

# PENNSYLVANIA BULLETIN

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**Agencies in this issue**

Department of Agriculture  
Department of Banking and Securities  
Department of Conservation and Natural Resources  
Department of Environmental Protection  
Department of Health  
Department of Human Services  
Department of Revenue  
Health Care Cost Containment Council  
Insurance Department  
Pennsylvania Public Utility Commission  
Philadelphia Parking Authority  
Public School Employees' Retirement Board  
State Employees' Retirement Board  
Susquehanna River Basin Commission

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

**No. 539, October 2019**

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

## *Pennsylvania Bulletin*

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

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

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

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

### **Adoption, Amendment or Repeal of Regulations**

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

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

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

## *Citation to the Pennsylvania Bulletin*

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

## *Pennsylvania Code*

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

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

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

### **How to Find Rules and Regulations**

Search for your area of interest in the *Pennsylvania Code*. The *Pennsylvania Code* is available at [www.pacode.com](http://www.pacode.com).

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

A chronological table of the history of *Pennsylvania Code* sections may be found at [www.legis.state.pa.us/cfdocs/legis/CH/Public/pcde\\_index.cfm](http://www.legis.state.pa.us/cfdocs/legis/CH/Public/pcde_index.cfm).

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

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*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**.

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### 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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# RULES AND REGULATIONS

## Title 55—HUMAN SERVICES

### DEPARTMENT OF HUMAN SERVICES

[ 55 PA. CODE CHS. 1153 AND 5200 ]

#### Outpatient Psychiatric Services and Psychiatric Outpatient Clinics

The Department of Human Services (Department) adopts this final-form rulemaking under the authority of sections 201(2) and 1021 of the Human Services Code (62 P.S. §§ 201(2) and 1021), sections 105 and 112 of the Mental Health Procedures Act (50 P.S. §§ 7105 and 7112), section 201(2) of the Mental Health and Intellectual Disability (MH/ID) Act of 1966 (50 P.S. § 4201(2)), and section 4 of the Outpatient Psychiatric Oversight Act (Act of May 31, 2018) (P.L. 123, No. 25) (OPOA). Notice of the proposed rulemaking was published at 47 Pa.B. 4689 (August 12, 2017).

#### *Purpose of this Final-Form Rulemaking*

The purpose of this final-form rulemaking is to amend Chapters 1153 and 5200 (relating to outpatient behavioral health services; and psychiatric outpatient clinics) to reflect changes in the benefit packages resulting from the implementation of Medicaid expansion under the Patient Protection and Affordable Care Act (Pub.L. No. 111-148) and the consolidation of adult benefit packages, to be consistent with the Paul Wellstone and Peter Domenici Mental Health Parity and Addiction Equity Act of 2008 (Pub.L. No. 110-343), to codify the requirements for the delivery of Mobile Mental Health Treatment (MMHT) services outlined in Medical Assistance Bulletin 08-06-18, Mobile Mental Health Treatment, issued November 30, 2006, and to comply with the OPOA requirement to promulgate regulations regarding supervision.

This final-form rulemaking is needed to amend the requirements for psychiatric time, staffing patterns and the time frames for the development, review and sign-off of initial treatment plans and updates at a psychiatric outpatient clinic. Previously, a psychiatric outpatient clinic was required to have a psychiatrist at the clinic for at least 16 hours each week and employ four full-time equivalent (FTE) mental health professionals regardless of the number of individuals being served. This final-form rulemaking amends the requirements for staffing patterns and psychiatric time by allowing 50% of the treatment staff who provide psychotherapy to be mental health professionals and requiring 2 hours of psychiatric time for each FTE mental health professional and mental health worker per week. Additionally, although 50% of the psychiatric time must be provided by the psychiatrist at the psychiatric outpatient clinic, this final-form rulemaking allows the other 50% to be provided by an advanced practice professional or by a psychiatrist off-site through the use of tele-behavioral health, or by a combination of advanced practice professionals and tele-behavioral health, consistent with the OPOA.

This final-form rulemaking allows 30 days for the development, review and sign-off of the initial treatment plan and extends the time frame for treatment plan updates to 180 days. In addition to the changes to the time frame for the treatment planning process, this final-form rulemaking allows a psychiatrist or an advanced practice professional to review and sign the initial treatment plan. Previously, only a psychiatrist could review and sign an initial treatment plan or update. This

final-form rulemaking also allows the treatment plan updates to be reviewed and signed by the primary professional providing services to the individual at the psychiatric outpatient clinic. The primary professional may be the mental health worker under the supervision of a mental health professional or a mental health professional. For individuals receiving medication management services, the primary professional may be a physician, an advanced practice professional, a certified registered nurse practitioner (CRNP) or a physician assistant (PA) prescribing medication within the practitioner's scope of practice. This final-form rulemaking will improve access to medically necessary behavioral health services including medication management services and allow licensed professionals such as advanced practice professionals, CRNPs, PAs or mental health professionals to provide services within their scope of practice when employed by a psychiatric outpatient clinic.

This final-form rulemaking eliminates the requirement that for-profit psychiatric outpatient clinics receive accreditation from the Joint Commission on Accreditation of Hospitals in addition to meeting licensure requirements. This will maintain consistent licensure requirements for both nonprofit and for-profit psychiatric outpatient clinics.

#### *Background*

Community-based psychiatric outpatient clinics are a key component of the public behavioral health system and provide an array of cost-effective clinical services and supports. Psychiatric outpatient clinics provide services in the community utilizing a recovery-based approach that support individuals with mental illness and emotional disturbance by engaging the individual in the treatment process as an equal partner, offering a variety of treatment modalities based upon clinical need and individual choice, and supporting the individual's recovery process.

In 2013, the Department convened a workgroup representing the regulated community, behavioral health managed care organizations and advocacy organizations to review and update the regulations governing psychiatric outpatient clinic services. The existing regulations limited the use of advanced practice professionals, resulting in requirements for psychiatrists that impacted their availability to provide clinical services.

The Department has utilized the input of the workgroup throughout this process to amend the regulations and appreciates the dedication and support of the workgroup members in developing this final-form rulemaking, which will improve access to services provided by psychiatric outpatient clinics.

#### *Affected Individuals and Organizations*

This final-form rulemaking affects individuals receiving psychiatric outpatient clinic services and the psychiatric outpatient clinics providing services.

#### *Accomplishments and Benefits*

This final-form rulemaking will benefit individuals seeking psychiatric outpatient clinic services by increasing the role of advanced practice professionals, expanding MMHT services to include individuals under 21 years of age, engaging individuals in the treatment planning process and supporting recovery.

This final-form rulemaking will benefit psychiatric outpatient clinics by decreasing paperwork requirements related to the development of initial treatment plans and updates, which will increase psychiatric and clinical time available to provide direct services to individuals. It will also expand the role of advanced practice professionals, clarify psychiatric supervision responsibilities and allow individuals under 21 years of age to receive MMHT services in the community. Initial treatment plans may be reviewed, approved and signed by a psychiatrist or an advanced practice professional to reduce the paperwork requirements for the psychiatrist and to maximize the psychiatrist's ability to provide the direction for the delivery of clinical services at the psychiatric outpatient clinic.

#### *Fiscal Impact*

Implementation of this final-form rulemaking will be cost neutral to the Commonwealth, local governments and the regulated community.

#### *Paperwork Requirements*

There are minor changes to paperwork requirements in this final-form rulemaking, which include changes to the following: admission policy and procedures, statement of rights policy, complaint policy and procedures, discharge summary, and a requirement to submit updated service descriptions when the required information changes. This final-form rulemaking also includes a reduction in paperwork requirements by changing the time frame to update treatment plans from every 120 days to every 180 days. Additionally, an advanced practice professional may review and sign the initial treatment plan alleviating some paperwork requirements for the psychiatrist.

#### *Public Comment*

Written comments, suggestions and objections regarding the proposed rulemaking were requested within a 30-day period following publication in the *Pennsylvania Bulletin*. The Department received 37 written responses containing 173 comments. These comments represented feedback from a broad spectrum of advocates, providers, professionals, attorneys, counties, behavioral health-managed care organizations and other organizations, including the Pennsylvania State Nurses Association, Rehabilitation and Community Providers Association, Pennsylvania Association of County Administrators of Mental Health and Developmental Services, Disability Rights Pennsylvania, Barber Behavioral Health Institute, Geisinger Health System, PA Council for Children, Youth and Families, Community Care Behavioral Health, Pennsylvania Psychological Association and the Hospital and Health Association of Pennsylvania. Additionally, the Department received comments from the Independent Regulatory Review Commission (IRRC).

#### *Discussion of Major Comments and Changes*

The following is a summary of the major comments received within the public comment period following publication of the proposed rulemaking, the Department's responses to these comments and a summary of additional changes to this final-form rulemaking.

#### *General—convening a workgroup*

Two commentators recommended that the Department convene a workgroup to review psychiatric outpatient services in the Commonwealth and continue to address issues impacting the regulated community. IRRC recommended that the Department continue to work with the regulated community during the development of this final-form rulemaking.

#### *Response*

The Department reconvened the original workgroup on October 26, 2017, to review public comments, solicit input for recommended revisions to the rulemaking and request any additional feedback on the proposed rulemaking prior to developing final-form rulemaking. Additionally, the Department held a telephone call with representatives of the Pennsylvania Psychiatric Society on October 31, 2017, to gather input into the rulemaking. The Department incorporated revisions based upon public comment and workgroup feedback into a draft rulemaking and sent it to the workgroup for final review and comment. The Department made additional edits to the rulemaking based upon the workgroup's comments to the draft document. The Department appreciates the support and dedication of the workgroup in developing this rulemaking and looks forward to ongoing collaboration as needed, including participation at regularly scheduled meetings with stakeholder organizations.

#### *General—integrated care*

IRRC and two commentators asked the Department to consider the concept of integrated care to address behavioral and physical health service. Additionally, one commentator suggested that the Centers for Medicare & Medicaid Services promotes integrated treatment through demonstration grants.

#### *Response*

The Department is currently testing the integration of physical and behavioral health services through the Certified Community Behavioral Health Clinic (CCBHC) Demonstration grant. Pennsylvania began implementation of the CCBHC Program in July 2017, as one of eight states selected to participate in the 2 year Medicaid Demonstration grant. The CCBHCs allow individuals access to a wide array of behavioral and physical health services at one location as a means to remove potential access barriers and increase coordination of care to improve health outcomes and quality of care. The Department plans to use the information gained from this demonstration project to advance broader improvements across the behavioral health system.

#### *General—age of consent*

IRRC and one commentator requested clarification on provisions relating to children receiving behavioral health services and age of consent to be consistent with other regulations and statutes. Additionally, the Department was asked to ensure that eligible individuals are not excluded from services, with one commentator stating that partial hospitalization services for persons 14 years of age or older, but under age 19 appear to have been omitted from the proposed regulations.

#### *Response*

The Mental Health Procedures Act (50 P.S. § 7201) states that any person 14 years of age or older who believes that he is in need of treatment and substantially understands the nature of voluntary inpatient treatment may submit to examination and treatment. The Minor's Consent to Medical, Dental, and Health Services Act (35 P.S. § 10101.1) specifies that a minor 14 years of age or older can consent to voluntary mental health treatment in both inpatient or outpatient settings, but does not amend the Mental Health Procedures Act or alter the minor's rights under the Act. At 14 years of age, an individual can provide voluntary consent to both inpatient and outpatient mental health treatment services.

The Department did not change the age range for adult or children's partial hospitalization services in § 1153.2

(relating to definitions). The rulemaking updates the reference to the Office of Mental Health and Substance Abuse Services (OMHSAS) to reflect the current name of the Office for consistency throughout the chapter. Adult partial hospitalization services can be provided to individuals 15 years of age or older, while children's partial hospitalization services may be provided to individuals 14 years of age or younger, which allows this service to be provided to individuals between the ages of 14 and 18. Additionally, § 5210.7(b)(2) (relating to program standards) states that adult partial hospitalization programs may treat adolescents under the age of 14 when clinically appropriate and that children and youth partial hospitalization programs may treat adolescents 14 years of age or older when clinically appropriate. 55 Pa. Code, Chapter 5210, relating to Partial Hospitalization, is not part of this rulemaking and has not been amended.

#### *General—records*

One commentator requested confirmation that all individual records including those not reimbursed by the Medical Assistance (MA) Program must comply with all recordkeeping requirements in Chapters 1153 and 5200.

#### *Response*

Chapter 1153 addresses the MA payment requirements for psychiatric outpatient clinic services provided by a licensed psychiatric outpatient clinic enrolled in the MA Program, while Chapter 5200 establishes the requirements for any psychiatric outpatient clinic to be licensed regardless of payment source. All licensed psychiatric outpatient clinics must comply with the requirements in Chapter 5200 for licensure. A psychiatric outpatient clinic enrolled in the MA Program and providing services to an MA beneficiary must also comply with Chapter 1153.

#### *General—access for individuals needing medications*

One commentator suggested that the Department add requirements for access to a psychiatrist for medication management in situations in which the individual has been discharged from inpatient care because individuals often must wait for a significant period of time to see a psychiatrist, which may impact the recovery process.

#### *Response*

The Department has included requirements for psychiatric outpatient clinics to develop admission policies that include time frames for admission for individuals referred from inpatient units, crisis intervention services or for medication management in § 5200.32(2) (relating to treatment policies and procedures). With the addition of CRNPs and PAs to provide medication management services at psychiatric outpatient clinics, the psychiatric outpatient clinics will have other qualified professionals to provide medication management services.

#### *§ 1153.2 Definitions—adult*

IRRC and one commentator requested the rationale for the definition of adult as an individual 21 years of age or older, stating that, by most standards, adults are considered to be 18 years of age or older. IRRC also asked if this is consistent with the law in the Commonwealth.

#### *Response*

The definition of adult has been removed from the rulemaking to eliminate any confusion. The definition was added because the proposed regulations identify the two Medicaid benefit packages. With Medicaid expansion, Pennsylvania provides an adult and children's benefit package. The adult benefit package is for individuals 21 years of age and older as identified in 55 Pa. Code Chapter 1101 (relating to the general provisions for

payment made by the Medicaid Program), which defines an adult as "a MA recipient 21 years of age or older." Additionally, an adult is defined in 1 Pa.C.S. § 1991 (relating to definitions) as an individual 21 years of age or over.

#### *§ 1153.2 Definitions—family, group and individual psychotherapy*

IRRC and one commentator requested clarification on the rationale for the removal of the minimum time requirements for the provision of psychotherapy services.

#### *Response*

The regulated community uses the current procedural terminology (CPT) national codes to bill for services rendered. There are different CPT codes based upon the time range of the service provided. With the elimination of the time frames in the rulemaking, any changes made to the CPT codes will not impact the billing process for the regulated community and still provide a time range for the provision of services.

#### *§ 1153.2 Definitions—LPHA—licensed practitioner of the healing arts*

One commentator suggested that licensed clinical social workers be included in the definition of LPHA.

#### *Response*

The Social Workers, Marriage and Family Therapists and Professional Counselors Act (63 P.S. §§ 1901—1922) was recently amended by the Act of June 29, 2018 (P.L. 505, No. 76) to include the ability to assess, diagnose and treat mental and emotional disorders in the practice of clinical social work, marriage and family therapy, and professional counseling. A licensed clinical social worker, a licensed marriage and family therapist, or a licensed professional counselor may now diagnose mental illness using currently accepted diagnostic classifications. The definition of LPHA is revised to include licensed clinical social workers, licensed marriage and family therapists and licensed professional counselors in recognition of the ability to diagnose mental illness as part of their scope of practice.

#### *§ 1153.2 Definitions—mental health professional*

Three commentators suggested that the requirement of mental health clinical experience be revised to clinical experience due to potential challenges in hiring qualified staff. Additionally, one commentator requested that a distinction be made between a licensed mental health professional and an unlicensed mental health professional.

#### *Response*

The Department revised the definition of "mental health professional" to require a graduate degree in a generally recognized clinical discipline in which the degree program includes a clinical practicum to ensure that individuals providing clinical services at the psychiatric outpatient clinic are qualified and to provide clarification to the regulated community.

The Department has not amended the final-form rulemaking to distinguish between a licensed and unlicensed mental health professional who may be employed by a psychiatric outpatient clinic. The rulemaking sets the minimum qualification standards for a mental health professional and does not preclude a psychiatric outpatient clinic from setting its own qualifications, such as licensure, for employment as a mental health professional.

§ 1153.2 *Definitions—mobile mental health therapy (MMHT)*

IRRC and four commentators requested that more details on the implementation of MMHT services be included in the Preamble, including the expectations for a medication visit, the criteria for MMHT services, how the service is used and any requirement for prior authorization of the service.

*Response*

MMHT services were added to the Medicaid State Plan and to the MA Program fee schedule in 2006 as a rehabilitation service for individuals 21 years of age or older who are unable to receive outpatient services at the clinic site. The rehabilitation option allows the psychiatric outpatient clinic to receive payment from the MA Program for medically necessary services provided in the home or community when recommended by a LPHA. The need for this service was identified by the members of the OMHSAS Advisory Committee for individuals 21 years of age or older. The service guidelines for the delivery of MMHT were issued in the Department's Medical Assistance Bulletin 08-06-18, "Mobile Mental Health Treatment" (November 30, 2006) (MA Bulletin 08-06-18). With the changes to benefit packages resulting from the implementation of Medicaid expansion, the age limits for this service were removed from the State Plan allowing MMHT to be provided to individuals under 21 years of age.

MMHT services require a written recommendation by a LPHA that identifies an emotional disturbance or physical illness that impedes or precludes the individual's ability to participate in services at the psychiatric outpatient clinic. The assessment must provide documentation of the inability to participate in services at the psychiatric outpatient clinic and may be completed in the individual's home or other approved community setting. MMHT services may be provided to individuals who would benefit from psychiatric outpatient services and do not require more intense services such as partial hospitalization or inpatient treatment.

The purpose of MMHT services is to provide therapeutic treatment to individuals who have encountered barriers to receiving or participating in services at the psychiatric outpatient clinic. MMHT services include assessment and treatment such as individual, family or group psychotherapy and medication management visits in an individual's residence or other community site.

A psychiatric outpatient clinic may provide MMHT services with an approved service description that includes all of the elements required in § 5200.51(b) (relating to provider service description), but is not required to provide MMHT. Any psychiatric outpatient clinic that has an approved service description may continue to provide MMHT services. If the psychiatric outpatient clinic will be providing additional MMHT services or serving individuals under 21 years of age, an updated service description shall be submitted to the Department for approval.

The criteria for MMHT services are identified in § 1153.52(d) (relating to payment conditions for various services) of the rulemaking and are similar to the criteria that were listed in the Medical Assistance Provider Handbook for Psychiatric and Partial Hospitalization Services, Section VII, Other Services, under Subsection C, Service Initiation. The requirements for MMHT services are replacing the conditions for providing psychiatric clinic services in the home and allow for MMHT services to be provided to individuals diagnosed with a mental illness or emotional disturbance who would benefit from

services provided by a psychiatric outpatient clinic but, due to a mental or physical illness that impedes or precludes their ability to participate in the services at the clinic, as identified in § 1153.52(d), would be unable to access treatment at the clinic site.

MMHT services are provided at the individual's home or other community site by psychiatric outpatient clinic staff as identified in the approved service description. A medication visit provided by a psychiatrist, physician, advanced practice professional or CRNP may include the administration of medication and the evaluation and monitoring of the use of medication. Individual or family psychotherapy may be provided by a mental health professional or a psychologist. Group therapy services may be provided in approved community sites but cannot be provided in an individual's home.

MMHT services are available in both the fee-for-service delivery system and the HealthChoices Behavioral Health Program. In the HealthChoices Behavioral Health Program, MMHT services may require prior authorization by the Behavioral Health Managed Care Organization.

The Department will provide technical assistance to any psychiatric outpatient clinic interested in expanding or providing MMHT services.

§ 1153.2 *Definitions—psychiatric evaluation*

IRRC and two commentators recommended that the final-form rulemaking specify the process for obtaining "prior written approval" for a psychiatric evaluation completed by the use of audio-video transmission that would not result in creating a barrier to accessing services. Another commentator asked if any privacy or security standards would apply to evaluations done through audio-video transmission. Additionally, two commentators recommended that advanced practice professionals be allowed to complete a psychiatric evaluation.

*Response*

The Department has revised the definition of "psychiatric evaluation" in the final-form rulemaking to remove the language related to "prior written approval" to clarify that prior authorization is not required for a psychiatric evaluation. A psychiatric evaluation can be provided using interactive audio and video communication technology that conforms to industry-wide compressed audio-video communication standards for real-time, two-way interactive audio-video transmission. The technology must comply with State and Federal law for privacy and security.

By definition, a psychiatric evaluation is performed by a psychiatrist. To practice psychiatry, the psychiatrist has completed all the requirements to become a medical doctor, including 4 years of medical school and an additional 3 to 4 years of residency training specifically in psychiatry. Many psychiatrists are also Board Certified by national certification entities. The Department will continue to require that a psychiatric evaluation be performed only by a psychiatrist, recognizing the years of training and experience specific to this medical specialty. This does not preclude advanced practice professionals from completing an assessment, developing a treatment plan or performing a medication evaluation as part of their scope of practice in a psychiatric outpatient clinic.

§ 1153.2 *Definitions—supervision by a psychiatrist*

One commentator objected to this definition, stating that a psychiatrist will not be able to physically see, supervise and prescribe care for every individual that is receiving services at the outpatient psychiatric clinic, and that the supervision requirement implies that a psychiatrist supervises and directs every clinical decision made

by other professionals who have a therapeutic relationship with the individual receiving services. Additionally, the commentator states that it is unsafe to delay decisions until a psychiatrist directs care through supervision. The commentator stated that a nurse practitioner who collaborates with a psychiatrist can make decisions for care independently under the nurse practitioner's scope of practice. Nurse practitioners do not require supervision but work under a collaborative agreement with a physician.

*Response*

The Department removed the definition of "supervision by a psychiatrist" and replaced it with a definition for "under the direction of a psychiatrist." 42 CFR 440.90 defines clinic services as "preventive, diagnostic, therapeutic, rehabilitative or palliative services. . .furnished. . .under the direction of a physician." Psychiatric outpatient clinic services must comply with the Federal requirements when receiving Medicaid payment for services. The psychiatrist must provide or oversee and direct compensable medical, psychiatric and psychological services provided to individuals by the psychiatric outpatient clinic personnel. The psychiatrist has the overall responsibility for the services that are provided by the clinic staff.

The psychiatrist does not need to make every clinical decision for care but is responsible to assure that services are medically appropriate and to provide direction for the psychiatric outpatient clinic services through supervision and consultation to the professional staff employed by the psychiatric outpatient clinic.

§ 1153.14(1) *Non-covered services—services conducted over the telephone*

One commentator requested clarification that tele-psychiatry cannot be provided over the telephone. Two commentators suggested that a covered service be allowed to be provided over the telephone to support individuals in crisis and reduce hospitalization.

*Response*

Tele-behavioral health services must be provided through the use of two-way real-time interactive audio and video transmission using technology that conforms to industry-wide compressed audio-video communication standards and complies with State and Federal law. This service cannot be provided over a telephone.

Further, the MH/ID Act of 1966 (50 P.S. § 4301(4)) requires each county to provide emergency services at all times. Counties provide an array of licensed crisis intervention services, including telephone crisis intervention services that are always available as a resource for individuals in crisis.

§ 1153.14(5) *Non-covered services—treatment institution*

One commentator requested clarification that a community residential rehabilitation service (CRRS) or nursing home would not be considered a "treatment institution" and that psychiatric outpatient clinic and MMHT services may be provided to individuals who reside in these facilities.

*Response*

Treatment institutions are defined in § 1153.2 as facilities licensed by the Department that provide full-time psychiatric treatment for resident individuals. By definition, individuals residing in a treatment institution would be receiving full-time psychiatric treatment at the facility and would not be eligible for or need outpatient treatment services. A CRRS and a nursing home would not be included in the definition of a treatment institution because these facilities do not provide full-time psychiat-

ric treatment to the individuals who are residents. Individuals that reside in either a CRRS or nursing home who would benefit from services provided by a psychiatric outpatient clinic would be eligible to receive these services.

§ 1153.14(9)(20) *Non-covered services—services on the same day*

Four commentators recommended the removal of the MA payment limitation to allow an individual to receive psychiatric outpatient clinic services, MMHT and psychiatric partial hospitalization services on the same day, stating that the ability to receive individual psychotherapy and medication management on the same day provides comprehensive care. Additionally, it was recommended that MMHT and other home and community-based services be provided on the same day. IRRRC requested the Department provide a rationale for these provisions.

*Response*

This limitation does not restrict the individual from receiving multiple services, such as psychotherapy or medication monitoring, on the same day from the psychiatric outpatient clinic, partial hospitalization program or MMHT. The limitation addresses having an individual receive services at a psychiatric outpatient clinic and a partial hospitalization program or through MMHT on the same day. An individual can receive psychotherapy, medication management or a psychiatric evaluation at a psychiatric outpatient clinic, partial hospitalization program or MMHT services on the same day if the services are medically necessary.

A psychiatric partial hospitalization program provides a minimum of 3 hours of treatment in a 24-hour period on 1 or more days each week. MMHT services are provided to individuals with a mental illness or emotional disturbance who have a physical or mental illness that precludes or impedes them from receiving services at the psychiatric outpatient clinic. An individual who is unable to receive services at the clinic would also not be able to attend treatment at a partial hospitalization program.

An individual has a primary clinician responsible for coordinating services, developing a treatment plan and monitoring access to needed treatment at the clinic, partial program or through MMHT services. If an individual is receiving services from multiple facilities, there is the potential for medication to be prescribed by more than one physician or advanced practice professional, which may result in a medication interaction, the implementation of different treatment plans and interventions, or conflicting treatment approaches that will not benefit the individual. The Department supports these limitations as protecting the health and safety of the individual while ensuring access to the appropriate level of care and services based upon medical necessity.

However, the Department recognizes that there may be some situations where a medically necessary specialized clinical service, such as trauma treatment or sex offender treatment, is not available at the facility providing primary treatment to the individual. To address a situation where the provision of a medically necessary specialized service by a different provider is clinically appropriate, the Department has amended the final-form rulemaking to provide for an exception to the noncoverage of these services.

§ 1153.4(18) *Non-covered services—MMHT provided in a nursing home*

One commentator identified the inability to provide MMHT services to individuals residing in a nursing home

as a potential barrier to service delivery with the implementation of the Community HealthChoices program.

*Response*

The Department amended the final-form rulemaking to allow the provision of MMHT services to individuals residing in nursing homes.

§ 1153.14(21) *Non-covered services—transportation*

Five commentators recommended amending this section to include the need for specialized transportation as a reason for receiving MMHT services. IRRC requested clarification on the intent of this limitation.

*Response*

The Department removed the provision that identified MMHT services as a substitute for transportation as a noncovered service. MMHT services are available based on the clinical need for the service. The availability of transportation is not a clinical factor.

§ 1153.52(a)(7)(ii) *Payment conditions for various services—treatment plans*

Three commentators recommended that treatment plans be eliminated or replaced with a rating scale. One commentator stated that other states do not require treatment planning and another stated there is no evidence to support that adherence to treatment plans improves outcomes.

*Response*

The Department reviewed regulations for psychiatric outpatient services in seven other states that all require treatment planning. Treatment planning is an ongoing process of assessing an individual's mental health status and treatment needs. The treatment planning process is completed with the individual receiving services by establishing treatment goals and determining what services may be provided by the psychiatric outpatient clinic to assist the individual in accomplishing these goals. Additionally, § 5200.31(c)(3) (relating to Treatment Standards) requires that the treatment plan be developed with the active involvement of the individual receiving services to incorporate individual preferences in treatment. Person-centered treatment planning is a collaborative process with the individual participating in the development of the treatment goals and objectives to address individual needs. This process engages the individual in treatment, furthers the therapeutic relationship and promotes shared decision making to improve treatment outcomes. The treatment plan is developed to guide the treatment process and ensure that appropriate clinical services are provided. The treatment planning process is also a means for determining when the individual's goals have been met to the extent possible in the context of the psychiatric outpatient clinic program and to ensure that appropriate discharge planning occurs.

§ 1153.52(b)(1)(iii) *Payment conditions for various services—psychiatric outpatient partial hospitalization*

One commentator stated that the removal of time frames in the definition of psychiatric partial hospitalization services may allow a physician to prescribe partial hospitalization services for only 2 hours daily. Another commentator stated that the terms "supervised, protected setting" may be misconstrued as meaning an inpatient treatment setting.

*Response*

The Department has included the time frame of 3 hours but less than 24 hours on any 1 day in the definition of psychiatric partial hospitalization in the final-form rule-

making. The terms "supervised, protected" were removed in the final-form rulemaking, and this subsection was revised for clarity.

§ 1153.52(b)(2)(v) *Payment conditions for various services—psychiatric outpatient partial hospitalization*

IRRC and one commentator recommended adding PAs and CRNPs to this subsection to be consistent with the amended definition of "psychiatric clinic medication visit."

*Response*

The Department has amended the final-form rulemaking to include CRNPs and PAs in § 1153.52(b)(2)(v).

§ 1153.52(c)(1)(4) *Payment conditions for various services—psychiatric outpatient clinic*

IRRC and one commentator requested clarification that advanced practice professionals can provide a psychiatric clinic medication visit and a psychiatric clinic clozapine monitoring and evaluation visit. Additionally, IRRC recommended that if the intent is to allow an advanced practice professional to provide these services, the term should be added to this subsection and defined in Chapter 1153.

*Response*

The Department has amended the final-form rulemaking to add the definition of advanced practice professionals to § 1153.2 (relating to definitions) for consistency. The definitions of a psychiatric clinic medication visit and a psychiatric clinic clozapine monitoring and evaluation visit include CRNPs and PAs, who are considered advanced practice professionals in the rulemaking, as professionals who may provide this service; therefore, no amendments were made to this section of the final-form rulemaking.

§ 1153.52(d) *Payment conditions for various services—MMHT*

One commentator stated that MMHT service criteria included in § 1153.52(d) are limiting and restrict the population to whom these services can be provided. The commentator recommends that this section be amended to include the criteria in the Medical Assistance Provider Handbook for Psychiatric and Partial Hospitalization Services, Section VII, Other Services, Subsection C, Service Initiation.

*Response*

The criteria for MMHT services in § 1153.52(d) of the final-form rulemaking are similar to subsection C in the Medical Assistance Provider Handbook addressing service initiation. MMHT services may be provided when recommended by a physician or other practitioner of the healing arts acting within the practitioner's scope of practice to an individual who meets the medical necessity for psychiatric outpatient clinic services and has a mental or physical illness that impedes or precludes the individual's ability to participate in psychiatric outpatient services at the clinic site. The one criteria in the Medical Assistance Provider Handbook related to one or more significant psychosocial stressors has been eliminated for consistency with the changes to the previous multiaxial diagnostic approach for the diagnosis of mental illness and assessment of level of functionality used in the *Diagnostic and Statistical Manual of Mental Disorders*, Fourth Edition-Revised (DSM-IV-TR) which preceded the current DSM-5. The DSM-5 eliminated this multiaxial format by combining the first three axes into one diagnostic list ordered by relevancy, to include all mental illness diagnoses, including personality disorders and intellectual disability, as well as medical diagnoses. The fourth axis,

which consisted of psychosocial and environmental factors, is now represented by an expanded set of V codes that are used to recognize conditions other than a disease or injury that may contribute to an individual needing treatment services. The written recommendation and the assessment will provide the necessary information that a mental or physical illness precludes or impedes the individual from receiving services at the clinic. The written recommendation or assessment may include the use of V codes that support the need for MMHT services. Therefore, the Department did not include psychosocial stressors as a separate and distinct criteria as it is incorporated into V codes that may be included as part of the written recommendation and assessment.

The Department also revised this section to remove the reference to “the disabling effects of” of mental or physical illness.

§ 5200.3 Definitions—advanced practice professional

Three commentators stated that a CRNP provides services in collaboration with a physician licensed to practice in the Commonwealth, in accordance with the Professional Nursing Law (63 P.S. §§ 211—225.5) and its regulations, not under the supervision of a physician, and requested revisions to the regulation for clarity. One commentator suggested that: “clinic services furnished by physicians, certified behavioral advanced practice registered nurses or PA, without regard to...” would be consistent with federal law.

Three commentators also suggested that the requirements for advanced practice professionals be added to both Chapters 1153 and 5200 (relating to Outpatient Psychiatric Services and Psychiatric Outpatient Clinics) for clarity and consistency.

Additionally, two commentators recommended that the definition allow CRNPs to have one year of experience working in a behavioral health field for consistency with the qualifications for a PA.

Response

The definition of “advanced practice professional” is consistent with the OPOA. It includes both CRNPs and PAs. A PA is required to have a written agreement with a supervising physician under section 422.13 of the Medical Practice Act of 1985 (63 P.S. § 422.13) and its regulations (49 Pa. Code § 18.142). A CRNP is required to have a collaborative agreement with a physician at the psychiatric outpatient clinic and provide services under the Professional Nursing Law (63 P.S. §§ 211—225.5) and its regulations (49 Pa. Code § 21.282a).

Professionals employed by the psychiatric outpatient clinic provide services within their scope of practice. The federal regulation at 42 CFR 440.90, specifies that clinic services are under the direction of physician or dentist. Psychiatric outpatient clinic services must be provided in a manner that complies with federal rules when the clinic is receiving Medicaid payment for services, including the requirement that all services provided at the psychiatric outpatient clinic are under the direction of a physician.

The Department has amended the rulemaking to include the definition of advanced practice professionals in both chapters for consistency and clarity. Additionally, the Department has amended the definition of advanced practice professionals by removing the reference to supervision by a psychiatrist to address any confusion that a CRNP must receive supervision. The final-form rulemaking requires PAs and CRNPs to have a mental health certification or obtain certification within 2 years of hire or within 2 years of July 30, 2020. This will allow PAs and CRNPs currently employed by a psychiatric outpa-

tient clinic to obtain the certification if they do not already have the certification.

§ 5200.3 Definitions—assessment

IRRC and one commentator recommended that the term “assessment” be included in Chapter 1153 definitions for clarity and for consistency with the definition included in Chapter 5200 (relating to Psychiatric Outpatient Clinics). Additionally, a commentator stated that the terms “assessment,” “evaluation” and “diagnostic evaluation” are used interchangeably throughout the chapter. IRRC requested either consistent use of the terminology or definitions for each term.

Response

The Department agrees and has amended the rulemaking to include the definition of “assessment” in Chapter 1153 and 5200. Additionally, the Department has eliminated the terms “evaluation” and “diagnostic evaluation” and used the term “assessment” consistently throughout the chapters.

§ 5200.3 Definitions—LPHA—licensed practitioner of the healing arts

IRRC and one commentator asked if the term LPHA should be used instead of “licensed practitioner” as LPHA is defined but not used in the text of the chapter while the term “licensed practitioner” is used in §§ 5200.42(a)(1) and (b)(1) (relating to medications) but is not defined.

Response

The Department has amended the rulemaking to remove the term “licensed practitioner” in § 5200.42(a)(1) and (b)(1) and added psychiatrists, physicians, CRNPs and PAs for consistency in the chapter. Additionally, § 5200.41(a)(12) (relating to records) has been amended to clarify that a written recommendation from a LPHA for MMHT services shall be kept in the individual record.

§ 5200.3 Definitions—telepsychiatry

Two commentators requested clarification on the requirements for the utilization of tele-psychiatry and the approval process for this service. One commentator asked about security standards for the service. Additionally, IRRC requested that the Department consider expanding the use of tele-psychiatry to provide greater access to services provided by psychiatric outpatient clinics in the final-form rulemaking.

Response

The Department has revised the definition of telepsychiatry in the final-form rulemaking, which is now called “tele-behavioral health.” “Tele-behavioral health” is defined as “the use of interactive audio and video communication to provide clinical services at a distance using technology that conforms to industry-wide standards and is in compliance with State and Federal privacy and security laws. Tele-behavioral health does not include telephone services, electronic mail messages or facsimile transmission between a psychiatrist or an advanced practice professional and the individual receiving services.” The Department has added a definition of interactive audio and visual to clarify that the service must be delivered by real-time two-way or multiple-way communication with the individual and the professional.

§ 5200.21(c)(1)—Qualifications and duties of the director/clinical supervisor—delegation of supervisory responsibilities

One commentator recommended that the clinical supervisor have the ability to delegate supervisory responsibilities when not available at the psychiatric outpatient clinic.

*Response*

The final-form rulemaking does not prohibit a clinical supervisor from delegating supervisory responsibility when not available. As part of the clinical supervisor's responsibility under § 5200.21(c)(2) (relating to qualifications and duties of the director/clinical supervisor), an operations policy and procedure should be developed to address supervisory responsibilities when the identified clinical supervisor is unavailable.

*§ 5200.22 Staffing pattern—clarification of terms*

IRRC and several commentators asked for clarification on what is meant by psychiatric time, whether CRNPs and PAs may provide psychiatric time, the qualifications for treatment staff and the standards for having a specialization in behavioral health. IRRC and one commentator also requested clarification on the qualifications for treatment staff that are included in determining the psychiatric time ratio.

Finally, IRRC also requested that the Department include details in the final-form regulation to address the requirement to obtain "prior written approval from the Department" for the use of tele-psychiatry and how this would be implemented by the Department.

*Response*

The Department has amended the rulemaking to clarify the three issues related to staffing patterns identified by IRRC and commentators. Fifty percent of the treatment staff providing psychotherapy services must be mental health professionals. The qualifications for a mental health professional are included in the definition in § 5200.2. The psychiatric time requirements have been amended to clarify that a psychiatric outpatient clinic is required to have 2 hours of psychiatric time per week for each FTE mental health professional and mental health worker providing clinical services. Additionally, this section states that graduate and undergraduate students in accredited training programs are not included in the staffing patterns. Psychiatric residents with unrestricted licenses to practice medicine are considered mental health professionals as part of the staffing pattern.

The psychiatric time is considered the actual time that the psychiatrist is on-site at the psychiatric clinic providing services. Fifty percent of the psychiatric time must be provided by the psychiatrist at the clinic while the rest may be provided by an advanced practice professional, a psychiatrist off-site through tele-behavioral health or a combination of the use of advanced practice professionals and tele-behavioral health.

Additionally, the Department has removed the term "specializing in behavioral health" from the final-form rulemaking. The definition of "advanced practice professionals" was revised to include the requirement for mental health certifications.

The Department has amended the final-form rulemaking to remove any reference to requiring "prior written approval" to alleviate any confusion that prior written approval was required for a psychiatric evaluation, rather than for the use of tele-behavioral health as a mode of service delivery.

*§ 5200.23 Psychiatric supervision*

IRRC and six commentators stated that under the Professional Nursing Law and its regulations, CRNPs work in collaboration with physicians and psychiatrists, not under their supervision. Additionally, one commentator stated that the requirement of psychiatric supervision was problematic in integrated care settings where psychiatrists do not typically manage treatment.

*Response*

The supervisory responsibilities of the psychiatrist listed in § 5200.23 (relating to psychiatric supervision) have been revised in the final-form rulemaking. Licensed professionals would provide services within their scope of practice as employees of the psychiatric outpatient clinic, consistent with the clinic policies and procedures, regulatory requirements and their job descriptions. A CRNP would have a collaborative agreement with the psychiatrist as required by the Professional Nursing Law (63 P.S. §§ 211—225.5) and its regulations relating to CRNP practice (49 Pa. Code § 21.282a).

Any professional employed by a psychiatric outpatient clinic provides services under the supervision and direction of a psychiatrist who has the overall responsibility for all clinical services provided by the psychiatric outpatient clinic staff within the staff members' scope of practice. CRNPs employed by the psychiatric outpatient clinic would have a collaborative agreement with the psychiatrist and provide services as allowed under their scope of practice. The Department has clarified the requirements for psychiatric supervision in the final-form rulemaking to include establishing appropriate standards for treatment and prescribing practices, participation in clinical staff meetings and consultation to staff.

This rulemaking applies only to licensed psychiatric outpatient clinics where clinical services are provided under the direction of a psychiatrist and not an integrated care model that may focus on physical health services rather than behavioral health services.

*§ 5200.31(a)(2) Treatment planning*

Seven commentators expressed concern about limited access to psychiatrists in the state and recommended that the Department allow additional licensed professionals under their scope of practice to sign treatment plans. Permitting other licensed professionals to review and sign treatment plans would allow psychiatric outpatient clinics to utilize psychiatric services to the fullest extent in the clinics. Additionally, IRRC requested that the Department ensure that the final-form regulation represents the best practices related to scope of practice for licensed practitioners.

Three commentators recommended that the Department require that the consenting family member for individuals under 14 years of age receiving services sign the treatment plans.

*Response*

The Department has reviewed the public comments, the scope of practice for licensed professionals and solicited input from the workgroup members as part of the process of drafting the final-form rulemaking to address this concern. The Department has amended § 5200.31 (relating to treatment planning) to address recommendations from the regulated community while ensuring that appropriate oversight of treatment services in psychiatric outpatient clinics occurs to protect the health and safety of individuals receiving these services.

The amendments to the final-form rulemaking will allow a psychiatrist or an advanced practice professional to review, sign and date the initial treatment plan. Treatment plans developed for individuals receiving services under an involuntary outpatient commitment will still require psychiatric review and signature. For individuals receiving medication management services only, the psychiatrist, physician, CRNP or PA responsible for prescribing and monitoring medication shall review, sign and date the initial treatment plan.



Treatment plans shall be reviewed and updated every 180 days or as otherwise required by law with the individual receiving services and the professional providing primary treatment services. This may be the mental health professional, mental health worker under the supervision of the mental health professional, CRNP or PA based upon the services being provided to the individual by the psychiatric outpatient clinic. The treatment plan shall be reviewed on an annual basis by a psychiatrist or an advanced practice professional throughout the course of treatment from the psychiatric outpatient clinic. The review shall be documented in the individual record.

Since the majority of public comments supported the time frame changes for the initial treatment plan to 30 days and the treatment plan update to 180 days or as otherwise required by law, no changes have been made in the final-form rulemaking. The initial treatment plan can now be reviewed and signed by the professionals who can provide the required psychiatric time at the psychiatric outpatient clinic. The updated treatment plan can be reviewed and signed by the primary professional within their scope of practice who is providing clinical services to the individual.

Both the proposed and final-form rulemaking include the requirement that the treatment plan for children and adolescents be developed and implemented with the consent of parents or guardians and include their participation in treatment. Children under 14 years of age require written consent from the parent to receive treatment from the psychiatric outpatient clinic, which would include signing the treatment plans.

#### § 5200.51 Provider service description

One commentator requested clarification that existing service descriptions for MMHT will remain valid under the final-form rulemaking and whether an updated service description must be submitted for approval. Additionally, the commentator expressed concern that requiring a written recommendation from a LPHA for MMHT services was a barrier to the service.

#### Response

The existing service description for MMHT services will remain valid if there are no changes to the service. Section 5200.51(a) requires a psychiatric outpatient clinic to submit an updated service description for approval by the Department when there are changes to MMHT services, such as providing services to individuals under 21 years of age.

MA Bulletin 08-06-18, Mobile Mental Health Treatment, states that MMHT services may be provided when prescribed by a physician or other practitioner of the healing arts. This requirement has not changed in the rulemaking. The individual may receive a written recommendation for MMHT services from a LPHA prior to the assessment. The assessment is a service that can be provided in the individual's home.

In addition to the changes discussed above, the Department made changes in the following sections of the final-form rulemaking, including correcting typographical errors, and revising language to improve clarity and for consistency with the changes previously discussed.

#### § 1153.2 Definitions—advanced practice professional

The definition of “advanced practice professional” is added to the final-form rulemaking to comply with the OPOA, which requires the Department to promulgate regulations as necessary to carry out the provisions of the act. Advanced practice professionals are defined as CRNPs who hold a Pennsylvania license and a mental

health certification or PAs who hold a Pennsylvania license and a mental health certification or obtain a mental health certification within two years of being hired by a psychiatric outpatient clinic or by July 30, 2020, whichever is later.

#### § 1153.2 Definitions—interactive audio and video

The term “interactive audio and video” is added to the final-form regulation for consistency with the OPOA.

#### § 1153.2 Definitions—LPHA—licensed practitioner of the healing arts

The definition of “Licensed Practitioner of the Healing Arts” is revised to include licensed clinical social workers, licensed professional counselors and licensed marriage and family therapists for consistency with recent amendments to the Social Workers, Marriage and Family Therapists and Professional Counselors Act (P.L. 220, No. 39). The amendment has expanded the scope of practice of clinical social work, marriage and family therapy and professional counseling to include the ability to diagnose mental and emotional disorders using currently accepted diagnostic classifications.

