

# PENNSYLVANIA BULLETIN

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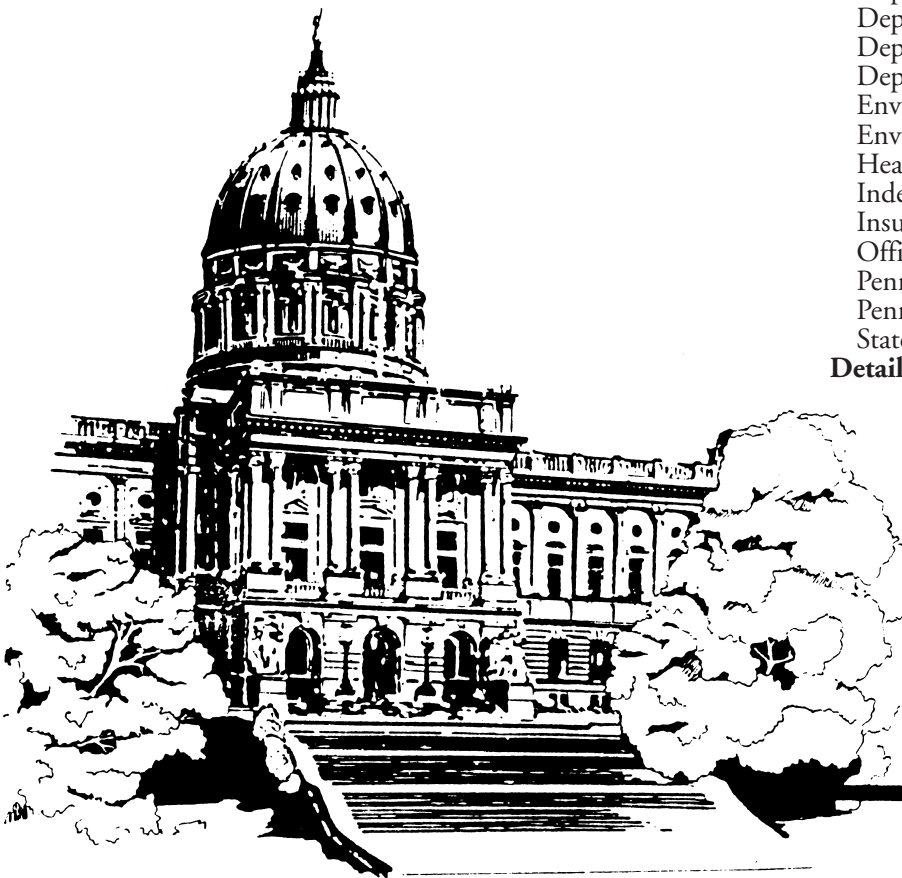
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**Latest Pennsylvania Code Reporter  
(Master Transmittal Sheet):**

**No. 540, November 2019**

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## *Pennsylvania Bulletin*

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

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

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

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

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

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

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

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

## **Citation to the *Pennsylvania Bulletin***

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

## ***Pennsylvania Code***

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

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

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

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

Search for your area of interest in the *Pennsylvania Code*. The *Pennsylvania Code* is available at [www.pacode.com](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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### Printing Format

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

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

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

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

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

*Court Rules in Titles 201—246 of the Pennsylvania Code*

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

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

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

### Fiscal Notes

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

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

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

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# List of Pa. Code Chapters Affected

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

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# THE COURTS

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

### PART II. GENERAL ADMINISTRATION

#### [ 204 PA. CODE CH. 29 ]

#### Lawyer Assessment Committee; No. 186 Disciplinary Rules Doc.

##### Order

##### *Per Curiam*

*And Now*, this 16th day of October, 2019, the Order of September 12, 1986, No. 546 Disciplinary Rules Docket 2, creating the Lawyer Assessment Committee, and the Order of May 11, 1987, No. 546 Disciplinary Rules Docket 2, amending the aforementioned Order of September 12, 1986, are hereby vacated.

The Lawyer Assessment Committee shall consist of the following seven (7) members:

The Court Administrator of Pennsylvania, who shall serve as Chair of the Lawyer Assessment Committee; the Chairs and Vice-Chairs, or their designees, from the Disciplinary Board of the Supreme Court of Pennsylvania, Pennsylvania Lawyers Fund for Client Security Board, and Pennsylvania Interest on Lawyers Trust Account Board.

The Committee is responsible for recommending the allocation of the annual attorney assessment fee, pursuant to Rules 219(a) and 502(b) of the Pennsylvania Rules of Disciplinary Enforcement and Rule 1.15(u) of the Rules of Professional Conduct.

This *Order* shall be processed in accordance with Rule 103(b) of the Pennsylvania Rules of Judicial Administration and shall be effective immediately.

*(Editor's Note: Under this Supreme Court Order, the text of §§ 29.71 and 29.72 will be deleted.)*

[Pa.B. Doc. No. 19-1624. Filed for public inspection November 1, 2019, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### NORTHAMPTON COUNTY

#### Administrative Order 2019-4 Adoption of Local Rule of Judicial Administration 4009—Court Reporting and Transcripts—Fees and Procedures; No. C-48-CV-2019-8723

##### Administrative Order

*And Now*, this 17th day of September, 2019, it is *Ordered* that Northampton County Local Rule of Judicial Administration 4009 is hereby *Adopted*, effective 30 days after publication in the *Pennsylvania Bulletin*.

It is further *Ordered* that the Court Administrator of Northampton County shall file: one (1) certified copy of the Order and Northampton County Rule of Judicial Administration 4009 with the Administrative Office of Pennsylvania Courts; and two (2) certified copies with the Legislative Reference Bureau for publication in the *Penn-*

*sylvania Bulletin*. This Local Rule shall also be published on the Court's website and incorporated into the complete set of Northampton County Local Rules.

*By the Court*

MICHAEL J. KOURY, Jr.,  
*President Judge*

#### Rule 4009. Court Reporting and Transcripts—Fees and Procedures.

##### (A) *Procedures for requesting a transcript:*

(1) All requests for transcripts shall be set forth on the standardized form, Request for Transcript or Copy Form, available at <https://www.nccpa.org/forms/court-administration>

(2) For an ordinary transcript, the party requesting a full or partial transcript of a trial or other court proceeding shall deliver the original Request for Transcript Form to the Office of the Court Administrator. Court Administration will, thereafter, serve a copy of same upon the Court Reporter(s) to whom the request applies.

(3) The Court Reporter shall prepare the transcript upon full payment by the requesting party to the appropriate Court Reporter care of the Office of Court Administration.

(4) The Court Reporter shall file the transcript and serve the requesting party with a copy of the transcript upon payment by the requesting party to the appropriate filing office.

(5) If a party is requesting daily, expedited or same day transcripts, or provisions for secure electronic feed, the request for such transcripts or service shall be filed with the appropriate filing office at least ten (10) days prior to the scheduled proceeding. Copies of the written request shall be delivered in accordance with subsection (2). Such requests will be accommodated only upon approval of the Presiding Judge and the Court Reporter.

##### (B) *Economic hardship*

(1) Pursuant to Pa.R.J.A. 4008(B), a request to waive or reduce transcript fees shall be noted on the Request for Transcript Form and include a fully completed In Forma Pauperis Petition pursuant to Pennsylvania Rule of Civil Procedure 240, even if IFP status was previously granted on the case.

(2) Litigants who have been approved for representation by North Penn Legal Services or have approved IFP are not required to further prove economic hardship pursuant to section (B)(1) above; however; they must attach to their Request for Transcript Form a letter of certification from North Penn Legal Services that the litigant meets financial eligibility and that the matter is under appeal or that the transcript being requested is necessary to advance the current litigation.

##### (C) *Fees—original transcript—requesting party*

The fees payable for original transcripts and copies of transcripts shall be as outlined in Pa.R.J.A. No. 4008.

##### (D) *Fees—additional costs*

The Presiding Judge may impose a reasonable surcharge in cases such as mass tort, medical malpractice, or other unusually complex litigation where there is a need for Court Reporters to significantly expand their dictionary. Such surcharges are at the discretion of the Presiding Judge.

(E) *Fees—secure electronic feed*

The Presiding Judge may impose a reasonable surcharge in cases involving a secure electronic feed during the proceeding. Such surcharge is at the discretion of the Presiding Judge.

(F) *Payment of fees*

All fees shall be made payable to the “County of Northampton” and shall be delivered to the Office of Court Administration for processing. No fees shall be paid directly to the Court Reporter or Transcriptionist.

(G) *Rule as exclusive method to obtain, reproduce, distribute, or copy transcript of portion thereof*

No person shall obtain, reproduce, distribute, or copy any transcript or portion thereof except in accordance with this rule.

[Pa.B. Doc. No. 19-1625. Filed for public inspection November 1, 2019, 9:00 a.m.]

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**DISCIPLINARY BOARD OF  
THE SUPREME COURT**

**Notice of Suspension**

Notice is hereby given that by Order of the Supreme Court of Pennsylvania dated October 21, 2019, Stephanie Julia Brown (# 94715) is Suspended on Consent from the Bar of this Commonwealth for a period of one year and

one day. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

MARCEE D. SLOAN,  
*Board Prothonotary*

[Pa.B. Doc. No. 19-1626. Filed for public inspection November 1, 2019, 9:00 a.m.]

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**DISCIPLINARY BOARD OF  
THE SUPREME COURT**

**Notice of Suspension**

Notice is hereby given that Jeffrey Keenan Martin having been suspended from the practice of law in the State of Delaware; the Supreme Court of Pennsylvania issued an Order dated October 21, 2019 suspending Jeffrey Keenan Martin from the practice of law in this Commonwealth for a period of one year and one day, effective November 20, 2019. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

MARCEE D. SLOAN,  
*Board Prothonotary*

[Pa.B. Doc. No. 19-1627. Filed for public inspection November 1, 2019, 9:00 a.m.]

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# PROPOSED RULEMAKING

## ENVIRONMENTAL QUALITY BOARD

[ 25 PA. CODE CHS. 87, 88, 89 AND 90 ]

### Water Supply Replacement for Coal Surface Mining

The Environmental Quality Board (Board) proposes to amend the regulations in 25 Pa. Code Chapters 87—90, to ensure compliance with Federal requirements and developments in State law; provide consistency, where possible, with water supply replacement regulations relevant to underground mining; and codify existing practices developed by the Department of Environmental Protection (Department).

This proposed rulemaking was adopted by the Board at its meeting of June 18, 2019.

#### A. *Effective Date*

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

#### B. *Contact Persons*

For further information, contact Sharon Hill, Bureau of Mining Programs, Rachel Carson State Office Building, 5th Floor, 400 Market Street, P.O. Box 8461, Harrisburg, PA 17105-8461, (717) 787-5015; or Joseph Iole, Assistant Counsel, Bureau of Regulatory Counsel, P.O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 787-7060. This proposed rulemaking is available on the Department's web site at [www.dep.pa.gov](http://www.dep.pa.gov) (select "Public Participation," then "Environmental Quality Board").

#### C. *Statutory Authority*

This proposed rulemaking is authorized under the authority of section 5 of The Clean Streams Law (35 P.S. § 691.5); sections 4(a) and 4.2 of the Surface Mining Conservation and Reclamation Act (PA SMCRA) (52 P.S. §§ 1396.4(a) and 1396.4b); section 3.2 of the Coal Refuse Disposal Control Act (52 P.S. § 30.53b); section 7(b) of the Bituminous Mine Subsidence and Land Conservation Act (52 P.S. § 1406.7(b)); and section 1920-A of The Administrative Code of 1929 (71 P.S. § 510-20).

#### D. *Background and Purpose*

This proposed rulemaking addresses inconsistencies between the Commonwealth's Surface Coal Mining Program and Federal requirements relating to water supply replacement so that the Commonwealth may maintain primary regulatory authority over coal mining activities in this Commonwealth. This proposed rulemaking also aligns the language regarding water supply replacement for anthracite and bituminous surface mining with underground coal mining to the extent allowed by statute and ensures that the regulations are otherwise consistent with State law and Department practice. These measures will provide clarity to mine owners and operators regarding compliance standards for water supply replacement and protect the rights of water supply owners and users.

#### *Required Consistency of the Commonwealth's Mining Program with Federal Law*

The Federal Surface Mining Control and Reclamation Act of 1977 (30 U.S.C.A. §§ 1201—1328) (Federal SMCRA) "establish[ed] a nationwide program to protect society and the environment from the adverse effects of surface coal mining operations." See 30 U.S.C.A.

§ 1202(a). Federal SMCRA authorizes the Secretary of the Interior, through the Office of Surface Mining Reclamation and Enforcement (OSM), to administer the programs for controlling surface coal mining operations, and to review and approve or disapprove state programs for controlling the same. See 30 U.S.C.A. § 1211(c)(1).

Federal SMCRA allows a state to assume jurisdiction over the regulation of surface coal mining and reclamation operations if the state can administer that program according to Federal standards. See 30 U.S.C.A. § 1253. When a state program is approved by OSM, the state achieves "primacy" over the regulation of its surface coal mining program. The Commonwealth achieved primacy in 1982. See 47 FR 33050, 33076 (July 30, 1982). To maintain its jurisdiction over regulation of coal surface mining activities, the Commonwealth must maintain a state program in accordance with the requirements of Federal SMCRA, and with "rules and regulations consistent with regulations issued by the Secretary." See 30 U.S.C.A. § 1253(a)(1) and (7).

State laws must be consistent with the provisions of Federal SMCRA, see 30 U.S.C.A. § 1255(a), and any provision of state law that provides for more stringent land use and environmental controls and regulations shall not be construed to be inconsistent with Federal SMCRA. See 30 U.S.C.A. § 1255(b). In other words, a state program must be at least as effective as the requirements in Federal SMCRA but may be more stringent.

#### *Required Program Amendments*

By letter dated December 18, 1998, the Department submitted a proposed amendment of the Commonwealth's approved Coal Mining Regulatory Program (Program) to OSM for review and approval. The proposed amendment covered various aspects of the Program and consisted of both statutory changes to PA SMCRA as well as regulations under 25 Pa. Code Chapters 86—90. In May 2005, OSM approved this Program amendment with certain exceptions (2005 OSM conditional approval). OSM approved most of the amendment specific to the replacement of water supplies affected by mining activities but did not approve certain provisions. The disapproved portions of the Program amendment related to water supply replacement include both statutory and regulatory sections as follows:

Section 4.2(f)(4) of PA SMCRA was not approved because it allowed for final bond release when there is an outstanding water supply replacement order. See 30 CFR 938.12(c)(1) (relating to state statutory, regulatory, and proposed program amendment provisions not approved). Sections 87.119(i) and 88.107(i) (relating to hydrologic balance: water rights and replacement) were not approved for the same reason. See 30 CFR 938.12(c)(7).

Sections 87.1 and 88.1 (relating to definitions) defining "de minimis cost increase" and §§ 87.119(a)(1)(v) and 88.107(a)(1)(v) (requiring that a restored or replaced water supply shall not result in more than a "de minimis cost increase" to operate and maintain) were not approved because the Federal regulations require that no additional costs be passed along to the water supply owner. See 30 CFR 938.12(c)(4) and (5).

Sections 87.119(a) and 88.107(a) were not approved to the extent that they did not include a requirement to



provide a temporary replacement water supply. See 30 CFR 938.12(c)(5). Furthermore, they allowed for the replacement supply to be of a lesser quantity and quality than the premining water supply. See 30 CFR 938.12(c)(5). The Federal definition of “replacement water supply” at 30 CFR 701.5 (relating to definitions) includes a reference to temporary replacement water supplies.

Sections 87.119(a)(3) and 88.107(a)(3) were not approved because they allowed for persons with an ownership interest in the water supply to waive the requirements to restore or replace the water supply. The basis for the disapproval was the definition of “replacement water supply” at 30 CFR 701.5, which provides for a waiver only in the limited circumstance where the water supply is not needed for the land use as it exists at the time of the loss and that there is a demonstration that a “suitable alternative water source is available and could be feasibly developed.” 30 CFR 938.12(c)(5).

Sections 87.119(g) and 88.107(g) were not approved because they allowed for operators to recover costs in the event that an operator successfully appeals a Department order to restore or replace a water supply. OSM did not approve these regulations because section 4.2(f)(5) of PA SMCRA, which provided the statutory authority for these regulations, was repealed in 2000 and replaced with 27 Pa.C.S. § 7708 (relating to costs for mining proceedings), and therefore no remaining statutory authority existed to support the regulations. See 30 CFR 938.12(c)(6) and 70 FR 25472, 25484.

In response to OSM’s disapproval of these regulations and to implement the approved Program amendments, the Department developed the following technical guidance documents to address water supply replacement operation and maintenance costs: Increased Operation and Maintenance Costs of Replacement Water Supplies on All Coal and Surface Noncoal Sites (# 562-4000-102), issued on December 2, 2006; Water Supply Replacement and Permitting (# 563-2112-605), issued in 1998 and updated in 2007; and Water Supply Replacement and Compliance (# 562-4000-101), issued in 1999 and updated in October 2007. This proposed rulemaking will codify the procedures outlined in these technical guidance documents. This proposed rulemaking reconciles the outstanding unapproved portions of the Program amendment listed previously and ensures water supply replacement obligations are consistent with Federal law.

#### *Required Consistency of the Commonwealth’s Mining Program with State Law*

This proposed rulemaking also ensures consistency with State law. The following proposed provisions address regulatory gaps or lack of clarity issues under PA SMCRA:

Proposed amendments to §§ 87.1 and 88.1 revise the definition of “water supply” to explain that soil moisture is not a water supply. The term “water supply” connotes a specific water resource (for example, a well or spring). Soil moisture, on the other hand, is more appropriately regulated under separate Department provisions requiring that mining activities are conducted to minimize disturbance to the prevailing hydrologic balance. See 25 Pa. Code §§ 87.101(a) and 88.291(a) (relating to hydrologic balance: general requirements). These provisions also add a definition of “water supply owner” that includes landowners and water supply companies to reflect terminology used in section 4.2(f) of PA SMCRA. See 52 P.S. § 1396.4b(f).

Proposed amendments to §§ 87.47 and 88.27 (relating to alternative water supply information) clarify the regu-

lations by using the defined term “water supply,” require that the permit application must include calculations regarding the cost of potential replacement; and state that the Department will give advance notice to water supply owners and water supply users whose water supplies are identified as potentially affected.

Sections 87.119a(a) and 88.107a(a) clarify the requirements related to sampling, laboratory analysis and notice to water supply owners and water supply users.

Sections 87.119a(b) and 88.107a(b) clarify that obligations to restore or replace an affected supply attach for any effect to a water supply, even if the effect is minimal, and that operators or mine owners must restore water supplies to meet reasonably foreseeable uses of the existing supply, not only existing uses of the supply.

Sections 87.119a(f) and 88.107a(f) clarify the concepts of “adequate quality” and “adequate quantity” of the replacement supply to more closely mirror the statutory language under section 4.2(f)(1) of PA SMCRA. This includes clarifying that an operator must, under certain circumstances, replace an affected supply with a supply that is of better quality than the Pennsylvania Safe Drinking Water Act standards (35 P.S. §§ 721.1—721.17).

Sections 87.119a(g) and 88.107a(g) clarify the procedure for determining operation and maintenance (O&M) costs of a replacement supply, and that operators or mine owners must cover O&M costs in perpetuity because the obligation attaches to the land, not to the current water supply owner. See, for example, *Carlson Mining v. DER*, 1992 EHB 1401, 1412-16 (Oct. 29, 1992) (*Carlson*).

Sections 87.119a(h) and 88.107a(h) clarify O&M requirements in situations when the current water supply owner or water supply user, or both, releases the obligation under a settlement agreement with the operator or mine owner that complies with the regulations and clarifies that an operator may cover O&M responsibilities for multiple water supplies under one bond.

Sections 87.119a(j) and 88.107a(j) clarify the statutory presumption of liability in PA SMCRA and the available defenses to the presumption. This presumption does not exist in Federal law.

Sections 87.119a(l) and 88.107a(l) add an additional provision that nothing in these regulations would prevent a mine owner or operator from pursuing other legal remedies should they incur costs in restoring or replacing a supply and later determine that some other party was responsible for the pollution or diminution of the water supply.

#### *Public Outreach*

Prior to the 2005 OSM conditional approval, the Department held six open-house public meetings in May and June of 2004 to gather comments and suggestions regarding existing regulations and policies governing the replacement of private water supplies lost, diminished or degraded by mining activities. These meetings were held at Department facilities across the State after invitation letters were sent to interested parties, including individual property owners who were known to have experienced past water supply problems. Also, news media alerts were issued to promote these meetings. The issues raised at these meetings included items regarding responsibility for water supply impacts, reimbursement for replaced supplies, the rights of water supply owners to information supplied by the mining operators, correct characterization of the existing supply and reasonably foreseeable uses of the supply, and various other sugges-

tions for improving the Program to benefit those who have lost their water supply as a result of mining activities.

The Department evaluated the comments received from the public meetings in conjunction with the 2005 OSM conditional approval and ultimately included several concepts resulting from these meetings in this proposed rulemaking. For example, §§ 87.47 and 88.27 will now require permit applications to include replacement cost calculations, and the Department will notify the water supply owner/users that their supply may be affected. Early identification and characterization of potentially affected water supplies provides the water supply owner/user with adequate notice that the supply may be interrupted; and, it informs them of their rights under the regulations for replacement of the supply. Early identification also promotes an easier path to agreement on replacement options, which is disruptive and often a point of contention between the operator and water supply owner that delays resolution of the claim.

#### *Mining and Reclamation Advisory Board Coordination*

Because the provisions concerning water supply replacement are similar across the various coal regulatory chapters, the Department and the Mining and Reclamation Advisory Board (MRAB) have spent considerable time clarifying language that may differ between surface mining and the approved underground coal mining regulations in Chapter 89 (relating to underground mining of coal and coal preparation facilities) due to variations between the Commonwealth's surface mining and bituminous underground mining statutes. Policy changes to the Surface Mining Program regarding water supply replacement were discussed in the MRAB Regulatory, Legislative and Technical (RLT) committee meeting of January 2005 in response to concerns from the Pennsylvania Coal Association. The committee made various recommendations regarding O&M costs calculations and payments, and replacement of a water supply to a quality and quantity necessary for current and reasonably foreseeable uses.

The presentation of concepts for this proposed rulemaking were discussed with the MRAB beginning on October 19, 2017, during a meeting of the full board. On January 11, 2018, an outline of the proposed changes was presented in a meeting of the RLT committee. Comments were provided by the committee. On April 19, 2018, draft language and responses to previous comments were presented to the committee. The committee supplied verbal and written comments on this draft, some of which were incorporated into the proposed rulemaking. The summary of the primary issues raised by the MRAB follows.

The MRAB questioned the repeated use of the term "reasonably foreseeable uses" throughout the proposed rulemaking. This phrase originated in section 5(e) of the Pennsylvania Bituminous Mine Subsidence and Land Conservation Act (52 P.S. § 1406.5(e)) and has been incorporated into the Federally-approved Surface Mining Program through the requirement that the water supply must be equivalent to the previous supply in quality and quantity. To replace the supply with a source that did not match the ability of the previous supply to support plausible future uses, based on existing and proposed land use, would be a failure to meet the standards of replacement. OSM has stated their acceptance of the "reasonably foreseeable uses" concept in this context.

The MRAB also expressed concern for the operator's responsibility to replace a supply if the water supply

owner refused access to the supply for the premining survey. The MRAB stated that if the operator is denied the information from the survey, the operator (and the Department) had no basis for judging the condition of the supply. That is, there would be no baseline from which to assess claims of degradation or diminution during mining activities. While it is disadvantageous to all parties for a water supply owner to refuse the information-gathering process, this does not exempt the operator from responsibility for replacing a supply if evidence can be procured that the supply has been affected by the mining activities. It does, however, provide a rebuttal for the mining operator within the presumption zone. If the operator raises this defense to the presumption, the burden shifts to the water supply owner to present evidence that the supply has been affected by mining, and to the Department to gather additional evidence to determine if mining was the cause. If there is no baseline survey information and a Department inquiry finds that mining activity is responsible for the disruption to the supply, the Department and water supply owner must establish adequate quantity and quality of the replacement supply based on data from similar supplies in the area and from aquifer characteristics, as well as the existing and reasonably foreseeable uses.

The MRAB also expressed the concern that water supply owners who replace their supply on their own and then seek reimbursement from the operator will install a supply that is higher performing than the previous supply, which will exceed the cost of replacement with an equivalent supply. This proposed rulemaking makes clear that the operator is not required to replace the affected supply with a system that exceeds regulatory requirements and that the operator can dispute the water supply owner or water supply user's reimbursement costs by obtaining comparable estimates. In this scenario, the Department determines the cost of reimbursement. The water supply user may install any system they choose, but any additional cost beyond the specifications of the previous supply will not be borne by the mining operator.

The MRAB inquired when the quality of a replacement supply would need to meet standards beyond baseline or the Commonwealth's drinking water standards. While the Department concedes this would be a rare occurrence, it is justified in some cases. The Department provides an explanation for this exception, which the Department anticipates will be rare, in the summary that follows in Section E of this preamble for §§ 87.119a(f) and 88.107a(f).

The MRAB also questioned the basis for the calculations of O&M costs. The Department contends that these calculations, also used for underground and noncoal O&M calculations, are a fair means to determine accurate costs. Variables within the calculations that are tied to economic factors and affect current costs are subject to recalculation annually. The Department will consider proposed alternative means during the comment period for this proposed rulemaking. Having been applied for over 12 years, the existing calculations have proved to be suitable and an alternative calculation that meets the necessary criteria has not been proposed.

The RLT committee recommended proceeding with the proposed rulemaking at the April 19, 2018, meeting and advised the MRAB of their recommendation also on this date. The MRAB was presented with the draft language on July 19, 2018, and requested a revised draft reflecting minor changes to the proposed language for clarity. In further consultation with the RLT committee on October



11, 2018, additional revisions were incorporated. The MRAB recommended that the Department proceed with the rulemaking process for the proposed rulemaking on October 25, 2018. Subsequently, additional clarifications and modifications are made to further conform certain provisions to State and Federal law.

#### *E. Summary of Regulatory Requirements*

The respective portions of §§ 87.119 and 88.107 will be extensively reorganized for clarity. For ease of reference, these sections will be reserved and the new §§ 87.119a and 88.107a, respectively, will be adopted.

Several minor editorial changes are also made throughout.

#### *§§ 87.1 and 88.1 Definitions*

“De minimis cost increase” is proposed to be removed to address the Federal requirement that no additional cost be passed along to the water supply owner. See 30 CFR 938.12(c)(5). OSM disapproved the concept of a de minimis cost increase because it is not clear what costs would be non-calculable and how that criteria could be determined. As the Department had defined the term, any amount that is 15% or greater of the annual operating and maintenance costs of the previous supply or was \$60 per year or greater, was considered more than a de minimis increase. O&M costs include all additional costs paid in order to constitute an equivalent replacement supply.

“Operation and maintenance costs” is proposed to be added as a defined term. This new definition would include all costs incurred by the water supply owner or water supply user associated with using the water supply for the purposes served. Examples of these costs are provided in this definition.

“Water supply” is proposed to be revised to specify that natural soil moisture is not a supply for purposes of §§ 87.47, 88.27, 87.119a and 88.107a. This proposed revision clarifies that the Department does not interpret the water supply replacement provisions in PA SMCRA to apply to impacts to natural soil moisture. Impacts to natural soil moisture from mining activities are regulated under separate Department provisions requiring that mining activities are conducted to minimize disturbance to the prevailing hydrologic balance. See 25 Pa. Code §§ 87.101(a) and 88.291(a). Soil moisture is a diffuse source dependent primarily on precipitation events and soil properties, though the water table may be relevant. In contrast, the Department interprets “water supply” to include specific water resources (for example, a well or spring) used for human consumption or, in terms of agriculture, animal watering, or in other uses where the transmittal of water from an existing source to a use location is required (for example irrigation, washing or dust control).

A definition for “water supply owner” is proposed to be included as the term is used repeatedly throughout to avoid repetition of using both terms “landowner” and “water supply company” in each provision.

The definition of “water supply survey” is proposed to be relocated from §§ 87.1 and 88.1 to §§ 87.119a(a) and 88.107a(a), respectively. Revisions to the water supply survey requirements are described in those sections as follows.

#### *§§ 87.47 and 88.27 Alternative water supply information*

Sections 87.47 and 88.27 are proposed to be revised to specify that any “water supply” which may be affected

must be identified, and that the permit application shall also include replacement cost calculations for these water supplies. There is also additional clarification that the Department will supply notice to water supply owners for those supplies that may be affected. Early identification and characterization of these potentially affected water supplies provides the water supply owner with adequate notice that the supply may be interrupted and notice of their rights under the regulations for replacement of the supply. Replacement options may cause a temporary disruption of the supply or inconvenience to the water supply owner. Agreement on the method and costs of a replacement can be contentious between the operator or mine owner and water supply owner. Early identification promotes an easier path to agreement and less inconvenience to the water supply owner.

#### *§§ 87.119 and 88.107 Hydrologic balance: water rights and replacement*

These sections are proposed to be reserved and replaced with §§ 87.119a and 88.107a, respectively.

#### *§§ 87.119a(a) and 88.107a(a) Water supply surveys*

These subsections are proposed to detail the requirements for the water supply survey and are expanded from the previous definition of “water supply survey” to provide greater clarity regarding the requirements of the survey.

The chemical and physical characteristics of the water to be measured are listed in subsection (a)(1)(iii). An operator or mine owner is excused from collecting information if the required collection measures pose an excessive inconvenience to the water supply owner or water supply user, or in the case of supplies that have existing treatment, if collecting a sample of untreated water is infeasible. These exceptions address situations such as when an operator or mine owner would have to excavate or remove a structure to gain access to a well or spring, or, for supplies with existing treatment, when there is no reasonable option to collect untreated water without risking contamination of the supply (that is, no port in the piping to obtain the water). The Department will make its determination that a scenario constitutes an excessive inconvenience or that collection is infeasible on a case-by-case basis. The operator or mine owner is required to use a certified laboratory for analysis of all water samples to ensure valid results.

Subsection (a)(2) is proposed to require the operators or mine owners to submit the results of the water supply survey to the Department, the water supply owner and water supply user prior to the issuance of a mining permit.

Under subsection (a)(3) of this proposed rulemaking, an operator or mine owner must complete a water supply survey prior to the time a water supply is susceptible to mining-related effects. All water supply surveys will likely be done during the initial surface mining application process, but some flexibility is provided in consideration of the extended duration of the life of the mine during which time additional water supplies may be developed within the original survey area.

Updates to the survey may be needed if the water uses change, a new supply replaces the original surveyed supply or some other groundwater influence occurs throughout the life of the operation. This additional information is required under the existing regulation relating to reporting of new information.

Subsection (a)(4) of this proposed rulemaking, regarding the rejection of surveys by the water supply owner, reorganizes requirements under existing subsections (c)

and (d) of §§ 87.119 and 88.107 regarding “defenses to presumption of liability” and “notification to the Department.” To alert operators of their requirement to document certain scenarios to preserve certain defenses, this proposed subsection reiterates and explains in an expanded form these requirements within the context of the water supply survey. In a situation where the operator is prohibited from gathering information about a water supply by the owner, the operator must show that they attempted to conduct the survey and supply evidence that the owner did not respond or denied the request.

*§§ 87.119a(b) and 88.107a(b) Water supply replacement obligations*

These subsections are proposed to be amended to include additional clarifications. There is no negligible limit to affecting a water supply and partial responsibility cannot feasibly be determined. If any effect on the supply is presumed or demonstrated as resulting from mining, the operator or mine owner is responsible for restoring or replacing the supply with a permanent alternative source adequate for the purposes served. The purposes served include any reasonably foreseeable uses of the water supply. OSM found the “reasonably foreseeable use” requirement to be an acceptable criterion for adequacy of a replacement supply during their December 27, 2001, review of the water supply replacement amendments to the Underground Mining Program. The concept of “reasonably foreseeable uses” is contained in the guidance document Water Supply Replacement and Permitting (# 563-2112-605).

*§§ 87.119a(c) and 88.107a(c) Temporary water supplies*

Sections 87.119a(c) and 88.107a(c) are proposed to include requirements for a temporary water supply that must be provided within 24 hours if the water supply owner or water supply user is without a readily available alternate source of water. The supply must be adequate to meet the premining needs. A water supply owner or water supply user’s needs are considered to include all needs that existed prior to impact and additional needs that arise between the time of impact and the time a permanent replacement water supply is established, provided those needs were within the capacity of the original water supply. The Department may determine in a preliminary review that the water supply loss is not related to the mining activity in which case the operator or mine owner will not be required to install a temporary supply. This determination may not be possible, however, within a 24-hour time frame, but the District Mining Office personnel who investigate water loss claims stated that they can regularly make this preliminary determination within 48 hours of notification of an impacted supply.

*§§ 87.119a(d) and 88.107a(d) Immediate replacement of water supply by the Department*

Sections 87.119a(d) and 88.107a(d) are proposed to address the immediate replacement of a water supply by the Department and the Department’s authority to recover costs is relocated verbatim from existing provisions in §§ 87.119(e) and 88.107(f), which restate section 4.2(f)(3) of PA SMCRA.

*§§ 87.119a(e) and 88.107a(e) Reimbursement*

Sections 87.119a(e) and 88.107a(e) are new requirements that are proposed to address reimbursement. In practice, reimbursement is negotiated when the water supply owner or water supply user has replaced the supply themselves, and it is later determined that the operator or mine owner is responsible for the water supply problem. The water supply owner or water supply

user may not have been aware of the water replacement rights or could not wait to have a functional supply restored.

While there is no similar Federal provision, OSM agrees that this reimbursement is an adequate means for the operator to achieve the purpose of Federal SMCRA to accept responsibility for a replacement of a water supply. The Department has included a process for the operator or mine owner to dispute the cost of a replacement supply if the new supply appears to be in excess of the premining characteristics of the supply, the purposes served by the supply, and reasonably foreseeable uses, that is, in excess of what the operator or mine owner would be required to replace.

The Department would then determine the fair cost of the reimbursement based on the evidence supplied by the operator or mine owner to that effect. A reasonable time period for reimbursement claims is limited to that of active mining and reclamation. The Department concluded that the 5-year period until final bond release is deemed to be adequate time for any reimbursement claims to be made known to the Department. The time limit for filing a reimbursement claim would not affect an operator’s obligation to restore or replace an impacted water supply if the impact is discovered after final bond release.

*§§ 87.119a(f) and 88.107a(f) Adequacy of permanently restored or replaced water supply*

Language regarding adequacy of the replacement supply is currently located in existing regulations under §§ 87.119(a) and 88.107(a). The criteria for whether a restored or replaced supply is adequate in quality and quantity are proposed to be located under their own subsection, subsection (f), and the concepts of “adequate quality” and “adequate quantity” have been expanded. The concept of a de minimis cost increase is removed from the reference to operation and maintenance costs.

The replacement supply must be comparable to the premining supply as documented in the water supply survey or meet standards of the Pennsylvania Safe Drinking Water Act. There may be rare circumstances where the water supply owner or water supply user can demonstrate that water quality beyond Pennsylvania Safe Drinking Water Act standards is necessary to meet the use served by the original supply. One example is where a replacement water supply includes a water softener to meet quality requirements and the resulting water would otherwise be detrimental to a water user with a low sodium dietary requirement. The Department believes that these instances would be rare and required only when compelling evidence from the water user can be provided. For a nondomestic supply, the quality must also be adequate for the reasonably foreseeable uses.

The standards for quantity must consider premining uses and the reasonably foreseeable uses of the original water supply. For example, the supply must be adequate to serve a reasonable number of residents as suitable for the home even if that many people do not reside in the home at the time of the replacement. Similarly, a nondomestic supply must be comparable to the premining supply in terms of reasonable expansion of the foreseeable uses. (For example, an agricultural supply should provide quantity adequate to use the existing facilities to their reasonable capacity.) Installation of storage systems/holding tanks is allowed only as a last effort after other alternatives to provide adequate quantity are attempted. These revisions are necessary to ensure that the Com-

monwealth's standards for replacement water supplies are no less effective than the Federal definition of "replacement of water supply" in 30 CFR 701.5, which requires that the replacement include an equivalent water delivery system. Connection to a public water supply would generally fulfill both quantity and quality requirements (with the additional O&M costs paid by the operator or mine owner) even when the water supply owner or water supply user objects to this source by personal preference.

