in subsection (a) in exchange for the performance of duties authorized pursuant to the Lottery retailer's license without the Lottery's prior written authorization.

18. *Retailer incentive programs:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Fast Play Ghostly Green lottery game tickets.

19. *Retailer bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania Fast Play lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after the Fast Play game ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery Fast Play game ticket used to enter a Pennsylvania Lottery Second-Chance Drawing or promotion that is subsequently selected to win a prize.

20. *Termination of the game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Ghostly Green or through normal communications methods.

21. *Applicability:* This notice applies only to the Ghostly Green lottery game announced in this notice.

C. DANIEL HASSELL,
Secretary

[Pa.B. Doc. No. 19-1454. Filed for public inspection September 27, 2019, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Pumpkin Patch Payout Fast Play Game 5068

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 803.11 (relating to powers and duties of the Secretary of Revenue), the Secretary of Revenue hereby provides public notice of the rules for the following lottery game:

1. *Name:* The name of the lottery game is Pennsylvania Pumpkin Patch Payout (hereinafter "Pumpkin Patch Payout"). The game number is PA-5068.

2. *Definitions:*

(a) *Authorized Retailer or Retailer:* A person who is properly licensed by the Lottery pursuant to 61 Pa. Code §§ 805.1—805.17.

(b) *Bar Code:* The symbology on the ticket containing certain encrypted validation and accounting data used for identifying winning and losing tickets.

(c) *Game Ticket:* A bearer instrument produced through a Lottery Terminal that is the player's record of a play for a Fast Play lottery game and sold by an authorized retailer containing the play and validation data as published in this game notice.

(d) *Lottery Central Computer System*: The computer gaming system on which all Fast Play plays are recorded.

(e) *Lottery Terminal*: A device authorized by the Lottery to function in an interactive mode with the Lottery Central Computer System for the purpose of issuing plays, executing Quick Pick selections, and entering, receiving, and processing lottery transactions, including making purchases, validating plays, and transmitting reports, and performing inventory functions.

(f) *Play*: A chance to participate in a particular Fast Play lottery game.

(g) *Play Area*: The area on a ticket which contains one or more play symbols.

(h) *Play Symbol*: A number, letter, symbol, image or other character found in the play area, which is used to determine whether a player wins a prize.

(i) *Prize*: A non-monetary item, money, or experience that can be won as specified in section 7 (relating to prizes available to be won and determination of prize winners) of this game notice.

(j) *ROW*: A specific, pre-defined portion of the play area, which contains five play symbols and a prize symbol in a horizontal line, that when played according to the instructions, determine whether a player wins a prize. Each "ROW" is played separately.

(k) *WINNING NUMBERS*: The numbers, letters, symbols or other characters found in the play area that, when matched against the play symbols in any "ROW," determine whether a player wins a prize.

(l) *Winning Ticket*: A game ticket which has been validated and qualifies for a prize.

(m) *YOUR NUMBERS*: The numbers, letters, symbols or other characters found in the main play area that, when matched against the play symbols in the "WINNING NUMBERS" area, determine whether a player wins a prize.

3. *Price*: The price of a Pumpkin Patch Payout ticket is \$5.

4. *Description of the Pumpkin Patch Payout lottery game*:

(a) The Pumpkin Patch Payout lottery game is an instant win game printed from a Lottery Terminal. The player does not have the ability to select his or her own play symbols. Pumpkin Patch Payout tickets may be purchased from an authorized retailer or at a Lottery self-service terminal that sells terminal-based Lottery game tickets. Tickets purchased from an authorized retailer shall be printed on-demand at the time of purchase and may not be preprinted by the retailer.

(b) Pumpkin Patch Payout is played by matching the play symbols in the "WINNING NUMBERS" area to the play symbols located in each "ROW." A player matching any two of the "WINNING NUMBERS" to the symbols in the same horizontal "ROW" will win the prize shown for that "ROW." A player matching any three of the "WINNING NUMBERS" to the symbols in the same horizontal "ROW" will win all four prizes shown. A bet slip is not used to play this game. Each "ROW" is played separately.

(c) Players can win the prize identified in section 6 (relating to prizes available to be won and determination of prize winners).

(d) A Pumpkin Patch Payout game ticket cannot be canceled or voided once printed by the Lottery Terminal, even if printed in error.

(e) To purchase a ticket at an authorized retailer, a player must remit the purchase price to the retailer and verbally request a Pumpkin Patch Payout game ticket. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize.

(f) To purchase a ticket at a Pennsylvania Lottery self-service terminal, the player must insert into the self-service terminal a dollar amount equal to the total purchase price of a Pumpkin Patch Payout game ticket and select the Pumpkin Patch Payout option on the Lottery self-service terminal. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize.

5. *Pumpkin Patch Payout ticket characteristics*:

(a) A Pumpkin Patch Payout ticket shall contain a play area, the cost of the play, the date of sale, and a bar code. Each ticket shall consist of four "ROW" areas. Each "ROW" is played separately.

(b) *Play Symbols*: Each Pumpkin Patch Payout ticket play area will contain a "WINNING NUMBERS" area and four "ROW" areas. The play symbols located in the "WINNING NUMBERS" area, and each of the four "ROW" areas, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), and 30 (THIRTY).

(c) *Prize Symbols*: The prize symbols and their captions located in the play area are: \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$15⁰⁰ (FIFTEEN), \$20⁰⁰ (TWENTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$5,000 (FIV THO), and \$31,000 (THRONETHO).

(d) *Prizes*: The prizes that can be won in this game are: \$5, \$10, \$15, \$20, \$50, \$100, \$500, \$1,000, \$5,000, and \$31,000. A player can win up to four times on a ticket.

(e) *Approximate number of tickets available for the game*: Approximately 2,400,000 tickets will be available for sale for the Pumpkin Patch Payout lottery game.

6. *Second-Chance Drawing*: The Pennsylvania Lottery will conduct a Howl-O-Ween Second-Chance Drawing for which non-winning Pumpkin Patch Payout Fast Play lottery game tickets may be eligible as provided for in section 9.

7. *Prizes available to be won and determination of prize winners*:

(a) All Pumpkin Patch Payout prize payments will be made as one-time, lump-sum cash payments.

(b) Holders of tickets upon which any of the "WINNING NUMBERS" play symbols match any two of the play symbols in the same horizontal "ROW," and a prize symbol of \$31,000 (THRONETHO) appears in the "Prize" area for that "ROW," on a single ticket, shall be entitled to a prize of \$31,000.

(c) Holders of tickets upon which any of the "WINNING NUMBERS" play symbols match any two of the play symbols in the same horizontal "ROW," and a prize symbol of \$5,000 (FIV THO) appears in the "Prize" area for that "ROW," on a single ticket, shall be entitled to a prize of \$5,000.

(d) Holders of tickets upon which any of the “WINNING NUMBERS” play symbols match any two of the play symbols in the same horizontal “ROW,” and a prize symbol of \$1,000 (ONE THO) appears in the “Prize” area for that “ROW,” on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets upon which any of the “WINNING NUMBERS” play symbols match any two of the play symbols in the same horizontal “ROW,” and a prize symbol of \$500 (FIV HUN) appears in the “Prize” area for that “ROW,” on a single ticket, shall be entitled to a prize of \$500.

(f) Holders of tickets upon which any of the “WINNING NUMBERS” play symbols match any two of the play symbols in the same horizontal “ROW,” and a prize symbol of \$100 (ONE HUN) appears in the “Prize” area for that “ROW,” on a single ticket, shall be entitled to a prize of \$100.

(g) Holders of tickets upon which any of the “WINNING NUMBERS” play symbols match any three of the play symbols in the same horizontal “ROW,” and a prize symbol of \$20⁰⁰ (TWENTY) appears in the “Prize” area for two “ROWS,” a prize symbol of \$50⁰⁰ (FIFTY) appears in the “Prize” area for one “ROW,” and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the “Prize” area for one “ROW,” on a single ticket, shall be entitled to a prize of \$100.

(h) Holders of tickets upon which any of the “WINNING NUMBERS” play symbols match any three of the play symbols in the same horizontal “ROW,” and a prize symbol of \$15⁰⁰ (FIFTEEN) appears in the “Prize” area for two “ROWS,” a prize symbol of \$50⁰⁰ (FIFTY) appears in the “Prize” area for one “ROW,” and a prize symbol of \$20⁰⁰ (TWENTY) appears in the “Prize” area for one “ROW,” on a single ticket, shall be entitled to a prize of \$100.

(i) Holders of tickets upon which any of the “WINNING NUMBERS” play symbols match any two of the play symbols in the same horizontal “ROW,” and a prize symbol of \$50⁰⁰ (FIFTY) appears in the “Prize” area for that “ROW,” on a single ticket, shall be entitled to a prize of \$50.

(j) Holders of tickets upon which any of the “WINNING NUMBERS” play symbols match any three of the play symbols in the same horizontal “ROW,” and a prize symbol of \$15⁰⁰ (FIFTEEN) appears in the “Prize” area for two “ROWS” and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the “Prize” area for two “ROWS,” on a single ticket, shall be entitled to a prize of \$50.