#### § 1153.2 Definitions—mental health professional

The definition of “mental health professional” is revised to clarify that a graduate degree program must include a clinical practicum and conform with the changes previously discussed.

#### § 1153.2. Definitions—mental illness or emotional disturbance

The last sentence in the definition of “mental illness or emotional disturbance” was removed as unnecessary given the reference to the diagnostic criteria in the *Diagnostic and Statistical Manual of Mental Disorders* or the *International Classification of Diseases*.

#### § 1153.2 Definitions—outpatient services

In response to the recommendation by workgroup members, the Department is revising the definition of “outpatient services” in the final-form rulemaking for consistency with other changes that delineate the difference between services and the individual who is receiving the psychiatric outpatient clinic service.

#### § 1153.2 Definitions—psychiatric evaluation

The definition of “psychiatric evaluation” is revised to clarify that the evaluation may be provided through the use of interactive audio and video communication that conforms with industry-wide technology standards. The definition also removes any reference to requiring prior written approval from the Department to clarify the regulation.

#### § 1153.2 Definitions—psychiatric partial hospitalization

The definition of “psychiatric partial hospitalization” is revised for consistency with the language used in Chapter 5210 (relating to partial hospitalization).

#### § 1153.2 Definitions—supervision by a psychiatrist

The definition of “supervision by a psychiatrist” is deleted and replaced with the term “under the direction of a psychiatrist” to clarify that a psychiatrist is responsible for the oversight of all services provided to individuals by psychiatric outpatient clinic personnel to align with the Federal requirements for a clinic in 42 CFR 440.90.

#### § 1153.11 Types of services covered

The Department revised this section to include that services must be provided by facilities that are enrolled MA providers. Additionally, the final-form rulemaking is revised to change “partial hospitalization facilities” to

“partial hospitalization outpatient facilities” for consistent use throughout the chapter. The Department also revised this regulation to clarify that the MA Program covers psychiatric outpatient clinic, partial hospitalization outpatient facility, and MMHT services provided to individuals with a mental illness or emotional disturbance and co-occurring diagnosis of an intellectual disability.

§ 1153.12 *Outpatient services*

This section is revised to delete the language “when ordered by a psychiatrist” and add “under the direction of a psychiatrist” for consistency with the changes in the definition section and to clarify that other professionals may order services within their scope of practice.

§ 1153.14(9)(20) *Noncovered services—services on the same day*

The final-form rulemaking is revised to allow for the payment of the provision of medically necessary clinical services that are not offered by the psychiatric outpatient clinic, psychiatric partial hospitalization outpatient service or MMHT service on the same day. This revision conforms with changes previously discussed in the comment section.

§ 1153.14(10) *Noncovered services—diagnosis by a psychiatrist*

The final-form rulemaking is revised to clarify that MA payment will not be made for psychiatric outpatient clinic, partial hospitalization outpatient facility, and MMHT services to individuals who do not have a mental illness or emotional disturbance.

§ 1153.14(15) *Noncovered services—review and approval of initial treatment plan*

The initial assessment and treatment plan may be reviewed and approved by a psychiatrist or an advanced practice professional.

§ 1153.41(1)(10) *Participation requirements—licensure and prescribing*

The Department deleted the references to “fully” licensed as a psychiatric outpatient clinic or partial hospitalization outpatient facility to clarify that a psychiatric outpatient clinic or partial hospitalization outpatient facility is eligible to participate in the MA Program if it holds a provisional license. Additionally, the final-form rulemaking clarifies the professionals that may prescribe medications within their scope of practice at the psychiatric outpatient clinic include a psychiatrist, physician, CRNP or PA and deletes the term “licensed practitioner.”

§ 1153.42(b) *Ongoing responsibilities of providers—recordkeeping requirements*

The final-form rulemaking clarifies what items must be part of the individual record and the recordkeeping responsibilities of providers serving MA beneficiaries.

§ 1153.51—*General payment policy*

The Department supports the use of tele-behavioral health and revised § 1153.51 to specify that it will publish procedures for the use of tele-behavioral health to provide compensable psychiatric outpatient clinic or psychiatric partial hospitalization services.

§ 1153.52(a)(2) *Payment conditions for various services—psychiatric evaluation*

The final-form rulemaking deletes all language referencing “prior written approval for a psychiatric evaluation” for clarity in the interpretation of the rulemaking. A psychiatric evaluation does not require prior written approval by the Department.

§ 1153.52(a)(7)(iv)(8)(i)(ii) *Payment conditions for various services—treatment plans*

The final-form rulemaking is revised to allow an initial treatment plan to be reviewed and approved by a psychiatrist or an advanced practice professional to allow the additional professionals who can now provide part of the psychiatric time to also sign the initial treatment plan. If the individual is receiving medication management services only at the psychiatric outpatient clinic, the professional responsible for the prescribing and monitoring of the use of the medications may review and sign the initial and updated treatment plans. Additionally, the individual receiving services is requested to sign the initial treatment plan and any updated plans. If the individual does not sign the plan, the request shall be documented in the record. This requirement ensures that treatment plans are developed in collaboration with the individual receiving services and are individualized to address the goals of each individual receiving services. Treatment plan updates are reviewed and updated every 180 days by the professional providing primary services to the individual.

§ 1153.52(b)(iii) *Payment conditions for various services—psychiatric outpatient partial hospitalization*

The final-form rulemaking revises the terminology related to psychiatric partial hospitalization outpatient services criteria to include time frames for the service consistent with the definition of partial hospitalization.

§ 1153.52(d)(2) *Payment conditions for various services—MMHT*

Finally, the final-form rulemaking is revised to clarify that there must be documentation of a written recommendation from a LPHA for MMHT services in the individual record for the service to be MA compensable.

§ 5200.3 *Definitions—advanced practice professional*

The definition of “advanced practice professional” is added to the final-form rulemaking to comply with the OPOA, which requires the Department to promulgate regulations as necessary. Advanced practice professionals are defined as CRNPs who hold a Pennsylvania license and a mental health certification or PAs who hold a Pennsylvania license and a mental health certification or obtain a mental health certification within two years of being hired by a psychiatric outpatient clinic or by July 30, 2020, whichever is later.

§ 5200.3 *Definitions—interactive audio and video*

Additionally, the term “interactive audio and video” is added to the final-form regulation for consistency with the OPOA.

§ 5200.3 *Definitions—LPHA—licensed practitioner of the healing arts*

The definition of “Licensed Practitioner of the Healing Arts” is revised to include licensed clinical social workers, licensed professional counselors and licensed marriage and family therapists for consistency with recent amendments to the Social Workers, Marriage and Family Therapists and Professional Counselors Act (63 P.S. §§ 1901—1922). The amendment has expanded the scope of practice of clinical social work, marriage and family therapy and professional counseling to include the ability to diagnose mental and emotional disorders using currently accepted diagnostic classifications.

§ 5200.3 *Definitions—mental health professional*

The definition of “mental health professional” is revised to clarify that a graduate degree program must include a clinical practicum and conform with the changes previously discussed.

§ 5200.3 Definitions—*mental illness or emotional disturbance*

The last sentence in the definition of “mental illness or emotional disturbance” was removed as unnecessary given the reference to the diagnostic criteria in the *Diagnostic and Statistical Manual of Mental Disorders* or the *International Classification of Diseases*.

§ 5200.3 Definitions—*tele-behavioral health*

The term “tele-behavioral health” replaces “tele-psychiatry” in the final-form rulemaking. Tele-behavioral health allows the use of interactive audio and video communication technology to provide clinical services at a distance, consistent with the OPOA. It does not include telephone conversations, electronic mail message or facsimile transmission.

§ 5200.11(d) Organization and structure—*organizational change*

The final-form rulemaking is revised to include a ten day time frame for the psychiatric outpatient clinic to notify the Department of a major change to the organizational structure or services. Previously, no time frame for notification was included in the rulemaking.

§ 5200.22(a) Staffing pattern—*psychiatric time*

The final-form rulemaking is revised for consistency with the OPOA, which requires 50% of the psychiatric time to be provided by the psychiatrist at the psychiatric outpatient clinic while the other 50% of the time may be provided by an advanced practice professional or by a psychiatrist off-site by the use of tele-behavioral health or a combination of tele-behavioral health and the use of advanced practice professionals. Additionally, this section is revised to clarify that the psychiatric time ratio applies to mental health professionals and mental health workers providing clinical services.

§ 5200.22(b) Staffing pattern—*supervision*

The rulemaking clarifies that all clinical staff employed by a psychiatric outpatient clinic are supervised by the psychiatrist that has the overall responsibility for services provided by the clinic.

§ 5200.23(a)(b)(c)(d) *Psychiatric supervision*

The final-form rulemaking is revised to clarify the psychiatrist’s supervisory responsibilities for services provided by the psychiatric outpatient clinic staff. The psychiatrist establishes treatment standards and prescribing practices, participates in clinical staff meetings, contributes to the quality management process and provides consultation to clinical staff. The psychiatrist is responsible for the overall direction of services provided by staff.

§ 5200.31(b)(2)(3)(d)(2)(3)(4) *Treatment planning—review and signature*

The final-form rulemaking is revised to allow either a psychiatrist or an advanced practice professional to review and sign an initial treatment plan. This revision recognizes the professionals that may provide psychiatric time at the psychiatric outpatient clinic under the OPOA can also review and sign an initial treatment plan. Previously, only a psychiatrist could review and sign the plan. For individuals that receive medication management services only, the professional responsible for prescribing and monitoring the use of medication may review and sign the initial treatment plan. Additionally, treatment plans are reviewed, updated and signed by the professional providing primary services at the psychiatric outpatient clinic. Finally, if the individual receiving services does not sign the treatment plan as requested, the

mental health professional or mental health worker shall document this request in the record. The final-form rulemaking also re-organizes this section for clarity and readability of the treatment planning requirements.

§ 5200.32(2)(4)(5)(6) *Treatment policies and procedures—admission, discharge, complaint and rights*

The final-form rulemaking is revised to ensure policies and procedures are in place that protect the health and safety of individuals receiving services from the psychiatric outpatient clinic. Psychiatric outpatient clinics must have policies and procedures for assessments, time frames for referrals from crisis services, inpatient units and medication management services to ensure that individuals in need of services are seen in a timely manner. Additionally, a discharge policy must be developed for individuals who have completed treatment with the psychiatric outpatient clinic. The psychiatric outpatient clinic shall develop complaint policies and procedures to ensure that an individual receiving services has the ability to file a complaint regarding services. Finally, the psychiatric outpatient clinic must develop and provide a statement of rights in accordance with §§ 5100.51—5100.56 relating to patient rights.

§ 5200.33(a)(b) *Discharge*

The final-form rulemaking adds requirements for the development of a discharge summary for each individual receiving services. This document includes a summary of the services provided and outcomes, reason for discharge, and referral information for other services if needed. The psychiatric outpatient clinic must provide contact information for the local crisis intervention service and any referral contact information to the individual to ensure continuity of care upon discharge.

§ 5200.41(a)(12)(b)(2) *Records—documentation and review*

With the inclusion of MMHT services in the final-form rulemaking, the individual record must now include a written recommendation from a LHPA for this service. Additionally, records must be reviewed twice a year for quality by the director, clinical supervisor or psychiatrist.

§ 5200.42(a)(1)(b)(1) *Medications—prescribing and dispensing*

The final-form rulemaking deletes the term “licensed practitioner” which was not defined. The revision clarifies that a psychiatrist, physician, CRNP or PA may prescribe medications within their scope of practice at psychiatric outpatient clinics. Additionally, the final-form rulemaking is revised to clarify that medications can only be dispensed on an order from a licensed psychiatrist, physician, CRNP or PA.

§ 5200.44(1)(2)(3)(4) *Quality assurance program—quality assurance plan*

The final-form rulemaking is revised to clarify that the quality assurance process includes the review of timeliness and appropriateness of the services, feedback from individuals receiving services, documentation of findings of the annual review and utilization of the findings to improve services. The quality improvement process is similar to other regulatory chapters for consistency to alleviate the need for psychiatric outpatient clinics that may have other licenses to develop other quality improvement plans.

§ 5200.53 *Discharge—MMHT*

The final-form rulemaking deletes this section because discharge planning has been added under § 5200.33 as a requirement for all psychiatric outpatient clinics. Since MMHT services can only be provided by a licensed

psychiatric outpatient clinic with an approved service description, there was no need for a discharge section specific to MMHT.

#### *Regulatory Review Act*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on July 28, 2017, the Department submitted a copy of the notice of proposed rulemaking, published at 47 Pa.B. 4689, to IRRC and the Chairpersons of the House and Senate Committees for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the House and Senate Committees were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing this final-form rulemaking, the Department has considered all comments from IRRC, the House and Senate Committees and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on July 17, 2019, this final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on July 18, 2019, and approved this final-form rulemaking.

#### *Findings*

The Department finds that:

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

(2) The adoption of this final-form rulemaking in the manner provided by this order is necessary and appropriate for the administration and enforcement of the Human Services Code.

#### *Order*

The Department, acting under Articles IX and X of the Human Services Code (62 P.S. §§ 901—922 and 1001—1059), orders that:

(a) The regulations of the Department, 55 Pa. Code Chapters 1153 and 5200, are amended by adding §§ 5200.24, 5200.33, 5200.51 and 5200.52 and deleting §§ 1153.23, 1153.24 and 1153.53a and amending §§ 1153.1, 1153.2, 1153.11, 1153.12, 1153.14, 1153.21, 1153.22, 1153.41, 1153.42, 1153.51—1153.53, 5200.1—5200.7, 5200.11, 5200.12, 5200.21—5200.23, 5200.31, 5200.32, 5200.41—5200.46 and 5200.48 to read as set forth in Annex A of this order.

(*Editor's Note:* Proposed § 5200.53 has been withdrawn and is not being adopted in this final-form rulemaking.)

(b) The Secretary of the Department shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for approval as to legality and form as required by law.

(c) The Secretary of the Department shall certify and deposit this order and Annex A with the Legislative Reference Bureau as required by law.

(d) This order shall take effect upon final-form publication in the *Pennsylvania Bulletin*.

TERESA D. MILLER,  
Secretary

(*Editor's Note:* See 49 Pa.B. 4087 (August 3, 2019) for IRRC's approval order.)

**Fiscal Note:** Fiscal Note ID # 14-538 remains valid for the final adoption of the subject regulations.

## Annex A

### TITLE 55. HUMAN SERVICES

#### PART III. MEDICAL ASSISTANCE MANUAL CHAPTER 1153. OUTPATIENT BEHAVIORAL HEALTH SERVICES GENERAL PROVISIONS

##### § 1153.1. Policy.

The MA Program provides payment for specific medically necessary psychiatric outpatient clinic services, MMHT services and psychiatric outpatient partial hospitalization services rendered to eligible MA beneficiaries by psychiatric outpatient clinics and psychiatric outpatient partial hospitalization facilities enrolled as providers under the program. Payment for behavioral health services is subject to the provisions of this chapter, Chapter 1101 (relating to general provisions) and the limitations established in Chapter 1150 (relating to MA Program payment policies) and the MA Program Fee Schedule.

##### § 1153.2. Definitions.

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

*Adult partial hospitalization program*—A program licensed by the Department, Office of Mental Health and Substance Abuse Services, to provide partial hospitalization services to individuals 15 years of age or older.

*Advanced practice professional*—A person who holds a current Pennsylvania license as a certified registered nurse practitioner or a physician assistant and:

(1) Holds a mental health certification, or

(2) Obtains a mental health certification within 2 years of being hired by the psychiatric outpatient clinic or by July 30, 2020, whichever is later.

*Children and youth partial hospitalization program*—A program licensed by the Department, Office of Mental Health and Substance Abuse Services, to provide partial hospitalization services to individuals under 15 years of age.

*Clinical staff*—A psychiatrist or a mental health professional or mental health worker under the direct supervision of a psychiatrist.

*Collateral family psychotherapy*—Psychotherapy provided to the family members of an individual receiving psychiatric outpatient clinic services in the absence of the individual.

*Department*—The Department of Human Services.

*Facility*—A mental health establishment, hospital, clinic, institution, center or other organizational unit or part thereof, the primary function of which is the diagnosis, treatment, care and rehabilitation of individuals with mental illness or emotional disturbance.

*Family*—A person living alone or the following persons: spouses; parents and their unemancipated minor children and other unemancipated minor children who are related by blood or marriage; or other adults or emancipated minor children living in the household who are dependent upon the head of the household.

*Family psychotherapy*—Psychotherapy provided to two or more members of a family. At least one family member shall have a diagnosed mental illness or emotional disturbance. Sessions shall be conducted by a clinical staff person.

*Group psychotherapy*—Psychotherapy provided to no less than 2 and no more than 12 persons with diagnosed

mental illness or emotional disturbance. These sessions shall be conducted by a clinical staff person.

*Individual psychotherapy*—Psychotherapy provided to one person with a diagnosed mental illness or emotional disturbance. These sessions shall be conducted by a clinical staff person.

*Inpatient services*—Treatment provided to an individual who has been admitted to a treatment institution or an acute care hospital or psychiatric hospital on the recommendation of a physician and is receiving room, board and professional services in the facility on a continuous 24-hour-a-day basis.

*Intake*—The first contact with an individual for the initiation of or re-admission to outpatient behavioral health services covered by this chapter.

*Interactive audio and video*—Real-time two-way or multiple-way communication.

*LPHA—Licensed Practitioner of the Healing Arts*—A person who is licensed by the Commonwealth to practice the healing arts. This term is limited to a physician, physician's assistant, certified registered nurse practitioner, licensed clinical social worker, licensed marriage and family therapist, licensed professional counselor or psychologist.

*MMHT—Mobile Mental Health Treatment*—One or more of the following services provided in an individual's residence or approved community site:

- (i) Assessment.
- (ii) Individual, group or family therapy.
- (iii) Medication visits.

*Mental health professional*—A person who meets one of the following:

(i) Has a graduate degree from a college or university that is accredited by an agency recognized by the United States Department of Education or the Council for Higher Education Accreditation (CHEA) in a generally recognized clinical discipline in which the degree program includes a clinical practicum.

(ii) Has an equivalent degree from a foreign college or university that has been evaluated by the Association of International Credential Evaluators, Inc. (AICE) or the National Association of Credential Evaluation Services (NACES). The Department will accept a general equivalency report from the listed evaluator agencies to verify a foreign degree or its equivalency.

(iii) Is licensed in a generally recognized clinical discipline that includes mental health clinical experience.

*Mental health worker*—A person acting under the supervision of a mental health professional to provide services who meets one of the following:

(i) Has a bachelor's degree from a college or university that is accredited by an agency recognized by the United States Department of Education or the CHEA in a recognized clinical discipline including social work, psychology, nursing, rehabilitation or activity therapies.

(ii) Has a graduate degree in a clinical discipline with 12 graduate-level credits in mental health or counseling from a program that is accredited by an agency recognized by the United States Department of Education or the CHEA.

(iii) Has an equivalent degree from a foreign college or university that has been evaluated by the AICE or the NACES. The Department will accept a general equivalency report from the listed evaluator agencies to verify a foreign degree or its equivalency.

*Mental illness or emotional disturbance*—A mental disorder that meets the diagnostic criteria within the current version of the *Diagnostic and Statistical Manual of Mental Disorders* or the *International Classification of Diseases (ICD)*.

*Outpatient services*—Medical or behavioral health services provided to an individual by a psychiatric outpatient clinic or partial hospitalization outpatient facility that does not provide room, board and professional services on a continuous 24-hour-a-day basis.

*Psychiatric clinic clozapine monitoring and evaluation visit*—A visit for the monitoring and evaluation of an individual's physical and mental condition during the course of treatment with clozapine. The term includes only a visit provided to an eligible individual receiving clozapine therapy, and only by a psychiatrist, physician, certified registered nurse practitioner, registered nurse or physician assistant.

*Psychiatric clinic medication visit*—A visit only for administration of a drug and evaluation of an individual's physical or mental condition during the course of prescribed medication. This visit is provided to an eligible individual only by a psychiatrist, physician, certified registered nurse practitioner, physician assistant, registered nurse or licensed practical nurse.

*Psychiatric evaluation*—An initial mental status examination and evaluation of an individual provided only by a psychiatrist in a face-to-face interview or through the use of interactive audio and video communication that conforms to industry-wide technology standards and is in compliance with State and Federal privacy and security laws. It must include a comprehensive history and evaluation of pertinent diagnostic information necessary to arrive at a diagnosis and recommendations for treatment or further diagnostic studies or consultation. The history must include individual, social, family, occupational, drug, medical and previous psychiatric diagnostic and treatment information.

*Psychiatric outpatient clinic provider*—A facility enrolled in the MA Program to provide psychiatric outpatient clinic services and licensed by the Department, Office of Mental Health and Substance Abuse Services, to provide specific medical, psychiatric and psychological services for the diagnosis and treatment of mental illness or emotional disturbance.

*Psychiatric outpatient clinic services*—Outpatient medical, psychiatric and psychological services listed in the MA Program Fee Schedule furnished to an individual with mental illness or emotional disturbance while the individual is not a resident of a treatment institution, provided by or under the direction of a psychiatrist.

*Psychiatric outpatient partial hospitalization provider*—A facility enrolled in the MA Program to provide partial hospitalization outpatient services and licensed by the Department, Office of Mental Health and Substance Abuse Services, to provide psychiatric, medical, psychological and psychosocial services as partial hospitalization for the diagnosis and treatment of mental illness or emotional disturbance.

*Psychiatric partial hospitalization*—An active outpatient psychiatric day or evening treatment session including medical, psychiatric, psychological and psychosocial treatment listed in the MA Program Fee Schedule. This service shall be provided to an individual with mental illness or emotional disturbance on a planned and regularly scheduled basis for a minimum of 3 hours but less than 24 hours in any 1 day. The session shall be provided by a psychiatrist or by psychiatric partial hospitalization personnel under the direction of a psychiatrist.

*Psychologist in preparation for licensure*—A person who has completed the educational requirements for licensure and is accruing the required postdegree experience for licensing.

*Psychotherapy*—The treatment, by psychological means, of the problems of an emotional nature in which a trained person deliberately establishes a professional relationship with an individual with the objective of removing, modifying or relieving existing symptoms of mediating disturbed patterns of behavior and of promoting positive personality growth and development.

*Tele-behavioral health*—

(i) The use of interactive audio and video communication to provide clinical services at a distance using technology that conforms to the industry-wide standards and is in compliance with State and Federal privacy and security laws.

(ii) Tele-behavioral health does not include telephone conversation, electronic mail message or facsimile transmission between a psychiatrist or an advanced practice professional and an individual receiving services or a consultation between two health care practitioners, although these activities may support the delivery of tele-behavioral health.

*Treatment institution*—A facility approved or licensed by the Department or its agents that provides full-time psychiatric treatment services for resident individuals with mental illness or emotional disturbance, residential facilities for individuals with intellectual disabilities or community residential rehabilitation services are not considered to be mental health treatment institutions.

*Under the direction of a psychiatrist*—Receiving oversight and consultation by a psychiatrist in the medical, psychiatric and psychological services provided to individuals by psychiatric outpatient clinic or partial hospitalization personnel.

### COVERED AND NONCOVERED SERVICES

#### § 1153.11. Types of services covered.

Medical Assistance Program coverage for psychiatric outpatient clinics, partial hospitalization outpatient facilities and MMHT services is limited to professional medical and psychiatric services for the diagnosis and treatment of mental illness or emotional disturbance, including a mental illness or emotional disturbance along with an intellectual disability, as specified in the MA Program Fee Schedule provided by psychiatric outpatient clinic providers and psychiatric outpatient partial hospitalization providers to MA beneficiaries.

#### § 1153.12. Outpatient services.

The psychiatric outpatient clinic services specified in the MA Program Fee Schedule and the psychiatric partial hospitalization outpatient services specified in the MA Program Fee Schedule are covered only when provided by licensed psychiatric outpatient clinics or psychiatric partial hospitalization outpatient facilities under the direction of a psychiatrist. MMHT services specified in the MA Program Fee Schedule are covered only when provided by a licensed psychiatric outpatient clinic that has an approved service description for MMHT. Payment is subject to the conditions and limitations established in this chapter and Chapter 1101 (relating to general provisions).

#### § 1153.14. Noncovered services.

Payment will not be made for the following types of services regardless of where or to whom they are provided:

(1) A covered psychiatric outpatient clinic, MMHT or partial hospitalization outpatient service conducted over the telephone.

\* \* \* \* \*

(4) An MA covered service, including psychiatric outpatient clinic, MMHT and partial hospitalization outpatient services, provided to inmates of State or county correctional institutions or committed residents of public institutions.

(5) Psychiatric outpatient clinic, MMHT or partial hospitalization outpatient services to residents of treatment institutions, such as individuals who are also being provided with room or board, or both, and services, on a 24-hour-a-day basis by the same facility or distinct part of a facility or program.

(6) Services delivered at locations other than licensed psychiatric outpatient clinics with the exception of MMHT under the conditions specified in § 1153.52(d) (relating to payment conditions for various services) or partial hospitalization outpatient facilities.

\* \* \* \* \*

(9) Psychiatric outpatient clinic services, MMHT services and psychiatric partial hospitalization outpatient services provided on the same day to the same individual, with the exception of clinical services not offered by the facility providing services to the individual.

(10) Covered psychiatric outpatient clinic services, MMHT services and psychiatric partial hospitalization outpatient services, with the exception of family psychotherapy, provided to persons without a mental diagnosis rendered by a psychiatrist in accordance with the current version of the *Diagnostic and Statistical Manual of Mental Disorders* or the *International Classification of Diseases*—Chapter V, “Mental, Behavioral, and Neurodevelopmental Disorders.”

(11) Psychiatric outpatient clinic, MMHT and psychiatric partial hospitalization outpatient services provided to individuals with substance-related and addictive disorders, unless the individual has a primary diagnosis of a mental illness or emotional disturbance.

(12) Drugs, biologicals and supplies furnished to an individual receiving services at a psychiatric outpatient clinic or a partial hospitalization outpatient facility during a visit to the psychiatric outpatient clinic or partial hospitalization outpatient facility. These are included in the psychiatric outpatient clinic medication visit fee or partial hospitalization session payment. Separate billings from any source for items and services provided by the psychiatric outpatient clinic are noncompensable.

(13) Services not specifically included in the MA Program Fee Schedule are noncompensable.

(14) MMHT services not provided in accordance with the conditions specified in § 1153.52(d).

(15) Services provided beyond the 30th calendar day following intake, without review and approval of the initial assessment and treatment plan in accordance with § 1153.52(a)(7) and (8).

(16) The hours that the individual participates in an education program delivered in the same setting as a children and youth partial hospitalization outpatient program unless, in addition to the teacher, a clinical staff person works with the child in the classroom. The Department will reimburse for only that time during which the individual is in direct contact with a clinical staff person.

(17) Group psychotherapy provided in the individual’s home.

(18) Psychiatric outpatient clinic and partial hospitalization outpatient services provided to nursing home residents on the grounds of the nursing home or under the corporate umbrella of the nursing home.

(19) Electroconvulsive therapy and electroencephalogram provided through MMHT.

(20) MMHT services provided on the same day as other home and community-based behavioral health services to the same individual with the exception of clinical services not offered by the psychiatric outpatient clinic.

**SCOPE OF BENEFITS**

**§ 1153.21. Scope of benefits for children under 21 years of age.**

Children under 21 years of age are eligible for the full range of covered psychiatric outpatient clinic, MMHT and psychiatric partial hospitalization services in the MA Program Fee Schedule.

**§ 1153.22. Scope of benefits for adults 21 years of age or older.**

Adults 21 years of age or older are eligible for the full range of covered psychiatric outpatient clinic, MMHT and psychiatric partial hospitalization services in the MA Program Fee Schedule.

**§ 1153.23. (Reserved).**

**§ 1153.24. (Reserved).**

**PROVIDER PARTICIPATION**

**§ 1153.41. Participation requirements.**

In addition to the participation requirements established in Chapter 1101 (relating to general provisions), psychiatric outpatient clinics and partial hospitalization outpatient facilities shall meet the following participation requirements:

(1) Have current licensure as a psychiatric outpatient clinic or partial hospitalization outpatient facility by the Department's Office of Mental Health and Substance Abuse Services. To remain eligible for MA reimbursement, a psychiatric outpatient clinic or partial hospitalization outpatient facility shall be licensed at all times as a psychiatric outpatient clinic or partial hospitalization outpatient facility.

\* \* \* \* \*

(3) Have a written referral plan for individuals receiving services that provides for inpatient hospital care and follow-up treatment.

\* \* \* \* \*

(5) Appoint an administrator or director responsible for the internal operation of the psychiatric outpatient clinic or partial hospitalization outpatient facility. Appoint a psychiatrist or psychiatrists responsible for the supervision and direction of services rendered to eligible individuals.

(6) Notify immediately the Department, Office of Medical Assistance Programs, Bureau of Fee-for-Services, in the manner prescribed by the Department, of facility or clinic name, address and service changes prior to the effective date of change. Failure to do so may result in payment interruption or termination of the provider agreement.

\* \* \* \* \*

(8) Have each branch location or satellite of a licensed psychiatric outpatient clinic or partial hospitalization outpatient facility also licensed by the Office of Mental Health and Substance Abuse Services as a psychiatric outpatient clinic site or psychiatric hospitalization outpa-

tient facility, whichever is applicable, and enrolled by the Office of Medical Assistance Programs before reimbursement can be made for services rendered at the branch or satellite. Licensure and enrollment of the parent organization does not constitute licensure and enrollment for any branches or satellites of the same organization.

(9) Be enrolled as a provider in the Medical Assistance Program.

(10) Have medications prescribed by a licensed psychiatrist, physician, certified registered nurse practitioner or physician assistant within the practitioner's scope of practice.

(11) Psychiatric outpatient clinics providing MMHT services shall have a service description approved by the Department under the conditions specified in § 5200.51 (relating to provider service description).

**§ 1153.42. Ongoing responsibilities of providers.**

(a) *Responsibilities of providers.* Ongoing responsibilities of providers are established in Chapter 1101 (relating to general provisions). Psychiatric outpatient clinics and psychiatric partial hospitalization outpatient facilities shall also adhere to the additional requirements established in this section.

(b) *Recordkeeping requirements.* In addition to the requirements listed in § 1101.51(e) (relating to ongoing responsibilities of providers), the following items must be included in the records of MA beneficiaries receiving psychiatric outpatient clinic, MMHT and psychiatric partial hospitalization outpatient services:

(1) The treatment plan must include:

(i) The treatment plan goals.

(ii) Services to be provided to the individual by the psychiatric outpatient clinic or partial hospitalization outpatient facility or through referral.

(iii) Persons to directly provide each service.

(2) As part of the progress notes, the frequency and duration of each service provided shall be included.

**PAYMENT FOR OUTPATIENT BEHAVIORAL HEALTH SERVICES**

**§ 1153.51. General payment policy.**

(a) Payment is made for medically necessary professional medical and psychiatric services provided by or under the supervision and direction of a psychiatrist by participating psychiatric outpatient clinics and psychiatric partial hospitalization outpatient facilities subject to the conditions and limitations established in this chapter and Chapters 1101 and 1150 (relating to general provisions; and MA Program payment policies) and the MA Program Fee Schedule.

(b) The Department will publish procedures for the use of tele-behavioral health to provide compensable psychiatric outpatient clinic or psychiatric partial hospitalization services in the *Pennsylvania Bulletin*.

(c) Payment will not be made for a compensable psychiatric outpatient clinic, MMHT or psychiatric partial hospitalization outpatient service if payment is available from another public agency or another insurance or health program.

**§ 1153.52. Payment conditions for various services.**

(a) The following conditions shall be met by psychiatric outpatient clinics and partial hospitalization outpatient programs, as applicable, to be eligible for payment:

(1) A psychiatrist shall be present in the psychiatric outpatient clinic and partial hospitalization outpatient facility, as required by the Office of Mental Health and

Substance Abuse Services licensing regulations, to perform or supervise the performance of all covered services provided to MA beneficiaries.

(2) Psychiatric evaluations shall be performed only by a psychiatrist in a face-to-face interview or using interactive audio and video communication that conforms to industry-wide technology standards with the individual and is in compliance with State and Federal privacy and security laws. Additional interviews with other staff may be included as part of the examination but shall be included in the psychiatric evaluation fee. Separate billings for these additional interviews are not compensable.

\* \* \* \* \*

(6) The psychiatric outpatient clinic medication visit shall be provided only by a psychiatrist, physician, certified registered nurse practitioner, physician assistant, registered nurse or licensed practical nurse.

(7) Within 30 consecutive calendar days following intake for individuals who continue to participate in the treatment process, a mental health professional or mental health worker under the supervision of a mental health professional, shall:

(i) Interview and complete an assessment with each individual receiving services from the psychiatric outpatient clinic.

(ii) Develop the initial treatment plan based upon the assessment in collaboration with the individual.

(iii) Date and sign the initial treatment plan.

(iv) Request the individual to sign and date the treatment plan. In the event the individual does not sign the treatment plan, the mental health professional or mental health worker shall document the request in the record.

(8) The initial treatment plan shall be reviewed and approved in accordance with the following:

(i) If the individual is receiving psychotherapy and other clinic services, the psychiatrist or advanced practice professional shall review, approve, sign and date the initial treatment plan.

(ii) If the individual is receiving medication management services only, the psychiatrist, physician, certified registered nurse practitioner or physician assistant responsible for prescribing and monitoring the use of the medications shall sign and date the initial treatment plan.

(iii) The initial treatment plan shall be developed, reviewed, approved, dated and signed prior to the provision of any treatment services beyond the 30th day following intake.

(iv) The initial treatment plan shall be kept in the individual record.

(9) The treatment plan shall be reviewed and updated at least every 180 days or as may otherwise be required by law throughout the duration of treatment in accordance with the following:

(i) The treatment plan updates shall be based upon the assessment, diagnosis and input from the treatment team and individual receiving services.

(ii) The treatment plan update shall be signed and dated by the mental health professional, mental health worker under the supervision of the mental health professional, certified registered nurse practitioner or physician assistant providing treatment services to the individual.

(iii) The mental health professional or the mental health worker shall request the individual to sign and date the treatment plan update. In the event the individual does not sign the treatment plan, the mental

health professional or mental health worker shall document the request in the record.

(iv) The treatment plan update shall be kept in the individual record.

(10) Treatment shall be provided in accordance with the identified goals in the treatment plan and updates.

(11) The treatment plan shall be reviewed on an annual basis by the psychiatrist or advanced practice professional throughout the course of treatment from the psychiatric outpatient clinic and the review documented in the individual record.

(12) The psychiatric clinic clozapine monitoring and evaluation visit shall be used only for an individual receiving clozapine therapy.

(b) *Psychiatric outpatient partial hospitalization.* Payment will only be made for psychiatric partial hospitalization outpatient services provided to eligible individuals with mental illness or emotional disturbance in psychiatric partial hospitalization outpatient facilities under the following conditions:

(1) Individuals receiving partial hospitalization outpatient services shall meet the following criteria:

(i) Have a mental disorder diagnosis that has been verified by a psychiatrist.

(ii) Have a psychiatric condition requiring more intensive treatment than that provided by an outpatient clinic.

(iii) Be diagnosed with a mental illness or emotional disturbance and prescribed services for a period of at least 3 hours but less than 24 hours in any 1 day to prevent hospitalization or to support the transition from inpatient treatment to outpatient services.

(2) The following components shall be available in a psychiatric partial hospitalization outpatient facility and provided to an individual, if necessary, in accordance with the individualized treatment plan:

(i) Individual, group and family psychotherapy.

\* \* \* \* \*

(v) Medication administration and evaluation provided only by a psychiatrist, physician, certified registered nurse practitioner, physician assistant, registered nurse or licensed practical nurse.

\* \* \* \* \*

(c) *Psychiatric outpatient clinic.* Payment will only be made for psychiatric outpatient clinic services or MMHT services provided to eligible individuals with mental illness or emotional disturbance by psychiatric outpatient clinics under the following conditions:

(1) Medication visits shall be provided only for the purpose of administering medication and for evaluating the physical and mental condition of an individual during the course of prescribed medication.

(2) Individuals receiving psychiatric outpatient clinic services or MMHT services shall have a mental illness or emotional disturbance diagnosis verified by a psychiatrist or LPHA.

(3) Family psychotherapy is compensable only if one or more family members has a mental disorder diagnosis.

(4) Clozapine monitoring and evaluation visits shall be provided only for an individual receiving clozapine and for monitoring and evaluating the individual's absolute neutrophil count to determine whether clozapine therapy should be continued or modified.

(d) *MMHT.* MMHT services are subject to the conditions and limitations established in this chapter. MMHT services provided in the home or other approved community sites are compensable only if documentation in the individual record substantiates all of the following:



(1) The services are provided to an eligible individual with mental illness or emotional disturbance.

(2) There is a written recommendation for MMHT services from a LPHA acting within the scope of professional practice.

(3) The services if provided in a psychiatric outpatient clinic would be medically necessary.

(4) The assessment documents a mental or physical illness that impedes or precludes the individual's ability to participate in services at the psychiatric outpatient clinic.

(5) Treatment plan updates document the continued clinical need for MMHT services.

**§ 1153.53. Limitations on payment.**

Payment is subject to the following limitations:

(1) Psychiatric partial hospitalization outpatient service is provided for at least 3 hours per 24-hour period.

(2) The partial hospitalization outpatient service fees listed in the MA Program Fee Schedule include payment for all services rendered to the individual during a psychiatric partial hospitalization outpatient session. Separate billings for individual services are not compensable.

(3) Partial hospitalization outpatient facilities licensed for adult programs will be reimbursed at the adult rate, regardless of the age of the individual receiving treatment.

(4) Partial hospitalization outpatient facilities licensed as children and youth programs will be reimbursed at the child rate only when the individual receiving treatment is under 15 years of age.

(5) Family psychotherapy and collateral family psychotherapy are compensable for only one person per session, regardless of the number of family members who participate in the session or the number of participants who are eligible for psychotherapy.

(6) MMHT group therapy shall be provided only in an approved community-based site as specified in the treatment plan to individuals receiving MMHT services from the psychiatric outpatient clinic.

**§ 1153.53a. (Reserved).**

**PART VII. MENTAL HEALTH MANUAL**

**Subpart D. NONRESIDENTIAL AGENCIES/FACILITIES/SERVICES**

**CHAPTER 5200. PSYCHIATRIC OUTPATIENT CLINICS**

**GENERAL PROVISIONS**

**§ 5200.1. Legal base.**

The legal authority for this chapter is sections 105 and 112 of the Mental Health Procedures Act (50 P.S. §§ 7105 and 7112), section 201(2) of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. § 4201(2)) and section 1021 of the Human Services Code (62 P.S. § 1021).

**§ 5200.2. Scope.**

(a) This chapter provides standards for the licensing of freestanding psychiatric outpatient clinics under section 1021 of the Human Services Code (62 P.S. § 1021), and approval of psychiatric outpatient clinics which are a part of a health care facility as defined in section 802.1 of the Health Care Facilities Act (35 P.S. § 448.802a), and under sections 105 and 112 of the Mental Health Procedures Act (50 P.S. §§ 7105 and 7112).

(b) This chapter applies to private, nonprofit or for-profit corporations and public entities which provide medical examination, diagnosis, care, treatment and support to individuals with mental illness or emotional disturbance on an outpatient basis and which participate in the public mental health program. This chapter does not apply to group or individual practice arrangements of private practitioners.

**§ 5200.3. Definitions.**

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

*Advanced practice professional*—A person who holds a current Pennsylvania license as a certified registered nurse practitioner or a physician assistant and:

- (1) Holds a mental health certification, or
- (2) Obtains a mental health certification within 2 years of being hired by the psychiatric outpatient clinic or by July 30, 2020, whichever is later.

*Assessment*—A face-to-face interview that includes an evaluation of the behavioral health, medical, psychological, social, vocational and educational factors important to the individual.

*Child psychiatrist*—A physician who has completed a residency in psychiatry and who has a specialty in child psychiatry and is licensed to practice in this Commonwealth.

*Department*—The Department of Human Services.

*FTE—Full-time equivalent*—Thirty-seven and one half hours per week.

*Facility*—A mental health establishment, hospital, clinic, institution, center or other organizational unit or part thereof, the primary function of which is the diagnosis, treatment, care and rehabilitation of individuals with mental illness or emotional disturbance.

*Interactive audio and video*—Real-time two-way or multiple-way communication.

*LPHA—Licensed Practitioner of the Healing Arts*—A person who is licensed by the Commonwealth to practice the healing arts. The term is limited to a physician, physician assistant, certified registered nurse practitioner, licensed clinical social worker, licensed marriage and family therapist, licensed professional counselor or psychologist.

*MMHT—Mobile Mental Health Treatment*—One or more of the following services provided in an individual's residence or approved community site:

- (i) Assessment.
- (ii) Individual, group or family therapy.
- (iii) Medication visits.

*Mental health professional*—A person who meets one of the following:

(i) Has a graduate degree from a college or university that is accredited by an agency recognized by the United States Department of Education or the Council for Higher Education Accreditation (CHEA) in a generally recognized clinical discipline in which the degree program includes a clinical practicum.

(ii) Has an equivalent degree from a foreign college or university that has been evaluated by the Association of International Credential Evaluators, Inc. (AICE) or the National Association of Credential Evaluation Services (NACES). The Department will accept a general equivalency report from the listed evaluator agencies to verify a foreign degree or its equivalency.

(iii) Is licensed in a generally recognized clinical discipline that includes mental health clinical experience.

*Mental health worker*—A person acting under the supervision of a mental health professional to provide services who meets one of the following:

(i) Has a bachelor's degree from a college or university that is accredited by an agency recognized by the United States Department of Education or the CHEA in a recognized clinical discipline including social work, psychology, nursing, rehabilitation or activity therapies.

(ii) Has a graduate degree in a clinical discipline with 12 graduate-level credits in mental health or counseling from a program that is accredited by an agency recognized by the United States Department of Education or the CHEA.

(iii) Has an equivalent degree from a foreign college or university that has been evaluated by the AICE or the NACES. The Department will accept a general equivalency report from the listed evaluator agencies to verify a foreign degree or its equivalency.

*Mental illness or emotional disturbance*—A mental disorder that meets the diagnostic criteria within the current version of the *Diagnostic and Statistical Manual of Mental Disorders* or the *International Classification of Diseases (ICD)*.

*Psychiatric outpatient clinic*—A nonresidential treatment setting in which psychiatric, psychological, social, educational and other related services are provided under medical supervision. It is designed for the evaluation and treatment of individuals with mental illness or emotional disturbance. Psychiatric outpatient services are provided on a planned and regularly scheduled basis.

*Psychiatrist*—A physician who has completed at least 3 years of a residency in psychiatry and is licensed to practice in this Commonwealth.

*Psychologist*—A person licensed to practice psychology in this Commonwealth.

*Quality assurance program*—A formal process to assure quality care and maximize program benefits to individuals receiving services.

*Tele-behavioral health*—

(i) The use of interactive audio and video communication to provide clinical services at a distance using technology that conforms to the industry-wide standards and is in compliance with State and Federal privacy and security laws.

(ii) Tele-behavioral health does not include telephone conversation, electronic mail message or facsimile transmission between a psychiatrist or an advanced practice professional and an individual receiving services, or a consultation between two health care practitioners, although these activities may support the delivery of tele-behavioral health.

#### § 5200.4. Provider eligibility.

Psychiatric outpatient clinic services for individuals with mental illness or emotional disturbance shall be provided only by a facility which complies with this chapter and is licensed by the Department. Nothing in this chapter is intended to regulate the provision of mental health services in individual or group private practice.

#### § 5200.5. Application and review process.

(a) A facility intending to provide psychiatric outpatient clinic services shall file an application for a certificate of compliance with the Department in accordance with Chapter 20 (relating to licensure or approval of

facilities and agencies). Facilities shall meet both the requirements of Chapter 20 and this chapter to obtain a certificate. Submission of an application does not constitute a certificate to operate pending Departmental approval.

(b) Facilities will be inspected a minimum of once per year, and are subject to visits by the Department's designee at other times at the Department's discretion. The facility shall provide information concerning program and fiscal operation at the Department's request.

#### § 5200.6. Objective.

The objective of the psychiatric outpatient clinic treatment services is to facilitate an individual's recovery to improve functioning, enhance resiliency and well-being, promote independence and maintain optimal functioning in the community consistent with the individual's preferences. The service may be provided to individuals with short-term or long-term treatment needs.