The replacement supply must be fully functional to achieve quality and quantity, which means the operator or mine owner is responsible for all equipment and structures to put it into immediate service. This would not include, for example, replacement plumbing for reasons other than making the supply functional.

§§ 87.119a(g) and 88.107a(g) *Increased operation and maintenance costs*

Sections 87.119a(g) and 88.107a(g) are proposed to describe the procedure for determining O&M costs and providing for these costs so that the restored or replaced water supply is no more costly to operate and maintain than the original water supply. There are no de minimis limits to the cost increases. If the operation and maintenance costs of the restored or replaced water supply are higher than those of the original water supply, the operator or mine owner must make provisions to permanently cover the increased costs. To not do this would render the replacement a "lesser" supply, which is not allowed by Federal requirements as demonstrated by OSM's disapproval.

This proposed rulemaking is consistent with existing Department policy for calculating and providing O&M costs and time frames to accomplish the steps involved.

The duration of time for which an operator is required to pay O&M costs arose during previous discussions with stakeholders when the concept was placed into the Technical Guidance Document Increased Operation and Maintenance Costs of Replacement Water Supplies (562-4000-102). Commenters to this policy disagreed with the Department's position that the costs run with the land and not the owner at the time of the replacement. The concept has also been challenged before the Environmental Hearing Board (EHB). See, for example, *Carlson; Buffy and Landis v. DER*, 1990 EHB 1665, 1701 (*Buffy*); and *Lang et al. v. DEP*, 2003 EHB 145.

The EHB has explained that operators' (or mine owners') obligation to pay costs is permanent because a replacement supply which costs more to operate and maintain than the previous supply does not meet the requirements in section 4.2(f) of PA SMCRA for adequate quantity and quality. The obligation has been described by the EHB, in both *Buffy* and *Carlson*, as "ad infinitum" unless the current owner executes a valid settlement that releases the operator from obligation for continued payment as provided in the proposed subsections §§ 87.119a(g)(4) and (h)(1) and 88.107a(g)(4) and (h)(1).

If the water supply owner agrees, the operator can satisfy its obligation regarding increased cost at any time through a one-time payment to the water supply owner in an amount covering the present worth of the increased annual operation and maintenance cost for a period agreed to by both parties. Otherwise, a bond is posted for the amount calculated as specified to ensure that the water supply owner will receive the payments in the event the permit is forfeited for any reason.

§§ 87.119a(h) and 88.107a(h) *Special provisions for operation and maintenance costs*

Sections 87.119a(h) and 88.107a(h) are proposed to clarify two provisions for O&M costs: when the ownership of the supply changes; and if there are multiple supplies that have been replaced with associated increase in costs. As previously mentioned, previous discourse on the permanent nature of the O&M costs determined that the obligation was not limited to the current water supply owner. However, the water supply owner may choose to release the obligation through a settlement as described prior to selling the parcel with the supply. The new water supply owner would then assume the present costs of operating the supply with full knowledge of the discharged responsibility agreement.

The Department determined that it is reasonable to limit the operator's or mine owner's choice to consolidate O&M responsibilities under one bond provided that the bond is sufficient for the total of all supplies determined to be covered.

§§ 87.119a(i) and 88.107a(i) *Waivers*

Sections 87.119a(i) and 88.107a(i) are proposed to address the compensation as an alternative to replacement. PA SMCRA requires replacement of the water supply, therefore, compensation as an alternative to replacing the supply is generally not allowed. A water supply owner or water supply user may waive the operator's or mine owner's responsibility to replace a water supply only in the situation where the supply is not necessary to achieve the approved post-mining land use. The operator or mine owner may not decide that the supply can be abandoned; the Department must make the determination that abandonment is appropriate and that all parties of interest knowingly and willingly agree to abandon the water supply.

§§ 87.119a(j) and 88.107a(j) *Presumption of liability*

Sections 87.119a(j) and 88.107a(j) recite provisions from PA SMCRA that provide that the operator or mine owner is presumed to be liable for water supply pollution and diminution within 1,000 feet of areas affected by mining (see 52 P.S. § 1396.4b(f)(2)). These subsections specify that the presumptive area includes support areas but does not include haul and access roads and that there are some exceptions. (For example, bacteriological contamination of a water supply is not reasonably associated with mining activity.)

The existing subsections also restate five defenses to the presumption that exist in PA SMCRA, including one defense that the operation is located outside the 1,000-foot area. This proposed revision makes no changes to the statutory defenses but clarifies the criteria for the operator or mine owner to be excluded from the presumption of responsibility. First, the supply must be accurately located outside the 1,000-foot perimeter to the affected surface mining areas. Support areas are included as "surface mining activities," defined in Chapter 86 (relating to surface and underground coal mining: general).

Other defenses to presumption of responsibility include the following:

- 1.) The water supply owner refused to allow the operator to collect information about the existing water supply (that is, the water supply survey) prior to mining. During the application process, the water supply owner is provided with the survey and advised of their rights under the law. If they deny access to the operator or mine



owner, and the operator or mine owner cannot accurately assess the condition and quality of the supply, then the presumption is rebutted.

2.) The water supply owner or water supply user refused access to the supply to determine the extent of pollution or diminution. As in the first defense, listed previously, the operator or mine owner cannot accurately assess the claim that the condition or quality of the supply has been impacted, and therefore the presumption is rebutted.

3.) After collecting information, the operator or mine owner can demonstrate that there is some cause other than the mining activity that impacted the water supply.

4.) The operator or mine owner can demonstrate that the pollution or diminution existed prior to commencing mining activities.

If the operator or mine owner asserts that one or more defenses apply, the operator or mine owner must provide supporting evidence to the Department.

The refusal of access to survey or investigate a water supply may only be used to nullify the presumption of liability. It does not negate the potential responsibility to replace the supply if mining activity is the cause of the disruption. If a water supply is within 1,000 feet, the burden is on the operator to replace the supply or rebut the presumption of liability. When outside 1,000 feet, the burden is on the water supply owner, water supply user or the Department to show that the mining activity is the cause.

Where the affected supply lies within the 1,000-foot presumption of liability area but has been rebutted for a reason provided in this subsection, the burden of evidence shifts to the water supply owner, water supply user or the Department to demonstrate the operator or mine owner is responsible for the disruption. The Department gathers additional information in an investigation of the complaint, just as with a claim outside the 1,000-foot area, to determine if the cause is mining-related.

*§§ 87.119a(k) and 88.107a(k) Operator cost recovery*

Sections 87.119a(k) and 88.107a(k) replace existing provisions in §§ 87.119(g) and 88.107(g) that were disapproved by OSM in 2005 due to the repeal of the underlying provision that was section 4.2(f)(5) of PA SMCRA. See the act of December 20, 2000 (P.L. 980, No. 138) 27 Pa.C.S. § 7708 (relating to costs for mining proceedings). These subsections are proposed to address an operator's or mine owner's ability to recover costs by referencing 27 Pa.C.S. § 7708, the current statute related to costs for mining proceedings.

*§§ 87.119a(l) and 88.107a(l) Other remedies*

Sections 87.119a(l) and 88.107a(l) are proposed to clarify that nothing in these regulations would prevent a water supply owner or water supply user from pursuing any other remedy provided in law or equity when claiming pollution or diminution of a water supply. These subsections also provide that an operator or mine owner is not prevented from pursuing other legal remedies should they incur costs in restoring or replacing a supply that experienced pollution or diminution caused by third parties.

*§§ 87.119a(m) and 88.107a(m) Issuance of new permits*

Sections 87.119a(m) and 88.107a(m) are proposed to remove language from existing §§ 87.119(i) and 88.107(i) that indicated that a Department order to restore or replace a water supply would not affect final bond

release. OSM did not approve this section as previously written because it could be construed as allowing final bond release while a water supply replacement order was in effect. Consistent with the Department's authority under section 4(g) of PA SMCRA, and as codified in the mining regulations in §§ 86.172 and 86.174 (relating to criteria for release of bond; and standards for release of bonds), the Department will approve Phases 1 and 2 of bond release as requested by the operator if the reclamation standards for these areas have been met. However, final bond release, Phase 3, will not be approved if an order is outstanding because the standards of PA SMCRA will not have been fully met.

*§§ 87.119a(n) and (o) and 88.107a(n) and (o) Department authority and exceptions*

These sections are proposed to change the reference from §§ 87.119(j) and (k) and 88.107(j) and (k) to the proposed designation in §§ 87.119a(n) and (o) and 88.107a(n) and (o). There are no changes made to the existing provisions currently at §§ 87.119(j) and (k) and 88.107(j) and (k), respectively.

*§§ 89.173 and 90.116a Performance standards and hydro-logic balance*

These sections are revised to change the reference of § 87.119 to the proposed designation in § 87.119a.

*§ 88.381 General requirements*

This section is revised to change the reference of § 88.107 to the proposed designation in § 88.107a.

*F. Benefits, Costs and Compliance*

*Benefits*

Because the revisions incorporated in this proposed rulemaking will resolve inconsistencies between existing Department regulations and Federal requirements, they will allow the Commonwealth to maintain primary regulatory authority over coal mining activities. This proposed rulemaking will also codify mine operator responsibility that exists under State law and as articulated in Department policy documents, which will therefore provide clarity to mine operators regarding compliance standards for water supply replacement and protect the rights of water supply owners and users.

The consolidation of requirements into the surface mining chapters of the regulations promotes public understanding of these rights and responsibilities. Both water supply owners and surface coal mine operators will benefit by having these requirements in the mining regulations published in the *Pennsylvania Code* instead of in Department policy documents. In particular, this proposed rulemaking now clarifies that if a water supply is presumed to be affected by mining, the owner of that supply is entitled to temporary water, saving them a potential cost of around \$1,000 to \$2,000.

The Department surveyed the District Mining Offices for information regarding water supply replacement. The responses showed that claims for water supply replacement in association with surface mines are low in number per year and are usually easily resolved between the water supply owner and operator or mine owner. This proposed rulemaking outlines a process to ensure that water losses are anticipated in advance to the reasonable extent possible so that the water supply user is spared excessive inconvenience and interruption to the supply and that operation and maintenance cost agreements can be determined fairly and concluded expeditiously.

*Compliance costs*

This proposed rulemaking is likely to have no impact on existing costs for compliance. The requirements included in this proposed rulemaking are largely based on Federal requirements or developments in State law that are currently implemented through Department policy; therefore, nothing in this proposed rulemaking is likely to increase or decrease costs to the operator or mine owner.

*Compliance assistance plan*

Compliance assistance for this proposed rulemaking will be provided through the Department’s routine interaction with trade groups and individual applicants. There are about 400 licensed surface coal mining operators in this Commonwealth that will be subject to this proposed rulemaking.

The Department will update Program guidance and provide information on the web site to assist mine operators with compliance.

*Paperwork requirements*

This proposed rulemaking does not require additional paperwork. Forms already exist to collect the information requirements to be supplied by the mine operator with regards to this proposed rulemaking. The surface coal mining application sections applicable to water supplies will require minor revisions to reflect the regulatory changes. This will be done in conjunction with the MRAB at a later date. The form regarding the Abandonment of Water Supply Agreement will be revised to remove the “de minimus” language. A new form, Model Water Supply Settlement Agreement and Release, is proposed that can be used when the mine owner or operator enters into an agreement with the water supply owner to provide a replacement supply and all the requirements entailed.

*G. Pollution Prevention*

The Pollution Prevention Act of 1990 (42 U.S.C.A. §§ 13101—13109) established a National policy that promotes pollution prevention as the preferred means for achieving state environmental protection goals. The Department encourages pollution prevention, which is the reduction or elimination of pollution at its source, through the substitution of environmentally friendly materials, more efficient use of raw materials and the incorporation of energy efficiency strategies. Pollution prevention practices can provide greater environmental protection with greater efficiency because they can result in significant cost savings to facilities that permanently achieve or move beyond compliance. This proposed rulemaking has minimal impact on pollution prevention since it is predominantly focused on updating regulations to reflect current Federal requirements, amendments to state statutes and references to citations.

*H. Sunset Review*

The Board is not proposing a sunset date for these regulations, since they are needed for the Department to carry out its statutory authority. The Department will continue to closely monitor these regulations for their effectiveness and recommend updates to the Board as necessary.

*I. Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on October 15, 2019, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Environmental Resources

and Energy Committees. A copy of this material is available to the public upon request.

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

*J. Public Comments*

Interested persons are invited to submit to the Board written comments, suggestions, support or objections regarding this proposed rulemaking. Comments, suggestions, support or objections must be received by the Board by December 2, 2019. Comments may be submitted to the Board online, by e-mail, by mail or express mail as follows.

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

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

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

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

PATRICK McDONNELL,  
*Chairperson*  
*Environmental Quality Board*

**Fiscal Note:** 7-545. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 25. ENVIRONMENTAL PROTECTION  
PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION  
SUBPART C. PROTECTION OF NATURAL RESOURCES**

**ARTICLE I. LAND RESOURCES**

**CHAPTER 87. SURFACE MINING OF COAL**

**Subchapter A. GENERAL PROVISIONS**

**§ 87.1. Definitions.**

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

\* \* \* \* \*

*Degree*—The inclination from the horizontal.

**[De minimis cost increase—For purposes of § 87.119 (relating to hydrologic balance: water rights and replacement), a cost increase which meets one of the following criteria:**

(i) Is less than 15% of the annual operation and maintenance costs of the previous water supply that is restored or replaced.

(ii) Is less than \$60 per year. ]

*Disturbed area*—An area where vegetation, topsoil or overburden is removed or upon which topsoil, spoil, coal processing waste or noncoal waste is placed by surface coal mining activities. Those areas are classified as disturbed until reclamation is complete and the performance bond or other assurance of performance required by Chapter 86 Subchapter F (relating to bonding and insurance requirements) is released.

\* \* \* \* \*

*Noxious plants*—Species that have been included on official State lists of noxious plants.

*Operation and maintenance costs*—All costs incurred by the water supply owner or water supply user associated with utilizing that supply for the purposes served. Examples of these costs include electricity, chemicals, treatment system maintenance, public water fees and equipment replacement costs.

*Outslope*—The face of the soil or embankment sloping downward from the highest elevation to the toe.

\* \* \* \* \*

*Water supply*—For the purpose of §§ 87.47 and 87.119a (relating to alternative water supply information; and hydrologic balance: water rights and replacement) [ and § 87.119 ], an existing [ or currently ], designated, or currently planned source of water [ or ], facility, or system for the supply of water for human consumption or for agricultural, commercial, industrial or other uses. Natural soil moisture utilized by vegetation or crops is not a water supply.

*Water supply owner*—Landowner or water supply company.

[ *Water supply survey*—

(i) The collection of reasonably available information for a water supply to establish:

(A) The location, type and use of the water supply.

(B) The chemical and physical characteristics of the water.

(C) The quantity of the water.

(D) The physical description of the water supply, including the depth and diameter of the well, length of casing and description of the treatment and distribution systems.

(E) Hydrogeologic data such as the static water level and yield determination.

(ii) Reasonably available information is information which can be collected without extraordinary effort or the expenditure of excessive sums of money. ]

*Water table*—The upper surface of a zone of saturation, where the body of groundwater is not confined by an overlying impermeable zone.

**Subchapter C. SURFACE COAL MINES: MINIMUM REQUIREMENTS FOR INFORMATION ON ENVIRONMENTAL RESOURCES**

**§ 87.47. Alternative water supply information.**

The application shall identify the extent to which the proposed surface mining activities may result in contamination, diminution or interruption of [ **an underground or surface source of water** ] **any water supply** within the proposed permit or adjacent area [ **for domestic, agricultural, industrial or other legitimate use** ]. If contamination, pollution, diminution or interruption may result, then the description shall identify the means to restore or replace the affected water supply in accordance with § [ 87.119 ] **87.119a** (relating to hydrologic balance: water rights and replacement), **including cost calculations. The Department will notify the owner of any potentially affected supply.**

**Subchapter E. SURFACE COAL MINES: MINIMUM ENVIRONMENTAL PROTECTION PERFORMANCE STANDARDS**

**§ 87.119. [ Hydrologic balance: water rights and replacement ] Reserved.**

[ (a) *Water supply replacement obligations.* The operator of any mine or a person engaged in government-financed reclamation who affects a water supply by contamination, pollution, diminution or interruption shall restore or replace the affected water supply with an alternate source, adequate in water quantity and water quality, for the purpose served by the water supply.

(1) To be adequate, the restored or replacement water supply, at a minimum, shall:

(i) Be as reliable as the previous water supply.

(ii) Be as permanent as the previous water supply.

(iii) Not require excessive maintenance.

(iv) Provide the owner and the user with as much control and accessibility as exercised over the previous water supply. The use of a public water supply as a replacement water supply provides the owner and the user adequate control and accessibility.

(v) Not result in more than a de minimis cost increase to operate and maintain.

(2) If the operating and maintenance costs of the restored or replacement water supply are more than a de minimis cost increase, the operator shall provide for the permanent payment of the increased operating and maintenance costs of the restored or replacement water supply.

(3) The requirement contained in this subsection to restore or replace an affected water supply or an individual requirement of paragraphs (1) and (2) may be waived. The waiver shall be in writing on a form prepared by the Department. Everyone who possesses an ownership interest in the water supply shall sign the waiver. The form shall be recorded at the office of the recorder of deeds in the county in which the water supply is situated and a notarized copy of the form shall be provided to the Department.



**(b) Presumption of liability for pollution.**

(1) It shall be presumed, as a matter of law, that a surface mine operator or mine owner is responsible without proof of fault, negligence or causation for all pollution, except bacteriological contamination, and diminution of public or private water supplies within 1,000 linear feet (304.80 meters) of the boundaries of the areas bonded and affected by coal mining operations, areas of overburden removal and storage and support areas except for haul and access roads.

(2) If surface mining activities are conducted on areas which are not permitted or bonded, it shall be presumed, as a matter of law, that the surface mine operator or mine owner is responsible without proof of fault, negligence or causation for all pollution, except bacteriological contamination, and diminution of public or private water supplies within 1,000 linear feet (304.80 meters) of the land affected by the surface mining activities.

(c) *Defenses to presumption of liability.* There are only five defenses to the presumption of liability provided in subsection (b). For any of the five defenses to apply, the mine operator or mine owner shall affirmatively prove by a preponderance of evidence that one or more of the following conditions exists:

(1) The landowner or water supply company refused to allow the surface mine operator or mine owner access to conduct a water supply survey prior to commencing surface mining activities.

(2) The water supply is not within 1,000 linear feet (304.80 meters) of:

(i) The boundaries of areas bonded and affected by coal mining operations, areas of overburden removal and storage and areas used for support but not including haul and access roads.

(ii) The boundaries of areas affected by surface mining activities in areas which are not bonded.

(3) The pollution or diminution existed prior to the surface mining activities as evidenced by a water supply survey conducted prior to commencing surface mining activities and as documented in the approved surface mine permit application submitted to the Department prior to permit issuance.

(4) The pollution or diminution occurred as a result of some cause other than the surface mining activities.

(5) The landowner, water supply user or water supply company refused to allow the surface mine operator or mine owner access to determine the cause of pollution or diminution or to replace or restore the water supply.

(d) *Notification to Department.* The surface mine operator or mine owner shall notify the Department and provide all information which supports a defense to the presumption of liability when one or more of the five defenses to the presumption of liability provided in subsection (c) are met. If a surface mine operator's or mine owner's defense to the presumption of liability is based on the conditions of subsection (c)(1), the operator or owner shall submit evidence to the Department demonstrating that the landowner or water supply company was notified by certified mail or personal

service that the refusal of access to conduct a water supply survey could be used to rebut a presumption of liability.

(e) *Immediate replacement of water supply.* If the Department finds that immediate replacement of an affected water supply used for potable or domestic purposes is required to protect public health or safety and the surface mine operator or mine owner has failed to comply with an order issued under section 4.2(f) of SMCRA (52 P.S. § 1396.4b(f)), the Department may use moneys from the Surface Mining Conservation and Reclamation Fund to restore or replace the affected water supply.

(f) *Department cost of recovery.* The Department will recover the costs of restoration or replacement, the costs of temporary water supply and costs incurred for design and construction of facilities from the responsible surface mine operator or mine owner. Costs recovered will be deposited in the Surface Mining Conservation and Reclamation Fund.

(g) *Operator cost recovery.* A surface mine operator or mine owner who appeals a Department order, provides a successful defense during the appeal to the presumptions of liability and is not otherwise held responsible for the pollution or diminution is entitled to recovery of reasonable costs incurred, including, but not limited to, the costs of temporary water supply, design, construction, and restoration or replacement costs from the Department.

(h) *Other remedies.* Nothing in this section prevents a landowner, water supply user or water supply company who claims pollution or diminution of a water supply from pursuing any other remedy that may be provided for in law or in equity.

(i) *Issuance of new permits.* A Department order issued under this section which is appealed will not be used to block issuance of new permits or the release of bonds when a stage of reclamation work is completed.

(j) *Department authority.* Nothing in this section limits the Departments authority under section 4.2(f)(1) of SMCRA.

(k) *Exception.* A surface mining operation conducted under a surface mining permit issued by the Department before February 16, 1993, is not subject to subsections (b)—(i), but is subject to subsections (a) and (j). ]

**§ 87.119a. Hydrologic balance: water rights and replacement.**

(a) *Water supply surveys.* The operator or mine owner shall conduct a survey of the quantity and quality of all water supplies within the permit area and those in adjacent areas that may be affected by mining activities, except when the water supply owner denies the operator or mine owner access for the survey.

(1) The survey must include the following information to the extent that it can be collected without excessive inconvenience to the water supply owner or water supply user:

- (i) The location and type of water supply.
- (ii) The existing and reasonably foreseeable uses of the water supply.
- (iii) The chemical and physical characteristics of the water, including, at a minimum, total dissolved solids or specific conductance corrected to 25°C, pH, total iron, total manganese, acidity, alkalinity and sulfates. Additional parameters, including hardness and total coliform, may be required by the Department based on the local aquifer conditions and the characteristics of the water supply and uses. An operator or mine owner who obtains water samples in a premining or postmining survey shall utilize a certified laboratory to analyze the samples. For water supplies with existing treatment, the treatment system must be documented and a chemical analyses of the untreated water shall be obtained if a sample that bypasses the treatment can feasibly be collected.
- (iv) Historic and recent quantity measurements and other hydrogeologic data such as the static water level and yield determination.
- (v) The physical description of the water supply, including the depth and diameter of the well, length of casing and description of the treatment and distribution systems.
- (vi) Sufficient sampling and other measurements to document the seasonal variation in hydrologic conditions of the water supply.

(2) The operator or mine owner shall submit the results of all qualitative analyses and quantity measurements gathered as part of a water supply survey to the Department and supply a copy to the water supply owner and water supply user prior to the issuance of a mining permit.

(3) A water supply survey shall be conducted prior to the time a water supply is susceptible to mining-related effects and shall be made part of the application for surface mining permit submitted to the Department. An update to the original survey may be required after permit issuance under the requirements of § 86.53 (relating to reporting of new information).

(4) If the operator or mine owner is prohibited from making a premining or postmining survey because the water supply owner will not allow access to the site, the operator or mine owner shall submit evidence to the Department of the following:

- (i) The operator or mine owner notified the water supply owner by certified mail or personal service of the water supply owner's rights and the effect on the water supply owner of the water supply owner's denial to the operator or mine owner of access to the site under section 4.2 of SMCRA (52 P.S. § 1396.4b).
- (ii) The operator or mine owner attempted to conduct a survey.

(iii) The water supply owner failed to authorize access to the operator or mine owner to conduct a survey within 10 days of receipt of the operator's or mine owner's notice of intent to survey.

(b) *Water supply replacement obligations.*

(1) The operator or mine owner of any mine who affects a water supply to any demonstrable extent

by contamination, pollution, diminution or interruption shall promptly restore or replace the affected water supply with a permanent alternate supply adequate in water quantity and water quality for the purposes served by, and the reasonably foreseeable uses of, the water supply. The operator or mine owner shall provide to the Department, in writing, the description of the location of a restored or replaced water supply and the name and address of the water supply owner under the requirements of § 86.53.

(2) For any water supply that will, with a reasonable degree of certainty established by supporting evidence, be affected by contamination, pollution, diminution or interruption by the proposed mining, the operator or mine owner shall provide a replacement supply prior to commencing the activity.

(c) *Temporary water supplies.* If the affected water supply owner or water supply user whose supply is in the area of presumption as defined in paragraph (j)(1) is without a readily available alternate source of water, the operator or mine owner shall provide a temporary water supply within 24 hours of being contacted by the water supply owner, water supply user, or the Department, whichever occurs first. The temporary water supply provided under this subsection shall meet the quality requirements of paragraph (f)(2) and provide sufficient quantity to meet the water supply owner or water supply user's premining needs. The requirement for a temporary water supply may be subject to a preliminary determination by the Department.

(d) *Immediate replacement of water supply by the Department.*

(1) If the Department finds that immediate replacement of an affected water supply used for potable or domestic purposes is required to protect public health or safety and the operator or mine owner has failed to comply with an order issued under section 4.2(f) of SMCRA, the Department may use moneys from the Surface Mining Conservation and Reclamation Fund to restore or replace the affected water supply.

(2) The Department will recover the costs of restoration or replacement, the costs of temporary water supply and costs incurred for design and construction of facilities from the responsible operator or mine owner. Costs recovered will be deposited in the Surface Mining Conservation and Reclamation Fund.

(e) *Reimbursement.* If a water supply is restored or replaced by the water supply owner or water supply user prior to establishing that mining activity is responsible for the pollution or diminution, the responsible operator or mine owner shall reimburse the water supply owner or water supply user the cost of replacing or restoring the supply including payment of operation and maintenance costs as described in subsection (g). If the operator or mine owner disputes the cost as presented by the water supply owner or water supply user, the operator or mine owner may present to the Department comparable estimates meeting the requirements of paragraph (b)(1) from three water supply installers in the area. The Department will determine fair cost of reimbursement based upon these estimates and

any other applicable information. Without affecting a water supply owner's or water supply user's other rights consistent with subsection (l), an affected water supply owner or water supply user may make a reimbursement claim to the Department against an operator or mine owner only until final release of the reclamation bond for the site.

(f) *Adequacy of permanently restored or replaced water supply.* A permanently restored or replaced water supply shall include any well, spring, municipal water supply system or other supply approved by the Department which meets the following criteria for adequacy:

(1) *Reliability, maintenance and control.* As documented in the premining water supply survey, a restored or replaced water supply, at a minimum, shall:

- (i) Be as reliable as the previous water supply.
- (ii) Be as permanent as the previous water supply.
- (iii) Not require excessive maintenance.
- (iv) Provide the water supply owner and the water supply user with as much control and accessibility as exercised over the previous water supply.
- (v) Not result in increased cost of operation and maintenance for the water supply owner or water supply user, unless the operator or mine owner has provided for payment of the increased cost as described under subsection (g).

(2) *Quality.* A restored or replaced water supply will be deemed adequate in quality if it meets the following:

(i) For a domestic supply, the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17) standards, or a quality comparable to the premining water supply if that water supply did not meet these standards. The Department may require that the quality of the restored or replaced water supply be equivalent to the premining supply in particular circumstances where the water supply owner or water supply user has demonstrated that this standard is necessary for the purposes served by the current supply.

(ii) For other than a domestic supply, the premining quality established by the water supply survey data or an adequate quality of water needed for the purposes served by and the reasonably foreseeable uses of the supply.

(3) *Quantity.* For purposes of this paragraph the term "reasonably foreseeable uses" includes the reasonable expansion of use where the quantity of the water supply available prior to mining was adequate to supply the foreseeable uses. A restored or replaced water supply will be deemed adequate in quantity if it meets one of the following:

(i) It delivers the amount of water necessary to satisfy the purposes served by the supply as documented in the water supply survey including the demands of any reasonably foreseeable uses. The Department will not accept the use of water storage systems in conjunction with the replaced or restored supply in order to meet quantity requirements, unless the operator or mine owner can demonstrate the existence of no reasonable alternative.

(ii) It is established through a connection to a public water supply system that is capable of delivering the amount of water necessary to satisfy the water supply owner's or water supply user's needs and the demands of any reasonably foreseeable uses.

(4) *Water source serviceability.* Replacement of a water supply shall include the installation of all piping, pumping equipment, and treatment equipment necessary to put the replaced water source into service.

(g) *Increased operation and maintenance costs.* If the operation and maintenance costs of the restored or replaced water supply are more than those of the previous supply, the operator or mine owner shall provide for the permanent payment of the increased operation and maintenance costs of the restored or replaced water supply in accordance with the following procedure:

(1) *Determining costs.* The Department will determine the amount of the annual increase in operation and maintenance costs of the restored or replaced water supply based on current actual uses of the water supply.

(i) In consultation with the water supply owner or water supply user, the operator or mine owner shall use a minimum of 6 months of data, including high and low use periods, to ascertain the cost of operating and maintaining the replacement water supply. The data collection period should not exceed one year from the date the replacement water supply is functional unless the Department determines a reason to extend the period. During this collection period, the operator or mine owner pays the operation and maintenance costs.

(ii) Within 30 days after the end of the data collection period, the operator or mine owner shall submit to the Department, and to the water supply owner by certified mail, the operator's or mine owner's calculation of the annual increased operation and maintenance costs and a plan for payment of these costs. The water supply owner may respond to the proposed calculation of costs within 30 days from receipt of the certified mail.

(iii) The Department will review the operator's or mine owner's information, the water supply owner's information and any other information the Department deems relevant and will determine the amount of annual increase in operation and maintenance costs.

(iv) In determining the amount of annual increase in operation and maintenance costs, the Department will take into account contingencies and the precision of the cost estimates.

(2) *Provisions for payment.* Within 60 days of the Department's determination of the annual increased cost, the operator shall post a surety or collateral bond in an amount calculated in accordance with paragraph (g)(3). This bond is subject to the following provisions:

(i) The bond shall be submitted on a form prepared by the Department, separate from the designated reclamation bond.

(ii) The bond amount will be reviewed and adjusted as necessary and in accordance with § 86.152



(relating to bond adjustments) at an interval no less than every 5 years in conjunction with the permit renewal.

(iii) A replacement bond must be posted by any successor operator of the associated permit.

(iv) If a water supply operation and maintenance costs bond is forfeited, money received from the forfeiture of the bond can be used only for the water supply for which the Department forfeited the bond unless this supply has since been abandoned. The money will be paid by the Department to the current water supply owner as a settlement of the water supply owner's claim for increased operation and maintenance costs for the water supply for which the bond was forfeited. If a permittee has posted a bond for multiple water supplies the monies will be paid to the water supply owners on a prorated basis, based on the respective operation and maintenance costs.

(3) *Bond calculation.* Calculation of the amount of bond necessary to assure payment of operation and maintenance costs will be accomplished through the following procedure:

(i) The annual increased operation and maintenance costs are determined as in paragraph (g)(1).

(ii) This cost is then projected through 1 year beyond the term of the associated permit accounting for inflation through this time period. The following formula is used to calculate the projected costs.

$$OM_x = OM * (1 + E)^x$$

Where:

$OM_x$  is the projected cost for operation and maintenance,

$OM$  is the annual increased operation and maintenance costs,

$E$  is inflation rate based on the average Consumer Price Index as a decimal,

$x$  is years to renewal plus one.

(iii) The projected cost is then used to calculate bond value that is necessary to assure payment of operation and maintenance costs. This bond value can be established by using the projected cost determined in subparagraph (ii) in the following formula:

$$\text{Bond} = OM_x / \frac{(i - E)}{(1 + E)}$$

Where:

$Bond$  is the present value of the funds needed to cover increased operation and maintenance costs in perpetuity,

$i$  is the historic, long-term rate of return on investments based on Treasury Bills as a decimal,

$OM_x$  and  $E$  are defined as in subparagraph (ii).

(iv) The Department will annually recalculate values for the variables  $i$  and  $E$  used in the previous formulas and publish these values in the *Pennsylvania Bulletin*.

(4) *Release of obligation.* A voluntary agreement between the water supply owner and the operator or mine owner may be executed at any time. This agreement shall include a notarized statement signed by the water supply owner that documents the settlement of increased operation and maintenance costs to the satisfaction of all parties. This agreement shall be on forms provided by the Department and recorded with the deed to the property, with an original signed, recorded document submitted to the Department upon completion. Upon receipt of the fully executed and recorded release, the Department will consider the operator's or mine owner's obligation to pay increased operation and maintenance costs for the water supply to be satisfied and any bonds posted for this supply can be released.

(h) *Special Provisions for operation and maintenance costs.*

(1) Should ownership of the affected water supply change, the operator or mine owner must continue to pay the increased operation and maintenance costs unless a release outlined in paragraph (g)(4) is executed.

(2) An operator who incurs the obligation to pay for increased operation and maintenance costs for multiple water supplies may post one bond that covers the increased operation and maintenance costs for multiple water supplies. The procedures for calculating this bond amount shall be consistent with a single supply bond value as described in paragraph (g)(3) but the bond amount must be sufficient to provide for the payment for each water supply in the event that the operator defaults on the legal obligation of permanent payment.

(i) *Waivers.*

(1) The requirement to restore or replace an affected water supply may be waived by the Department if the Department determines that the affected water supply is to be abandoned whereby a replacement is no longer needed based on the approved post-mining land use.

(2) If a water supply is to be abandoned as in paragraph (i)(1), a notarized written statement signed by all persons who possess an ownership interest in the water supply shall be submitted to the Department establishing that the individuals knowingly and willingly agree to abandon the water supply. This document shall be recorded with the deed to the property at the office of the recorder of deeds.

(j) *Presumption of liability.*

(1) It shall be presumed, as a matter of law, that a surface mine operator or owner is responsible without proof of fault, negligence or causation for all pollution and diminution, except for bacteriological contamination, of public or private water supplies within 1,000 linear feet (304.80 meters) of the boundaries of any areas affected by surface mining activities whether or not permitted, including all reclaimed areas that underwent these activities. Areas utilized solely for haul and access roads shall not be included in the presumption area.

(2) Other than if the operator, mine owner, or the Department determines that the water supply is

not within the 1,000 foot area as described in paragraph (j)(1), the presumption is voided if the operator or mine owner can affirmatively prove by a preponderance of the evidence one or more of the following:

(i) The water supply owner refused to allow the operator or mine owner access to conduct a water supply survey prior to commencing surface mining activities.

(ii) The water supply owner or water supply user refused to allow the operator or mine owner access to determine the cause of pollution or diminution or to replace or restore the water supply.

(iii) The pollution or diminution existed prior to the surface mining activities as evidenced by a water supply survey conducted prior to commencing surface mining activities and as documented in the approved surface mine permit application submitted to the Department prior to permit issuance.

(iv) The pollution or diminution is not a result of the surface mining activities.

(3) If the operator or mine owner intends to demonstrate the presumption of liability is not applicable, they shall notify the Department and provide information in support of the demonstration. If asserting that access was denied, evidence must be provided showing that the water supply owner was notified by certified mail or personal service that the refusal of access to conduct a water supply survey or assessment may be used to rebut the presumption of liability. The Department will consider information provided under this paragraph in determining if mining activity caused the pollution or diminution and make a determination within 90 days of the operator's or mine owner's submissions.

(k) Operator cost recovery. An operator or mine owner who prevails in an appeal of a Department order to replace a water supply may pursue recovery of costs in accordance with 27 Pa.C.S. § 7708 (relating to costs for mining proceedings).

(l) Other remedies. Nothing in this section prevents a water supply owner or water supply user who claims pollution or diminution of a water supply from pursuing any other remedy that may be provided for in law or in equity. This section also does not prevent an operator or mine owner from pursuing any remedy in law or in equity should the operator incur costs for restoring or replacing a water supply that experienced pollution or diminution caused by third parties.

(m) Issuance of new permits. A Department order issued under this section which is appealed will not be used to block issuance of new permits.

(n) Department authority. Nothing in this section limits the Department's authority under section 4.2(f)(1) of SMCRA.