(k) Holders of tickets upon which any of the “WINNING NUMBERS” play symbols match any three of the play symbols in the same horizontal “ROW,” and a prize symbol of \$15⁰⁰ (FIFTEEN) appears in the “Prize” area for three “ROWS” and a prize symbol of \$5⁰⁰ (FIV DOL) appears in the “Prize” area for one “ROW,” on a single ticket, shall be entitled to a prize of \$50.

(l) Holders of tickets upon which any of the “WINNING NUMBERS” play symbols match any three of the play symbols in the same horizontal “ROW,” and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the “Prize” area for three “ROWS” and a prize symbol of \$20⁰⁰ (TWENTY) appears in the “Prize” area for one “ROW,” on a single ticket, shall be entitled to a prize of \$50.

(m) Holders of tickets upon which any of the “WINNING NUMBERS” play symbols match any two of the play symbols in the same horizontal “ROW,” and a prize symbol of \$20⁰⁰ (TWENTY) appears in the “Prize” area for that “ROW,” on a single ticket, shall be entitled to a prize of \$20.

(n) Holders of tickets upon which any of the “WINNING NUMBERS” play symbols match any three of the play symbols in the same horizontal “ROW,” and a prize symbol of \$5⁰⁰ (FIV DOL) appears in the “Prize” area for all four “ROWS,” on a single ticket, shall be entitled to a prize of \$20.

(o) Holders of tickets upon which any of the “WINNING NUMBERS” play symbols match any two of the play symbols in the same horizontal “ROW,” and a prize symbol of \$15⁰⁰ (FIFTEEN) appears in the “Prize” area for that “ROW,” on a single ticket, shall be entitled to a prize of \$15.

(p) Holders of tickets upon which any of the “WINNING NUMBERS” play symbols match any two of the play symbols in the same horizontal “ROW,” and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the “Prize” area for that “ROW,” on a single ticket, shall be entitled to a prize of \$10.

(q) Holders of tickets upon which any of the “WINNING NUMBERS” play symbols match any two of the play symbols in the same horizontal “ROW,” and a prize symbol of \$5⁰⁰ (FIV DOL) appears in the “Prize” area for that “ROW,” on a single ticket, shall be entitled to a prize of \$5.

8. *Number and description of prizes and approximate chances of winning.* The following table sets forth the approximate number of winners, amounts of prizes, and approximate chances of winning:

<i>When You Match Any Of The WINNING NUMBERS To Two Of The Numbers In The Same Row, Win Prize Shown For That Row. Win With:</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 2,400,000 Tickets</i>
\$5	\$5	8	300,000
\$5 × 2	\$10	20	120,000
\$10	\$10	50	48,000
\$5 × 3	\$15	66.67	36,000
\$10 + \$5	\$15	66.67	36,000
\$15	\$15	66.67	36,000
MATCH 3 w/ (\$5 × 4)	\$20	83.33	28,800

<i>When You Match Any Of The WINNING NUMBERS To Two Of The Numbers In The Same Row, Win Prize Shown For That Row. Win With:</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 2,400,000 Tickets</i>
\$10 × 2	\$20	166.67	14,400
(\$5 × 2) + \$10	\$20	166.67	14,400
\$15 + \$5	\$20	166.67	14,400
\$20	\$20	166.67	14,400
MATCH 3 w/ ((\$10 × 3) + \$20)	\$50	333.33	7,200
MATCH 3 w/ ((\$15 × 3) + \$5)	\$50	500	4,800
MATCH 3 w/ ((\$15 × 2) + (\$10 × 2))	\$50	1,000	2,400
(\$10 × 3) + \$20	\$50	1,000	2,400
(\$15 × 3) + \$5	\$50	1,000	2,400
(\$20 × 2) + \$10	\$50	1,000	2,400
\$50	\$50	1,000	2,400
MATCH 3 w/ ((\$15 × 2) + \$50 + \$20)	\$100	4,000	600
MATCH 3 w/ ((\$20 × 2) + \$50 + \$10)	\$100	4,000	600
\$50 × 2	\$100	8,000	300
(\$15 × 2) + \$50 + \$20	\$100	12,000	200
(\$20 × 2) + \$50 + \$10	\$100	12,000	200
\$100	\$100	12,000	200
\$500	\$500	24,000	100
\$500 × 2	\$1,000	60,000	40
\$1,000	\$1,000	60,000	40
\$5,000	\$5,000	120,000	20
\$31,000	\$31,000	240,000	10

When you match any of the WINNING NUMBERS to three of the numbers in the same ROW, win all four prizes shown!

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Second-Chance Drawing:* Pennsylvania Lottery's Howl-O-Ween Second-Chance Drawing for qualifying instant lottery game tickets (hereafter, the "Drawing").

(a) *Qualifying Tickets:* Non-winning PA-5068 Pumpkin Patch Payout (\$5) and PA-5069 Ghostly Green (\$1) Fast Play lottery game tickets ("Qualifying Tickets") are eligible for entry in the Drawing.

(b) *Participation and Entry:*

(1) Entrants must be members of the Pennsylvania Lottery VIP Players Club to participate in the Drawing. To join the VIP Players Club, visit <http://www.palottery.state.pa.us/vipplayersclub/login.aspx>. Becoming a VIP Players Club member is free.

(2) To enter the Drawing, entrants must submit the identifying information from at least one Qualifying Ticket via the Drawing's promotional web site, available at <http://www.palottery.com>, or the Pennsylvania Lottery's official mobile application during the entry period. The identifying information from a Qualifying Ticket may be submitted only once in the Drawing. No other method of submission will be accepted, and entries submitted using any other method, including entries mailed or hand-delivered to the Pennsylvania Lottery, are not valid and will be disqualified.

(3) Each entry must be complete and the information supplied by the entrant must be accurate. Incomplete entries cannot be accepted.

(4) Only one claimant per entry allowed.

(5) Entrants must be 18 years of age or older.

(6) Players may submit the identifying information from an unlimited number of Qualifying Tickets in the Drawing.

(7) Once an entry has been submitted it cannot be withdrawn or changed.

(c) *Drawing Description:*

(1) The Lottery will conduct one Howl-O-Ween Second-Chance Drawing for qualifying Fast Play lottery game tickets. All time references are Eastern Prevailing Time.

(2) All entries received after 11:59:59 p.m. September 30, 2019, through 11:59:59 p.m. November 7, 2019, will be entered into the Drawing to be held between November 8, 2019 and November 18, 2019.

(3) The entry period for the Drawing will be posted to the Pennsylvania Lottery's publicly accessible web site.

(4) The number of entries an entrant will receive for the Drawing is determined by the purchase price of the Qualifying Ticket entered. The respective purchase price and corresponding number of entries for the Qualifying

Ticket is as follows: PA-5068 Pumpkin Patch Payout (\$5) = five entries, PA-5069 Ghostly Green (\$1) = one entry.

(5) When a Qualifying Ticket is entered into the Drawing, the entry has a chance to be multiplied by two. Each Qualifying Ticket will have a predetermined ticket file assigned at the time the ticket is printed that will determine whether an entry will be multiplied. If an entry is multiplied, the entrant will be notified during the entry process.

(6) Players may review prizes won and their entries for the Drawing via the Drawing's promotional web site.

(d) *Prizes Available to be Won, Determination of Winners, and Odds of Winning:*

(1) The prize entitlements described below are subject to all restrictions and limitations described in section 9 (e), or mentioned anywhere else in these rules.

(2) The Lottery will conduct one Drawing from among all the entries received during the entry period as described in section 9(c)(2).

(i) The first and the second entries selected in the Drawing will be a winning entry and the entrants who submitted the winning entry shall each be entitled to a prize of \$31,000, less required income tax withholding.

(ii) The third through the sixth entries selected in the Drawing will be a winning entry and the entrants who submitted the winning entry shall each be entitled to a prize of \$1,000.

(iii) The seventh through the thirty-seventh entries selected in the Drawing will be winning entries and the entrants who submitted the winning entries shall each be entitled to a prize of \$500.

(iv) The thirty-eighth through the eighty-seventh entries selected in the Drawing will be winning entries and the entrants who submitted the winning entries shall each be entitled to a prize of \$100 iLottery Bonus Money.

(3) All prizes will be paid as lump-sum cash payments or uploaded to a winning player's iLottery account.

(4) The number of winning entries to be selected for the Drawing will be posted to the Pennsylvania Lottery's publicly accessible web site.

(5) The odds of winning in the Drawing depend upon the number of entries received for the Drawing.

(6) A computer-generated randomizer will be used to select the Drawing winners.

(e) *Drawing Restrictions:*

(1) To be eligible to participate in the Drawing, entrants must have complied with the requirements of these rules.

(2) The Lottery is not responsible for late, lost or misdirected entries not entered into the Drawing. The Lottery is not responsible for entries that are not entered into the Drawing because of incompatible internet browsers, mobile lottery application failure or other technical issues. If an entry is selected as a winner and rejected or otherwise disqualified during or following the Drawing, the Lottery will select another entry to replace the rejected or otherwise disqualified entry in accordance with these rules and Lottery procedure.

(3) If any discrepancy exists between these rules and any material describing the Drawing, these rules shall govern.

(4) Employees of the Pennsylvania Lottery, MARC USA, Scientific Games International Inc., MDI Entertainment, LLC, and their subcontractors, or a spouse, child, brother, sister or parent residing as a member of the same household in the principle place of residence of any such person are not eligible to participate in the Drawing. Offer void where prohibited or restricted.