#### § 5200.7. Program standards.

This chapter shall be met by a facility seeking licensure or approval.

### ORGANIZATION

#### § 5200.11. Organization and structure.

(a) The psychiatric outpatient clinic must be a separate, identifiable organizational unit with its own director, clinical supervisor and staffing pattern. When the psychiatric outpatient clinic is a portion of a larger organizational structure, the director and clinical supervisor of the psychiatric outpatient clinic shall be identified and their responsibilities clearly defined.

(b) The organizational structure of the unit must be described in an organizational chart.

(c) A written description of programs provided by the unit shall be available to the Department.

(d) The psychiatric outpatient clinic shall notify the Department within 10 days of a major change in the organizational structure or services.

#### § 5200.12. Linkages with mental health service system.

(a) A psychiatric outpatient clinic requires a close relationship with an acute psychiatric inpatient service and a provider of emergency examination and treatment. A written statement describing the accessibility and availability of the services to individuals is required and shall be maintained on file at the psychiatric outpatient clinic and updated as needed.

(b) A psychiatric outpatient clinic shall maintain linkages with other treatment and rehabilitative services for a full continuum of care, including crisis services, partial hospitalization programs, peer support, psychiatric rehabilitation programs, intensive community services, community residential programs and community psychiatric hospitals. A written statement describing the accessibility and availability of the services to individuals is required and shall be maintained on file at the psychiatric outpatient clinics and updated as needed to accurately state the services currently available.

(c) When the psychiatric outpatient clinic serves children, linkages with the appropriate educational and social service agencies shall also be maintained. A written statement describing the accessibility and availability of the services to children is required and shall be maintained on file at the psychiatric outpatient clinic and updated as needed to accurately state the services currently available.

(d) A psychiatric outpatient clinic shall participate in the overall system of care as defined in the County Mental Health/Intellectual Disability (MH/ID) plan. A psychiatric outpatient clinic shall have an agreement regarding continuity of care and information exchange with the County MH/ID authority. A copy of an agreement must be included in the application package. Psychiatric outpatient clinics shall document the need for their services in their application for a certificate of compliance.

(e) New psychiatric outpatient clinics or new sites of existing psychiatric outpatient clinics established after the effective date of this chapter shall document the need in the proposed service area for the expansion of outpatient services. County MH/ID authorities shall review this documentation and make a recommendation to the Department. The Department may deny approval of the expansion where inadequate justification is provided.

**STAFFING AND PERSONNEL**

**§ 5200.21. Qualifications and duties of the director/clinical supervisor.**

(a) Each psychiatric outpatient clinic shall have a director and clinical supervisor, who may be the same individual. A clinical supervisor shall be a mental health professional with at least 2 years of supervisory experience.

(b) The director shall be responsible for the overall operation of the psychiatric outpatient clinic, including daily management, ensuring that clinical supervision is available during all operational hours, developing a quality improvement plan for the psychiatric outpatient clinic and monitoring adherence with this chapter.

(c) The clinical supervisor's responsibilities shall include all of the following:

- (1) Supervision of clinical staff.
- (2) Development or implementation of the policies and procedures for the operation of the psychiatric outpatient clinic.
- (3) Regular meetings of clinical staff to discuss clinical cases, treatment plans, policies and procedures.
- (4) Liaison with other portions of the service system.
- (5) Employment, supervision and discharge of clinical staff according to established personnel policies.
- (6) Supervision and documentation of clinical staff training and development.

**§ 5200.22. Staffing pattern.**

(a) There shall be qualified staff and supporting personnel in sufficient numbers to provide the services included in the psychiatric outpatient clinic's program as follows:

- (1) At least 50% of the treatment staff providing psychotherapy services shall be mental health professionals.
- (2) A psychiatric outpatient clinic is required to have 2 hours of psychiatric time per week for each FTE mental health professional and mental health worker providing clinical services.
- (3) The psychiatrist must provide 50% of the required psychiatric time at the psychiatric outpatient clinic.
- (4) The remaining 50% of the psychiatric time may be provided by:
  - (i) An advanced practice professional.
  - (ii) A psychiatrist off-site by the use of tele-behavioral health.
  - (iii) A combination of subparagraphs (i) and (ii).

(b) All clinical staff shall be supervised by the psychiatrist having the overall responsibility for clinical services provided by the psychiatric outpatient clinic as defined in § 5200.23 (relating to psychiatric supervision).

(c) There shall be sufficient clerical staff to keep correspondence, records and files current and in good order.

(d) The psychiatric outpatient clinic shall recruit and hire staff that is appropriate for the population to be served.

(e) If the psychiatric outpatient clinic serves children, specialized personnel are required, as appropriate, to deliver services to children.

(f) Each psychiatric outpatient clinic shall have a written comprehensive personnel policy.

(g) There shall be a written plan for regular, ongoing staff development and training.

(h) Graduate and undergraduate students in accredited training programs in various mental health disciplines may participate in the treatment of individuals receiving services when under the direct supervision of a mental health professional, but are not to be included for the purpose of defining staffing patterns.

(i) Psychiatric residents with an unrestricted license to practice medicine in this Commonwealth who are under the direct supervision of a psychiatrist are defined as mental health professionals for the purpose of defining staffing patterns.

(j) Volunteers may be used in various support and activity functions of the clinic, but are not considered for the purposes of defining staffing patterns.

**§ 5200.23. Psychiatric supervision.**

The supervision of a psychiatric outpatient clinic shall be by a psychiatrist and, at a minimum, include the following:

- (a) Establishment of appropriate standards for treatment and prescribing practices.
- (b) Involvement in the quality management process.
- (c) Participation in clinical staff meetings 2 times per month. The psychiatric outpatient clinic shall maintain written documentation of clinical staff meetings, including attendance.
- (d) Consultation to all clinical staff.

**§ 5200.24. Criminal history and child abuse certification.**

(a) A psychiatric outpatient clinic shall have documentation of the completed criminal history background check for staff, including volunteers that will have direct contact with an individual.

(b) A psychiatric outpatient clinic that serves children shall have documentation of the completed criminal history and child abuse certifications, and mandated reporter training in accordance with 23 Pa.C.S. §§ 6301—6386 (relating to the Child Protective Services Law) and Chapter 3490 (relating to protective services) for all staff, including volunteers that will have direct contact with children.

(c) A psychiatric outpatient clinic shall develop and implement written policies and procedures regarding personnel decisions based on the criminal history and child abuse certification, including volunteers.

**TREATMENT STANDARDS**

**§ 5200.31. Treatment planning.**

(a) For each individual receiving services, a mental health professional or mental health worker under the supervision of a mental health professional shall complete

an assessment of the behavioral health, medical, psychological, social, vocational, educational and other factors important to the individual prior to the development of the initial comprehensive treatment plan.

(b) An initial comprehensive treatment plan shall be developed, reviewed and approved within 30 days of the intake and assessment with every individual who continues to participate in the treatment process in accordance with the following:

(1) The mental health professional or the mental health worker under the supervision of the mental health professional and the individual receiving services shall develop, sign and date the initial treatment plan.

(2) If the individual is receiving psychotherapy and other clinical services, the psychiatrist or advanced practice professional shall review, approve, sign and date the initial treatment plan.

(3) If the individual is receiving medication management services only, the psychiatrist, physician, certified registered nurse practitioner or physician assistant responsible for prescribing and monitoring the use of the medication shall review, approve, sign and date the initial treatment plan.

(4) For individuals under an involuntary outpatient commitment, the mental health professional or advanced practice professional providing services and the individual shall develop, review, sign and date the initial treatment plan. The treatment plan shall be reviewed and signed by the psychiatrist as part of the oversight of the treatment services provided.

(c) The treatment plan must be based upon the assessment and shall:

(1) Specify the goals and objectives of the plan, prescribe an integrated program of therapeutic activities and experiences, specify the modalities to be utilized and the expected duration of services and the person or persons responsible for carrying out the plan.

(2) Be directed at specific outcomes and connect these outcomes with the treatment modalities and activities proposed.

(3) Be developed with the active involvement of the individual receiving services and shall include strengths and needs. The treatment plan may also address individual preferences, resilience and functioning.

(4) For children and adolescents under 14 years of age, be developed and implemented with the consent of parents or guardians and include their participation in treatment as required by statute or regulation.

(5) Specify an individualized treatment program for each individual, which shall include clinically appropriate services such as psychiatric evaluation and diagnosis, psychological evaluation, individual, group and family psychotherapy, behavior therapy, crisis intervention services, medication evaluation and management, and similar services.

(d) The treatment plan shall be reviewed and updated throughout the duration of treatment as follows:

(1) For individuals under an involuntary outpatient commitment, the treatment plan shall be reviewed and updated every 30 days by the mental health professional or advanced practice professional providing treatment services and the individual receiving services. The treatment plan update shall be reviewed and signed by the psychiatrist as part of the oversight of treatment services provided.

(2) For individuals voluntarily receiving treatment, the treatment plan shall be reviewed and updated at a

minimum of every 180 days by the mental health professional, mental health worker under the supervision of a mental health professional, certified registered nurse practitioner or physician assistant providing treatment services and the individual receiving services.

(3) The treatment plan update shall be signed and dated by the mental health professional, mental health worker under the supervision of a mental health professional, certified registered nurse practitioner or physician assistant providing treatment services.

(4) The mental health professional or mental health worker shall request the individual to sign and date the treatment plan update. In the event the individual does not sign the treatment plan update, the mental health professional or mental health worker shall document the request in the record.

(e) All treatment services shall be provided in accordance with the identified goals in the treatment plan and updates.

(f) The treatment plan and updates shall be kept in the individual record.

(g) The treatment plan shall be reviewed on an annual basis by the psychiatrist or advanced practice professional throughout the course of treatment from the psychiatric outpatient clinic and documented in the individual record.

#### **§ 5200.32. Treatment policies and procedures.**

Each psychiatric outpatient clinic shall have on file a written plan specifying the clinical policy and procedures of the facility and shall provide services in accordance with them. This plan must provide for the following:

(1) Intake and assessment policy and procedures.

(2) Admission policies including time frames for the following:

(i) Referrals from crisis intervention or emergency services.

(ii) Referrals from inpatient units.

(iii) Referrals for medication management services.

(iv) Other referrals.

(3) The services to be provided and the scope of these services.

(4) Discharge policies providing for continuity of care for individuals discharged from the program.

(5) Complaint policies and procedures.

(6) Statement of rights in accordance with 55 Pa. Code §§ 5100.51—5100.56 (relating to patient rights).

#### **§ 5200.33. Discharge.**

(a) A psychiatric outpatient clinic shall complete a discharge summary for each individual at least 45 days before discharge from services that includes the following:

(1) Summary of services provided and outcomes.

(2) Reason for discharge.

(3) Referral or recommendation for other services if needed.

(b) The psychiatric outpatient clinic shall provide the following information to individuals at discharge:

(1) Contact information for the local crisis intervention service.

(2) Contact information for any referrals.

#### **MISCELLANEOUS PROVISIONS**

##### **§ 5200.41. Records.**

(a) Under section 602 of the Mental Health and Intellectual Disability Act of 1966 (50 P.S. § 4602), and in accordance with recognized and acceptable principles of

recordkeeping, the facility shall maintain a record for each individual receiving services from a psychiatric outpatient clinic. The record must include the following:

- (1) Identifying information.
- (2) Referral source.
- (3) Assessment including presenting problems.
- (4) Appropriately signed consent forms.
- (5) Medical, social and developmental history.
- (6) Diagnosis and evaluation.
- (7) Treatment plan and updates.
- (8) Treatment progress notes for each contact.
- (9) Medication orders.
- (10) Discharge summary.
- (11) Referrals to other agencies, when indicated.
- (12) A written recommendation from a LPHA acting within the practitioner's scope of practice for any MMHT services provided.

(b) Records shall also be maintained as follows:

- (1) Legible and permanent.
- (2) Reviewed twice a year as to quality by the director, clinical supervisor or psychiatrist.
- (3) Maintained in a uniform manner so that information can be provided in a prompt, efficient, accurate manner and so that data is accessible for administrative and professional purposes.
- (4) Signed and dated by the staff member writing in the record.
- (c) All protected individual records, written and electronic, shall be secured in accordance with all applicable Federal and State privacy and confidentiality statutes and regulations.

**§ 5200.42. Medications.**

(a) If medication is prescribed or dispensed by the psychiatric outpatient clinic, the requirements of all applicable Federal and State drug statutes and regulations shall be met. In addition, all of the following apply:

- (1) Prescriptions shall be written only by a licensed psychiatrist, physician, certified registered nurse practitioner or physician assistant within the practitioner's scope of practice.
- (2) The term "written" includes prescriptions that are handwritten or recorded and transmitted by electronic means.
- (3) Written prescriptions transmitted by electronic means must be electronically encrypted or transmitted by other technological means designed to protect and prevent access, alteration, manipulation or use by an unauthorized person.
- (4) A record of any medication prescribed shall be documented in the individual record.

(b) Written policies and procedures providing for the safe dispensing and administration of medication by the medical and nursing staff shall be in writing and on file. The policy must include all of the following:

- (1) Medications shall be dispensed only on an order of a licensed psychiatrist, physician, certified registered nurse practitioner or physician assistant within the practitioner's scope of practice.
- (2) All medication shall be kept in a secure place.
- (3) Each dose of medication administered by the psychiatric outpatient clinic shall be properly recorded in the individual's record.

**§ 5200.43. Fee schedule.**

Each psychiatric outpatient clinic shall maintain a schedule of uniform basic charges for services which are available to all individuals receiving services.

**§ 5200.44. Quality assurance program.**

All psychiatric outpatient clinics shall have a utilization review and clinical audit process designed to ensure that the most appropriate treatment is delivered to the individual receiving services and that treatment is indicated. Psychiatric outpatient clinics that provide MMHT services shall include MMHT services in the Quality Assurance plan. The Quality Assurance plan shall include the following:

- (1) Process for the annual review of the quality, timeliness and appropriateness of the services provided, including feedback on satisfaction with services from individuals receiving services.
- (2) Identification of the type of review and the methodology for the review.
- (3) Documentation of the findings of the annual review.
- (4) Utilization of the annual review findings to improve psychiatric outpatient clinic services.

**§ 5200.45. Physical facility.**

(a) Adequate space, equipment and supplies shall be provided in order that the outpatient services can be provided effectively and efficiently. Functional surroundings shall be readily accessible to the individual and community served.

(b) All space and equipment shall be well maintained and must meet applicable Federal, State and local requirements for safety, fire, accessibility and health.

(c) A waiting room which is clean, comfortable and sensitive to the culture of the population served shall be provided.

(d) There shall be office space for the clinical staff suitably equipped with chairs, desks, tables and other necessary equipment.

(e) There shall be an adequate number of suitably equipped conference rooms to provide for staff conferences and therapy.

(f) There shall be adequate provisions for privacy within the psychiatric outpatient clinic.

(g) A psychiatric outpatient clinic is defined by its staff and organizational structure rather than by a specific building or facility. It may operate at more than one site if the respective sites meet all physical facility standards and the sites operate as a portion of the psychiatric outpatient clinic. The staffing pattern at each site shall be based on the ratio of total individuals served at that site to the total individuals served in the psychiatric outpatient clinic as a whole. The Department will issue a single certificate of compliance to the parent organization which will list all operational sites.

**§ 5200.46. Notice of nondiscrimination.**

Programs may not discriminate against staff or individuals receiving services on the basis of race, color, creed, disability, religious affiliation, ancestry, gender, gender identity or expression, sexual orientation, national origin or age, and shall comply with all applicable State and Federal statutes and regulations.

**§ 5200.48. Waiver of standards.**

In instances where the development of specialty psychiatric outpatient clinic services is severely limited by these standards, such as rural clinics or specialty clinics, a waiver may be granted. Waivers may be applied only in

areas where the need for these services and the attempts to meet the standards are adequately documented. Waivers are to be considered only in exceptional circumstances and are subject to approval by the Department.

#### MOBILE MENTAL HEALTH TREATMENT

##### § 5200.51. Provider service description.

(a) Prior to the delivery of MMHT services, a psychiatric outpatient clinic shall submit to the Department for approval a MMHT service description that includes the information required under subsection (b). A psychiatric outpatient clinic shall submit a revised service description to the Department if there are changes to the information required under subsection (b).

(b) A service description must include all of the following:

(1) The population to be served, including all of the following:

- (i) Expected number of individuals to be served.
- (ii) The age ranges of the individuals to be served.
- (iii) The presenting problems and other characteristics supporting the need for MMHT services.
- (iv) The location of the provision of the services, whether in the home or community or both.

(v) The goals, objectives and expected outcomes of the MMHT services.

(2) Staffing pattern, including all of the following:

(i) Number of mental health professionals, licensed clinical psychologists, and psychiatrists providing MMHT services.

(ii) The qualifications of a staff person providing a MMHT service.

(iii) The specific clinical services to be provided by each staff.

(3) The policies and procedures for all of the following:

- (i) The supervision of MMHT services.
- (ii) Staff support in the provision of MMHT services.
- (iii) Coordination of care with physical health services.
- (c) A psychiatric outpatient clinic shall provide MMHT services only as set forth in its approved service description.

##### § 5200.52. Treatment planning.

(a) Treatment planning shall be completed in accordance with § 5200.31 (relating to treatment planning) and shall include all of the following:

- (1) Services to be provided.
- (2) Treatment goals.
- (3) Duration of service.
- (4) Supports and interventions necessary to alleviate barriers to receiving services at a psychiatric outpatient clinic.
- (5) Identification of the professional providing each service.
- (6) Location of service provision.

(b) A MMHT services provider shall complete an assessment as required by § 5200.31(a) prior to developing the treatment plan. In addition, the following shall apply:

(1) The assessment shall include documentation of the disabling effects of a mental or physical illness that impedes or precludes the individual's ability to participate in services at the psychiatric outpatient clinic.

(2) The assessment shall be completed by a psychiatrist, mental health professional, or an advanced practice professional trained and qualified to provide services at a psychiatric outpatient clinic.

(c) Treatment plans shall be updated at a minimum every 180 days.

[Pa.B. Doc. No. 19-1510. Filed for public inspection October 11, 2019, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF AGRICULTURE

### Controlled Plant and Noxious Weed Committee Meeting

The Department of Agriculture (Department) announces a public meeting of the Controlled Plant and Noxious Weed Committee (Committee), established by 3 Pa.C.S. § 1511 (relating to designation of noxious weeds and controlled plants). The meeting will be held at 1 p.m. on October 24, 2019, in Room 309, Department of Agriculture, 2301 North Cameron Street, Harrisburg, PA 17110.

The purpose of the meeting is to consider the addition of eight plants to the noxious weed list. If time permits, these eight plants will be considered at this meeting:

- Brazilian water weed (*Egeria densa*)
- Water soldier (*Stratiotes aloides*)
- Parrot feather (*Myriophyllum aquaticum*)
- Yellow floating heart (*Nymphoides peltata*)
- *Phyllostachys aurea* (Golden bamboo)
- *Phyllostachys aureosulcata* (Yellow groove bamboo)

- *Phyllostachys bambusoides* (Giant timber bamboo)
- Wild parsnip (*Pastinaca sativa*) (except for non-wild cultivated varieties)

Public comment will be accepted either in person at the meeting or in writing prior to the meeting. Written comments may be sent to RA-plant@pa.gov or the Department of Agriculture, Bureau of Plant Industry Noxious Weed Program, 2301 North Cameron Street, Harrisburg, PA 17110. Written comments must be received by October 24, 2019. Written comments will become a part of the record, with the same force as if presented during the meeting.

The meeting agenda is as follows: presentation of background information on plants for consideration; public comment period; Committee discussion; Committee action on plants under consideration; and new business.

Individuals with questions regarding this meeting should contact the Department at (717) 787-4843.

RUSSELL C. REDDING,  
Secretary

[Pa.B. Doc. No. 19-1511. Filed for public inspection October 11, 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 October 1, 2019.

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

### BANKING INSTITUTIONS

#### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
10-01-2019	Somerset Trust Company Somerset Somerset County	Effective
	Application for approval to merge First Bank of Lilly, Lilly, PA, with and into Somerset Trust Company, Somerset, PA.	
	As a result of the merger, the sole office of First Bank of Lilly, located at the following address, became a branch office of Somerset Trust Company:	
	500 Main Street Lilly Cambria County	

#### Branch Applications

##### De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
09-30-2019	The Northern Trust Company Chicago Cook County, IL	2400 Market Street Suite 239 Philadelphia Philadelphia County, PA	Filed

## 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>
9-9-2019	TruMark Financial Credit Union Fort Washington Montgomery County	595 Morehall Road Malvern Chester County	Opened
9-27-2019	Freedom Credit Union Warminster Bucks County	To: 9910 Frankford Avenue Philadelphia Philadelphia County	Withdrawn

## Branch Relocations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
9-27-2019	Freedom Credit Union Warminster Bucks County	To: 9910 Frankford Avenue Philadelphia Philadelphia County  From: 10400 Drummond Road Philadelphia Philadelphia County	Filed

The Department's web site at [www.dobs.pa.gov](http://www.dobs.pa.gov) includes public notices for more recently filed applications.

ROBIN L. WIESSMANN,  
*Secretary*

[Pa.B. Doc. No. 19-1512. Filed for public inspection October 11, 2019, 9:00 a.m.]

## DEPARTMENT OF BANKING AND SECURITIES

### Maximum Lawful Rate of Interest for Residential Mortgages for the Month of November 2019

The Department of Banking and Securities (Department), under the authority contained in section 301 of the act of January 30, 1974 (P.L. 13, No. 6) (41 P.S. § 301), determines that the maximum lawful rate of interest for residential mortgages for the month of November 2019, is 4 1/2%.

The interest rate limitations under the Commonwealth's usury statute were pre-empted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub.L. No. 96-221). Further pre-emption was instituted with the signing of Pub.L. No. 96-399, which overrode State interest rate limitations on any individual who finances the sale or exchange of residential real property which the individual owns and which the individual occupies or has occupied as his principal residence.

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board or the United States Treasury, or both. The latest yield rate on long-term government securities is 1.94 to which was added 2.50 percentage points for a total of 4.44 that by law is rounded off to the nearest quarter at 4 1/2%.

ROBIN L. WIESSMANN,  
*Secretary*

[Pa.B. Doc. No. 19-1513. Filed for public inspection October 11, 2019, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### Fee Increase for Houseboats at Presque Isle State Park (Effective 2020—2029)

Under the authority of section 314 of the Conservation and Natural Resources Act (71 P.S. § 1340.314), the Department of Conservation and Natural Resources hereby gives notice of an increase in the annual fee for houseboat mooring permits issued by the Bureau of State Parks. The current annual fee is \$900. The new annual fee shall be as follows:

For residents of this Commonwealth:

\$1,050 on January 1, 2020.  
\$1,200 on January 1, 2021.  
\$1,224 on January 1, 2022.  
\$1,248 on January 1, 2023.  
\$1,273 on January 1, 2024.  
\$1,298 on January 1, 2025.  
\$1,324 on January 1, 2026.  
\$1,350 on January 1, 2027.  
\$1,377 on January 1, 2028.  
\$1,405 on January 1, 2029.

For non-residents:

\$1,200 on January 1, 2020.  
\$1,350 on January 1, 2021.  
\$1,530 on January 1, 2022.  
\$1,561 on January 1, 2023.  
\$1,592 on January 1, 2024.  
\$1,624 on January 1, 2025.



\$1,656 on January 1, 2026.  
 \$1,689 on January 1, 2027.  
 \$1,723 on January 1, 2028.  
 \$1,757 on January 1, 2029.

787-8800, fax (717) 787-8817, hbollinger@pa.gov. Persons with a disability should use the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD).

CINDY ADAMS DUNN,  
*Secretary*

Inquiries should be directed to Heather Bollinger, Park Operations and Maintenance Division, Bureau of State Parks, P.O. Box 8551, Harrisburg, PA 17105-8551, (717)

[Pa.B. Doc. No. 19-1514. Filed for public inspection October 11, 2019, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

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## APPLICATIONS

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### 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 &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0064351 (Industrial)	Keystone Potato Products P.O. Box 27 Hegins, PA 17938-0027	Schuylkill County Frailey Township	Middle Creek (CWF) (7-D)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0085740— SEW	Mill Creek Area Municipal Authority P.O. Box 4 Mill Creek, PA 17060	Mill Creek Borough/ Huntingdon County	Juniata River/12-C	Y
PA0081108— SEW	Dennis Morrison 127 Indian Spring Road Hopewell, PA 16650	Hopewell Township/ Bedford County	UNT Maple Run/11.D	Y
PA0080489	Liberty Travel Plaza Duncannon 3298 Susquehanna Trail Duncannon, PA 17020-7108	Perry County/ Watts Township	Susquehanna River/6C	Y
PA0082571	West Penn District Grace Brethren Men, Inc. 2671 Camp Ln P.O. Box 95 Saxton, PA 16678	Todd Township/ Huntingdon County	Raystown Branch Juniata River/11D	Y
PA0261319	Cindy M & Steve L Sheets 1669 Old Carlisle Road Aspers, PA 17304	Butler Township/ Adams	UNT Opossum Creek/7F	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PAS214802 (Storm Water)	Beavertown Block Co., Inc. P.O. Box 337 Middleburg, PA 17842-0337	Snyder County Franklin Township	Unnamed Tributary of Middle Creek (CWF, MF) (6-A)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0216071 (Sewage)	Univar USA Inc. P.O. Box 303 Bunola, PA 15020-0303	Allegheny County Forward Township	Monongahela River (WWF) (19-C)	Yes
PA0219479 (Sewage)	Salem Ridge Village 180 Pollack Run Road Belle Vernon, PA 15012-3102	Westmoreland County Rostraver Township	Unnamed Tributary to Pollock Run (WWF) (19-D)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0240141 (Sewage)	Stephen Sherk SRSTP 20 Yohe Road Bradford, PA 16701	McKean County Corydon Township	Unnamed Tributary to the Willow Creek (HQ-CWF) (16-B)	Yes
PA0263443 (Sewage)	Linesville Pine Joint STP P.O. Box 382 Linesville, PA 16424-0382	Crawford County Pine Township	Shenango River (Pymatuning Reservoir) (20-A)	Yes

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

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

**PA0042978**, Sewage, SIC Code 8412, **DCNR—Bureau of State Parks**, 1112 River Road, Washington Crossing, PA 18977-1202. Facility Name: Washington Crossing Historic Park Upper WWTP. This existing facility is located in Solebury 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), Delaware River (WWF, MF), is located in State Water Plan watershed 2-E and is classified for Migratory Fishes and Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .025 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min	XXX	XXX	XXX
			4.0			
Total Residual Chlorine (TRC)	XXX	XXX	Inst Min	0.5	XXX	1.2
			XXX			
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	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	200	XXX	1,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
Total Nitrogen				Geo Mean		
May 1 - Sep 30	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	20	XXX	40
Nitrate as N						
May 1 - Sep 30	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	1.0	XXX	2
Total Dissolved Solids	XXX	XXX	XXX	XXX	Report Daily Max	XXX

Sludge use and disposal description and location(s): Disposed offsite for processing and disposal.

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

- No stormwater into sewage.
- TRC Minimization
- Designation of responsible operator.
- Proper sludge disposal

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.

**PA0058866 A-1**, Industrial, SIC Code 2066, **Blommer Chocolate Co.**, 1101 Blommer Drive, East Greenville, PA 18041-2140. Facility Name: Blommer Chocolate. This existing facility is located in Upper Hanover Township, **Montgomery County**.

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

The receiving stream(s), Unnamed Tributary to 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 and 004 are based on a storm water event.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 003 are based on a design flow of .0225 MGD and storm water event.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Temperature (deg F) (°F)	XXX	XXX	XXX	XXX	XXX	110
Total Suspended Solids	XXX	XXX	XXX	30	60	75
Total Dissolved Solids	Report	Report Daily Max	XXX	Report	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX

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

- Obtain Necessary Property Rights
- Small Stream Discharge
- Chlorine Minimization
- Chemical Additives
- Stormwater Requirements

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

The EPA Waiver is in effect.

**PA0057363**, Sewage, SIC Code 4952, **Penns Park Master Assoc**, 2288 Second Street Pike, Penns Park, PA 18943. Facility Name: Arcca Real Estate. This existing facility is located in Wrightstown Township, **Bucks County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of .002 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	4.0 Inst Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.3
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )						
Nov 1 - Apr 30	XXX	XXX	XXX	20	XXX	40
May 1 - Oct 31	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200 Geo Mean	XXX	1,000

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Ammonia-Nitrogen						
Nov 1 - Apr 30	XXX	XXX	XXX	9.0	XXX	18
May 1 - Oct 31	XXX	XXX	XXX	3.0	XXX	6
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX

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

- AMR submission
- DMR requirement
- Treatment plant maintenance requirements
- Chlorine minimization
- No stormwater to sanitary sewers
- Notification of designation of responsible operator
- Dry stream discharge
- Necessary property rights
- Proper sludge disposal
- Abandon treatment plant when public sewers become available
- Fecal coliform reporting requirements

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

The EPA Waiver is in effect.

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

**PA0007919**, Industrial, SIC Code 2621, **Cascades Tissue Group PA Inc.**, 901 Sathers Drive, Pittston, PA 18640-9589. Facility Name: Cascades Tissue Pa/Division Of Cascades Tissue Group LLC. This existing facility is located in Ransom Township, **Lackawanna 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 (WWF), Susquehanna River (WWF, MF), and Unnamed Tributary to Susquehanna River (CWF, MF), is located in State Water Plan watershed 4-G and is classified for Migratory Fishes, Cold Water Fishes, and Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 2.6 MGD.—Limits.

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

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	120.0	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	100.0	XXX

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	120.0	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	100.0	XXX

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	120.0	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	100.0	XXX

The proposed effluent limits for Outfall 005 are based on a design flow of .335 MGD.—Limits.

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

The proposed effluent limits for Outfall 101 are based on a design flow of 1.86 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD <sub>5</sub> )	2,130	4,110	XXX	Report	Report	XXX
Total Suspended Solids	2,760	5,115	XXX	Report	Report	XXX
Total Suspended Solids (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Oil and Grease	XXX	XXX	XXX	15	30	XXX
Lead, Total	XXX	XXX	XXX	0.154	0.240	XXX
Total Suspended Solids (Total Load, lbs) (lbs)	XXX	407,442 Total Annual	XXX	XXX	XXX	XXX

The proposed effluent limits for Outfall 201 are based on a design flow of .0011 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	1.5	XXX	2.5
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	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

The proposed monitoring requirements and effluent limits for implementation of Pennsylvania's Chesapeake Bay Watershed Implementation Plan are as follows for Outfall 001.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Monthly</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Monthly</i>	<i>Annual</i>		<i>Monthly Average</i>	<i>Maximum</i>	
Total Nitrogen (Total Load, lbs) (lbs) Effluent Net	XXX	40,569	XXX	XXX	XXX	XXX
		Total Annual Report	XXX	XXX	XXX	XXX
Total Nitrogen (Total Load, lbs) (lbs)	XXX	Total Annual Report	XXX	XXX	XXX	XXX
Ammonia-Nitrogen (Total Load, lbs) (lbs)	XXX	Total Annual Report	XXX	XXX	XXX	XXX
Total Phosphorus (Total Load, lbs) (lbs) Effluent Net	XXX	1,941	XXX	XXX	XXX	XXX
		Total Annual Report	XXX	XXX	XXX	XXX
Total Phosphorus (Total Load, lbs) (lbs)	XXX	Total Annual Report	XXX	XXX	XXX	XXX

\* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department's Chapter 96 regulations. The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

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

- Chesapeake Bay Schedule
- Requirements Applicable to Stormwater Outfalls
- Chemical Additives

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472.

The EPA Waiver is not in effect.

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

**PA0003239**, Industrial, SIC Code 3317, **Swagelok Processing Corporation**, 7544 Route 18 North, Koppel, PA 16136. Facility Name: Swagelok Processing Corp. This existing facility is located in Koppel Borough, **Beaver 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), Beaver River (WWF), is located in State Water Plan watershed 20-B 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 IMP 113 are based on a design flow of 0.021 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
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	XXX	0.5	XXX	1.0
Free Available Chlorine	XXX	XXX	XXX	0.2	0.5	XXX
Temperature (°F)	XXX	XXX	XXX	XXX	XXX	110
Total Suspended Solids	19.2	45.5	XXX	15.0	40.0	XXX
Oil and Grease	Report	Report	XXX	5.0	5.0	XXX
Chromium, Total	0.239	0.598	XXX	0.1	0.3	XXX
Fluoride, Total	XXX	XXX	XXX	26.4	59.5	XXX
Iron, Dissolved	XXX	XXX	XXX	XXX	7.0	XXX
Nickel, Total	0.179	0.537	XXX	0.1	0.3	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.

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


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*Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401, 484.250.5900.*

**WQM Permit No. WQG02461913**, Sewage, **Lower Gwynedd Township**, 1130 N. Bethlehem Pike, P.O. Box 625, Spring House, PA 19477.

This proposed facility is located in Lower Gwynedd Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of new low pressure force main system/extension for 17 new townhouses.

**WQM Permit No. WQG02461914**, Sewage, **Horsham Water & Sewer Authority**, 617 Horsham Road, Horsham, PA 19044.

This proposed facility is located in Horsham Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of sewer extensions for Jarrett & Privet Roads.

**WQM Permit No. 1519407**, Sewage, **Franklin Township**, 20 Municipal Lane, P.O. Box 118, Kemblesville, PA 19347.

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

Description of Action/Activity: 38 lot residential subdivision that includes wastewater treatment plant with land application via drip disposal fields.

**WQM Permit No. 0904402**, Sewage, Amendment, **Warrington Township**, 852 Easton Road, Warrington, PA 18976.

This proposed facility is located in Warrington Township, **Bucks County**.

Description of Action/Activity: Additional pump station capacity flow.

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

**WQM Permit No. 3885409 A-2**, Sewerage, **Lebanon Valley Mobile Home Community**, 320 Parker Street, Carlisle, PA 17013-3621.

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

Description of Proposed Action/Activity: Applicant is applying to amend an existing WWTP Sludge Holding Tank.

**WQM Permit No. 2819403**, Sewerage, **Guest Farm Village Sewer Authority**, 11364 Fort Loudon Road, Mercersburg, PA 17236-8503.

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

Description of Proposed Action/Activity: Applicant is applying to make WWTP upgrades to meet permitted effluent limits.

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

**WQM Permit No. 6572410 A-1**, Sewage, **Western Westmoreland Municipal Authority**, 12441 Route 993, N Huntingdon, PA 15642-4264.

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

Description of Proposed Action/Activity: Lift Station, EQ Tank, and Sewer Interceptor Upgrades. Re-alignment of interceptor sewer.

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.

**WQM Permit No. 6380202 A-1**, Industrial, **Mon River Ind Group LLC**, P.O. Box 249, Allenport, PA 15412-0249.

This existing facility is located in Allenport Borough, **Washington County**.

Description of Proposed Action/Activity: Application for amendment and transfer.

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


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

**PAI130002**, MS4, **Salford Township Montgomery County**, P.O. Box 54, Tylersport, PA 18971-0054. 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 Salford Township, **Montgomery County**. The receiving stream(s), Unnamed Tributary to East Branch Perkiomen Creek (TSF, MF) and Unnamed Tributary to Ridge Valley Creek (HQ-TSF, MF), is located in State Water Plan watershed 3-E and is classified for Migratory Fishes, Mi, Trout Stocking, and High-Quality Waters—Trout Stocking, aquatic life, water supply and recreation. The applicant is classified as a small MS4.

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



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

**PAI130533**, MS4, **Schuylkill Township Chester County**, 111 Valley Park Road, Phoenixville, PA 19460. 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 Schuylkill Township, **Chester County**. The receiving stream(s), Unnamed Tributary to Valley Creek (EV, MF), Schuylkill River (WWF, MF), Pickering Creek (HQ-TSF, MF), and French Creek (TSF, MF), is located in State Water Plan watershed 3-D and 3-F and is classified for Migratory Fishes, Mi, Exceptional Value Waters, Warm Water Fishes, Trout Stocking, Migratory Fish, 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(s) with the application to reduce pollutant loads to impaired waters:

- A Pollutant Reduction Plan (PRP)

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

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

**PAI130068**, MS4, **Doylestown Township**, 425 Wells Road, Doylestown, PA 18901. 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 Doylestown Township, **Bucks County**. The receiving stream(s), Cooks Run (WWF, MF), Mill Creek (TSF, MF), Neshaminy Creek (TSF, MF), Pine Run (TSF, MF), and Unnamed Tributary to Neshaminy Creek (WWF, MF), is located in State Water Plan watershed 2-F and is classified for Migratory Fishes, Warm Water Fishes, and Trout Stocking, 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.

#### V. Applications for NPDES Waiver Stormwater Discharges from MS4.

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Waiver Application Submitted (Y/N)</i>	<i>Pollutant Reduction Plan Submitted (Y/N)</i>
PAS503501 (Storm Water)	Susquehanna Resource Management Complex 1670 S 19th Street Harrisburg, PA 17104-3201	Dauphin County Harrisburg City	Spring Creek (CWF, MF) (7-C)	Yes

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD390129	Plot 886 LLC 33 Penn St. Hellertown, PA 18055	Lehigh	Salisbury Twp	Cedar Creek (HQ-CWF, MF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD480108	Victaulic Co Walter Sloyer 4901 Kesslersville Rd. Easton, PA 18040-6714	Northampton	Forks Twp	Bushkill Creek (HQ-CWF, MF)

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAD520023	Dingmans Ferry Dg LLC Steve Camp 361 Summit Blvd Ste 110 Birmingham, AL 35243	Pike	Delaware Twp	Adams Creek (EV, MF) Dingmans Creek (HQ-CWF, MF)

*Wayne Conservation District, 925 Court Street, Honesdale, PA 18431.*

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAD640019	Pile of Dirt LLC 105 Rusty's Blvd. Honesdale, PA 18431-7746	Wayne	Berlin Twp	UNT to Lackawaxen River (HQ-CWF, MF)

*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
PAD440006	Brown Township Supervisors 22 Brown Township Drive Reedsville, PA 17084	Mifflin	Brown Township	Tea Creek (HQ-CWF, MF)

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

Permit No.	Applicant & Address	County	Municipality	Stream Name
PAD020021-A1	Giant Eagle, Inc. 261 Kappa Drive Pittsburgh, PA 15238	Allegheny County	North Versailles Township	Jacks Run (HQ-TSF)

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

*Butler County Conservation District, 120 Hollywood Drive, Suite 201, Butler, PA 16001, 724-284-5270.*

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAD100007	Community Development Corporation of Butler County Joe Saeler 120 Hollywood Drive Suite 101 Butler, PA 16001	Butler	Butler Township Butler City	Connoquenessing Creek WWF

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

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PAG-12      CAFOs

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### CAFO Notices of Intent Received.

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

**NPDES Permit No. PAG123896, CAFO, Ag Ventures LLC, 6 S Broad Street, Lititz, PA 17543.**

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

Description of size and scope of proposed operation/activity: Swine (Grow—Finish): 328.19 AEU's.

The receiving stream, West Branch Conococheague Creek (CWF, MF), is in watershed 13-C and classified for: Cold Water Fishes and Migratory Fishes.

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

**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).**

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

**Application No. 5519504MA—Construction—Public Water Supply.**

Applicant	<b>Aqua Pennsylvania, Inc. Monroe</b>
Township/Borough	Monroe Township
County	<b>Snyder County</b>
Responsible Official	Mr. Stephen J. Draus, P.E. Aqua Pennsylvania, Inc. 204 E. Sunbury Avenue Shamokin, PA 18782
Type of Facility	Public Water Supply—Construction
Consulting Engineer	Mr. Steve R. Read, P.G. Read & Associates, LLC 10 Field Stone Drive Mechanicsburg, PA 17050
Application Received	9/23/2019
Description of Action	Authorizes the modification (reconstruction) of Well 4 to improve water quality.

**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:

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

**Humboldt East Site 106**, 101 Commerce Drive, Hazle Township, **Luzerne County**. Cozen O'Connor, One Liberty, 1650 Market Street, Suite 2800, Philadelphia, PA 19103, on behalf of Bluewater Hazleton LLC, One Tower Bridge, 100 Front Street, Suite 570, Conshohocken, PA 19428, submitted a Notice of Intent to Remediate. Soil was contaminated by volatile organic compounds, base neutral compounds, PCBs, and metals. The Site was formerly part of the PPL-Harwood Steam Electric Station and it will be remediated as a Special Industrial Area. Future use of the site will be non-residential. The Notice of Intent to Remediate was published in *The Standard Speaker* on September 24, 2019.

**Weiler Corporation**, 1 Weiler Drive, Barrett Township, **Monroe County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Cresco Realty LLC, 1 Weiler Drive, Cresco, PA 18431, submitted a Notice of Intent to Remediate. Soil and groundwater were contaminated with heating oil from an underground storage tank. Future use of the site will be nonresidential. The Notice of Intent to Remediate was published in the *Pocono Record* on September 21, 2019.

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

**Former Mt. Joy MGP**, 223-225 West Main Street, Mt. Joy, PA 17552, Mt. Joy Borough, **Lancaster County**. Silar Services, 1851 French Creek Road, Phoenixville, PA 19460, on behalf of PPL Electric Utilities, 1639 Church Road, Allentown, PA 18104-9342, and Mt. Joy Borough, 21 East Main Street, Mt. Joy, PA 17552 submitted a Notice of Intent to Remediate site groundwater and soil with contamination from a manufactured gas plant. The site will be remediated to the Statewide Health and Site-Specific Standard. Future use of the site is to remain a public park. The Notice of Intent to Remediate was published in the *LNP* on September 16, 2019.

**Former Columbia Iron Ore Mine**, 620 Sycamore Drive, Columbia, PA 17512, West Hempfield Township, **Lancaster County**. BL Companies, 2601 Market Place, Suite 350, Harrisburg, PA 17110, on behalf of 620 Sycamore Drive Associates, LLC, One Tower Bridge, 100 Front Street, Suite 560, West Conshohocken, PA 19428, and United Mineral Corporation, c/o Jon M. Gruber, Esquire, Russell, Kraft & Gruber, LLP, Hempfield Center, Suite 300, 930 Red Rose Court, Lancaster, PA 17601, submitted a Notice of Intent to Remediate site soil contaminated with metals associated with an iron ore deposit. The site will be remediated to the Site-Specific Standard. Future use of the site is used as residential for single family homes. The Notice of Intent to Remediate was published in the *LNP* on September 12, 2019.

**Burkman Property**, 115 Wea-Wit Street, East Earl, PA 17519, East Earl Township, **Lancaster County**. Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, on behalf of State Farm Insurance, P.O. Box 106169, Atlanta, GA 30348-6169, and Joseph Burkman, 1155 Wea-Wit Street, East Earl, PA 17519, submitted a Notice of Intent to Remediate site soil and groundwater contaminated with No. 2 fuel oil. The site will be remediated to the Residential Statewide Health Standard. Future use of the site will continue to be for residential purposes. The Notice of Intent to Remediate was published in the *LNP* on September 9, 2019.

*Northwest Region: Environmental Cleanup & Brownfields Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**Luxfer Magtech, Inc.**, 955 Saxonburg Boulevard, Clinton Township, **Butler County**. Ramboll US Corporation, 1760 Market Street, Suite 1000, Philadelphia, PA 19103, on behalf of Luxfer Magtech, Inc., 955 Saxonburg Boulevard, Saxonburg, PA 16056, submitted a Notice of Intent to Remediate. The site has historically been used for multiple industrial purposes and is currently operating as a magnesium product manufacturing facility. A portion of the northern and southern parts of the site has been used for seasonal farming. The site will be remediated using a combination of the Site-Specific and Statewide Health Standards. Future use of the property will be industrial. The Notice of Intent to Remediate was published in the *Butler Eagle* on September 17, 2019.

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

**3348 Troxelville Rd**, Middleburg, Center Township, **Snyder County**. Crawford Environmental Services, LLC, 20 Cardinal Drive, Birdsboro, PA 19508, on behalf of Jack D. Wagner and Emily McCaffery, 3348 Troxelville Rd, Middleburg, PA 17842, has submitted a Notice of Intent to Remediate site soil contaminated with No. 2 Fuel Oil. The applicant proposes remediation of the site to meet the Residential Statewide Health Standard. A summary of the Notice of Intent to Remediate was published in *The Daily Item* on August 12, 2019.

**Star Fleet Trucking Project**, Crossroads Drive, New Columbia, Kelly Township, **Union County**. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857, on behalf of Star Fleet Trucking, Inc., 426 Main Street, Middlebury, IN 46550, has submitted a Notice of Intent to Remediate site soil contaminated with diesel fuel, motor oil and antifreeze. The applicant proposes remediation of the site to meet the Non-Residential Statewide Health Standard. A summary of the Notice of Intent to Remediate was published in *The Daily Item* on September 23, 2019.