(o) Exception. A surface mining operation conducted under a surface mining permit issued by the Department before February 16, 1993, is not subject to subsections (a) and (c)—(m) but is subject to subsections (b) and (n).

**CHAPTER 88. ANTHRACITE COAL**  
**Subchapter A. GENERAL PROVISIONS**  
**PRELIMINARY PROVISIONS**

**§ 88.1. Definitions.**

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

\* \* \* \* \*

*Degree*—The inclination from the horizontal.

**[ *De minimis cost increase*—For purposes of § 88.107 (relating to hydrologic balance: water rights and replacement), a cost increase which meets one of the following criteria:**

**(i) Is less than 15% of the annual operation and maintenance costs of the previous water supply that is restored or replaced.**

**(ii) Is less than \$60 per year. ]**

*Disturbed area*—An area where vegetation, soil or overburden is removed or upon which soil, spoil, coal processing waste or noncoal waste is placed by surface coal mining activities. Those areas are classified as disturbed until reclamation is complete and the performance bond or other assurance of performance required by Chapter 86 Subchapter F (relating to bonding and insurance requirements) is released.

\* \* \* \* \*

*Open pit mining*—The type of surface mining operation involving one or more of the following:

(i) Basin removal operations where the open pit encompasses the entire cross section of a synclinal basin or a significant portion thereof unless the cross section of the synclinal basin is relatively narrow, less than 1,500 feet in width, in which case the operation will be classified as modified block-cut mining upon a demonstration by the operator that the requirements of § 88.115(c)(1) are met.

(ii) Area mining operations.

(iii) Overburden haul back operations.

(iv) Mining operations where multiple seams are being mined concurrently within a single mining phase or multiple mining phases, if the sequence of mining and reclamation operations are controlled by this phase mining plan developed by the coal operator and the timing of backfilling and grading operations is controlled by the backfilling schedule approved by the Department.

***Operation and maintenance costs*—All costs incurred by the water supply owner or water supply user associated with utilizing that supply for the purposes served. Examples of these costs include electricity, chemicals, treatment system maintenance, public water fees and equipment replacement costs.**

*Outslope*—The face of the spoil or embankment sloping downward from the highest elevation to the toe.

\* \* \* \* \*

*Water supply*—For the purpose of §§ 88.27 and 88.107a (relating to alternative water supply information; and hydrologic balance: water rights and replacement) [ and § 88.107 ], an existing [ or currently ], designated, or currently planned source of water [ or ] facility, or system for the supply of water for human consumption or for agricultural, commercial, industrial or

other uses. Natural soil moisture utilized by vegetation or crops is not a water supply.

Water supply owner—Landowner or water supply company.

[ *Water supply survey—*

(i) The collection of reasonably available information for a water supply to establish:

(A) The location, type and use of the water supply.

(B) The chemical and physical characteristics of the water.

(C) The quantity of the water.

(D) The physical description of the water supply, including the depth and diameter of the well, length of casing and description of the treatment and distribution systems.

(E) Hydrogeologic data such as the static water level and yield determination.

(ii) Reasonably available information is information which can be collected without extraordinary effort or the expenditure of excessive sums of money. ]

*Water table*—The upper surface of a zone of saturation where the body or groundwater is not confined by an overlying impermeable zone.

#### ANTHRACITE COAL MINING ACTIVITIES: APPLICATION REQUIREMENTS AND PREMINING RESOURCES

##### § 88.27. Alternative water supply information.

The application shall identify the extent to which the proposed anthracite coal surface mining activities may result in contamination, diminution or interruption of [ an underground or surface source of water ] any water supply within the proposed permit or adjacent area [ for domestic, agricultural, industrial or other legitimate use ]. If contamination, pollution, diminution or interruption may result, then the description shall identify the means to restore or replace the affected water supply in accordance with Subchapters B, C or D (relating to surface anthracite coal mines: minimum environmental protection performance standards; anthracite bank removal and reclamation: minimum environmental protection performance standards; and anthracite refuse disposal: minimum environmental protection performance standards), including cost calculations. The Department will notify the owner of any potentially affected supply.

#### Subchapter B. SURFACE ANTHRACITE COAL MINES: MINIMUM ENVIRONMENTAL PROTECTION PERFORMANCE STANDARDS

##### § 88.107. [ Hydrologic balance: water rights and replacement ] Reserved.

[ (a) *Water supply replacement obligations.* The operator of any mine or a person engaged in government-financed reclamation who affects a water supply by contamination, pollution, diminution or interruption shall restore or replace the affected water supply with an alternate source, adequate in water quantity and water quality, for the purpose served by the water supply.

(1) To be adequate, the restored or replacement water supply, at a minimum, shall:

(i) Be as reliable as the previous water supply.

(ii) Be as permanent as the previous water supply.

(iii) Not require excessive maintenance.

(iv) Provide the owner and the user with as much control and accessibility as exercised over the previous water supply. The use of a public water supply as a replacement water supply provides the owner and the user adequate control and accessibility.

(v) Not result in more than a de minimis cost increase to operate and maintain.

(2) If the operating and maintenance costs of the restored or replacement water supply are more than a de minimis cost increase, the operator shall provide for the permanent payment of the increased operating and maintenance costs of the restored or replacement water supply.

(3) The requirement contained in this subsection to restore or replace an affected water supply or an individual requirement of paragraphs (1) and (2) may be waived. The waiver shall be in writing on a form prepared by the Department. Everyone who possesses an ownership interest in the water supply shall sign the waiver. The form shall be recorded at the office of the recorder of deeds in the county in which the water supply is situated and a notarized copy of the form shall be provided to the Department.

(b) *Presumption of liability for pollution.*

(1) It shall be presumed, as a matter of law, that a surface mine operator or mine owner is responsible without proof of fault, negligence or causation for all pollution, except bacteriological contamination, and diminution of public or private water supplies within 1,000 linear feet (304.80 meters) of the boundaries of the areas bonded and affected by coal mining operations, areas of overburden removal and storage and support areas except for haul and access roads.

(2) If surface mining activities are conducted on areas which are not permitted or bonded, it shall be presumed, as a matter of law, that the surface mine operator or mine owner is responsible without proof of fault, negligence or causation for all pollution, except bacteriological contamination, and diminution of public or private water supplies within 1,000 linear feet (304.80 meters) of the land affected by the surface mining activities.

(c) *Defenses to presumption of liability.* There are only five defenses to the presumption of liability provided in subsection (b). For any of the five defenses to apply, the mine operator or mine owner shall affirmatively prove by a preponderance of evidence that one or more of the following conditions exists:

(1) The landowner or water supply company refused to allow the surface mine operator or mine owner access to conduct a water supply survey prior to commencing surface mining activities.

(2) The water supply is not within 1,000 linear feet (304.80 meters) of:



(i) The boundaries of areas bonded and affected by coal mining operations, areas of overburden removal and storage and areas used for support but not including haul and access roads.

(ii) The boundaries of areas affected by surface mining activities in areas which are not bonded.

(3) The pollution or diminution existed prior to the surface mining activities as evidenced by a water supply survey conducted prior to commencing surface mining activities and as documented in the approved surface mine permit application submitted to the Department prior to permit issuance.

(4) The pollution or diminution occurred as a result of some cause other than the surface mining activities.

(5) The landowner, water supply user or water supply company refused to allow the surface mine operator or mine owner access to determine the cause of pollution or diminution or to replace or restore the water supply.

(d) *Notification to Department.* The surface mine operator or mine owner shall notify the Department and provide all information which supports a defense to the presumption of liability when one or more of the five defenses to the presumption of liability provided in subsection (c) are met. If a surface mine operator's or mine owner's defense to the presumption of liability is based on the conditions of subsection (c)(1), the operator or owner shall submit evidence to the Department demonstrating that the landowner or water supply company was notified by certified mail or personal service that the refusal of access to conduct a water supply survey could be used to rebut a presumption of liability.

(e) *Immediate replacement of water supply.* If the Department finds that immediate replacement of an affected water supply used for potable or domestic purposes is required to protect public health or safety and the surface mine operator or mine owner has failed to comply with an order issued under section 4.2(f) of SMCRA (52 P.S. § 1396.5b(f)), the Department may use moneys from the Surface Mining Conservation and Reclamation Fund to restore or replace the affected water supply.

(f) *Department cost of recovery.* The Department will recover the costs of restoration or replacement, the costs of temporary water supply and costs incurred for design and construction of facilities from the responsible surface mine operator or mine owner. Costs recovered will be deposited in the Surface Mining Conservation and Reclamation Fund.

(g) *Operator cost recovery.* A surface mine operator or mine owner who appeals a Department order, provides a successful defense during the appeal to the presumptions of liability and is not otherwise held responsible for the pollution or diminution is entitled to recovery of reasonable costs incurred, including, but not limited to, the costs of temporary water supply, design, construction, and restoration or replacement costs, attorney fees and expert witness fees from the Department.

(h) *Other remedies.* Nothing in this section prevents a landowner, water supply user or water supply company who claims pollution or diminu-

tion of a water supply from pursuing any other remedy that may be provided for in law or in equity.

(i) *Issuance of new permits.* A Department order issued under this section which is appealed will not be used to block issuance of new permits or the release of bonds when a stage of reclamation work is completed.

(j) *Department authority.* Nothing in this section limits the Departments authority under section 4.2(f)(1) of SMCRA.

(k) *Exception.* A surface mining operation conducted under a surface mining permit issued by the Department before February 16, 1993, is not subject to subsections (b)—(i), but is subject to subsections (a) and (j). ]

§ 88.107a. Hydrologic balance: water rights and replacement.

(a) Water supply surveys. The operator or mine owner shall conduct a survey of the quantity and quality of all water supplies within the permit area and those in adjacent areas that may be affected by mining activities, except when the water supply owner denies the operator or mine owner access for the survey.

(1) The survey must include the following information to the extent that it can be collected without excessive inconvenience to the water supply owner or water supply user:

(i) The location and type of water supply.

(ii) The existing and reasonably foreseeable uses of the water supply.

(iii) The chemical and physical characteristics of the water, including, at a minimum, total dissolved solids or specific conductance corrected to 25°C, pH, total iron, total manganese, acidity, alkalinity and sulfates. Additional parameters, including hardness and total coliform, may be required by the Department based on the local aquifer conditions and the characteristics of the water supply and uses. An operator or mine owner who obtains water samples in a premining or postmining survey shall utilize a certified laboratory to analyze the samples. For water supplies with existing treatment, the treatment system must be documented and a chemical analyses of the untreated water shall be obtained if a sample that bypasses the treatment can feasibly be collected.

(iv) Historic and recent quantity measurements and other hydrogeologic data such as the static water level and yield determination.

(v) The physical description of the water supply, including the depth and diameter of the well, length of casing, and description of the treatment and distribution systems.

(vi) Sufficient sampling and other measurements to document the seasonal variation in hydrologic conditions of the water supply.

(2) The operator or mine owner shall submit the results of all qualitative analyses and quantity measurements gathered as part of a water supply survey to the Department and supply a copy to the water supply owner and water supply user prior to the issuance of a mining permit.

(3) A water supply survey shall be conducted prior to the time a water supply is susceptible to mining-related effects and shall be made part of the application for surface mining permit submitted to the Department. An update to the original survey may be required after permit issuance under the requirements of § 86.53 (relating to reporting of new information).

(4) If the operator or mine owner is prohibited from making a premining or postmining survey because the water supply owner will not allow access to the site, the operator or mine owner shall submit evidence to the Department of the following:

(i) The operator or mine owner notified the water supply owner by certified mail or personal service of the water supply owner's rights and the effect on the water supply owner of the water supply owner's denial to the operator or mine owner of access to the site under section 4.2 of SMCRA (52 P.S. § 1396.4b).

(ii) The operator or mine owner attempted to conduct a survey.

(iii) The water supply owner failed to authorize access to the operator or mine owner to conduct a survey within 10 days of receipt of the operator's or mine owner's notice of intent to survey.

(b) *Water supply replacement obligations.*

(1) The operator or mine owner of any mine who affects a water supply to any demonstrable extent by contamination, pollution, diminution or interruption shall promptly restore or replace the affected water supply with a permanent alternate supply adequate in water quantity and water quality for the purposes served by, and the reasonably foreseeable uses of, the water supply. The operator or mine owner shall provide to the Department, in writing, the description of the location of a restored or replaced water supply and the name and address of the water supply owner under the requirements of § 86.53.

(2) For any water supply that will, with a reasonable degree of certainty established by supporting evidence, be affected by contamination, pollution, diminution or interruption by the proposed mining, the operator or mine owner shall provide a replacement supply prior to commencing the activity.

(c) *Temporary water supplies.* If the affected water supply owner or water supply user whose supply is in the area of presumption as defined in paragraph (j)(1) is without a readily available alternate source of water, the operator or mine owner shall provide a temporary water supply within 24 hours of being contacted by the water supply owner, water supply user, or the Department, whichever occurs first. The temporary water supply provided under this subsection shall meet the quality requirements of paragraph (f)(2) and provide sufficient quantity to meet the water supply owner or water supply user's premining needs. The requirement for a temporary water supply may be subject to a preliminary determination by the Department.

(d) *Immediate replacement of water supply by the Department.*

(1) If the Department finds that immediate replacement of an affected water supply used for potable or domestic purposes is required to protect public health or safety and the operator or mine owner has failed to comply with an order issued under section 4.2(f) of SMCRA, the Department may use moneys from the Surface Mining Conservation and Reclamation Fund to restore or replace the affected water supply.

(2) The Department will recover the costs of restoration or replacement, the costs of temporary water supply and costs incurred for design and construction of facilities from the responsible operator or mine owner. Costs recovered will be deposited in the Surface Mining Conservation and Reclamation Fund.

(e) *Reimbursement.* If a water supply is restored or replaced by the water supply owner or water supply user prior to establishing that mining activity is responsible for the pollution or diminution, the responsible operator or mine owner shall reimburse the water supply owner or water supply user the cost of replacing or restoring the supply including payment of operation and maintenance costs as described in subsection (g). If the operator or mine owner disputes the cost as presented by the water supply owner or water supply user, the operator or mine owner may present to the Department comparable estimates meeting the requirements of paragraph (b)(1) from three water supply installers in the area. The Department will determine fair cost of reimbursement based upon these estimates and any other applicable information. Without affecting a water supply owner's or water supply user's other rights consistent with subsection (l), an affected water supply owner or water supply user may make a reimbursement claim to the Department against an operator or mine owner only until final release of the reclamation bond for the site.

(f) *Adequacy of permanently restored or replaced water supply.* A permanently restored or replaced water supply shall include any well, spring, municipal water supply system or other supply approved by the Department which meets the following criteria for adequacy:

(1) *Reliability, maintenance and control.* As documented in the premining water supply survey, a restored or replaced water supply, at a minimum, shall:

(i) Be as reliable as the previous water supply.

(ii) Be as permanent as the previous water supply.

(iii) Not require excessive maintenance.

(iv) Provide the water supply owner and the water supply user with as much control and accessibility as exercised over the previous water supply.

(v) Not result in increased cost of operation and maintenance for the water supply owner or water supply user, unless the operator or mine owner has provided for payment of the increased cost as described under subsection (g).

(2) *Quality.* A restored or replaced water supply will be deemed adequate in quality if it meets the following:

(i) For a domestic supply, the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17) standards, or a quality comparable to the premining water supply if that water supply did not meet these standards. The Department may require that the quality of the restored or replaced water supply be equivalent to the premining supply in particular circumstances where the water supply owner or water supply user has demonstrated that this standard is necessary for the purposes served by the current supply.

(ii) For other than a domestic supply, the premining quality established by the water supply survey data or an adequate quality of water needed for the purposes served by and the reasonably foreseeable uses of the supply.

(3) *Quantity.* For purposes of this paragraph the term “reasonably foreseeable uses” includes the reasonable expansion of use where the quantity of the water supply available prior to mining was adequate to supply the foreseeable uses. A restored or replaced water supply will be deemed adequate in quantity if it meets one of the following:

(i) It delivers the amount of water necessary to satisfy the purposes served by the supply as documented in the water supply survey including the demands of any reasonably foreseeable uses. The Department will not accept the use of water storage systems in conjunction with the replaced or restored supply in order to meet quantity requirements, unless the operator or mine owner can demonstrate the existence of no reasonable alternative.

(ii) It is established through a connection to a public water supply system that is capable of delivering the amount of water necessary to satisfy the water supply owner’s or water supply user’s needs and the demands of any reasonably foreseeable uses.

(4) *Water source serviceability.* Replacement of a water supply shall include the installation of all piping, pumping equipment and treatment equipment necessary to put the replaced water source into service.

(g) *Increased operation and maintenance costs.* If the operation and maintenance costs of the restored or replaced water supply are more than those of the previous supply, the operator or mine owner shall provide for the permanent payment of the increased operation and maintenance costs of the restored or replaced water supply in accordance with the following procedure:

(1) *Determining costs.* The Department will determine the amount of the annual increase in operation and maintenance costs of the restored or replaced water supply based on current actual uses of the water supply.

(i) In consultation with the water supply owner or water supply user, the operator shall use a minimum of 6 months of data, including high and low use periods, to ascertain the cost of operating and maintaining the replacement water supply. The data collection period should not exceed 1 year from the date the replacement water supply is functional unless the Department determines a reason to extend the period. During this collection

period, the operator or mine owner pays the operation and maintenance costs.

(ii) Within 30 days after the end of the data collection period, the operator or mine owner shall submit to the Department, and to the water supply owner by certified mail, the operator’s or mine owner’s calculation of the annual increased operation and maintenance costs and a plan for payment of these costs. The water supply owner may respond to the proposed calculation of costs within 30 days from receipt of the certified mail.

(iii) The Department will review the operator’s or mine owner’s information, the water supply owner’s information and any other information the Department deems relevant and will determine the amount of annual increase in operation and maintenance costs.

(iv) In determining the amount of annual increase in operation and maintenance costs, the Department will take into account contingencies and the precision of the cost estimates.

(2) *Provisions for payment.* Within 60 days of the Department’s determination of the annual increased cost, the operator shall post a surety or collateral bond in an amount calculated in accordance with paragraph (g)(3). This bond is subject to the following provisions:

(i) The bond shall be submitted on a form prepared by the Department, separate from the designated reclamation bond.

(ii) The bond amount will be reviewed and adjusted as necessary and in accordance with § 86.152 (relating to bond adjustments) at an interval no less than every 5 years in conjunction with the permit renewal.

(iii) A replacement bond must be posted by any successor operator of the associated permit.

(iv) If a water supply operation and maintenance costs bond is forfeited, money received from the forfeiture of the bond can be used only for the water supply for which the Department forfeited the bond unless this supply has since been abandoned. The money will be paid by the Department to the current water supply owner as a settlement of the water supply owner’s claim for increased operation and maintenance costs for the water supply for which the bond was forfeited. If a permittee has posted a bond for multiple water supplies the moneys will be paid to the water supply owners on a prorated basis, based on the respective operation and maintenance costs.

(3) *Bond calculation.* Calculation of the amount of bond necessary to assure payment of operation and maintenance costs will be accomplished through the following procedure:

(i) The annual increased operation and maintenance costs are determined as in paragraph (g)(1).

(ii) This cost is then projected through 1 year beyond the term of the associated permit accounting for inflation through this time period. The following formula is used to calculate the projected costs.



$$OM_x = OM * (1 + E)^x$$

Where:

$OM_x$  is the projected cost for operation and maintenance,

$OM$  is the annual increased operation and maintenance costs,

$E$  is inflation rate based on the average Consumer Price Index as a decimal,

$x$  is years to renewal plus one.

(iii) The projected cost is then used to calculate bond value that is necessary to assure payment of operation and maintenance costs. This bond value can be established by using the projected cost determined in subparagraph (ii) in the following formula:

$$\text{Bond} = OM_x / \frac{(i - E)}{(1 + E)}$$

Where:

$Bond$  is the present value of the funds needed to cover increased operation and maintenance costs in perpetuity,

$i$  is the historic, long-term rate of return on investments based on Treasury Bills as a decimal,

$OM_x$  and  $E$  are defined as in subparagraph (ii).

(iv) The Department will annually recalculate values for the variables  $i$  and  $E$  used in the previous formulas and publish these values in the *Pennsylvania Bulletin*.

(4) *Release of obligation.* A voluntary agreement between the water supply owner and the operator or mine owner may be executed at any time. This agreement shall include a notarized statement signed by the water supply owner that documents the settlement of increased operation and maintenance costs to the satisfaction of all parties. This agreement shall be on forms provided by the Department and recorded with the deed to the property, with an original signed, recorded document submitted to the Department upon completion. Upon receipt of the fully executed and recorded release, the Department will consider the operator's or mine owner's obligation to pay increased operation and maintenance costs for the water supply to be satisfied and any bonds posted for this supply can be released.

(h) *Special Provisions for operation and maintenance costs.*

(1) Should ownership of the affected water supply change, the operator or mine owner must continue to pay the increased operation and maintenance costs unless a release outlined in paragraph (g)(4) is executed.

(2) An operator who incurs the obligation to pay for increased operation and maintenance costs for multiple water supplies may post one bond that covers the increased operation and maintenance costs for multiple water supplies. The procedures for calculating this bond amount shall be consistent with a single supply bond value as described in paragraph (g)(3) but the bond amount must be

sufficient to provide for the payment for each water supply in the event that the operator defaults on the legal obligation of permanent payment.

(i) *Waivers.*

(1) The requirement to restore or replace an affected water supply may be waived by the Department if the Department determines that the affected water supply is to be abandoned whereby a replacement is no longer needed based on the approved post-mining land use.

(2) If a water supply is to be abandoned as in paragraph (i)(1), a notarized written statement signed by all persons who possess an ownership interest in the water supply shall be submitted to the Department establishing that the individuals knowingly and willingly agree to abandon the water supply. This document shall be recorded with the deed to the property at the office of the recorder of deeds.

(j) *Presumption of liability.*

(1) It shall be presumed, as a matter of law, that a surface mine operator or owner is responsible without proof of fault, negligence or causation for all pollution and diminution, except for bacteriological contamination, of public or private water supplies within 1,000 linear feet (304.80 meters) of the boundaries of any areas affected by surface mining activities whether or not permitted, including all reclaimed areas that underwent these activities. Areas utilized solely for haul and access roads shall not be included in the presumption area.

(2) Other than if the operator, mine owner or the Department determines that the water supply is not within the 1,000 foot area as described in paragraph (j)(1), the presumption is voided if the operator or mine owner can affirmatively prove by a preponderance of the evidence one or more of the following:

(i) The water supply owner refused to allow the operator or mine owner access to conduct a water supply survey prior to commencing surface mining activities.

(ii) The water supply owner or water supply user refused to allow the operator or mine owner access to determine the cause of pollution or diminution or to replace or restore the water supply.

(iii) The pollution or diminution existed prior to the surface mining activities as evidenced by a water supply survey conducted prior to commencing surface mining activities and as documented in the approved surface mine permit application submitted to the Department prior to permit issuance.

(iv) The pollution or diminution is not the result of the surface mining activities.

(3) If the operator or mine owner intends to demonstrate the presumption of liability is not applicable, they shall notify the Department and provide information in support of the demonstration. If asserting that access was denied, evidence must be provided showing that the water supply owner was notified by certified mail or personal service that the refusal of access to conduct a water supply survey or assessment may be used to rebut the presumption of liability. The Department will



consider information provided under this paragraph in determining if mining activity caused the pollution or diminution and make a determination within 90 days of the operator's or mine owner's submissions.

(k) Operator cost recovery. An operator or mine owner who prevails in an appeal of a Department order to replace a water supply may pursue recovery of costs in accordance with 27 Pa.C.S. § 7708 (relating to costs for mining proceedings).

(l) Other remedies. Nothing in this section prevents a water supply owner or water supply user who claims pollution or diminution of a water supply from pursuing any other remedy that may be provided for in law or in equity. This section does not prevent an operator or mine owner from pursuing any remedy in law or in equity should the operator incur costs for restoring or replacing a water supply that experienced pollution or diminution caused by third parties.

(m) Issuance of new permits. A Department order issued under this section which is appealed will not be used to block issuance of new permits.

(n) Department authority. Nothing in this section limits the Department's authority under section 4.2(f)(1) of SMCRA.

(o) Exception. A surface mining operation conducted under a surface mining permit issued by the Department before February 16, 1993, is not subject to subsections (a) and (c)—(m) but is subject to subsections (b) and (n).

**Subchapter E. COAL PREPARATION ACTIVITIES**  
**§ 88.381. General requirements.**

(a) A person who conducts or intends to conduct coal preparation activities, not within the permit area of a specific mine, shall obtain a permit from the Department under §§ 86.11—86.18 (relating to general requirements for permits and permit applications). The person shall

meet certain performance standards and application requirements as specified in this subchapter.

(b) The following performance standards shall be met:  
\* \* \* \* \*

(13) Water rights shall be protected in accordance with § [ 88.107 ] **88.107a** (relating to hydrologic balance: water rights and replacement).  
\* \* \* \* \*

**CHAPTER 89. UNDERGROUND MINING OF COAL AND COAL PREPARATION FACILITIES**

**Subchapter H. COAL PREPARATION ACTIVITIES**

**§ 89.173. Performance standards.**

Construction, operation, maintenance, modification, removal and reclamation of coal preparation activities shall comply with the following:

(1) Signs and markers shall comply with § 89.51 (relating to signs and markers).

(2) Erosion and sedimentation shall be controlled under §§ 89.21—89.26 (relating to performance standards).

(3) The hydrologic balance shall be protected under §§ 87.102(b), 87.106, 87.107, [ **87.119** ] **87.119a**, 89.52, 89.53, 89.55 and 89.57—89.60.  
\* \* \* \* \*

**CHAPTER 90. COAL REFUSE DISPOSAL**

**Subchapter D. PERFORMANCE STANDARDS FOR COAL REFUSE DISPOSAL**

**§ 90.116a. Hydrologic balance: water rights and replacement.**

An operator who conducts coal refuse disposal and adversely affects a water supply by contamination, pollution, diminution or interruption shall comply with § [ **87.119** ] **87.119a** (relating to hydrologic balance: water rights and replacement).

[Pa.B. Doc. No. 19-1628. Filed for public inspection November 1, 2019, 9:00 a.m.]

# NOTICES

## CAPITOL PRESERVATION COMMITTEE

### Request for Proposals

**CPC 19.168: Moving of Civil War Battle Flags.** The Capitol Preservation Committee (Committee) is the steward of the Commonwealth's historic Civil War battle flag collection. Recently the Committee established a new repository for the collection. The Civil War flags must be relocated to the new repository.

#### *Purpose*

The purpose of this request is to enable the safe transfer of the Civil War battle flags from 10th and Market Streets, Harrisburg, PA to the new flag facility located at 2221 Forster Street, Harrisburg, PA.

#### *General Scope of Work*

- All the labor.
- All material.
- All protection.
- The work must be so sequenced, arranged and scheduled that the occupants/contractors of the surrounding offices/property and areas above, below and adjacent to the project sites can continue to occupy the facilities and maintain work access and operations during the project. The contractor shall coordinate with other concurrent projects at the buildings and coordinate activities.
- Contractor must make provisions for refuse material removal each day work is performed.
- Need to coordinate construction activities including delivery access and parking with Federal Surplus Building Management.
- *Documentation:* Documentation shall be submitted in electronic format (docx, pdf and tiff will be required) and keyed to the accession number of each flag. All documentation shall become the sole property of the Committee, whether written, pictorial, graphic or otherwise.
- *Expertise:* Defined as a Fellow member in good standing of the American Institute for Conservation and having relevant experience in handling, packing (crating) and transporting historic textiles of the same or similar nature as the historic Civil War battle flags.
- Provide for museum quality, secure transportation of the Civil War battle flags, in accordance with American Alliance of Museums standards.
- Inventory and index (identify) each flag according to existing rolling flag rack location and placement/position.
- Document the existing condition of each flag prior to packaging, to enable assessment upon delivery to the new facility.
- Moving of the current existing rolling flag racks including covers and accessory items.
- All proposers shall attend the preproposal meeting.

#### *Schedule for Completion*

All work associated with this purchase order shall be completed no later than April 10, 2020.

#### *Proposal Release Date*

The proposal release date is October 26, 2019.

#### *Preproposal Walk Through*

A preproposal walk through will be held on November 6, 2019, at 10 a.m. The preproposal walk through will begin at the 10th and Market Street facility in Harrisburg, PA and will take place for approximately 45 minutes. Then the group will travel to the new facility (individuals must provide their own transportation) at 2221 Forster Street, Harrisburg, PA. Individuals will review the new storage facility along with the receiving dock. The Committee expects this site walk through to take approximately 45 minutes.

#### *Proposal Receipt Date*

The proposal receipt date is November 20, 2019, at 2 p.m. All proposals must remain firm for 60 calendar days from the date that the proposal is opened.

#### *Contact*

Contact Tara Pyle at [tpyle@cp.state.pa.us](mailto:tpyle@cp.state.pa.us) for more information. A \$25 deposit will be required for the documents.

DAVID L. CRAIG,  
*Executive Director*

[Pa.B. Doc. No. 19-1629. Filed for public inspection November 1, 2019, 9:00 a.m.]

## DELAWARE RIVER BASIN COMMISSION

### Public Hearing and Business Meeting

The Delaware River Basin Commission (Commission) will hold a public hearing on Wednesday, November 13, 2019. A business meeting will be held the following month on Wednesday, December 11, 2019. The hearing and business meeting are open to the public and will take place at the Washington Crossing Historic Park Visitor Center, 1112 River Road, Washington Crossing, PA.

*Public hearing.* The public hearing on November 13, 2019, will begin at 1:30 p.m. Hearing items will include draft dockets for withdrawals, discharges and other projects that could have a substantial effect on the basin's water resources, as well as a resolution establishing the Advisory Committee on Climate Change and providing for its purpose, membership and initial charge.

Written comments on matters scheduled for hearing on November 13, 2019, will be accepted through 5 p.m. on November 18, 2019. Time permitting, an opportunity for open public comment will be provided upon the conclusion of Commission business at the December 11, 2019, business meeting.

The public is advised to check the Commission's web site periodically prior to the hearing date, as items scheduled for hearing may be postponed if additional time is needed to complete the Commission's review and items may be added up to 10 days prior to the hearing date. In reviewing docket descriptions, the public is also asked to be aware that the details of projects may change during the Commission's review, which is ongoing.

1. *Freeland Borough Municipal Authority, D-1965-052 CP-5.* An application to renew the approval of the appli-

cant's existing 1.2 million gallons per day (mgd) Wastewater Treatment Plant (WWTP) and its discharge. The WWTP will continue to discharge treated effluent to Pond Creek at River Mile 183.7—67.3—2.0—8.5 (Delaware River—Lehigh River—Sandy Run—Pond Creek), within the drainage area of the section of the main stem Delaware River known as the Lower Delaware, which the Commission has classified as Special Protection Waters, in Freeland Borough, Luzerne County, PA.

2. *Chemtrade Solutions, LLC, D-1969-038-4*. An application to renew the approval of the docket holder's existing 3.1 mgd facility and its discharge. The docket holder will continue to discharge treated stormwater and groundwater infiltration to Delaware River Water Quality Zone 5 at River Mile 78.4 by means of Outfall No. 001, in the City of Claymont, New Castle County, DE.

3. *Knoll, Inc., D-1974-162-5*. An application to renew the approval of the applicant's existing 0.0715 mgd Industrial Wastewater Treatment Plant (IWTP) and its discharges of treated industrial process water and noncontact cooling water (NCCW). The IWTP will continue to discharge to Perkiomen Creek at River Mile 92.5—32.3—28.5 (Delaware River—Schuylkill River—Perkiomen Creek) in Upper Hanover Township, Montgomery County, PA.

4. *Philadelphia Gas Works, D-1976-055 CP-4*. An application to renew the approval of an existing discharge of up to 6.67 mgd of NCCW from process compressors, heat exchangers and the emergency fire suppression system by means of Outfall No. 004 at the Philadelphia Gas Works Richmond Plant. Outfall No. 004 will continue to discharge to Water Quality Zone 3 of the Delaware River at River Mile 106.5, in the City of Philadelphia, Philadelphia County, PA.

5. *Reading City, D-1986-028 CP-4*. An application to renew the approval of an upgrade of the applicant's existing 20.5 mgd Fritz Island WWTP and its discharge. The upgrade consists of replacing the existing trickling filter treatment system with a biological reactor treatment system. The upgrade was approved by Commission Docket No. D-1986-028 CP-3 on September 10, 2014, but is not yet complete. The WWTP will continue to discharge treated effluent to the Schuylkill River at River Mile 92.5—72.8 (Delaware River—Schuylkill River) in the City of Reading, Berks County, PA.

6. *Dublin Borough, D-1986-070 CP-3*. An application to renew the approval of the applicant's 1.2 mgd Dublin Borough WWTP and its discharge. Treated effluent will continue to discharge to Deep Run Creek at River Mile 157.0—6.2—5.4 (Delaware River—Tohickon Creek—Deep Run Creek) by means of Outfall No. 001, within the drainage area of the section of the nontidal Delaware River known as the Lower Delaware, which the Commission has classified as Special Protection Waters, in Bedminster Township, Bucks County, PA.

7. *Antietam Valley Municipal Authority, D-1987-045 CP-6*. An application to renew the approval of the docket holder's existing 2.45 mgd WWTP and its discharge of up to 1.225 mgd. Treated effluent will continue to discharge to Antietam Creek at River Mile 92.47—66.1—4.4 (Delaware River—Schuylkill River—Antietam Creek) by means of Outfall No. 001 in St. Lawrence Borough, Berks County, PA.

8. *Manwalamink Sewer Company, D-1988-034 CP-3*. An application to renew the approval of the existing 0.7 mgd WWTP and its discharge. The WWTP will continue to discharge treated effluent to Brodhead Creek at River

Mile 213.0—0.6 (Delaware River—Brodhead Creek) by means of Outfall No. 001, within the drainage area of the section of the nontidal Delaware River known as the Middle Delaware, which the Commission has classified as Special Protection Waters, in Smithfield Township, Monroe County, PA.

9. *Grand Central Sanitary Landfill, Inc., D-1988-052-5*. An application to renew the approval of the docket holder's existing 0.1 mgd leachate treatment plant and its discharge. Treated effluent will continue to be discharged to an unnamed tributary (UNT) of Little Bushkill Creek at River Mile 184.1—8.5—8.1—0.1 (Delaware River—Bushkill Creek—Little Bushkill Creek—UNT Little Bushkill Creek) by means of Outfall No. 001, within the drainage area of the section of the nontidal Delaware River known as the Lower Delaware, which the Commission has classified as Special Protection Waters, in Plainfield Township, Northampton County, PA.

10. *Chambers Cogeneration, LP, D-1991-019-2*. An application to renew the approval of the existing Carneys Point Electric Generating Station and the use of up to 240 million gallons per month (mgm) of surface water from Chemours' Salem Canal Intake. The project withdrawal is from the nontidal portion of the Salem Canal in the Township of Pennsville, Salem County, NJ, and the cogeneration plant is located in the Township of Carneys Point, Salem County, NJ.

11. *Hobart Village, D-1991-063 CP-4*. An application to renew the approval of the applicant's existing 0.20 mgd WWTP and its discharge. Treated effluent will continue to discharge to the West Branch of the Delaware River at River Mile 330.7—76.7 (Delaware River—West Branch Delaware River) which is located in Delaware River Water Quality Zone W1, within the drainage area of the section of the main stem Delaware River known as the Upper Delaware, which the Commission has classified as Special Protection Waters, in the Town of Stamford, Delaware County, NY.

12. *Honey Brook Borough Authority, D-1991-099 CP-3*. An application to renew the approval of an existing groundwater withdrawal of up to 12 mgm to supply the applicant's public water supply distribution system from existing Well Nos. 5—8. The project wells are completed in a Precambrian Gneiss aquifer. The requested allocation is not an increase from the previous allocation. The project is located in the West Branch Brandywine Creek Watershed in Honey Brook Borough, Chester County, PA.