(5) The Pennsylvania Lottery reserves the right, in its sole discretion, to cancel or suspend the Drawing and change these rules if the Drawing cannot be conducted as planned due to errors in these rules or advertising, unauthorized intervention, tampering, fraud, technical errors, viruses, worms, bugs, or any other cause beyond the control of the Pennsylvania Lottery that, in the Pennsylvania Lottery's sole judgment, could corrupt or impair the administration, security, fairness, integrity, or proper conduct of the Drawing.

(6) All entries shall be subject to verification by the Pennsylvania Lottery.

(7) The Pennsylvania Lottery reserves the right, in its sole discretion, to disqualify an entrant found to be tampering with the operation of the Drawing or to be acting in violation of these rules or applicable law.

(8) The Drawing is governed by the laws of the Commonwealth of Pennsylvania. Applicable laws and regulations apply.

(9) Prizes must be claimed within 1 year of the drawing date of the drawing in which the prize was won. If no claim is made within 1 year of the drawing date of the drawing in which the prize was won, the right of an entrant to claim the prize won, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided by statute.

(10) Final determination of winners will be made by the Secretary, whose judgment will be final and binding.

(11) A prize awarded in the Drawing to a person who dies before receiving the prize shall be paid according to 61 Pa. Code § 811.16 (relating to prizes payable after death of a prize winner).

(12) A winner is responsible for all taxes arising from or in connection with any prize won.

(13) A player may only win the prize for which the player is first selected in the Drawing. Subsequent entries, from the same individual, selected in the Drawing will be disqualified and a replacement entry will be selected.

(14) Prizes are not transferrable.

(15) Other restrictions may apply.

10. *Ticket responsibility:*

(a) A Fast Play lottery game ticket is a bearer document deemed to be owned by the person holding the game ticket, except that if a name is contained on the back of the game ticket, the person named will, for all purposes, be considered the owner of the game ticket.

(b) The holder of a Fast Play lottery game ticket has the sole responsibility for checking the accuracy and condition of the data printed on the game ticket.

(c) The Commonwealth shall not be responsible for a lost or stolen Fast Play lottery game ticket, or for a Fast Play ticket redeemed by a player in error.

11. *Ticket validation and requirements:*

(a) *Valid Fast Play lottery game tickets:* To be a valid Fast Play lottery game ticket, the presented game ticket must meet the following requirements.

(1) The game ticket's bar code shall be present in its entirety.

(2) The game ticket must be intact.

(3) The game ticket may not be mutilated, altered, reconstituted or tampered with.

(4) The game ticket may not be counterfeit or a duplicate of a winning ticket.

(5) The game ticket must have been validly issued.

(6) The game ticket data shall have been recorded on the Lottery Central Computer System and the game ticket data shall match the computer record in every respect.

(7) The game ticket must not be defectively printed or printed or produced in error such that it cannot be processed or validated by the Lottery.

(8) The game ticket must pass other confidential security checks of the Lottery.

(b) *Invalid or defective game tickets:* A game ticket not passing the validation requirements in subsection (a) will be considered invalid and no payment will be made on account of any play recorded thereon. The determination of the Secretary in this regard is final.

12. *Procedures for claiming and payment of prizes:*

(a) A prize may be claimed through an authorized retailer or the Lottery, as provided in this section. A prize must be claimed within 1 year of the sale date of the Fast Play lottery game ticket.

(b) An authorized retailer is authorized to pay prizes of \$2,500 or less. The holder of a game ticket evidencing a winning play representing a prize of \$2,500 or less may be paid by a participating authorized retailer if a proper validation pay ticket was issued by the retailer's Lottery Terminal.

(c) The holder of a game ticket evidencing a winning play representing a prize in excess of \$2,500 may present the game ticket to an authorized retailer, Lottery District Office, or Lottery Headquarters.

(d) The holder of a game ticket evidencing a winning play shall present the ticket, in person, to an authorized retailer, Lottery Headquarters or a Lottery District Office. The retailer or the Lottery will issue payment if:

(1) The game ticket is scanned and the play is validated through the Lottery Terminal or the Lottery Central Computer System;

(2) A claim form is properly and fully completed;

(3) The identification of the claimant is confirmed; and

(4) The winning ticket has not expired, pursuant to this section or section 14 (relating to unclaimed prizes).

(e) The Commonwealth shall not be responsible for a winning play paid in error by an authorized retailer.

(f) In the event a prize described in these rules is not available, the Lottery may either provide a substitute prize, determined by the Secretary to have an equivalent value to the prize won, or make a cash payment to the

winner, in an amount determined by the Secretary to have an equivalent value to the prize won.

13. *Funding for prizes:* Moneys will be drawn from the State Lottery Fund, to the extent necessary, to fund the payment of prizes under this section. If this lottery game is terminated for any cause, prize moneys remaining undistributed will remain in the State Lottery Fund and used for purposes otherwise provided for by law.

14. *Unclaimed prizes:* Unclaimed prize money on winning Fast Play lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto for 1 year from the sale date of the Fast Play lottery game ticket. If no claim is made within 1 year from the sale date of the Fast Play lottery game ticket, the right of a ticket holder to claim the prize represented by that ticket, if any, shall expire.

15. *Purchase and prize restrictions:* A Fast Play lottery game ticket may not be purchased by, and a prize may not be paid, to an officer or employee of the Lottery, Lottery professional services contractors or subcontractors, or to a spouse, child, brother, sister or parent residing in the same household of an officer, employee, contractor or subcontractor who is involved in the production, distribution or operation of systems for the validation or accounting of Fast Play games.

16. *Governing law:*

(a) By purchasing a ticket, the purchaser agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), this notice, instructions, conditions and final decisions of the Secretary, and procedures established by the Secretary for the conduct of the Fast Play Pumpkin Patch Payout lottery game.

(b) Decisions made by the Secretary, including the declaration of prizes and the payment thereof, in interpretation of this notice are final and binding on players and persons making a claim in respect thereof.

17. *Retailer compensation:*

(a) Authorized retailers may be entitled to compensation as determined by the Lottery.

(b) No authorized retailer or employee of an authorized retailer shall request, demand, or accept gratuities or any compensation other than as provided in subsection (a) in exchange for the performance of duties authorized pursuant to the Lottery retailer's license without the Lottery's prior written authorization.

18. *Retailer incentive programs:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Fast Play Pumpkin Patch Payout lottery game tickets.

19. *Retailer bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania Fast Play lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000.

Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after the Fast Play game ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery Fast Play game ticket used to enter a Pennsylvania Lottery Second-Chance Drawing or promotion that is subsequently selected to win a prize.

20. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pumpkin Patch Payout or through normal communications methods.

21. *Applicability:* This notice applies only to the Pumpkin Patch Payout lottery game announced in this notice.

C. DANIEL HASSELL,
Secretary

[Pa.B. Doc. No. 19-1455. Filed for public inspection September 27, 2019, 9:00 a.m.]

FISH AND BOAT COMMISSION

Temporary Change to Fishing Regulations; Sheppard-Meyers Reservoir, York County

The Executive Director of the Fish and Boat Commission (Commission), acting under the authority of 58 Pa. Code § 65.25 (relating to temporary changes to fishing regulations), has taken immediate action to modify temporary fishing regulations at Sheppard-Meyers Reservoir, York County, in anticipation of a drawdown of the lake. The Executive Director is lifting all seasons, sizes and creel limits for all species, effective September 28, 2019. The Executive Director has found that this action is necessary and appropriate for the management of fish and to conserve and preserve fishing opportunities at this lake.

The Executive Director will cause these temporary modifications to fishing regulations to be posted in the vicinity of the lake, and the modified regulations will be fully effective and enforceable when so posted. These temporary modifications will remain in effect until further notice.

TIMOTHY D. SCHAEFFER,
Executive Director

[Pa.B. Doc. No. 19-1456. Filed for public inspection September 27, 2019, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P.S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b).

The Commission has issued comments on the following proposed regulation. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
54-90	Pennsylvania Liquor Control Board Responsible Alcohol Management Program 49 Pa.B. 3733 (July 20, 2019)	8/19/19	9/18/19

**Pennsylvania Liquor Control Board
Regulation # 54-90 (IRRC # 3236)
Responsible Alcohol Management Program
September 18, 2019**

We submit for your consideration the following comments on the proposed rulemaking published in the July 20, 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 RRA (71 P.S. § 745.5a(a)) directs the Pennsylvania Liquor Control Board (Board) to respond to all comments received from us or any other source.

GENERAL

1. Section 5.202. Definitions.—Consistency with statute; Clarity; Reasonableness.

Material change

The definition of “material change” includes changes to “the order of the curriculum” of Responsible Alcohol

Management Program (RAMP) server/seller training for alcohol service personnel. Why does reordering the curriculum, without a change to substance, constitute a material change? Since a sizeable fee is required, we ask the Board to explain the reasonableness of considering reordered curriculum a material change.