#### MUNICIPAL WASTE GENERAL PERMIT

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

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

**General Permit Application No. WMGM065. Ecoremedy, LLC, Bucks County**, 95 Riverview Avenue, Morrisville, PA 19067. The Department received an application for a new general permit for the drying and gasification of treated municipal wastewater sludge (biosolids) for beneficial use as alternative fuel source in boilers, power plants, and cement kilns. Ecoremedy will receive municipal waste biosolids from the Morrisville Municipal Authority, Morrisville Borough, Bucks County, PA, and from other municipal wastewater treatment plants. The application was determined to be administratively complete on September 26, 2019.

Written comments concerning the application should be directed to Chris Solloway, General Permits/Beneficial

Use Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P.O. Box 69170, Harrisburg, PA 17106-9170. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984. Comments may also be submitted via e-mail at ra-epbenuseall@pa.gov. When submitting comment via e-mail, place "Comments on WMGM065" in the subject line. Faxed comments will not be accepted. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application. For more information, contact the Division of Municipal and Residual Waste at 717-787-7381.

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

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

*Northwest Region: Christina S. Wilhelm, Regional Solid Waste Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**Permit Application No. 101724. Raccoon Refuse Transfer Station, Inc.**, 44939 Old Route 77, Spartansburg, PA 16434; Sparta Township, **Crawford County**. A permit application for a new municipal waste transfer station was received by the Department on September 16, 2019. The proposed transfer facility will operate (accept, dump, load waste) Monday through Saturday 5:00 am to 5:00 pm with an average daily volume of 250 tons per day and a maximum daily volume of 300 tons per day. No more than 600 tons of waste may be stored onsite any given time.

Comments concerning the application should be directed to Christina Wilhelm, Program Manager, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335. Persons interested in obtaining more information about the permit application may contact the Northwest Regional Office, at (814) 332-6848. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

**Permit Application No. 300837. Keystone—Conemaugh Projects, LLC**, 313 Keystone Drive, Shelocta, PA 15774; Plumcreek Township; **Armstrong County**. A permit reissuance application was received for this facility on July 18, 2019. The Keystone Station Ash Disposal Site is an existing residual waste landfill owned by GenOn Northeast Management Company, LLC being transferred to Keystone—Conemaugh Projects, LLC. No changes to the permit other than ownership name are being proposed in this application.

**Permit Application No. 300876. Keystone—Conemaugh Projects, LLC**, 1442 Power Plant Road, New Florence, PA 15944; West Wheatfield Township; **Indiana County**. A permit reissuance application was received for this facility on July 18, 2019. The Conemaugh Generating Station Ash Disposal Site is an existing residual waste landfill owned by GenOn Northeast Management Company, LLC being transferred to Keystone—Conemaugh Projects, LLC. No changes to the permit other than ownership name are being proposed in this application.

**Permit Application No. 300818. New Castle Power, LLC**, 2189 State Route 168 South, West Pittsburg, PA 16160; Taylor Township; **Lawrence County**. A permit reissuance application was received for this facility on July 18, 2019. The New Castle Station Ash Disposal Site is an existing residual waste landfill owned by GenOn Power Midwest LP is being transferred to New Castle Power, LLC. No changes to the permit other than ownership name are being proposed in this application. The application was received on July 18, 2019.

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

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

**Permit No. 101668, Mifflin County Solid Waste Authority Barner Site Transfer Station**, 87 Landfill Road, Lewistown, PA 17044.

An application for a permit renewal was submitted by the Mifflin County Solid Waste Authority for continued operation of their Barner Site municipal waste transfer facility located in Derry Township, **Mifflin County**. The current permit expires April 12, 2020. This application was deemed administratively complete by the Southcentral Regional Office on September 11, 2019. The Department will accept comments from the general public recommending revisions to, and approval or denial of, the application during the entire time the Department is reviewing the permit application.

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

## 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 Depart-

ment 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.*

**48-00115A: Aria Energy East LLC** (46280 Dylan Drive, Suite 200, Novi, MI 48377) for the construction of a Renewable Natural Gas facility with controls at a facility to be located in Lower Saucon Twp., **Northampton County**.

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

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

**16-149E: Clarion Laminates** (301 Fiberboard Road, Shippensburg, PA 16254), for the proposed production increase in Paint Township, **Clarion County**. This is a State Only facility.

**43-310D: NLMK Pennsylvania LLC** (15 Roemer Boulevard, Farrell, PA 16121), for the proposed construction of process equipment related to the Walking Beam Furnace as a result of non-construction within 18-months of Plan Approval 43-310G issuance in Farrell City, **Mercer County**. This is a Title V facility.

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

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

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

**18-00009G: Clinton County Solid Waste Authority** (264 Landfill Lane, McElhattan, PA 17748-0209) has submitted an application (18-00009E) for the proposed installation and operation of a 3,900 standard cubic foot per minute (scfm) enclosed flare to control the air contaminant emissions from the North and South Side of the Wayne Township Landfill located in Wayne Township, **Clinton County**. The respective facility is a major facility for which a Title V operating permit 18-00009 has been issued. The Department's review of the information submitted by Clinton County Solid Waste Authority indicates that the proposed enclosed flare will meet all applicable air quality regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the Best Available Technology requirements of 25 Pa. Code §§ 127.1 and 127.12. The enclosed flare will meet the requirements of Title V operating permit 18-00009 and Subpart WWW of the Standards of Performance for Municipal Solid Waste Landfills, 40 CFR Sections 60.750—60.759. Based on these findings, the Department intends to approve the application and issue plan approval for the proposed installation and operation of a 3,900 standard cubic foot per minute (scfm) enclosed flare. Additionally, if the Department determines that all equipment constructed are operating in compliance with all plan approval conditions, the conditions established in the plan approval will be incorporated into Title V operating permit 18-00009 via an administrative amendment pursuant to 25 Pa. Code § 127.450.

The following is a summary of the conditions that the Department proposes to place in the plan approval to ensure compliance with all applicable regulatory requirements: Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12 and/or 40 CFR Part 60 Subpart WWW Sections 60.750—60.759: Source IDs P200 and P201 are the North and South side disposal areas, respectively, of the Clinton County solid waste landfill, each with a landfill gas extraction, collection and control system associated with the North and South side disposal areas. The landfill gas extraction, collection and control system associated with the North and South side

disposal areas, shall consist of a series of vertical wells as well as horizontally-orientated gas collection piping. The gas collected with this system shall be controlled by a 3,900 scfm Zink Combustion model ZOTF landfill gas/natural gas fired enclosed ground-type flare (Control Device ID C001); the permittee shall not permit the following air contaminant emissions from the exhaust of ID C001 associated with Source IDs P200 and P201 in excess of the following limitations: nitrogen oxides ( $\text{NO}_x$ , expressed as  $\text{NO}_2$ )—0.06 pounds per million Btu of heat input, carbon monoxide (CO)—0.15 pounds per million Btu of heat input, sulfur oxides ( $\text{SO}_x$ , expressed as  $\text{SO}_2$ )—2.48 pounds per hour, particulate matter ( $\text{PM}_{10}/\text{PM}_{2.5}$ )—1.69 pounds per hour and 0.02 grains per dry standard cubic foot of exhaust gas, non-methane organic compounds (NMOC)—0.25 pounds per hour; Control Device ID C001 associated with Source IDs P200 and P201 shall reduce the non-methane organic compound emissions by 98% or greater or reduce the outlet non-methane organic compound concentration to not equal or exceed 20 parts per million, by volume, dry basis (ppmdv) at 3% oxygen; there shall be no visible emissions from Control Device ID C001, except for periods not to exceed a total of five (5) minutes during any two (2) consecutive hours; Control Device ID C001 shall be equipped with a natural gas enrichment system to allow natural gas to be bled into the landfill gas; the combustion chamber temperature of Control Device ID C001 shall not be less than 1,650°F, at any time; Control Device ID C001 associated with Source IDs P200 and P201 shall maintain, for each 3-hour period of operation based on rolling hourly data, an average combustion temperature of no more than 28°C (50.4°F) below the average combustion temperature during the most recent performance test in which compliance with the destruction/removal was demonstrated; the residence time of the air contaminants in Control Device ID C001 shall not be less than 1.07 seconds; Control Device ID C001 shall be equipped with instrumentation to continuously monitor and record the combustion temperature and having a minimum accuracy of +/- one percent in degrees Celsius the temperature being monitored, shall be equipped with instrumentation to monitor the gas flow to the flare and record the flow once every 15 minutes, shall be equipped with a bypass line valve in the closed position with a car-seal or a lock-and-key type configuration, shall be equipped with an automatic pilot ignition system that utilizes natural gas as a separate fuel source which ensures complete and immediate combustion of the landfill gas, shall be equipped with an ultraviolet scanner with controller to confirm that a flame is present anytime that landfill gas is present, shall be equipped with an automatic shut-off mechanism designed to immediately stop the flow of gases when a flame-out occurs, shall be designed such that there are no visible flames during normal operation; the permittee shall keep records of the following information and shall be kept for a minimum of five (5) years: the emission of nitrogen oxides, carbon monoxides, sulfur oxides, particulate matter and non-methane organic compounds from Control Device ID C001 on a monthly basis to verify comply with the respective annual emission limitation. The combustion temperature of ID C001 on a continuous basis; the permittee shall perform nitrogen oxide, carbon monoxide, sulfur oxide and non-methane organic compound stack tests upon Control Device ID C001 associated with Source IDs P200 and P201 within 120 days from the initial operation to verify compliance with the emission limitations for nitrogen oxide, carbon monoxide, sulfur oxide and non-methane hydrocarbon emissions from Control Device ID C001 associated with Source IDs P200 and P201.

All conditions contained in the Title V operating permit (TVOP 18-00009) remain in effect unless superseded or amended by conditions contained herein. If there is a conflict between a condition or requirement contained in this plan approval and a condition or requirement contained in TVOP 18-00009, the permittee shall comply with the condition or requirement contained in this plan approval. A copy of the plan approval application is available for public review between 8 a.m. and 4 p.m. at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review may be made by calling the Department at 570-327-0550. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Environmental Program Manager, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570-327-3648.

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

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

**15-0146: Wallquest, Inc.** (465 Devon Park Drive, Wayne, PA 19087) for the relocation and installation of an existing nine (9) color rotary screen press and an existing one (1) color rotary screen press at their facility in Tredyffrin Township, **Chester County**. As a result of potential emissions of VOCs, the facility is not a Title V facility. The operation of the existing presses will not exceed the following site-wide pollutant emission limits: volatile organic compounds (VOCs): 24.9 tpy hazardous air pollutants: 10 tpy (single HAP) and 25 tpy (combined HAPs).

In addition, the Plan Approval will contain recordkeeping requirements and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

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

**06-05081C: Delaware County Solid Waste Authority** (583 Longview Road, Boyertown, PA 17604) for the construction of a lateral expansion to the Rolling Hills Landfill located in Earl Township, **Berks County**. The existing facility is a Title V facility. DEP's review of the information submitted by the applicant indicates that the air contamination source as constructed or modified will comply with all regulatory requirements including the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12. The lateral expansion will increase the Landfill's overall capacity by approximately 8.84 million cubic yards and will have the potential to increase emissions of Nitrogen Oxides ( $\text{NO}_x$ ) emissions to 17.3 tpy, CO emissions to 18.5 tpy,  $\text{PM}_{10}$  emission to 24.1 tpy,  $\text{SO}_x$  emission to 4.9 tpy, VOC emissions to 7.7 tpy, and HAP emissions to 5.2 tpy. The plan approval will include visible 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 WWW—Standards of Performance for Municipal Solid Waste Landfills.

**36-05142C: Mars Chocolate North America, LLC** (295 South Brown Street, Elizabethtown, PA 17022) for the construction of a new cocoa bean receiving, cleaning, and storage operation at the chocolate manufacturing plant in Elizabethtown Borough, **Lancaster County**. The existing facility is a Title V facility. DEP's review of the information submitted by the applicant indicates that the air contamination source as constructed or modified will comply with all regulatory requirements including the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12. With the addition of the new sources the facility's overall potential-to-emit PM<sub>10</sub> will increase by approximately 9.0 tpy. The plan approval will include emission limits, testing requirements, 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 64, the Compliance Assurance Monitoring (CAM) Rule.

*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.*

**63-01032: Ameri-Precision Metals, Inc.** (40 Curry Avenue, Canonsburg, PA 15317). 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-63-01032 to Ameri-Precision Metals, Inc. for installation and operation of a cold rolling mill and associated operations primarily in an existing buildings 25, 30, and 35 at Pennsylvania Transformer Facility Industrial Park at 40 Curry Avenue Canonsburg in Canonsburg Borough, **Washington County**.

The estimated emissions from the facility are less than 2.0 tpy particulate matter (PM), 2.0 tpy PM<sub>10</sub>, 1.0 tpy SO<sub>x</sub>, 26.0 tpy NO<sub>x</sub>, 10.0 tpy CO, 2.0 tpy VOC, and 1.0 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](mailto: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 (63-01032) 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.

**63-01031: TMS International, LLC** (42 Eighty Four Drive, Eighty Four, PA 15330). Notice is hereby given in accordance with 25 Pa. Code §§ 127.44—127.46 that the Department of Environmental Protection ("Department") intends to issue Air Quality Plan Approval: PA-63-01031 to TMS International, LLC ("TMS") for installation of torch cutting operations located in South Strabane Township, **Washington County**. Two natural gas torches will be used to cut stainless steel, low Fe steel, carbon stainless bonded plate, and titanium scrap. TMS will also utilize a CNC argon plasma torch for cutting scrap. All torch cutting will take place in indoors and will be controlled by a baghouse.

The estimated emissions from the torch cutting operations are less than 2.0 tpy of particulate matter (PM), 2.0 tpy of PM<sub>10</sub>, 2.0 tpy of PM<sub>2.5</sub>, 2.0 tpy of SO<sub>x</sub>, 2.0 tpy of NO<sub>x</sub>, 2.0 tpy of CO, 1.0 tpy of VOC, and 1.0 tpy of hazardous air pollutants (HAP).

This authorization is subject to State regulations including 25 Pa. Code Chapters 123 and 127. Plan approval conditions include emission restrictions, 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. TMS's Plan Approval application, the Department's Air Quality Review Memorandum, and the Proposed Air Quality Plan Approval for this project 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 Plan Approval 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 Plan Approval for this project, a person may contact Jesse Parihar at [jparihar@pa.gov](mailto:jparihar@pa.gov) or 412.442.4030.

A person may oppose the proposed Plan Approval by filing a written protest with the Department through Jesse Parihar via the U.S. Postal Service to Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222; email to [jparihar@pa.gov](mailto:jparihar@pa.gov); or fax to 412.442.4194. Additional written comments may also be submitted. Each protest or set of written comments must contain the name, address and telephone number of the person submitting the comments, identifi-



cation of the proposed Plan Approval (PA-63-01031) 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.

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

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

**43-294A: International Timber & Veneer, L.C.** (75 McQuiston Drive, Jackson Center, PA 16133) for the installation of a hammermill and associated control device(s) at their facility in Jackson Township, **Mercer County**.

Notice is hereby given pursuant to 25 Pa. Code §§ 127.44(b) and 127.424(b), that the Pennsylvania Department of Environmental Protection (DEP) intends to issue Plan Approval 43-294A to International Timber & Veneer, L.C. for the installation of a hammermill and associated control device(s) at the company's facility located at 75 McQuiston Drive, Jackson Township, Mercer County. The facility currently has a State Only Operating Permit No. 43-00294. The Plan Approval will subsequently be incorporated into the State Only Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

Plan Approval No. 43-294A is for the installation of a hammermill for the grinding of scrap wood from the facility's veneer manufacturing operations, with emissions of particulate matter to be controlled by two (2) single cyclones and a baghouse. Based on the information provided by the applicant and DEP's own analysis, emissions from the subject source will not exceed 0.008 ton of particulate matter per year.

The Plan Approval will contain additional testing, monitoring, recordkeeping, and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

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

Anyone wishing to provide DEP with additional information they believe should be considered may submit the information to the following address. Comments must be received by the Department within 30 days of the last day of publication. Written comments should include the following: name, address, and telephone number of the person submitting comments; identification of the proposed Plan Approval; No. 43-294A; and a concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval.

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

Environmental Protection, Northwest Regional Office, 230 Chestnut St., Meadville, PA 16335, 814-332-6940.

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

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

**IP19-000388: NovaCare Complex** (2 Novacare Way, Philadelphia, PA 19145). On September 12, 2019, for the operation of a sports training facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include two (2) 1.25 MMBtu/hr water heaters, two (2) 0.4 MMBtu/hr duct furnaces, three (3) 0.35 MMBtu/hr or less industrial dryers, one (1) 0.6 MMBtu/hr make up air unit, two (2) 0.975 MMBtu/hr or less rooftop heating units, and one (1) 241 horsepower emergency generator, all firing natural gas. The plan approval contains operating, monitoring, and recordkeeping requirements to ensure operation within all applicable requirements.

### OPERATING PERMITS

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

*Southcentral Region: Air Quality Program, 909 Elmer-ton Avenue, Harrisburg, PA 17110.*

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

**36-05134: Eurofins Lancaster Laboratories, Inc.** (2425 New Holland Pike, P.O. Box 12425, Lancaster, PA 17605-2425) for operation of the analytical, research and consulting services facility in Upper Leacock Township, **Lancaster County**. The facility 2018 actual air emissions were 1.9 tpy CO, 2.3 tpy NO<sub>x</sub>, 0.0 tpy PM<sub>10</sub>, 0.0 tpy SO<sub>x</sub>, 23.3 tpy VOC, 33.0 tpy of combined HAPs & 20.1 tpy of a single HAP. 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 63, Subpart DDDDD—National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters; 40 CFR 60, Subpart IIII—Standards of Performance for Stationary Compression Ignition Internal Combustion Engines; and 40 CFR 60, Subpart Dc—Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units.

**06-05063: Boyertown Foundry Company** (Ninth Street & Rothermel Drive, P.O. Box 443, New Berlinville, PA 19545-0443) for the iron foundry in Boyertown Borough, **Berks County**. The Title V Operating Permit is undergoing a significant modification to incorporate a Reasonably Available Control Technology II (RACT II) plan. The significant permit modification will also address the addition of requirements from 25 Pa. Code § 129.52d, reduction of the VOC limit for Source 110, and various minor administrative updates.

In accordance with 25 Pa. Code §§ 129.91—129.100, the Department has made a preliminary determination to approve a RACT II plan to be submitted as part of the PA State Implementation Plan (SIP) for Boyertown Foundry's iron foundry.

The proposed SIP revision does not adopt any new regulations. It incorporates the provisions and requirements contained in the amended RACT approval for the facility, which are intended to satisfy the requirements for the 1997, 2008 and 2015 National Ambient Air Quality Standards (NAAQS) for ozone.

The proposed RACT II plan, if approved by DEP, will be issued as a significant modification to the facility's Title V operating permit (06-05063). The relevant RACT II requirements will also be submitted to the U.S. Environmental Protection Agency (EPA) for approval and incorporation into Pennsylvania's State Implementation Plan. Requirements that are not part of the RACT II approval will be excluded from the SIP submittal.

The following is a summary of the proposed RACT II requirements for this facility that are proposed to be submitted to the EPA as part of the SIP:

#### RACT II Case-by-Case Requirements

##### I. 112 Hydroslinger Line and 115 Kunkle Wagner Line

(a) The permittee shall maintain and adhere to an operation and maintenance plan for the previously listed sources, which shall address good operation and maintenance practices for the minimization VOC emissions.

(b) The permittee shall maintain records of any maintenance or modifications performed on previously listed sources.

(c) The permittee shall calculate and record the actual fuel and/or process thruput amounts, and actual monthly and 12-month rolling VOC emissions from the previously listed sources.

(d) The permittee shall maintain written documentation of the items in (b)-(c) previously listed for five years. The records shall be made available to the Department upon written request pursuant to 25 Pa. Code § 129.100(d) and (i).

##### II. 110 Core Making Area

a.) The permittee shall utilize the coremaking scrubber for controlling VOC emissions. The scrubber shall be in operation at all times that the associated coremaking process is in operation.

b.) The permittee shall continuously monitor and display the pressure drop across the scrubber packed bed, the scrubber liquid flow to the packed bed, and the pH of the scrubber liquid.

c.) The permittee shall record the following, and maintain these records for at least five years: 1.) all maintenance performed on the scrubbers, 2.) daily readings of the pressure drop across the scrubber packed bed, the scrubber liquid flow to the packed bed, and the pH of the scrubber liquid.

d.) The permittee shall maintain records for the core making operation, Source 110, of the following:

1. Hours of operation
2. Amount of resin used
3. Amount of catalyst used
4. Amount of sand used
5. Emissions of VOC
6. Amount of cores produced

All records shall be monthly and 12-month rolling totals. The records shall be made available to the Department upon request.

e.) The permittee shall maintain manufacturer provided fact sheets (MSDS or Technical Data Sheets) showing the volatile organic compound content of each part of the binder and the catalyst used in the core making operation, Source 110.

f.) The permittee shall notify the Department in the annual emissions report of any new binders and/or catalyst in the coremaking operation, Source 110.

g.) Equipment (a flow gauge or equivalent, as approved by the Department) shall be maintained so that at any time the scrubber liquid flow to the packed bed of the scrubber (C04) can be measured.

h.) Unless otherwise approved in writing by the Department, the permittee shall operate the packed bed scrubber (C04) within the following parameter ranges:

- 1.) a pressure drop range of 1 to 3 inches.
- 2.) a minimum scrubber liquid flow rate to the bed of 115 gallons per minute.
- 3.) pH range of the scrubber liquid between 0.06 and 4.5.

i.) In accordance with 25 Pa. Code § 129.100(i), all records shall be retained by the owner or operator for 5 years and made available to the Department or appropriate approved local air pollution control agency upon receipt of a written request from the Department or appropriate approved local air pollution control agency.

#### *Public Comment Details:*

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 Thomas Hanlon, East Permit Section Chief, Air Quality Permitting, at 909 Elmerton Avenue, Harrisburg, PA 17110. A 30-day comment period from the date of publication of this notice 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.

Public Hearing: A public hearing will be held on November 20, 2019, at 10:00 a.m. at the DEP Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110, to accept oral comments on the proposed permit action and the proposed SIP revision. To register to speak at the hearing, please contact Thomas Hanlon at 717-705-4862. Speakers must pre-register in order to testify at the hearing. The last day to pre-register to speak at the hearing will be November 13, 2019.

Oral testimony at the hearing will be limited to a maximum of 5 minutes per individual and two written copies of the oral testimony are requested. Each organization is requested to designate one witness to present testimony on its behalf. Persons unable to attend the hearing, may submit three (3) copies of a written statement and exhibits within 10 days thereafter to Thomas Hanlon at 909 Elmerton Avenue, Harrisburg, PA 17110.

All pertinent documents are available for public review between 8 a.m. and 4 p.m. at the DEP Southcentral Regional Office at 909 Elmerton Avenue, Harrisburg, PA 17110. Appointments for scheduling a review may be made by calling Thomas Hanlon at 717-705-4862.

Individuals who are in need of an accommodation for the hearing as provided for in the Americans with Disabilities Act should contact Thomas Hanlon at 717-705-4862 or make accommodations through the Pennsylvania AT&T Relay Service at 1-800-654-5984 (TDD).

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

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

**61-00004: Electralloy, G. O. Carlson, Inc., Company** (175 Main Street, Oil City, PA 16301). The Department intends to renew the Title V Permit for the melting operations for specialty stainless steel and nickel alloys in Oil City, **Venango County**. The primary emission sources at the facility include an Electric Arc Furnace, 2 Argon-Oxygen Decarburization vessels, a tumbleblast operation, 2 Electroslag Remelt furnaces, 8 annealing furnaces, a parts washer, and natural gas combustion sources. The facility is a major facility due to its potential to emit PM and CO. Maximum Potential Emissions for the facility are calculated as follows: 522.36 tpy PM; 86.34 tpy NO<sub>x</sub>; 28.59 tpy SO<sub>x</sub>; 271.63 tpy CO; 48.18 tpy VOC; and 4.56 tpy total combined HAPs. Actual 2018 emissions were as follows: 2.07 tons PM; 50.17 tons NO<sub>x</sub>; 11.41 tons SO<sub>x</sub>; 120.40 tons CO; 16.59 tons VOC; 16,333 tons CO<sub>2</sub>. This facility is subject to 40 CFR Part 63 Subpart YYYYYY, the NESHAP for Area source Electric Arc Furnace Steelmaking Facilities. The conditions of the previous plan approvals and operating permit are incorporated into the renewal permit.

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

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

**47-00003: PA Department of Public Welfare** (200 State Hospital Drive, Danville, PA 17821-9198) to issue a renewal Title V Operating Permit for the Danville State Hospital located in Mahoning Township, **Montour County**. The facility currently operates pursuant to TVOP 47-00003. The facility's main sources include two (2), anthracite coal-fired boilers that are primarily used to sustain winter steam load. They also operate two natural gas-fired (distillate No. 2 back-up) boilers that are primarily used to sustain summer steam load. The facility has potential annual emissions of 21.55 tons per year of carbon monoxide, 88.82 tons per year of nitrogen oxides, 374.23 tons per year of sulfur oxides, 81.30 tons per year of particulate matter, 3.39 tons per year of volatile organic compounds, and 15.88 tons per year of hazardous air pollutants. The emission limits and work practice standards along with testing, monitoring, record keeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 40 CFR Part 63 Subpart ZZZZ, 40 CFR Part 63 Subpart JJJJJ and 25 Pa. Code Chapters 121–145. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

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

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

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

**46-00239: SEI Investments Company** (100 Cider Mill Road, Oaks, PA 19456) located in Upper Providence Township, **Montgomery County**, for operation of two (2) units of gas-fired boilers and eight (8) units of diesel-fired engines for their emergency generator sets. This action is a renewal of the State Only Operating Permit (Synthetic Minor). The renewal contains all applicable requirements including monitoring, recordkeeping and reporting designed to keep the facility operating within all applicable air quality requirements.

**46-00297: Prudential Insurance Company of America** (2101 Welsh Road, Dresher, PA 19025) for operation of six (6) units of diesel-fired generator engines which provide emergency power to their facility in Upper Dublin Township, **Montgomery County**. The proposed Operating Permit is for a State-only (Synthetic) facility and will contain record keeping requirements, monitoring requirements, operating conditions and performance testing requirements designed to keep the facility operating within the allowable emission limitations and all applicable air quality requirements.

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

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

**48-00077: Falk Funeral Home, Inc., East Penn Crematory/Hellertown** (1418 Main Street, Hellertown, PA 18055). The Department intends to issue a renewal State-Only (Natural Minor) Permit to operate a human crematory facility in Hellertown Borough, **Northampton County**. The primary sources consist of one (1) crematory incinerator. The control device consists of an afterburner. The source is considered a minor emission source of nitrogen oxide (NO<sub>x</sub>), sulfur oxides (SO<sub>x</sub>), carbon monoxide (CO), total suspended particulate (TSP), and volatile organic compounds (VOC) emissions. The operating permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

**54-00080: Hexcel Corporation** (P.O. Box 179, Pottsville, PA 17901). The Department intends to issue a renewal State-Only Natural Minor Permit for Hexcel Corporation located in the East Norwegian Township, **Schuylkill County**. This facility manufactures engineered honeycomb aerospace parts and assemblies. The sources are considered minor emission sources of nitrogen oxide (NO<sub>x</sub>), sulfur oxides (SO<sub>x</sub>), carbon monoxide (CO), total suspended particulate (TSP) and 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.

**39-00094: Blend Pro, Inc.** (601 South Tenth Street, Suite 300, Allentown, PA 18103). The Department intends to issue a State-Only Operating Permit for operation of

sources at a dry mix concrete manufacturing facility in the City of Allentown, **Lehigh County**. The sources include storage silos and raw material receivers controlled by bin vents and baghouses. Exempt sources include weighing, mixing, and filling operations which are not exhausted outdoors. 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.

**48-00061: Haines & Kibblehouse, Inc.** (P.O. Box 196, 2052 Lucon Road, Skippack, PA 19474-0196). The Department intends to issue a renewal State-Only Synthetic Minor Permit for their A.B.E. Materials—Easton Plant located in Lower Mount Bethel Township, **Northampton County**. This plant operates a batch asphalt plant. The sources are considered minor emission sources of nitrogen oxide (NO<sub>x</sub>), sulfur oxides (SO<sub>x</sub>), carbon monoxide (CO), total suspended particulate (TSP) and 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.*

**21-03111: World Energy Harrisburg LLC** (2850 Appleton Street, Suite E, Camp Hill, PA 17011) for the operation of the biodiesel manufacturing facility in Lower Allen Township, **Cumberland County**. This is for renewal of the existing State-only permit. The facility wide potential to emit is estimated at 15.94 tpy NO<sub>x</sub>, 13.39 tpy CO, 1.77 tpy VOC and less than 1 tpy each of, PM<sub>10</sub>, SO<sub>x</sub> and HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR 60, Subpart VVa—Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006.

**36-03187: Allied Veterinary Cremation, Ltd.** (1966 Mastersonville Road, Manheim, PA 17545) to issue a State-Only Operating Permit for operation of four animal cremation units in Rapho Township, **Lancaster County**. This is for renewal of the existing State-only permit. Potential emissions from the facility are estimated to be 7.7 tpy of PM, 8.3 tpy of CO, 4.5 tpy of NO<sub>x</sub>, 1.5 tpy SO<sub>x</sub>, and 2.0 tpy of VOCs. 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.

**36-05159: Envigo Global Services Inc.** (310 Swamp Bridge Road, Denver, PA 17517) to issue a State Only Operating Permit for the animal research facility located in West Cocalico Township, **Lancaster County**. This is for renewal of the existing State-only permit. The potential emissions from the facility are estimated at 36.52 tpy of NO<sub>x</sub>, 20.69 tpy of CO, 5.53 tpy of PM, 2.79 tpy of SO<sub>x</sub>, 3.37 tpy of VOC and 2.45 tpy of HAPs. The Operating

Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR Part 63 Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines and 40 CFR Part 60 Subpart IIII—Standards of Performance for Stationary Compression Ignition Internal Combustion Engines.

**01-05006: Orrtanna Power LLC** (1745 Knoxlyn Orrtanna Road, Orrtanna, PA 17353) for the operation of the electric generating station in Highland Township, **Adams County**. This is for renewal of the existing State-only permit. The actual emissions in 2018 from the facility are estimated at 2.72 tons NO<sub>x</sub> and less than 1 ton of CO, PM<sub>10</sub>, VOC and SO<sub>x</sub>. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

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

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

**14-00020: Hanson Aggregates PA, LLC** (7660 Imperial Way, Allentown, PA 18195) to issue a renewal State Only Operating Permit for the Oak Hill Quarry Plant 141 located in College Township, **Centre County**. The facility is currently operating under State Only Operating Permit 14-00020. The facility's sources include a limestone crushing plant consisting of multiple crushers, conveyors and screens, one cold cleaning degreaser, 0.8 mile of onsite unpaved haul roads and miscellaneous heaters, engines and storage tanks. The facility has potential emissions of 8.13 TPY of CO; 19.04 TPY of NO<sub>x</sub>; 0.63 TPY of SO<sub>x</sub>; 27.39 TPY of PM/PM<sub>10</sub>; 14.01 TPY of VOCs; 0.51 TPY of combined hazardous air pollutants; 1,617 TPY GHGs. Seven pieces of the limestone processing equipment at this plant are subject to 40 CFR 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants. The emission limits and work practice standards along with testing, monitoring, record keeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 25 Pa. Code Chapters 121—145, as well as 40 CFR Part 60. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

**49-00055: Jeff's Auto Body & Recycling Center, Inc.** (5446 Snyderstown Road, Paxinos, PA 17860-7534); the Department intends to issue a renewal State Only permit for their facility in Shamokin Township, **Northumberland County**. The facility is currently operating under State Only Permit No. 49-00055 issued on December 23, 2014. There were no physical changes to the facility-wide source operations since the previous permit was issued. Facility-wide Potential to Emit calculations for nitrogen oxides (NO<sub>x</sub>, expressed as NO<sub>2</sub>), carbon monoxide (CO), volatile organic compounds (VOCs), sulfur dioxide (SO<sub>2</sub>), PM<sub>10</sub> and PM<sub>2.5</sub>, and hazardous air pollutants (HAPs) are, as follow: NO<sub>x</sub>: 1.4 tons per year (tpy);

CO: 0.82 tpy; VOCs: 1.8 tpy; SO<sub>2</sub>: 0.02 tpy; PM<sub>10</sub> and PM<sub>2.5</sub>: 0.26 tpy; and HAPs: 0.01 tpy. The aluminum smelting furnace or sweat furnace (Source ID P101) is to be operated and maintained in accordance with good air pollution control practices as well as the Department's Best Available Technology (BAT) requirements in the permit. In addition, the company is required to maintain compliance with the existing hours of operation restrictions to limit emissions and is subject to all applicable requirements pertaining to this sweat furnace, as specified in 40 CFR sections 63.1500—63.1520 of the National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production in 40 CFR Part 63 subpart RRR. The facility also includes a paint spray booth that is subject to 40 CFR Part 63 subpart HHHHHH. All applicable requirements from these Federal NESHAP rulemakings for the affected sources, previously listed have been incorporated into the renewal permit. Based on the information provided in the permit renewal application submittal, all applicable air quality regulatory requirements pertaining to the air contaminant sources located at this facility have been incorporated into the renewal permit, including testing, monitoring, recordkeeping, reporting and work practice conditions to verify compliance with the applicable requirements. The applicable requirements were derived from 25 Pa. Code Article III, Chapters 121—145. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570.327.0550.

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

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

**04-00708: WATCO Transloading, LLC—Industry Terminal Lot # 2** (2341 Midland Beaver Road, Industry, PA 15052-1709). Synthetic Minor State-Only Operating Permit is for a transloading facility that handles and warehouses ferroalloy metals, pig iron, gypsum, steel, non-ferrous metals, and general commodities for distribution. The facility also screens ferroalloy materials and is located in Industry Borough, **Beaver County**. In accordance with 25 Pa. Code §§ 127.424 and 127.425, the Department of Environmental Protection (DEP) has received an application and is providing notice that it intends to issue an Air Quality Operating Permit for the previously-mentioned facility. Sources of air emissions consist of material handling operations, screening operations, and two areas for truck loadout. The screening and truck loadout operations are controlled by baghouses. The facility-wide potential-to-emit with controls is projected to be 8.43 TPY PM, 4.5 TPY PM<sub>10</sub>, 1.5 TPY PM<sub>2.5</sub>, 1.33 TPY total HAP, and 1.32 TPY single HAP. The facility is required to conduct daily surveys of the site when operating to ensure compliance with fugitive and malodor emission requirements and maintain records of those surveys. The air quality permit includes operating requirements, throughput limits, monitoring requirements, and recordkeeping requirements for the site.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the State-Only Operating Permit may submit the information to Tom Joseph, Facilities Permit Chief, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront

Drive, Pittsburgh, PA 15222. Written comments must contain the following: name, address and telephone number of the person submitting the comments; identification of the proposed Operating Permit (04-00708); and concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Tom Joseph, Facilities Permit Chief, at the previously listed address.

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

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

**04-00712: WATCO Transloading, LLC—Industry Terminal Lot # 3** (1113 Railroad Avenue, Midland, PA 15059). Synthetic Minor State-Only Operating Permit is for a transloading facility that handles and warehouses ferroalloy metals, pig iron, gypsum, steel, non-ferrous metals, and general commodities for distribution. The facility also screens ferroalloy materials and is located in Industry Borough, **Beaver County**. In accordance with 25 Pa. Code §§ 127.424 and 127.425, the Department of Environmental Protection (DEP) has received an application and is providing notice that it intends to issue an Air Quality Operating Permit for the previously-mentioned facility. Sources of air emissions consist of material handling operations, crushing, screening, and packaging operations, and truck loadout. The crushing, screening, packaging, and truck loadout operations are controlled by two baghouses. The facility-wide potential-to-emit with controls is projected to be 11.25 TPY PM, 4.64 TPY PM<sub>10</sub>, 1.57 TPY PM<sub>2.5</sub>, 2.74 TPY total HAP, and 2.70 TPY single HAP. The facility is required to conduct daily surveys of the site when operating to ensure compliance with fugitive and malodor emission requirements and maintain records of those surveys. The air quality permit includes operating requirements, throughput limits, monitoring requirements, and recordkeeping requirements for the site.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the State-Only Operating Permit may submit the information to Tom Joseph, Facilities Permit Chief, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. Written comments must contain the following: name, address and telephone number of the person submitting the comments; identification of the proposed Operating Permit (04-00712); and concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the

decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Tom Joseph, Facilities Permit Chief, at the previously listed address.

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

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

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

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

**25-00979: National Fuel Gas Supply Corporation, Carter Hill Station** (12146 Follett Rd, Corry, PA 16407). The Department is providing notice that they intend to renew a State Only Natural Minor Operating Permit for the compressor station and gas processing plant located in Wayne Township, **Erie County**. The facility's primary emission sources include two (2) natural gas-fired 4SRB internal combustion engines (165 HP and 600 HP) to drive compressor units that pump natural gas through the system, a 75 HP natural gas-fueled emergency generator, the tri-ethylene glycol (TEG) dehydrator, tanks/vessels, facility fugitive VOCs, and heaters/reboilers (dehydrator reboiler, hot water boilers, and pipeline heaters). The potential emissions of the primary pollutants from the facility are as follows: 77.75 TPY (tons per year) NO<sub>x</sub>, 92.02 TPY CO, 45.36 TPY VOC, 5.59 TPY total HAPs, 0.28 TPY filterable PM<sub>10</sub> and PM<sub>2.5</sub>, and 0.02 TPY SO<sub>x</sub>; thus, the facility is a natural minor. All three engines are subject to 40 CFR 63 Subpart ZZZZ, NESHAP for Stationary Reciprocating Internal Combustion Engines. The renewal permit will contain emission restrictions, recordkeeping, work practices, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

**25-00383: Erie Hard Chrome** (1570 E 12th St, Erie, PA 16511-1750). The Department is providing notice that they intend to renew a State Only Natural Minor Operating Permit for the hard chrome electroplating facility located in the City of Erie, **Erie County**. The facility's primary emission sources include three (3) hard chrome electroplating systems consisting of nine tanks total, the electroless nickel-plating line, batch cold degreasers, and natural gas combustion. The potential emissions of the primary pollutants from the facility are as follows: 2.28 TPY (tons per year) NO<sub>x</sub>, 1.91 TPY CO, 0.455 TPY VOC, 0.055 TPY total HAPs, 0.007 TPY Chromium, 0.005 TPY Nickel, 0.217 TPY, PM<sub>10</sub>, 0.173 TPY PM<sub>2.5</sub>, and 0.014 TPY SO<sub>x</sub>; thus, the facility is a natural minor. The electroplating tanks are subject to 40 CFR 63 Subpart N, NESHAP for Chromium Emissions from Hard Chromium Electroplating and Chromium Anodizing Tanks, the nickel-plating line is subject to 40 CFR 63 Subpart WWWW, the NESHAP for Plating and Polishing Operations Area Sources, and the batch cold solvent cleaners are subject to 40 CFR 63 Subpart T, NESHAP for Halogenated Solvent Cleaning. The renewal permit will contain emission restrictions, recordkeeping, work

practices, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

**16-00130: Eden, Inc.** (210 Miller St., Knox, PA 16232), the Department intends to issue the renewal of the State-Only Operating Permit of a facility located in Knox Borough, **Clarion County** that manufactures pre-finished interior wood products for the housing industry. Permitted air contamination sources are three spray coating booths, one vacuum coater, and miscellaneous natural gas combustion. Established through PA 16-0130A, the facility is subject to a 24-TPY VOC restriction. Coatings used at the facility are subject to VOC content limits of PA 16-0130A and of 25 Pa. Code § 129.52, Table I, Category 11 (wood furniture manufacturing operations). In this renewal, the facility's permitting status is changed from Natural Minor to Synthetic Minor in accordance with Compliance and Enforcement Division's latest instructions on plan approval-based limits/restrictions that keep emission potentials from being major. As Synthetic Minor, the facility is now subject to annual emission inventory requirement pursuant to 25 Pa. Code Chapter 135.

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

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

**OP18-00014: Amuneal Manufacturing Corp.** (4219-4243 Torresdale Ave, Philadelphia, PA 19124) on September 5, 2019, was issued an initial State Only (Natural Minor) operating permit for the operation of a sheet metal fabrication facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include two 12,600 CFM spray booths, 15 natural gas-fired heaters ranging in capacity from 0.3 MMBtu/hr to 1.5 MMBtu/hr, and one 21,000 SCFM dust collector controlling wood working operations.

**OP19-00010: Philadelphia Crematories, Inc.** (7350 State Road, Philadelphia, PA 19136) for the operation of a human crematory in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include two (2) natural gas fired 150 pounds per hour cremation unit and one (1) natural gas fired 100 pounds per hour cremation unit, equipped with both primary burners and afterburners.

**OP19-00013: FMC Tower at Cira Centre South** (2929 Walnut Street, Philadelphia, PA 19104) for the operation of commercial and residential building in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include one diesel-fired 168 kW fire pump, two (2) diesel-fired 496 kW fire pumps, one diesel-fired 208 kW tenant emergency generator, and one diesel-fired 1,655 kW emergency generator.

## 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 Denied*

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

**65181301 (Formerly 65091301) and NPDES No. PA0236471 (Formerly PA0235873) and GP12-65181301, New Derry Energy, LLC** (1812 Harvard Street, Houston, TX 77008). To operate the Kingston-West Mine in Derry Township, **Westmoreland County** for a new coal mining activity permit to re-activate the expired C&D Coal Company LLC's Kinston-West Mine (and related NPDES Permit), includes authorization request for an Air Quality GPA/GP12 General Permit. The projected fugitive particle emission calculations are based on the total annual raw coal throughput at the facility of 495,000 tons/year that will be mined, rock screened, and

loaded as part of this operation. Surface Acres Proposed: 10.0, Underground Acres Proposed: 999.0, Subsidence Control Plan Acres Proposed: 971.4. Receiving stream: Unnamed Tributary to Loyalhanna Creek, classified for the following use(s): WWF. Application received: July 6, 2018. The application was considered administratively complete on September 24, 2018. Permit denied: September 20, 2019.

*Coal Applications Received*

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

**32041301 and NPDES No. PA0235644. Rosebud Mining Company** (301 Market Street, Kittanning, PA 16201). To revise the permit for the Brush Valley Mine in Center and Brush Valley Townships, **Indiana County** and related NPDES Permit to add 172.6 acres of underground permit and subsidence control plan area acres from the Barrett Deep Mine, back to the Brush Valley Mine. Also includes the deletion of 345.5 acres of underground permit and subsidence control plan area acres to be transferred to the Barrett Deep Mine. Underground Acres Proposed: 172.6, Underground Acres Proposed: 345.5, Subsidence Control Plan Acres Proposed: 172.6, Subsidence Control Plan Acres Proposed: 345.5. No additional discharges. The application was considered administratively complete on September 24, 2019. Application received: August 29, 2019.

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

**Permit No. 56793091 and NPDES No. PA0119296. Hardrock Coal Co.**, 275 Saddle Ridge Road, Berlin, PA 15530, permit renewal for the continued operation and restoration of a bituminous surface & auger mine in Brothersvalley Township, **Somerset County**, affecting 559.9 acres. Receiving streams: unnamed tributaries to/ and Tubs Run and an unnamed tributary to Millers Run, classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: September 24, 2019.

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

**26060106 and NPDES Permit No. PA0250988. Charles L. Swenglish & Sons Coal Company, Inc.** (2 Swenglish Lane, Smithfield, PA 15478). Revision application for change to water handling plan to an existing bituminous surface mine, located in Georges and Springhill Townships, **Fayette County**, affecting 529.9 acres. Receiving streams: unnamed tributaries to Rubles Run and unnamed tributaries to Mountain Creek, classified for the following use: CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: September 25, 2019.