13. *Valley Forge Sewer Authority, D-1995-006 CP-5*. An application to renew the approval of the existing 11.75 mgd WWTP and its discharge. The WWTP will continue to discharge treated effluent to the Schuylkill River at River Mile 92.47—32.0 (Delaware River—Schuylkill River) by means of Outfall No. 001 in Schuylkill Township, Chester County, PA.

14. *Clemens Food Group, LLC, D-1999-072-3*. An application to renew the approval of an existing groundwater withdrawal of up to 20.57 mgm to supply the applicant's meat processing facility from existing Well Nos. H-1, H-3, H-4, H-8, H-10 and H-12. The project wells are completed in the Brunswick Formation. The requested allocation is not an increase from the previous allocation. The wells are located in the Commission's Southeastern Pennsylvania Groundwater Protected Area (SEPA GWPA) in the Skippack Creek Watershed, Hatfield Township, Montgomery County, PA.

15. *Yukiguni Maitake Manufacturing Corporation of America, D-2003-026-2*. An application to renew the ap-



proval to withdraw up to 13.14 mgm of groundwater from existing Well No. PW-2 for geothermal heating and cooling, agricultural production, industrial purposes such as cleaning, and potable supply at the docket holder's proposed pilot-scale and subsequent full-scale agricultural production and processing facility. The initial allocation for use at the pilot facility remains limited to 1.95 mgm. The well is screened in outwash sand and gravel in the Gumaer Brook—Basher Kill Watershed in the Town of Mamakating, Sullivan County, NY within the drainage area of the section of the main stem Delaware River known as the Middle Delaware, which the Commission has classified as Special Protection Waters.

16. *Warminster Municipal Authority, D-2004-021 CP-3.* An application to renew the approval of the docket holder's existing 3.0 mgd WWTP and its discharge of 1.2 mgd. The WWTP will continue to discharge treated effluent to a UNT of the Little Neshaminy Creek at River Mile 115.6—23.6—3.3—1.4 (Delaware River—Neshaminy Creek—Little Neshaminy Creek—UNT Little Neshaminy Creek) by means of Outfall No. 001, in Warminster Township, Bucks County, PA.

17. *Ruscombmanor Township, D-2007-034 CP-4.* An application to renew the approval of the existing 0.05 mgd Golden Oaks WWTP and its discharge. The WWTP will continue to discharge treated effluent to a UNT of Furnace Creek at River Mile 92.5—54.2—16.8—1.0—5.1—0.3 (Delaware River—Schuylkill River—Manatawny Creek—Little Manatawny Creek—Furnace Creek—UNT Furnace Creek) in Ruscombmanor Township, Berks County, PA.

18. *Marcus Hook Energy, LP, D-2008-021 CP-3.* An application to renew the approval of the applicant's existing discharge of up to 4.32 mgd of process water, consisting primarily of cooling tower blowdown, from the Marcus Hook Energy Center. The facility will continue to discharge directly to Delaware River Water Quality Zone 4 at River Mile 78.7 in Marcus Hook Borough, Delaware County, PA.

19. *CMBK Resort Holdings, LLC, D-2008-026-2.* An application to renew the approval to withdraw up to 5.71 mgm of groundwater from existing Well Nos. 2—4 for continued use in the docket holder's public water supply system. The wells are completed in the Long Run Member of the Catskill Formation in the Upper Pocono Creek Watershed in Pocono Township, Monroe County, PA within the drainage area of the section of the main stem Delaware River known as the Middle Delaware, which the Commission has classified as Special Protection Waters.

20. *Naval Surface Warfare Center Philadelphia Division, D-2009-004 CP-3.* An application to renew and modify the conditions for approval of the applicant's discharge of NCCW and process water from the Naval Surface Warfare Center Philadelphia Division (NSWCPD) facility. The NSWCPD facility will continue to withdraw water from the Navy Reserve Basin (NRB), which is located on the tidal Schuylkill River in Delaware River Water Quality Zone 4, for temporary, intermittent, land-based tests of ship systems and to discharge up to 72.0 mgd of NCCW from Outfall No. 001 to the NRB and up to 0.60 mgd of process water from Outfall No. 005 directly to Delaware River Water Quality Zone 4. The modification consists of allowing discharge to occur at higher ambient temperatures, conditional upon limiting the Outfall No. 001 discharge to a temperature delta of 3°F. The facility is located in the City of Philadelphia, Philadelphia County, PA.

21. *Chester Valley Golf Club, D-2009-035-2.* An application to renew the approval to withdraw up to 5.6 mgm of surface water and groundwater from an existing irrigation storage pond and Well No. 11904 for golf course irrigation. The well is completed in the Elbrook Formation and the pond is located within the Valley Creek Watershed in East Whiteland Township, Chester County, PA in the SEPA GWPA.

22. *Springdale Gardens, LP, D-2009-044-3.* An application to renew the existing 0.0126 mgd Springdale Estates WWTP and its discharge. The existing WWTP will continue to discharge treated effluent to a UNT of Mahoning Creek at River Mile 183.66—42.5—7.0—0.44 (Delaware River—Lehigh River—Mahoning Creek—UNT Mahoning Creek) by means of Outfall No. 001, located within the drainage area of the section of the main stem Delaware River known as the Lower Delaware, which the Commission has classified as Special Protection Waters, in Mahoning Township, Carbon County, PA.

23. *Green Top Management, LLC, D-2010-002-4.* An application to renew the approval of the docket holder's existing Green Top Management Mobile Home Park (Green Top MHP) WWTP and to renew the approval of an upgrade and expansion of the Green Top MHP WWTP from 0.012 mgd to 0.018 mgd. The WWTP will continue to discharge treated effluent to a UNT of Tohickon Creek at River Mile 157.0—10.8—6.5—3.1—4.1 (Delaware River—Tohickon Creek—Lake Nockamixon—Tohickon Creek—UNT Tohickon Creek) by means of Outfall No. 001. The WWTP discharges within the drainage area of the section of the main stem Delaware River known as the Lower Delaware, which the Commission has classified as Special Protection Waters, in West Rockhill Township, Bucks County, PA.

24. *NIS Hollow Estates, LLC, D-2010-003 CP-3.* An application to renew the approval of the applicant's existing 0.018 mgd WWTP and its discharge. The WWTP will continue to discharge treated effluent to a UNT of the Lehigh River at River Mile 183.7—39.3—1.2 (Delaware River—Lehigh River—UNT Lehigh River) located within the drainage area of the section of the main stem Delaware River known as the Lower Delaware, which the Commission has classified as Special Protection Waters, in East Penn Township, Carbon County, PA.

25. *Pennsylvania American Water Company, D-2010-025 CP-3.* An application to renew the approval of a discharge of up to 0.1679 mgd of filter backwash from the Stony Garden Water Filtration Plant. During normal operations, the clarified supernatant is recycled to the head of the plant and is not discharged. However, under certain circumstances such as extreme weather conditions, treated effluent will continue to be discharged to Ross Commons Creek at River Mile 183.66—36.32—20.7—0.06 (Delaware River—Lehigh River—Aquashicola Creek—Ross Commons Creek) by means of Outfall No. 001, within the drainage area of the section of the main stem Delaware River known as the Lower Delaware, which the Commission has classified as Special Protection Waters, in Hamilton Township, Monroe County, PA.

26. *HMS Host Corporation, D-2013-018 CP-2.* An application to renew the approval of the existing 0.05 mgd Peter J. Camiel Service Plaza WWTP and its discharge. The WWTP will continue to discharge treated effluent to a UNT of Marsh Creek above the Marsh Creek Reservoir at River Mile 70.7—1.8—20.3—12.5—6.7—0.3 (Delaware River—Christina River—Brandywine Creek—East Branch Brandywine Creek—Marsh Creek—UNT Marsh Creek) in Wallace Township, Chester County, PA.



27. *Markel Corporation, D-2014-013-2.* An application to renew the approval of the applicant's existing discharge of up to 0.06 mgd of contact and noncontact cooling water from its Norristown facility. The facility will continue to discharge to Diamond Run Creek at River Mile 92.5—22.3—0.7 (Delaware River—Schuylkill River—Diamond Run Creek) in Plymouth Township, Montgomery County, PA.

28. *City of Philadelphia, D-1970-052 CP-2.* An application to approve an upgrade to the applicant's existing 210 mgd Northeast WWTP consisting of constructing an additional, preliminary treatment system for conveyance of peak wet weather flows to the existing primary settling and chlorination disinfection system for treatment prior to discharge, thereby reducing combined sewer overflows from the WWTP service area. The WWTP will continue to discharge treated effluent to Delaware River Water Quality Zone 3 at River Mile 104.2 in the City of Philadelphia, PA.

29. *Upper Montgomery Joint Authority, D-1987-028 CP-3.* An application to renew the approval of the docket holder's existing 2.77 mgd WWTP and its discharge of 2.0 mgd. The WWTP will continue to discharge treated effluent to Perkiomen Creek at River Mile 92.47—32.3—25.0 (Delaware River—Schuylkill River—Perkiomen Creek) by means of Outfall No. 001, in Upper Hanover Township, Montgomery County, PA.

30. *Monroe Career & Technical Institute, D-2019-002 CP-1.* An application to approve the existing 0.015 mgd Monroe Career & Technical Institute (MCTI) WWTP and its discharge. The MCTI WWTP will continue to discharge treated effluent to a UNT of Pocono Creek, at River Mile 213—4.0—0.82—8.1—0.5 (Delaware River—Broadhead Creek—McMichael Creek—Pocono Creek—UNT Pocono Creek) by means of Outfall No. 001, located within the drainage area of the section of the nontidal Delaware River known as the Middle Delaware, which the Commission has classified as Special Protection Waters, in Bartonsville, Monroe County, PA.

*Public meeting.* The public business meeting on December 11, 2019, will begin at 10:30 a.m. and will include: adoption of the minutes of the Commission's September 11, 2019, business meeting; announcement of upcoming meetings and events; a report on hydrologic conditions; reports by the Executive Director and the Commission's General Counsel; and consideration of any items for which a hearing has been completed or is not required. The latter may include but are not limited to resolutions for the minutes authorizing the Executive Director or his designee to: (a) issue a task order to the Academy of Natural Sciences of Drexel University (ANSDU) to provide analytical services for characterization of algal composition in the Delaware Estuary; (b) issue a task order to ANSDU to provide technical services for the modernization of decision support system tools for the Upper Delaware; and (c) execute an agreement for the preparation of an actuarial evaluation of the Commission's other post-employment benefit obligations, in accordance with Government Accounting Standards Board Statement No. 75.

After all scheduled business has been completed and as time allows, the business meeting will also include up to one hour of open public comment.

There will be no opportunity for additional public comment for the record at the December 11, 2019, business meeting on items for which a hearing was completed on November 13, 2019, or a previous date.

Commission consideration on December 11, 2019, of items for which the public hearing is closed may result in approval of the item (by docket or resolution) as proposed, approval with changes, denial or deferral. When the Commissioners defer an action, they may announce an additional period for written comment on the item, with or without an additional hearing date, or they may take additional time to consider the input they have already received without requesting further public input. Any deferred items will be considered for action at a public meeting of the Commission on a future date.

*Advance sign-up for oral comment.* Individuals who wish to comment on the record during the public hearing on November 13, 2019, or to address the Commissioners informally during the open public comment portion of the meeting on December 11, 2019, as time allows, are asked to sign-up in advance through EventBrite. Links to EventBrite for the public hearing and the business meeting are available at [www.drbc.gov](http://www.drbc.gov). For assistance contact Paula Schmitt at [paula.schmitt@drbc.gov](mailto:paula.schmitt@drbc.gov).

*Submitting written comment.* Written comment on items scheduled for hearing may be made through the Commission's web-based comment system, a link to which is provided at [www.drbc.gov](http://www.drbc.gov). Use of the web-based system ensures that all submissions are captured in a single location and their receipt is acknowledged. Exceptions to the use of this system are available based on need, by writing to the attention of the Commission Secretary, Delaware River Basin Commission, P.O. Box 7360, 25 Cosey Road, West Trenton, NJ 08628-0360. For assistance in using the web-based comment system contact Paula Schmitt at [paula.schmitt@drbc.gov](mailto:paula.schmitt@drbc.gov).

*Accommodations for special needs.* Individuals in need of an accommodation as provided for in the Americans with Disabilities Act who wish to attend the meeting or hearing should contact the Commission Secretary directly at (609) 883-9500, Ext. 203 or through the Telecommunications Relay Services (TRS) at 711, to discuss how the Commission can accommodate their needs.

*Additional information, contacts.* Additional public records relating to hearing items may be examined at the Commission's offices by appointment by contacting Denise McHugh, (609) 883-9500, Ext. 240. For other questions concerning hearing items contact David Kovach, Project Review Section Manager, at (609) 883-9500, Ext. 264.

PAMELA M. BUSH,  
Secretary

[Pa.B. Doc. No. 19-1630. Filed for public inspection November 1, 2019, 9:00 a.m.]

## DEPARTMENT OF AGRICULTURE

### Chronic Wasting Disease Research Projects; Request for Applications

The Department of Agriculture (Department), under funds appropriated to it under section 1718-J(3) of the Fiscal Code (72 P.S. § 1718-J(3)), is soliciting applications to conduct research on Chronic Wasting Disease (CWD). No less than \$1 million has been appropriated to the Department for the purposes set forth in this Request for Applications.

The research must be conducted in one or more of the research topic areas established in this Request for Applications.

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

1. *Grant solicitation.* The Department will accept grant applications for the purposes, in the form and according to the schedule set forth in this notice. Additional publication and dissemination of this notice shall be made to any individuals or entities who have requested notification from the Department of grant availability.

2. *Research topic areas.* The research topics the Department has been authorized to fund are as follows:

a. Diagnostic tests to detect CWD in cervids and prevent humans from consuming infected venison.

b. Development and testing of live animal tests for the detection of CWD.

c. Development and testing of injectable and oral vaccines for CWD.

d. Research of management, environmental or genetic factors, or both, that may play a role in disease occurrence and mitigation.

e. Research of biosecure, cost-effective disposal and cleaning and disinfection methods for CWD positive cervids.

f. Research to develop rapid in-field testing to detect CWD immediately after hunter harvest.

g. Other innovative research to better understand CWD, disease implications and best strategies for disease containment and control.

3. *Required content for each grant proposal.* All grant applications submitted shall set forth, in detail, the following information:

a. *Research topic.* The application shall clearly set forth and establish which approved research topic is to be explored.

b. *Experimental design, work plan, deliverables and estimated date of deliverables.* Refer to and complete the following "Instructions and Format," as follows hereto and made apart hereof.

4. *Application delivery and deadline.* Interested applicants must submit a complete electronic research project proposal and grant application using the Department of Community and Economic Development's Electronic Single Application web site at <https://www.esa.dced.state.pa.us/Login.aspx> by 4 p.m. on November 30, 2019.

Questions regarding this online application process may be directed to Sheila Strubhar, Chief of the Contracts and Procurement Division for the Department, at (717) 787-1467.

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

6. *Grant agreement.* With the mailed grant award notice, the Department will provide applicants with a grant agreement for execution and return within 30 days. The Department will obtain the required Commonwealth signatures on the grant agreements and return a copy of the fully-executed grant agreement to the applicant. No grant agreement is effective, and work should not commence, until all required signatures have been applied to the grant agreement. Among the terms of the grant agreement shall be a requirement that the grant recipient provide the Department full and complete access to all records relating to the performance of the project and submit the information as the Department may require.

7. *Nonmatching cost-reimbursable grant.* Grants made hereunder do not require the applicant secure or devote a matching sum to the project, but outside funding may be considered as an evaluation criterion. Payment of grant funds will occur on a reimbursement basis, with the possibility upon the written submission of justification and subsequent approval of the Department of an advance payment option.

8. *Indirect cost reimbursement.* Grants made hereunder are subject to an indirect cost cap of 10% of total project costs. For the purpose of this research grant funding solicitation, indirect costs shall include administrative salaries and benefits, office supplies and equipment, facility related cost including maintenance and repairs, telephones, memberships/dues, freight/postage cost and any consultant related costs associated with the administration of this research grant.

9. *Reporting requirements.* Upon completion of research projects funded through this program, grant recipients will submit to the Department within 60 days a final report detailing the nature of the questions under study, an explanation of the research design and methods, findings of the research and recommendations for future study.

RUSSELL C. REDDING,  
*Secretary*

## **INSTRUCTIONS & FORMAT**

### **RFA – Pennsylvania Department of Agriculture - 2019**

**DEADLINE: for Full Proposals November 30th – 4:00 pm E.S.T.**

Thank you for your interest in the Chronic Wasting Disease Research Project Request for Applications. Please read the following instructions completely.

#### **STEP 1: COMPLETE FULL PROPOSAL**

The proposal must be typed in the required format – see the last four pages of this document. Your proposal must be typed in 12-point font size, Times New Roman font, double-spaced for #2-8 with margins of .5” on left, right, top and bottom. The body of your proposal containing items 1-10, should contain a maximum of ten pages (only the first ten pages will be read). CV’s and Letters of Collaboration are **not counted** within the 10 pages.

Save your proposal with the file name of: “**LAST NAME, FIRST INITIAL – Proposal**”. Example: **SMITH,J – Proposal.doc**. If you are submitting more than one proposal, please use **SMITH,R-2 – Proposal.doc**. Restrict the use of scientific acronyms in your proposal.

#### **STEP 2: SUBMIT FULL PROPOSAL**

Interested applicants must submit their proposals using the Department of Community and Economic Development's Electronic Single Application web site at: <https://www.esa.dced.state.pa.us/Login.aspx> by 4 p.m. on Friday, November 30th, 2019. There is a page in the application where a document can be uploaded and the full proposal should be submitted there. Questions regarding this online application process may be directed to Sheila Strubhar, Chief of the Contracts and Procurement Division for the Department of Agriculture, (717) 787-1467 or by using the help function on the application web site.

#### **PROPOSAL PROCESS**

The proposals will be reviewed by an ad hoc committee with expertise in the area of CWD assembled by the Department of Agriculture. Funding recommendations will be made to the Secretary of Agriculture for his decision on distribution of funds.

***USE THE NEXT FOUR PAGES AS YOUR PROPOSAL FORMAT. PLEASE DELETE THIS PAGE OF INSTRUCTIONS BEFORE YOU SUBMIT YOUR PROPOSAL.***  
***THANK YOU***

**FULL PROPOSAL TEMPLATE**  
(Next page)

**PA Department of Agriculture Research Proposal  
Chronic Wasting Disease Call 2019  
Proposal Cover Page**

<b>Project #</b> (PDA use only)	
<b>Category:</b>	
<b>Project Title:</b>	
<b>Requested Funding Amount:</b>	<b>Project Duration:</b>

<b>Principal Investigator and Title:</b>			
<b>Institution:</b>			
<b>Address:</b>			
<b>City, ST ZIP</b>			
<b>Phone:</b>		<b>FAX:</b>	
<b>Email:</b>			

<b>Co-Investigator(s)</b>	<b>Institution, City, State</b>	<b>Email address</b>
1.		
2.		
3.		
4.		
5.		

<b>Contracts/Grants Administrator name:</b> <i>(person to receive contracts, if funded)</i>					
<b>Title</b>		<b>Organization</b>			
<b>Street Address</b>					
<b>City</b>		<b>State</b>		<b>Zip</b>	
<b>Phone</b>		<b>Fax</b>		<b>E-Mail</b>	

I (Principal Investigator) certify that the Grants and Contracts Administrator has reviewed this proposal prior to its submission to PDA for possible funding.



**Budget (add lines as required):**

Category	Description (if needed)	PDA	Other Support	Total
1) Personnel (include name where appropriate)				
2) Contracted Services (diagnostic fees, computer access, etc)				
3) Assay and Testing Fees ("per sample" costs not included under Supplies)				
4) Travel				
5) Equipment (non-disposable items, less than \$500)				
6) Supplies (disposable items and reagents)				
7) Animal Cost (list only net cost if animals will be salvaged)				
8) Animal Care (per diem care, housing, and feed)				
9) Shipping, Handling, Mailing Expenses				
10) Other expenses (list)				
11) TOTAL				
<b>Explanation (if req'd):</b>				

1. **Budget for Project** – (single space) **see template previous page**  
Overhead and indirect costs are typically NOT covered by PDA research funds. Graduate student support, student and other hourly labor, and post-doctoral support will be allowed. Equipment, except for disposable equipment such as test tubes, etc., is not allowed.  
**Budget format** –
  - a. Costs MUST be indicated in a 3-column format
  - b. Other funding requested or anticipated in support for this project must be indicated in an additional budget column.
2. **Literature Review** - Current status of problem – brief literature review.
3. **Related Research by Principal Investigators** – Describe earlier related research in this area or closely related field by principal investigator (not more than five citations).
4. **Project Objectives** - list multiple objectives separately and explain clearly the research questions to be answered
5. **Procedures to achieve these objectives** - include details of Experimental Design and Methods. Discuss and reference all assays, procedures, and statistical tests used in the study. Document demonstrated expertise with proposed lab procedures.
6. **Description of Quality Assurance/Quality Control Plan** - QA/QC basically refers to all those things good investigators do to make sure their measurements are right on (accurate; the absolute true value), reproducible (precise; consistent), and have a good estimate of their uncertainty. In the regulatory arena, this aspect of data collection is as crucial to the final outcome of a confrontation as the numbers themselves. It specifically involves following established rules in the field and lab to assure everyone that the sample is representative of the site.
7. **Schedule/timeline for proposed research.**
8. **Value of proposed research** to safeguard and promote cervid health across the state (one paragraph).
9. **Certification** - most institutions require approval of proposals before submission. Please indicate this step has been completed by supplying the names, title, e-mail address and phone number of the personnel from the grants office, college and department who have approved your proposal for submission. **PROPOSALS MAY BE REJECTED IF THIS INFORMATION IS NOT INCLUDED.**
10. **Brief description of plans to disseminate project results to appropriate audiences.**
11. **Letters of cooperation from project co-investigators and other collaborators.**
12. **Curriculum Vita** for the primary investigator and each co-investigator – max. two pages each

## 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 22, 2019.

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

#### BANKING INSTITUTIONS

##### Branch Applications

###### De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
10-15-2019	First Resource Bank Exton Chester County	321 West Lancaster Avenue Wayne Delaware County	Opened
10-15-2019	Somerset Trust Company Somerset Somerset County	3966 Lincoln Highway Suite 101 Schellsburg Bedford County	Opened

###### Branch Relocations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
09-23-2019	Northwest Bank Warren Warren County	<i>To:</i> 6525 Transit Road East Amherst Erie County, NY  <i>From:</i> 6409 Transit Road East Amherst Erie County, NY	Effective

###### Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
10-18-2019	PS Bank Wyalusing Bradford County	Towne Plaza Shopping Center Tunkhannock Wyoming County	Closed

#### CREDIT UNIONS

##### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
10-17-2019	White Rose Credit Union York York County  Application for approval to merge Local 229 IBEW Federal Credit Union, York, with and into White Rose Credit Union, York.	Filed

##### Branch Applications

###### De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
10-14-2019	Diamond Credit Union Pottstown Montgomery County	4453 North Fifth Street Highway Temple Berks County	Opened

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*

## DEPARTMENT OF BANKING AND SECURITIES

### Adjustment to Definition of “Base Figure” in the Loan Interest and Protection Law

The Department of Banking and Securities (Department), as required by the definition of “base figure” in section 101 of the act of January 30, 1974 (P.L. 13, No. 6) (41 P.S. § 101), known as the Loan Interest and Protection Law, is publishing the following notice regarding the inflation adjusted base figure for the calendar year 2020. The Department has determined that the current base figure of \$256,023 adjusted for annual inflation using the “Consumer Price Index—All Urban Consumers: U.S. All Items 1982-84 = 100” published by the United States Department of Labor Bureau of Labor Statistics results in a base figure of \$260,404. This new base figure will be effective January 1, 2020, for the calendar year 2020.

ROBIN L. WIESSMANN,  
*Secretary*

[Pa.B. Doc. No. 19-1633. Filed for public inspection November 1, 2019, 9:00 a.m.]

## DEPARTMENT OF EDUCATION

### Designation of School Districts to Receive Duquesne City School District’s Junior and Senior High School Students

The Duquesne City School District (Duquesne) eliminated its senior high school program in 2007. Section 14 of the act of July 20, 2007 (P.L. 278, No. 45) (Act 45) governed the reassignment of Duquesne’s senior high school students until Act 45 was declared unconstitutional by the Commonwealth Court in 2010. In part, Act 45 authorized the Secretary of Education to designate two or more school districts to accept Duquesne’s high school students. Under Act 45, then-Secretary of Education Gerald Zahorchak designated the East Allegheny School District (East Allegheny) and the West Mifflin Area School District (West Mifflin) to accept Duquesne’s senior high school students on a tuition basis.

Shortly after Act 45 was struck down, the act of November 23, 2010 (P.L. 1350, No. 123) (Act 123) was

enacted. The enactment of Act 123 resulted in significant amendments to section 1607 of the Public School Code of 1949 (School Code) (24 P.S. § 16-1607). Section 1607 of the School Code authorizes the Secretary of Education to designate two or more school districts to accept Duquesne’s high school students. When Act 123 was enacted, East Allegheny and West Mifflin were designated to continue to accept Duquesne’s senior high school students.

In 2012, Duquesne sought and received the approval of the Department of Education (Department) to alter/curtail its junior high school program (grades 7 and 8). Accordingly, on July 9, 2012, East Allegheny and West Mifflin were designated to also accept Duquesne’s junior high school students under section 1607 of the School Code. The designation of East Allegheny and West Mifflin to accept Duquesne’s junior and senior high school students remained unchanged.

As required under section 1607(d) of the School Code, the Department provides the following information regarding the assignment of Duquesne’s 7–12 grade students to East Allegheny and West Mifflin.

#### *Assignment of Students*

- Students entering grades 8, 9, 10, 11 or 12 shall be assigned to the same district to which they were assigned during the previous school year.

- Students entering grade 7 have the opportunity to select the district—East Allegheny or West Mifflin—they wish to attend. Students entering grade 7 shall be assigned to the district that they select.

- Private, religious or charter school students who are residents of Duquesne and who wish to enroll in Duquesne and attend East Allegheny or West Mifflin must register as Duquesne students at the Duquesne Education Center to be assigned to either East Allegheny or West Mifflin.

- Students transferring into Duquesne will be given a choice between East Allegheny and West Mifflin and will be assigned to the district they choose.

#### *Per Pupil Tuition Rate*

The per pupil tuition rate that the designated districts shall receive for the 2019-2020 school year is \$13,703.17.

PEDRO A. RIVERA,  
*Secretary*

[Pa.B. Doc. No. 19-1634. Filed for public inspection November 1, 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>
PA0035726 (Sewage)	Camp Ramah in the Poconos 2618 Upper Woods Road Lakewood, PA 18439	Wayne County Buckingham Township	Unnamed Tributary to Equinunk Creek (HQ-CWF, MF) (1-A)	Yes
PA0061026 (Sewage)	Ski Side Village and Chateau Resort 742 Ann Street Stroudsburg, PA 18360	Monroe County Pocono Township	Pocono Creek (HQ-CWF, MF) (1-E)	Yes
PA0061468 (Sewage)	Liberty Mobile Home Park 1675 Kelly Road Friendsville, PA 18818	Susquehanna County Liberty Township	Unnamed Tributary to Snake Creek (CWF, MF)	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>
PA0084166— IW	City of Lebanon Authority 2321 Ridgeview Road Lebanon, PA 17042	Lebanon County/ Lebanon City	UNT Swatara Creek/7-D	Y
PA0085448— SEW	Goodville Ind Ctr 222 Conestoga Creek Rd Ephrata, PA 17522	Lancaster County/ East Earl Twp	UNT Conestoga River/7-J	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>
PA0044245 (Sewage)	Parker Dam State Park 28 Fairview Road Penfield, PA 15849-7902	Clearfield County Huston Township	Laurel Run (HQ-CWF, MF) (8-A)	Yes
PA0232432 (Industrial)	I-99 J2 ARD Treatment 70 Penndot Drive Clearfield, PA 16830-6051	Centre County Huston Township	Unnamed Tributary to Bald Eagle Creek (CWF, MF) (9-C)	Yes
PA0032824 (Sewage)	PA DOT Safety Rest 38 Bureau of Maintenance & Operations P.O. Box 3060 Harrisburg, PA 17105-3060	Columbia County Mifflin Township	Unnamed Tributary to Nescopeck Creek (CWF) (5-D)	Yes
PA0032816 (Sewage)	PA DOT I-80 Rest Area 33 34 STP Bureau Of Maintenance & Operations P.O. Box 3060 Harrisburg, PA 17105-3060	Clinton County Greene Township	Fishing Creek (HQ-CWF) (9-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>
PA0205575 (Sewage)	Pleasant Valley CC STP 440 Pleasant Valley Road Connellsville, PA 15425-6082	Fayette County Bullskin Township	Mounts Creek (WWF) (19-D)	Yes
PA0217824 (Sewage)	Camp Kon O Kwee Spencer 126 Nagel Road Fombell, PA 16123-1198	Beaver County Marion Township	Connoquenessing Creek (WWF) (20-C)	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>
PA0002534 (Industrial)	Morgan AM&T 441 Hall Avenue Saint Marys, PA 15857	Elk County Saint Marys City	Unnamed Tributary to the Elk Creek (CWF) (17-A)	Yes
PA0103811 (Industrial)	Northwest Sanitary Landfill 1436 West Sunbury Road West Sunbury, PA 16061	Butler County Cherry Township	The Findlay Run (CWF) and Unnamed Tributaries to the South Branch Slippery Rock Creek (CWF) (20-C)	Yes
PA0222763 (Industrial)	Charter Plastics P.O. Box 77 221 South Perry Street Titusville, PA 16354-0770	Crawford County Titusville City	Oil Creek (16-E)	Yes
PA0221643 (Sewage)	Sligo Borough STP P.O. Box 241 Sligo, PA 16255-0241	Clarion County Sligo Borough	Mineral Run (CWF) (17-B)	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.*

**PA0050075**, Sewage, SIC Code 4952, **Aqua Pennsylvania Wastewater, Inc.**, 762 W Lancaster Avenue, Bryn Mawr, PA 19010. Facility Name: Willistown Woods STP. This existing facility is located in 417 Hamstead Place, West Chester, PA 19382 in Willistown Township, **Chester County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of .175 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Daily Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>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 Min	XXX	9.0	XXX
Dissolved Oxygen	XXX	XXX	6.0 Min	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.05	XXX	0.12
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )						
Nov 1 - Apr 30	18	XXX	XXX	12	XXX	24
May 1 - Oct 31	12	XXX	XXX	8.5	XXX	17
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	25	XXX	XXX	17	XXX	34
Total Suspended Solids						
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Ultraviolet light intensity ( $\mu\text{w}/\text{cm}^2$ )	XXX	XXX	Report	XXX	XXX	XXX
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	3.6	XXX	XXX	2.5	XXX	5
May 1 - Oct 31	1.3	XXX	XXX	0.9	XXX	1.8
Total Phosphorus	1.5	XXX	XXX	1.0	XXX	2

Sludge use and disposal description and location(s): Liquid sludge generated at the Willistown Woods WWTP is hauled to DELCORA for further processing.

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

I. Other Requirements

A. No Stormwater

B. Acquiring All Necessary Property Rights

C. Sludge Disposal Requirements

D. Abandon STP when Public Sewer Become Available

E. Chlorine Minimization

F. Notification of the Designation of Responsible Operator

G. TMDL/WLA Analysis

H. Develop O&M Plan

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

The EPA Waiver is in effect.

**PA0244538**, Industrial, SIC Code 2819, **Buckman's, Inc.**, 105 Airport Road, Pottstown, PA 19464-3438. Facility Name: Buckman's Reverse Osmosis System. This existing facility is located in Limerick 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), Possum Hollow Run (WWF, MF), is located in State Water Plan watershed 3-D and is classified for Migratory Fishes and Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .012 MGD.—Limits.

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

<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>	
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.2
Total Suspended Solids	XXX	XXX	XXX	30.0	60.0	75
Total Dissolved Solids	XXX	XXX	XXX	2,000.0	4,000.0	5,000

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

Outfall 004 discharges uncontaminated groundwater/spring discharge with no proposed effluent limits.

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

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

I. Other Requirements

- A. Acquiring Necessary Property Rights
- B. Sludge Disposal Requirements
- C. WQM Permit Superseded by NPDES Permit
- D. BAT/BCT Reopener
- E. TRC Minimization
- F. Discharge to Small Stream

II. Requirement Applicable to Stormwater Outfalls



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.

**PA0043974**, Sewage, SIC Code 4952, **Valley Forge Sewer Authority**, 333 Pawling Road, Phoenixville, PA 19460-2656. Facility Name: Valley Forge Sewer Authority WWTP. This existing facility is located in Schuylkill Township, **Chester 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, Schuylkill River (WWF, MF), is located in State Water Plan watershed 3-F and is classified for Migratory Fishes and Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 11.75 MGD.—Limits.

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

The proposed effluent limits for Outfall 001 are based on a design flow of 11.75 MGD.—Limits.

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

The proposed effluent limits for Outfall 001 are based on a design flow of 11.75 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Daily Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0 Inst Min	Report	XXX	XXX
Total Residual Chlorine (TRC)* Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	0.42	XXX	0.52
Nov 1 - Apr 30	1,918	3,069	XXX	20	30 Wkly Avg	40
May 1 - Oct 31	1,535	2,302	XXX	16	24 Wkly Avg	32
Raw Sewage Influent Biochemical Oxygen Demand (BOD <sub>5</sub> )	Report	XXX	XXX	Report	XXX	XXX
Raw Sewage Influent Total Suspended Solids	Report 2,939	XXX 4,410	XXX XXX	Report 30	XXX 45 Wkly Avg	XXX 60
Total Suspended Solids Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Dissolved Solids	XXX	XXX	XXX	1,000	2,000	2,500
Fecal Coliform (No./100 ml) Oct 1 - Apr 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000**
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Daily Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Ultraviolet light transmittance (%)	XXX	XXX	Report	XXX	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	1,228	XXX	XXX	12.5	XXX	25
May 1 - Oct 31	614	XXX	XXX	6.3	XXX	12.5
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
Copper, Total	2.65	4.21	XXX	0.027	0.043	0.068
		Daily Max				

\*Monitor only during the use of chlorine.

\*\*Shall not exceed in more than 10% of samples.

The proposed effluent limits for Outfall 002 are based on an average 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>Weekly Average</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Iron, Dissolved	XXX	XXX	XXX	XXX	Report	XXX

Sludge use and disposal description and location(s): Biosolids produced at the facility are disposed by land application at various locations.

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

- A. No Stormwater
- B. Acquire Necessary Property Rights
- C. Proper Sludge Disposal
- D. No unconventional oil and gas wastewater
- E. Chlorine Optimization
- F. Operator Notification
- G. TMDL/WLA Analysis
- H. Fecal Coliform Reporting
- I. Hauled-in Waste Condition
- J. Operations and Maintenance Plan
- K. Pretreatment Program Implementation
- L. Solids Management
- M. WET Testing Requirements
- N. Stormwater Requirements
- O. PCB/PMP Requirements

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

The EPA Waiver is not in effect.

**PA0057789**, Sewage, SIC Code 6712, **BPG Office VI River Park II, L.P.**, 322 A Street, Wilmington, DE 19801. Facility Name: River Park STP. This existing facility is located in Whitemarsh Township, **Montgomery County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of 0.015 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	Daily Max XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min 2.0	Report	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.2
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	25.0	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	200.0 Geo Mean	XXX	1,000.0
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Ammonia-Nitrogen	XXX	XXX	XXX	20.0	XXX	40
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )						
Raw Sewage Influent	XXX	XXX	XXX	Report Avg Qrtly	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	XXX	XXX	XXX	Report Avg Qrtly	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report Avg Qrtly	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report Avg Qrtly	XXX	XXX

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

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

- Proper disposal of sludge and other solids.
- TRC Minimization.
- Designation of responsible operator.
- Development of Operations and Maintenance (O & M) Plan.

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

The EPA Waiver is in effect.

**PA0057738**, Sewage, SIC Code 8422, **PA DCNR Bureau of State Parks**, PA DCNR Bureau of State Parks, Upper Black Eddy, PA 18972-9540. Facility Name: Delaware Canal State Park STP. 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 SFTF sewage.