Additionally, the definition states that a material change “*may include* the addition of unapproved information or the deletion of approved information.” (Emphasis added.) We have two concerns. First, “may” indicates a discretionary action. We ask the Board to revise this definition to omit the discretionary language. Second, classroom instructors and online training providers are required to submit changes to the standard and approved alternative curriculums to the Board for approval. Are there additional modifications the Board considers to be material changes? To improve the clarity of the definition, we ask the Board to add additional examples to the definition.

Responsible server practices

The definition of “responsible server practices” is proposed to be deleted. However, Section 471.1(a) of the Liquor Code (47 P.S. § 4-471.1(a)) requires that “newly hired alcohol service personnel [shall be oriented] to responsible server practices, *as the term is defined by the [B]oard, through regulation.*” (Emphasis added.) The Preamble to the proposed regulation does not address this proposed deletion. We ask the Board to explain in the Preamble to the final regulation the reasonableness of deleting this term which the Liquor Code directs the Board to define by regulation.

2. Section 5.203. Mandatory training for managers.—Clarity.

Subsection (b) states that “licensees must ensure that the manager has successfully completed owner/manager training within the past [two] years.” We ask the Board to clarify in the Preamble to the final regulation that owner/manager training expires after two years and that a manager must renew owner/manager training every two years.

This comment also applies to Section 5.204(b) (relating to mandatory training for alcohol service personnel).

3. Section 5.204. Mandatory training for alcohol service personnel.—Clarity; Reasonableness.

Subsection (c) states, “If a licensee obtains an off-premises catering permit for use at a catered function, every *employee whose primary responsibility at the catered function is to sell and/or serve alcoholic beverages or check identifications of those seeking to enter the catered function must have successfully completed server/seller training within [two] years prior to the date of the catered function.*” (Emphasis added.) The Board defines the term “alcohol service personnel” as “[a]ny employe. . . whose primary responsibility includes the resale, furnishing or serving of liquor or malt or brewed beverages. It shall also mean any employe. . . whose primary responsibility is to ascertain the age of individuals who are attempting to enter the licensed premises.” We ask the Board to use the defined term “alcohol service personnel” or to explain in the Preamble to the final regulation why it is reasonable not to use the defined term.

Similarly, we ask the Board to clarify the final regulation by replacing “employee” with the defined term “alcohol service personnel” in Section 5.205(b)(1)(iii) (relating to RAMP certification prerequisites) where the regulation states, “Instruction will be provided on techniques to ensure that employees are complying with house rules. . . .”

4. Section 5.205. RAMP certification prerequisites.—Protection of public health, safety and welfare; Clarity; Reasonableness; Implementation procedures.

Subsection (b)(3) addresses new employee orientation. We have two concerns.

First, Subparagraph (i) requires a licensee to “review an orientation checklist with all alcohol service personnel” when the licensee is preparing to apply for RAMP certification or renewal. Is a licensee required to review the orientation checklist with new employees or all employees? Section 471.1(a) of the Liquor Code only requires orientation for new employees. Further, under Subparagraph (ii), a licensee shall conduct new employee orientation within 30 days of hire, which is separate from the licensee applying for RAMP certification or renewal.

We ask the Board to clarify in the final regulation the type of employee who receives orientation and the timeframe for completion of orientation.

Second, Subparagraph (ii) provides that a licensee shall ensure that new employee orientation—covering service to minors, service to visibly intoxicated patrons, acceptable forms of identification, carding practices and house policies—occurs “within 30 days of the employee’s hire.” Given that compliance with these standards is fundamental to an employee’s job duties and a licensee’s RAMP certification, is the Board ensuring public health, safety and welfare by providing this length of time for new employee orientation? We ask the Board to explain in the Preamble to the final regulation the reasonableness of this timeframe.

5. Section 5.206. RAMP certification.—Statutory authority.

Subsection (c) appears to bind the Office of Administrative Law Judge to take official notice of the Board’s records with regard to licensee certification. We ask the Board to explain its statutory authority for this provision in the Preamble to the final regulation.

ONLINE TRAINING PROVIDERS AND PROGRAMS FOR SERVER/SELLER TRAINING

6. Section 5.221. Online training provider application.—Economic or fiscal impacts; Reasonableness; Implementation procedures.

This section addresses how an individual applies for authorization as an online training provider, including minimum qualifications related to age, education and experience. We have two questions. First, will the Board authorize a business as an online training provider? Second, if so, what are the minimum qualifications? We ask the Board to explain in the Preamble to the final regulation the implementation procedure for authorizing a business as an online training provider.

Subsection (a)(1) provides for an open enrollment period, as posted on the Board’s website, for applications from online training providers. The Board may “limit the number and frequency of open enrollment periods.” We have three concerns. First, is it reasonable for the Board to limit when applications may be submitted? Second, did the Board consider establishing a schedule for open enrollment and posting it on the Board’s website? Third, has the Board considered the economic impact upon prospective online training providers who will incur expenses developing an online training module without knowing when it may submit an application for authorization? We ask the Board to address these concerns in the Preamble to the final regulation. This comment also applies to Sections 5.213(c)(2)(ii), 5.222(e)(2), 5.225(c)(5), 5.227(d), 5.231(a)(1), 5.235(c)(4) and 5.236(d).

Subsection (b), regarding minimum qualifications, does not require an online training provider to attend owner/manager training, which is mandatory for classroom instructors under Section 5.234(7) (relating to classroom instructor responsibilities). Further, Section 5.234(6) requires classroom instructors to attend instructor meetings scheduled by the Board. Why is this Board-provided instruction not relevant for an online training provider? We ask the Board to explain in the Preamble to the final regulation the reasonableness of excluding online training providers from these requirements.

7. Section 5.223. Minimum standards of the online training program.—Clarity.

Subsection (e)(1) states, “The online training program must comply with the most current version of the [Board’s] Web Trainee Transfer Service requirements, as referenced in [Section] 5.222(a) (relating to online training program approval process).” Should this reference be to Section 5.213(a) (relating to alternative curriculum)?

8. Section 5.224. Online training provider responsibilities.—Clarity; Need; Reasonableness; Implementation procedures.

Paragraph (3) requires an online training provider to provide training to at least 225 students per year. We have three questions. First, how did the Board determine the number of students who must be trained? Second, what are the repercussions of not meeting this minimum? Third, why is there a need to set a minimum number of students per online training provider? We ask the Board to explain in the Preamble to the final regulation the need for and the reasonableness of this requirement.

Paragraph (4) requires an online training provider to send records regarding online training to the Board immediately following completion of online training. Subparagraph (i) provides that “records must be sent in real-time or in frequent batch submissions within 15 minutes after completion of the final examination.” Does the Board consider these requirements to be equal? Further, a commentator suggested that this requirement should be revised to allow online training providers to send records once per day to accommodate scheduled maintenance and downtime. We ask the Board to clarify in the final regulation the timeframe in which the online training provider is required to send final examination records.

Paragraph (7) requires an online training provider to resolve a technical support inquiry within one business day. A commentator expressed concern with implementing this requirement when correcting technical issues and communicating with students. The commentator suggested that two business days is a more reasonable timeframe. We note that Paragraph (8) does allow 48 hours for an online training provider to respond to e-mails, telephone calls or other contacts. We ask the Board to revise this paragraph as suggested by the commentator or to explain in the Preamble to the final regulation the reasonableness of the proposed timeframe.

Paragraph (10)(i) requires an online training provider to make changes to online training program content within 24 hours of being notified by the Board. Subparagraph (ii) requires the online training provider to limit public access to the online training program until the changes have been made and approved by the Board. A commentator stated that “[m]aking changes to a properly built and tested online course is nearly impossible to do in one day.” The commentator suggested that Subparagraphs (i) and (ii) be revised to allow the online training provider to submit a plan to the Board to implement changes, while allowing access to the previously-approved online training program. We ask the Board to explain in the Preamble to the final regulation the reasonableness of how this provision will be implemented.

Paragraph (10)(iii) directs an online training provider to “[r]efrain from making material changes to online training program content” without approval from the

Board or unless directed to by the Board. The online training provider is required to submit the material changes to the program for Board review and approval under Clause (A). Will the Board require the online training provider to follow the procedures for review and approval of an alternative curriculum in Section 5.213, including the \$250 fee in Subsection (b)? We ask the Board to explain in the Preamble to the final regulation how it will implement the provisions in this paragraph and Section 5.213.

Paragraph (11)(i) requires an online training provider to notify the Board not less than 30 days before an online training program is modified, enhanced or upgraded. We have three concerns. First, is a minimum 30-day notification period reasonable? Second, will the Board review and test the online training program following the completion of the system changes? Third, is the online training provider required to limit public access during this time? In the Preamble to the final regulation, we ask the Board to clarify how this provision will be implemented and to explain the reasonableness of this timeframe.

9. Section 5.225. Renewal of authorization.—Economic or fiscal impacts; Clarity; Reasonableness; Implementation procedures.

Subsection (b) states, “The online training provider shall submit, with the application for renewal of authorization, hard copy screen shots of the most recent [Board]-approved online training program with renewal. The online training provider shall submit no more than [two] screen shots per one side of an 8 1/2 by 11 inch piece of paper. The screen shots may be in color or black and white.” Since the online training program has already been approved by the Board, did the Board consider requiring the online training provider to certify that the same program will be used rather than submitting screen shots on paper?