*Noncoal Applications Received*

*Effluent Limits*—The following effluent limits will apply to NPDES permits issued in conjunction with a noncoal mining permit:

Table 2

Parameter	30-day Average	Daily Maximum	Instantaneous Maximum
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Alkalinity exceeding acidity* pH*		greater than 6.0; less than 9.0	

\* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to surface runoff resulting from a precipitation event of less than or equal to a 10-year 24-hour event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

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

**4379306. H&H Materials, Inc.** (190 Canon Road, Stoneboro, PA 16153). Revision to an existing large industrial mineral surface mine to relocate the processing plant in Lake Township, **Mercer County**. Receiving streams: Unnamed tributaries to the Little Shenango River, classified for the following use: TSF. There are no potable surface water supply intakes within 10 miles downstream. Application received: September 18, 2019.

**2097-4379306-E4319-002. H&H Materials, Inc.** (190 Canon Road, Stoneboro, PA 16153). Application for a stream encroachment to relocate approximately 40 feet of unnamed tributary No. 1 and to conduct support activities up to 15 feet from unnamed tributary No. 1 in Lake Township, **Mercer County**. Receiving streams: Unnamed tributaries to the Little Shenango River, classified for the following use: TSF. There are no potable surface water supply intakes within 10 miles downstream. Application also includes a request for a Section 401 Water Quality Certification. Application received: September 18, 2019.

**2097-4379306-E4319-003. H&H Materials, Inc.** (190 Canon Road, Stoneboro, PA 16153). Application for a stream encroachment to relocate approximately 1,980 feet of unnamed tributary No. 2, to construct two haul road crossings (one of which is considered a stream enclosure) over unnamed tributary No. 2, to construct an aerial conveyor crossing of unnamed tributary No. 2, and to conduct support activities up to 15 feet of unnamed tributary No. 2 in Lake Township, **Mercer County**. Receiving streams: Unnamed tributaries to the Little Shenango River, classified for the following use: TSF. There are no potable surface water supply intakes within 10 miles downstream. Application also includes a request for a Section 401 Water Quality Certification. Application received: September 18, 2019.

**2097-4379306-E4319-004. H&H Materials, Inc.** (190 Canon Road, Stoneboro, PA 16153). Application for a stream encroachment to conduct support activities up to 15 feet from unnamed tributary No. 3 in Lake Township, **Mercer County**. Receiving streams: Unnamed tributaries to the Little Shenango River, classified for the following use: TSF. There are no potable surface water supply intakes within 10 miles downstream. Application also includes a request for a Section 401 Water Quality Certification. Application received: September 18, 2019.

**4379306. H&H Materials, Inc.** (190 Canon Road, Stoneboro, PA 16153). Application for a wetlands encroachment to allow for direct impacts to 1.45 acre of emergent wetlands, 2.59 acres of scrub-shrub wetlands, 0.78 acre of forested wetlands, and 0.18 acre of open water. As replacement for the wetland impacts, 1.45 acre of emergent wetlands, 5.19 acres of scrub-shrub wetlands, 2.33 acres of forested wetlands, and 0.18 acre of open water will be developed according to the Module 14.4 mitigation plan. Receiving streams: Unnamed tributaries to the Little Shenango River, classified for the following use: TSF. There are no potable surface water supply intakes within 10 miles downstream. Application also includes a request for a Section 401 Water Quality Certification. Application received: September 18, 2019.

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

**PAM219014. Big Woods Land Company** (P.O. Box 400, McElhattan, PA 17748). Coverage under General NPDES Permit For Stormwater Discharges Associated With Mining Activities (BMP GP-104) on new Noncoal Permit No. 18192802 located in Pine Creek Township, **Clinton County**. Receiving stream(s): Chatham Run classified for the following use(s): CWF, MF. There are no potable water supply intakes within 10 miles downstream. Notice of Intent for Coverage received: September 6, 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*

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

**NPDES No. PA0219843 (Mining permit no. 41940101), Fisher Mining Company**, 40 Choate Circle, Montoursville, PA 17754. Revision to the NPDES permit for bituminous coal surface mining in Pine Township, **Lycoming County** affecting 640.0 acres. Receiving streams: Right Fork Otter Run and Buckeye Run classified for the following use: CWF. (Otter Run Watershed TMDL). Application received: July 30, 2018.

This proposed mine site also contains or is hydrologically connected to substandard discharges for which there is no responsible party. Pursuant to 25 Pa. Code § 87.201, effluent limits for those discharges will be based upon existing baseline pollution load or the standards found at 25 Pa. Code § 87.102(a) Group A, whichever is least stringent.

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

The following passive treatment pond outfall discharges to Right Fork Otter Run:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
001 (125SP)	Y

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		Report		
Manganese (mg/l)		Report		
Aluminum (mg/l)		Report		
Alkalinity greater than acidity <sup>1</sup>		Report		
Total Suspended Solids (mg/l)		Report		

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Osmotic Pressure (milliosmoles/kg)		Report		
<sup>1</sup> The parameter is applicable at all times.				
Flow (gpm)		Report		
Temperature (°C)		Report		
Specific Conductance (µmhos/cm)		Report		

The following sediment pond outfalls discharge to either Right Fork Otter Run or to Buckeye Run:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
003 (MB1)	N
004 (MB4)	N
005 (MB5)	N
006 (MB6)	N

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

<i>(Dry Weather Conditions) Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	2.0	4.0	5.0
Total Suspended Solids (mg/l)	35.0	70.0	90.0
Sulfate (mg/L)		Monitor & Report	
Flow (gpm)		Monitor & Report	
Temperature (°C)		Monitor & Report	
Specific Conductivity (µmhos/cm)		Monitor & Report	
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			
Alkalinity must exceed acidity at all times.			

<i>(≤10-yr/24-hr Precip. Event) Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	N/A	N/A	7.0
Total Settleable Solids (ml/l)	N/A	N/A	0.5
Sulfate (mg/L)		Monitor & Report	
Flow (gpm)		Monitor & Report	
Temperature (°C)		Monitor & Report	
Specific Conductivity (µmhos/cm)		Monitor & Report	
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			
Alkalinity must exceed acidity at all times.			

*(>10-yr/24-hr Precip. Event)*  
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.  
Alkalinity must exceed acidity at all times.

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

**NPDES No. PA0250350 (Mining Permit No. 03030102), Bedrock Mines, LP**, 111 Freeport Road, Pittsburgh, PA 15215, NPDES permit renewal for a surface coal mine in Sugarcreek and East Franklin Townships, **Armstrong County** affecting 143.9 acres. Permit includes stream variances. Receiving stream(s): UNTs to Long Run and Long Run classified for the following use: HQ-TSF. Application received: September 28, 2018.

The following stormwater outfalls discharge to UNT to Long Run and Long Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
001	N	Sediment Pond
003	N	Sediment Pond
006	N	Sediment Pond
011	N	Sediment Pond

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

<i>Outfalls: 001, 003, 006, 011 Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Total Iron (mg/l)	3.0	6.0	7.0
Total Manganese (mg/l)	2.0	4.0	5.0
Total Aluminum (mg/l)	2.0	4.0	5.0
Total Suspended Solids (mg/l)	35	70	90
Sulfate (mg/L)		Monitor & Report	
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			
Alkalinity must exceed acidity at all times.			

The following outfalls will be using a non-discharge alternative (all treatment facilities) and a combination of non-discharge alternative and non-degrading discharges (all sediment ponds):

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
004	N	Sediment Pond
005	N	Mine Drainage Treatment
008	N	Sediment Pond/Mine Drainage Treatment
009	N	Sediment Pond
010	N	Mine Drainage Treatment

The proposed effluent limits for the previously listed outfalls prior to entering the infiltration gallery are as follows:

<i>Outfalls: 004, 005, 008, 009, 010</i>	<i>Instantaneous Maximum</i>
<i>Parameter</i>	
Total Iron (mg/l)	7.0
Total Manganese (mg/l)	5.0
Total Aluminum (mg/l)	5.0
Total Suspended Solids (mg/l)	90
Sulfate (mg/l)	Monitor & Report
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.	
Alkalinity must exceed acidity at all times.	

The following stormwater outfalls discharge to UNT to Long Run and Long Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
013	N	Sediment Pond Emergency Spillway
014	N	Sediment Pond Emergency Spillway
015	N	Sediment Pond Emergency Spillway

The proposed effluent limits for these outfalls are as follows for precipitation events exceeding the 10-year/24 hour storm event. There will be no discharges from the emergency spillways for any storm even not exceeding the 10-year/24 hour storm event.

*Outfalls: 013, 014, 015*

*Parameter*  
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.  
Alkalinity must exceed acidity at all times.

*Noncoal NPDES Draft Permits*

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

**NPDES Permit No. PA0595349 on Surface Mining Permit No. 8274SM6, Pennsy Supply, Inc.** (2400 Thea Drive, Suite 3A, Harrisburg, PA 17105), revised NPDES Permit for a limestone quarry operation in East Hempfield Township, **Lancaster County**, affecting 248.22 acres. Receiving stream: Little Conestoga Creek, classified for the following use: trout stocking fishes. Application received: March 15, 2019.

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

The following outfall discharges to Little Conestoga Creek:

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
001	No	Groundwater/Pit Sump

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Discharge (MGD)		5.62		13.07
Total Suspended Solids		35.0	70.0	90.0

<sup>1</sup> The parameter is applicable at all times.

**NPDES Permit No. PA0595241 on Surface Mining Permit No. 45170301. Lehigh White Cement Co., LLC**, transfer of NPDES Permit for a sandstone and clay quarry operation in Ross Township, **Monroe County**, affecting 283.0 acres. Receiving streams: Buckwa Creek and Aquashicola Creek, classified for the following uses: cold water & migratory fishes and HQ-cold water fishes. Application received: April 9, 2019.

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

The following outfall discharges to Buckwa Creek and Aquashicola Creek:

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
001	No	E&S Sediment Pond

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Total Suspended Solids		35.0	70.0	90.0
Iron (mg/l)		3.5	7.0	
Manganese (mg/l)		2.0	4.0	

<sup>1</sup> The parameter is applicable at all times.

## FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

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

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

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

### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E46-1194. Horsham Township**, 1025 Horsham Road, Horsham, PA 19044, **Montgomery County**, ACOE Philadelphia District.

To restore, rehabilitate and maintain approximately 650 feet long streambank stabilization and removal of the trash/debris and abandoned obstructions along the floodway/floodplain of the Pennypack Creek (TSF/MF) associated with the improvements to the naturalized meadow conditions.

The site is located about 500-feet northwest of Easton Road (Route 611), and Horsham Road (Ambler, PA, USGS Quadrangle Latitude: 40.179595; Longitude: -75.132671) in Horsham Township, Montgomery County.

**E15-913. East Whiteland Township**, 209 Conestoga Road, East Whiteland Township, **Chester County**, ACOE Philadelphia District.

To construct and maintain a 10-inch sanitary sewer about 1,260 feet long extension to an existing pump station along the floodplain of the UNT to Valley Creek (EV-MF) associated with the Chester Valley Golf Course Sewer Extension Project.

The site is located along the Chester Valley Golf Course (Malvern, PA, USGS Quadrangle, Latitude: 40.040911; Longitude: -75.559886) in East Whiteland Township, Chester County.

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

**E3902219-006. TCNE North Whitehall, LLC**, 300 Conshohocken State Road, Suite 250, West Conshohocken, PA 19428-3801, in North Whitehall Township, **Lehigh County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain the following water obstructions and encroachments associated with the North Valley Trade Center project:

- 1) A wetland fill impacting 0.40 acre of isolated, PFO wetlands for the purpose of constructing a parking lot.
- 2) A wetland fill impacting 0.52 acre of isolated, PFO wetlands for the purpose of constructing a 514,765 sq ft warehouse building and associated parking lot.
- 3) A wetland fill impacting 0.03 acre of isolated, PFO wetlands for the purpose of constructing a 514,765 sq ft warehouse building.

The permittee is required to provide 1.89 acre of replacement wetlands.

The project is approximately 0.3 mile south of the intersection of Sand Spring Road and Park View Drive (Cementon, PA Quadrangle Latitude: 40° 39' 44.0" Longitude: -75° 35' 44") in North Whitehall Township, Lehigh County.

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ed Muzic, Section Chief, 717.705.4802.*

**F0703219-003: City of Altoona (Floodplain Mitigation)**, 1301 12th Street, Suite 300, Altoona, PA 16601, in Altoona City, **Blair County**, U.S. Army Corps of Engineers Baltimore District.

	Address	Waterway	Chapter 93 Designation	USGS Quadrangle	Latitude	Longitude
1	205 Browning Ave	Mill Run	WWF	Hollidaysburg	40.4794°	-78.4065°
2	203 Browning Ave	Mill Run	WWF	Hollidaysburg	40.4796°	-78.4063°

**E0703219-003: Altoona-Logan Township Mobile Medical Emergency Department**, 1012 7th Avenue, Altoona, PA 16602 in Logan Township, **Blair County**, U.S. Army Corps of Engineers Baltimore District.

To (1) install and maintain a 36-inch pipe, 65-feet in length, and embedded 6-inches, within a wetland for a driveway. The project will permanently impact 0.0065 acre of Palustrine Emergent (PEM) and Exceptional Value (EV) wetland and temporarily impact 0.0066 acre of the PEM EV wetland. The purpose of the project is to provide access to the proposed station house and maintenance shed for the emergency medical service. The project is located at Reimer Street Road (Hollidaysburg PA Quad, Latitude: 40° 28' 28.9", Longitude: -78° 23' 34.5") in Logan Township, Blair County.

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

**E0804119-011: PA DOT Engineering District 3-0**, 715 Jordan Ave., Montoursville, PA 17754. SR 2018, Section 013, Segment 0010, Offset 0000, Bridge Replacement and Stream Realignment, Asylum Township, **Bradford County**, Baltimore ACOE (Wyalusing, PA Quadrangle N: 41° 44' 11"; W: -76° 21' 59").

PA DOT proposes to replace a Single Span Concrete T-Beam Bridge with a Single Span Pre-Stressed Concrete Spread Box Beam Bridge on Integral Abutments over Bennett's Creek. The existing structure includes concrete streambed paving. The existing bridge has a span of 19.6 Ft., a skew of 90 degrees, an underclearance of 11.5 Ft., and a low chord of 691.00 Ft. and a hydraulic opening of 210 Ft<sup>2</sup>. The proposed bridge has a span of 70 Ft., a skew of 90 degrees, an underclearance of 10.5 Ft., and a low chord of 689.69 Ft. and a hydraulic opening of 545 Ft<sup>2</sup>. The project will utilize a temporary roadway and temporary crossing. The temporary crossing will consist of a 15.3 Ft. Structural Plate Arch culvert with and underclearance of 9.25 Ft. The project will include approximately 110 L.F. stream realignment. The realignment will include R-8 Rip Rap along the left bank and four upstream log deflectors. The realignment will stabilize the streambank on the outside of a curve, which is currently eroding toward the roadway approach. The existing streambed paving will be removed and replaced with R-8 Rip Rap choked with native streambed material. The Rip Rap will stabilize the channel bed and prevent head cutting upstream. Approximately 53 L.F. of the downstream channel will be realigned to stabilize the right stream bank. The project does not propose to impact any jurisdictional wetlands. Bennett's Creek is classified as a Warm Water Fishery by Title 25, Chapter 93 Water Quality Standards.

To remove structures from the floodplain that were damaged by flooding at the location. The project proposes to temporarily affect approximately 0.45 acre of floodplains. The issuance of this permit will not constitute approval of Water Quality Certification under Section 401 of the Federal Clean Water Act (33 U.S.C.A. § 1341).

**E5904219-010. James N. Zimmerman**, 258 North Farmersville Road, Ephrata, PA 17522. Wetland road crossing, in Morris Township, **Tioga County**, ACOE Baltimore District (Cedar Run, PA Quadrangle; Latitude: 41° 32' 39"; Longitude 77° 23' 53").

To construct and maintain 981 ft<sup>2</sup> of fill in a wetland designated as exceptional value for the purpose of a private, single lane driveway to access land-locked uplands on the same property

**E4704219-002. Mahoning Township**, 849 Bloom Road, Danville, PA 17821. Blizzard Run and North Blizzard Run Sediment Removal, in Mahoning Township, **Montour County**, ACOE Baltimore District (Danville, PA Quadrangle; Latitude: 40° 58' 0.8"; Longitude -76° 36' 6.5").

Mahoning Township is applying for an application to dredge 194 linear feet of North Blizzards Run and to dredge 175 linear feet of Blizzards Run as noted to remove accumulated sediment within the channel. This implies that this will alleviate higher flows from activating the floodplain and maintain them within the channel. The project narrative states upon project completion it will reduce bank erosion by removing meanders and migrations within the streams current states. The alternatives analysis states that if there is a no build option both streams would continue to flood over banks and not meet the goals of the Township. No proposed stability within the channel or on the banks of the project reaches are proposed within the application. Both North Blizzards Run and Blizzards Run are listed as Cold Water Fisheries.

**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.*

**D01-102. New Oxford Municipal Authority**, 409 Water Works Road, New Oxford, PA 17350-1511. To construct, operate and maintain South Branch Conewago Creek Dam across South Branch Conewago Creek (WWF, MF) impacting 304 feet of stream for the purpose of constructing a new public water supply dam downstream of the current dam. (McSherrystown, PA Quadrangle Latitude: 35.8589; Longitude: -77.6861) in New Oxford Township, **Adams County**.

## ACTIONS

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

## FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

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

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

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

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

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

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

## I. NPDES Renewal Permit Actions.

*Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401. Phone: 484.250.5970.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed)</i>	<i>EPA Waived Y/N?</i>
PA0052868 (Industrial)	BAE Systems P.O. Box 868 NNH01-6C5 Nashua, NH 03061-0868	Montgomery County Montgomery Township	Unnamed Tributary of West Branch Neshaminy Creek (WWF, MF) 2-F	Yes
PA0052761 (Sewage)	Buckingham Valley Nursing Center STP 820 Durham Road Newtown, PA 18940	Bucks County Buckingham Township	Unnamed Tributary of Mill Creek (WWF, MF) 2-F	Yes
PA024473 (Storm Water)	Delaware Valley Concrete Kennett Square Facility 248 E County Line Road Hatboro, PA 19040-2116	Chester County Kennett Township	Unnamed Tributary of East Branch Red Clay Creek (TSF, MF) 3-I	Yes

## NOTICES

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<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed)</i>	<i>EPA Waived Y/N?</i>
PA0045021 (Industrial)	Brightsmith IWWTP 120 Enterprise Avenue Morrisville, PA 19067	Bucks County Falls Township	Biles Creek (WWF, MF) 2-E	Yes
PA0052906 (Storm Water)	Covanta Plymouth Renewable Energy LLC 115 Conshohocken Road Conshohocken, PA 19428-1028	Montgomery County Plymouth Township	Schuylkill River (WWF, MF) 3-F	Yes
PA0244686 (Sewage)	Horvath SRSTP 1021 Copeland School Road West Chester, PA 19380-1829	Chester County East Bradford Township	Broad Run (HQ-CWF, MF) 3-H	Yes
<i>Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570-826-2511.</i>				
<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0060461 (Sewage)	Laurel Lake WWTP John C. McNamara Drive Brackney, PA 18812	Susquehanna County Silver Lake Township	Laurel Lake Creek (CWF) (04E)	Yes
PA0061310 (Sewage)	Marian High School STP 166 Marian Avenue (Hometown Section) Tamaqua, PA 18252-9789	Schuylkill County Rush Township	Little Schuylkill River (CWF) (3-A)	Yes
PA0060186 (Sewage)	Elk Meadows Homeowners Association STP 160 Lake Drive Union Dale, PA 18470-7294	Susquehanna County Herrick Township	Unnamed Tributary of East Branch Tunkhannock Creek (HQ-CWF (existing use)) (4-F)	Yes
PA0064297 (Sewage)	Portland Borough WWTP Demi Road Portland, PA 18351-0476	Northampton County Portland Borough	Delaware River (WWF, MF) (1-F)	Yes
<i>Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.</i>				
<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0031861 SEW	Zerbe Sisters Nursing Center, Inc. 2499 Zerbe Road Narvon, PA 17555	Lancaster County/ Caernarvon Township	UNT Conestoga River/7-J	Y
PA0008050 IW	Mount Holly Springs Specialty Paper, Inc. 1 Mountain Street Mount Holly Springs, PA 17065-1406	Cumberland County/ Mount Holly Springs Borough	Mountain Creek/7-E	Y
PA0084115 SEW	Pilot Travel Centers, LLC # 517 Clarks Ferry 5508 Lonas Drive Knoxville, TN 37909	Dauphin County/ Reed Township	Susquehanna River/6-C	Y
PA0021636 SEW	Fleetwood Borough 110 West Arch Street Suite 104 Fleetwood, PA 19522-1321	Berks County/ Richmond Township	Willow Creek/3-B	Y
PA0022543 SEW	Bally Borough P.O. Box 217 425 Chestnut Street Bally, PA 19503-0217	Berks County/ Bally Borough	West Branch Perkiomen Creek and UNT West Branch Perkiomen Creek/3-E	Y
PA0081752 SEW	Philhaven Hospital 283 S. Butler Road P.O. Box 550 Mt. Gretna, PA 17064	Lebanon County/ West Cornwall Borough	Bachman Run (TSF) in Watershed(s) 7-G	Y
PA0266841 SEW	John Dietrich 3497 New Holland Road Mohnton, PA 19540	Berks County, Cumru Township	Angelica Creek (CWF, MF) in Watershed(s) 3-C	N

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0009229 IW	Enola Yard 1200 Peachtree Street NE Atlanta, GA 30309	Cumberland County East Pennsboro Township	Susquehanna River (WWF, MF) (7-B)	N
PA0085430 SEW	MHC Robin Hill LLC 2 North Riverside Plaza Suite 800 Chicago, IL 60606-2682	Greenwich Township, Berks County	Unnamed Tributary of Maiden Creek (TSF) in Watershed(s) 3-B	N
PA0080845 IW	Genon Rema LLC 250 Power Plant Drive P.O. Box F Shawville, PA 16873	Catharine Township Blair County	Frankstown Branch Juniata River (TSF) in Watershed(s) 11-A	Y
PA008517 1 SEW	Lyons Borough Municipal Auth P.O. Box 131 Lyon Station, PA 19536-0131	Lyons Borough Berks County	Sacony Creek (CWF) in Maxatawny Township in Watershed(s) 3-B	N
PA0247950 SEW	James K Speed 3461 Lower Glades Road York, PA 17406-6930	Springettsbury Township, York County	Unnamed Tributary to Codorus Creek (WWF) in Watershed(s) 7-H	N
PA0084794 SEW	York Water Co. P.O. Box 15089 130 E Market Street York, PA 17405-7089	East Manchester Township York County	Codorus Creek (WWF) in Watershed(s) 7-H	N
PA0266680 A-1 (Storm Water)	Amazon.com Services Inc.—PHL4 P.O. Box 80842 Attn: Amazon.com, NA Env Dept Seattle, WA 98108-0842	Cumberland County Middlesex Township	Unnamed Tributary to Letort Spring Run (HQ-CWF (existing use)) (7-B)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0229237 (Industrial)	Clearfield Municipal Authority Water System 107 E Market Street Clearfield, PA 16830-2405	Clearfield County Lawrence Township	Moose Creek (CWF) (8-B)	Yes
PA0209431 (Sewage)	Thomas R. Shroust Res 788 Beaver Branch Road Pa Furnace, PA 16865-9734	Centre County Halfmoon Township	Unnamed Tributary of Halfmoon Creek (HQ-CWF) (11-A)	Yes
PA0113158 (Sewage)	Daniel R Hawbaker Single Res 5881 W Buffalo Run Road Port Matilda, PA 16870-7609	Centre County Patton Township	Unnamed Tributary to Buffalo Run (HQ-CWF) (9-C)	Yes
PA0209589 (Sewage)	Girard Township Collection Treatment Facility 165 Girard Circle P.O. Box 36 Lecontes Mills, PA 16850-9730	Clearfield County Girard Township	West Branch Susquehanna River (WWF) (8-C)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0035483 (Sewage)	Camp Albryoca 2801 Greenville Road Meyersdale, PA 15552-8409	Somerset County Greenville Township	Unnamed Tributary to Little Piney Creek (CWF) (19-F)	Yes
PA0023906 (Sewage)	Masontown WWTP 1 E Church Avenue Masontown, PA 15461-1819	Fayette County Masontown Borough	Unnamed Tributary to Monongahela River (WWF) (19-G)	Yes



<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0002593 (Industrial)	Summerill Tube Corp P.O. Box 302 220 Franklin Street Scottdale, PA 15683	Westmoreland County Scottdale Borough	Stauffer Run (WWF) (19-D)	No
<i>Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.</i>				
<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0240150 (Sewage)	Norwich Township STP 3853 West Valley Road Smethport, PA 16749	McKean County Norwich Township	Potato Creek (TSF) (16-C)	Yes
PA0100960 (Sewage)	Bloomfield Township STP 22978 Shreve Ridge Road Union City, PA 16438-3540	Crawford County Bloomfield Township	Oil Creek (CWF) (16-E)	Yes
PA0221091 (Industrial)	Elcam Tool & Die 479 Buena Vista Highway Wilcox, PA 15870-2715	Elk County Jones Township	West Branch Clarion River (CWF) (17-A)	Yes
PA0103047 (Sewage)	Laughlin Builders SFTF 8333 Edinboro Road Erie, PA 16509	Erie County McKean Township	Unnamed Tributary to the Elk Creek (CWF, MF) (15-A)	Yes
PA0103331 (Sewage)	Jackson Center Borough STP P.O. Box 38 Jackson Center, PA 16133	Mercer County Jackson Center Borough	Yellow Creek (TSF) (20-A)	Yes
PA0210030 (Industrial)	Knox Township WTP P.O. Box 130 Knox Dale, PA 15847-0130	Jefferson County Knox Township	Unnamed Tributary to Indiancam Run (CWF) (17-C)	Yes

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

*Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401.*

**NPDES Permit No. PA0058572**, Sewage, **Aqua Pennsylvania Wastewater Inc.**, 762 W. Lancaster Avenue, Bryn Mawr, PA 19010-3402.

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

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

**NPDES Permit No. PA0011851**, Industrial, **Superior Tube Co. Inc.**, 3900 Germantown Pike, Colledgeville, PA 19426-3112.

This existing facility is located in Lower Providence Township, **Montgomery County**.

Description of Action/Activity: Issuance of an NPDES Permit for an existing discharge of treated industrial wastewater.

**NPDES Permit No. PA0055689**, Sewage, **Andres S. & Elaine R. Clemens**, 485 Camp Rock Hill Road, Quakertown, PA 18951-5352.

This existing facility is located in Richland Township, **Bucks County**.

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

**NPDES Permit No. PA0056821**, Sewage, **4952 Malvern School of Glen Mills**, 20 Creek Road, Glen Mills, PA 19342-1634.

This existing facility is located in Thornbury Township, **Delaware County**.

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

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

**NPDES Permit No. PA0276227**, Sewage, SIC Code 4952, **Hegins Hubley Authority**, 915 West Maple Street, Valley View, PA 17983-0144.

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

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

**NPDES Permit No. PA0276235**, Sewage, SIC Code 4952, **Bendel Daniel & Mary**, 1590 Canary Road, Quakertown, PA 18951.

This proposed facility is located in Washington Township, **Lehigh County**

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

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

*Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401, 484.250.5900.*

**WQM Permit No. 0919406**, Sewage, **Yardley Borough Sewer Authority**, 56 South Main Street, Yardley, PA 19067.

This proposed facility is located in Yardley Borough, **Bucks County**.

Description of Action/Activity: Construction of approximately 6,350 LF of gravity sanitary sewer.

**WQM Permit No. 1501403**, Sewage, Renewal, **Bucks County Water & Sewer Authority**, 1275 Almshouse Road, Warrington, PA 18976.

This proposed facility is located in West Vincent Township, **Chester County**.

Description of Action/Activity: Permit approval for renewal of operation for the Stonecroft Sewage Treatment Plant with land disposal.

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

**WQM Permit No. 3919402**, Sewage, SIC Code 4952, **Bendel Daniel & Mary**, 1590 Canary Road, Quakertown, PA 18951.

This proposed facility is located in Washington Township, **Lehigh County**.

Description of Proposed Action/Activity: The project is for a new private residence Small Flow Treatment Facility to replace a failing on-lot system.

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

**WQM Permit No. 0618404**, Sewerage, **John Dietrich**, 3497 New Holland Road, Mohnton, PA 19540.

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

Description of Proposed Action/Activity:

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

- an 800-gallon primary chamber within polyethylene tank
- dosing within polyethylene tank
- a coco media filter within polyethylene tank
- a pump within polyethylene tank
- a UV disinfection unit, with one lamp in a quartz sleeve
- a visual and audible alarm for UV unit malfunction and water level in tank
- anchoring of polyethylene tank
- discharge to Angelica Creek

Planning Approval: A3-06928-311-3S, issued August 15, 2017.

**WQM Permit No. 5419201**, CAFO, **Heislars Egg Farm**, 757 Valley Road, Tamaqua, PA 18252-5005.

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

Description of Proposed Action/Activity:

This permit approves the construction and operation of manure storage/industrial wastewater facilities consisting of:

- Flow Equalization Tank
- Anoxic Tank
- Aeration Tank
- Clarifier Tank
- UV Disinfection Tank
- Sludge Holding Tank
- All pumps, transfer lines, and pipes associated with the structures previously listed

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

**WQM Permit No. 4999406 A-2**, Sewage, SIC Code 4952, **Pennsylvania American Water**, 852 Wesley Drive, Mechanicsburg, PA 17055.

This existing facility is located in Turbotville Borough, **Northumberland County**.

Description of Proposed Action/Activity: Continued operation of a liquid alum feed system for phosphorus removal.

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


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*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 &amp; Address</i>	<i>Municipality, County</i>	<i>Receiving Water(s)/Use(s)</i>	<i>TMDL Plan Submitted (Y/N)</i>	<i>Pollutant Reduction Plan Submitted (Y/N)</i>
PAI132209	Salisbury Township 2900 South Pike Avenue Allentown, PA 18103	Salisbury Township Lehigh	Trout Creek (HQ-CWF/MF), Tributary 3423 to Trout Creek (HQ-CWF/MF), Black River (CWF/MF), Cedar Creek (HQ-CWF/MF), Lehigh River (WWF/MF), Little Lehigh Creek (HQ-CWF/MF), Tributary 3573 to Little Lehigh Creek (HQ-CWF/MF), Tributary 3574 to Little Lehigh Creek (HQ-CWF/MF)	N	Y

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


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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD390122	South 4th Street Investors, LLC 14 Balligomongo Rd. P.O. Box 992 Conshohocken, PA 19428	Lehigh	City of Allentown	Trout Creek, (HQ-CWF, MF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD400030	David Washinski, 3 Dingwall Street Plains, PA 18705	Luzerne	Bear Creek Township	Tenmile Run, (HQ-CWF, MF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD520022	Raymondskill Properties, LLC 1875 Century Park East Suite 1980 Los Angeles, CA 90067	Pike	Dingman Township	Raymondskill Creek, (HQ-CWF, MF)

*Schuylkill Conservation District, 1206 AG Center Drive, Pottsville, PA 17901-9733.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD540013	Northpoint Development, LLC 4825 NW 41st Street Suite 500 Riverside, MO 64150	Schuylkill County	Ryan Township Mahanoy Township	Codorus Creek (CWF, MF) Hosensock Creek (CWF, MF) EV Wetlands

*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 &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD210037 Issued	Samuel L. Burkholder 152 Tanger Road Boiling Springs, PA 17007	Cumberland	South Middleton Township	Letort Spring Run (HQ-CWF, MF) Alexanders Spring Creek (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 &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD140031	POWDR-Woodward 134 Sports Camp Drive Woodward, PA 16882	Centre	Haines Twp	Pine Creek EV
PAD140034 A-1	The Pennsylvania State University 139J Physical Plant Building University Park, PA 16802	Centre	State College Boro and College Twp	Thompson Run HQ-CWF, MF UNT to Thompson Run None

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

*Indiana County Conservation District: 350 North 4th Street, Indiana, PA 15701, 724-471-4751.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD320006	Pennsylvania Electric Company 800 Cabin Hill Drive Greensburg, PA 15601	Indiana	Clymer Borough Cherryhill Township Green Township Pine Township	Two Lick Creek TSF, Buck Run CWF, Dixon Run CWF, UNTs to South Branch Two Lick Creek HQ-CWF, Sides run HQ-CWF, Whitaker Run HQ-CWF, UNTs to Browns Run CWF, UNTs to Two Lick Creek CWF

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

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

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

PAG-1	General Permit for Discharges from Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges from Small Flow Treatment Facilities
PAG-5	General Permit for Discharges from Petroleum Product Contaminated Groundwater Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharges from Hydrostatic Testing of Tanks and Pipelines

PAG-11	General Permit for Discharges from Aquatic Animal Production Facilities
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)
PAG-14	(To Be Announced)
PAG-15	General Permit for Discharges from the Application of Pesticides

*General Permit Type—PAG-02**Waterways & Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401. Telephone 484-250-5160.*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Lower Southampton Township Bucks County	PAC090293	B&N Holdings, LLC 1581 Big Oak Road Yardley, PA 19067	Neshaminy Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Wrightstown Township Bucks County	PAC090304	MDG # 2, LLC 1030 Reed Avenue Suite 100 Wyomissing, PA 19610	Unnamed Tributary to Mill Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Springfield Township Delaware County	PAC230103	Estates at Coventry Woods, L.P. 1604 Walnut Street 4th Floor Philadelphia, PA 19103	Darby-Cobbs Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

*Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.**Lackawanna County Conservation District, 1038 Montdale Road, Scott Township, PA 18447.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAC350069	Blackford Development Ltd 120 N Pointe Blvd # 300 Lancaster, PA 17601	Lackawanna	Jessup Boro	UNT to Lackawanna River (CWF, MF) Serry Creek (CWF, MF)
PAC350053 A-1	BHR Development Group LLC 1210 Wheeler Ave. Dunmore, PA 18510	Lackawanna	Jessup Boro	Serry Creek (CWF, MF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAC390075	Two City Center OP LP 645 W Hamilton St Ste 600 Allentown, PA 18101	Lehigh	Allentown City	Jordan Creek (TSF, MF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAC400122	McCarthy Development LLC John D McCarthy Jr. 340 Kidder St. Wilkes-Barre, PA 18702	Luzerne	Wilkes-Barre City	Laurel Run Creek (CWF, MF)

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

*Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
City of Altoona Blair County Issued	PAC070051	Durbin Companies 413 Grandview Road Altoona, PA 16602	UNT Mill Run (WWF)	Blair County Conservation District 1407 Blair Street Hollidaysburg, PA 16648 814.696.0877, ext. 5
Lower Paxton Township Dauphin County Issued	PAC220014	Triple Crown Corporation 5351 Jaycee Avenue Harrisburg, PA 17112	Paxton Creek (WWF, MF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
Derry Township Dauphin County Issued	PAC220186	Swatara Station Partners, LLC 897 South Chiques Road Suite 1 Manheim, PA 17545	Spring Creek East (WWF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
Derry Township Hummelstown Borough Dauphin County Issued	PAC220154	PennDOT District 8-0 2140 Herr Street Harrisburg, PA 17103	UNTs Swatara Creek (WWF) Swatara Creek (WWF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
Conoy Township Lancaster County Issued	PAC360008	Conoy Township 211 Falmouth Road Bainbridge, PA 17502	Susquehanna River (WWF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
Ephrata Township Lancaster County Issued	PAC360011	David Martin 447 Brossman Road Ephrata, PA 17522	UNT Conestoga River (WWF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
Marietta Borough Lancaster County Issued	PAC360442	Rail Trail Properties LLC 421 West Market Street Marietta, PA 17547	Susquehanna River (WWF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
Jackson Township York County Issued	PAC670324	Church & Dwight Company, Inc. 5197 Commerce Drive York, PA 17408	Little Conewago Creek (TSF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717.840.7430
Manchester Township York County Issued	PAC670269	First Pennsylvania Resource LLC 33 Terminal Way Suite 445A Pittsburgh, PA 15219	UNT Codorus Creek (WWF, MF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717.840.7430

**NOTICES**

**6005**

*Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Riverside Boro, Northumberland County	PAC490048	UGI Riverside Phase 5 Sunbury Rd, Avenue G, Avenue H, 8th Street, 9th Street, 11th Street & 12th Street in Riverside Borough	Susquehanna River WWF, MF	Northumberland County Conservation District 441 Plum Creek Rd Sunbury, PA 17801 (570) 286-7114 ext. 4

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

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Jefferson Township Butler County	PAC100159	Nativity of the Theotokos Greek Orthodox Monastery 121 St. Elias Lane Saxonburg, PA 16056	UNT to Tributary 35219 to Thorn Creek CWF	Butler County Conservation District 120 Hollywood Drive Suite 201 Butler, PA 16001 724-284-5270
Jackson Township Butler County	PAC100141	Foxwood Trail Holdings LLC 308 West Solomon Court Zelienople, PA 16063	UNT to Connoquenessing Creek WWF	Butler County Conservation District 120 Hollywood Drive Suite 201 Butler, PA 16001 724-284-5270
Hickory Township Lawrence County	PAC370040	County of Lawrence Jim Gagliano 430 Court Street New Castle, PA 16101	UNT to Neshannock Creek TSF	Lawrence County Conservation District 430 Court Street New Castle, PA 16101 724-652-4512
Springfield Township Mercer County	PAC430039	AB Rhodes LLC 1229 Main Street Volant, PA 16156	Unnamed tributary to Black Run CWF	Mercer County Conservation District 747 Greenville Road Mercer, PA 16137 724-662-2242
Delaware Township Mercer County	PAC430030	Adventure Bound Camping Resorts 905 16th Place Vero Beach, FL 32960	Shenango River WWF	Mercer County Conservation District 747 Greenville Road Mercer, PA 16137 724-662-2242

*General Permit Type—PAG-3*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
City of Philadelphia Philadelphia County	PAR600102	United Metal Traders Inc. 5240 Comly Street Philadelphia, PA 19135	Delaware River (WWF, MF), Unnamed Tributary to Delaware River (WWF, MF), and Delaware River 3-J	DEP Southeast Regional Office Clean Water Program 2 E. Main Street Norristown, PA 19401 484.250.5970
West Sadsbury Township Chester County	PAG130170	West Sadsbury Township 6400 N Moscow Road Parkesburg, PA 19365-1814	Valley Creek (TSF, MF), East Branch Octoraro Creek (TSF, MF), Officers Run (TSF, MF), and Pine Creek (TSF, MF) 7-K	DEP Southeast Regional Office Clean Water Program 2 E. Main Street Norristown, PA 19401 484.250.5970

*General Permit Type—PAG-8 (SSN)**Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
Gilbert Malone Farm 709 Wise Rd. Delta, PA 17314 Peach Bottom Township York County	PAG08 PAG07 WMGR099	Synagro 1605 Dooley Rd. P.O. Box B Whiteford, MD 21160	Gilbert Malone Farm 709 Wise Rd. Delta, PA 17314	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707
Richard Whiteman Farm 18692 Sugar Run Rd. Todd, PA 16682 Todd Township Huntingdon County	PAG08 PAG09 WMGR099	Synagro 1605 Dooley Rd. P.O. Box B Whiteford, MD 21160	Richard Whiteman Farm 18692 Sugar Run Rd. Todd, PA 16682	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707

*General Permit Type—PAG-12**Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Brothersvalley Township Somerset County	PAG126107	David C Vangilder 582 Rocky Lane Berlin, PA 15530-6535	Watershed(s) 19-F	DEP Southcentral Regional Office Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110-8200 717.705.4707
Lurgan Township, Franklin County	PAG123891	S & J Farms LLC 6470 Park Road Orrstown, PA 17244	Watershed(s) 7-B	DEP Southcentral Regional Office Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110-8200 717.705.4707
Cass Township, Huntingdon County	PAG123892	Casey S Carowick 6109 Country Lane Todd, PA 16685	Watershed(s) 11-D	DEP Southcentral Regional Office Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110-8200 717.705.4707

*General Permit Type—PAG-13**Facility Location*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Hatboro Borough Montgomery County	PAG130034	Hatboro Borough 414 S. York Road Hatboro, PA 19040-3949	Pennypack Creek (TSF, MF) 3-J	DEP Southeast Regional Office Clean Water Program 2 E Main Street Norristown, PA 19401 484.250.5970

**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>
Round Hill Poultry Travis and Mitchell Miller 6108 Carlisle Pike East Berlin, PA 17316	Adams	34.2	366.67	Poultry	NA	Approved
Critter Hill Farm Mike and Dottie Hare 224 Quaker Run Road Biglerville, PA 17307	Adams	39	409.17	Poultry and Beef	NA	Approved
Whispering Pines Farm (Michael Burkholder) 313 Deka Road Fleetwood, PA 19522	Berks	145.2	478.5	Hog	NA	Approved
Heindel Steer Farm 13845 Ted Wallace Rd Brogue, PA 17309	York	74	2,460.2	Dairy	NA	Renewal
Belview Valley Farms Swine 458 Gemmill Road Delta, PA 17314	York	550.2	639.36	Swine	NA	Renewal
Hillandale-Bailey Farms 2820 Daron Rd Spring Grove, PA 17362	York	282.1	4,283.25	Poultry	NA	Renewal
Jurgielewicz Home Farm Cheese Lane Shartlesville, PA 19554	Berks	258.1	498.18	Ducks	NA	Approved
Jurgielewicz Mountain Breeze Farm 8069 Spring Road Bernville, PA 19506	Berks	197.1	335.92	Ducks	NA	Approval
Brian Doutrich 750 Whitman Rd Lebanon, PA 17042	Lebanon	81.4	635.44	Poultry— Pullets, Beef	N/A	Approved
Joel Krall 480 Schaeffer Road Lebanon, PA 17042	Lebanon	9.4	671.20	Dairy	N/A	Approved
Brian Eckman 357 Black Bottom Road Peach Bottom, PA 17563	Lancaster	126.4	741.83	Swine/ Poultry	HQ	R
Jeff Nolt 2145 Junction Road Manheim, PA 17545	Lancaster	47	271.25	Poultry	NA	N

## PUBLIC WATER SUPPLY PERMITS

The Department has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

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

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

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

### SAFE DRINKING WATER

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

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

**Source Water Protection Program Approval** issued to **Pennsylvania American Water**, 852 Wesley Drive, Mechanicsburg, PA 17055, **PWSID 7010035**, Straban Township, **Adams County** on April 8, 2019.

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

**Permit No. 0819501MA—Operation—Public Water Supply.**

Applicant	<b>Aqua Pennsylvania, Inc.</b>
Township/Borough	Athens Borough
County	<b>Bradford County</b>
Responsible Official	Mr. Patrick Burke Aqua Pennsylvania, Inc. 204 East Sunbury Street Shamokin, PA 17872-0909
Type of Facility	Public Water Supply— Operation
Consulting Engineer	Mr. Stephen J. Draus Aqua Pennsylvania, Inc. 204 East Sunbury Street Shamokin, PA 17872

Permit Issued	September 23, 2019
Description of Action	Authorizes Aqua Pennsylvania, Inc. to operate a second, free-chlorine, residual analyzer inside the Well 19 well station to continuously monitor the free chlorine at the influent end of the chlorine contact pipe with SCADA system modified to use the chlorine to use the chlorine signal from this second analyzer to shut down the well pumps if the residuals drift beyond the high and low set points.

**Permit No. 1919502-MA—Construction—Public Water Supply.**

Applicant	<b>Catawissa Municipal Water Authority</b>
Township/Borough	Catawissa Township
County	<b>Columbia County</b>
Responsible Official	Mr. George N. Fletcher Catawissa Municipal Water Authority 19 Schoolhouse Road Catawissa, PA 17820
Type of Facility	Public Water Supply— Construction
Consulting Engineer	Mr. Daniel Hopkins, P.E. P.O. Box 32 Reading, PA 19603

Permit Issued	September 23, 2019
Description of Action	Authorizes installation of a bulk-water loading station (Bulk Station) at the Main Chlorine Building in Catawissa Township (Latitude 40° 57' 3.3" Longitude -76° 27' 2.6") to provide water for potable/non-potable uses from which authorized customers may withdraw a maximum of 100,000 gallons per day.

**Permit No. 1419504-MA—Construction—Public Water Supply.**

Applicant	<b>Bellefonte Borough Authority</b>
Township/Borough	Spring Township
County	<b>Centre County</b>
Responsible Official	Mr. Ralph W. Stewart Manager Bellefonte Borough Authority 236 West Lamb Street Bellefonte, PA 16825
Type of Facility	Public Water Supply— Construction
Consulting Engineer	Mr. Eric Lundy Nittany Engineering and Associates 2836 Earlstown Road Suite 1 Centre Hall, PA 16828
Permit Issued	September 23, 2019

Description of Action Authorizes Bellefonte Borough Authority to install a potable bulk-water loading station, known as bulk-water loading station # 2, located in the fenced-in, gated Waste Water Treatment Plant site, adjacent to existing primary bulk-water hydrant (BWLS1).