The receiving stream(s), Unnamed Tributary to 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 0.0008 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	Inst Min XXX	Report	XXX	Report
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)	XXX	XXX	XXX	200 Geo Mean	XXX	1,000

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

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

- \* No stormwater into sewage
- \* Proper disposal of solids and sludge
- \* TRC minimization

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.

**PA0058343**, Sewage, SIC Code 4952, **Bedminster Municipal Authority Bucks County**, 442 Elephant Road, Perkasio, PA 18944-4163. Facility Name: Bedminster Municipal Authority STP & Sewer System. This existing facility is located in Bedminster 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), Unnamed Tributary to Deep Run (WWF), is located in State Water Plan watershed 2-D and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.302525 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
CBOD <sub>5</sub> —						
Nov 1 - Apr 30	50	76	XXX	20.0	30.0	40
May 1 - Oct 31	25	38	XXX	10.0	15.0	20
Total Dissolved Solids	XXX	XXX	XXX	Report	XXX	XXX
CBOD <sub>5</sub> —						
Raw Sewage Influent	Report	Report	XXX	Report	Report	XXX
BOD <sub>5</sub> —						
Raw Sewage Influent	Report	Report	XXX	Report	Report	XXX
Total Suspended Solids	25	38	XXX	10.0	15.0	20
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	Report	XXX
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	200.0	XXX	1,000.0
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200.0	XXX	1,000.0
Ultraviolet light intensity (mW/cm <sup>2</sup> )	XXX	XXX	Report	Geo Mean XXX	XXX	XXX
Nitrate-Nitrite as N	25	XXX	XXX	10.0	XXX	20
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	5	XXX	XXX	2.0	XXX	4
May 1 - Oct 31	2.5	XXX	XXX	1.0	XXX	2
Total Phosphorus						
Nov 1 - Apr 30	1.51	XXX	XXX	0.6	XXX	1.2
May 1 - Oct 31	1.26	XXX	XXX	0.5	XXX	1

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

- Responsible Operator
- Remedial Measures
- No Stormwater
- Small Stream Discharge
- Change in Ownership
- Sludge Disposal
- Operation and Maintenance (O & M) Plan
- SPW Discharge



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.*

**NPDES Permit No. PA0061131**, Sewage, **Dalton Sewer Authority Lackawanna County**, P.O. Box 538, Dalton, PA 18414-0538, Dalton Borough, **Lackawanna County**.

The following notice reflects changes to the notice published in the October 7, 2017 Volume 47 No. 40 edition of the *Pennsylvania Bulletin*:

Changes in Monitoring requirements, reversion to previous summer Ammonia-N limits, revised schedule of compliance, and updated WQBEL condition.

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

**Application No. PA0281751**, Concentrated Animal Feeding Operation (CAFO), **Kish View Farm (Kish View Farm CAFO)**, 4733 E Main Street, Belleville, PA 17004-9296.

Kish View Farm has submitted an application for an Individual NPDES permit for a new CAFO known as Kish View Farm CAFO, located in Union Township, **Mifflin County**.

The CAFO is situated near Unnamed Tributary of Kishacoquillas Creek (HQ-CWF, MF) in Watershed 12-A, which is classified for High Quality—Cold Water and Migratory Fish. The CAFO is designed to maintain an animal population of approximately 1,279.63 animal equivalent units (AEUs) consisting of 650 Holstein cows, 280 Holstein heifers, and 205 Holstein calves. Manure will be processed through a methane digester and solids separator. Liquids will be stored in a manure storage tank prior to land application and solids will be stored in a roofed concrete manure stacking area prior to use as bedding. A release or discharge to waters of the Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 100-year, 24-hour storm event.

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

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

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

**Application No. PAI120502**, Concentrated Animal Feeding Operation (CAFO), **Inguran LLC dba St Genetics (St Genetics CAFO)**, 1141 State Road, Lincoln University, PA 19352-1005.

Inguran LLC dba St Genetics has submitted an application for an Individual NPDES permit for a renewal of a CAFO known as St Genetics CAFO, located in New London Township, **Chester County**.

The CAFO is situated near an unnamed Tributary to Hodgson Run (HQ-TSF, MF) in Watershed 7-K, which is classified for MF and High Quality Waters—Trout Stocking. The CAFO is designed to maintain an animal population of approximately 1,404.60 animal equivalent units (AEUs) consisting of 1,020 mature Holstein cows, 80 Holstein heifers, and 340 Holstein calves. Manure is stored in a 115' x 150' x 12' earthen lagoon, and three underbarn deep pit concrete storages measuring 112' x 371' x 8', 117' x 182' x 8', and 12' x 79' x 8'. A release or discharge to waters of the Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 25- or 100-year, 24-hour storm event.

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

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

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

**Application No. PA0088889**, Concentrated Animal Feeding Operation (CAFO), **Graywood Farms LLC (Graywood Dairy Farm CAFO)**, 225 Mason Dixon Road, Peach Bottom, PA 17563-9406.

Graywood Farms LLC has submitted an application for an Individual NPDES permit for a renewal of an CAFO known as Graywood Dairy Farm CAFO, located in Fulton Township, **Lancaster County**.

The CAFO is situated near Unnamed Tributary to Conowingo Creek (HQ-CWF, MF) and Unnamed Tributary to Conowingo Creek (HQ-CWF) in Watershed 7-K, which is classified for High Quality—Cold Water, High Quality Waters—Cold Water Fishes, and Migratory Fish. The CAFO is designed to maintain an animal population of approximately 1,828.06 animal equivalent units (AEUs) consisting of 825 mature Holstein Cows, 555 Holstein heifers, and 240 Holstein calves. Manure will be stored in a 10 ft x 18 ft x 10 ft separator pit, a 140 ft x 565 ft x 14 ft HDPE

lined lagoon, a 72 ft × 12 ft concrete round pit, an 80 ft × 14 ft concrete round storage, a 60 ft × 18 ft × 10 ft rectangular ramped storage, and a 160 ft × 20 ft × 10 ft concrete silage leachate reception pit. A release or discharge to waters of the Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 100-year, 24-hour storm event.

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

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

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

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*Northcentral Region: Clean Water Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**PA0023248**, Sewage, SIC Code 4952, **Berwick Area Joint Sewer Authority**, 1108 Freas Avenue, Berwick, PA 18603-1710. Facility Name: Berwick Municipal Authority. This existing facility is located in Berwick Borough, **Columbia 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), Susquehanna River (WWF), is located in State Water Plan watershed 5-D and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 2.2 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min Report Inst Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	459	734	XXX	25.0	40.0	50
Biochemical Oxygen Demand (BOD <sub>5</sub> )						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids		Daily Max				
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	550	826	XXX	30.0	45.0	60
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean 200	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean Report	XXX	1,000
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N (Total Load, lbs)	Report	XXX	XXX	XXX	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen (Total Load, lbs)	Report	XXX	XXX	XXX	XXX	XXX
Ammonia-Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen (Total Load, lbs)	Report	XXX	XXX	XXX	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen (Total Load, lbs)	Report	XXX	XXX	XXX	XXX	XXX
Total Phosphorus	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus (Total Load, lbs)	Report	XXX	XXX	XXX	XXX	XXX

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

Parameters	Mass Units (lbs/day)		Monthly	Concentrations (mg/L)		Instant. Maximum
	Monthly	Annual		Monthly Average	Maximum	
Total Nitrogen (Total Load, lbs)	XXX	Report	XXX	XXX	XXX	XXX
(lbs)		Total Annual				
Effluent Net	XXX	66,848	XXX	XXX	XXX	XXX
		Total Annual				
Ammonia-Nitrogen (Total Load, lbs)	XXX	Report	XXX	XXX	XXX	XXX
(lbs)		Total Annual				
Total Phosphorus (Total Load, lbs)	XXX	Report	XXX	XXX	XXX	XXX
(lbs)		Total Annual				
Effluent Net	XXX	8,913	XXX	XXX	XXX	XXX
		Total Annual				

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

Sludge use and disposal description and location(s): Sludge is hauled to the Lycoming County Landfill.

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

- Chesapeake Bay Nutrient Requirements
- Solids Management
- Whole Effluent Toxicity (WET)
- Requirements Applicable to Stormwater Outfalls
- POTW Pretreatment Implementation

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

The EPA Waiver is not in effect.

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

**PA0272540**, Sewage, SIC Code 4952, 8800, **Raymond P Stanton**, 2525 Valentine Run Road, Russell, PA 16345. Facility Name: Raymond Stanton SRSTP. This proposed facility is located in Farmington Township, **Warren County**.

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

The receiving stream is an unnamed tributary to Rhine Run, located in State Water Plan watershed 16-B and classified for Cold Water Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0004 MGD.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Annual Average	Maximum	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
	Annl Avg					
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

Sewage sludge is disposed off-site.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6340.

The EPA Waiver is in effect.

**PA0272515**, Sewage, SIC Code 8800, **Rodney Prezioso**, 129 Kinsman Road, Jamestown, PA 16134-9515. Facility Name: Rodney Prezioso SRSTP. This proposed facility is located in Greene Township, **Mercer County**.

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

The receiving stream(s), Unnamed Tributary to Shenango River (WWF), is located in State Water Plan watershed 20-A and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0005 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Flow (MGD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report Avg Mo	XXX	Report
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

Sludge use and disposal description and location(s): Septage must be pumped and hauled off-site by a septage hauler for land application under a general permit authorized by PADEP or disposal at an STP.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6340.

The EPA Waiver is in effect.

**PA0272566**, Sewage, SIC Code 8800, **Ronald Cehelsky**, 221 Carbon Center Road, Butler, PA 16002-1021. Facility Name: Ronald Cehelsky SRSTP. This proposed facility is located in Summit Township, **Butler County**.

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

The receiving stream(s), Bonnie Brook (WWF), is located in State Water Plan watershed 20-C and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .0004 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>Annual Average</i>	<i>Maximum</i>	
Flow (GPD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

Sludge use and disposal description and location(s): Septage must be pumped and hauled off-site by a septage hauler for land application under a general permit authorized by DEP or disposal at an STP.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6340.

The EPA Waiver is in effect.

**PA0272558**, Sewage, SIC Code 8800, **Michael Forster**, 11264 Whitewood Drive, Newbury, OH 44065. Facility Name: Michael Forster SRSTP. This proposed facility is located in Sheffield Township, **Warren County**.

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

The receiving stream(s), Twomile Run (HQ-CWF), is located in State Water Plan watershed 16-F and is classified for High Quality Waters—Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .0004 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>Annual Average</i>	<i>Maximum</i>	
Flow (GPD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0



Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Annual Average	Maximum	
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

Sludge use and disposal description and location(s): Septage will be pumped and hauled off-site by a septage hauler for land application under a general permit authorized by DEP or disposal at an STP.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6340.

The EPA Waiver is in effect.

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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. 0919407**, Sewage, **Ed Pinkavitch**, 2003 Old Bethlehem Pike, Sellersville, PA 18960.

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

Description of Action/Activity: Construction and operation of a small flow single residence sewage treatment plant.

**WQM Permit No. 1511405**, Sewage, Amendment, **WaWa Inc.**, 260 West Baltimore Pike, Wawa, PA 19063.

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

Description of Action/Activity: Upgrades and modifications.

**WQM Permit No. 0919408**, Sewage, **Northampton Bucks County Municipal Authority**, 815 Bustleton Pike, Richboro, PA 18954.

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

Description of Action/Activity: Construction of a 175 unit townhouse dev including sanitary sewer system and pump station.

**WQM Permit No. WQG02461915**, Sewage, **Lower Perkiomen Valley Regional Sewer Authority**, P.O. Box 297, Oaks, PA 19456.

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

Description of Action/Activity: Construction of 16 unit single family development and the preservation of 2 existing dwellings on individual lots.

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

**WQM Permit No. 5082402**, Amen # 1, Sewerage, **Saville Township**, 3954 Veterans Way, Ellittsburg, PA 17024.

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

Description of Proposed Action/Activity: Seeking permit amendment approval for modifications at their sewage treatment facility.

**WQM Permit No. 2894405**, Amen # 1, Sewerage, **Guest Farm Village Sewer Authority**, 11364 Ft. Loudon Road, Mercersburg, PA 17236.

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

Description of Proposed Action/Activity: Applicant is requesting an amendment of their existing permit.

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

**WQM Permit No. 0419402**, Sewage, **Brian N & Jessica N Kirby**, 137 Brewer Road, Freedom, PA 15042-9636.

This proposed facility is located in New Sewickley Township, **Beaver County**.

Description of Proposed Action/Activity: Approval to use SFTP for newly constructed home.

**WQM Permit No. 6319411**, Sewage, **Robinson Power Co. LLC**, P.O. Box 127, Burgettstown, PA 15021-0127.

This proposed facility is located in Robinson Township, **Washington County**.

Description of Proposed Action/Activity: Construction of a small flow sewage treatment facility.

**WQM Permit No. 1197403 A-4**, Sewage, **Forest Hills Municipal Authority Cambria County**, P.O. Box 337, Saint Michael, PA 15951-0337.

This existing facility is located in Conemaugh Township, **Cambria County**.

Description of Proposed Action/Activity: Improvements to sludge dewatering process by adding a centrifuge.

**WQM Permit No. 6369406 A-7**, Sewage, **Peters Township Sanitary Authority**, 111 Bell Drive, McMurray, PA 15317-3415.

This existing facility is located in Peters Township, **Washington County**.

Description of Proposed Action/Activity: The Authority proposes to make changes to their existing Brush Run STP, which includes replacement of the existing chlorine disinfection system with a new UV disinfection system, installation of a chemical feed system for phosphorus removal, installation of a new effluent pump station, and installation of a new emergency generator.

**WQM Permit No. 0419401**, Sewage, **Mark R & Cari A Coe Skuse**, 137 Brewer Road, Freedom, PA 15042-9636.

This proposed facility is located in New Sewickley Township, **Beaver County**.

Description of Proposed Action/Activity: Proposed SFTF to replace malfunctioning on-lot system.

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

**WQM Permit No. 2019402**, Sewage, **Amber & Jason Digiacomo**, 15304 Hall Road, Meadville, PA 16335.

This proposed facility is located in Hayfield Township, **Crawford County**.

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

**WQM Permit No. WQG02431902**, Sewage, **Hermitage Municipal Authority**, 800 North Hermitage Road, Hermitage, PA 16148.

This proposed facility is located in Hermitage City, **Mercer County**.

Description of Proposed Action/Activity: Sewer extension to serve North Neshannock Road, North Darby Road and South Darby Road.

**WQM Permit No. 6183401 A-3**, Sewage, **Aqua PA Inc.**, 665 S Dock Street, Sharon, PA 16146.

This existing facility is located in Emlenton Borough, **Venango County**.

Description of Proposed Action/Activity: Addition of Sodium Bisulfite feed equipment for Total Residual Chlorine removal.

**WQM Permit No. 0308201 A-3**, Industrial, **Alliance Petroleum Co. LLC**, 101 McQuiston Drive, Jackson Center, PA 16133.

This existing facility is located in South Bend Township, **Armstrong County**.

Description of Proposed Action/Activity: Amendment to add treatment technology to remove barium from connate wastewater.

**WQM Permit No. 3701402 A-2**, Sewage, **North Beaver Township Municipal Authority Lawrence County**, 861 Mount Jackson Road, New Castle, PA 16102-2415.

This existing facility is located in North Beaver Township, **Lawrence County**.

Description of Proposed Action/Activity: Rerate wastewater treatment plant to increase the hydraulic design capacity.

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD150141	TC Atwater Land, LP 300 Conshohocken State Road Suite 250 Conshohocken, PA 19428	Chester	Tredyffrin Township	Cedar Hollow Run to Valley Creek EV-MF

*Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.  
Carbon County Conservation District, 5664 Interchange Road, Lehigh, PA 18235.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD130024	Phase III Environmental c/o Xin Yuan 1120 Mauch Chunk Rd Palmerton, PA 18071	Carbon	Palmerton Boro	Lehigh River (TSF, 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>
PAD390144	S Whitehall Twp 4444 Walbert Ave Allentown, PA 18104	Lehigh	S Whitehall Twp	Little Cedar Creek (HQ-CWF, MF)
PAD390145	E Penn School District 800 Pine St Emmaus, PA 18049	Lehigh	Emmaus Boro	Leibert 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>
PAD480115	Rick Koze Kay Builders 5930 Hamilton Blvd Wescosville, PA 18106	Northampton	Bushkill Twp	UNT to Bushkill Creek (HQ-CWF, MF) Schoeneck Creek (WWF)
PAD480114	Luke Jaindl Jw Development Partners III LLC 3150 Coffeetown Rd Orefield, PA 18069	Northampton	Lower Nazareth Twp	Wetlands (EV) Schoeneck Creek (WWF, MF)

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

<i>Permit #</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD500003	PPL Electric Utilities Corporation 2 North Ninth Street GENN 4 Allentown, PA 18101-1179	Cumberland	Middlesex Township Silver Springs Township	Conodoguinet Creek (WWF, MF) Spring Run (WWF, MF) UNT Conodoguinet Creek (WWF, MF)

## STATE CONSERVATION COMMISSION

### PROPOSED NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs

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

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

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

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

**ACT 38  
NUTRIENT MANAGEMENT PLANS  
CAFO PUBLIC NOTICE SPREADSHEET—APPLICATIONS**

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>AEU's</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>New or Renewal</i>
LGH Farms, LLC 2129 Mountain Road Catawissa, PA 17820	Columbia	95	530.28	Layer Hens	HQ	Renewal
Kline's Hillside Farm 167 Coble Rd Chambersburg, PA 17201	Frankliin	0	514.3	Swine & Turkey	n/a	Renewal
Tim Goss Goss Family Farms 123 Decatur Rd. McClure, PA 17841	Mifflin	322	1,197.74 17	Swine Beef	NA	Renewal

**PUBLIC WATER SUPPLY (PWS)  
PERMITS**

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

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

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

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

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

**SAFE DRINKING WATER**

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

*Northeast Region: Safe Drinking Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

**Application No. 1319506, Public Water Supply.**

Applicant **D's Water Company**  
241 Harvard Avenue  
Palmerton, PA 18071

[Township or Borough] Palmerton Borough  
**Carbon County**  
Responsible Official Frank DePaulo  
D's Water Company  
241 Harvard Avenue  
Palmerton, PA 18071  
Type of Facility PWS  
Consulting Engineer Geregory R. Rogalski, PE  
Pennoni Associates, Inc.  
5072 Ritter Road  
Suite 102  
Upper Allen Township, PA 17055  
Application Received Date 10/15/2019  
Description of Action Construction of a new booster pump station and interconnection with Palmerton Municipal Authority water system.

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

**Application No. 1719503—Construction—Public Water Supply.**

Applicant **Aqua Pennsylvania, Inc.—Treasure Lake Division**  
Township/Borough Sandy Township  
County **Clearfield County**  
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 N/A  
Application Received 5/2/2019  
Description of Action Authorizes the installation of phosphate feed systems at each of the six wells in the Treasured Lake Water System. Upon construction of a proposed treatment project, the phosphate equipment from Wells No. 12 and N14 will be relocated to the Cayman Booster Pump Sta.



**Application No. 1919504—Construction—Public Water Supply.**

Applicant **Suez Water PA, Inc.**  
 Township/Borough Montour Township  
 County **Columbia County**  
 Responsible Official Mr. John Hallenbach  
 6310 Allentown Boulevard  
 Harrisburg, PA 17112  
 Type of Facility Public Water  
 Supply—Construction  
 Consulting Engineer N/A  
 Application Received 8/15/19  
 Description of Action Authorizes the Montour Booster  
 Pump Station to convert an  
 existing building into a new  
 booster pump station.

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

**Permit No. 0319502, Public Water Supply.**

Applicant **Brady's Bend Township Water & Sewer Authority**  
 Township or Borough Bradys Bend Township  
 County **Armstrong**  
 Responsible Official Wade Ion  
 697 SR 68  
 East Brady, PA 16028  
 Type of Facility Community Water Supply  
 Consulting Engineer Christopher Wharton, P.E.  
 Gibson—Thomas Engineering  
 Company, Inc.  
 1004 Ligonier Street  
 Box 853  
 Latrobe, PA 15650  
 Application Received October 3, 2019  
 Date  
 Description of Action Reconfigure existing meter pit  
 between Brady's Bend and  
 Petrolia Borough.

**MINOR AMENDMENT****Applications Received Under the Pennsylvania Safe Drinking Water Act.**

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

**Application No. 2515505-MA1, Minor Amendment.**

Applicant **Erie City Waterworks**  
 Township or Borough City of Erie  
 County **Erie**  
 Responsible Official Chad Ellsworth  
 Type of Facility Public Water Supply  
 Consulting Engineer Chad Ellsworth  
 240 West 12th Street  
 Erie, PA 16501  
 Application Received October 7, 2019  
 Date

Description of Action Upgrades to existing Bulk  
 Sodium Hypochlorite Fed System  
 at Grubb Road, Lancaster and  
 Henderson Booster Stations  
 Applicant **Rural Valley Borough**  
 Township or Borough Rural Valley Borough  
 County **Armstrong**  
 Responsible Official Kathy Fusaro  
 Type of Facility Public Water Supply  
 Consulting Engineer Kevin Szakelyhidi  
 Bankson Engineers  
 267 Blue Run Road  
 Cheswick, PA 15024  
 Application Received October 3, 2019  
 Date  
 Description of Action Rehabilitation of Water  
 Treatment Plant

**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.

tion 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.*

**Former Rainbow Market Property**, 621 Northern Boulevard, South Abington Township, **Lackawanna County**. LaBella Associates, 1000 Dunham Drive, Suite B, Dunmore, PA 18512, on behalf of Rainbow Land Company, P.O. Box 716, Waverly, PA 18741, submitted a Notice of Intent to Remediate. Soil and groundwater were contaminated by historic releases of gasoline at a former service station. Future use of the site will be Non-residential. The Notice of Intent to Remediate was published in *The Scranton Times* on October 11, 2019.

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

**Harer 713 Pad**, 957 Bogar Run Road, Roaring Branch, Liberty Township, **Tioga County**. Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205, on behalf of Rockdale Marcellus, LLC, 4600 J Barry Court, Suite 120, Canonsburg, PA 15317, has submitted a Notice of Intent to Remediate concerning remediation of site soil contaminated with produced water. The applicant proposes to remediate the site to meet the Background and Statewide Health Standards. A summary of the Notice of Intent to Remediate was published in the *Williamsport Sun Gazette* on September 21, 2019.

**Guillaume 714 Pad**, 10562 Route 414, Liberty Township, **Tioga County**. Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205, on behalf of Rockdale Marcellus, LLC, 4600 J Barry Court, Suite 120, Canonsburg, PA 15317, has submitted a Notice of Intent to Remediate concerning remediation of site soil contaminated with flowback water. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was published in the *Sun-Gazette* on September 14, 2019.

#### **DETERMINATION OF APPLICABILITY FOR MUNICIPAL WASTE GENERAL PERMITS**

**Determination of Applicability for General Permit(s) 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 Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities and/or the Beneficial Use of Municipal Waste.**

*Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**General Permit No. WMGM016SW001: Chestnut Ridge Mulch, LLC**, 684 Old Farm Road, Blairsville, PA 15717, Burrell Township, **Indiana County**. Determination of Applicability (DOA) under municipal waste General Permit WMGM016 for the processing and beneficial use of wood waste to produce wood chips for wholesale purposes was approved in the Southwest Regional Office on October 16, 2019.

#### **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.**

*Northeast Region: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

**Permit Application No. 100933. Alliance Sanitary Landfill, Inc.**, 398 South Keyser Avenue, Taylor, PA 18517. An application for permit renewal for the continued operation of a municipal waste landfill located in Taylor Borough, Old Forge Borough and Ransom Township, **Lackawanna County**. The application was received by the Regional Office on October 17, 2019 and the application was deemed administratively complete on October 18, 2019.

Comments concerning the application should be directed to Roger Bellas, Environmental Program Manager, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915 at 570-826-2511. 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.

### **AIR QUALITY**

#### **PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS**

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

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

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

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

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

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

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

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**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.**

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*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.*

**36-05026D: LSC Communications, Inc.** (1375 Harrisburg Pike, Lancaster, PA 17601) for the installation of a new heatset web offset printing press controlled by two existing regenerative thermal oxidizers at the Lancaster West facility in the City of Lancaster, **Lancaster County**. Potential emissions from the project are estimated to be: 6.2 tpy CO, 7.4 tpy NO<sub>x</sub>, 0.6 tpy PM/PM<sub>10</sub>/PM<sub>2.5</sub>, 0.0 tpy SO<sub>x</sub>, 39.0 tpy VOC, 4.8 tpy of a single HAP (glycol ether), and 9.6 tpy of combined HAPs. DEP's

review of the information submitted by the applicant indicates that the air contamination sources as constructed or modified will comply with all regulatory requirements pertaining to air contamination sources and 127.12. Based on these findings, the Department proposes to issue a plan approval for the proposed construction. If, after the project has been implemented, the Department determines that the sources are constructed and operated in compliance with the plan approval conditions and the specification of the application for plan approval, the requirements established in the plan approval will be incorporated into an operating permit pursuant to the administrative amendment provisions of 25 Pa. Code § 127.450.

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

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

**14-00003K: Pennsylvania State University** (101P Physical Plant Bldg, University Park, PA 16802) for the construction of a natural gas-fired (diesel fuel backup) lean-burn pre-mix Solar Taurus 60-7901S turbine with an electric output of approximately 6.5 MW and a natural gas-fired Indeck Heat Recovery Steam Generator rated at a maximum heat input capacity of 94.9 MMBtu/hr at the West Campus Steam Plant of the University Park Campus located in College Township and State College Borough, **Centre County**.

The Department of Environmental Protection's (Department) review of the information submitted by the Pennsylvania State University (PSU) indicates that the air contamination sources to be constructed will comply with all regulatory requirements pertaining to air contamination sources and the emission of air contaminants including New Source Performance Standards and the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, the Department proposes to issue a plan approval for the proposed construction. The following is a summary of the conditions that the Department proposes to place in the plan approval to ensure compliance with all applicable air quality regulatory requirements:

1. The annual emissions from the operation of the CT and HRSG shall not exceed any of the following in any 12 consecutive month period: 39.9 tons of NO<sub>x</sub>; 28.5 tons of CO; 0.62 ton of SO<sub>x</sub>; 5.2 tons of particulate matter; 10.2 tons of VOCs; 0.71 ton of formaldehyde; and 83,415 tons of CO<sub>2</sub>e.

2. The emissions from the operation of the CT operating alone shall not exceed the following rates: When firing natural gas: NO<sub>x</sub>: 9 ppmvd 15% O<sub>2</sub>. CO: 1.3 ppmvd 15% O<sub>2</sub>. VOCs: 2.4 ppmvd 15% O<sub>2</sub>. SO<sub>x</sub>: 0.060 lb/MMBtu, Formaldehyde: 400 ppbvd 15% O<sub>2</sub>. Particulate matter: 0.010 lb/MMBtu. When firing diesel: NO<sub>x</sub>: 65 ppmvd 15% O<sub>2</sub>. CO: 2.6 ppmvd 15% O<sub>2</sub>. VOCs: 3.9 ppmvd 15% O<sub>2</sub>. SO<sub>x</sub>: 0.060 lb/MMBtu, Formaldehyde: 400 ppbvd 15% O<sub>2</sub>. Particulate matter: 0.020 lb/MMBtu.

3. The emissions from the combined operation of the CT and HRSG shall not exceed the following rates. When operating the combustion turbine on natural gas: NO<sub>x</sub>: 8.3 lbs/hr. CO: 1.3 ppmvd 15% O<sub>2</sub>. VOCs: 2.4 ppmvd 15% O<sub>2</sub>. SO<sub>x</sub>: 0.060 lb/MMBtu. Formaldehyde: 400 ppb 15% O<sub>2</sub>. Particulate matter: 1.15 lbs/hr. When operating the combustion turbine on diesel: NO<sub>x</sub>: 22.0 lbs/hr. CO: 2.6 ppmvd 15% O<sub>2</sub>. VOCs: 3.9 ppmvd 15% O<sub>2</sub>. SO<sub>x</sub>: 0.060 lb/MMBtu. Formaldehyde: 400 ppb 15% O<sub>2</sub>. Particulate matter: 1.72 lbs/hr.



4. The short-term emission limits apply at all times except during startup (SU) and shutdown (SD). SU and SD shall be limited to 10 minutes per instance. During periods of SUSD while firing natural gas, emissions from the CT shall not exceed the following: NO<sub>x</sub>: 1 lb per SU and 1 lb per SD. CO: 86 lbs per SU and 79 lbs per SD. VOCs: 22 lbs per SU and 18 lbs per SD. CO<sub>2</sub>: 338 lbs per SU and 392 lbs per SD.

5. The CT shall not operate on diesel fuel in excess of 384 hours in any 12 consecutive month period.

6. The natural gas combusted in the CT/HRSG shall contain a maximum sulfur content equal to 20 grains per 100 scf. The ultra-low sulfur diesel fuel combusted in the CT shall contain a maximum percentage of sulfur equal to 15 ppm by weight. The permittee shall never simultaneously use natural gas and diesel as a combined fuel mixture to operate the CT. The HRSG shall only be fired on pipeline-quality natural gas.

7. The total heat input to the CT/HRSG shall not exceed 1,414,740 MMBtu/year.

8. Within 120 days of initial start-up of the CT/HRSG, the permittee shall submit a source testing protocol for EPA reference method testing programs to determine the emission rates of NO<sub>x</sub>, CO, VOCs, formaldehyde, PM<sub>10</sub> and PM<sub>2.5</sub>. Within 90 days of receipt of an approved protocol from BAQ Source Testing, the permittee shall conduct the testing while the turbine is operating at plus or minus 10 percent of peak process load, or at other load as approved by the Department. Testing shall be performed under each of the following operating scenarios: The CT operating alone, while firing natural gas. The CT operating alone, while firing ultra-low sulfur diesel. The combustion turbine and heat recovery steam generator together while firing natural gas. The combustion turbine firing ultra-low sulfur diesel and the heat recovery steam generator firing natural gas.

9. The CT shall be equipped with instrumentation that monitors the manufacturer's recommended operational parameters and continuously indicates whether the CT is operating in or out of low-NO<sub>x</sub> mode. The oxidation catalyst shall be equipped with instrumentation to continuously monitor the catalyst bed inlet and outlet temperatures as well as the pressure differential across the catalyst bed.

10. The CT shall only operate out of low-NO<sub>x</sub> mode during periods of SUSD. The permittee shall follow the manufacturer's recommendations for SUSD procedures.

11. The CT shall be equipped with Solar SoLoNO<sub>x</sub> technology and an Indeck oxidation catalyst or equivalent as determined by the Department.

12. The CT/HRSG is subject to Subpart KKKK of the Federal Standards of Performance for New Stationary Sources, 40 CFR 60.4300—60.4420. The permittee shall comply with all applicable requirements specified in 40 CFR 60.4300—60.4420.

The facility is a major (Title V) facility. If the Department determines that the sources are constructed and operated in compliance with the plan approval conditions and the specification of the application for Plan Approval 14-00003K, the requirements established in the plan

approval will be incorporated into Title V Operating Permit 14-00003 pursuant to the administrative amendment provisions of 25 Pa. Code § 127.450.

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

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

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

**04-00748: ARDEX L.P.** (400 Ardex Park Drive, Aliquippa, PA 15001). Notice is hereby given in accordance with 25 Pa. Code §§ 127.44—127.46 that the Pennsylvania Department of Environmental Protection (Department) intends to issue Air Quality Plan Approval: PA-04-00748 for the expansion of their facility for the production of high performance dry and liquid flooring and tiling products and continued operation of the existing operations at the Aliquippa Plant located in Center Township, **Beaver County**.

Emissions from the sources covered under this plan approval are 28.0 tons of total particulate matter (PM), 24.0 tons of particulate matter less than 10 microns in diameter (PM<sub>10</sub>), 23.0 tons of particulate matter less than 2.5 microns in diameter (PM<sub>2.5</sub>), 2.0 tons of volatile organic compounds (VOC), 0.5 ton of carbon monoxide (CO), and 0.5 ton of nitrogen oxides (NO<sub>x</sub>). The authorization is subject to State regulations including 25 Pa. Code §§ 123.1, 123.2, 123.13, 123.31, 123.41 and 127.1. Plan Approval has been conditioned to ensure compliance with all applicable rules. This includes visible emission limits, work practice, testing, monitoring, recordkeeping, and reporting conditions. Once compliance with the Plan Approval is demonstrated, the applicant will subsequently submit a State Only Operating Permit (SOOP) for this Facility.

The 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 the Department at 412-442-4000.

A person may oppose the proposed plan approval by filing a written protest with the Department through Alexander Sandy, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222; [asandy@pa.gov](mailto:asandy@pa.gov); or fax 412-442-4194. Each protest or set of written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Plan Approval (PA-04-00748) and a concise statement of the objections to the plan approval 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. For additional information, you may contact Alexander Sandy at 412-442-4028.



*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, Shippenville, PA 16254) for the proposed production increase in Paint Township, **Clarion County**. This is a State Only facility. The public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450 or § 127.505, be incorporated into the State Only operating permit at a later date.

Plan approval No 16-149E is for the proposed modification of a facility production limit due to the construction of Source 109 under Plan Approval 16-149C that was inadvertently not changed in the facility operating permit to reflect the production increase. This Plan Approval will contain emission restriction, testing, recordkeeping, work practice standard and additional requirement conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate Best Available Technology (BAT) for the source including, but are not limited to, the following:

- Site:
  - The maximum throughput of laminate wood flooring for the facility will be 330 million square feet per year. [This condition replaces the following condition: The maximum throughput of laminate wood flooring for the facility will be 230 million square feet per year.]
  - The permittee shall maintain monthly records of the laminate wood flooring throughput in square feet per month.
  - The permittee shall maintain 12-month rolling total of the laminate wood flooring throughput in square feet per 12-month period.
- Source 031 & Source 032:
  - All conditions from the facility operating permit revised on November 8, 2017, for this source and from Plan Approval 16-132N (Clarion Boards) issued on March 20, 2019, remain in effect unless modified in this plan approval.
- Source 101, Source 102, Source 103, Source 104, Source 105, Source 106, Source 107, Source 108, & Source 109:
  - All conditions from the facility operating permit revised on November 8, 2017, for this source remain in effect unless modified in this plan approval

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

In accordance with 25 Pa. Code § 127.44(f)(2), a 30-day comment period, from the date of publication, will exist for the submission of comments. Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to Regional Air Quality Program Manager, Pennsylvania Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335-3494 and must contain the name,

address and telephone number of the person submitting the comments, identification of the proposed plan approval [16-149E] and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

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

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

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

#### 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.**

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

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

**09-00210: Waste Management of Fairless, LLC** (1000 New Ford Mill Rd, Morrisville, PA 19067) for a new municipal landfill and landfill gas collection system in Falls Township, **Bucks County** (Fairless Landfill). This is the initial Title V permit for the facility. The landfill currently operates under Plan Approval 09-0210A, which forms the basis for the conditions in this Operating Permit. Although the facility has estimated emissions below the thresholds for a Title V permit, the facility is subject through 40 CFR Part 60 Subpart XXX to permitting under 40 CFR Part 70.

Landfill gas generated by the landfill is routed either to a treatment system, which prepares the gas for use by an end-user or to an enclosed flare, which destroys the volatile organic compounds (VOC) with an efficiency >98%. Emissions estimates, including an additional flare authorized but not yet constructed, are in tons per 12-month rolling period—VOC: 24.75; nitrogen oxides (NO<sub>x</sub>): 22.7; carbon monoxide (CO): 41.63; sulfur oxides (SO<sub>2</sub>): 16.77; hazardous air pollutants (HAP): 4.68. Particulate matter emissions from the Fairless Landfill and the adjacent GROWS Landfill are limited to 99.9 tons per year as a 12-month rolling basis.