We have several concerns related to Subsection (c) which addresses untimely applications for authorization renewal. Subsection (c) is proposed as follows:

(1) The [Board] may accept an application for renewal of authorization that is filed less than 30 days before the expiration of the current authorization, but not after expiration, if the applicant includes an additional filing fee of \$100.

(2) The [Board] may accept an application for renewal of authorization that is filed up to 30 days after the expiration of the current authorization if the applicant includes an additional filing fee of \$250.

(3) The [Board] will not accept applications for renewal of authorization that are filed more than 30 days after the expiration of the current authorization.

(4) As of the date of the expiration of an online training provider’s authorization, the following will no longer be valid:

(i) Training that is completed by a student after the date of expiration.

(ii) Any training vouchers issued by an online training provider that have not been redeemed and training completed.

(5) The [Board] will not accept, for a minimum of [one] year from the date of expiration, an application from an online training provider whose authorization has expired. Under such circumstances, a new application must be filed, not an application for renewal. Applications will only be accepted during a period of open enrollment, which shall be posted on the [Board's Bureau of Alcohol Education's] page on the [Board's] web site. See [Section] 5.221(a) (relating to online training provider application).

Paragraph (2) raises several concerns related to implementation. By allowing an online training provider to submit an application for renewal up to 30 days after expiration of the current authorization, the Board creates a gap of uncertainty related to Paragraph (4). Under Paragraph (4)(i), why would a student be able to take training from an online training provider whose authorization has expired? We ask the Board to prohibit the applicant from providing public access to the online training when the online training provider's authorization has expired. Also, under Paragraph (4)(ii), how will unredeemed training vouchers and incomplete training be handled if the online training provider submits an application after the expiration date but within 30 days? We ask the Board to explain in the Preamble to the final regulation the reasonableness and fiscal impact of how unredeemed training vouchers and incomplete training will be handled.

Also, Paragraph (5) states that an application will not be accepted for at least one year from the date of expiration of the current authorization. This contradicts Paragraph (2) which states that an application may be accepted for up to 30 days following the expiration of the current authorization. We ask the Board to carefully review Subsection (c) and clarify how it will be implemented in the final regulation.

10. Section 5.226. Training vouchers.—Economic or fiscal impacts; Clarity; Need; Reasonableness; Implementation procedures.

This section allows an online training provider to sell training vouchers to licensees for use by their alcohol service personnel within 60 days of purchase. Training vouchers may be purchased in bulk. Two commentators oppose the requirement to use training vouchers within 60 days, stating that this may deter bulk purchases, thereby limiting volume discounts and increasing the cost per employee. We have three questions. First, why is there a need to require a licensee to use training vouchers within a given time period? Second, is the 60-day timeframe reasonable? Third, did the Board consider limiting the sale of training vouchers within 30 days of the expiration of an online training provider's authorization? We ask the Board to answer these questions in the Preamble to the final regulation and to consider revising this regulation as suggested by the commentators.

Further, this section does not require an online training provider to refund the purchase price of training vouchers to licensees when the online training provider is deauthorized or authorization is not renewed. A commentator suggested that an online training provider should be required to obtain surety bonds so that licensees are able to obtain refunds. Has the Board considered a system to ensure refunds to licensees? We ask the Board to address in the Preamble to the final regulation the economic impact of training vouchers and to clarify the implementation procedures in the final regulation.

11. Section 5.227. Deauthorization of online training providers.—Economic or fiscal impacts; Clarity; Reasonableness; Implementation procedures.

Subsection (b) states that a notice of violation may advise the online training provider that its authorization is temporarily suspended, pending resolution of a violation. What is the impact on students and training vouchers if authorization is suspended? Will the online training provider be required to prohibit public access to the online training program if authorization is suspended? We ask the Board to clarify how this provision will be implemented when a notice of violation includes the temporary suspension of an online training provider's authorization.

Similar to our comment on Section 5.225(c)(4)(i) and (ii) (relating to renewal of authorization), we have concerns related to Paragraph (1) which addresses deauthorization of an online training provider. The proposed language is as follows:

(1) As of the date of the [Board's] notice of deauthorization to an online training provider, the following will no longer be valid:

(i) Training that is completed by a student after the date of the [Board's] notice of deauthorization.

(ii) Any training vouchers issued by an online training provider that have not been redeemed and training completed.

Under Paragraph (1)(i), why would a student be able to take training from an online training provider who has been deauthorized? We ask the Board to clarify implementation procedures for deauthorization and to prohibit the online training provider from providing public access to the online training program when the online training provider has been deauthorized.

Under Paragraph (1)(ii), how will unredeemed training vouchers and incomplete training be handled if the online training provider has been deauthorized? We ask the Board to explain in the Preamble to the final regulation the reasonableness and fiscal impact of how unredeemed training vouchers and incomplete training will be handled.

CLASSROOM INSTRUCTORS OF SERVER/SELLER TRAINING

12. Section 5.231. Classroom instructor application.—Clarity.

Subsection (b)(2) sets one qualification for a classroom instructor as "having a minimum of [two] years of experience, full-time, as a trainer or in giving presentations in the field of education, law, law enforcement, substance abuse prevention, hospitality related to hotel/restaurant management or alcohol service training or other equivalent combination of experience and training." We ask the Board to clarify in the Preamble to the final-form regulation how it will evaluate experience "giving presentations" compared to experience as a trainer.

Subsection (b)(5) requires a classroom instructor to attend owner/manager training. We ask the Board to consider changing the "attending" and "attend" terminology to "completing" and "complete" to clarify the training requirements.

13. Section 5.233. Minimum standards of classroom training.—Clarity; Need; Reasonableness; Implementation procedures.

Subsection (a)(1) requires a classroom session to be at least 2 1/2 hours long. Under Section 5.223(a)(5) (relating to minimum standards of the online training program), an online training program must include at least 1 1/2 hours of instructional time. How did the Board determine the need for a longer classroom session? We ask the Board to explain in the Preamble to the final regulation the reasonableness of this time requirement.

Subsection (d) requires a student to complete the final examination individually and without assistance from others. Has the Board considered allowing a student with a learning disability to request an accommodation to complete the final examination?

Subsection (e) requires a classroom instructor to notify a student of the grade on the final examination. However, the method of notification and a timeframe for doing so are not stated. We ask the Board to clarify implementation of this subsection in the final regulation.

14. Section 5.234. Classroom instructor responsibilities.—Clarity; Need; Reasonableness; Implementation procedures.

Paragraph (2)(i) states, “A classroom instructor shall refrain from making any *modifications or changes* to the standard curriculum without being required to do so by the [Board].” (Emphasis added.) Subparagraph (ii) states, “A classroom instructor shall refrain from making any *modifications or changes* to an alternative curriculum without first receiving approval from the [Board]. . . .” (Emphasis added.) Subparagraph (iii) requires a classroom instructor who opts to use an alternative curriculum to submit a \$250 fee for review and approval. We have two issues with these subparagraphs. First, we ask the Board to revise “modifications or changes” to the defined term “material changes.” Second, when a material change is made to the standard curriculum or an approved alternative curriculum, the classroom instructor is required to follow the procedure under Subparagraph (iii). Will the Board require the classroom instructor to follow the procedures for review and approval of an alternative curriculum in Section 5.213, including the \$250 fee in Subsection (b)? We ask the Board to clarify in the Preamble to the final regulation how it will implement the provisions in this paragraph and Section 5.213.

Paragraph (3) requires a classroom instructor to hold training sessions throughout this Commonwealth. We have three questions. First, how will the Board determine that a classroom instructor has met this standard? Second, how will the Board enforce this regulation? Third, what are the repercussions of not meeting this requirement? We ask the Board to explain in the Preamble to the final regulation the need for and the reasonableness of this requirement.

Paragraph (4) requires a classroom instructor to hold at least two training sessions per year for at least 225 students. We have three questions. First, how did the Board determine the number of sessions and the number of students who must be trained? Second, what are the repercussions of not meeting these minimums? Third, why is there a need to set a minimum number of sessions and students? We ask the Board to explain in the Preamble to the final regulation the need for and the reasonableness of these requirements.

15. Regulatory Analysis Form (RAF).—Economic or fiscal impacts; Need; Reasonableness; Timetables for compliance.

Related to Questions # 17, # 19, # 23 and # 24, we ask the Board to provide additional information related to fees. The Board currently charges the same fee for classroom instructors and online training providers for applications, renewals and changes to standard curriculum. The proposed regulation separates classroom instructors and online training providers and establishes different fees for each. For example, where both classroom instructors and online training providers each currently submit \$250 with an application, under the proposed regulation, applicants for authorization as a classroom instructor would pay \$500 while an applicant to provide online training would pay \$850. In the Preamble, the Board states that the fees are less than half of the costs incurred by the Board “to train and authorize classroom instructors or to review the content of an online training provider as well as test every link and every digital functionality.” We ask the Board to explain why and how it determined that this cost sharing percentage is appropriate. Further, since many of these fees are newly established or significantly increased, we ask the Board to provide additional information related to the need, fiscal impact and reasonableness of the fees in the final regulation.

We note that the Board states in several responses in the RAF that no costs for the regulated community are included because it is expected that the online training providers and classroom instructors will pass the cost along to individuals taking server/seller training. However, licensees and alcohol service personnel are a part of the regulated community as they are required to comply with the training and certification regulations. We ask the Board to provide specific cost estimates for licensees and alcohol service personnel.