County **Erie**  
 Type of Facility Public Water Supply  
 Consulting Engineer Jason Saylor  
 Utility Service Co. Inc.  
 1230 Peachtree Street NE  
 Atlanta, GA 30309  
 Permit to Construct Issued September 27, 2019

**Permit No. 1419503MA—Construction—Public Water Supply.**

Applicant **Upper Half Moon Water Company**  
 Township/Borough Halfmoon Township  
 County **Centre County**  
 Responsible Official Mr. Ben Pisoni,  
 Vice President  
 Type of Facility Public Water Supply—  
 Construction  
 Consulting Engineer Mr. Eric Lundy  
 Nittany Engineering and  
 Associates  
 2836 Earlstown Road  
 Suite 1  
 Centre Hall, PA 16828  
 Permit Issued September 24, 2019

Description of Action Authorizes Upper Halfmoon Water Company to rehabilitate your 53,000-gallon AquaStore glass-lined, bolted-steel, water-storage tank by Mid-Atlantic Storage Systems, Inc. (the original tank installer), while the 414,000-gallon, water-storage tank is used to adequately provide potable water to public water-supply system.

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

**Emergency Operation Permit** issued to **General Authority of the City of Franklin, PWSID No. 6610020**, City of Franklin, **Venango County**. Permit Number 6610020-19E1 issued September 23, 2019 for the operation of 4-Log treatment of viruses for the installation and operation of modifications to the Barrett Flats WTP. This action is taken under the requirements of the Groundwater Rule.

**Operation Permit** issued to **Aqua PA Mt. Jewett, PWSID No. 6420018**, Mt. Jewett Borough, **McKean County**. Permit Number 4296502-T2-RS1 issued September 27, 2019 authorizing reserve designation of Well No. 2.

**Permit No. 8875-W-T1-MA4**, Public Water Supply.  
 Applicant **Erie City Water Authority**  
 Township or Borough City of Erie

**Operation Permit** issued to **St. Marys Area Water Authority, PWSID No. 6240016**, St. Marys, **Elk County**. Permit Number 2498502-MA6 issued September 27, 2019 for the operation of the renovated Second North High Tank No. 2. This permit is issued in response to an operation inspection conducted by the Department of Environmental Protection personnel on August 19, 2019.

**WATER ALLOCATIONS**

**Actions taken on applications received under the Act of June 24, 1939 (P.L. 842, No. 365) (35 P.S. §§ 631—641) relating to the Acquisition of Rights to Divert Waters of the Commonwealth.**

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

**WA54-317B**, Water Allocation, **Auburn Municipal Authority**, P.O. Box 296, 451 Pearson Street, Auburn, PA 17922-0296, Auburn Borough, **Schuylkill County**. This permit grants the Authority the right to withdraw 125,000 gallons per day (gpd) from Stony Creek and 125,000 gpd from a tributary to Stony Creek (locally known as Bear Creek), both located in Tilden Township, Berks County, with total combined withdrawals not to exceed 125,000 gpd.

**SEWAGE FACILITIES ACT PLAN APPROVAL**

**Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. 1535, as amended, 35 P.S. § 750.5.**

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Borough of Sinking Spring	3940 Penn Ave. Sinking Spring, PA 19608	Berks

*Plan Description:* Approval is granted for a revision to the Official Plan for Sinking Spring Borough, Berks County. The plan revision is a Special Study to address the replacement of the Broad Street sanitary sewer. The Broad Street sanitary sewer will be upgraded from a 10 inch terra cotta pipe to a 15 inch PVC pipe with eleven new manholes. Permits must be obtained in the name of the municipality. The Department's review of the Special Study has not identified any significant impacts resulting from this proposal. The DEP Code Numbers for this plan are A3-06959-026-3 and Application No. 1000208.

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

*Plan Location: Monroe Twp., Penn Twp., Selinsgrove Boro., and Shamokin Dam Boro., Snyder County*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Monroe Township	39 Municipal Drive Selinsgrove, PA 17870	Snyder
Penn Township	228 Clifford Road Selinsgrove, PA 17870	Snyder
Selinsgrove Borough	P.O. Box 34 Selinsgrove, PA 17870	Snyder
Shamokin Dam Borough	P.O. Box 273 Shamokin Dam, PA 17876	Snyder

*Plan Description:* The plan provides for the replacement and/or upgrade of various components of two pump stations and the sewage treatment plant owned and operated by the Eastern Snyder County Regional Authority. The project involves replacing, and changing, equipment as well as modifications to protect facilities from flooding events. The two major items requiring sewage facilities planning are changes to the screening system to provide additional redundancy, and changes to the solids handling process to provide more efficient solids generation. No major environmental or historical impacts were identified in the plan. Total project cost is estimated at \$11.3 million expected to be paid through a combination of public grants and loans and cash contributions from the Authority. No changes to user rates are expected due to this project.

## **HAZARDOUS SITES CLEAN-UP UNDER THE ACT OF OCTOBER 18, 1988**

### **PUBLIC NOTICE OF PROPOSED CONSENT DECREE**

#### **FOSTER WHEELER ENERGY CORPORATION WRIGHT TOWNSHIP, LUZERNE COUNTY**

Pursuant to Sections 106 and 107 of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C.A. §§ 9606 and 9607, and Section 507 of the Hazardous Sites Cleanup Act ("HSCA") Act of October 18, 1988, P.L. 756, 35 P.S. § 6020.507, the United States of America, by the authority of the Attorney General of the United States, acting at the request of the Administrator of the United States Environmental Protection Agency ("EPA"), and the Commonwealth of Pennsylvania, Department of Environmental Protection ("DEP") entered in a proposed Consent Decree with Foster Wheeler Energy Corporation ("FWEC").

FWEC operated a manufacturing facility ("Facility") from 1953 until 1984. The Facility occupied roughly 105 acres within the Site, located within the Crestwood Industrial Park, Mountain Top, Pennsylvania. The Site includes areas where hazardous substances have come to be located, including the area south and southwest of the Facility where groundwater contamination exists. In response to a release or a substantial threat of a release, FWEC began a Remedial Investigation ("RI") and Feasibility Study ("FS") on April 9, 2009. DEP provided oversight of the implementation of the RI and FS. Following completion of the RI (June 21, 2017) and FS (April 12, 2018), the proposed plan for interim remedial

action for the Site was embodied in the EPA's Interim Record of Decision ("IROD") dated September 25, 2018, on which DEP has concurred. The proposed Consent Decree requires that FWEC will finance and perform the work as embodied in the IROD noted above and to pay the EPA and DEP for past and future response costs. FWEC has agreed to the recordation of an Environmental Covenant ("EC") that will limit the use of that portion of the property described in the EC.

The proposed settlement would resolve certain potential claims of the EPA and DEP solely against FWEC, for future enforcement and reimbursement of response costs incurred by the EPA and DEP in addressing the release or threat of release of hazardous substances at the Site. The claims originated under the authority of the Hazardous Sites Cleanup Act (35 P.S. §§ 6020.101—6020.1305).

PADEP provides this notice under Section 1113 of HSCA, 35 P.S. § 6020.1113, which states that "settlement shall become final upon the filing of the Department's response to significant written comments." The proposed Consent Decree is available for public examination at the DEP Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18711. To examine the Consent Decree please contact Scott J. Bene at 570-826-2511 or sbene@pa.gov. Comments may be submitted in writing to Scott Bene at the above address or by e-mail at sbene@pa.gov. DEP will receive and consider comments relating to the proposed Consent Decree 60 days from today's date. TDD users may contact the DEP through the Pennsylvania AT&T Relay Service at 800-645-5984.

## **LAND RECYCLING AND ENVIRONMENTAL REMEDIATION**

### **UNDER ACT 2, 1995 PREAMBLE 2**

**The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).**

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P.S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the environmental cleanup program manager in the Department regional office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

**Joy Knecht Property**, 184-186 Chestnut Ridge Drive, Eldred Township, **Monroe County**. Moonstone Environmental, LLC, 1150 Glenlivet Drive, Suite A-23, Allentown, PA 18106, on behalf of Joy Knecht, 186 Chestnut Ridge Drive, Kunkletown, PA 18058, Final Report concerning remediation of soil contaminated with heating oil from an aboveground storage tank. The report is intended to document remediation of the site to meet Residential Statewide Health Standards.

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

**Bellows (03-078) Well Pad**, 4087 Mountain Avenue, Troy, Columbia Township, **Bradford County**. Golder Associates, Inc., 209 N. Main Street, Suite 3, Horseheads, NY 14845, on behalf of Repsol Oil & Gas USA, LLC, 337 Daniel Zenker Drive, Horseheads, NY 14845, has submitted a Final Report concerning remediation of site soil contaminated with produced water. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Bobst Mountain Hunting Club 23H**, 1888 Coal Mine Road, Trout Run, Cogan House Township, **Lycoming County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16601, on behalf of Range Resources—Appalachia, LLC, 80 Health Drive, Lock Haven, PA 17745, has submitted a Final Report concerning remediation of site soil contaminated with produced water. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**PGE COP Tract 322 Pad B 2663 Unconventional Well Site**, 228 Bark Cabin Road, McHenry Township, **Lycoming County**. Moody and Associates, Inc., 11548 Cotton Road, Suite 101, Meadville, PA 16336, on behalf of Pennsylvania General Energy Co., LLC, 120 Market Street, Warren, PA 16365, has submitted a Final Report concerning remediation of site soil contaminated with produced water. The report is intended to document remediation of the site to meet the Background and Statewide Health Standards.

**3348 Troxelville Rd**, Middleburg, Center Township, **Snyder County**. Crawford Environmental Services, LLC, 20 Cardinal Drive, Birdsboro, PA 19508, on behalf of Jack D. Wagner and Emily McCaffery, 3348 Troxelville Rd, Middleburg, PA 17842, has 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 Residential Statewide Health Standard.

**Star Fleet Trucking Project**, Crossroads Drive, New Columbia, Kelly Township, **Union County**. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857, on behalf of Star Fleet Trucking, Inc., 426 Main Street,

Middlebury, IN 46550, has submitted a Final Report concerning remediation of site soil contaminated with diesel fuel, motor oil & antifreeze. The report is intended to document remediation of the site to meet the Non-Residential Statewide Health Standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 3

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**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).**

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Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department regional office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

**Former Solovey Service Station**, 274 North River Street, Plains Township, **Luzerne County**. Groundwater Sciences Corporation, 2601 Market Place Street, Suite 310, Harrisburg, PA 17110, on behalf of Roberts Oil Company, 646 Meadows Lane, Dallas, PA 18612 submitted a Final Report concerning remediation of site soil and groundwater contaminated due to historic use of underground storage tanks storing petroleum at the site. The predominant contaminants identified were volatile organic compounds and lead. The report documented remediation of the site to meet Site-Specific Standards and was approved by DEP on September 24, 2019.

**Former Dixie Cup Facility**, 415 South 24th Street, Wilson Borough, **Northampton County**. EarthRes Group, 6912 Old Easton Road, Pipersville, PA 18947, on behalf of Wilson Park LTD, 2957 Fairfield Drive, Allentown, PA 18103, submitted a remedial investigation report and cleanup plan concerning remediation of soil and groundwater at this former industrial and manufacturing site contaminated with metals, volatile organic compounds, semi-volatile organic compounds, and polychlorinated biphenyls. The report was approved by DEP on September 24, 2019.

**Lehigh Valley Hospital**, 1200 South Cedar Crest Boulevard, Salisbury Township, **Lehigh County**. Moonstone Environmental, LLC, 1150 Glenlivet Drive, Suite A-23, Allentown, PA 18106, on behalf of Lehigh Valley Health Network, 1200 South Cedar Crest Boulevard, Allentown, PA 18103, submitted a Final Report concerning remediation of soil contaminated by a release of aviation fuel. The report documented remediation of the site to meet Residential Statewide Health Standards and was approved by DEP on September 24, 2019.

**Sunoco Kingston Terminal**, 60 South Wyoming Avenue, Edwardsville Borough, **Luzerne County**. Aquaterra Technologies, P.O. Box 744, West Chester, PA 19381, submitted a remedial investigation report concerning remediation of soil and groundwater at this bulk petroleum storage terminal. The report was approved by DEP on September 26, 2019.

**WY 10 Falconero Well Pad**, 456 Main Road, Forkston Township, **Wyoming County**. Woodard & Curran, 12 Frear Hill Road, Tunkhannock, PA 18657, on behalf of Falconero Family LP, 22 Tranquility Drive, Malvern, PA 19355, submitted a Final Report concerning remediation of soil and groundwater contaminated by a release of production fluid (brine) from a natural gas well. The report documented remediation of the site to meet Residential Statewide Health Standards and was approved by DEP on September 27, 2019.

**Stewart Silk Mill**, 620 Coal Street, Easton City, **Northampton County**. Moonstone Environmental, LLC, 1150 Glenlivet Drive, Suite A-23, Allentown, PA 18106, on behalf of TCH Realty & Development Company, 900 South Avenue, Suite 300, Staten Island, NY 10314, submitted a combined Remedial Investigation Report and Cleanup Plan concerning remediation of soil at this former industrial and manufacturing site was contaminated with metals, volatile organic compounds, semi-volatile organic compounds, and polychlorinated biphenyls. The report was approved by DEP on September 27, 2019.

**Klingel Cleaners**, 1710 West Main Street, Stroud Township, **Monroe County**. Moonstone Environmental, LLC, 1150 Glenlivet Drive, Suite A-23, Allentown, PA 18106, on behalf of the Estate of Arthur and Mary

Klingel, 1710 West Main Street, Stroudsburg, PA 18360, submitted a combined Remedial Investigation Report and Final Report concerning remediation of soil and groundwater at this former dry-cleaning operation. The report was intended to document remediation of the site to meet Site-Specific Standards but was disapproved by DEP on September 30, 2019.

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

**Gateway West Housing**, 416 & 442 Gordon Street, Reading, PA 19601, City of Reading, **Berks County**. Liberty Environmental, Inc., 505 Penn Street, Reading, PA 19601, on behalf of Gateway West Housing Associates, LP, 726 Yorklyn Road, Suite 150, Hockessin, DE 19601, and Reading Development Authority, 815 Washington City, Suite 2-53, Reading, PA 19601 submitted a Remedial Investigation Report and Cleanup Plan concerning remediation of site soil and groundwater contaminated with VOCs, PAHs, chlorinated solvents, and PCBs. The combined Report was disapproved by the Department on September 26, 2019.

**Former Glidden Reading Paint Plant**, 1853 North 3rd Street, Reading, PA 19601, City of Reading, **Berks County**. Liberty Environmental, 505 Penn Street, Reading, PA 19601, and EnvirAnalytics Group, 1650 Des Peres Road, Suite 303, Saint Louis, MO 63131, on behalf of ANOREAD, LLC, 1650 Desk Peres Road, Saint Louis, MO 63131, submitted a Remedial Investigation Report and Cleanup Plan concerning remediation of site soil and groundwater contaminated with volatile and semi-volatile organic compound and inorganic compounds. The combined Report was disapproved by the Department on September 27, 2019.

**F.L. Smithe Machine Company Inc.**, 899 Plank Road, Suite 1, Duncansville Borough, **Blair County**. Mountain Research LLC, 825 25th St., Altoona, PA 16601, on behalf of Barry-Wehmiller Company Inc., 8020 Forsyth Boulevard, St. Louis, MO, 63105 submitted a Risk Assessment, Cleanup Plan, and Final Report concerning remediation of site groundwater contaminated with volatile and semi-volatile organic compounds. The Final Report did not demonstrate attainment of the Site-Specific Standard and was disapproved by the Department on September 25, 2019.

**Sheetz Store # 116, Storage Tank Primarily Facility ID 28-295431**, 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 Report demonstrated attainment of the combination of Statewide Health and Site-Specific Standards, and was approved by the Department on September 5, 2019

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

**Sandhoos, Inc. Tanker Spill**, 125 Old Valley School Road, Danville, Valley Township, **Montour County**. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857, on behalf of Sandhoos, Inc., 165 Lamont Drive, Cogan Station, PA 17728, submitted a Final Report concerning remediation of site soil contaminated with unleaded gasoline. The report demonstrated attainment of the Non-Residential Statewide Health Standard for Soil and was approved by the Department on September 24, 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*

**Midwest Environmental Transport, Inc.**, 10163 Cincinnati-Dayton Rd, Cincinnati, OH 45241. License No. PA-AH 0368. Effective Sep 27, 2019.

**Turn-Key Environmental Services, Inc.**, P.O. Box 519, Blairstown, NJ 07825. License No. PA-AH 0738. Effective Sep 27, 2019.

*Transporter Licenses Reissued*

**Midwest Environmental Transport, Inc.**, 10163 Cincinnati-Dayton Rd, Cincinnati, OH 45241. License No. PA-AH 0368. Effective Sep 27, 2019.

**Turn-Key Environmental Services, Inc.**, P.O. Box 519, Blairstown, NJ 07825. License No. PA-AH 0738. Effective Sep 27, 2019.

**REGISTRATION FOR GENERAL PERMIT—REGULATED MEDICAL WASTE**

**Registration Issued Under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Infectious and Chemotherapeutic Waste Regulations for a General Permit to Operate Infectious and Chemotherapeutic Waste Processing Facilities.**

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

**General Permit No. WMGI005SE002. GlaxoSmith-Kline LLC**, 709 Swedeland Road, King of Prussia, PA 19406-0939. This permit is for the registration to operate under General Permit No. WMGI005SE002 to process regulated medical waste generated at the GlaxoSmith-Kline, LLC—Upper Merion Facility, located at 709 Swedeland Road in Upper Merion Township, **Montgomery County**. The application for registration was issued by the Southeast Regional Office on September 26, 2019.

Persons interested in reviewing the general permit may contact the Pennsylvania Department of Environmental Protection (“DEP”) Waste Management Program Manager, Southeast Regional Office, 2 East Main Street, Norristown, PA 19401-4915, or by telephone at 484.250.5960. TDD users may contact the DEP through the Pennsylvania AT&T Relay Service, (800) 654.5984.

**REGISTRATION FOR RESIDUAL WASTE GENERAL PERMITS**

**Registration(s) Issued Under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act; and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.**

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

**General Permit Application No. WMGR123SW032. EQT Production Company**, 2400 Ansys Drive, Suite 200, Canonsburg, PA 15317. A request for registration for coverage under General Permit WMGR123 to construct and operate the Dragon Chan and Piston Honda Pads for storage and reuse of oil and gas liquid waste at a facility located in Aleppo and Springhill Townships, **Greene County**. The registration was granted by the Regional Office on September 27, 2019.

**AIR QUALITY**

**General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

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

*Contact: Muhammad Q. Zaman, Program Manager, 570-327-3648.*

**AG5-59-00003B: UGI Texas Creek, LLC** (835 Knitting Mills Way, Wyomissing, PA 19610) on September 24, 2019, for the continued operation of one 380 bhp Cummins KTA19GC compressor engine; one 10 MMscfd TEG dehydrator, equipped with a 0.25 MMBtu/hr reboiler; various pneumatic devices; periodic blowdowns; various fugitive emissions; and pigging operations, pursuant to the General Plan Approval and/or General Operating Permit for Natural Gas Compression Stations, Processing Plants, and Transmission Stations (BAQ-GPA/GP-5) at the Lick Run 803 Compressor Station located in Gaines Township, **Tioga County**.

**AG5-18-00001A: Regency Marcellus Gas Gathering, LLC** (101 West Third Street, Williamsport, PA 17701) on September 6, 2019 to authorize the operation of two (2) 1,380 brake-horsepower, natural gas-fired, four-stroke, lean-burn compressor engines, each equipped with an oxidation catalyst, a 75 MMscfd TEG dehydrator equipped with 1.0 MMBtu/hr natural gas-fired reboiler and a 2.1 MMBtu/hr natural gas-fired still vent enclosed flare, two (2) 10,000 gallon storage tanks equipped with a tanker truck loadout and fugitive emissions pursuant to the General Plan Approval and General Operating Permit for Natural Gas Compressor and/or Processing Facilities (BAQ-GPA/GP-5) at their Poorman Compressor Station in Gallagher Township, **Clinton County**.

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

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

**GP14-32-440A: Shoemaker Funeral Home** (48 North Walnut Street, Blairsville, PA 15717) on September 18, 2019, for the authority to construct and operate an animal crematory (BAQ-GPS/GP14) located at their facility in Blairsville Borough, **Indiana 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.**

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

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

**18-00011L: Croda, Inc.** (8 Croda Way, Mill Hall, PA 17751) on September 25, 2019, for revisions to its current operating permit requirements, including removal of major source/Title V requirements, revisions to emissions limitations for reactor vessel R-18, and a change in the frequency for sampling and analysis for the Super Refined Oils and Synthesis Area—General Products processes at the Mill Hall Facility located in Bald Eagle Township, **Clinton County**.

*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.*

**65-00767B: Westmoreland Sanitary Landfill, LLC** (111 Conner Lane, Bell Vernon, PA 15012), on October 1, 2019, to allow the construction and initial temporary operation of one (1) 2,128 bhp Cummins C1540 N6CB 4-stroke lean burn natural gas-fired engine controlled by an oxidation catalyst and SCR system to generate electricity for use at the Westmoreland Sanitary Landfill located in Rostraver Township, **Westmoreland County**.

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

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

**37-337C: Hickory Run Energy, LLC** (4900 Edinburg Road, New Castle, PA 16102), on September 23, 2019 issued a Plan Approval for the proposed inclusion of the required ERCs for the construction of the facility consisting of a natural gas-fired combined cycle 900 MW electric generation facility consisting of two combustion turbine generation, tow heat recovery steam generators, and some ancillary equipment in North Beaver Township, **Lawrence County**.

**42-004K: American Refining Group, Inc.** (77 North Kendall Avenue, Bradford, PA 16701), on September 24, 2019 issued a Plan Approval for the installation and initial operation of a RACT II affected source/control device and its' associated RACT II proposal in Bradford City, **McKean County**. This is a Title V facility.

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

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

**15-0094C: Metallurgical Products, Inc.** (810 Lincoln Avenue, West Chester, PA 19381), on September 11, 2019, for installation of a Kimre Fiber Bed Filter System (C05) at the existing copper alloying facility located in West Goshen Township, **Chester County**.

**15-0037H: Idemia America Corporation** (523 James Hance Court, Exton, PA 19341), on September 11, 2019, for the renewal of a Plantwide Applicable Limit (PAL) for VOC, as outlined under 25 Pa. Code § 127.218, for their facility located in West Whiteland Township, **Chester 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.*

**48-00093A: Oldcastle APG Northeast Inc.** (800 Uhler Road, Easton, PA 18040), on September 3, 2019 for the installation and operation of air cleaning devices to control particulate emissions from a rotary dryer/cooler at the facility located in Forks Twp., **Northampton County**.

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

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

**AMS IP18-000235:** On September 25, 2019, AMS issued a Plan Approval to **Naval Surface Warfare Center**, Philadelphia Division (NSWCPD) (901 Admiral Perry Way, Philadelphia, PA 19112) to modify AMS Plan Approval No. 15088 dated October 16, 2015. The modification incorporates a change of equipment from the originally permitted gas turbine generator (GTG) to the temporary GTG originally permitted under AMS Installation Permit Nos. IP16-000199, IP17-000092, and IP17-000261. The facility is installing a 230.8 MMBtu/hr GTG with water injection system firing natural gas or No. 2 fuel oil/JP-5 oil. The facility will be subject to a Plantwide Applicability Limitation (PAL) NO<sub>x</sub> limit of 240.4 tons per rolling 12-month period and a PAL SO<sub>x</sub> limit of 54.3 tons per rolling 12-month period. The plan approval will contain operating, monitoring, testing, record-keeping, and reporting requirements to ensure operation within all applicable requirements.

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**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.**

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

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

**09-0007C: Waste Mgmt Dspl Svc of PA Inc** (1000 New Ford Mill Rd., Morrisville, PA 19067-3704) on September 25, 2019, for the Municipal Solid Waste (MSW) Landfill and two backup flares at the GROWS North location in Falls Township, **Bucks County**.

**23-0009J: The Boeing Co.** (P.O. Box 16858, MC P01-29, Philadelphia, PA 19142-0858) on September 25, 2019, for the replacement of two (2) 42 MMBtu/hr Boilers with two (2) new 36 MMBtu/hr dual fuel (natural gas/No. 2 fuel oil) boilers located in Ridley Township, **Delaware County**.

**23-0038F: Delcora** (P.O. Box 999, 100 E 5th St., Chester, PA 19016-0999) on September 25, 2019, for construction and operation of an air pollution control system for each of the two multiple hearth incinerators, comprising quench, multi-venturi scrubber, wet electrostatic precipitator and regenerative thermal oxidizer at the facility's location in Chester City, **Delaware County**.

**23-0014I: Kimberly Clark of PA LLC** (1 Avenue of the States, Chester, PA 19013-4435) on September 25, 2019, for the installation of two (2) 185 MMBtu/hr natural gas-fired combustion turbines and 83 MMBtu/hr supplemental burners (i.e. heat recovery steam generating units) at the facility located in Chester City, **Delaware County**.

**23-0123: Aeroaggregates LLC** (1500 Chester Pike, Eddystone, PA 19022-1338) on September 25, 2019, for the operation of an existing natural gas-fired glass foam-



ing tunnel kiln, an existing natural gas-fired, fluidized bed dryer and the installation of two (2) new natural gas-fired glass foaming tunnel kilns at an existing foamed glass aggregate production facility located in Eddystone Borough, **Delaware County**.

**23-0119E: Sunoco Partners Mkt & Term LP** (100 Green St., Marcus Hook, PA 19061-4800) on September 25, 2019, for construction and operation of three distillation units (two depropanizers and one debutanizer) to separate and purify the natural gas liquids and pipeline transmix into propane, butane, and C5+ products located in Marcus Hook Borough, **Delaware County**.

**15-0041D: Eastern Shore Natural Gas Co.** (500 Energy Ln., Ste. 200, Dover, DE 19901) on September 25, 2019, for the installation of a new natural gas-fired reciprocating internal combustion engine for a standby emergency generator located in Londonderry Township, **Chester County**.

**23-0122: Aqua PA Inc** (762 W Lancaster Ave., Bryn Mawr, PA 19010-3402) on September 4, 2019 for installation and operation of two diesel-fired engines for emergency generators located in Springfield Township, **Delaware County**.

**09-0196H: Abington Reldan Metals LLC** (550 Old Bordentown Rd., Fairless Hills, PA 19030-4510) on September 4, 2019 for installation and operation of one unit of Melt Furnace and associated dry lime injection system located in Falls Township, **Bucks County**.

**09-0236: Covanta Metals Mkt LLC** (445 South St., Morristown, NJ 07960-6475) on September 3, 2019 for the construction of a Non Ferrous Metal Recovery Facility located in Falls Township, **Bucks County**.

**46-0005AR: Merck Sharp & Dohme Corp** (770 Sumneytown Pike, P.O. Box 4, WP20-205, West Point, PA 19486-8000) on September 5, 2019 to create additional manufacturing space for the production of biological products in existing Building 38 (Source 112) located in Upper Gwynedd Township, **Montgomery County**. Fugitive VOC emissions increase from disinfection to be limited to 5.22 tons in any 12 consecutive month period. Building 38 was formerly part of permitted Source 105 and is being separated due to this project. The associated emissions from Building 38 (5.9 tons) have been subsequently removed from Source 105 and added to Source 112.

*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.*

**67-05005H: Brunner Island, LLC** (P.O. Box 221, York Haven, PA 17370) on September 27, 2019, for the addition of natural gas as a fuel firing option for the three existing utility boilers (Source IDs 031A, 032 and 033A) and their associated coal mill heaters that will involve the tying in of a natural gas pipeline (Source ID 301), as well as the construction of two natural gas-fired pipeline heaters (Source ID 050) at the Brunner Island Steam Electric Station in East Manchester Township, **York County**. The plan approval was extended.

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

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

**08-00001A: Tennessee Gas Pipeline Company LLC** (1001 Louisiana Street, Houston, TX 77002) was issued an extended authorization for additional 180 days to allow continued operation of the emergency generator engine pending issuance of an operating permit, in accordance with 25 Pa.Code § 127.12b. The source is located at their Station 319 facility in Wyalusing Township, **Bradford County**. The plan approval has been extended from September 24, 2019 to March 22, 2020.

**59-00037A: Energy Water Solutions, LLC** (11233 Crown Park Dr., Ste. F, Houston, TX 77067) on September 23, 2019, to (1) issue a revised plan approval for a change of ownership and (2) extend the plan approval expiration date to April 1, 2020 to allow continued operation of three produced water evaporator/concentrator (VOX) systems at EQT Production Company's existing Phoenix S Well Pad located in Duncan Township, **Tioga County**.

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

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

**24-131R: SGL Carbon LLC** (900 Theresia Street, St Marys, PA 15857) on September 30, 2019, effective September 30, 2019, has issued a plan approval extension for the construction of a new Chemical Vapor Deposition Reactor (# 16) and scrubber located in Building 500 CVD Operations in City of St. Marys, **Elk County**. This is a State Only facility. This will expire on March 31, 2020.

**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.*

**23-00035: Community Light and Sound Inc.** (333 East 5th Street, Chester, PA 19013-4511) on September 25, 2019, for a renewal of a non-Title V, State-Only, Synthetic Minor Permit for a facility manufacturing audio and video equipment in Chester City, **Delaware County**.

**15-00074: R. A. Ferris & Co., Inc.** (899 Fern Hill Road, West Chester, PA 19380) on September 30, 2019, for renewal of a State-Only Operating Permit for crematories in West Goshen Township, **Chester County**.

**09-00136: Powdersize LLC** (20 Pacific Drive, Quakertown, PA 18951-3601) on September 30, 2019, located in Richland Township, **Bucks County**, for operation of pulverizing and screening powder form products to meet customer specifications.

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

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

**13-00013 Ampal, Inc.** (2115 Little Gap Road, Palmerton, PA 18071). The Department issued, on 9/24/19, a State-Only Operating Permit for operation of sources at primary metal products manufacturing facility in Lower Towamensing Township, **Carbon County**. The sources include an aluminum melting furnace, process towers, screening towers, and blending tower, and bulk loading operations. Emissions are controlled by cartridge filters. The permit contains all applicable requirements

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

**45-00010: HG Smith Wilbert Vault Co., Inc., Stroudsburg Facility** (2120 N. 5th Street, Stroudsburg, PA 18360-2802). On September 11, 2019, the Department issued a renewal State-Only (Natural Minor) Permit for the animal and human crematory facility located in Stroudsburg, **Monroe County**. The primary sources consist of one (1) animal incinerator and three (3) human crematories. The control devices consist of afterburners. The sources are considered a minor emission source of nitrogen oxide (NO<sub>x</sub>), sulfur oxides (SO<sub>x</sub>), carbon monoxide (CO), total suspended particulate (TSP) and VOC's. The operating permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

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

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

**36-03051: Johnson & Johnson Consumer, Inc.** (1838 Colonial Village Lane, Lancaster, PA 17601-6700) on September 25, 2019, for the pharmaceuticals manufacturing facility located in East Lampeter Township, **Lancaster County**. The State-Only permit was renewed.

**22-03085: Minnich Family Funeral Homes, Inc.** (103 West Main Street, Elizabethtown, PA 17023) on September 27, 2019, for the animal crematory unit located in Elizabethtown Borough, **Dauphin County**. The State-Only permit was renewed.

**22-03084: Minnich Family Funeral Homes, Inc.** (118 South Market Street, Millersburg, PA 17061-1330) on September 27, 2019, for the human crematory unit located in Millersburg Borough, **Dauphin County**. The State-Only permit was renewed.

**28-03025: Wenger Feeds LLC** (101 West Harrisburg Avenue, Rheems, PA 17570-0026) on September 27, 2019, for the feed mill located in Southampton Township, **Franklin County**. The State-Only permit was renewed.

**06-05051: Morgan Truck Body, LLC dba Morgan Corp.** (P.O. Box 588, Morgantown, PA 19543-0588) on September 10, 2019, for the truck body manufacturing facility located in Caernarvon Township, **Berks County**. The State-Only permit was renewed.

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

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

**04-00443: Evoqua Water Technologies, LLC** (118 Park Road, Darlington, PA 16115), Synthetic Minor Operating Permit on September 6, 2019, the Department of Environmental Protection (DEP) authorized an initial synthetic minor State-Only operating permit for a hazardous and non-hazardous spent sorbent (activated carbon) regeneration facility located in Darlington Township, **Beaver County**. The permit includes emission limits, operating requirements, monitoring requirements, recordkeeping requirements for the site, and incorporates the requirements of plan approval PA-04-313-053B into the operating permit.

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

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

**41-00052: Hanson Aggregates Pennsylvania, LLC** (7660 Imperial Way, Allentown, PA 18195-1040) on September 25, 2019, issued a State Only operating permit renewal for the Pine Creek Quarry located in Limestone Township, **Lycoming County**. The State Only operating permit renewal contains requirements including monitoring, recordkeeping, and reporting conditions to ensure compliance with applicable Federal and State regulations.

**18-00021: Avery Dennison Performance Polymers** (171 Draketown Road, Mill Hall, PA 17751-8608) on September 25, 2019, for the facility located in Bald Eagle Township, **Clinton County**. The operating permit renewal includes emission limits and work practice standards along with testing, monitoring, record keeping and reporting requirements to ensure the facility complies with all applicable air quality regulations.

**59-00019: Metalkraft Industries, Inc.** (P.O. Box 606, Wellsboro, PA 16901-0606) on September 26, 2019, for the facility located in Charleston Township, **Tioga County**. The operating permit renewal includes emission limits and work practice standards along with testing, monitoring, record keeping and reporting requirements to ensure the facility complies with all applicable air quality regulations.

**59-00025: EQT Gathering, LLC** (625 Liberty Avenue, Suite 1700, Pittsburgh, PA 15222) on September 26, 2019, for the Tioga Compressor Station located in Duncan Township, **Tioga County**. The operating permit renewal includes emission limits and work practice standards along with testing, monitoring, record keeping and reporting requirements to ensure the facility complies with all applicable air quality regulations.

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

*Contact: Matt Williams, Facilities Permitting Chief at Telephone: 814-332-6940.*

**43-00037: Development of Sharpsville Furnace, Ltd.**, (2 North Sixth Street, Sharpsville, PA 16150), on September 23, 2019 the Department issued the renewal for the State Only Operating Permit for the facility located at 2 North 6th Street in Sharpsville Borough, **Mercer County**. The facility is a Natural Minor. The primary sources at the facility include nonmetallic mineral processing plant, feeder, crusher, and roadways. The potential emissions from the facility are less than the Title V thresholds. The permit includes a federally enforceable restriction on slag processing of not to exceed 54,000 tons per year. The permit renewal contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

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

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

**06-05077: Can Corporation of America** (326 June Avenue, Blandon, PA 19510-9566) on September 25, 2019, for the can manufacturing facility located in Maidencreek Township, **Berks County**. The State-Only permit was administratively amended in order to incorporate the requirements of Plan Approval No. 06-05077D.

**06-05152: Titus Power, LLC** (315 Riegelsville Road, Milford, NJ 08848-1888) on September 24, 2019, for the Titus electric peaking station located in Cumru Township, **Berks County**. The State-Only permit was administratively amended in order to reflect a change of ownership.

**36-05014: Alumax Mill Products, Inc.** (14809 Manheim Pike, Lancaster, PA 17601-3152) on September 9, 2019, for the secondary aluminum processing facility in Manheim Township, **Lancaster County**. The Title V permit underwent a significant modification to add case-by-case RACT 2 requirements for the facility, clarify cold rolling mill lubricant and applicability, revise list of emergency generators, add VOC emission caps for Source 122 and 161, and make minor naming, throughput and administrative clarifications, including a change in responsible official. The portions of the permit related to approval of the RACT 2 case-by-case proposal will be submitted to US EPA for approval and incorporation into Pennsylvania's State Implementation Plan (SIP). Other requirements will be excluded from the SIP submittal. 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.

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

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

**32-00230: Texas Eastern Trans LP Armagh Station** (P.O. Box 1642, Houston, TX 77251-1642). The Department on September 24, 2019, issued an administrative amendment of the Title V Operating Permit for the facility to correct minor typographical errors for the facility and incorporate a compliance date for the submittal of the Title V Compliance Certification. The facility is located in West Wheatfield Township, **Indiana County**.

**25-00974: Value Flow Group Inc, DBA Hi-Tech Plating** (1015 West 18th Street, Erie, PA 16502-1512). The Department on September 26, 2019, issued an administrative amendment of the State Only Operating Permit for the facility to change ownership, tax ID, responsible official, and permit contact. The facility is located in the City of Erie, **Erie County**.

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**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.*

**TV-63-00015: Flexsys America L.P.** (829 Route 481, Monongahela, PA 15063) Per 25 Pa. Code § 127.449(i), this Notice is for the following de minimis emission increase at the Flexsys America L.P. Monongahela Plant located in Monongahela, **Washington County**:

This project is for the temporary venting of convey gas to atmosphere during a maintenance shutdown. The emission changes resulting from this action are an in-

crease of VOC of 0.007 tpy. This project involves the packaging of approximately 180,000 KG (198.4 tons) of Crystex product through the packaging system into bags. This activity will cease once the facility is returned to production following the maintenance shutdown. The anticipated duration of this project will be less than 48 hours and no production increase will occur as a result of this project.

This project will not trigger the requirements of 25 Pa. Code Subchapter E or 40 CFR Part 52 at the facility. The list of de minimis increases for this facility includes only this project.

**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<sub>10</sub> 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.

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**Operating Permits Denied, Terminated, Suspended or Revoked under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.431 and 127.461.**

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

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

**42-00172: Hexion Inc. Mount Jewett Plant** (16032 Hollister Street, Houston, TX 77066) on September 4, 2019, the permit was revoked for the facility. The facility is located in Sergeant Township, **McKean County**. This State Operating Permit was revoked because the sources are no longer operating.

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**ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS**

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**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).

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*Coal Permits Issued*

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

**56743704 and NPDES No. PA0214931. Robindale Energy Services, Inc.**, (224 Grange Hall Road, P.O. Box 228, Armagh, PA 15920). To renew the NPDES permit for the Penn Pocahontas Coal Refuse Site in Brothers Valley Township, **Somerset County**. No additional discharges. The application was considered administratively complete on July 22, 2016. Application received: January 27, 2016. Permit issued: September 24, 2019.

**30733707 and NPDES No. PA0215830. Consol Mining Company LLC** (CNX Center, 1000 Consol Energy Drive, Canonsburg, PA 15317-6506). To renew the NPDES permit for the Robena Refuse Disposal Area in Monongahela and Greene Townships, **Greene County**. No additional discharges. The application was considered administratively complete on January 18, 2019. Application received: June 12, 2018. Permit issued: September 23, 2019.

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

**17030115 and NPDES PA0243612. Corey L. Shawver DBA Hilltop Coal Company** (12 Dutchtown Road, Houtzdale, PA 16651). Permit renewal for continued operation and restoration of a bituminous surface coal and auger mine located in Bigler Township, **Clearfield County** affecting 212.6 acres. Receiving stream(s): Unnamed Tributary to Japling Run to Japling Run, Unnamed Tributaries to Muddy Run classified for the following use(s): CWF, MF. There are no potable water supply intakes within 10 miles downstream. Application received: April 22, 2019. Permit issued: September 19, 2019.

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

**63170101 and NPDES Permit No. PA0278327. Amerikohl Mining, Inc.** (1384 State Route 711, Stahlstown, PA 15687). Permit issued for commencement, operation and restoration of a bituminous surface mine, located in Somerset Township, **Washington County**, affecting 54.9 acres. Receiving streams: Unnamed Tributaries to North Branch Pigeon Creek and North Branch Pigeon Creek to Pigeon Creek. Application received: November 9, 2018. Permit issued: September 24, 2019.

**03070102 and NPDES Permit No. PA0251151. State Industries, Inc.** (P.O. Box 1022, Kittanning, PA 16201). Permit renewal issued for continued mining of an existing bituminous surface mine, located in Washington Township, **Armstrong County**, affecting 10.0 acres. Receiving streams: unnamed tributaries to Limestone Run. Application received: September 14, 2018. Renewal permit issued: September 24, 2019.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901.

**Permit No. 49080104R and NPDES Permit No. PA0224987. D. Molesevich & Sons Construction Co., Inc.** (P.O. Box 121, Mt. Carmel, PA 17851), renewal of an existing anthracite surface mine, coal refuse reprocessing, refuse disposal and preparation plant operation and NPDES permit for discharge of treated mine drainage in Mt. Carmel Township, **Northumberland County** affecting 423.0 acres, receiving streams: South Branch Roaring Creek and Shamokin Creek. Application received: July 11, 2018. Renewal issued: September 25, 2019.

*Noncoal Permits Issued*

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

**Permit No. 15830602C19 and NPDES Permit No. PA0614203. Allan Myers, LP d/b/a Allan Myers Materials** (638 Lancaster Avenue, Malvern, PA 19355), renewal of NPDES Permit for discharge of treated mine drainage in Charlestown Township, **Chester County**, receiving stream: unnamed tributary to Pickering Creek. Application received: April 15, 2019. Renewal issued: September 30, 2019.

**Permit No. 40190801. Piacenti Trucking and Excavation, Inc.** (Rear 538 Putnam Street, West Hazleton, PA 18202), commencement, operation and restoration of a quarry operation in Black Creek and Hazle Townships, **Luzerne County** affecting 5.0 acres, receiving stream: no discharge to unnamed tributary to Black Creek. Application received: July 17, 2019. Permit issued: September 30, 2019.

**Permit No. PAM119019. Piacenti Trucking and Excavation, Inc.** (Rear 538 Putnam Street, West Hazleton, PA 18202), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 40190801 in Black Creek and Hazle Townships, **Luzerne County**, receiving stream: no discharge to unnamed tributary to Black Creek. Application received: July 17, 2019. Permit issued: September 30, 2019.

#### ACTIONS ON BLASTING ACTIVITY APPLICATIONS

**Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

*Blasting Permits Issued*

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

**Permit No. 38194113. Keystone Blasting Service** (15 Hopeland Road, Lititz, PA 17543), construction blasting for Greystone Crossing in North Cornwall Township and the City of Lebanon, **Lebanon County** with an expiration date of September 30, 2020. Permit issued: September 25, 2019.

**Permit No. 46194116. American Rock Mechanics, Inc.** (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for Bayberry Crossing in Pennsburg Borough, **Montgomery County** with an expiration date of September 17, 2020. Permit issued: September 25, 2019.

**Permit No. 48194112. Rock Work, Inc.** (1257 DeKalb Pike, Blue Bell, PA 19422), construction blasting for Green Pond in Bethlehem Township, **Northampton County** with an expiration date of September 30, 2020. Permit issued: September 25, 2019.

**Permit No. 48194113. Schlouch, Inc.** (P.O. Box 69, Blandon, PA 19510), construction blasting for Century Commerce Lots 2 & 3 in Allen Township, **Northampton County** with an expiration date of September 20, 2020. Permit issued: September 25, 2019.

**Permit No. 48194114. American Rock Mechanics, Inc.** (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for Chrin Lot 31 in Palmer Township,

**Northampton County** with an expiration date of September 17, 2020. Permit issued: September 25, 2019.

**Permit No. 36194148. Keystone Blasting Service** (15 Hopeland Road, Lititz, PA 17543), construction blasting for Phares Weaver Manure Pit in Earl Township, **Lancaster County** with an expiration date of December 31, 2019. Permit issued: September 26, 2019.

**Permit No. 45194105. Silver Valley Consulting** (102 Lamp Post Lane, Stroudsburg, PA 18360), construction blasting for Moyer Shop in Hamilton Township, **Monroe County** with an expiration date of March 31, 2020. Permit issued: September 26, 2019.

**Permit No. 47194101. John H. Brainard** (P.O. Box 66, Clifford, PA 18413), construction blasting for Rodger Winterstein utilities in Valley Township, **Montour County** with an expiration date of December 31, 2019. Permit issued: September 26, 2019.

**Permit No. 66194102. Chesapeake Deer Park pad and access road in Windham Township, Wyoming County** with an expiration date of September 24, 2020. Permit issued: September 26, 2019.

**Permit No. 58194109. John H. Brainard** (P.O. Box 66, Clifford, PA 18413), construction blasting for Sheare House Foundation in Clifford Township, **Susquehanna County** with an expiration date of December 31, 2019. Permit issued: September 30, 2019.