Besides the landfill and the flare, equipment for a Leachate Treatment Plant and 4 emergency generators are being incorporated. Besides 40 CFR Part 60, Subpart XXX the Standards of Performance for New Stationary Sources for Municipal Solid Waste Landfills that Commenced Construction, Reconstruction, or Modification After July 17, 2014, the landfill is subject to the National

Emissions Standard for Hazardous Air Pollutants for Source Categories, Subpart AAAA: Municipal Solid Waste Landfills and the National Emission Standard for Hazardous Air Pollutants- Standard for Asbestos. The engines are subject to the National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines, Subpart ZZZZ. All applicable requirements are included in the Operating Permit.

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

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

**26-00405: Dominion Energy Transmission Inc.** (5000 Dominion Boulevard, Glen Allen, VA 23060). In accordance with 25 Pa. Code §§ 127.424, 127.425 and 127.521, the Department of Environmental Protection (DEP) is providing notice that it intends to modify Title V Operating Permit (TVOP-26-00405) to incorporate the Reasonably Available Control Technology II (RACT II) requirements of 25 Pa. Code §§ 129.96—129.100 for the continued operation of a natural gas compressor station for their North Summit Compressor Station in North Union Township, **Fayette County**. The facility is subject to presumptive RACT requirements for NO<sub>x</sub> and VOC, which have been evaluated during this review. The facility's main sources include two (2) 25 MMBtu/hr Tulpro Heaters (Source IDs 034 and 035), one (1) 10.5 MMBtu/hr Natco DeHy Heater (Source ID 036), one (1) 3.57 MMBtu/hr Peerless Boiler (Source ID 037), two (2) 3,200 bhp natural gas-fired engines (Source IDs 101 and 102), and one (1) 610 bhp natural gas-fired auxiliary generator (Source ID 103).

Actual facility emissions for 2018 were reported as follows: 19.57 TPY NO<sub>x</sub>; 14.64 TPY CO; 5.55 TPY VOC; 0.05 TPY SO<sub>x</sub>; 1.33 TPY PM<sub>10/2.5</sub>; 1.75 TPY HAP total; and 6,472 TPY for CO<sub>2e</sub>.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the Title V Operating Permit may submit the information to Thomas Joseph, Facilities Permit Chief, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. Written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Operating Permit (26-00405) 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 Thomas Joseph, Facilities Permit Chief, at the previously listed address. For additional information concerning the permit or the issuance procedure, contact Thomas Joseph at the same address previously listed or phone at (412) 442-4336.

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

## Notice

### Commonwealth of Pennsylvania

#### Department of Environmental Protection

#### Air Quality

### Notice of Proposed Revision to the State Implementation Plan for Oxides of Nitrogen, Volatile Organic Compounds, Notice of Public Hearing, and Notice of Intent to Issue Revised Air Quality Operating Permit TVOP-65-00622

In accordance with 25 Pa. Code §§ 127.424, 127.425 and 127.521, the Department of Environmental Protection (DEP) is providing notice that it intends to issue a renewal Title V Operating Permit (TVOP-65-00622) to **General Carbide Corporation** to authorize the continued operation of the carbide manufacturing facility located in Hempfield Township, **Westmoreland County**. The name and address of the applicant is General Carbide Corporation, 1151 Garden Street, Greensburg, PA 15601. The carbide powder manufacturing process consists of a powder preparation area, ball mills, dryers, condensers, ISO presser area, final fitz mill, crusher, CT-15 high pressure boiler (rated at 0.5 MMBtu/hr), Ajax low pressure boiler (rated at 0.6 MMBtu/hr), cooling tower, and various baghouses. The shaping operations include hydraulic pressing and furnaces, numerous lathes, grinders, mills, saws and presses. Each piece of shaping equipment has a Torit dust collector that exhaust to one of two large baghouses. This facility's potential to emit VOC is limited to 79.43 tons/yr. The proposed TVOP renewal contains conditions relating to monitoring, recordkeeping and work practice standards.

As part of this action, the Department intends to issue an Approval of a Reasonably Available Control Technology (RACT II) plan for General Carbide Corporation.

In accordance with 25 Pa. Code §§ 129.96—129.100, the Pennsylvania Department of Environmental Protection has made a preliminary determination to approve a RACT II plan and an amendment to the State Implementation Plan (SIP) for the carbide manufacturing facility owned and operated by General Carbide Corporation located at 1151 Garden Street, Greensburg, PA 15601 in Hempfield Township, Westmoreland County.

The proposed SIP revision does not adopt any new regulations. It incorporates the provisions and requirements contained in the amended RACT II approval for the facility, which are intended to satisfy the requirements for the 1997, 2008, and 2015 National Ambient Air Quality Standard (NAAQS) for ozone. Other sources at the facility meet the presumptive RACT II requirements of 25 Pa. Code § 129.97.

The proposed amendments to the RACT II determination, if finally approved, will be incorporated into the Title V Operating Permit (65-00622) for the facility.

The relevant RACT II requirements will be submitted to the U.S. Environmental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan and will remain in effect until replaced pursuant to 40 CFR 51 and approval by the EPA. Requirements that are not part of the RACT II determination will be excluded from the SIP submittal.

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

<i>Source</i>	<i>RACT II Requirement</i>	<i>TVOP 65-00622 Cond. No</i>
Main Storage Tank	The facility wide Volatile Organic Compounds (VOC) emissions shall not exceed 79.43 tons in any 12 consecutive month period.	Section C, Condition # 012
Mills 1—10 (80% emitted through CO <sub>3</sub> /Baghouse # 4)		
Mills 11—15 (80% emitted through C10)	All air cleaning devices and air contamination sources at the facility shall be operated and maintained in accordance with manufacturer's specification and good air pollution and engineering practices.	Section C, Condition # 025
LDAR Components		

*Public hearing.* A public hearing will be held if requested by December 3, 2019 to accept oral comments on the proposed operating permit revision and the proposed SIP revision. The hearing will be held, if requested, on December 17, 2019 at 10 am at the Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. To request a hearing, to register to speak at a hearing, or to inquire if a hearing will be held, please contact Thomas Joseph at 412-442-4336. The last day to pre-register to speak at a hearing, if one is held, will be December 3, 2019.

Please note that any updates made to any aspect of the hearing, including whether or not a hearing will be held, will be posted online at <https://www.dep.pa.gov/About/Regional/SouthwestRegion/Community%20Information/Pages/default.aspx>.

We ask that you contact Thomas Joseph at 412-442-4336 or monitor our Web site to determine if a hearing will be held.

Persons wishing to present testimony at the hearing should contact Thomas Joseph at 412-442-4336 at least one week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to a maximum of 10 minutes per individual and two written copies of the oral testimony are requested. Each organization is requested to designate one witness to present testimony on its behalf. Persons unable to attend the hearing, if it is held, may submit three (3) copies of a written statement and exhibits within 10 days thereafter to Mark Gorog, Environmental Program Manager, Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222.

Persons wishing to file a written protest or provide comments or additional information, which they believe should be considered prior to the issuance of a permit, may submit the information to Mark Gorog, Environmental Program Manager, Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. A 30-day comment period from December 3, 2019 will exist for the submission of comments, protests and information. Each submission must contain the name, address and telephone number of the person submitting the comments, identification of the proposed RACT II Operating Permit including the permit number and a concise statement regarding the relevancy of the information or objections to issuance of the proposed RACT II Plan.

All pertinent documents are available for public review between 8 a.m. and 4 p.m. at the Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. Ap-

pointments for scheduling a review may be made online at <https://www.dep.pa.gov/Citizens/PublicRecords/Pages/Informal-File-Review.aspx> or by calling the Department at 412-442-4000.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should contact Lauren Fraley at 412-442-4203 or the Pennsylvania AT&T Relay Service at 1-800-654-5984 (TDD) to discuss how the Department may accommodate your needs.

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

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

**V13-003: Grays Ferry Cogeneration Partnership—Schuylkill Station** (2600 Christian Street, Philadelphia, PA 19146) for the operation of a ship repairing facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include a 1,515 MMBtu/hr natural gas or # 2 fuel-fired combustion turbine with or without a 366 MMBtu/hr natural gas or # 2 fuel-fired Heat Recovery Steam Generator (HRSG) with Selective Catalytic Reduction System (SCR) and Oxidation Catalyst (OC), and a 1,119 MMBtu/hr natural gas or # 2 fuel-fired auxiliary boiler.

**OP18-00003: Philadelphia Ship Repair, LLC** (5195 South 19th Street, Philadelphia, PA 19112) for the operation of a ship repairing facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include: one (1) natural gas-fired heating boiler rated at 0.792 MMBtu/hr; one (1) No. 2 Oil-fired portable heating boiler less than 8.4 MMBtu/hr; ship painting operations including underwater hulls, interior, superstructure, and interior tanks; abrasive blasting operations; fugitive emissions from containment tarps and dust collector; three (3) diesel-fired portable rental compressors less than 440 horsepower; five (5) diesel-fired portable rental washers less than 250 HP, and one diesel-fired fire pump rated at 225 horsepower.

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

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

**46-00101: Ball Metalpack Aerosol Container, LLC** (431 Privet Road, Horsham, PA 19044-1220) submitted a renewal for a Non-Title V Facility, State-Only, Synthetic Minor Permit in Horsham Township, **Montgomery County**. Ball Metalpack Aerosol Container is a metal can manufacturing facility. The sources of emissions include: side seam stripe lines (6), stripe cleaning, and parts washers. The facility took voluntary facility-wide VOC and total HAP emission limits to be less than 25 tpy.



Monitoring, record keeping and reporting requirements have been added to the permit to address applicable limitations.

**15-00078: Janssen Biotech Inc.** (200 Great Valley Pkwy, Malvern, PA 19355) submitted a renewal for a Non-Title V Facility, State-Only, Synthetic Minor Permit in East Whiteland Township, **Chester County**. Janssen Biotech Inc. is a manufacturing facility. The sources of emissions include: boilers and generators. The facility voluntarily took emission limits for NO<sub>x</sub> (24.9tpy), SO<sub>x</sub> (17.0 tpy) and PM (3.97 tpy). Monitoring, record keeping and reporting requirements have been added to the permit to maintain compliance and to address applicable limitations.

**09-00245: Telford Recycling & Materials, LLC** (2850 Clymer Avenue, Telford, PA 18969) for a State-Only Natural Minor Operating Permit in West Rockhill Township, **Bucks County**. Telford Recycling operates a portable nonmetallic crushing plant, consisting of a portable crusher and portable screener at this site. Each piece of equipment is powered by a diesel engine. The primary pollutant emitted is particulate matter (PM), due to the processing of aggregate materials. The PM is controlled by water sprays located on the equipment. The site is not a mining site, aggregate materials are brought on site and processed. The permit includes monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable local, State, and Federal 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.*

**48-00063: Columbia Gas Transmission/Hellertown** (455 Racetrack Road, Washington, PA 15301). The Department intends to issue a renewal State-Only (Natural Minor) Permit for the pipeline transportation of natural gas in Williams Township, **Northampton County**. The primary sources consist of two Reciprocating Engines/Integral Compressors with Oxidation Catalyst as control devices. 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 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.

**40-00036: Hydro Extruder, LLC** (330 Elmwood Avenue, Crestwood Industrial Park, Mountain Top, PA 18707). The Department intends to issue a renewal State-Only Natural Minor Permit for Hydro Extruder, LLC located in Wright Township, **Luzerne County**. Activities performed at this facility include the manufacturing of close tolerance aluminum extrusions using anodizing, fabricating, heat treating and chemical conversion coating. 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 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.*

**38-05037: Zimmerman Chair Shop** (1486 Colebrook Road, Lebanon, PA 17042) to issue a State Only Operating Permit for the wood furniture manufacturing facility located in North Cornwall Township, **Lebanon County**. The actual emissions from the facility in 2018 year are estimated at 18.65 tons of VOC, 2.86 tons of HAPS and less than a ton of other pollutants. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 25 Pa. Code §§ 129.52 and 129.101—129.107.

**22-05035: New Enterprise Stone & Lime, Co., Inc.** (P.O. Box 177, Winfield, PA 17889-0177) to issue a State-Only operating permit for their stone crushing and asphalt operations at the Elizabethtown Quarry in Washington Township, **Dauphin County**. The facility has synthetic minor limits which restrict its potential-to-emit for all criteria pollutants to less than major source levels. This is for renewal of the existing operating permit. Among other items, the conditions include provisions derived from NSPS Subpart 000. 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.

**22-03052: Hearth & Home Technologies** (352 Mountain House Road, Halifax, PA 17032) to issue a State Only Operating Permit for the pellet, gas and wood burning appliances manufacturing facility located in Jackson Township, **Dauphin County**. The potential emissions from the facility are estimated at 54.6 tpy of VOC and 45.2 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 XXXXXX—National Emission Standards for Hazardous Air Pollutants for Area Source Standards for Nine Metal Fabrication and Finishing Source Categories.

**06-03025: Reading Plating & Polishing Works** (1833 Cotton Street, Reading, PA 19606) to issue a State Only Operating Permit for the plating and polishing facility located in Reading City, **Berks County**. The potential yearly emissions from the facility are estimated at 4.66 tons of VOC, 1.27 ton of HAP and less than a ton of other pollutants. 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 N, 40 CFR 63 Subpart WWWW and 25 Pa. Code § 129.63.

**67-03013: Georgia-Pacific Corrugated LLC** (25 Walnut Street, Mount Wolf, PA 17347) for the operation of a corrugated container manufacturing facility in Mount Wolf Borough, **York County**. This is for renewal of the existing State-Only permit. Potential air emissions from the facility are estimated at 21.9 tpy PM, 12.8 tpy NO<sub>x</sub>,



24.5 tpy CO, 11.3 tpy VOC, 0.18 tpy SO<sub>2</sub>, and 5.81 tpy HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

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

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

**19-00031: Press Enterprise, Inc.** (3185 Lackawanna Avenue, Bloomsburg, PA 17815) to issue a State Only operating permit for their facility located in Scott Township, **Columbia County**. The facility is currently operating under State Only Operating Permit 19-00031. The facility's sources include five (5) 0.13 million Btu per hour, natural gas-fired space heaters, two (2) heatset web offset lithographic printing presses, three (3) non-heatset web offset lithographic printing presses, two (2) parts cleaners, an 80 kilowatt (144 horsepower), natural gas-fired emergency generator and a piezoelectric printer. The facility has potential emissions of 1.93 ton per year of nitrogen oxides, 1.08 ton per year of carbon monoxide, 13.79 tons per year of volatile organic compounds, 0.01 ton per year of sulfur oxides, 0.13 ton per year of particulate matter and 3.31 tons per year of volatile hazardous air pollutants. The 80 kilowatt emergency generator is subject to Subpart ZZZZ of the National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines. The emission limits, throughput limitations and work practice standards along with testing, monitoring, recordkeeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 25 Pa. Code Chapters 121—145. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570.327.0550.

**08-00016: Dalrymple Gravel & Contracting Co., Inc.** (2105 South Broadway, Pine City, NY 14781) for renewal of the State Only (Synthetic Minor) Operating Permits for their asphalt as well as sand and gravel processing facility located in Athens Township, **Bradford County**. The facility is currently operating under Synthetic Minor Operating Permit 08-00016. The facility's main sources include a Cedar Rapids batch mix asphalt plant, a Barber Greene drum mix asphalt plant, floating dredge operation and various pieces of crushing, screening and conveying equipment of sand and gravel operation and site haul roads. The facility has taken synthetic minor restrictions to limit its nitrogen oxides, carbon monoxide, sulfur oxides, particulate matter, volatile organic compounds and hazardous air pollutants emissions below the major emission thresholds. With synthetic minor restriction, the facility has potential emissions of 24.8 tons per year of nitrogen oxides, 39.04 tons per year of carbon monoxide, 21.75 tons per year of sulfur oxides, 22.81 tons per year of particulate matter, 9.62 tons per year of volatile organic compounds, and 2.76 tons per year of total hazardous air pollutants (HAPs). No emission or equipment changes are being proposed by this action. The drum mix plant is subject to Federal Stan-

dards of Performance for New Stationary Sources, 40 CFR Part 60, Subpart I. The permittee shall comply with all applicable requirements of 40 CFR 60.90—60.93. The sand and gravel operation and the floating dredge operation are subject to Federal Standards of Performance for New Stationary Sources, 40 CFR Part 60, Subpart OOO, 60.670—60.676 for non-metallic mineral processing plant. The emission limits, throughput limitations and work practice standards along with testing, monitoring, record keeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 25 Pa. Code Chapters 121—145 as well as 40 CFR Part 60, 63 and 98. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

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

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

**10-00390: MarkWest Liberty Bluestone, Royal Oak Compressor Station** (961 Brownsdale Rd, Evans City, PA 16033). The Department is providing notice that they intend to issue a new State Only Natural Minor Operating Permit for the compressor station and dehydration facility located in Forward Township, **Butler County**. The facility's primary emission sources include three (3) 3,550-hp and three (3) 2,370-hp lean-burn natural gas-fired compressor engines equipped with oxidation catalysts, a 120 mm<sup>3</sup>/day glycol dehydration unit (controlled by a 7.0 MMBtu/hr enclosed flare) and its associated 2.00 MMBtu/hr reboiler, condensate and produced water tanks, and fugitive VOC emissions. The potential emissions of the primary pollutants from the facility are as follows: 91.15 TPY (tons per year) NO<sub>x</sub>, 36.70 TPY CO, 49.04 TPY VOC, 13.41 TPY total HAPs, 6.00 TPY formaldehyde, 0.28 TPY filterable PM<sub>10</sub> and PM<sub>2.5</sub>, and 0.37 TPY SO<sub>x</sub>; thus, the facility is a natural minor. The facility was originally permitted under General Permit GP5-10-00390A & B, which includes emission restrictions on the engines for NO<sub>x</sub>, NMNEHC, CO, and formaldehyde. All six compressor engines are subject to 40 CFR 63 Subpart JJJJ, Standards of Performance for Stationary Spark Ignition Internal Combustion Engines. The dehydrator is subject to 40 CFR 63 Subpart HH, NESHAP From Oil and Natural Gas Production Facilities. Facility compressors (including the rod packing) are subject to 40 CFR 60 Subpart OOOO, Standards of Performance for Crude Oil and Natural Gas Production, Transmission and Distribution for which Construction, Modification or Reconstruction Commenced After August 23, 2011, and on or before September 18, 2015. 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.

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

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

**OP17-00039: Philadelphia Renewable Bio-Fuels** (7800 Penrose Ferry Road, Philadelphia, PA 19153) administratively amended on October 15, 2019 to incorpo-

rate a change of permit contact. The Natural Minor Operating Permit was originally issued on July 10, 2018.

**OP19-000022: Philadelphia Navy Public Works Department** (4921 South Broad St, Building 1, Philadelphia, PA 19112), which is a modification for a Natural Minor Operating Permit (OP17-000026) issued on June 21, 2018, for the operation of air emission sources at a Public Works Department in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources are nine (9) boilers firing natural gas each rated less than 1 MMBtu/hr, three (3) air handling units firing natural gas each rated 0.5 MMBtu/hr, one (1) emergency generator firing diesel fuel rated 85 kW, one (1) parts washer, and one (1) dust collector.

The changes made as part of the modification includes the following:

- Removed the sources CU10 and CU11 in Building 1081, and the associated stacks S10 and S11, from Table A-1: Facility Inventory List, the Process Flow Diagram, and Section D, as the units have been transferred to the Naval Foundry and Propeller Center (PLID 09702) as per RFD No. IP19-000692.

- In Section B, updated the General Conditions to the current AMS versions.

- In Section C, updated the Facility Wide Conditions to the current AMS versions.

- In Section D: Source Specific Requirements, updated Conditions D.2.(a)(1) and D.4.(a)(1) for the installation, operation, and maintenance of the boilers and air handling units to be done in accordance with the Navy's Operations and Maintenance Plan, updated the ozone season requirement for the emergency generator to add the requirement to record AQI forecast if the unit is tested before 7:30 AM and AQI or color code if it is tested after 5 PM, specified that compliance with the PM emission limit of 25 Pa. Code § 123.13(c)(1)(i) shall be based only on Method 5, and updated the recordkeeping requirements.

- Added Section E: Non-Applicable Requirements.

The operating permit will be issued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

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

**OP17-000056: Evergreen Resources Group, LLC** (2700 and 3144 W. Passyunk Avenue, Philadelphia, PA 19145) for the operation of a remediation facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include the following:

- One (1) biofilter with 4 biomass treatment beds (Point Breeze);

- One (1) biofilter with 2 cells, biomass treatment beds (Belmont Terminal); and

- One (1) close vent groundwater remediation system consisting of an oil-water separator, three (3) settling or holding tanks, and one (1) catalytic oxidizer. (Penrose Ave.)

The operating permit will be issued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

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

## COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

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

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

Written comments or objections regarding a mining permit application should contain the name, address and telephone number of persons submitting comments or objections, application number and a statement of suffi-

cient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based.

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

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

#### *Coal Applications Received*

*Effluent Limits*—The following range of effluent limits will apply to NPDES permits issued in conjunction with the associated coal mining activity permit and, in some cases, noncoal mining permits:

Parameter	30-Day Average	Daily Maximum	Instantaneous Maximum
Iron (total)	1.5 to 3.0 mg/l	3.0 to 6.0 mg/l	3.5 to 7.0 mg/l
Manganese (total)	1.0 to 2.0 mg/l	2.0 to 4.0 mg/l	2.5 to 5.0 mg/l
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Aluminum (Total)	0.75 to 2.0 mg/l	1.5 to 4.0 mg/l	2.0 to 5.0 mg/l
pH <sup>1</sup>	greater than 6.0; less than 9.0		

Alkalinity greater than acidity<sup>1</sup>

<sup>1</sup> 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) from active mining areas; active areas disturbed by coal refuse disposal activities; and mined areas backfilled and revegetated; and drainage (resulting from a precipitation event of less than or equal to a 1-year 24-hour event) from coal refuse disposal piles.

*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. This notice is being republished to indicate the deletion of the 345.5 acres for Underground Acres Proposed and Subsidence Control Plan Acres Proposed, originally published October 12, 2019. 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. 32940105 and NPDES No. PA0212806. Consol Mining Co., LLC**, 1000 Consol Energy Drive, Suite 100, Canonsburg, PA 15317, permit renewal for reclamation only of a bituminous surface mine in Center Township, **Indiana County**, affecting 2.2 acres. Receiving stream: unnamed tributary to Yellow Creek, classified for the following use: cold water fishes. The first downstream potable water supply intake from the point of discharge is Edison Mission Energy Homer City Generating Station, PWS ID No. 5320802. Application received: October 9, 2019.

**Permit No. 56120102 and NPDES No. PA0263419, Rosebud Mining Company**, 301 Market Street, Kittanning, PA 16201, commencement, operation and restoration of a bituminous surface & auger mine to change the land use from forestland to pastureland/land occasionally cut for hay & residential in Jenner Township, **Somerset County**, affecting 114.7 acres. Receiving streams: unnamed tributaries to Coal Run and unnamed tributaries to Pickings Run, classified for the following uses: cold water fishes and high quality cold water fishes. The first downstream potable water supply intake from the point of discharge is Lincoln Municipal Authority—intake on North Branch of Quemahoning Creek. Application received: October 16, 2019.

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

**17930124 and NPDES PA0219649. RES Coal LLC** (224 Grange Hall Road, P.O. Box 228, Armagh, PA 15920). Permit renewal for reclamation only of a bituminous coal surface and auger mine located in Woodward and Decatur Townships, **Clearfield County** affecting 346.0 acres. Receiving stream(s): North Branch to Upper Morgan Run classified for the following use(s): CWF, MF. There are no potable water supply intakes within 10 miles downstream. Application received: October 8, 2019.

**17000111 and NPDES PA0243027. Waroquier Coal Company** (P.O. Box 128, Clearfield, PA 16830). Permit transfer of a bituminous surface coal and auger mine from Gregg Barrett Coal located in Ferguson Township, **Clearfield County** affecting 65.0 acres. Receiving stream(s): Unnamed Tributaries to Watts Creek and Watts Creek classified for the following use(s): HQ-CWF. There are no potable water supply intakes within 10 miles downstream. Application received: October 2, 2019.



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

**65120103 and NPDES Permit No. PA0252336. Coal Loaders, Inc.** (210 East Main Street, P.O. Box 556, Ligonier, PA 15658). Renewal application for reclamation only to an existing bituminous surface mine, located in Fairfield and Ligonier Townships, **Westmoreland County**, affecting 107.7 acres. Receiving streams: unnamed tributary to Hannas Run and unnamed tributaries to Hypocrite Creek, classified for the following use: HQ-CWF. Latrobe Municipal Authority is the potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: October 18, 2019.

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

**Permit No. 54040101C4. Char-Pac Coal Co.** (P.O. Box 81, Minersville, PA 17954) correction to an existing anthracite surface mine operation to update the post-mining land use in Foster Township, **Schuylkill County** affecting 200.5 acres, receiving stream: Hans Yost Creek, classified for the following uses: cold water and migratory fishes. Application received: October 11, 2019.

**Permit No. 35090101R2 and NPDES Permit No. PA0225258. Maco Associates, Inc.** (400 Mill Street, Dunmore, PA 18512) renewal of an existing anthracite surface mine and coal refuse reprocessing operation and NPDES Permit for discharge of treated mine drainage in Fell Township and Carbondale Borough, **Lackawanna County** affecting 1,693.0 acres, receiving stream: Lackawanna River, classified for the following use: HQ—cold water fishes. Application received: October 15, 2019.

**Permit No. 35091010C2. Maco Associates, Inc.** (400 Mill Street, Dunmore, PA 18512) correction to update the post-mining land use forestland to unmanaged natural habitat of an existing anthracite surface mine and coal refuse reprocessing operation and NPDES Permit for discharge of treated mine drainage in Fell Township and Carbondale Borough, **Lackawanna County** affecting 1,693.0 acres, receiving stream: Lackawanna River, classified for the following use: HQ—cold water fishes. Application received: October 15, 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*

<i>Parameter</i>	<i>30-day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Alkalinity exceeding acidity* pH*	greater than 6.0; less than 9.0		

\* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to surface runoff resulting from a precipitation event of less than or equal to a 10-year 24-hour event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

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

**08190301 and NPDES PA0269905. Johnson Quarries, Inc.** (P.O. Box 136, LeRaysville, PA 18829). Commencement, operation, and restoration of a large noncoal surface mine located in Wilmot Township, **Bradford County** affecting 55.3 acres. Receiving stream(s): Sugar Run classified for the following use(s): CWF, MF. There are no portable water supply intakes within 10 miles downstream. This permit includes stream encroachment. Application received: September 30, 2019.

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

**Permit No. 7973SM6A1C13 and NPDES Permit No. PA0120979. Eureka Stone Quarry, Inc.** (P.O. Box 249, Chalfont, PA 18914) renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Wrightstown Township, **Bucks County** affecting 35.68 acres, receiving stream: Mill Creek, classified for the following uses: warm water and migratory fishes. Application received: October 8, 2019.

### **NOTICE OF PROJECTS UNDER THE ENVIRONMENTAL GOOD SAMARITAN ACT**

The Environmental Good Samaritan Act (27 Pa.C.S.A. §§ 8001—8114) provides certain protections and immunities from civil liability for landowners and persons who voluntarily undertake reclamation and abatement projects to address land and water adversely affected by mining or oil or gas extraction or exploration for natural resources and left in an unreclaimed condition or left discharging water pollution. In order for landowners and persons to qualify for immunity, the projects must be approved by the Department.

The following project proposals have been received by the Department of Environmental Protection. A copy of the proposals is available for inspection at the DEP Northwest (Meadville) Regional Office at 230 Chestnut Street, Meadville, PA 16335 between the hours of 9:00 a.m. and 4:00 p.m.

Written comments or objections may be submitted by any person or any office or head of any Federal, State, or local government agency or authority to the Department at the same address within 30 days of this publication.

Written comments or objections should contain the name, address and telephone number of the person submitting comments or objections; the proposal identification number; and a statement of sufficient detail to inform the Department of the basis of the comment or objection and the relevant facts upon which it is based.



## PROJECT PROPOSALS RECEIVED

**EGSOG59-0001. Robert Harer Orphaned Well Plugging. SWN Production Company, LLC**, 10000 Energy Drive, Spring, TX 77389. Energy is planning to plug an abandoned oil and gas well (API No. 117-21913) located in Liberty Township, **Tioga County**. The well is an assumed 1930's era orphaned well in a wooded area, with adjacent agricultural fields to the south and bordered in all directions by agricultural fields and woodlands, and further to the west by Urban Road. The well plugging project will affect an area of less than 1 acre. Complete project proposal received October 16, 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*

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

**NPDES No. PA0259055 (Permit No. 24110101). RES Coal, LLC** (51 Airport Road, Clearfield, PA 16830). Renewal of an NPDES permit for a bituminous surface mine in Fox Township, **Elk County**, affecting 68.0 acres. Receiving streams: Little Toby Creek, classified for the following uses: CWF. TMDL: Little Toby Creek. Application received: August 29, 2019.

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

The following outfalls discharge to Little Toby Creek:

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

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Alkalinity greater than acidity <sup>1</sup>				
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		1.5	3.0	3.75
Aluminum (mg/l)		0.75	0.75	0.75
Total Suspended Solids (mg/l)		35.0	70.0	90.0

<sup>1</sup> The parameter is applicable at all times.

The following outfalls discharge to Little Toby Creek:

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

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Alkalinity greater than acidity <sup>1</sup>				
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		1.5	3.0	3.75
Aluminum (mg/l)		0.75	0.75	0.75
Total Suspended Solids (mg/l)		35.0	70.0	90.0

<sup>1</sup> The parameter is applicable at all times.

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

**NPDES No. PA0215317 (Mining Permit No. 17831601), River Hill Coal Company, Inc.**, P.O. Box 141, Kylertown, PA 16847, modified NPDES permit for bituminous coal surface mining in Karthaus Township, **Clearfield County**, affecting 16.0 acres. Receiving stream(s): West Branch Susquehanna River, classified for the following use(s): WWF and MF. The receiving stream is in the West Branch Susquehanna River TMDL. Application received: February 21, 2019.

The following treated mine drainage outfall discharges to Little Laurel Run:

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

The proposed effluent limits for the previously listed outfall are based on water quality based effluent limits (WQBELs) and BAT and are as follows:

<i>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

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Aluminum (mg/l)	0.75	1.5	1.8
Total Suspended Solids (mg/l)	35.0	70.0	90.0

pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.  
Alkalinity must exceed acidity at all times.

**NPDES No. PA0269620 (Mining Permit No. 17130106), Black Cat Coal, LLC**, 446 Wm. Cemetery Road, Curwensville, PA 16833, NPDES permit renewal for bituminous coal, topsoil, shale, and sandstone mining also transfer from Horton Coal, LLC in Bloom Township, **Clearfield County** affecting 16.0 acres. Receiving stream(s): Unnamed Tributary to Anderson Creek classified for the following use(s): CWF.

The following outfalls discharge to Unnamed Tributary to Anderson Creek:

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

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		1.5	3.0	3.7
Manganese (mg/l)		1.0	2.0	2.5
Aluminum (mg/l)		0.75	0.75	0.75
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35.0	70.0	35.0

**NPDES No. PA0269891 (Mining Permit No. 17180101), Bell Resources, Inc.**, 1340 Hoyt Road, Curwensville, PA 16833, new NPDES permit for bituminous coal mining operation in Penn Township, **Clearfield County**, affecting 127.5 acres. Receiving stream(s): Bell Run classified for the following use(s): CWF. This receiving stream is included in the West Branch Susquehanna River Watershed TMDL. Application received: June 28, 2019.

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

The following outfalls discharge to Bell Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001 (Treatment Basin 1)	Y
002 (Treatment Basin 2)	Y
003 (Sedimentation Pond A)	Y
004 (Sedimentation Pond B)	Y
005 (Sedimentation Pond C)	Y
006 (Sedimentation Pond D)	Y
007 (Sedimentation Pond E)	Y

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

<i>Outfalls: 001, 002 (All Weather Conditions)</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
<i>Parameter</i>			
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	0.75	1.5	1.8
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 (mhos/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.

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

**NPDES No. PA0588601 (Surface Mine Permit No. 65860105)**, correction to previously published draft NPDES permit limits, **M.B. Energy, Inc.**, 175 McKnight Road, Blairsville, PA 15717, NPDES permit renewal for a passive post-mining discharge water treatment system from a bituminous surface mine located in Donegal and Mount Pleasant Townships, **Westmoreland County**, affecting 372 acres. Receiving stream: unnamed tributaries (UNTs) to the Fourmile Run, classified for the following use: TSF. Application received: September 4, 2018.

The following passive treatment system outfall discharges to UNT to Fourmile Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
TP-A2	No	Mine Drainage Treatment Outfall

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

<i>Outfalls: TP-A2 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)	0.75	0.75	0.75
Total Suspended Solids (mg/l)	35	70	90

Osmotic Pressure (mOsm/kg) Monitor and Report  
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.  
Alkalinity must exceed acidity at all times.

## FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

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

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

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

#### WATER OBSTRUCTIONS AND ENCROACHMENTS

*Southeast Region: Waterways and Wetlands Program, 2 East Main Street, Norristown, PA 19401, Telephone 484.250.5160.*

**E51-298. City of Philadelphia—Water Department,** 1101 Market Street, Philadelphia, PA 19030, Philadelphia, **Philadelphia County**, ACOE Philadelphia District.

To install and maintain approximately 5,400 square feet of floating classroom and an additional 960 square

feet of floating docks anchored with three mooring clusters in the Schuylkill River (WWF-MF) associated with the floating classroom. The project will also include the ramps and the platforms.

The site is located at about 90 feet of the western Schuylkill River trail and approximately 60 feet south of Martin Luther King Jr. Drive (Philadelphia, PA, USGS Quadrangle Latitude: 39.964019; Longitude: -75.182662) in Philadelphia, Philadelphia County.

**E09-1034: Bristol Township,** 2501 Bath Road, Bristol Township, **Bucks County**, ACOE Philadelphia District.

Bristol Township is proposing to update their existing park for the JFK Park Revitalization Project. The proposed improvements include the repair and overlay to the existing east parking lot and basketball court, the replacement of the asphalt trail, the regrading of the football/soccer field, the replacement of the playground, installation of a new west parking lot, pavilion, public restroom, and new stormwater facilities. These activities will take place within the floodplain of a UNT to Neshaminy Creek (WWF-MF) resulting in 4.94 acres of permanent floodplain impact and the placement of 850 cubic yards of fill placed across the entire site. This project is located at 3500 Snowden Avenue in Bristol Township, Bucks County (USGS PA Beverly Quadrangle—Latitude 40.102685 N, Longitude 74.878773 W).

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

**E1302219-002. PA Solar Park II, LLC,** 100 Summit Lake Drive, Valhalla, NY 10595, in Nesquehoning Borough, **Carbon County**, U.S. Army Corps of Engineers, Philadelphia District.

To install and maintain a 24" steel conduit that will run 3-feet below the existing stream bed, and cross approximately 6 linear feet of Deep Run (EV, MF). The steel conduit will contain two (2) × 6" PVC conduits, housing electrical lines and two (2) × 2" PVC conduits, housing communication lines. This crossing is associated with the PA Solar Park II Project. Access to the project is located approximately 0.25 mile on the right of Industrial Road after the intersection of Industrial Road and Park Ave. (Nesquehoning, PA Quadrangle Latitude: 41° 51' 18" Longitude: -75° 51' 32") in Nesquehoning Borough, Carbon County.

**E6602219-004. David Earl Enterprises, LLC,** 20 Wright Road, Monroe Township, PA 18657, in Monroe Township, **Wyoming County**, U.S. Army Corps of Engineers, Baltimore District.

To construct and maintain the following water obstructions and encroachments associated with the David Earl Enterprises Convenience Store Project:

1) A stream enclosure of an Unnamed Tributary to Leonards Creek (HQ-CWF, MF) consisting of the removal



of an existing structure and the construction a 48-inch diameter, 73-LF SLCPP culvert, concrete catch basin, and concrete wingwalls for the purpose of constructing an entrance drive and parking lot associated with a convenience store.

2) A fill within 0.16 acre of the floodway of an Un-named Tributary to Leonards Creek (HQ-CWF, MF) consisting of a 10-space asphalt parking lot, asphalt generator pad, asphalt dumpster pad, propane tank pad, concrete retaining wall, portions of a Convenience Store building, drinking water well, and associated grading.