Additionally, in response to Question # 24, the Board states that online training providers and classroom instructors “will [recoup increased fees] by passing along the cost to the attendees of the training, of which there are tens of thousands across the Commonwealth.” The Board acknowledges increased class fees and provides measurements for small businesses, but fails to adequately address licensees classified as small businesses. We ask the Board to provide an economic impact statement relative to licensees who meet the standards for small businesses.

Related to Question # 29, we ask the Board to update the timetable for the review of the regulation.

16. Miscellaneous clarity.

- In the RAF and Preamble, the statement regarding the calculation of fees relating to Section 5.225 is incorrect. These statements should be corrected in the final-form regulation.

- Section 5.233(a) (relating to minimum standards of classroom training) consists of two sentences which are essentially the same. We ask the Board to delete one sentence in the final regulation.

- The Board did not include Section 471.1 of the Liquor Code in the statutory authority statement in the Preamble to the proposed regulation. We ask the Board to include this provision in the Preamble to the final regulation.

GEORGE D. BEDWICK,
Chairperson

[Pa.B. Doc. No. 19-1457. Filed for public inspection September 27, 2019, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Filing of Final Rulemaking

The Independent Regulatory Review Commission (Commission) received the following regulation. It is scheduled to be considered on the date 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>
7-551	Environmental Quality Board Additional Requirements for Control of Fine Particulate Matter in the Nonattainment New Source Review Program	9/12/19	10/17/19

GEORGE D. BEDWICK,
Chairperson

[Pa.B. Doc. No. 19-1458. Filed for public inspection September 27, 2019, 9:00 a.m.]

INSURANCE DEPARTMENT

Geisinger Quality Options (GSHP-132073116); Individual PPO—Transitional Filing

Geisinger Quality Options submitted a rate filing to increase the premium rates for its Individual PPO Non-Grandfathered Plans. The filing proposes a rate increase of 7.7% and will affect approximately 1,449 members. The proposed rate increase will generate an annualized revenue of approximately \$439,300 and will be effective January 1, 2020.

Unless formal administrative action is taken prior to December 12, 2019, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at www.insurance.pa.gov (click on the "Consumers" tab, then under "Resources" select "Product Notices").

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Rashmi Mathur, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, rmathur@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JESSICA K. ALTMAN,
Insurance Commissioner

[Pa.B. Doc. No. 19-1459. Filed for public inspection September 27, 2019, 9:00 a.m.]

INSURANCE DEPARTMENT

Geisinger Quality Options (GSHP-132073238); Individual PPO—Grandfathered Filing

Geisinger Quality Options submitted a rate filing to increase the premium rates for its Individual PPO

Grandfathered Plans. The filing proposes a rate increase of 18.0% and will affect approximately 639 members. The proposed rate increase will generate an annualized revenue of approximately \$406,600 and will be effective January 1, 2020.

Unless formal administrative action is taken prior to December 12, 2019, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at www.insurance.pa.gov (click on the "Consumers" tab, then under "Resources" select "Product Notices").

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Rashmi Mathur, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, rmathur@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JESSICA K. ALTMAN,
Insurance Commissioner

[Pa.B. Doc. No. 19-1460. Filed for public inspection September 27, 2019, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Protests may only be

filed if there is evidence that the applicant lacks fitness. Protests based on endangering or impairing operations of an existing carrier will not be honored. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120, with a copy served on the applicant by October 15, 2019. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.

A-2019-3008470. Battle's Transportation, Inc. (3000 V Street, NE, Washington, DC 20018) for the right to begin to transport, as a common carrier, persons in group and party service, in vehicles seating 11 to 15 passengers, including the driver, from points in the City and County of Philadelphia, to points in Pennsylvania, and return; excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

A-2019-3011836. Carla D. Kitner, t/a A.F. Transport (1875 Gap Road, Allenwood, Lycoming County, PA 17810) for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles from points in the Counties of Clinton, Lycoming and Union to points in Pennsylvania, and return.

A-2019-3012078 (Corrected). Wadadli Sisters Transportation, LLC (10 Shelly Circle, Lewisburg, Union County, PA 17837) persons in paratransit service, from points in the City of Chester, Delaware County; the City of Harrisburg, Dauphin County; the City of Lewisburg, Union County; and the City of Philadelphia, to State Correctional Facilities in Pennsylvania, and return.

A-2019-3012813. Absolute Care Transportation, LLC (119 Larch Drive, Milford, Pike County, PA 18337) for the right to begin to transport, as a common carrier, by motor vehicle, persons in limousine service, from points in the Counties of Pike and Wayne to points in Pennsylvania, and return; excluding service that is under the jurisdiction of the Philadelphia Parking Authority. *Attorney:* David F. Chuff, Esquire, 400 Broad Street, Suite 2, Milford, PA 18337.

A-2019-3012832. Michael Wetherhold, t/a Mike Wetherhold Transit Service (P.O. Box 393, Adamstown, Lancaster County, PA 19501) in paratransit service, from points in Lancaster County, to points in Pennsylvania, and return.

A-2019-3012841. Expressmed Transport, LLC (176 Lower Holland Road, Southampton, Bucks County, PA 18966) for the right to begin to transport, as a common carrier, by motor vehicles, persons in paratransit service, between points in the Counties of Bucks and Montgomery.

A-2019-3012883. Prestige Motorz, LLC, t/a Platinum 1st (110 Prochant Circle, Blue Bell, Montgomery County, PA 19422) in limousine service, between points in Pennsylvania; excluding areas under the jurisdiction of the Philadelphia Parking Authority. *Attorney:* David P Temple, 1600 Market Street, Suite 1320, Philadelphia, PA 19103.

Application of the following for approval of the additional right and privilege of operating as contract carriers for transportation of persons as described under the application.

A-2019-3011423. Judy's Team, Inc., d/b/a Judy's Team (4214 Campbells Run Road, Pittsburgh, Allegheny County, PA 15205) for the right to begin to transport, as a contract carrier, by motor vehicle, persons for Medical Transportation Management, Inc. between points in the Counties of Allegheny, Armstrong, Beaver, Butler, Washington and Westmoreland.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 19-1461. Filed for public inspection September 27, 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 October 14, 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. Jesus Cruz-Garcia, t/a J. Cruz Transport; Docket No. C-2019-3011703

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 Jesus Cruz-Garcia, t/a J. Cruz Transport, (respondent) is under suspension effective July 14, 2019 for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at 521A Birch Street, Reading, PA 19604.
3. That respondent was issued a Certificate of Public Convenience by this Commission on November 21, 2017, at A-8920231.
4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500.00 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-8920231 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,
David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement
400 North Street
Harrisburg, PA 17120

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 7/31/2019

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
400 North Street
Harrisburg, PA 17120

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility
Services
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Muscalli Trucking, LLC; Docket No. C-2019-3011961

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 Muscalli Trucking, LLC, (respondent) is under suspension effective July 24, 2019 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 580 West Liberty Street, Oakland, MD 21550.

3. That respondent was issued a Certificate of Public Convenience by this Commission on August 15, 2017, at A-8919841.

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-8919841 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,
David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement
400 North Street
Harrisburg, PA 17120

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 8/6/2019

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
400 North Street
Harrisburg, PA 17120

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility Services
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound

by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

**Pennsylvania Public Utility Commission; Bureau of
Investigation and Enforcement v. S & J Trucking
Limited Liability Company;
Docket No. C-2019-3011962**

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 S & J Trucking Limited Liability Company, (respondent) is under suspension effective July 25, 2019 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 508 Moss Lane, Greenville, PA 16125.

3. That respondent was issued a Certificate of Public Convenience by this Commission on August 06, 2018, at A-8921224.

4. That respondent has failed to maintain evidence of 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-8921224 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,
David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement
400 North Street
Harrisburg, PA 17120

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 8/6/2019

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
400 North Street
Harrisburg, PA 17120

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility
Services
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Joseph A. Moussa, t/a Easton Taxi, t/a Yellow Cab of Easton; Docket No. C-2019-3012326

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to Joseph A. Moussa, t/a Easton Taxi, t/a Yellow Cab of Easton, (respondent) is under suspension effective August 11, 2019 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 715 Walnut Street, Easton, PA 18042.

3. That respondent was issued a Certificate of Public Convenience by this Commission on January 20, 2010, at A-6311389.

4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500.00 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-6311389 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,
David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement
400 North Street
Harrisburg, PA 17120

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 8/21/2019

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor
 Pennsylvania Public Utility Commission
 Bureau of Investigation and Enforcement
 400 North Street
 Harrisburg, PA 17120

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility
 Services
 Pennsylvania Public Utility Commission
 400 North Street
 Harrisburg, PA 17120

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 400 North Street
 Harrisburg, PA 17120

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

**Pennsylvania Public Utility Commission; Bureau of
 Investigation and Enforcement v. Gene
 Polsinelli, Inc., d/b/a G & R Recovery;
 Docket No. C-2019-3012439**

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 Gene Polsinelli, Inc., d/b/a G & R Recovery, (respondent) is under suspension effective August 15, 2019 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 247 Freeport Road, Creighton, PA 15030-1023.