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with sections 301–303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311–1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

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

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

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

**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1–693.27), section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.**

*Permits, Environmental Assessments and 401 Water Quality Certifications Issued:*

### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E51-296: City of Philadelphia Parks & Recreation Department**, 1515 Arch Street, 10th Floor, Philadelphia, PA 19102, City of Philadelphia, **Philadelphia County**, ACOE Philadelphia District.

To construct and maintain approximately 2,620 feet long and about 8 to 10 feet wide paved shared-use path between Church Lane and Woodland Avenue (Section A) along the floodway/floodplain of the Cobbs Creek (WWF) associated with the connection of the existing Cobbs Creek trail to the John Heinz National Refuge. The site is located along the Cobbs Creek between Church Lane and Woodland Avenue (Philadelphia, PA, USGS Quadrangle Latitude: 39.920402; Longitude: -75.246750) in the City of Philadelphia, Philadelphia County.

**E51-291: Philadelphia Water Department**, 1101 Market Street, Fourth Floor, Philadelphia, PA 19107, City of Philadelphia, **Philadelphia County**, ACOE Philadelphia District.

To remove an old existing section of the sewer line from the streambed of Cresheim Creek and to relocate, construct, and maintain 199 linear feet of 24-inch concrete encased (VCP) pipe along with 20 linear feet of 42-inch (RCP) stormwater conduit in and along the 100-year floodway of Cresheim Creek impacting 0.005 acre of wetland, 0.08 acre of stream channel, 0.39 acre of the existing floodway. This work will include 173 linear feet of stream channel and bank restoration BMPs, which include rock cross vane, boulder toe revetments, and rock flumes. The site is located near the intersection of Rounfort Road and Devon Street, near Chestnut Hill East SEPTA line culvert (Germantown, PA, USGS Map; Lat: 40.069324; Long: -75.192087) in the City and County of Philadelphia.

**E23-550: Central Delaware County Authority**, 212 B Unity Terrace, Rutledge, PA 19070-2130, Ridley Township, **Delaware County**, ACOE Philadelphia District.

To construct and maintain a wastewater pumping station and control building in the 100-year flood plain of Crum Creek (WWF, MF). The proposed work will impact 0.05 acre, consisting of temporary and permeant fill in the existing floodplain. The site is located along Angelo Drive between Chester Pike (S.R. 0013) and Interstate I-95 Overpass (Bridgeport, PA, USGS Map Latitude: 39.867425; -75.341000) in Ridley Township, Delaware County.

**E46-1182: PECO Energy Company**, 2301 Market Street, S7-2, Philadelphia, PA 19103, Norristown Municipality, **Montgomery County**, ACOE Philadelphia District.

To construct and maintain approximately 25 LF of new 4-inch steel gas pipe above the existing stone arch culvert which convey Sawmill Run utilizing open cut trench above the culvert. The proposed work is located within National Register of Historic Places. The site is located between Green and Arch Streets (Norristown, PA; Latitude: 40.115792; Longitude: -75.33857) in Norristown Municipality, Montgomery County.

**E46-1186: Lower Merion Township**, 75 East Lancaster Avenue, Ardmore, PA 19003, Lower Merion Township, **Montgomery County**, ACOE Philadelphia District.

To restore, construct, and maintain approximately 700 linear feet of the stream bank of Mill Creek (TSF, MF) utilizing stream bank restoration technique in Harriton Park. The work will include banks regrading the installation of biodegradable Coir Logs, mud-sills, Log Vanes, J-Hooks, and floodplain regrading enhancements.

This site is located near the intersection of Harriton Road and West Old Gulph Road in Harriton Park (Norristown, PA, USGS Map; Latitude: 40.0345; Longitude: -75.3096) in Lower Merion Township, Montgomery County.

**E46-1183: 400 Bar Harbor, LLC**, 3843 West Chester Pike, Newton Square, PA 19073, West Conshohocken Borough, **Montgomery County**, ACOE Philadelphia District.

To perform the below-listed water obstruction and encroachment activities associated with the 400 Bar Harbor, LLC. The proposed development to perform the below-listed water obstruction and encroachment activities associated with 400 Bar Harbor Drive to construct a multi-story office building and parking. The proposed project will have 1,310 square feet of permanent floodway impact. The project is located in the floodplain.

The site is approximately at the intersection of Front Street and Bar Harbor Drive (Norristown Lat. 40° 4' 19"; Long. 75° 18' 49") in West Conshohocken Borough, Montgomery County.

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ed Muzic, Section Chief, 717.705.4802.*

**E3403219-001: Lucky Buck Ranch, LLC**, 504 David Drive, Mechanicsburg, PA 17050 in Tuscarora Township, **Juniata County**, U.S. Army Corps of Engineers Baltimore District.

To 1.) install and maintain a 6.0-inch PVC intake in an unnamed tributary to Dougherty Run (HQ-CWF, MF) impacting 5 linear feet of stream; and 2.) construct and maintain a vegetated outfall swale to an unnamed tributary to Dougherty Run (HQ-CWF, MF) impacting 15 feet of stream, all for the purposes of recreation, irrigation, and fire suppression. The project is located off of Linn Lane, approximately 0.5 mile north from the intersection with PA-35, (Latitude: 40° 26' 3" N, Longitude: 76° 37' 37" W) in Tuscarora Township, Juniata County. No wetlands will be impacted by this project. The permit was issued on September 27, 2019.

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

**E65052-1000; Westmoreland County Industrial Development Corporation**, Fifth Floor, Suite 520, Greensburg, PA 15601, Sewickley Township, **Westmoreland County**, Pittsburgh ACOE District.

Has been given consent to:

1. Construct and maintain an 18" RCP stormwater pipe within the floodplain of an unnamed tributary (UNT) to Sewickley Creek (WWF);

2. Construct and maintain an 18" SLCPP stormwater pipe within the floodplain of an unnamed tributary (UNT) to Sewickley Creek (WWF);

3. Construct and maintain fill within the floodplain of an unnamed tributary (UNT) to Sewickley Creek (WWF).

For the purpose of developing an industrial park. The project site is located approximately 550 feet northwest of the intersection of Tomajko Road and Waltz Mill Road, Smithton, PA USGS topographic quadrangle; N: 40°, 12', 56.71"; W: -79°, 40', 12.63"; Sub-basin 19D; USACE Pittsburgh District), in Sewickley Township, Westmoreland County.

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

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

To permanently impact 0.2 acre of PEM/PSS wetland and install a temporary roadway crossing of a UNT Kaufman Run having a contributory drainage area less than 100 acres for the construction of Forest Edge Phase III residential development southeast of the intersection of Morningside Drive and Evergreen Terrace (Mars, PA Quadrangle N: 40.707644; W: -80.060495) in Cranberry Township, Butler County. Mitigation is through the purchase of 0.26 acre of bank credits from First Pennsylvania Resource, LLC's Robinson Fork Mitigation Bank Phase 1.

#### 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 # ESG18-059-0035

Applicant Name EQT Production Company

Contact Person Todd Klaner

Address 2400 Ansys Drive, Suite 200

City, State, Zip Canonsburg, PA 15317

County Greene

Township(s) Center Township

Receiving Stream(s) and Classification(s) UNT to Mc-

Courtney Run (HQ-WWF, EV), South Fork Tenmile

Creek (HQ-WWF)/Tenmile Creek (HQ-WWF)

ESCGP-3 # ESG073019008-00

Applicant Name Chevron Appalachia, LLC

Contact Person Branden Weimer

Address 700 Cherrington Parkway

City, State, Zip Coraopolis, PA 15108

County Greene

Township(s) Dunkard Township

Receiving Stream(s) and Classification(s) UNT to

Dunkard Creek (WWF), Dunkard Creek (WWF), Glade

Run (WWF)/Monongahela River (WWF)

ESCGP-3 # ESX14-059-0095

Applicant Name CNX Midstream Operating Company, LLC

Contact Person Daniel Bitz

Address 1000 Consol Energy Drive

City, State, Zip Canonsburg, PA 15317

County Greene

Township(s) Richhill & Morris Townships

Receiving Stream(s) and Classification(s) UNT to Grays

Fork (HQ-WWF), UNTs to Enlow Fork (WWF)/Enlow

Fork (WWF) and South Fork Tenmile Creek (HQ-WWF)

*Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

ESCGP-3# ESG295819014-00

Applicant Name SWN Production Company, LLC

Contact Person Nicki Atkinson

Address 917 State Route 92 North

City, State, Zip Tunkhannock, PA 18657

County Susquehanna

Township(s) New Milford Twp.

Receiving Stream(s) and Classification(s) Salt Lick Creek

(HQ, CWF-MF) and East Lake Creek (HQ, CWF-MF)

## CORRECTIVE ACTION UNDER ACT 32, 1989

### PREAMBLE 2

**The following plans and reports were submitted under the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104).**

Provisions of 25 Pa. Code Chapter 245 Subchapter D, Administration of the Storage Tank and Spill Prevention Program, require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A remedial action plan is submitted to summarize the site characterization, document the design and construction details for the remedial action, and describe how the remedial action will attain the selected remediation standard. The remedial action plan also provides results of studies performed and data collected to support the remedial action and a description of postremediation care requirements. A remedial action completion report is submitted to document cleanup of a release of a regulated substance at a site to the selected remediation standard. A remedial action

completion report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or non-residential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

For further information concerning plans or reports, please contact the Environmental Cleanup Program Manager in the DEP Regional Office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the DEP through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

**Richards II Auto**, 46-41885, 100 Forrest Ave., Narberth Borough, **Montgomery County**. Marathon Engineering & Environmental Services, Inc., 553 Beckett Rd, Ste 608, Swedesboro, NJ 08085, on behalf of RIR Management Services, LLC submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum products. The report is intended to document remediation of the site to meet site-specific standards.

**Lukoil 69267**, 51-35251, 220 Franklin Mills Cir., **City of Philadelphia**. Envirotrac Ltd., 3070 Bristol Pike, Building 1, Suite 221, Bensalem, PA 19020, on behalf of Lukoil North America LLC, 302 Harper Drive, Suite 303, Moorestown, NJ 08057 submitted a Remedial Action 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 Statewide Health Standards.

**Lukoil 69259**, 51-41454, 12001 Roosevelt Blvd., **City of Philadelphia**. Envirotrac Ltd., 3070 Bristol Pike, Building 1, Suite 221, Bensalem, PA 19020, on behalf of Lukoil North America LLC, 302 Harper Drive, Suite 303, Moorestown, NJ 08057 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum products. The report is intended to document remediation of the site to meet nonresidential Statewide Health Standards and site-specific standards.

**Texaco 100301**, 46-32345, 800 Old York Rd., Abington Township, **Montgomery County**. Sovereign Consulting, Inc., 359 Northgate Drive, Suite 400, Warrendale, PA 15086, on behalf of Equilon Enterprises LLC d/b/a Shell Oil Products US, 20945 S. Wilmington Avenue, Carson, CA 90810 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 nonresidential site-specific standards.

**Speedway 6729**, 09-23150, 2919 Route 413, Bristol Township, **Bucks County**. EMS Environmental, Inc., 4550 Bath Pike, Bethlehem, PA 18017, on behalf of Speedway LLC, 500 Speedway Drive, Enon, OH 45323, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum products. The report is intended to document remediation of the site to meet site specific standards.

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

**Bestway Travel Center Milesburg**, Storage Tank Facility ID # 14-07445, 1023 N. Eagle Valley Road, Boggs Township, **Centre County**. Synergy Environmental, Inc. 155 Railroad Plaza, 1st Fl, Royersford, PA 19468, on behalf of PALGC UST I, LLC, 645 Hamilton Street, Allentown, PA 18101, submitted a Remedial Action Plan concerning remediation of groundwater contaminated with unleaded gasoline. The plan is intended to document the remedial actions for meeting the Residential Statewide Health Standard.

**Kwik Fill Station # M-108**, Storage Tank Facility ID # 17-14820. 102 Race Street, Clearfield, **Clearfield County**. Groundwater & Environmental Services, Inc., 301 Commerce Park Drive, Cranberry Township, PA 16066, on behalf of United Refining Company of Pennsylvania, 814 Lexington Avenue, Warren, PA 16365, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Turkey Hill Minit Market Store # 184**, Storage Tank Facility ID # 49-70158, 140 W. Lincoln St., Shamokin, **Northumberland County**. McKee Environmental, Inc., 145 Exeter Lane, Bellefonte, PA 16823, on behalf of Turkey Hill Minit Markets, 257 Centreville Road, Lancaster, PA 17872, submitted a Remedial Action Completion Report concerning remediation of soil contaminated with Petroleum. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Chestnut & Line Mifflinburg**, Storage Tank Facility ID # 60-13411, 29 E 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., Suite 500, Allentown, PA 18101, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with Petroleum. 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.*

**Pilot Travel Center # 348**, Storage Tank Primary Facility ID # 63-09737, 205 Wilson Road, Bentleyville, PA 15314, Bentleyville Borough, **Washington County**. ATC Group Services, LLC, 270 William Pitt Way, Pittsburgh, PA 15238, on behalf of Pilot Travel Centers, LLC, 5508 Lonas Drive, Knoxville, TN 37909, submitted a Remedial Action Plan concerning the remediation of soil and groundwater contaminated with petroleum products. The plan is intended to document the remediation of the site to meet the Non-Residential Statewide Health Standard.

**Soisson's Service Center**, Storage Tank Primary Facility ID # 26-24448, 305 West Crawford Avenue, Connellsville, PA 15425, City of Connellsville, **Fayette County**. Insite Group Inc., 611 South Irvine Avenue, Sharon, PA 16146, on behalf of Tom Soisson, 305 West Crawford Avenue, Connellsville, PA 15425, 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 Statewide Health Standard.

## CORRECTIVE ACTION UNDER ACT 32, 1989

### PREAMBLE 3

**The DEP has taken action on the following plans and reports under the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104).**

Provisions of 25 Pa. Code Chapter 245 Subchapter D, Administration of the Storage Tank and Spill Prevention Program, require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports.

A remedial action plan is submitted to summarize the site characterization, document the design and construction details for the remedial action, and describe how the remedial action will attain the selected remediation standard. The remedial action plan also provides results of studies performed and data collected to support the remedial action and a description of postremediation care requirements. A remedial action completion report is submitted to document cleanup of a release of a regulated substance at a site to the selected remediation standard. A remedial action completion report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or non-residential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

The DEP may approve or disapprove plans and reports submitted. This notice provides the DEP's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, please contact the Environmental Cleanup Program Manager in the DEP Regional Office under which the notice of the plan or report appears. If information concerning a report is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the DEP through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The DEP has received the following plans and reports:

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

**Lukoil 69726**, 23-42587, 501 E Baltimore Pike, Media Borough, **Delaware County**. Envirotrac Ltd., 3070 Bristol Pike, Building 1, Suite 221, Bensalem, PA 19020, on behalf of Lukoil North America LLC, 302 Harper Drive, Suite 303, Moorestown, NJ 08057, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline. The report demonstrated attainment of the nonresidential Statewide health and site-specific standards in soil and groundwater and was approved by the DEP October 1, 2019.

**Thomas M Durkin & Sons**, 51-02338, 3030 Grant Avenue, **City of Philadelphia**. Aeon Geoscience, Inc., 2120 Bellemead Avenue, Suite 14-2, Havertown, PA 19083-2250 on behalf of Durkin Contracting Company, Inc., 3030 Grant Avenue, Philadelphia, PA 19114 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum products. The Remedial Action Plan was acceptable to meet non-



residential Statewide health and site-specific standards and was approved by the DEP on September 26, 2019.

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

**Former Solovey Service Station**, Storage Tank ID # 40-29641, 274 North River Street, Plains Township, **Luzerne County**. Groundwater Sciences Corporation, 2601 Market Place Street, Suite 310, Harrisburg, PA 17110, on behalf of Roberts Oil Company, 646 Meadows Lane, Dallas, PA 18612 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum. The Remedial Action Completion Report demonstrated attainment of Site-Specific Standards and was approved by DEP on September 24, 2019.

**Jeet One Texaco**, Storage Tank ID # 40-31781, State Route 93 & Interstate 80, Sugarloaf Township, **Luzerne County**. Austin James Associates, P.O. Box U, Pocono Pines, PA 18350 on behalf of Drums Towing and Truck Service, 922 Sanderson Street, Throop, PA 18515, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with gasoline. The Remedial Action Completion Report demonstrated attainment of Statewide Health Standards and was approved by DEP on September 25, 2019.

**Sunoco Kingston Terminal**, Storage Tank ID # 40-50375, 60 South Wyoming Avenue, Edwardsville Borough, **Luzerne County**, Aquaterra Technologies, P.O. Box 744, West Chester, PA 19381, submitted a combined Site Characterization Report and Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum. The report was acceptable to meet Site-Specific Standards and was approved by DEP on September 26, 2019.

**Auto in Motion**, Storage Tank ID # 45-26268, 1142 State Route 390, Barrett Township, **Monroe County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Mountainhome Investment Group, P.O. Box 254, Cresco, PA 18326, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with gasoline. The Remedial Action Completion Report did not demonstrate attainment of Statewide Health Standards and was disapproved by DEP on September 26, 2019.

**Northeast Counseling Services**, Storage Tank ID # 40-34470, 69 West Green Street, Nanticoke City, **Luzerne County**. LaBella, 1000 Dunham Drive, Suite B, Dunmore, PA 18512, on behalf of Northeast Counseling Services, 663 Main Street, Nanticoke, PA 18634, has submitted a combined Site Characterization Report and Remedial Action Completion Report concerning remediation of soil contaminated with gasoline. The combined Site Characterization Report and Remedial Action Completion Report demonstrated attainment of Statewide Health Standards and was approved by DEP on September 27, 2019.

*Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**7 Eleven 40450**, Storage Tank Primary Facility ID # 01-39481, 12 Deatrick Drive, Gettysburg, PA 17325-6958, Cumberland Township, **Adams County**, Buchart Horn, Inc., The Russell E. Horn Building, 445 West Philadelphia Street, P.O. Box 15040, York, PA 17405-7040, on behalf of Shipley Family Limited Partnership, 415 Norway Street, York, PA 17403 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline

and kerosene short list constituents. The Remedial Action Completion Report demonstrated attainment of the Site-Specific Standard for the unleaded gasoline and kerosene short list constituents in soil and the Residential Statewide Health Standard for the unleaded gasoline and kerosene short list constituents in groundwater and was approved by the Department on Friday, September 27, 2019.

*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, Washington, PA 15301, City of Washington. 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 Remedial Action Plan was acceptable to meet the Site-Specific Standard and was approved on September 13, 2019.

**Former Blue Ridge Restaurant-Truck Stop**, Storage Tank Primary Facility ID # 65-06325, 9869 US Route 22, Blairsville, PA 15717. Derry Township, **Westmoreland County**. DMS Environmental Services, LLC, 103 South Spring Street, Bellefonte, PA 16823, on behalf of Dunlap Leasing Company, Inc., 1015 Old William Penn Highway, Blairsville, PA 15717, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum products. The Remedial Action Plan was acceptable to meet the Non-Residential Used Aquifer Statewide Health Standard and was approved on September 13, 2019.

**Sunoco Facility # 0261-8833**, Storage Tank Primary Facility ID # 02-32313, 2105 Walnut Street, McKeesport, PA 15132, City of McKeesport, **Allegheny County**. EnviroTrac, Ltd., 176 Thorn Hill Road, Warrendale, PA 15086, on behalf of Sunoco, Inc., Evergreen Resources Management, 2 Righter Parkway, Suite 200, Wilmington, DE 19803, submitted a Revised Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum products. The Revised Remedial Action Plan was acceptable to meet the combination of Statewide Health Standard and the Site-Specific Standard and was approved on September 6, 2019.

**BFS Carmichaels**, Storage Tank Primary Facility ID # 30-23878, 375 South State Route 88, Carmichaels, PA 15320, Carmichaels Borough, **Greene County**. Letterle and Associates, Inc., 2859 Oxford Boulevard, Allison Park, PA 15101, on behalf of Bruceton Farm Service, Inc., 116 Shannon Drive, Morgantown, WV 26508, submitted a Revised Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum products. The Revised Remedial Action Plan was acceptable to meet the Site-Specific Standard and was approved on September 3, 2019.

**Rusty's Amoco, Washington Road BP**, Primary Facility ID # 63-09686, 481 Washington Road, Washington, PA 15301, South Strabane Township, **Washington County**. 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 Remedial Action Completion Report concerning the remediation of soil and groundwater contaminated with petroleum products. The Remedial Action Completion Report demonstrated attainment of the remediation of the site to meet the Residential Used Aquifer Statewide Health Standard and was approved on September 3, 2019.

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**SPECIAL NOTICES**


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**Notice of Certification to Perform Radon-Related Activities in Pennsylvania**

In the month of September 2019 Department of Environmental Protection of the Commonwealth of Pennsylvania, under the authority contained in the Radon Certification Act, act of July 9, 1987, P.L. 238, No. 43 (63 P.S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed below to perform radon-related activities in Pennsylvania. The period of certification is two years. (For a complete list of persons currently certified to perform radon-related activities in Pennsylvania and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P.O. Box 8469, Harrisburg, PA 17105-8469, (1-800-23RADON).)

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
AccuStar Labs 2	Saber Way Ward Hill, MA 01835	Laboratory Analysis
Jenny Ashburn	3296 Tarr Hollow Road Murrysville, PA 15668	Testing
George Basista, Sr.	7501 East Parkside Drive Boardman, OH 44512	Testing
Bill Brodhead	2844 Slifer Valley Road Riegelsville, PA 18077	Mitigation
Anthony Carrozza, Jr.	770 Fairview Road Mount Joy, PA 17552	Testing
David Chopyak	15 Westminster Drive Dallas, PA 18612	Mitigation
ComfortSpec Inspection Services	2222 Route 115 Brodheads ville, PA 18322	Testing
Dominic Gehret	200 Route 130 North Cinnaminson, NJ 08077	Laboratory Analysis
David Gonselman	502 Buchanan Drive Ephrata, PA 17522	Testing
Travis Hammond	95 Jamie Lane Montoursville, PA 17754	Testing
Fred Hohman	26 Windihill Drive Greensburg, PA 15601	Testing
Robert Johnson	340 Freed Road Harleysville, PA 19438	Testing
David Kapturowski	929 Mount Zion Road Lebanon, PA 17046	Laboratory Analysis
Fred Klein	702 Manchester Drive Maple Glen, PA 19002	Testing
Robert Scott Klein, Jr.	4017 Washington Road Suite 210 McMurray, PA 15317	Testing
Benjamin Mangus	13520 Smith Cemetery Meadville, PA 16335	Testing
Valerie Matteo	462 Biddle Avenue Pittsburgh, PA 15221	Testing
Timothy A. Musser	213 North 14th Street Allentown, PA 18102	Mitigation
Jerry Pickholtz	1475 Naugahyde Road Westminster, MD 21157	Testing
Radon Technology & Environmental	828 Oak Street Royersford, PA 19468	Mitigation
Jooik Ro	30 Sunset Drive Carlisle, PA 17013	Testing
Matthew Robertie	P.O. Box 1293 North Wales, PA 19454	Testing

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Daniel Romeo	227 High Street New Wilmington, PA 16142	Testing
Terry Spalti	743 Hill Road Hegins, PA 17938	Testing
Jacob Troost	P.O. Box 163 Brodheads ville, PA 18322	Testing
Edward Verna	1703 South 5th Avenue Lebanon, PA 17042	Mitigation
Jerry Wolfe	97 Main Street Freeport, PA 16229	Testing

**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 Tri-State Corridor Pipeline Project**

*Regional Permit Coordination Office: 400 Market Street, Harrisburg, PA 17101, Domenic Rocco, PE, Program Manager, 717-772-5987.*

**EA63831001, Equitrans, L.P. (Applicant)**, 2200 Energy Drive, Canonsburg, PA 15317. Tri-State Corridor Pipeline Project (Project), Jefferson Township, Cross Creek Township, Smith Township and Robinson Township, **Washington County**, Army Corps of Engineers, Pittsburgh Office. The proposed project starts at the Trinity Interconnect Site (Latitude: 40.41225°; Longitude: -80.35698°) and ends at the Pennsylvania/West Virginia boarder (Latitude: 40.33919°; Longitude: -80.51898°).

On May 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. CP19-473-000). The FERC Environmental Assessment for the Project, when available, may be viewed on FERC's website at [www.ferc.gov](http://www.ferc.gov) (search eLibrary; Docket Search; CP19-473-000).

On May 31, 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 an approximately 16.7-mile long (16.4 of which is in Pennsylvania), 16-inch natural gas pipeline to transport natural gas from the Rover Pipeline LLC and two non-jurisdictional pipelines at the Trinity Interconnect Site to a combined-cycle power facility (Power Facility) in Brooke County, WV. The Project, as proposed, will require approximately 226.83 acres of earth disturbance, and impacts to 3,273 linear feet of Tributaries to Little Raccoon Run (WWF, MF), Tributaries to Raccoon Creek (WWF, MF), Raccoon Creek (WWF, MF), tributaries to Burgetts Fork (WWF, MF), Burgetts Fork (WWF, MF), North Fork Cross Creek (WWF, MF), Tributaries to North Fork Cross Creek (WWF, MF), Scott Run (WWF, MF), Tributaries to Scott

Run (WWF, MF), 10.8 acres of floodway, 0.19 acre of temporary PEM and PSS wetland impacts, and 0.76 acre of permanent PEM and PSS wetland impacts.

PADEP, by this notice, is proposing to issue a SWQC to Equitrans, L.P. for the Tri-State Corridor Pipeline Project. PADEP is proposing to certify that construction, operation and maintenance the Tri-State Corridor Pipeline 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 maintenance of the Tri-State Corridor Pipeline Project complies with Pennsylvania water quality standards and that the construction, operation and maintenance of the projects does not violate 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 includes 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 the 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 the SWQC. 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.

## **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**

*Regional Permit Coordination Office: 400 Market Street, Harrisburg, PA 17101, Domenic Rocco, PE, Program Manager, 717-772-5987.*

**Applicant: Equitrans, L.P.**, 2200 Energy Drive, Canonsburg, PA 15317, Tri-State Corridor Pipeline Project. The applicant is proposing the installation and

maintenance of an approximately 16.7-mile-long (16.4 of which is in Pennsylvania), 16-inch diameter natural gas pipeline and appurtenant facilities in various municipalities within **Washington County, PA** and **Brooke County, WV** for the purpose of transportation of natural gas. The project consists of a Chapter 105 Water Obstruction and Encroachment Permit and a Chapter 102 Erosion and Sediment Control Permit. Below is the Chapter 105 permit application being reviewed by the Department.

**E6383219-001.** The Washington County portion of the project is located in Jefferson Township, Cross Creek Township, Smith Township and Robinson Township, U.S. Army Corps of Engineers, Pittsburgh District. The proposed project starts in Smith Township along Point Pleasant Road (Latitude: 40.41225°; Longitude: -80.35698°) and extending to Jefferson Township along State Line Road (Latitude: 40.33919°; Longitude: -80.51898°).

The proposed project impacts in Washington County include a total of 1,979 feet of temporary impacts and 1,294 feet of permanent impacts to Tributaries to Little Raccoon Run (WWF, MF), Tributaries to Raccoon Creek (WWF, MF), Raccoon Creek (WWF, MF), Tributaries to Burgetts Fork (WWF, MF), Burgetts Fork (WWF, MF), North Fork Cross Creek (WWF, MF), Tributaries to North Fork Cross Creek (WWF, MF), Scott Run (WWF, MF), Tributaries to Scott Run (WWF, MF), 10.8 acres of floodway impacts, 0.19 acre of temporary impacts to PEM and PSS wetland, and 0.76 acre of permanent impacts to PEM and PSS wetlands.

**EROSION AND SEDIMENT CONTROL PERMITS**

The following parties have applied for Erosion and Sediment Control Permits for earth disturbance associated with oil and gas exploration, production, processing, or treatment operations or transmission facilities.

Unless otherwise indicated, on the basis of preliminary review and application of lawful standards and regulations, the Department proposes to issue a permit to discharge, subject to certain limitations in the permit conditions. These proposed determinations are tentative. Limitations are provided as erosion and sediment control best management practices which restrict the rate and quantity of sediment discharged.

A person wishing to comment on a proposed permit are invited to submit a statement to the appropriate Department office listed before the application within 30 days of this public notice. Comments reviewed within this 30-day period will be considered in the formulation of the final

determinations regarding this application. Responses 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 relevant facts upon which it is based. A public hearing may be held after consideration of comments received by the appropriate Department office during the 30-day public comment period.

Following the 30-day comment period, the program manager from the appropriate Department office will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to United States Court of Appeals for the 3rd Circuit, 21400 U.S. Courthouse, 601 Market Street, Philadelphia, PA 19106-1790.

The application and related documents, including the erosion and sediment control plan for the earth disturbance activity, are on file and may be inspected at the appropriate Department office.

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

**Applications received under sections 5 and 402 of The Clean Streams Law (35 P.S. §§ 691.5 and 691.402).**

*Regional Permit Coordination Office: 400 Market Street, Harrisburg, PA 17101, Domenic Rocco, PE, Program Manager, 717-772-5987.*

**ESG836319001-00.** The Department of Environmental Protection (Department) provides notice of receipt of an application for a Chapter 102, Erosion and Sediment Control General Permit for Earth Disturbance Associated with Oil and Gas Exploration, Production, Processing or Treatment Operations or Transmission Facilities. The application is currently under technical review for the Tri-State Corridor Pipeline Project.

This authorization is required for earth disturbance activities associated with oil and gas exploration, production, processing or treatment operations or transmission facilities when earth disturbance is five acres or greater. Review of this application is being coordinated among the Department and the associated county conservation districts.

The application under review is as follows:

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Counties</i>	<i>DEP Office</i>
ESG836319001-00	Equitrans, L.P. 2200 Energy Drive Canonsburg, PA 15317	Washington	Regional Permit Coordination Office

More detailed information regarding the permit applications related to this proposed project is available in the Department's Regional Permit Coordination Office and available online ([dep.pa.gov/pipelines](http://dep.pa.gov/pipelines)). Contact the Department's Regional Permit Coordination Office File Review Coordinator at 717-772-5987 to request a file review.

Comments on the applications can be emailed or sent via postal mail to the Department of Environmental Protection, Regional Permit Coordination Office, Rachel Carson Building, 400 Market Street, 10th Floor, Harrisburg, PA 17101, RA-EPREGIONALPERMIT@pa.gov.

[Pa.B. Doc. No. 19-1515. Filed for public inspection October 11, 2019, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Agricultural Advisory Board Meeting Rescheduled and Change of Location

The Department of Environmental Protection's (Department) Agricultural Advisory Board (Board) meeting scheduled for October 24, 2019, has been rescheduled to Thursday, November 7, 2019. The meeting will begin at 9:30 a.m. at the Bureau of Laboratories Building, 2575 Interstate Drive, Harrisburg, PA.

Questions concerning the November meeting should be directed to Jay Braund at [jbraund@pa.gov](mailto:jbraund@pa.gov) or (717) 772-5636. The agenda and meeting materials will be available through the Public Participation tab on the Department's web site at [www.dep.pa.gov](http://www.dep.pa.gov) (select "Public Participation," then "Advisory Committees," then "Water Advisory Committees," then "Agricultural Advisory Board"). Prior to each meeting, the Department encourages individuals to visit the web site to confirm the meeting date, time and location.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 772-5636 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 19-1516. Filed for public inspection October 11, 2019, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Bid Opportunity

**OSM 02(0459)302.1, Abandoned Mine Reclamation Project, Chalfant Run, Churchill Borough, Allegheny County.** The principal items of work and approximate quantities include: inlet boxes, 2 each; and subsurface drains: tie-in to existing concrete inlet, 1 lump sum; 12" N-12 dual wall HDPE solid pipe, 102 linear feet; 8" PVC SDR-35 solid pipe, 42 linear feet; 8" PVC SDR-35 perforated pipe with cleanouts, 214 linear feet; PA DOT 2A stone, 32 tons; AASHTO No. 1 stone, 122 tons; pine tree and stump removal and disposal, 1 lump sum; removal and disposal of excess excavated material, 122 cubic yards; in-kind replacement, 1 lump sum; pavement replacement—binder course, 34 square yards; and pavement replacement—wearing course, 34 square yards.

This bid issues on October 4, 2019, and bids will be opened on October 31, 2019, at 2 p.m. Bid documents, including drawings in PDF format and AutoCAD Map 3D format, may be downloaded for free beginning on the issue date from the Department of Environmental Protection by going to [www.BidExpress.com](http://www.BidExpress.com). This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation

Act of 1977 (act) (30 U.S.C.A. §§ 1201—1328) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or [RA-ConstructionContr@pa.gov](mailto:RA-ConstructionContr@pa.gov) for more information on this bid. Note this is a Small Construction Business Program bid opportunity.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 19-1517. Filed for public inspection October 11, 2019, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Draft General Permit for the Processing and Beneficial Use of Oyster Shells for Ecological Enhancement Projects (WMGM064)

The Department of Environmental Protection (Department) proposes a new general permit, WMGM064, to authorize the processing and beneficial use (by shell planting, reef construction and living shoreline stabilization/enhancement) of post-consumer oyster shells for natural habitat restoration projects in the Delaware Estuary or other shoreline and subtidal areas.

The Department is authorized under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003) and 25 Pa. Code § 271.801 (relating to scope) to initiate and issue general permits for any category of beneficial use or processing that results in the beneficial use of municipal waste on a Statewide basis when the Department determines that the use will not harm or present a threat of harm to the health, safety or welfare of the public or the environment and the activity can be adequately regulated using standard permit conditions.

The draft general permit is available for review and can be accessed on the Department's eComment web site at [www.ahs.dep.pa.gov/eComment](http://www.ahs.dep.pa.gov/eComment).

Interested persons may submit comments on this draft general permit through Wednesday, December 11, 2019. All 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](http://www.ahs.dep.pa.gov/eComment) or by e-mail at [ecomment@pa.gov](mailto:ecomment@pa.gov). Written comments can be submitted by mail to the Department of Environmental Protection, Policy Office, 400 Market Street, P.O. Box 2063, Harrisburg, PA 17105-2063. Use "Draft General Permit WMGM064" as the subject line in written communication.

Questions regarding the draft general permit should be directed to Chris Solloway, Division of Municipal and Residual Waste, Bureau of Waste Management, P.O. Box 69170, Harrisburg, PA 17106-9170, [csolloway@pa.gov](mailto:csolloway@pa.gov) or (717) 787-7381.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 19-1518. Filed for public inspection October 11, 2019, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Stream Evaluation of Bacon Run, Glade Run, Bell Run, Meadow Run and Unnamed Tributaries to Dunkard Creek (Greene County); Water Quality Standards Review

Under 25 Pa. Code § 93.4d (relating to processing of petitions, evaluations and assessments to change a designated use), the Department of Environmental Protection (Department) gives notice that an evaluation will be conducted on the stream sections listed to determine the proper aquatic life use designation in this Commonwealth's Water Quality Standards.

<i>Stream Name</i>	<i>County</i>	<i>Tributary to</i>
Bacon Run (41487)	Greene	Dunkard Creek
Glade Run (41461)	Greene	Dunkard Creek
Bell Run (41447)	Greene	Dunkard Creek
Meadow Run (41443)	Greene	Dunkard Creek
Unnamed Tributary (UNT) (41508)	Greene	Dunkard Creek
UNT (41501)	Greene	Dunkard Creek
UNT (41467)	Greene	Dunkard Creek
UNT (41431)	Greene	Dunkard Creek

Persons who have technical data concerning the water quality, instream habitat or biological condition of these stream sections are encouraged to make it available to the Department for consideration in the evaluation. These evaluations may lead to recommendations to the Environmental Quality Board for redesignation.

Data should be submitted to Mark Brickner, Division of Water Quality, Bureau of Clean Water, P.O. Box 8774, Harrisburg, PA 17105-8774, or mbrickner@pa.gov. Data must be received by November 12, 2019. All data submitted must include the originator's name and address. All data received during the comment period will be reviewed and considered in the Department's evaluation.

For further information, contact Mark Brickner at mbrickner@pa.gov or (717) 787-9637. Persons with a disability may use the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 19-1519. Filed for public inspection October 11, 2019, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### West Nile Virus County Grants; Notice of Availability

The Department of Environmental Protection (Department) invites counties awarded a grant in 2019 to apply for the State fiscal year 2020 West Nile Virus (WNV) reimbursable county grants.

Applicants must meet certain eligibility requirements (for example, the applicant must be a county authority—health department, conservation district, emergency management, county planning or another county agency). The grantees will perform mosquito integrated pest management activities within the borders of the designated county or counties, or both, as noted in the WNV Grant Application Instruction Guide.

Information is available on the Department's web site at [www.dep.pa.gov](http://www.dep.pa.gov) (select "Businesses," then "Water," then "Bureau of Clean Water," then "Vector Management").

Applications must be submitted through the Department of Community and Economic Development's Electronic Single Application web site, eGrants, at [www.esa.dced.state.pa.us](http://www.esa.dced.state.pa.us).

The Department will begin accepting applications on Tuesday, October 15, 2019. Applications must be received no later than 4 p.m. on Friday, November 15, 2019. Late submissions will not be considered.

Questions concerning the grant program should be directed to the Department of Environmental Protection, Vector Management, P.O. Box 1467, Harrisburg, PA 17105-1467, at [mhelwig@pa.gov](mailto:mhelwig@pa.gov) or (717) 346-8243.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 19-1520. Filed for public inspection October 11, 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) and (k) (relating to prevention, control and surveillance of tuberculosis (TB)):

Beaumont at Bryn Mawr  
601 North Ithan Avenue  
Bryn Mawr, PA 19010  
FAC ID # 026802

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 201.22(e):

Spiritrust Lutheran The Village at Utz Terrace  
2100 Utz Terrace  
Hanover, PA 17331  
FAC ID # 17620201

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. 19-1521. Filed for public inspection October 11, 2019, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Renal Disease Advisory Committee Meeting

The Renal Disease Advisory Committee, established by section 4 of the act of June 23, 1970 (P.L. 419, No. 140) (35 P.S. § 6204), will hold its quarterly public meeting on Friday, October 18, 2019, from 10 a.m. to 1 p.m. The purpose of the meeting is to discuss new and ongoing issues relating to treatment of chronic renal disease and the Department of Health's programs related to care and treatment. The meeting will be held in Conference Room 907, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120.

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 Caryn Decker, Division of Child and Adult Health Services, 7th Floor East, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120, (717) 772-2762, or for speech and/or hearing impaired persons, call the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

This meeting is subject to cancellation without notice.

RACHEL L. LEVINE, MD,  
*Secretary*

[Pa.B. Doc. No. 19-1522. Filed for public inspection October 11, 2019, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Title V Maternal and Child Health Services Block Grant: Health Need Prioritization Event

Every 5 years, the Commonwealth's Title V Maternal and Child Health Services Block Grant requires the Bureau of Family Health (Bureau) to conduct a comprehensive assessment of the needs of women, infants, children, adolescents and children and youth with special health care needs in this Commonwealth. After reviewing available health data and seeking input from families and providers across this Commonwealth, the Bureau is now working toward identifying the priorities that will drive the issues State and local Title V programs, staff and grantees will address over the next 5 years.

The Bureau will hold a public meeting on Friday, October 18, 2019, at 4 p.m. at the Dixon University Center, Administration Building, Conference Rooms A, B and C, 2986 North Second Street, Harrisburg, PA 17110-1201.

The purpose of this meeting is for providers and families across this Commonwealth to share input on the potential priorities that will guide the issues the Commonwealth's Title V programs will address over the next 5 years.

For additional information or for persons with a disability who wish attend the meeting and require an auxiliary aid, service or other accommodation to do so, contact Caryn Decker, Bureau of Family Health, 7th Floor East, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120, (717) 772-2762, or for speech and/or hearing impaired persons, call the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

This meeting is subject to cancellation without notice.

RACHEL L. LEVINE, MD,  
*Secretary*

[Pa.B. Doc. No. 19-1523. Filed for public inspection October 11, 2019, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Boo Koo Bucks Instant Lottery Game 1423; Change to Game Rules; Amended Notice

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of changes to the Pennsylvania Boo Koo Bucks (hereinafter referred to as "Boo Koo Bucks") instant lottery game rules that were published at 49 Pa.B. 5368 (September 14, 2019).

The Pennsylvania Lottery intends to clarify the operation of the Howl-O-Ween Second-Chance Drawing. The Pennsylvania Lottery has determined that additional clarification is required for the Entry Doubler Prize and for the iLottery Bonus Money awarded as part of the Second-Chance Drawing. The correct version of this document is as follows, with ellipses referring to the existing text as it appeared at 49 Pa.B. 5368—5373:

\* \* \* \* \*



10. *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-1423 Boo Koo Bucks (\$5), PA-1424 Monster Cash (\$2) and PA-1425 Mummy Money (\$1) instant 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. Entries will automatically be awarded at the time of successful submission of a Qualifying Ticket. No other method of submission will be accepted. Entries submitted using any other method, including entries mailed or hand-delivered to the Pennsylvania Lottery, are not valid and will be disqualified.

(3) Each entry must be complete and the information supplied by the entrant must be accurate. Incomplete entries cannot be 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.

(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 instant lottery game tickets. All time references are Eastern Prevailing Time.

(2) All entries received after 11:59:59 p.m. September 15, 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 20, 2019.

(3) The entry period for the Drawing will be posted to the Pennsylvania Lottery's publicly accessible web site.

(4) When a Qualifying Ticket is entered into the Drawing, the entry has a chance to be multiplied by two (hereafter the "Entry Doubler Prize"). 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.

(5) The number of entries an entrant will receive for the Drawing is determined by the purchase price of the Qualifying Ticket entered and the Entry Doubler Prize, if applicable. The respective purchase price and corresponding number of entries for the Qualifying Ticket is as follows: PA-1423 Boo Koo Bucks (\$5) = five entries, PA-1424 Monster Cash (\$2) = two entries, PA-1425 Mummy Money (\$1) = one entry.

(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 10(e), or mentioned anywhere else in these rules.

(2) The following table sets forth the approximate number of Entry Doubler Prizes and the approximate odds of winning an Entry Doubler Prize:

<i>Qualifying Tickets:</i>	<i>Approximate Number of Entry Doubler Prizes</i>	<i>Approximate Odds of Winning a 2x Multiplier Are 1 In:</i>
Boo Koo Bucks	205,303	20
Monster Cash	422,169	10
Mummy Money	849,016	5

(3) The Lottery will conduct one Drawing from among all the entries received during the entry period as described in section 10(c)(2).

(i) The first through the third 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 fourth through the eighth 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 \$10,000, less required income tax withholding.

(iii) The ninth through the eighteenth 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 \$1,000.

(iv) The nineteenth through the forty-ninth 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.

(v) The fiftieth through the ninety-ninth 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.

(4) All prizes will be paid as lump-sum cash payments or uploaded to a winning player's iLottery account.

(5) Winners of iLottery Bonus Money are not required to claim a prize. Winners of iLottery Bonus Money will have the iLottery Bonus Money credited to their Lottery Account and will receive an email notifying them that they won a prize.

(6) The number of winning entries to be selected for the Drawing will be posted to the Pennsylvania Lottery's publicly accessible web site.

(7) The odds of winning in the Drawing depend upon the number of entries received for the Drawing.

(8) 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) Winners of iLottery Bonus Money must abide by the iLottery terms and conditions, the iLottery Bonus Policy and these rules. iLottery Bonus Money will expire 90 days from the date on which the winner was notified, via email, of the prize win, as further detailed in section 10(d)(5). iLottery Bonus Money has a five times play through requirement in order to convert the iLottery Bonus Money into cash. For example, if a player wins \$100 of iLottery Bonus Money, the player is required to place \$500 in wagers before the iLottery Bonus Money awarded is converted into cash, which may be withdrawn from the player's account.

(15) Prizes are not transferrable.

(16) Other restrictions may apply.

\* \* \* \* \*

C. DANIEL HASSELL,  
*Secretary*

[Pa.B. Doc. No. 19-1524. Filed for public inspection October 11, 2019, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Derby Cash Horse Racing Terminal-based Lottery Game; Change to Game Rules; Amended Notice

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 875.4 (relating to notice of terminal-based lottery game rules), the Secretary of Revenue hereby provides public notice of changes to the Pennsylvania Derby Cash Horse Racing (hereinafter referred to as "Derby Cash") terminal-based Lottery game rules that were published at 49 Pa.B. 5525 (September 21, 2019).