The project is located 0.1 mile northwest of the intersection of S.R. 309 and T-2002 (Graveyard Hill Road) (Noxen, PA Quadrangle Latitude: 41°, 24', 51"; Longitude: -76°, 00', 07") in Monroe Township, Wyoming County.

	Address	Waterway	Chapter 93 Designation	USGS Quadrangle	Latitude	Longitude
1	99 Bradford Ave	UNT Susquehanna River	WWF	Steelton	40.201469°	-76.764115°
2	163 Bradford Ave	UNT Susquehanna River	WWF	Steelton	40.202651°	-76.763548°

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

**E02052-1820, Dominion Energy Transmission, Inc.**, 925 White Oaks Boulevard, Bridgeport WV 26330, Indiana Township, **Allegheny County**, Pittsburgh ACOE District.

The applicant proposes to:

1. Place and maintain rock fill and a submat system in 45 linear feet of a UNT to Cedar Run (CWF);
2. Excavate 0.001 acre of Wetland (PEM);
3. Place and maintain fill in 0.007 acre of floodway; and
4. Temporarily cross 27 linear feet of a UNT to Cedar Run (CWF) and 0.02 acre of wetland (PEM)

For the purpose of repairing an exposed 30-inch natural gas line via a submat and step pool system. The project site is located 0.4 mile from the intersection of Tree Farm Road and PA-410 (Glenshaw, PA USGS topographic quadrangle; N: 40°, 35', 41.39"; W: -79°, 53', 30.28"; Sub-basin 18A; USACE Pittsburgh District), in Indiana Township, Allegheny County.

**E30052-266, Emmert Industrial Corp (DBA Emmert International)**, 11811 SE Hwy 212, Clackamas, OR 97015; Monongahela Township, **Greene County**; Pittsburgh ACOE District.

The applicant proposes to:

Construct a temporary barge-offloading ramp/access road with four clusters of H-piles (26 ft x 250 ft) and a crane pad (32 ft x 60 ft).

For the purpose of unloading oversized equipment needed for Allegheny Energy Supply Company LLC's power plant. The project will temporarily encroach upon 2,250 square feet of the Monongahela River and 6,325 square feet of floodway area. Once the project is complete, the temporary structures will be removed and the impacted areas will be returned to original condition and elevation.

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ed Muzic, Section Chief, 717.705.4802.*

**F2203219-007: Lower Swatara Township (Floodplain Mitigation)**, 1499 Spring Garden Drive, Middletown, PA 17057, in Lower Swatara Township, **Dauphin County**, U.S. Army Corps of Engineers Baltimore District.

To remove structures from the floodplain that were damaged by flooding at the location. The project proposes to temporarily affect approximately 1.37 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).

The project site is located along the left descending bank of the Monongahela River (WWF) at Mile Point 79.1 (Masontown, PA USGS topographic quadrangle; N: 39°, 51', 12"; W: -79°, 55', 41"; Sub-basin 19G; USACE Pittsburgh District), in Monongahela Township, Greene County.

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

**E1006219-006, Geyer Construction and Development, Inc.**, 451 Denny Road, Valencia, PA 16059-1507. Adams Corners Development, in Adams Township, **Butler County**, ACOE Pittsburgh District (Valencia, PA Quadrangle N: 40°, 41', 33"; W: -79°, 58', 25").

To construct and maintain a mixed-use land development with nine parcels, constructed in two phases, including the construction of three roadways with one 48-inch diameter, 123 feet long culvert replacement spanning a UNT to Glade Run (WWF) and impacting approximately 0.1529 acre of wetland located on a 56.39 acres lot at the intersection of RT 228 and Three Degree Road in Adams Township, Butler County. Project includes creation of at least 6,662 square feet of replacement wetland on site.

**E1006219-005, MHB Real Estate Holdings, LLC**, 705 Moravia St, New Castle, PA 16101. Butler Equipment Rental, in Lawrence Township, **Butler County**, ACOE Pittsburgh District Evans City and Zelienople, PA Quadrangles N: 40°, 49', 13"; W: -80°, 07', 29").

To conduct the following activities associated with the expansion of an existing heavy equipment rental and storage yard and to permit unpermitted activities that preciously occurred at the site located at 322 Perry Highway in Harmony:

1. To fill a total of 0.199 acre of PEM wetland (2 wetlands previously filled)
2. To construct and maintain 3 stormwater outfalls (1 previously constructed)
3. To remove a timber foot bridge.

Project proposes the creation of 0.2 acre of PSS replacement wetland. 0.15 acre on the west side of Scholars Run and 0.05 acre on the east side of Scholars Run adjacent to

existing wetlands. An H&H study has been completed, which shows the floodway to be less than 50 feet from top of bank.

#### ENVIRONMENTAL ASSESSMENTS

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ed Muzic, Section Chief, 717.705.4802.*

**EA6703219-002: Hallam Borough**, 250 West Beaver Street, Hallam, PA 17406, in Hallam Borough, **York County**, U.S. Army Corps of Engineers Baltimore District.

The applicant proposes to restore and maintain 545 linear feet of an Unnamed Tributary to Kreutz Creek (WWF-MF) and its floodplain by means of creating a floodplain bench and stabilized side slopes. The project is

located between West Beaver Street and Kreutz Creek in Hallam Borough, York County (40.000799°, -76.609671°).

*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.*

**D15-388EA. James Fisher, President, Lenape Cabin Club, Inc.**, P.O. Box 14, Pocopson, PA 19366, Pocopson Township, **Chester County**, USACOE Philadelphia District.

Project proposes to remove the Lenape Dam to eliminate a threat to public safety and to restore approximately 3,400 feet of stream channel to a free-flowing condition. The project is located across Brandywine Creek (WWF, MF) (Unionville, PA Quadrangle, Latitude: 39.9168; Longitude: -75.6371).

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## ACTIONS

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### 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>
PA0040991 (Storm Water)	Philly G Street Terminal 920 Cherry Tree Road Aston, PA 19014-1570	Philadelphia County City of Philadelphia	Frankford Creek (WWF) 3-J	Yes
PA0050016 (Industrial)	Markel Corporation 435 School Lane Plymouth Meeting, PA 19462-2744	Montgomery County Plymouth Township	Diamond Run (WWF, MF) 3-F	No
PA0244210 A-1 (Storm Water)	Crystal Inc. PMC 601 W 8th Street Lansdale, PA 19446-1809	Montgomery County Lansdale Borough	Unnamed Tributary to West Branch Neshaminy Creek (WWF, MF) 2-F	Yes

*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>
PA0062723 (Industrial)	Sunoco Partners Marketing & Terminals, L.P.—Fullerton Terminal 2480 Main Street Whitehall, PA 18052	Lehigh County Whitehall Township	Unnamed Tributary to Lehigh River (CWF, MF) (2-C)	Yes
PA0062006 (Sewage)	Camp Kresge 382 Senator Raphael Musto Drive White Haven, PA 18661	Luzerne County Dennison Township	Nescopeck Creek (HQ-CWF, MF) (5-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>
PA0246468 CAFO	Beaver Ridge Farm 1400 Fowler Hollow Road Blain, PA 17006-6260	Jackson Township, Perry County	Watershed(s) Unnamed Tributary to Sherman Creek (HQ-CWF, MF) and Unnamed Tributary to Sherman Creek (HQ-CWF)	N

*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>
PA0044547 (Sewage)	Hills Creek State Park 111 Spill Way Road Wellsboro, PA 16901-7022	Tioga County Charleston Township	Hills Creek (WWF) (4-A)	Yes
PA0113727 (Sewage)	Country Place MHP P.O. Box 786 Clearfield, PA 16830-0786	Clearfield County Sandy Township	Muddy Run (CWF) (17-C)	Yes
PA0115215 (Industrial)	Lucas Trucking 9657 N Route 220 Highway Jersey Shore, PA 17740-7897	Lycoming County Piatt Township	West Branch Susquehanna River (WWF) (10-A)	Yes
PA0114880 (Sewage)	Church of Jesus Christ Latter Day Saints P.O. Box 750 Clarks Summit, PA 18411-0750	Columbia County North Centre Township	Unnamed Tributary to West Branch Briar Creek (CWF) (5-D)	Yes
PA0033782 (Sewage)	Timberend MHC 5567 Reseda Boulevard Suite 330 Tarzana, CA 91356-2673	Lycoming County Fairfield Township	Unnamed Tributary to Twin Run (WWF) (10-D)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PAS216105 (Storm Water)	Lehigh Cement Company Aliquippa Terminal 100 Woodlawn Road Aliquippa, PA 15001-5404	Beaver County Aliquippa City	Ohio River (WWF) (20-G)	Yes
PA0094064 (Sewage)	Keystone Restaurant & Truck Stop STP P.O. Box 277 Ebensburg, PA 15931-0277	Cambria County Munster Township	Unnamed Tributary to Noels Creek (HQ-CWF) (18-E)	Yes
PA0094544 (Sewage)	Somerfield South Recreation Area 151 Tent Church Road Uniontown, PA 15401-6801	Somerset County Addison Township	Youghiogheny River (WWF) (19-E)	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>
PA0025283 (Sewage)	Knox Borough STP P.O. Box 366 620 South Main Street Knox, PA 16232	Clarion County Knox Borough	Canoe Creek (HQ-CWF) (17-B)	Yes

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

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

**NPDES Permit No. PA0053147-A1**, Sewage, SIC Code 4952, **Upper Saucon Sewer Treatment Authority**, 5500 Camp Meeting Road, Center Valley, PA 18034-9444.

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

Description of Existing Action/Activity: Issuance of an NPDES Permit Amendment for an existing discharge of treated sewage (revised schedule of compliance and permit limit effective date for Bis(2-Ethylhexyl) Phthlate).

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

**NPDES Permit No. PA0043435**, Sewage, SIC Code 4952, **L & S Wastewater, Inc.**, P.O. Box 254, Cecil, PA 15321-0254.

This existing facility is located in Cecil Township, **Washington County**.

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

**NPDES Permit No. PA0255556**, Storm Water, SIC Code, **Oilfield Service & Tech LLC**, 555 Cannelton Road, Darlington, PA 16115-1339.

This proposed facility is located in Darlington Township, **Beaver County**.

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

**NPDES Permit No. PA0043729**, Sewage, SIC Code 4952, **Hampton Township Allegheny County**, 3101 McCully Road, Allison Park, PA 15101-1331.

This existing facility is located in Hampton Township, **Allegheny County**.

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

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

**NPDES Permit No. PA0272264**, Sewage, SIC Code 8800, **Phillip Hosack**, 217 Old Sharon Road, Mercer, PA 16137.

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

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

**NPDES Permit No. PA0272400**, Sewage, SIC Code 8800, **Frank R Palmiero**, 145 Cressingham Lane, Powell, PA 16351.

This proposed facility is located in Hickory Township, **Forest County**.

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

**NPDES Permit No. PA0272175**, Sewage, SIC Code 8800, **Scott Jackson & Scott Taylor**, 1525 Three Degree Road, Mars, PA 16046.

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



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

**NPDES Permit No. PA0272302**, Sewage, SIC Code 0742, **Lori L Love**, 637 New Castle Road, Butler, PA 16001-8325.

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

Description of Proposed Action/Activity: 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. 1507401**, Amendment, Sewage, **West Brandywine Township Municipal Authority**, 199 Lafayette Road, West Brandywine, PA 19320.

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

Description of Action/Activity: Increasing permitted capacity of the pump station from 0.070238 mgd to 0.121313 mgd.

**WQM Permit No. 0991415**, Sewage, Transfer, **Sherry Stangil & Ryam Kostishion**, 3176 Walnut Street, P.O. Box 512, Springtown, PA 18081-0512.

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

Description of Action/Activity: Permit ownership transferred.

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

**WQM Permit No. 3919406**, Sewage, SIC Code 4952, **Upper Macungie Township**, 8330 Schantz Road, Breinigsville, PA 18031-1510.

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

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

**WQM Permit No. 3919407**, Sewage, SIC Code 4952, **Upper Macungie Township**, 8330 Schantz Road, Breinigsville, PA 18031.

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

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

**WQM Permit No. 5418404**, Sewage, SIC Code 4952, **Northeastern Schuylkill Joint Municipal Authority Schuylkill County**, P.O. Box 170, Barnesville, PA 18214-0170.

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

Description of Proposed Action/Activity: Installation of new 1.5 MGD mechanically cleaned bar screen (with washer/compactor), new sodium hydroxide feed system, and new influent composite sampler.

**WQM Permit No. 6719404**, Sewerage, **York Township Water & Sewer Authority**, 190 Oak Road, Dallastown, PA 17313-9300.

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

Description of Proposed Action/Activity:

This Permit approves construction and operation of the Green Valley pump station.

**WQM Permit No. 3691201**, Amendment # 7, **Valley Proteins, Inc.**, 151 ValPro Drive, P.O. Box 3588, Winchester, VA 22604-2586.

This facility is located in East Earl Township, **Lancaster County**.

Description of Proposed Action/Activity:

This permit amendment approves the operation of sewage facilities consisting of: spray irrigation of treated wastewater effluent and their Terre Hill Plant.

**WQM Permit No. WQG02071801**, Sewerage, **Martinsburg Borough Municipal Authority**, 110 S. Walnut Street, Martinsburg, PA 16662-1142.

This facility is located in Martinsburg Borough, **Blair County**.

Description of Proposed Action/Activity:

This general permit approves the construction/operation of Oakview Estates sewer extension and pump station.

**WQM Permit No. 0719403**, Sewerage, **Frankstown Township**, 2122 Frankstown Road, Hollidaysburg, PA 16648-7116.

This facility is located in Frankstown Township, **Blair County**.

Description of Proposed Action/Activity:

The permit approves the Godfrey Lane Sanitary Sewer Replacement project.

**WQM Permit No. 6719402**, Sewerage, **Penn Township**, 20 Wayne Avenue, Hanover, PA 17331.

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

Description of Proposed Action/Activity:

The permit approves the construction of sewage facilities consisting of:

A new sewer extension and two duplex pumping stations to serve the existing unsewered Oak Hills and Hershey Heights areas of Penn Township, York County.

- The proposed collection system will be comprised of ~4,650 ft. of 8" PVC and 31 new manholes. Two properties will utilize simplex grinder pumps and a low-pressure sewer (~1,880 ft. of 1.5" HDPE forcemain and ~4,050 ft. of 2" HDPE forcemain) to convey flow to the main collector lines.

- The Hershey Heights PS will have a capacity of 16.8 gpm at 158 ft. TDH.

- The Oak Hills PS will have a capacity of 21.5 gpm at 126 ft. TDH.

**WQM Permit No. 3819201**, Industrial Waste, **Keystone Protein Company**, 154 West Main Street, Fredericksburg, PA 17026-9510.

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

Description of Proposed Action/Activity: This permit approves the construction/modification of industrial wastewater facilities.

**WQM Permit No. 3898404**, Amendment # 2, Sewerage, **South Londonderry Township Municipal Authority**, 27 W. Market Street, Palmyra, PA 17078-8736.

This facility is located in South Londonderry Township, **Lebanon County**.

Description of Proposed Action/Activity: This permit approves the construction/modifications and operation of sewage facilities at the South Campbelltown East STP.

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

**WQM Permit No. 1619405**, Sewage, **Washington Township Municipal Authority Clarion County**, P.O. Box 124, Fryburg, PA 16326-0124.

This proposed facility is located in Washington Township, **Clarion County**.

Description of Proposed Action/Activity: Sanitary sewer extension.

**WQM Permit No. 2519412**, Sewage, **Phillip Hosack**, 217 Old Sharon Road, Mercer, PA 16137.

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

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

**WQM Permit No. 2719401**, Sewage, **Frank R Palmiero**, 145 Cressingham Lane, Powell, PA 16351.

This proposed facility is located in Hickory Township, **Forest County**.

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

**WQM Permit No. 2519408**, Sewage, **Scott Jackson & Scott Taylor**, 1525 Three Degree Road, Mars, PA 16046.

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

Description of Proposed Action/Activity: Small Flow Treatment Facility.

**WQM Permit No. 3298401 A-1**, Sewage, **John & Lynae Williams**, 2212 Anthony Run Road, Indiana, PA 15701-4413.

This existing facility is located in Armstrong Township, **Indiana County**.

Description of Proposed Action/Activity: Installation of sodium bisulfite tablet feeder and air diffuser.

**WQM Permit No. 361S18 A-3**, Sewage, **Commodore Perry School District**, 3002 Perry Highway, Hadley, PA 16130-2628.

This existing facility is located in Perry Township, **Mercer County**.

Description of Proposed Action/Activity: Addition of a dechlorination tablet feeder and dechlorination contact tank to the existing wastewater treatment plant.

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

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

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

**WQM Permit No. 3796401 A-5, Sewage, New Castle City Sanitation Authority, 110 E Washington Street, New Castle, PA 16101-3815.**

This existing facility is located in New Castle City, **Lawrence County**.

Description of Proposed Action/Activity: Renovation of headworks, clarifiers, anaerobic digesters; modification of activated sludge system; and construction of new anoxic tank at existing waste water treatment plant.

**IV. NPDES Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4) Individual Permits Issued.**

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

<i>NPDES Permit No.</i>	<i>Permittee Name &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>
PAI132228	Lower Nazareth Township 623 Municipal Drive Nazareth, PA 18064-8981	Lower Nazareth Township, Northampton	Tributary 4629 to Shoeneck Creek (WWF/MF), Monocacy Creek (HQ-CWF/MF), and East Branch Monocacy Creek (HQ-CWF/MF)	N	Y
PAI132250	Allen Township 4714 Indian Trail Road Northampton, PA 18067	Allen Township Northampton	Catasauqua Creek (CWF/MF), Tributary 3679 to Hokendauqua Creek (CWF/MF), and Dry Run (CWF/MF)	N	Y

**VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions.**

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD150126	Exeter 9-25 Great Valley, LLC 101 West Elm Street Suite 600 Conshohocken, PA 19428-2075	Chester	East Whiteland Township	Valley Creek EV-MF
PAD150114	J.B. Brandolini, Inc. 1200 Burning Bush Lane West Chester, PA 19380-5888	Chester	West Whiteland Township West Goshen Township	Broad Run HQ-CWF-MF
PAD230015 Phase 2	Southeastern Pennsylvania Transportation Authority 1234 Market Street Philadelphia, PA 19107-3780	Philadelphia	City of Philadelphia	Chester Creek TSF-MF Tributaries to Rocky Run HQ-CWF-MF
PAD510049 Phase 2	PA Department of Transportation 6-0 7000 Geerdes Boulevard King of Prussia, PA 19406-1525	Philadelphia	City of Philadelphia	Frankford Creek WWF-MF

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD130013	Pennsylvania Department of Transportation Engineering District 5-0 1002 Hamilton Street Allentown, PA 18101	Carbon	Lehighton Borough Mahoning Township	Mahoning Creek (CWF, MF), EV Wetlands

*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>
PAD480037	J.G. Petrucci Co., Inc. c/o Mr. Joseph Correia 171 State Route 173 Suite 201 Asbury, NJ 08802-1365	Northampton	Forks Township	Bushkill Creek (HQ-CWF, MF)

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

<i>Permit # Issued</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD050006	Leon Shirk 743 Walnut Street New Holland, PA 17557	Bedford	Monroe Township	Bushy Fork (HQ-CWF, MF) UNT Elk Lick Creek (HQ-CWF, MF)

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

*Erie County Conservation District, 1927 Wager Road, Erie, PA 16509, 814-825-6403.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD250006	Barnhart Transportation LLC P.O. Box 247 Harborcreek, PA 16421	Erie	North East Township	UNT to Twelve Mile Creek CWF, HQ

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#### **VII. Approvals to Use NPDES and/or Other General Permits.**

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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).

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#### **List of NPDES and/or Other General Permit Types.**

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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*

*Southeast Region—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>
Hilltown Township Bucks County	PAC090277	Lynn Builders, LLC 735 Minsi Trail Perkasie, PA 18944-3159	Morris Run TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lower Makefield Township Bucks County	PAC090282	LMCC South Acquisitions LLC 2929 Arch Street Philadelphia, PA 19104	Core Creek CWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lower Makefield Township Bucks County	PAC090284	LMCC North Acquisitions LLC 2929 Arch Street Philadelphia, PA 19104	Core Creek CWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Doylestown Township Bucks County	PAC090285	Commerce Pursuit Capital L.P. 220 Farm Lane Doylestown, PA 18901-4714	Unnamed Tributary to Neshaminy Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Doylestown Township Bucks County	PAC090307	Bucks County Water & Sewer Authority 1275 Almshouse Road Warrington, PA 18976	Unnamed Tributary to Neshaminy Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lower Salford Township Montgomery County	PAC460339	Clemens Realty Group, Inc. 531 Main Street Harleysville, PA 19438	Indian Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Providence Township Montgomery County	PAC460398	Toll PA IX, L.P. 250 Gibraltar Road Suite 2E Horsham, PA 19044	Unnamed Tributary to Perkiomen Creek TSF	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.*

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

<i>NPDES</i>				<i>Receiving Water/Use</i>
<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	
PAC390087	Pannenbier 3355 Lenox Rd Ste 750 Atlanta, GA 30026	Lehigh	City of Allentown	Lehigh River (WWF, MF)

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

<i>NPDES</i>				<i>Receiving Water/Use</i>
<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	
PAC400109	400 Steward Rd LLC 450 New Commerce Blvd LLC 320 Stewart Rd LLC Robert Mericle 100 Baltimore Dr Wilkes-Barre, PA 18702	Luzerne	Hanover Twp	Sugar Notch Run (CWF, MF) Solomon Creek (CWF, MF)

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

*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>
Manheim Township Lancaster County Issued	PAC360445	Regency V, LP 1899 Lititz Pike Lancaster, PA 17601	UNT Conestoga Creek (WWF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
West Earl Township Lancaster County Issued	PAC360460	Caleb Strausser 160 Wissler Road New Holland, PA 17557	Groff Creek (WWF, MF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
Mount Joy Township Lancaster County Issued	PAC360455	Elizabethtown Solar, LLC 100 Matsonford Road Radnor, PA 19807	UNT Conoy Creek (TSF, MF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
North Annville Township Lebanon County Issued	PAC380139	Jeffrey Bomgardner 409 Clear Spring Road Annville, PA 17003	UNT Quittapahilla Creek (TSF)	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 717.277.5275
North Lebanon Township Lebanon County Issued	PAC380138	Lebanon County Historical Society 924 Cumberland Street Lebanon, PA 17042	Quittapahilla Creek (TSF)	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 717.277.5275
Cornwall Borough West Cornwall Township Lebanon County Issued	PAC380151	Alden Place at Cornwall Recreation Inc. Cornwall Associates, LP 100 Freeman Drive Lebanon, PA 17042	UNT Snitz Creek (TSF)	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 717.277.5275

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

*Facility Location and Municipality*

<i>Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Phone No.</i>
Shaler Township	PAC020459	Shaler Township 300 Wetzel Road Glenshaw, PA 15116	UNT to Girtys Run (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 (412) 241-7645
City of Pittsburgh	PAC020150-A1	Pittsburgh Zoo and PPG Aquarium One Wild Place Pittsburgh, PA 15206	Allegheny River (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 (412) 241-7645

## NOTICES

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<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Phone No.</i>
South Fayette Township	PAC020032-A1	Charter Homes and Neighborhoods 1190 Dillersville Road Lancaster, PA 17601	Chartiers Creek (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 (412) 241-7645
McCandless Township	PAC020462	Walnut Court, LLC P.O. Box 11066 Pittsburgh, PA 15237	UNT to Pine Creek (CWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 (412) 241-7645
South Park Township	PAC020392	Zokaites Properties, LP 375 Golfside Drive Wexford, PA 15090	Piney Fork (TSF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 (412) 241-7645
Robinson Township	PAC020284-A1	Duquesne Light Company 2841 New Beaver Avenue Pittsburgh, PA 15233	Montour Run (TSF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 (412) 241-7645
Jefferson Hills Borough Union Township	PAC020476	Duquesne Light Company 2841 New Beaver Avenue Pittsburgh, PA 15233	Lobbs Run (WWF); Monongahela River (WWF); Peters Creek (TSF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 (412) 241-7645
Robinson Township	PAC020343	Forever Build 1044 Saw Mill Run Boulevard Pittsburgh, PA 15226	Chartiers Creek (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 (412) 241-7645
Findley Township	PAC020474	Allegheny County Airport Authority Landslide Terminal Fourth Floor Mezzanine P.O. Box 12370 Pittsburgh, PA 15231-0370	UNT to Raredon Run (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 (412) 241-7645
Indiana Township	PAC020417	Angel's Distributing 287 Blue Run Road Cheswick, PA 15024	Blue Run (CWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 (412) 241-7645

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Phone No.</i>
Hampton Township	PAC020397	Crossgates, Inc. 3555 Washington Road McMurray, PA 15317	UNT to Course Run (TSF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 (412) 241-7645
McCandless Township	PAC020475	McCandless Square Senior Housing, LLC 150 East Broad Street Columbus, OH 43215	Pine Creek (CWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 (412) 241-7645
Upper Saint Clair Township	PAC020485	1180 Washington Road Associates, LP 650 Washington Road Suite 400 Pittsburgh, PA 15228	UNT to McLaughlin Run (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 (412) 241-7645
Ross Township	PAC020117-A1	North Side Catholic Cemetery 204 Cemetery Lane Pittsburgh, PA 15237	UNT to Nelson Run (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 (412) 241-7645
Findley Township	PAC020484	Mr. Craig Alderman 116 Spring Run Road Extension Coraopolis, PA 15108	UNT to Flaugherty Run (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 (412) 241-7645
Ohioville Borough	PAC040061	PTV 1068, LLC 6183 Tuscarawas Road Industry, PA 15052	Six Mile Run (WWF)	Beaver County Conservation District 156 Cowpath Road Aliquippa, PA 15001 (724) 378-1701
Jackson Township	PAC110024 (Major Amendment)	Kiewit Engineering Group, Inc. 9401 Renner Boulevard Lenexa, KS 66219 Donald Rose 197 Bracken Street Apartment 1 Johnstown, PA 15909	UNT to Blacklick Creek (CWF)	Cambria County Conservation District 401 Candlelight Drive Suite 229 Ebensburg, PA 15931 (814) 472-2120
Lorain Borough	PAC110055	Lorain Borough 503 Green Valley Street Johnstown, PA 15902	Sams Run (WWF)	Cambria County Conservation District 401 Candlelight Drive Suite 229 Ebensburg, PA 15931 (814) 472-2120



**NOTICES**

**6599**

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Phone No.</i>
Allegheny Township	PAC560030	Pennsylvania Turnpike Commission P.O. Box 67676 Harrisburg, PA 17106	Juniata River (CWF; MF); Wambaugh Run (CWF; MF); Three Lick Run (CWF; MF)	Somerset County Conservation District 6024 Glades Pike Suite 103 Somerset, PA 15501 (814) 445-4652
Allegheny Township	PAC560031	Pennsylvania Turnpike Commission P.O. Box 67676 Harrisburg, PA 17106	Juniata River (CWF; MF); Wambaugh Run (CWF; MF); Three Lick Run (CWF; MF)	Somerset County Conservation District 6024 Glades Pike Suite 103 Somerset, PA 15501 (814) 445-4652
Cecil Township	PAC630090	Global Signal Acquisitions IV, LLC 2000 Corporate Drive Canonsburg, PA 15317	UNT to Chartiers Creek (WWF)	Washington County Conservation District 50 Old Hickory Ridge Road Suite 1 Washington, PA 15301 (724) 705-7098
Cecil Township	PAC630146	The Sanctuary on O'Hare, LLC 102 West Pike Street Houston, PA 15342	UNT to Chartiers Creek (WWF)	Washington County Conservation District 50 Old Hickory Ridge Road Suite 1 Washington, PA 15301 (724) 705-7098
Robinson Township	PAC630138	Burgettstown Road Associates, LLC 100 Leetsdale Industrial Drive Leetsdale, PA 15056	UNT to Saint Patricks Run (WWF)	Washington County Conservation District 50 Old Hickory Ridge Road Suite 1 Washington, PA 15301 (724) 705-7098
North Strabane Township	PAC630152	Golden Triangle Construction Company 8555 Old Steubenville Pike Imperial, PA 15126	UNT to Chartiers Creek (WWF)	Washington County Conservation District 50 Old Hickory Ridge Road Suite 1 Washington, PA 15301 (724) 705-7098
West Finley Township	PAC630165	First Pennsylvania Resources, LLC 33 Terminal Way Suite 445A Pittsburgh, PA 15126	Robinson Fork (WWF)	Washington County Conservation District 50 Old Hickory Ridge Road Suite 1 Washington, PA 15301 (724) 705-7098

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

<i>Facility Location: Municipality &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>
Adams Township Butler County	PAC100153	Geyer Construction & Development Inc 451 Denny Road Valencia, PA 16059	UNT to South Branch Glade Run WWF	Butler County Conservation District 120 Hollywood Drive Suite 201 Butler, PA 16001 724-284-5270

*Facility Location:  
Municipality &  
County*

<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>
Henderson Township Jefferson County	PAC330014	Hostetler Tables & Chairs Jonas D Hostetler 616 Kentucky Avenue Punxsutawney, PA 15767	UNT to Stump Creek CWF	Jefferson County Conservation District 1514 Route 28 Brookville, PA 15825 814-849-7463
McKean Township Erie County	PAC250078	Mr. Chuck Paterniti 5331 Deerfield Drive Fairview, PA 16415	UNT Elk Creek CWF; MF	Erie County Conservation District 1927 Wager Road Erie, PA 16509 814-825-6403

*General Permit Type—PAG-3*

*Facility Location:  
Municipality &  
County*

<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
Aston Township Delaware County	PA030093	JJ Clark Inc. 31 Mount Pleasant Road Aston, PA 19014	Unnamed Tributary to West Branch Chester Creek (TSF, MF) 3-G	DEP Southeast Regional Office Clean Water Program 2 E. Main Street Norristown, PA 19401 484.250.5970

*General Permit Type—PAG-13*

*Facility Location:  
Municipality &  
County*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use Contact</i>	<i>Office &amp; Phone No.</i>
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
Clifton Height Borough Delaware County	PAG130143	Clifton Heights Borough 30 S Springfield Road Clifton Heights, PA 19018-2215	Darby Creek (TSF, MF) 3-G	DEP Southeast Regional Office Clean Water Program 2 E Main Street Norristown, PA 19401 484.250.5970
West Norriton Township Montgomery County	PAG130006	West Norriton Township 1630 W Marshall Street Jeffersonville, PA 19365-1814	Unnamed Tributary to Stony Creek (TSF, MF) Indian Creek (WWF, MF), Unnamed Tributary to Schuylkill River (WWF, MF), Unnamed Tributary of Stony Creek and Unnamed Tributary to Indian Creek (WWF, MF) 3-F	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>
Marlin Martin Heidelberg Pig Family Farm 425 N Market Street Myerstown, PA 17067	Lebanon	40.1	259.25	Swine	NA	A
Michael Long Sr. 39 Reeds Creek Road (swine) 2116 Yordys Bridge Road (broiler) Annville, PA 17003	Lebanon	327.8	878.66	Swine Poultry	NA	Approved
Tim Goss Goss Family Farms 123 Decatur Rd. McClure, PA 17841	Mifflin	322	1,197.74 17	Swine Beef	NA	renewal

**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.**

*Northeast Region: Safe Drinking Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

**Permit No. 5219502**, Public Water Supply.

Applicant **Twin Lakes Utilities, Inc.**  
Middlesex Water Co.  
485 C Route 1 South  
Suite 400  
Iselin, NJ 08830

[Borough or Township] Milford and Shohola Townships  
County **Pike County**  
Type of Facility PWS  
Consulting Engineer R. Scott Hughes, PE  
Gannett Fleming, Inc.  
1010 Adams Avenue  
Audubon, PA 19403

Permit to Construct Issued 10/17/2019

**Permit No. 3519504MA, Construction Permit**, Public Water Supply.

Applicant **James L. Black**  
Belle Aire Acres  
1184 Fernwood Road  
Lake Ariel, PA 18436

Municipality Jefferson Township  
County **Lackawanna**  
Type of Facility Public Water Supply  
Consulting Engineer Michael E. Bisignani, P.E.  
Aqua Pennsylvania, Inc.  
1 Aqua Way  
White Haven, PA 18661

Permit to Construct Issued September 10, 2019

Description of Action 4-Log Treatment of Viruses

**Permit No. 3919503MA, Construction Permit**, Public Water Supply.

Applicant **Alburtis Borough Authority**  
260 Franklin Street  
P.O. Box 435  
Alburtis, PA 18011

Municipality Alburtis Borough  
County **Lehigh**  
Type of Facility Public Water Supply  
Consulting Engineer Daniel J. Hopkins, P.E.  
Entech Engineering, Inc.  
201 Penn Street  
P.O. Box 32  
Reading, PA 19601

Permit to Construct Issued September 13, 2019

Description of Action Lock Ridge Booster Station  
Pump Replacement Project

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

**Permit No. 2219505**, Public Water Supply.

Applicant **Capital Region Water**  
Municipality Harrisburg  
County **Dauphin**  
Responsible Official Michael McFadden  
Water System Superintendent  
100 Pine Drive  
Harrisburg, PA 17101

Type of Facility Filter media improvements,  
corrosion inhibitor feed system  
improvements and installation of  
alternate caustic and soda ash  
injection locations.

Consulting Engineer Jamie R. Shambaugh, P.E.  
Gannett Fleming, Inc.  
P.O. Box 67100  
Harrisburg, PA 17106-7100

Permit to Construct Issued 10/9/2019

**Permit No. 3619512 MA, Minor Amendment**, Public Water Supply.

Applicant **Solanco School District**  
Municipality Fulton Township  
County **Lancaster**  
Responsible Official Sandra S. Tucker, Business  
Manager  
121 South Hess Street  
Quarryville, PA 17566

Type of Facility Installation of caustic soda  
secondary controls.

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

Permit to Construct Issued 10/15/2019

**Operation Permit No. 0619503** issued to: **Perry Township Municipal Authority (PWS ID No. 3060123)**, Shoemakersville Borough, **Berks County** on 10/17/2019 for facilities approved under Construction Permit No. 0619503.

**Operation Permit No. 3619525 E** issued to: **Manheim Area Water and Sewer Authority (PWS ID No. 7360078)**, Manheim Borough, **Lancaster County** on 10/16/2019 for facilities submitted under Application No. 3619525 E.

**Operation Permit No. 3619515 MA** issued to: **Manheim Area Water and Sewer Authority (PWS ID No. 7360078)**, Manheim Borough, **Lancaster County** on 10/17/2019 for facilities submitted under Application No. 3619515 MA.

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

**Eastville Water Association (Public Water Supply), Clinton County:** On October 17, 2019, the Safe Drinking



Water Program approved the Source Water Protection (SWP) plan for the Eastville Water Association community water system. The personnel involved with the development of this SWP are to be commended for taking these proactive steps to protect these water sources for their community. Development of the SWP plan was funded by the Department of Environmental Protection (Mark R. Stephens, P.G., (570) 327-3422).

**Permit No. 5908501-T1; 5989509-T2; MA-GWR-A1-T1—Operation—Public Water Supply.**

Applicant **Somers Lane Mobile Home Park, LLC**  
 Township/Borough Lawrence Township  
 County **Tioga County**  
 Responsible Official Mr. Shing Yeung  
 Somers Lane Mobile Home Park, LLC  
 62 Main Street  
 P.O. Box 80  
 Montandon, PA 17850  
 Type of Facility Public Water Supply—Operation  
 Consulting Engineer N/A  
 Permit Issued October 15, 2019  
 Description of Action Authorizes the transfer from Charles Wilcox, Jr., Somers Lane Mobile Home Park to Somers Lane Mobile Home Park, LLC. The Somers Lane Mobile Home Park water system consists of Well # 2, with a Goulds 18GS15422C 1/2 hp motor pump. The pump is capable of 16 gpm. Treatment consists of hypochlorite injection for oxidation/disinfection, ferric chloride injection for arsenic, manganese and iron coagulation, two 300-gallon oxidation tanks, three 31-gallon filters for arsenic, manganese and iron removal, post chlorine injection (not currently used), and two 1,200-gallon retention tanks for contact time and system pressurization.