3. That respondent was issued a Certificate of Public Convenience by this Commission on May 20, 2009, at A-8911033.

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-8911033 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,
 David W. Loucks, Chief
 Motor Carrier Enforcement
 Bureau of Investigation and Enforcement
 400 North Street
 Harrisburg, PA 17120

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 8/26/2019

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. 19-1462. Filed for public inspection September 27, 2019, 9:00 a.m.]

SUSQUEHANNA RIVER BASIN COMMISSION

Grandfathering Registration Notice

The Susquehanna River Basin Commission (Commission) lists the following Grandfathering (GF) Registration for projects under 18 CFR 806, Subpart E (relating to registration of grandfathered projects) from July 1, 2019, through July 31, 2019.

For further information contact Jason E. Oyler, General Counsel and Secretary, (717) 238-0423, Ext. 1312, fax (717) 238-2436, joyler@srbc.net. Regular mail inquiries may be sent to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

Supplementary Information

This notice lists GF Registration for projects, described as follows, under 18 CFR 806, Subpart E for the time period previously specified:

GF Registration Under 18 CFR Part 806, Subpart E

1. Borough of Adamstown; GF Certificate No. GF-201907036; Adamstown Borough, Lancaster County, PA; Wells 2 and 3; Issue Date: July 10, 2019.
2. New Holland Borough Authority; GF Certificate No. GF-201907037; Earl Township, Lancaster County, PA; Well 1; Issue Date: July 10, 2019.
3. West Manchester Township Authority; GF Certificate No. GF-201907038; West Manchester Township, York County, PA; Wells 2—6; Issue Date: July 10, 2019.
4. Village of Greene; GF Certificate No. GF-201907039; Village of Greene, Chenango County, NY; Wells 1 and 2; Issue Date: July 29, 2019.
5. Selinsgrove Municipal Authority; GF Certificate No. GF-201907040; Selinsgrove Borough, Snyder County, PA; Wells 1 and 2; Issue Date: July 29, 2019.
6. Shrewsbury Borough; GF Certificate No. GF-201907041; Shrewsbury Borough and Shrewsbury Township, York County, PA; the Thompson Well and the Lutheran Home Well; Issue Date: July 29, 2019.

Authority: Pub.L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808

Dated: August 20, 2019

ANDREW D. DEHOFF,
Executive Director

[Pa.B. Doc. No. 19-1463. Filed for public inspection September 27, 2019, 9:00 a.m.]

SUSQUEHANNA RIVER BASIN COMMISSION

Grandfathering Registration Notice

The Susquehanna River Basin Commission (Commission) lists the following Grandfathering (GF) Registration for projects under 18 CFR Part 806, Subpart E (relating to registration of grandfathered projects) from August 1, 2019, through August 31, 2019.

For further information contact Jason E. Oyler, General Counsel and Secretary, (717) 238-0423, Ext. 1312, fax (717) 238-2436, joyler@srbc.net. Regular mail inquiries may be sent to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

Supplementary Information

This notice lists GF Registration for projects, described as follows, under 18 CFR 806, Subpart E for the time period previously specified:

GF Registration Under 18 CFR Part 806, Subpart E

1. Gratz Borough Water Revenue Fund—Gratz Borough Water Company; GF Certificate No. GF-201908042; Gratz Borough, Dauphin County, PA; Well 1, Bower Spring and Cold Spring; Issue Date: August 20, 2019.
2. Carlisle Borough Municipal Authority; GF Certificate No. GF-201908043; North Middleton Township, Cumberland County, PA; Conodoguinet Creek; Issue Date: August 20, 2019.
3. Afton Golf Course, Inc.—Afton Golf Club; GF Certificate No. GF-201908044; Town of Afton, Chenango County, NY; Pond 7; Issue Date: August 20, 2019.

Authority: Pub.L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808

Dated: September 12, 2019

ANDREW D. DEHOFF,
Executive Secretary

[Pa.B. Doc. No. 19-1464. Filed for public inspection September 27, 2019, 9:00 a.m.]

SUSQUEHANNA RIVER BASIN COMMISSION

Projects Approved for Consumptive Uses of Water

The Susquehanna River Basin Commission (Commission) approved by rule the following list of projects from July 1, 2019, through July 31, 2019.

For further information contact Jason E. Oyler, General Counsel and Secretary, (717) 238-0423, Ext. 1312, fax

(717) 238-2436, joyler@srbc.net. Regular mail inquiries may be sent to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

Supplementary Information

This notice lists the projects, described as follows, receiving approval for the consumptive use of water under the Commission's approval by rule process in 18 CFR 806.22(e) and (f) (relating to standards for consumptive uses of water) for the time period previously specified:

Water Source Approvals Issued Under 18 CFR 806.22(f)(13):

1. Chesapeake Appalachia, LLC; Pad ID: Deremer, ABR-201407001.R1; Tuscarora Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 1, 2019.
2. Epsilon Energy USA, Inc.; Pad ID: Devine Ridge Pad, ABR-201907001; Rush Township, Susquehanna County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 15, 2019.
3. Chesapeake Appalachia, LLC; Pad ID: Deer Park, ABR-201907003; Windham Township, Wyoming County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 15, 2019.
4. Chief Oil & Gas, LLC; Pad ID: SGL-12 A Drilling Pad, ABR-201407007.R1; Overton Township, Bradford County, PA; Consumptive Use of Up to 2.5000 mgd; Approval Date: July 23, 2019.
5. Chesapeake Appalachia, LLC; Pad ID: White SUS, ABR-201407008.R1; Auburn Township, Susquehanna County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 23, 2019.
6. Chesapeake Appalachia, LLC; Pad ID: McDonough, ABR-201407009.R1; Meshoppen Township, Wyoming County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 23, 2019.
7. Inflection Energy (PA), LLC; Pad ID: Hamilton Well Site, ABR-201403010.R1; Upper Fairfield Township, Lycoming County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: July 23, 2019.
8. ARD Operating, LLC; Pad ID: COP Tract 653 Pad A, ABR-20090405.R2; Beech Creek Township, Clinton County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: July 23, 2019.
9. ARD Operating, LLC; Pad ID: COP Tract 289 Pad A, ABR-20090410.R2; McHenry Township, Lycoming County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: July 23, 2019.
10. ARD Operating, LLC; Pad ID: Larry's Creek F&G Pad A, ABR-20090411.R2; Cummings Township, Lycoming County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: July 23, 2019.
11. ARD Operating, LLC; Pad ID: COP Tract 653 Pad B, ABR-20090414.R2; Beech Creek Township, Clinton County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: July 23, 2019.

12. ARD Operating, LLC; Pad ID: COP Tract 653 Pad C, ABR-20090415.R2; Beech Creek Township, Clinton County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: July 23, 2019.

13. ARD Operating, LLC; Pad ID: Larry's Creek F&G Pad B, ABR-20090416.R2; Cummings Township, Lycoming County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: July 23, 2019.

14. Greylock Production, LLC; Pad ID: Whitetail Gun & Rod Club # 1, ABR-20090418.R2; Goshen Township, Clearfield County, PA; Consumptive Use of Up to 2.0000 mgd; Approval Date: July 23, 2019.

15. Chesapeake Appalachia, LLC; Pad ID: Gerbino # 1, ABR-20140710.R2; Ridgebury Township, Bradford County, PA; Consumptive Use of Up to 2.0000 mgd; Approval Date: July 23, 2019.

16. Chesapeake Appalachia, LLC; Pad ID: Warren # 1, ABR-20140711.R2; Ridgebury Township, Bradford County, PA; Consumptive Use of Up to 2.0000 mgd; Approval Date: July 23, 2019.

17. XTO Energy, Inc.; Pad ID: Marquardt, ABR-20090712.R2; Penn Township, Lycoming County, PA; Consumptive Use of Up to 3.0000 mgd; Approval Date: July 23, 2019.

18. XTO Energy, Inc.; Pad ID: Jenzano, ABR-20090713.R2; Franklin Township, Lycoming County, PA; Consumptive Use of Up to 3.0000 mgd; Approval Date: July 23, 2019.

19. XTO Energy, Inc.; Pad ID: Temple, ABR-20090714.R2; Moreland Township, Lycoming County, PA; Consumptive Use of Up to 3.0000 mgd; Approval Date: July 23, 2019.

20. Seneca Resources Company, LLC; Pad ID: J. Pino Pad G, ABR-20190717.R2; Covington Township, Tioga County, PA; Consumptive Use of Up to 2.0000 mgd; Approval Date: July 23, 2019.

21. Seneca Resources Company, LLC; Pad ID: PHC 11V, ABR-20190720.R2; Lawrence Township, Clearfield County, PA; Consumptive Use of Up to 0.9999 mgd; Approval Date: July 23, 2019.

22. Seneca Resources Company, LLC; Pad ID: PHC 6H, ABR-20190721.R2; Lawrence Township, Clearfield County, PA; Consumptive Use of Up to 1.0000 mgd; Approval Date: July 23, 2019.

23. Seneca Resources Company, LLC; Pad ID: PHC 7H, ABR-20190722.R2; Lawrence Township, Clearfield County, PA; Consumptive Use of Up to 1.0000 mgd; Approval Date: July 23, 2019.