The Pennsylvania Lottery intends to clarify the Derby Cash game rules. The Pennsylvania Lottery has determined that certain provisions of section 4 (relating to description of the Derby Cash lottery game) are inaccurate and must be removed. The inaccurate provisions of that section have been removed, and the remaining provisions of that section have been renumbered accordingly. The correct version of this document is as follows, with ellipses referring to the existing text as it appeared at 49 Pa.B. 5525—5529.

\* \* \* \* \*

#### 4. Description of the Derby Cash lottery game:

\* \* \* \* \*

(d) Each Derby Cash drawing, also referred to as a "Race," is a simulation of a horse race featuring 12 horses and their jockeys where, depending on the selected wager, the horses finishing in 1st, 2nd, 3rd, or 4th place, or certain combinations thereof, may award the player a prize.

\* \* \* \* \*

(2) The jockeys in each race shall be randomly assigned to the horses in each race, and shall be randomly assigned a jersey silk color. All selections are performed by the Lottery Central Computer prior to the establishment of each day's drawings.

(3) The numbers displayed on the saddle cloth of the horses that finish in 1st, 2nd, 3rd and 4th place in each individual race determine the prizes, identified in section 7 (relating to determination of prize winners and prizes

available to be won) and the odds for each specific drawing, identified in section 8 (probability of winning).

(4) The player may select the Derby Cash Multiplier option when wagering. Players who select the Derby Cash Multiplier option and who win a Derby Cash drawing prize will have the prize multiplied by a randomly determined amount. The multiplier may be: 2X; 3X; 4X; 5X; or 10X.

(5) Each drawing is independent of all other drawings and any prior drawings are not determinative of the outcome of any subsequent drawing.

\* \* \* \* \*

C. DANIEL HASSELL,  
Secretary

[Pa.B. Doc. No. 19-1525. Filed for public inspection October 11, 2019, 9:00 a.m.]

**DEPARTMENT OF REVENUE**

**Pennsylvania Monster Cash Instant Lottery Game 1424; Change to Game Rules; Amended Notice**

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of changes to the Pennsylvania Monster Cash (hereinafter referred to as “Monster Cash”) instant lottery game rules that were published at 49 Pa.B. 5376 (September 14, 2019).

The Pennsylvania Lottery intends to clarify the operation of the Howl-O-Ween Second-Chance Drawing. The Pennsylvania Lottery has determined that additional clarification is required for the Entry Doubler Prize and for the iLottery Bonus Money awarded as part of the Second-Chance Drawing. The correct version of this document is as follows, with ellipses referring to the existing text as it appeared at 49 Pa.B. 5376—5380:

\* \* \* \* \*

10. *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-1423 Boo Koo Bucks (\$5), PA-1424 Monster Cash (\$2) and PA-1425 Mummy Money (\$1) instant 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. Entries will automatically be awarded at the time of successful submission of a Qualifying Ticket. No other method of submission will be accepted. Entries submitted using any other method, including entries mailed or hand-delivered to the Pennsylvania Lottery, are not valid and will be disqualified.

(3) Each entry must be complete and the information supplied by the entrant must be accurate. Incomplete entries cannot be 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.

(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 instant lottery game tickets. All time references are Eastern Prevailing Time.

(2) All entries received after 11:59:59 p.m. September 15, 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 20, 2019.

(3) The entry period for the Drawing will be posted to the Pennsylvania Lottery’s publicly accessible web site.

(4) When a Qualifying Ticket is entered into the Drawing, the entry has a chance to be multiplied by two (hereafter the “Entry Doubler Prize”). 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.

(5) The number of entries an entrant will receive for the Drawing is determined by the purchase price of the Qualifying Ticket entered and the Entry Doubler Prize, if applicable. The respective purchase price and corresponding number of entries for the Qualifying Ticket is as follows: PA-1423 Boo Koo Bucks (\$5) = five entries, PA-1424 Monster Cash (\$2) = two entries, PA-1425 Mummy Money (\$1) = one entry.

(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 10(e), or mentioned anywhere else in these rules.

(2) The following table sets forth the approximate number of Entry Doubler Prizes and the approximate odds of winning an Entry Doubler Prize:

<i>Qualifying Tickets:</i>	<i>Approximate Number of Entry Doubler Prizes</i>	<i>Approximate Odds of Winning a 2x Multiplier Are 1 In:</i>
Boo Koo Bucks	205,303	20
Monster Cash	422,169	10
Mummy Money	849,016	5

(3) The Lottery will conduct one Drawing from among all the entries received during the entry period as described in section 10(c)(2).

(i) The first through the third 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 fourth through the eighth 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 \$10,000, less required income tax withholding.

(iii) The ninth through the eighteenth 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 \$1,000.

(iv) The nineteenth through the forty-ninth 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.

(v) The fiftieth through the ninety-ninth 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.

(4) All prizes will be paid as lump-sum cash payments or uploaded to a winning player's iLottery account.

(5) Winners of iLottery Bonus Money are not required to claim a prize. Winners of iLottery Bonus Money will have the iLottery Bonus Money credited to their Lottery Account and will receive an email notifying them that they won a prize.

(6) The number of winning entries to be selected for the Drawing will be posted to the Pennsylvania Lottery's publicly accessible web site.

(7) The odds of winning in the Drawing depend upon the number of entries received for the Drawing.

(8) 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) Winners of iLottery Bonus Money must abide by the iLottery terms and conditions, the iLottery Bonus Policy and these rules. iLottery Bonus Money will expire 90 days from the date on which the winner was notified, via email, of the prize win, as further detailed in section 10(d)(5). iLottery Bonus Money has a five times play through requirement in order to convert the iLottery Bonus Money into cash. For example, if a player wins \$100 of iLottery Bonus Money, the player is required to place \$500 in wagers before the iLottery Bonus Money awarded is converted into cash, which may be withdrawn from the player's account.

(15) Prizes are not transferrable.

(16) Other restrictions may apply.

\* \* \* \* \*

C. DANIEL HASSELL,  
*Secretary*

[Pa.B. Doc. No. 19-1526. Filed for public inspection October 11, 2019, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Mummy Money Instant Lottery Game 1425; Change to Game Rules; Amended Notice

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of changes to the Pennsylvania Mummy Money (hereinafter referred to as “Mummy Money”) instant lottery game rules that were published at 49 Pa.B. 5380 (September 14, 2019).

The Pennsylvania Lottery intends to clarify the operation of the Howl-O-Ween Second-Chance Drawing. The Pennsylvania Lottery has determined that additional clarification is required for the Entry Doubler Prize and for the iLottery Bonus Money awarded as part of the Second-Chance Drawing. The correct version of this document is as follows, with ellipses referring to the existing text as it appeared at 49 Pa.B. 5380—5384:

\* \* \* \* \*

10. *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-1423 Boo Koo Bucks (\$5), PA-1424 Monster Cash (\$2) and PA-1425 Mummy Money (\$1) instant 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. Entries will automatically be awarded at the time of successful submission of a Qualifying Ticket. No other method of submission will be accepted. Entries submitted using any other method, including entries mailed or hand-delivered to the Pennsylvania Lottery, are not valid and will be disqualified.

(3) Each entry must be complete and the information supplied by the entrant must be accurate. Incomplete entries cannot be 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.

(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 instant lottery game tickets. All time references are Eastern Prevailing Time.

(2) All entries received after 11:59:59 p.m. September 15, 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 20, 2019.

(3) The entry period for the Drawing will be posted to the Pennsylvania Lottery’s publicly accessible web site.

(4) When a Qualifying Ticket is entered into the Drawing, the entry has a chance to be multiplied by two (hereafter the “Entry Doubler Prize”). 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.

(5) The number of entries an entrant will receive for the Drawing is determined by the purchase price of the Qualifying Ticket entered and the Entry Doubler Prize, if applicable. The respective purchase price and corresponding number of entries for the Qualifying Ticket is as follows: PA-1423 Boo Koo Bucks (\$5) = five entries, PA-1424 Monster Cash (\$2) = two entries, PA-1425 Mummy Money (\$1) = one entry.

(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 10(e), or mentioned anywhere else in these rules.

(2) The following table sets forth the approximate number of Entry Doubler Prizes and the approximate odds of winning an Entry Doubler Prize:

<i>Qualifying Tickets:</i>	<i>Approximate Number of Entry Doubler Prizes</i>	<i>Approximate Odds of Winning a 2x Multiplier Are 1 In:</i>
Boo Koo Bucks	205,303	20
Monster Cash	422,169	10
Mummy Money	849,016	5

(3) The Lottery will conduct one Drawing from among all the entries received during the entry period as described in section 10(c)(2).

(i) The first through the third 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 fourth through the eighth 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 \$10,000, less required income tax withholding.

(iii) The ninth through the eighteenth 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 \$1,000.

(iv) The nineteenth through the forty-ninth 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.

(v) The fiftieth through the ninety-ninth 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.

(4) All prizes will be paid as lump-sum cash payments or uploaded to a winning player's iLottery account.

(5) Winners of iLottery Bonus Money are not required to claim a prize. Winners of iLottery Bonus Money will have the iLottery Bonus Money credited to their Lottery Account and will receive an email notifying them that they won a prize.

(6) The number of winning entries to be selected for the Drawing will be posted to the Pennsylvania Lottery's publicly accessible web site.

(7) The odds of winning in the Drawing depend upon the number of entries received for the Drawing.

(8) 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) Winners of iLottery Bonus Money must abide by the iLottery terms and conditions, the iLottery Bonus Policy and these rules. iLottery Bonus Money will expire 90 days from the date on which the winner was notified, via email, of the prize win, as further detailed in section 10(d)(5). iLottery Bonus Money has a five times play through requirement in order to convert the iLottery Bonus Money into cash. For example, if a player wins \$100 of iLottery Bonus Money, the player is required to place \$500 in wagers before the iLottery Bonus Money awarded is converted into cash, which may be withdrawn from the player's account.

(15) Prizes are not transferrable.

(16) Other restrictions may apply.

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C. DANIEL HASSELL,  
*Secretary*

[Pa.B. Doc. No. 19-1527. Filed for public inspection October 11, 2019, 9:00 a.m.]

## HEALTH CARE COST CONTAINMENT COUNCIL

### Data Submission and Collection

Under section 6(a)(2) of the Health Care Cost Containment Act (act) (35 P.S. § 449.6(a)(2)), the Health Care Cost Containment Council is required to publish a list of diseases, procedures and medical conditions, not to exceed 35, for which data under subsections 6(c)(21) and (d) of the act shall be required.

The list of 35 diseases, procedures and medical conditions follows:

1. Heart Attack
2. Heart Failure
3. Chest Pain
4. Abnormal Heartbeat

5. Coronary Bypass
6. Heart Valve Replacement
7. Percutaneous Transluminal Coronary Angioplasty
8. Pneumonia
9. Asthma
10. Respiratory Failure
11. Blood Clot in Lung
12. Lung Repair
13. Hypotension
14. Blood Clot in Extremities
15. Vascular Repair
16. Stroke
17. Removal of Blockage in Head and Neck Vessel
18. Craniotomy
19. Diabetes
20. Digestive Disease
21. Liver Disease
22. Colorectal Repair
23. Gallbladder Removal
24. Stomach and Small Intestine Repair
25. Kidney Failure
26. Kidney and Urinary Tract Infection
27. Prostatectomy
28. Medical Back
29. Major Joint Repair
30. Neck/Back Repair
31. Breast Cancer
32. Hysterectomy
33. Infectious Disease
34. Ventilation for Respiratory Disease
35. Tracheostomy

JOE MARTIN,  
*Executive Director*

[Pa.B. Doc. No. 19-1528. Filed for public inspection October 11, 2019, 9:00 a.m.]

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## INSURANCE DEPARTMENT

### Application for Approval to Acquire Control of Health Partners Plans, Inc.

Thomas Jefferson University, a Pennsylvania nonprofit corporation, has filed an application regarding the acquisition of control of Health Partners Plans, Inc., a Pennsylvania domestic nonstock, nonprofit health maintenance organization, by becoming the sole member of Aria Health System. The filing was received on September 30, 2019, and was made under the requirements of Article XIV of The Insurance Company Law of 1921 (40 P.S. §§ 991.1401—991.1413).

Persons wishing to comment on this acquisition are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of publication of this notice in the *Pennsylvania Bulletin*.

Each written statement must include the name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Cressinda Bybee, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, cbybee@pa.gov. Comments received will be part of the public record regarding the filing and will be forwarded to the applicant for appropriate response.

JESSICA K. ALTMAN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 19-1529. Filed for public inspection October 11, 2019, 9:00 a.m.]

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## INSURANCE DEPARTMENT

### Application for Approval to Redomesticate from the Commonwealth of Pennsylvania by AIG Property Casualty Company

AIG Property Casualty Company, a domestic stock property insurance company, has filed for approval of a plan of redomestication whereby the state of domicile would change from the Commonwealth of Pennsylvania to Illinois. The filing was made under section 357 of The Insurance Company Law of 1921 (40 P.S. § 477e).

Persons wishing to comment on the redomestication are invited to submit a written statement to the Insurance Department (Department) within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Lori Bercher, Insurance Company Licensing Specialist, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, lbercher@pa.gov.

JESSICA K. ALTMAN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 19-1530. Filed for public inspection October 11, 2019, 9:00 a.m.]

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## INSURANCE DEPARTMENT

### Review Procedure Hearings under the Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (act) (40 P.S. § 1171.8) in connection with the termination of the insureds' homeowners policy. The hearings will be held in accordance with the requirements of the act; 2 Pa.C.S. §§ 501—508, 561—588 and 701—704 (relating to Administrative Agency Law); 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). These administrative hearings will be held as follows.

Failure by the appellants to appear at the scheduled hearings may result in dismissal with prejudice.

The following hearing will be held in Hearing Room 2026, Piatt Building, 301 5th Avenue, Pittsburgh, PA 15222.

Appeal of Michael J. Lorence, Esquire, and Patricia Blaney; State Farm Fire and Casualty Company; File No. 19-130-240192; Doc. No. P19-09-008; October 29, 2019, 11 a.m.

The following hearing will be held in Room 200, Administrative Hearings Office, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Chester and Janina Dec; State Farm Fire and Casualty Company; File No. 19-178-240569; Doc. No. P19-09-007; October 31, 2019, 9:30 a.m.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearings and require an auxiliary aid, service or other accommodation to participate in the hearings should contact Joseph Korman, (717) 787-4429, jkorman@pa.gov.

JESSICA K. ALTMAN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 19-1531. Filed for public inspection October 11, 2019, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### 2021 Total Resource Cost (TRC) Test; Doc. No. M-2019-3006868

The Pennsylvania Public Utility Commission (Commission) was charged by the General Assembly with establishing an energy efficiency and conservation program. 66 Pa.C.S. § 2806.1 (relating to energy efficiency and conservation program). The Act 129 Energy Efficiency and Conservation (EE&C) Program requires each electric distribution company with at least 100,000 customers to adopt a plan to reduce energy demand and consumption within its service territory. The Commission is in the process of planning for a potential Phase IV of Act 129 at Doc. No. M-2019-3006866.<sup>1</sup> The 2021 Technical Reference Manual for a potential Phase IV is being addressed at Doc. No. M-2019-30026867.

The Commission was also charged with the responsibility to evaluate the costs and benefits of the EE&C Program every 5 years. 66 Pa.C.S. § 2806.1(c)(3). The 2021 Total Resource Cost (TRC) Test (2021 TRC Test) for a potential Phase IV is being addressed at Doc. No. M-2019-3006868. On September 19, 2021, the Commis-

<sup>1</sup> On February 14, 2019, the Commission released the 2018 PA Statewide Act 129 Residential Baseline Study and the 2018 PA Act 129 Non-Residential Baseline Study. See [http://www.puc.pa.gov/filing\\_resources/issues\\_laws\\_regulations/act\\_129\\_information/act\\_129\\_statewide\\_evaluator\\_swe\\_.aspx](http://www.puc.pa.gov/filing_resources/issues_laws_regulations/act_129_information/act_129_statewide_evaluator_swe_.aspx).

sion entered for public comment the 2021 TRC Test Tentative Order.<sup>2</sup> The 2021 TRC Test Tentative Order proposes adjustments to the TRC Tests that were used in the first three phases.

Interested parties are invited to file comments to the 2021 TRC Test Tentative Order. Comments must reference Doc. Number M-2019-3006868 and are due within 20 days of the publication of this notice. Reply comments are due within 30 days of the publication of this notice. The 2021 TRC Test Tentative Order and all filed comments and reply comments will be available to the public on the Commission's Act 129 Information web page.<sup>3</sup> Comments and reply comments may be filed electronically through the Commission's e-File System or by mail addressed to the Pennsylvania Public Utility Commission, Attention: Secretary, P.O. Box 3265, Harrisburg, PA 17105-3265.<sup>4</sup>

Questions regarding technical issues related to the 2021 TRC Test Tentative Order should be directed to David Edinger, Bureau of Technical Utility Services, (717) 787-3512, dedinger@pa.gov. Questions regarding legal and process issues related to the 2021 TRC Test Tentative Order should be directed to Louise Fink Smith, Law Bureau, finksmith@pa.gov. Electronic copies of the comments and reply comments, in Word®-compatible format, should also be provided to David Edinger and Louise Fink Smith when the documents are filed.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 19-1532. Filed for public inspection October 11, 2019, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Petition of Pennsylvania Power Company; Pre-hearing Conference

**P-2019-3012628. Pennsylvania Power Company.** Petition of Pennsylvania Power Company for a waiver of the distribution system improvement charge (DSIC) cap of 5% of billed distribution rate revenue and approval to increase the maximum allowable DSIC to 11.81%. Reference Docket Number P-2015-2508931.

Formal protests, petitions to intervene and answers must be filed in accordance with 52 Pa. Code § 5.61 (relating to answers to complaints, petitions, motions and preliminary objections). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120, with a copy served on the petitioner and a copy provided to the Administrative Law Judge, on or before Monday, October 28, 2019. The documents filed in support of the petition are available for inspection and copying in the Secretary's Bureau between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's (Commission) web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the petitioner's business address.

*Petitioner:* Pennsylvania Power Company

*Through and By Counsel:* Tori L. Giesler, FirstEnergy Corp., 2800 Pottsville Pike, P.O. Box 16002, Reading, PA

<sup>2</sup> See <http://www.puc.state.pa.us/pcdocs/1636986.docx>.

<sup>3</sup> See [http://www.puc.pa.gov/filing\\_resources/issues\\_laws\\_regulations/act\\_129\\_information/total\\_resource\\_cost\\_test.aspx](http://www.puc.pa.gov/filing_resources/issues_laws_regulations/act_129_information/total_resource_cost_test.aspx).

<sup>4</sup> See [http://www.puc.pa.gov/filing\\_resources.aspx](http://www.puc.pa.gov/filing_resources.aspx) for filing instructions.



19612-6001; John L. Munsch, FirstEnergy Corp., 800 Cabin Hill Drive, Greensburg, PA 15601

### Prehearing Conference

An initial prehearing conference on the previously-captioned case will be held as follows:

<i>Date:</i>	November 6, 2019
<i>Time:</i>	1:30 p.m. (EST)
<i>Location:</i>	Call-in Telephonic Conference Pre-Hearing Conference Notice to be issued
<i>Presiding:</i>	Administrative Law Judge Katrina Dunderdale

Individuals representing themselves are not required to be represented by an attorney. All others (corporation, partnership, association, trust, or governmental agency or subdivision) must be represented by an attorney. Representing attorneys should file a notice of appearance before the scheduled prehearing conference.

Persons with a disability who wish to attend the prehearing conference should contact the Commission to make arrangements for their special needs. Call the scheduling office at the Commission at least 5 business days prior to the prehearing conference to submit a request.

For persons who require an interpreter to participate in the hearings, the Commission will make every reasonable effort to have an interpreter present. Call the scheduling office at the Commission at least 10 business days prior to the prehearing conference to submit a request.

- Scheduling Office: (717) 787-1399
- Pennsylvania AT&T Relay Service number for persons who are deaf or hearing-impaired: (800) 654-5988

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 19-1533. Filed for public inspection October 11, 2019, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Pro Forma Intra-Company Merger and Name Change

**A-2019-3013250. Shentel Communications, LLC and Shenandoah Cable Television, LLC.** Application of Shentel Communications, LLC and Shenandoah Cable Television, LLC for approval of a pro forma intra-company merger and name change.

The application was filed as a pro forma transaction under 52 Pa. Code § 63.325(a) (relating to Commission approval of a pro forma transaction subject to 66 Pa.C.S. §§ 1102(a)(3) and 1103) because the applicants claim that there will be no change in the rates or conditions of service, the merger is intra-company in nature and neither the direct ownership or ultimate ownership of the merged companies will change.

However, the intra-company consolidation results in the transfer of 100% of the assets and control of Shentel Communications, LLC. Under the regulations in 52 Pa. Code § 63.324(a) (relating to Commission approval of a general rule transaction subject to 66 Pa.C.S.

§§ 1102(a)(3) and 1103), a transaction that results in the transfer of 20% or more of the assets or of the direct or indirect control of an applicant is a general rule transaction. The Pennsylvania Public Utility Commission (Commission) therefore reclassifies the application as a general rule transaction under 52 Pa. Code § 63.325(b).

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before October 28, 2019. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, 400 North Street, 2nd Floor, Harrisburg, PA 17120, with a copy served on the applicant. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the applicant's business address.

*Applicants:* Shentel Communications, LLC; Shenandoah Cable Television, LLC

*Through and By Counsel:* Michael A. Gruin, Esquire, Stevens & Lee, 17 North Second Street, 16th Floor, Harrisburg, PA 17101

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 19-1534. Filed for public inspection October 11, 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 28, 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-2019-3012928. Safelift Transportation Service, LLC** (440 South 60th, Philadelphia, Philadelphia County, PA 19143) for the right to begin to transport, as a common carrier, by motor vehicles, persons in paratransit service in wheelchair and stretcher vans, between points in the City and County of Philadelphia.

**A-2019-3013195. Bate Reliable Transportation, LLC** (1204 Baltimore Pike, Suite 200, Chadds Ford, Delaware County, PA 19317) for the right to begin to

transport, as a common carrier, by motor vehicles, persons in paratransit service in wheelchair and stretcher vans, between points in the Counties of Chester and Delaware and the City and County of Philadelphia.

**A-2019-3013197. Penn Hope Transport, Inc.** (209 South 52nd Street, Philadelphia, PA 19139) persons in paratransit service, restricted to transportation for mobility challenged people in wheelchair and stretcher vans, between points in the Counties of Bucks, Chester, Delaware, Montgomery and Lehigh and the City and County of Philadelphia.

**A-2019-3013219. Knightlife Limousine, LLC** (805 West 26th Street, Erie, Erie County, PA 16508) persons in group and party service, in vehicles seating 11 to 15 passengers, including the driver, from points in Erie County, to points in Pennsylvania, and return; excluding areas under the jurisdiction of the Philadelphia Parking Authority.

ROSEMARY CHIAVETTA,  
Secretary

[Pa.B. Doc. No. 19-1535. Filed for public inspection October 11, 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 28, 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. Extreme Health Care Services, LLC; Docket No. C-2019-3010294

#### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement Prosecutory Staff hereby represents as follows:

1. That Extreme Health Care Services, LLC, Respondent, maintains its principal place of business at 1916 North 4th Street, Harrisburg, PA 17102 and has a main mailing address of 140 South 17th Street, Harrisburg, PA 17104.

2. That Respondent was issued a certificate of public convenience for paratransit authority by this Commission on November 26, 2013 at PUC No. 6415315.

3. That on June 5, 2019, the Commission received an informal complaint about a driver employed by Respondent, Christopher Keith Phy. That day, PUC Motor Carrier Enforcement Officers Travis Griffith and Timothy Troxell met with owner Lamont Palmer and requested log sheets and drivers' records on file for that employee. The respondent failed to obtain and review a criminal history record on Christopher Keith Phy, prior to allowing him to drive. Log sheets confirm Mr. Phy was driving for Respondent from January 17, 2019 through May 31, 2019.

4. That Respondent, by permitting a driver to operate before obtaining and reviewing a criminal history report, violated 52 Pa. Code § 29.505(a). The penalty for this violation is \$250.

Wherefore, the Bureau of Investigation and Enforcement Prosecutory Staff hereby requests that the Commission fine Extreme Health Care Services, LLC the sum of two hundred and fifty dollars (\$250.00) for the illegal activity described in this Complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,  
David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265

#### VERIFICATION

I, David W. Loucks, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 9/10/2019

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

#### NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original shall be mailed to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
400 North Street, 2nd Floor  
Harrisburg, PA 17120

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor  
Bureau of Investigation and Enforcement  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, PA 17120

Or, e-mailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this complaint within twenty (20) days, the Bureau of Investigation and Enforcement

will request that the Commission issue a Secretarial Letter imposing a penalty. The penalty could include a fine, the suspension or revocation of your certificate of public convenience or other remedy.

C. You may elect not to contest this complaint by paying the fine proposed in this Complaint by certified check or money order. Payment must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 400 North Street  
 Harrisburg, PA 17120

D. Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the complaint proceeding shall be closed.

E. If you file an Answer, which admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing a penalty.

F. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

**Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. R & R Transportation, LLC; Docket No. C-2019-3012100**

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 R & R Transportation, LLC, (respondent) is under suspension effective July 30, 2019 for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at 536 South 16th St., Harrisburg, PA 17104.
3. That respondent was issued a Certificate of Public Convenience by this Commission on July 13, 2018, at A-8921134.
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-8921134 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: 8/9/2019

David W. Loucks, Chief  
 Motor Carrier Enforcement  
 Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 400 North Street  
 Harrisburg, PA 17120

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor  
 Pennsylvania Public Utility Commission  
 Bureau of Investigation and Enforcement  
 400 North Street  
 Harrisburg, PA 17120

Or, emailed to Mr. Swindler at: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility  
Services  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, PA 17120

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, PA 17120

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

**Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Mack Party Pros, LLC; Docket No. C-2019-3012237**

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 Mack Party Pros, LLC, (respondent) is under suspension effective August 09, 2019 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 630 Lenape Road, Bechtelsville, PA 19505.

3. That respondent was issued a Certificate of Public Convenience by this Commission on July 31, 2017, at A-6419976.

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-6419976 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: 8/19/2019

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 400 North Street  
 Harrisburg, PA 17120

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor  
 Pennsylvania Public Utility Commission  
 Bureau of Investigation and Enforcement  
 400 North Street  
 Harrisburg, PA 17120

Or, emailed to Mr. Swindler at: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility Services  
 Pennsylvania Public Utility Commission  
 400 North Street  
 Harrisburg, PA 17120

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 400 North Street  
 Harrisburg, PA 17120

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this num-

ber 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. B Royal Limousine, LLC; Docket No. C-2019-3012433**

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 B Royal Limousine, LLC, (respondent) is under suspension effective August 14, 2019 for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at 112 Pegasus Court, Bear, DE 19701.
3. That respondent was issued a Certificate of Public Convenience by this Commission on November 30, 2018, at A-6421298.
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-6421298 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](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
400 North Street  
Harrisburg, PA 17120

Or, emailed to Mr. Swindler at: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility Services  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, PA 17120

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, PA 17120

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of

insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

**Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Ryan James Brown, t/a Ryan J. Brown Trucking;  
Docket No. C-2019-3012587**

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 Ryan James Brown, t/a Ryan J. Brown Trucking, (respondent) is under suspension effective August 23, 2019 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 1381 Eleven Mile Rd., Shinglehouse, PA 16748-8417.

3. That respondent was issued a Certificate of Public Convenience by this Commission on June 28, 2018, at A-8921112.

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 Certifi-

cate of Public Convenience held by respondent at A-8921112 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: 9/3/2019

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

#### NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, PA 17120

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
400 North Street  
Harrisburg, PA 17120

Or, emailed to Mr. Swindler at: [RA-PCCmpltResp@pa.gov](mailto:RA-PCCmpltResp@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. J C Brink Trucking, Inc.; Docket No. C-2019-3012708**

#### 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 J C Brink Trucking, Inc., (respondent) is under suspension effective August 28, 2019 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 7065 Rte 210 Hwy., Smicksburg, PA 16256.

3. That respondent was issued a Certificate of Public Convenience by this Commission on May 04, 2005, at A-00120742.

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-00120742 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: 9/10/2019

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

#### NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, PA 17120

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If

your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
400 North Street  
Harrisburg, PA 17120

Or, emailed to Mr. Swindler at: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility  
Services  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, PA 17120

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, PA 17120

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.



**Pennsylvania Public Utility Commission; Bureau of  
Investigation and Enforcement v. Bluestone  
Trucking, Inc.; Docket No. C-2019-3012715**

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 Bluestone Trucking, Inc., (respondent) is under suspension effective August 28, 2019 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 100 Rose Twig Lane, North Wales, PA 19454.

3. That respondent was issued a Certificate of Public Convenience by this Commission on August 09, 2017, at A-8919973.

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-8919973 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: 9/10/2019

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, PA 17120

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
400 North Street  
Harrisburg, PA 17120

Or, emailed to Mr. Swindler at: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility  
Services  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, PA 17120

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, PA 17120

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 19-1536. Filed for public inspection October 11, 2019, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Transfer of Indirect Control

**A-2019-3013012. U.S. TelePacific Holdings Corporation, DSCI, LLC and Tango Private Holdings II, LLC.** Joint application of U.S. TelePacific Holdings Corporation, DSCI, LLC and Tango Private Holdings II, LLC for approval of a transfer of indirect control of DSCI, LLC to Tango Private Holdings II, LLC.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before October 28, 2019. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, 400 North Street, 2nd Floor, Harrisburg, PA 17120, with a copy served on the applicant. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the applicant's business address.

*Applicants:* U.S. TelePacific Holdings Corporation, DSCI, LLC; Tango Private Holdings II, LLC

*Through and By:* Anthony C. DeCusatis, Esquire, Catherine G. Vasudevan, Esquire, Morgan, Lewis & Bockius LLP, 1701 Market Street, Philadelphia, PA 19103-2921; Tamar Finn, Esquire, Danielle Burt, Esquire, Morgan, Lewis & Bockius LLP, 1111 Pennsylvania Avenue NW, Washington, DC 20006; Marc A. Korman, Esquire, Gabrielle Whitehall, Esquire, Sidley Austin LLP, 1501 K Street NW, Washington, DC 20005

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 19-1537. Filed for public inspection October 11, 2019, 9:00 a.m.]

## PHILADELPHIA PARKING AUTHORITY

### Service of Notice of Motor Carrier Application in the City of Philadelphia

The following permanent authority application to render service as a common carrier in the City of Philadelphia has been filed with the Philadelphia Parking Authority's (PPA) Taxicab and Limousine Division (TLD). Formal protests must be filed in accordance with 52 Pa. Code Part II (relating to Philadelphia Parking Authority) with the TLD's Office of the Clerk, 2415 South Swanson Street, Philadelphia, PA 19148, no later than October 28, 2019. The nonrefundable protest filing fee is \$5,000 payable to the PPA by certified check or money order. The application is available for inspection at the TLD between 9 a.m. and 4 p.m., Monday through Friday (contact TLD Director Christine Kirlin, Esq. at (215) 683-9653 to make an appointment) or may be inspected at the business address of the respective applicant or attorney, or both.

**Doc. No. A-19-09-08. Philly Transport, Inc.** (7014 Pennsylvania Avenue, Upper Darby, PA 19082): An application for a medallion taxicab certificate of public convenience to transport, as a common carrier, persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return.

SCOTT PETRI,  
*Executive Director*

[Pa.B. Doc. No. 19-1538. Filed for public inspection October 11, 2019, 9:00 a.m.]

## PHILADELPHIA PARKING AUTHORITY

### Service of Notice of Taxicab and Limousine Division Formal Complaint

**Philadelphia Parking Authority, Taxicab and  
Limousine Division v. Oussama Moutki, H-114338;  
Doc. No. C-19-08-063**

Attention Oussama Moutki, last known address of 5011 Sansom Street, Philadelphia, PA 19139: Formal Complaints through citations T-28737, T-28738 and T-28739 (Citations) were issued to you by first-class proof-of-mail on August 30, 2019 by the Enforcement Department of the Philadelphia Parking Authority's (Authority) Taxicab and Limousine Division (TLD) citing you have committed the following: in citation T-28737, a violation of 52 Pa. Code § 1017.24 for "failure to properly activate and display the meter" which carries a recommended penalty of \$100; in citation T-28738, a violation of 52 Pa. Code § 1021.11 for "rates charged other than tariff" which carries a recommended penalty of \$500; and in citation T-28739, a violation of 52 Pa. Code § 1021.11 for "discourage, prevent or refuse the use of a credit card" which carries a recommended penalty of \$1,000. Pursuant to 52 Pa. Code § 1005.13(b) (relating to answer to citations), an answer to the Citations was due no later than September 17, 2019.

However, the Citations were mailed to you at your last known address referenced above but have been returned

to the TLD by the United States Postal Service marked as “undeliverable.” Therefore, service of the Citations is being accomplished through this notice pursuant to 52 Pa. Code § 1001.51(e) (relating to alternative service).

To avoid a default order being entered against you and the above penalties being levied, you shall answer the Citations by completing one of the following no later than fifteen (15) days after the date of this publication, which is no later than October 28, 2019:

1. Plead liable to the violations and remit payment of the full penalties totaling \$1,600 as referenced above and in a form as provided in 52 Pa. Code § 1001.42 (relating to mode of payment to the Authority), payable to the Philadelphia Parking Authority; or

2. Plead not liable by filing a hearing request as provided in 52 Pa. Code § 1005.13(b) (relating to answer to citations).

The payments and/or hearing request shall be submitted to and filed with the TLD Clerk at: Philadelphia Parking Authority, Taxicab and Limousine Division, Attn: Office of the Clerk, 2415 S. Swanson Street, Philadelphia, PA 19148-4113.

SCOTT PETRI,  
*Executive Director*

[Pa.B. Doc. No. 19-1539. Filed for public inspection October 11, 2019, 9:00 a.m.]

## PUBLIC SCHOOL EMPLOYEES’ RETIREMENT BOARD

### Hearing Scheduled

A hearing has been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees’ Retirement Code), in connection with the Public School Employees’ Retirement System’s (System) denial of claimant’s request concerning the indicated account.

The hearing will be held before a hearing officer at the Public School Employees’ Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

November 19, 2019	Mirek Chmielewski (Final Average Salary)	10 a.m.
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Persons with a disability who wish to attend the previously listed hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Mercedes Alcoser, Assistant to the Executive Director, at (717) 720-4606 to discuss how the System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearing will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). Under 22 Pa. Code § 201.1 (relating to applicability of general rules), procedural matter will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

GLEN R. GRELL,  
*Executive Director*

[Pa.B. Doc. No. 19-1540. Filed for public inspection October 11, 2019, 9:00 a.m.]

## STATE EMPLOYEES’ RETIREMENT BOARD

### Hearings Scheduled

The following hearings have been scheduled, as authorized by 71 Pa.C.S. Part XXV (relating to State Employees’ Retirement Code), in connection with the State Employees’ Retirement System’s denial of claimants’ requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the State Employees’ Retirement System, 30 North Third Street, Fifth Floor, Harrisburg, PA 17101:

November 5, 2019	Timothy G. Collins Credited Service	1 p.m.
January 15, 2020	Tonya J. Stone (Deceased) Contested Death Benefit	10 a.m.

Parties in each respective case may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). Under 4 Pa. Code § 250.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

TERRILL J. SANCHEZ,  
*Secretary*

[Pa.B. Doc. No. 19-1541. Filed for public inspection October 11, 2019, 9:00 a.m.]

## SUSQUEHANNA RIVER BASIN COMMISSION

### Public Hearing

The Susquehanna River Basin Commission (Commission) will hold a public hearing on October 31, 2019, at 2:30 p.m. at the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA. The public hearing will end at 5 p.m. or at the conclusion of public testimony, whichever is sooner. At this public hearing, the Commission will hear testimony on the projects listed in the Supplementary Information section of this notice. The Commission will also hear testimony on a proposed rulemaking and consumptive use mitigation policy, as well as proposals to amend its Regulatory Program Fee Schedule. These projects and proposals are intended to be scheduled for Commission action at its next business meeting, tentatively scheduled for December 5, 2019, which will be noticed separately. The public should take note that this public hearing will be the only opportunity to offer oral comment to the Commission for the listed projects and proposals. The deadline for the submission of written comments is November 12, 2019.

For further information contact Jason Oyler, General Counsel and Secretary, (717) 238-0423, fax (717) 238-2436.

Information concerning the applications for these projects is available at the Commission’s Water Application and Approval Viewer at <https://www.srbcc.net/>

waav. Additional supporting documents are available to inspect and copy in accordance with the Commission's Access to Records Policy at [www.srbc.net/regulatory/policies-guidance/docs/access-to-records-policy-2009-02.pdf](http://www.srbc.net/regulatory/policies-guidance/docs/access-to-records-policy-2009-02.pdf).

*Supplementary Information*

The public hearing will cover a proposed rulemaking and consumptive use mitigation policy, as well as proposed amendments to the Commission's Regulatory Program Fee Schedule as posted on the Commission's Public Hearing web page at <https://www.srbc.net/about/meetings-events/public-hearing.html>. The public hearing will also cover the following projects:

*Projects Scheduled for Action*

1. Project Sponsor and Facility: Cabot Oil & Gas Corporation (Tunkhannock Creek), Lenox Township, Susquehanna County, PA. Application for renewal of surface water withdrawal of up to 1.500 mgd (peak day) (Docket No. 20151201).

2. Project Sponsor and Facility: Chester Water Authority, East Nottingham Township, Chester County, PA. Application for consumptive use of up to 60.000 mgd (peak day).

3. Project Sponsor and Facility: Town of Cortlandville, Cortland County, NY. Application for groundwater withdrawal of up to 1.300 mgd (30-day average) from Lime Hollow Well 2.

4. Project Sponsor and Facility: Town of Cortlandville, Cortland County, NY. Application for groundwater withdrawal of up to 1.300 mgd (30-day average) from Lime Hollow Well 7.

5. Project Sponsor and Facility: Town of Cortlandville, Cortland County, NY. Application for groundwater withdrawal of up to 1.008 mgd (30-day average) from the Terrace Road Well.

6. Project Sponsor: Graymont (PA), Inc. Project Facility: Pleasant Gap Facility, Spring Township, Centre County, PA. Modification to increase consumptive use by an additional 0.098 mgd (30-day average), for a total consumptive use of up to 0.720 mgd (30-day average), and change limits from peak day to 30-day average (Docket No. 20050306).

7. Project Sponsor: Hazleton City Authority. Project Facility: Hazleton Division, Hazle Township, Luzerne County, PA. Application for groundwater withdrawal of up to 0.354 mgd (30-day average) from Barnes Run Well 3.

8. Project Sponsor and Facility: Leola Sewer Authority (will be issued to Upper Leacock Township Municipal Authority), Upper Leacock Township, Lancaster County, PA. Application for renewal of groundwater withdrawal of up to 0.263 mgd (30-day average) from Well 16 (Docket No. 19890702).

9. Project Sponsor and Facility: New Holland Borough Authority, New Holland Borough, Lancaster County, PA. Application for groundwater withdrawal of up to 0.860 mgd (30-day average) from Well 5.

10. Project Sponsor and Facility: Pennsylvania State University, College Township, Centre County, PA. Application for renewal of consumptive use of up to 2.622 mgd (peak day) (Docket No. 19890106).

11. Project Sponsor and Facility: Pennsylvania State University, College Township, Centre County, PA. Application for renewal of groundwater withdrawal of up to 1.728 mgd (30-day average) from Well UN-33 (Docket No. 19890106).

12. Project Sponsor and Facility: Pennsylvania State University, College Township, Centre County, PA. Application for renewal of groundwater withdrawal of up to 1.678 mgd (30-day average) from Well UN-34 (Docket No. 19890106).

13. Project Sponsor and Facility: Pennsylvania State University, College Township, Centre County, PA. Application for renewal of groundwater withdrawal of up to 1.728 mgd (30-day average) from Well UN-35 (Docket No. 19890106).

14. Project Sponsor: Pixelle Specialty Solutions, LLC. Project Facility: Spring Grove Mill (Codorus Creek—New Filter Plant Intake), Spring Grove Borough, York County, PA. Applications for consumptive use of up to 3.650 mgd (peak day) and surface water withdrawal of up to 19.800 mgd (peak day).

15. Project Sponsor: Pixelle Specialty Solutions, LLC. Project Facility: Spring Grove Mill (Codorus Creek—Old Filter Plant Intake), Spring Grove Borough, York County, PA. Application for surface water withdrawal of up to 6.000 mgd (peak day).

16. Project Sponsor: Pixelle Specialty Solutions, LLC. Project Facility: Spring Grove Mill (unnamed tributary to Codorus Creek—Kessler Pond Intake), Spring Grove Borough, York County, PA. Application for surface water withdrawal of up to 0.750 mgd (peak day).

17. Project Sponsor and Facility: Sugar Hollow Water Services, LLC (Susquehanna River), Eaton Township, Wyoming County, PA. Application for renewal of surface water withdrawal of up to 1.500 mgd (peak day) (Docket No. 20151204).

18. Project Sponsor and Facility: SWN Production Company, LLC (Susquehanna River), Great Bend Township, Susquehanna County, PA. Application for renewal of surface water withdrawal of up to 2.000 mgd (peak day) (Docket No. 20151205).

*Projects Scheduled for Action Involving a Diversion*

19. Project Sponsor and Facility: City of Aberdeen, Harford County, MD. Modifications to extend the approval term of the consumptive use, surface water withdrawal and out-of-basin diversion approval (Docket No. 20021210) to allow additional time for evaluation of the continued use of the source for the Aberdeen Proving Ground-Aberdeen Area.

20. Project Sponsor and Facility: Chester Water Authority, East Nottingham Township, Chester County, PA. Application for an out-of-basin diversion of up to 60.000 mgd (peak day) from the Susquehanna River and Octoraro Reservoir.

21. Project Sponsor and Facility: New York State Canal Corporation (Middle Branch Tioughnioga Creek), Towns of DeRuyter and Cazenovia, Madison County, and Town of Fabius, Onondaga County, NY. Applications for surface water withdrawal of up to 4.300 mgd (peak day), consumptive use of up to 4.300 mgd (peak day) and out-of-basin diversion of up to 4.300 mgd (peak day) from Middle Branch Tioughnioga Creek.

22. Project Sponsor: Seneca Resources Company, LLC. Project Facility: Impoundment 1, receiving groundwater from various sources, Sergeant and Norwich Townships, McKean County, PA. Application for into-basin diversion from the Ohio River Basin of up to 2.517 mgd (peak day) (Docket No. 20141216).

*Commission Initiated Project Approval Modifications*

23. Project Sponsor and Facility: Bucknell University, East Buffalo Township, Union County, PA. Conforming the grandfathering amount with the forthcoming determination for a groundwater withdrawal up to 0.046 mgd (30-day average) from Well 2 and up to 0.116 mgd (30-day average) from Well 3 (Docket No. 20021008).

24. Project Sponsor and Facility: Manada Golf Club, Inc., East Hanover Township, Dauphin County, PA. Conforming the grandfathered amount with the forthcoming determination for a withdrawal of up to 0.071 mgd (30-day average) from the 4th Tee Well, up to 0.036 mgd (30-day average) from the 5th Tee Well and up to 0.036 mgd (30-day average) from the Barn Well (Docket No. 20020614).

25. Project Sponsor: Pennsylvania Fish and Boat Commission. Project Facility: Pleasant Gap State Fish Hatchery, Benner Township, Centre County, PA. Conforming the grandfathering amount with the forthcoming determination for a withdrawal of up to 5.056 mgd (30-day average) from Blue and East Springs, up to 0.930 mgd (30-day average) from Hoy and Shugert Springs and up to 1.000 mgd (30-day average) from Logan Branch (Docket No. 20000601).

*Opportunity to Appear and Comment*

Interested parties may appear at the hearing to offer comments to the Commission on any previously listed business required to be subject of a public hearing. The presiding officer reserves the right to limit oral statements in the interest of time and to otherwise control the course of the hearing. Access to the hearing room will begin at 2 p.m. and Commission staff will be available for questions prior to the commencement of the hearing. Guidelines for the public hearing are posted on the Commission's web site, [www.srbc.net](http://www.srbc.net), prior to the hearing for review. The presiding officer reserves the right to modify or supplement the guidelines at the hearing. Written comments on any previously listed business required to be subject of a public hearing may also be mailed to Jason Oyler, Secretary, Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788, or submitted electronically through <https://www.srbc.net/regulatory/public-comment/>. Comments mailed or electronically submitted must be received by the Commission on or before November 12, 2019, to be considered.

*Authority:* Pub.L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808

*Dated:* September 27, 2019

ANDREW D. DEHOFF,  
*Executive Director*

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