24. Seneca Resources Company, LLC; Pad ID: PHC 8H, ABR-20190723.R2; Lawrence Township, Clearfield County, PA; Consumptive Use of Up to 1.0000 mgd; Approval Date: July 23, 2019.

25. Chesapeake Appalachia, LLC; Pad ID: Kent, ABR-20090726.R2; Towanda Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 23, 2019.

26. Chesapeake Appalachia, LLC; Pad ID: Hershberger, ABR-20090739.R2; Terry Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 29, 2019.

27. Chief Oil & Gas, LLC; Pad ID: Dacheux B Drilling Pad, ABR-201407013.R1; Cherry Township, Sullivan County, PA; Consumptive Use of Up to 2.5000 mgd; Approval Date: July 29, 2019.

Authority: Pub.L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808

Dated: August 20, 2019

ANDREW D. DEHOFF,
Executive Director

[Pa.B. Doc. No. 19-1465. Filed for public inspection September 27, 2019, 9:00 a.m.]

SUSQUEHANNA RIVER BASIN COMMISSION

Projects Approved for Consumptive Uses of Water

The Susquehanna River Basin Commission (Commission) approved by rule the following list of projects from August 1, 2019, through August 31, 2019.

For further information contact Jason E. Oyler, General Counsel and Secretary, (717) 238-0423, Ext. 1312, fax (717) 238-2436, joyler@srbc.net. Regular mail inquiries may be sent to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

Supplementary Information

This notice lists the projects, described as follows, receiving approval for the consumptive use of water under the Commission's approval by rule process in 18 CFR 806.22(e) and (f) (relating to standards for consumptive uses of water) for the time period previously specified:

Approvals By Rule Issued Under 18 CFR 806.22(e):

1. Sunoco Pipeline, LP, Mariner East 2 Pipeline Project (Middlesex Township Municipal Authority); ABR-201908015; various municipalities located in Berks, Cumberland, Dauphin, Lebanon and York Counties, PA; Consumptive Use of Up to 0.288 mgd; Approval Date: August 16, 2019.

2. Sunoco Pipeline, LP, Mariner East 2 Pipeline Project (Altoona Water Authority); ABR-201908016; various municipalities located in Blair and Huntingdon Counties, PA; Consumptive Use of Up to 0.200 mgd; Approval Date: August 27, 2019.

3. Sunoco Pipeline, LP, Mariner East 2 Pipeline Project (Mount Union Municipal Authority); ABR-201908017; various municipalities located in Blair, Huntingdon, Juniata and Perry Counties, PA; Consumptive Use of Up to 0.200 mgd; Approval Date: August 27, 2019.

4. Sunoco Pipeline, LP, Mariner East 2 Pipeline Project (PA American Water Company—Hershey District); ABR-201908018; various municipalities located in Dauphin, Lebanon and Berks Counties, PA; Consumptive Use of Up to 0.288 mgd; Approval Date: August 27, 2019.

5. Sunoco Pipeline, LP, Mariner East 2 Pipeline Project (PA American Water Company—Mechanicsburg District); ABR-201908019; various municipalities located in Cumberland, York and Dauphin Counties, PA; Consumptive Use of Up to 0.266 mgd; Approval Date: August 27, 2019.

6. Sunoco Pipeline, LP, Mariner East 2 Pipeline Project (Elverson Water Company, Inc.); ABR-201908020; various municipalities located in Dauphin, Lebanon, Berks and Chester Counties, PA; Consumptive Use of Up to 0.070 mgd; Approval Date: August 29, 2019.

Water Source Approvals Issued Under 18 CFR 806.22(f):

1. ARD Operating, LLC; Pad ID: COP Tract 289 Pad A, ABR-20090409.R2; McHenry Township, Lycoming County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: August 2, 2019.

2. Chief Oil & Gas, LLC; Pad ID: Reibson Drilling Pad, ABR-201407014.R1; Elkland Township, Sullivan County, PA; Consumptive Use of Up to 2.5000 mgd; Approval Date: August 2, 2019.

3. Inflection Energy (PA), LLC; Pad ID: Reynolds Well Site, ABR-201908002; Gamble Township, Lycoming County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: August 2, 2019.

4. Chesapeake Appalachia, LLC; Pad ID: Hunter, ABR-201408001.R1; Windham Township, Wyoming County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: August 8, 2019.

5. Seneca Resources Company, LLC; Pad ID: CRV Pad C09-G, ABR-201408002.R1; Shippen Township, Cameron County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: August 12, 2019.

6. Pennsylvania General Energy Company, LLC; Pad ID: COP Tract 729 Pad-A, ABR-200908003; Cummings Township, Lycoming County, PA; Consumptive Use of Up to 2.0000 mgd; Approval Date: August 12, 2019.

7. Pennsylvania General Energy Company, LLC; Pad ID: COP Tract 293 Pad-A, ABR-201908004; Cummings Township, Lycoming County, PA; Consumptive Use of Up to 2.0000 mgd; Approval Date: August 12, 2019.

8. Chesapeake Appalachia, LLC; Pad ID: Eileen, ABR-20090806.R2; Terry Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: August 13, 2019.

9. Chesapeake Appalachia, LLC; Pad ID: Claudia, ABR-20090807.R2; Smithfield Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: August 13, 2019.

10. Chesapeake Appalachia, LLC; Pad ID: Fitzsimmons, ABR-20090809.R2; Albany Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: August 13, 2019.

11. Chesapeake Appalachia, LLC; Pad ID: Bacorn, ABR-201408003.R1; Overton Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: August 15, 2019.

12. EXCO Resources (PA), LLC; Pad ID: Litke 1H, 2H, ABR-20090425.R2; Burnside Township, Centre County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: August 19, 2019.

13. EXCO Resources (PA), LLC; Pad ID: Litke (7H and 8H), ABR-20090426.R2; Burnside Township, Centre County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: August 19, 2019.

14. EXCO Resources (PA), LLC; Pad ID: Litke (14H, 15H, 16H), ABR-20090431.R2; Burnside Township, Centre County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: August 19, 2019.

15. EXCO Resources (PA), LLC; Pad ID: Barto Unit # 1H, # 2H, ABR-20090514.R2; Penn Township, Lycoming County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: August 19, 2019.

16. Chief Oil & Gas, LLC; Pad ID: Phelps Unit # 1H, ABR-20090813.R2; Lathrop Township, Susquehanna County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: August 19, 2019.

17. Seneca Resources Company, LLC; Pad ID: T. Wivell Horizontal Pad, ABR-20090814.R2; Covington Township, Tioga County, PA; Consumptive Use of Up to 2.0000 mgd; Approval Date: August 19, 2019.

18. Chief Oil & Gas, LLC; Pad ID: PA Woodlands Drilling Pad, ABR-201408006.R1; Fox Township, Sullivan County, PA; Consumptive Use of Up to 2.5000 mgd; Approval Date: August 19, 2019.

19. Cabot Oil & Gas Corporation; Pad ID: DiazM P2, ABR-201908001; Harford Township, Susquehanna County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: August 19, 2019.

20. EXCO Resources (PA), LLC; Pad ID: Zinck Unit # 1 Pad, ABR-201908014; Watson Township, Lycoming County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: August 19, 2019.

21. Cabot Oil & Gas Corporation; Pad ID: BrooksW P2, ABR-201908009; Springville Township, Susquehanna County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: August 22, 2019.

22. Cabot Oil & Gas Corporation; Pad ID: ChudleighW P1, ABR-201908005; Springville Township, Susquehanna County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: August 26, 2019.

23. Cabot Oil & Gas Corporation; Pad ID: Elk Lake School District P1, ABR-201908006; Dimock Township, Susquehanna County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: August 26, 2019.

24. Cabot Oil & Gas Corporation; Pad ID: BrooksJ P1, ABR-201908007; Springville Township, Susquehanna County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: August 26, 2019.

25. Cabot Oil & Gas Corporation; Pad ID: PowersN P2, ABR-201908008; Middletown Township, Susquehanna County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: August 26, 2019.

26. Cabot Oil & Gas Corporation; Pad ID: HunsingerA P1, ABR-201908010; Dimock Township, Susquehanna County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: August 26, 2019.

27. SWN Production Company, LLC; Pad ID: RU-72-FOLKVAR-D-PAD, ABR-201908011; Jackson Township, Susquehanna County, PA; Consumptive Use of Up to 4.9990 mgd; Approval Date: August 26, 2019.

28. SWN Production Company, LLC; Pad ID: PU-BB-Price-Pad, ABR-201908012; Lenox Township, Susquehanna County, PA; Consumptive Use of Up to 4.9990 mgd; Approval Date: August 26, 2019.

29. SWN Production Company, LLC; Pad ID: WR-22-Five E's-Pad, ABR-201908013; Middletown Township, Susquehanna County, PA; Consumptive Use of Up to 3.0000 mgd; Approval Date: August 26, 2019.

30. EQT Production Company; Pad ID: Hurd, ABR-20090802.R2; Ferguson Township, Clearfield County, PA; Consumptive Use of Up to 3.0000 mgd; Approval Date: August 26, 2019.

Authority: Pub.L. No. 91-575, 84 Stat. 1509 et seq., 18
CFR Parts 806—808

Dated: September 12, 2019

ANDREW D. DEHOFF,
Executive Director

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