**Permit No. 5516502—Operation—Public Water Supply.**

Applicant **Selinsgrove Center**  
 Township/Borough Penn Township  
 County **Snyder County**  
 Responsible Official Ms. Heather Ambrose  
 PA Department of Human Services  
 Selinsgrove Center  
 1000 Route 522  
 Selinsgrove, PA 17870  
 Type of Facility Public Water Supply—Operation  
 Consulting Engineer Mr. Michael Peleschak P.E.  
 Alfred Benesch & Company  
 400 One Norwegian Plaza  
 Pottsville, PA 17901  
 Permit Issued October 15, 2019

Description of Action Authorizes the operation of a new filtration plant at Selinsgrove Center, including coagulant and sodium hypochlorite chemical feed systems, duplicate Roberts ion exchange units, duplicate Roberts Pace II units (each with adsorption clarifier and rapid rate gravity filters), and clearwell. In addition, this permit authorizes cleaning and replacement of the pump in Well No. 7 and decommissioning of Well No. 6.

**Permit No. 1913501—Operation—Public Water Supply.**

Applicant **Lehet Village**  
 Township/Borough Sugarloaf Township  
 County **Columbia County**  
 Responsible Official Mr. Richard Lehet  
 Lehet Village  
 5116 State Route 487  
 Benton, PA 17814  
 Type of Facility Public Water Supply—Operation  
 Consulting Engineer N/A  
 Permit Issued October 15, 2019  
 Description of Action Authorizes the operation of Lehet Village Water System, including New Well No. 1, a 14-gpm flow restrictor, a prefilter, sodium hypochlorite disinfection, chlorine contact piping, booster pump station, finished water-storage tanks, and distribution system.

**Permit No. 265W6-T1-A1—Operation—Public Water Supply.**

Applicant **Beech Creek Borough Authority**  
 Township/Borough Beech Creek Township  
 County **Clinton County**  
 Responsible Official Mr. Kenneth Packer  
 Chairman  
 Beech Creek Borough Authority  
 P.O. Box 216  
 Beech Creek, PA 16822  
 Type of Facility Public Water Supply—Operation  
 Consulting Engineer Mr. Kerry A. Uhler & Associates, Inc.  
 140 W. Hight Street  
 Bellefonte, PA 16823  
 Permit Issued October 18, 2019  
 Description of Action Authorizes the change in source availability designation of Old Well No. 1 from "Permanent" to "Reserve."

**Permit No. 4119504—Construction—Public Water Supply.**

Applicant **Harvest Moon Plaza**

Township/Borough Woodward Township  
 County **Lycoming County**  
 Responsible Official Mr. Barry Heller Jr.  
 Harvest Moon Plaza  
 7468 US Highway 220  
 Linden, PA 17744

Type of Facility Public Water Supply—  
 Construction

Consulting Engineer Mr. Francis Catherine, P.E.  
 P. Joseph Lehman, Inc.  
 117 Olde Farm Office Road  
 Suite 113  
 Hollidaysburg, PA 16635

Permit Issued October 21, 2019

Description of Action Authorizes construction of new  
 treatment facilities for the  
 transient, noncommunity,  
 public-water system at Harvest  
 Moon Plaza. This approval  
 includes Well No. 1 as a source  
 of supply, the transmission line,  
 two hydropneumatic tanks,  
 parallel prefilters, parallel  
 MTBE removal systems, and the  
 distribution system.

**Permit No. 1400504-A1—Operation—Public Water Supply.**

Applicant **Pennsylvania American  
 Water—Philipsburg**

Township/Borough Rush Township  
 County **Centre County**  
 Responsible Official Mr. Sean Graves  
 Pennsylvania American Water—  
 Philipsburg  
 1912 Tyrone Pike  
 P.O. Box 707  
 Philipsburg, PA 16886

Type of Facility Public Water Supply—Operation

Consulting Engineer N/A

Permit Issued October 18, 2019

Description of Action Authorizes change in source  
 availability designation of Trout  
 Run Well No. 2 from  
 “Permanent” to “Reserve.”

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

**Permit No. 3218514-A1, Public Water Supply.**

Applicant **Indiana County Municipal  
 Services Authority**  
 602 Kolter Drive  
 Indiana, PA 15701

[Borough or Township] Marion Center Borough  
 County **Indiana**

Type of Facility Marion Center tank

Consulting Engineer Gibson-Thomas Engineering Co.,  
 Inc.  
 1004 Ligonier Street  
 P.O. Box 853  
 Latrobe, PA 15650

Permit to Construct October 16, 2019  
 Issued

**Permit No. 1118508, Public Water Supply.**

Applicant **Highland Water & Sewer  
 Authority**  
 120 Tank Drive  
 Johnstown, PA 15904

[Borough or Township] Beaverdale, Dunlo, Sidman,  
 South Fork and Summerhill  
 Townships

County **Cambria**

Type of Facility Water system improvements

Consulting Engineer The EADS Group, Inc.  
 450 Aberdeen Drive  
 Somerset, PA 15501

Permit to Construct October 22, 2019  
 Issued

**Permit No. 1119501, Public Water Supply.**

Applicant **Nanty Glo Water Authority**  
 1015 First Street  
 Suite 1  
 Nanty Glo, PA 15943

[Borough or Township] Cambria Township

County **Cambria**

Type of Facility Algaecide and polymer feed  
 systems

Consulting Engineer Stiffler McGraw and Associates  
 1731 North Juniata Street  
 Hollidaysburg, PA 16648

Permit to Construct October 22, 2019  
 Issued

**Operations Permit** issued to: **Pennsylvania American Water Company**, 852 Wesley Drive, Mechanicsburg, PA 17055, (PWSID # 5260005) Allison, **Fayette County** on October 16, 2019 for the operation of facilities approved under Construction Permit # 2619508.

**Operations Permit** issued to: **Pennsylvania American Water Company**, 852 Wesley Drive, Mechanicsburg, PA 17055, (PWSID # 5020039) Baldwin Borough, **Allegheny County** on October 22, 2019 for the operation of facilities approved under Construction Permit # 0217541.

**Operations Permit** issued to: **Pennsylvania American Water Company**, 852 Wesley Drive, Mechanicsburg, PA 17055, (PWSID # 5020039) Union Township, **Washington County** on October 22, 2019 for the operation of facilities approved under Construction Permit # 0217542.

**Operations Permit** issued to: **Municipal Authority of Westmoreland County**, 124 Park & Pool Road, New Stanton, PA 15672 (PWSID # 5650032) Washington Township, **Westmoreland County** on October 15, 2019 for the operation of facilities approved under Construction Permit # 6514511-A1.

**Operations Permit** issued to: **Commission of Waterworks of Salisbury Borough**, P.O. Box 343, Salisbury, PA 15558 (PWSID # 4560041) Salisbury Borough, **Somerset County** on October 16, 2019 for the operation of facilities approved under Construction Permit # 5619506-E.

**Operations Permit** issued to: **Addison Area Water Authority**, P.O. Box 13, Addison, PA 15411 (PWSID # 4560028) Addison Borough, **Somerset County** on Octo-

ber 22, 2019 for the operation of facilities approved under Construction Permit # 5618506MA.

**Permit No. 5619502MA, Minor Amendment, Public Water Supply.**

Applicant **Conemaugh Township Municipal Authority**  
113 South Main Street  
P.O. Box 429  
Davidsville, PA 15928

[Borough or Township] Jenner Township  
County **Somerset**  
Type of Facility Filter media replacement  
Consulting Engineer The EADS Group, Inc.  
450 Aberdeen Drive  
Somerset, PA 15501

Permit to Construct Issued October 16, 2019

**Permit No. 1118507WMP, Minor Amendment, Public Water Supply.**

Applicant **Northern Cambria Municipal Authority**  
1202 Philadelphia Avenue  
Northern Cambria, PA 15714

[Borough or Township] Northern Cambria Borough and Barr Township  
County **Cambria**  
Type of Facility Bulk load-out stations  
Consulting Engineer Stiffler McGraw and Associates  
1731 North Juniata Street  
Hollidaysburg, PA 16648

Permit to Operate Issued October 22, 2019

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

**Operation Permit issued to PA American Water Ellwood, PWSID No. 6370011, New Beaver Borough and Wayne Township, Lawrence County.** Permit Number 3716502 issued October 18, 2019 for the operation of the new Ellwood City Surface Water Filtration Treatment Plant. This permit is issued in response to an operation inspection conducted by the Department of Environmental Protection personnel on September 12, 2019.

**Permit No. 3719502, Public Water Supply.**

Applicant **Heritage Hills LLC**  
Township or Borough Pulaski Township  
County **Lawrence**  
Type of Facility Public Water Supply  
Consulting Engineer Carl Petrus  
Petrus Engineering  
149 Donation Road  
Greenville, PA 16125

Permit to Construct Issued October 18, 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.**

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

**WA3-1001B Water Allocations. Mahoning Township Municipal Authority, P.O. Box 60, Distant, PA 16223, Mahoning Township, Armstrong County.** Permit grants the Authority the right to purchase 87,000 gallons per day from the Redbank Valley Municipal Authority.

**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.**

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Rimersburg Borough	27 Main Street Rimersburg, PA 16248	Clarion

*Plan Description:* The approved plan provides for the expansion of Rimersburg Borough Municipal Authority's Wastewater Treatment Facilities and construction of needed upgrades in the Borough's collection and conveyance facilities. An additional 0.2 MGD SBR will be added to the existing facilities as well as an upgrade of the existing 0.2 MGD SBR. Retrofitting an existing lagoon to serve as flow equalization is also proposed. The existing service area is comprised of Rimersburg Borough and portions of Toby, Madison, and Brady Townships. No expansion of the service area is proposed. The replacement of approximately 28,000 LF of antiquated collection and conveyance lines within the Borough is planned. Sewage Treatment Plant upgrades include the addition of Supervisory Control and Data Acquisition (SCADA), a new headworks building, addition of a rotary fan sludge press, conversion of chlorine disinfection to UV disinfection, and site access improvements. Pennsylvania Infrastructure Investment Authority (PENNVEST) is the financing option of choice. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Millcreek Township	3608 West 26th Street Erie, PA 16506	Erie

*Plan Description:* The approved plan provides for extending sanitary sewer service to 15 homes on Lester Lane and Lawndale Drive, an existing sewer service needs area of Millcreek Township. This project will provide for the extension of 1,210 LF of gravity sewers to seven homes, and 1,360 LF of low pressure force main to eight homes that will have individual grinder pumps. The gravity sewer and force main will be owned and maintained by Millcreek Township. The grinder pumps will be individually owned and maintained. This new sewer extension will be connected to the existing manhole located at the west end of Lawndale Drive. Approximately 6,000 gallons per day will be added to the existing conveyance and treatment facilities, with final treatment at the City of Erie Sewage Treatment Plant. The project cost is \$237,000 with an estimated tap-in fee per parcel of



\$15,800. The quarterly user fee for all Millcreek Township users is \$84. Construction is scheduled to start upon receipt of the WQM permit. Any required WQM Permit must be obtained in the name of the municipality.

## 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.*

**Titanium Wire**, 235 Industrial Park Road, West Mahanoy Township, **Schuylkill County**. HRG Inc., 369 East Park Drive, Harrisburg, PA 17111, on behalf of Titanium Wire Corporation, 1000 Six PPG Place, Pittsburgh, PA 15222, submitted a Final Report concerning remediation of groundwater contaminated with volatile organic compounds as the result of historic site operations. The report is intended to document remediation of the site to meet Statewide Health Standards.

**Dominguez Residence**, 2946 Owego Turnpike, Paupack Township, **Wayne County**. Crawford Environ-

mental Services, 20 Cardinal Drive, Birdsboro, PA 19508, on behalf of Firmstone Oil Company, 411 High Street, Honesdale, PA 18431, submitted a Final Report concerning remediation of soil contamination caused by a release of heating oil from an aboveground storage tank. The report is intended to document remediation of the site to meet Statewide Health Standards.

**Mid Atlantic Xpress**, 834 South Church Street, Hazleton City, **Luzerne County**. LaBella Associates, 1000 Dunham Drive, Suite B, Dunmore, PA 18512, on behalf of Mid Atlantic Xpress, 139 US Highway 46, Hackettstown, NJ 07840, submitted a Final Report concerning remediation of soil contamination caused by a release of diesel from the dispenser of an aboveground storage tank. The report is intended to document remediation of the site to meet Residential Statewide Health Standards.

**WR 73 Webster Well Pad**, 2967 Hawk Road, Franklin Township, **Susquehanna County**. Resource Environmental Management, 50 Maple Street, Montrose, PA 18801, on behalf of SWN Production Company, 917 State Route 92 North, Tunkhannock, PA 18657, submitted a Final Report concerning remediation of a release of brine to the soil. The report is intended to document remediation of the site to meet a combination of Background and Statewide Health Standards.

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

**GU J Chamberlin Meyer Pad**, 2768 Anderson Road, Stevensville, Stevens Township, **Bradford County**. Resource Environmental, 50 Maple Street, Montrose, PA 18801, on behalf of SWN Production Company, LLC, 917 SR 92 North, Tunkhannock, PA 18657, has submitted a Site Characterization and Final Report concerning remediation of soil contaminated with produced water. The report is intended to document remediation of the site to meet the Background and Statewide Health Standards.

**Interstate 80 at MM 116.3 Eastbound**, Clearfield, Lawrence Township, **Clearfield County**. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857, on behalf of FedEx Ground, 1000 FedEx Drive, Moon Township, PA 15108, has submitted a Final report concerning remediation of site soil contaminated with diesel fuel. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Gordon Milk Transport, Inc. Diesel Fuel Cleanup**, Interstate 80 at MM 184.0 W, Loganton, Greene Township, **Clinton County**. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857, on behalf of Gordon Milk Transport, Inc., 9060 Bollman Road SW, Sugar creek, OH 44681, has submitted a Final Report concerning remediation of site soil contaminated with diesel fuel. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Elbow Fish & Game Club Pad C**, 2566 Thompson Hollow Road, Trout Run, Cogan House Township, **Lycoming County**. Tuscarora Geologic & Environmental Services, LLC, 1153 Center Road, Mifflintown, PA 17059, on behalf of ARD Operating LLC, 33 W. Third Street, Suite 300, Williamsport, PA 17701, has submitted a Final report concerning remediation of site soil contaminated with brine. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Harer 713 Pad**, 957 Bogar Run Road, Roaring Branch, Liberty Township, **Tioga County**. Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA



15205, on behalf of Rockdale Marcellus, LLC, 4600 J Barry Court, Suite 120, Canonsburg, PA 15317, has submitted a Site Characterization and 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.

**Guillaume 714 Pad**, 10562 Route 414, Liberty Township, **Tioga County**. Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205, on behalf of Rockdale Marcellus, LLC, 4600 J Barry Court, Suite 120, Canonsburg, PA 15317, has submitted a Site Characterization and Final Report concerning remediation of site soil contaminated with brine. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**US Route 15 Southbound**, Lewisburg, East Buffalo Township, **Union County**. Northridge Group, Inc, P.O. Box 231, Northumberland, PA 17857, on behalf of STL Logistics, 8859 Creditview Road, Brampton, ON L6Y2X8, has submitted a Final report concerning remediation of site soil contaminated with diesel fuel. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Ritz-Craft Corp.**, 15 Industrial Park Drive, Mifflinburg Borough, **Union County**. Converse Consultants, 2738 West College Avenue, State College, PA 16801, on behalf of Ritz-Craft Corp., 15 Industrial Park Road, Mifflinburg, PA 17844, has submitted a Final report concerning remediation of site soil and groundwater contaminated with unleaded gas. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

**Valu Plaza**, 11501—1507, 1511, 1513, 1523 West 38th Street, City of Erie, **Erie County**. Environmental Remediation & Recovery, Inc., 4250 Route 6N, Edinboro, PA 16412, on behalf of Park Plaza Partnership, 2540 Village Common Drive, Erie, PA 16506, submitted a Remedial Investigation Report/Cleanup Plan/Risk Assessment Report concerning the remediation of site soil contaminated with Tetrachloroethene, Trichloroethene, cis-1, 2-Dichloroethene, Benzene, Toluene, Acetone, 2-Butanone and site groundwater contaminated with Tetrachloroethene, Trichloroethene, cis-1, 2-Dichloroethene, trans-1, 2-Dichloroethene, Vinyl Chloride, Methylene Chloride, 1, 2-Dichloroethane, Bromodichloromethane, Chloroform, Methylcyclohexane, and Acetone. The report is intended to document remediation of the site to meet the Site-Specific Standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 3

**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).**

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document

cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department regional office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

**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 that was discovered during a construction project. The report documented remediation of the site to meet Residential Statewide Health Standards and was approved by DEP on October 10, 2019.

**Praedium Partners-Forks Property**, 108 Golf Drive, Barrett Township, **Monroe County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Praedium Partners LLC, 160 North Point Boulevard, Suite 200, Lancaster, PA 17601, submitted a combined Remedial Investigation Report, Cleanup Plan, and Final Report concerning remediation of soil and groundwater contaminated by historic releases of petroleum from underground storage tanks. The report was intended to

document remediation of the site to meet Site-Specific Standards but was disapproved by DEP on October 10, 2019.

**Flear Property**, 27 Wilden Drive West, Palmer Township, **Northampton County**. JMT Environmental Technologies, 710 Uhler Road, Easton, PA 18040, on behalf of David Flear, 27 Wilden Drive West, Easton, PA 18042, submitted a Final Report concerning remediation of soil contaminated by a release of heating oil from an aboveground storage tank. The report documented remediation of the site to meet Residential Statewide Health Standards and was approved by DEP on October 15, 2019.

**Pine Ridge Community Association**, 4770 Pine Ridge Drive West, Lehman Township, **Pike County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Pine Ridge Community Association, 4770 Pine Ridge Drive West, Bushkill, PA 18324, submitted additional Final Report information concerning remediation of soil contaminated by a release of heating oil from an aboveground storage tank. The report documented remediation of the site to meet Residential Statewide Health Standards and was approved by DEP on October 15, 2019.

**Memorial Road Property**, 5942 Memorial Road, Upper Macungie Township, **Lehigh County**. Barry Isett & Associates, 85 South Route 100, Allentown, PA 18106, on behalf of Minue Desai, 5650 Tilghman Street, Allentown, PA 18104 submitted a Final Report concerning remediation of soil contaminated by historic operations at a former gas station and automobile maintenance shop. The report documented remediation of the site to meet Non-Residential Statewide Health Standards and was approved by DEP on October 15, 2019.

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

**Interstate 80 at MM 184.0 W**, Loganton, Greene Township, **Clinton County**. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857, on behalf of Gordon Milk Transport, Inc., 9060 Bollman Road SW, Sugar creek, OH 44681, has submitted a Final Report concerning remediation of site soil contaminated with diesel fuel. The report demonstrated attainment of the Statewide Health Standard and was approved by the Department on October 18, 2019.

**Stunner Smith Well Pad**, 1159 Chaapel Mountain Road, Cogan Station, Gamble Township, **Lycoming County**. Penn Environmental & Remediation, Inc., 13180 Route 6, Mansfield, PA 16933, on behalf of Inflection Energy (PA), LLC, 101 West 3rd St., 5th FL, Williamsport, PA 17701 has submitted a Final Report/Remedial Action Completion Report concerning remediation of site soil contaminated with diesel-based drilling mud. The report demonstrated attainment of the Statewide Health Standard and was approved by the Department on September 30, 2019.

**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 demonstrated attainment of the Statewide Health Standard and was approved by the Department on October 15, 2019.

**1127 Line Mountain Road**, Dorsife, Washington Township, **Northumberland County**. King's Sawmill, LLC, 200 Joss Lane, Spring Glen, PA 17978 has submitted a Final Report concerning remediation of site soil contaminated with diesel fuel, antifreeze, motor oil and hydraulic oil. The report demonstrated attainment of the Statewide Health Standard and was approved by the Department on October 16, 2019.

**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 demonstrated attainment of the Residential Statewide Health Standard and was approved by the Department on October 16, 2019.

**Lake Road & Stone Drive**, Laporte Township, **Sullivan County**. Crawford Environmental Services, LLC, 20 Cardinal Drive, Birdsboro, PA 19508, on behalf of Insinger Performance, Inc., 11278 State Route 220, Dushore, PA 18614, has submitted a Final Report concerning remediation of site soil contaminated with No. 2 Fuel Oil. The report demonstrated attainment of the Statewide Health Standard and was approved by the Department on October 7, 2019.

**Thomas 808 Well Pad**, 315 E Shambaker Road, Gaines, Elk Township, **Tioga County**. Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205, on behalf of Rockdale Marcellus, LLC, 4600 J Barry Court, Suite 1210, Canonsburg, PA 15317, submitted a Site Characterization and Final Report concerning remediation of site soil contaminated with stimulation fluid. The report demonstrated attainment of the Statewide Health Standard and was approved by the Department on October 21, 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

**RSO, Inc.**, P.O. Box 1450, Laurel, MD 20725. License No. PA-AH 0578. Effective Oct 16, 2019.

**Emerald Environmental Services, Inc.**, 1621 St. Clair Avenue, Kent, OH 44240. License No. PA-AH 0641. Effective Oct 15, 2019.

**Specialty Disposal Services, Inc.**, 115 Route 46 West, Mountain Lakes, NJ 07046. License No. PA-AH 0852. Effective Oct 18, 2019.

#### Transporter Licenses Reissued

**RSO, Inc.**, P.O. Box 1450, Laurel, MD 20725. License No. PA-AH 0578. Effective Oct 16, 2019.

**Emerald Environmental Services, Inc.**, 1621 St. Clair Avenue, Kent, OH 44240. License No. PA-AH 0641. Effective Oct 15, 2019.

**Specialty Disposal Services, Inc.**, 115 Route 46 West, Mountain Lakes, NJ 07046. License No. PA-AH 0852. Effective Oct 18, 2019.

**REGULATED MEDICAL AND  
CHEMOTHERAPEUTIC WASTE TRANSPORTER  
LICENSES**

**Actions on applications for Regulated Medical and Chemotherapeutic Waste Transporter License received under the Solid Waste Management Act of July 7, 1980 (P.L. 380, No. 97) (35 P.S. §§ 6018.101—6018.1003) and Act 93 of June 28, 1988 (P.L. 525, No. 93) and regulations to transport regulated medical and chemotherapeutic waste.**

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P.O. Box 69170, Harrisburg, PA 17106-9170.*

*Renewal Applications Received*

**University of Pittsburgh of The Commonwealth System of Higher Education**, Jerome Cochran Public Safety Building, 4th Floor, Pittsburgh, PA 15260. License No. PA-HC 0183. Effective Oct 15, 2019.

*Transporter License Reissued*

**University of Pittsburgh of The Commonwealth System of Higher Education**, Jerome Cochran Public Safety Building, 4th Floor, Pittsburgh, PA 15260. License No. PA-HC 0183. Effective Oct 15, 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.*

**AG5-59-00004B: UGI Texas Creek, LLC** (835 Knitting Mills Way, Wyomissing, PA 19610) on October 10, 2019, for the continued operation of one 1,340 bhp Caterpillar G3516LE compressor engine; two 10 MMscfd TEG dehydrators, each equipped with a 0.5 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 Thomas 808 Compressor Station located in Elk Township, **Tioga County**.

**GPA9-49-327F: Herndon Reload Co.** (386 Pennsylvania Avenue, Herndon, PA 17830) on October 4, 2019, for the authorization to construct and temporarily operate a 485 bhp Detroit # 3 model 6067GK28 serial number 6RE116996 (to be identified as Source P103) equipped with an oxidation catalyst for carbon monoxide (CO) control, pursuant to the General Plan Approval and/or General Operating Permit for Diesel or No. 2 fuel-fired Internal Combustion Engines (BAQ-GPA/GP-9) at the Herndon Reload facility located in the Borough of Herndon, **Northumberland County**.

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

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

**08-000100: Global Tungsten & Powders Corp.** (1 Hawes Street, Towanda, PA 18848) on October 16, 2019, for the construction of a gas-fired tungsten scrap calciner to be controlled by a dust collector followed by a HEPA filter in series as well as a Scrap Processing Area dust collector and HEPA filter which will control particulate emissions from material handling associated with the new Calciner and existing equipment at the Towanda Facility located in Towanda Borough, **Bradford County**.

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

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

**43-385A: Cronimet Specialty Metals USA, Inc. Greenville** (209 Reynolds Industrial Park Road, Greenville, PA 16125), on September 26, 2019 issued a Plan Approval for proposed construction of 2 burn-off ovens and the change in operation of 3 existing burn-off ovens in Pymatuning Township, **Mercer County**. This will be a State Only facility.

**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

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

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

**09-0196L: Abington Reldan Metals** (550 Old Borden-town Road, Fairless Hills, PA 19030-45100) on October 22, 2019 an extension to replace the existing Thermal Destructor 2 Baghouse (C02B) with new Baghouse (C14B) in Falls Township, **Bucks County**.

**23-0047I: Evonik Group** (1200 W Front Street, Chester, PA 19013-3438) on October 15, 2019 an extension for the installation of two mills, a silo and associated baghouses as a control in Chester City, **Delaware County**.

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

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

**36-05025A: Texas Eastern Transmission LP** (P.O. Box 1642, Houston, TX 77251-1642) on October 17, 2019, for the installation of two (2) new 7,700 HP natural gas-fired turbines equipped with dry low NO<sub>x</sub> technology and oxidation catalysts to replace six (6) existing 1,760 HP compressor engines at the Marietta natural gas compressor station located in East Donegal Township, **Lancaster 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.*

**60-00024A: GAF Keystone, LLC** (2093 Old Route 15, New Columbia, PA 17856) on October 15, 2019, to extend the plan approval expiration date to April 17, 2020 to allow continued operation of several plastic roofing materials manufacturing lines at its facility in White Deer Township, **Union County**.

**18-00021B: Avery Dennison Performance Polymers** (171 Draketown Road, Mill Hall, PA 17751) on October 18, 2019, to extend the plan approval expiration date to April 22, 2020, for the construction and operation of the R-100 emulsion reactor system at their facility located in Bald Eagle Township, **Clinton County**. The plan approval has been extended.

*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.*

**63-00968A: MarkWest Liberty Midstream and Resources, LLC** (1515 Arapahoe Street Tower 1, Suite 1600, Denver, CO 80202-2137). Extension effective October 18, 2019, to extend the period of temporary operation of eight new rich burn natural gas-fired compressor engines rated at 1,980 bhp each and controlled by three-way catalysts authorized under PA-63-00968A until April 28, 2020, at the Smith Compressor Station located in Smith Township, **Washington County**.

**PA-63-00990B: Donora Dock LLC** (11 Lloyd Ave, Suite # 200, Latrobe, PA 15650-1711) on October 21, 2019, 180-day plan approval extension issued to Donora Dock Terminal to continue operations for their existing coal handling facility located in Carroll Township, **Washington County**.

**30-00170A: Laurel Mountain Midstream Operating, LLC** (Park Place Corporate Center 2, 2000 Commerce Drive, Pittsburgh, PA 15275) on October 21, 2019, to extend the period of temporary operation of one Caterpillar G3612 lean burn natural gas-fired compressor engine rated at 3,550 bhp at the existing Brown Compressor Station located in Greene Township, **Greene County**. The new expiration date is April 28, 2020.

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

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

**03-196B: National Fuel Gas Supply Kaylor Station** (3201 Pump Station Lane, Sugarcreek, PA 16028) on September 26, 2019, effective September 26, 2019, has issued a plan approval extension for construction and operation of a new ground flare to control dehydrator emission in Sugarcreek Township, **Armstrong County**. This is a State Only facility. This will expire on March 31, 2020.

**43-034B: Lindy Paving Wheatland Asphalt Plant** (P.O. Box 477, Wheatland, PA 16161) on September 26, 2019, effective September 30, 2019, has issued a plan approval extension for continued construction of the bags and fan in control device C202B (Plant 4 Baghouse) in Wheatland Borough, **Mercer County**. This is a State Only facility. This will expire on March 31, 2020.

**62-017Y: United Refining Co. of PA** (P.O. Box 870, Warren, PA 16365) on September 26, 2019, effective

September 26, 2019, has issued a plan approval extension for continued construction of a 3 kbpd Sour Tips Stripper Unit and modifications to an existing Naphtha Hydrotreater Unit for their Tier 3 Fuels Project in Warren City, **Warren County**. This is a Title V facility. This will expire on March 31, 2020.

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

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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.*

**46-00032: SPS Technologies, LLC** (301 Highland Avenue, Jenkintown, PA 19046) on October 21, 2019, for a renewal of the Title V Operating Permit for an aerospace parts manufacturing facility located in Abington Township, **Montgomery County**.

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

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

**49-00033: Watsontown Brick Co.** (P.O. Box 68, Route 405, Watsontown, PA 17777-0068) on October 9, 2019, was issued a renewal Title V operating permit for their brick manufacturing facility located in Delaware Township, **Northumberland County**. The facility's main sources are the three natural gas fired brick kilns and associated material handling and processing equipment. The Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

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

**20-00145: Vitro Flat Glass** (5123 Victory Boulevard, Cochran, PA 16314), on October 16, 2019, the Department issued the renewal of the Title V Operating Permit of a flat glass-manufacturing facility located in Greenwood Township, **Crawford County**. Permitted sources at the facility include two glass melting furnaces, three gas-fired/oil-fired boilers, a gas-fired boiler, six emergency engines, warerooms, material handling operations, silos, a parts cleaner, and miscellaneous operations. The facility is Title V because of its potential to emit NO<sub>x</sub>, PM<sub>10</sub>, SO<sub>x</sub>, and a single HAP. The facility has been subject to Federal and State regulations that include 40 CFR 60 Subpart ZZZZ for engines, 40 CFR 60 Subpart DDDDD for boilers, and RACT I (25 Pa. Code §§ 129.91—129.95). In this renewal, the subsequent NO<sub>x</sub> stack test requirement for the glass melting furnaces is removed because compliance with applicable NO<sub>x</sub> limits is currently demonstrated through quarterly CEMS reporting. As a major NO<sub>x</sub> source, the facility is subject to RACT II (25 Pa. Code §§ 129.96—129.100) and applicable RACT II presumptive requirements are incorporated. Source test submittals for the glass melting furnaces' PM stack test requirement are revised based on Source Testing Section's latest instructions. Several permitted sources are updated to incorporate the control devices authorized through Request for Determination (RFD). An emergency engine that had been taken out of service is removed from the permit. Intended for the first five years only, a plan approval reporting requirement is removed.



**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.*

**23-00086: Engineered Arresting Systems Co.** (2250 Market St., Aston, PA 19014-3426). On October 21, 2019, the renewal permit was issued for the operation of their assembly facility in Upper Chichester Township, **Delaware County**.

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

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

**35-00064: Innocor Foam Technologies—ACP, Inc.** (2222 Surrent Drive, High Point, NC 27263). The Department issued, on 10/22/19, a State-Only Operating Permit for operation of sources at a foam manufacturing operation in Archibald Borough, **Lackawanna County**. The sources include a slab stock foam pour line and adhesive usage process. The operating permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

**39-00106: Cintas Corporation** (164 East Mail Street, Emmaus, PA 18049). The Department issued, on 10/22/19, a State-Only Operating Permit for operation of sources at an industrial laundering operation in Emmaus Borough, **Lehigh County**. The sources include nine washers, five dryers, and a wastewater treatment process. Exempt sources include minor washers and dryers, and a natural gas-fired boiler. The operating permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

**39-00102: R.R. Donnelley** (700 Nestle Way, Suite 200, Breinigsville, PA 18031-1522). On October 16, 2019 the Department issued a renewal State-Only Natural Minor Permit for the R.R. Donnelley Allentown facility located in Upper Macungie Township, **Lehigh County**. The facility operates digital and offset lithographic sheetfed presses. 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 permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

**35-00030: General Dynamics Land Systems, Eynon Plant** (175 East Street, Archbald, PA 18403). On October 15, 2019, the Department issued a renewal (Synthetic Minor) permit to operate a military armored vehicle, tank, and tank components manufacturing facility in Archbald Borough, **Lackawanna County**. The sources consist of two (2) natural gas fired boilers and paint booths. The sources are controlled by particulate arrestors. The sources are considered minor emission sources of nitrogen oxide (NO<sub>x</sub>), sulfur oxides (SO<sub>x</sub>), carbon monoxide (CO), particulate matter (PM<sub>10</sub>), and volatile

organic compounds (VOC) emissions. The operating permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

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

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

**36-05062A: Manheim Auto Auction** (1190 Lancaster Road, Manheim, PA 17545-9746) on October 15, 2019, for the automobile reconditioning facility located in Penn Township, **Lancaster County**. The State-only permit was renewed.

**36-03046: Packaging Corporation of America** (1530 Fruitville Pike, Lancaster, PA 17601-4006) on October 17, 2019, for the packaging manufacturing facility located in Lancaster City, **Lancaster County**. The State-only permit was renewed.

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

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

**59-00012: Dairy Farmers of America, Inc.** (72 Milk Plant Road, Middlebury Center, PA 16935) on October 7, 2019, was issued a renewal State Only Operating Permit for their Middlebury facility located in Middlebury Township, **Tioga County**. Emission limits and work practice standards along with testing, monitoring, recordkeeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations.

**57-00003: Sullivan County School District** (777 South Street, Laporte, PA 18626) on October 18, 2019 issued a State Only operating permit for their facility located in Laporte Borough, **Sullivan County**. The State Only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

*Contact: Matt Williams, Facilities Permitting Chief at Telephone: 814-332-6940.*

**03-00050: Creekside Mushrooms LTD** (1 Moonlight Drive, Worthington, PA 16262-9730) on October 1, 2019, the Department issued the renewal State Only Operating Permit (SOOP) for the natural minor facility located at One Moonlight Drive in West Franklin Township, **Armstrong County**. The primary sources at the facility include two (2) natural gas boilers and one (1) diesel fired emergency generator. The potential emissions from the facility are less than the Title V thresholds. 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.

**32-00183: Millcreek Processing, Challenger Coal Yard** (1145 Rte. 711 Hwy N, Seward, PA 15954-0435). On October 15, 2019, the Department issued the renewal State Only Natural Minor Operating Permit for the coal preparation plant located in East Wheatfield Township, **Indiana County**. The facility's primary emission sources

include screening operations, crushing operations, coal transfer operations, stockpiles, road dust, and two diesel-fueled 88-hp engines that drive the 107C scalping screen and the Terex 683 Supertrak secondary sizing screen. The potential emissions of the primary pollutants from the facility are as follows: 5.11 TPY (tons per year) NO<sub>x</sub>, 1.97 TPY CO, 0.66 TPY VOC, 22.4 TPY filterable PM<sub>10</sub>, 2.48 TPY filterable PM<sub>2.5</sub>, and 0.54 TPY SO<sub>x</sub>; thus, the facility is a natural minor. The facility is subject to 40 CFR 60 Subpart Y, Standards of Performance for Coal Preparation and Processing Plants. The scalping screen engine is subject to 40 CFR 63 Subpart ZZZZ, NESHAP for Stationary Reciprocating Internal Combustion Engines. The sizing screen engine is subject to 40 CFR 60 Subpart IIII, Standards of Performance for Stationary Compression Ignition Internal Combustion Engines. The renewal permit contains emission restrictions, recordkeeping, work practices, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

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**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.**

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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.*

**15-00091: McAvoy Vitriified Brick Company** (75 McAvoy Lane, Phoenixville, PA 19460). On October 21, 2019, for the facility located in Schuylkill Township, **Chester County**. The facility is a major source of Hazardous Air Pollutants (HAP); however, with the modification, McAvoy Brick has HAP emission limits below major source and is now considered an area source of HAP emissions. There are no new sources at the facility and no new applicable regulations in this permit. The facility's major emission points include a Brick Dryer and a Brick Kiln each fired by natural gas. The Minor Modification Operating Permit is issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code § 127.462. The minor modification addresses exemption from the requirements of 40 CFR 63 Part JJJJJ—National Emission Standards for Hazardous Air Pollutants for Brick and Structural Clay Products Manufacturing by applying a facility-wide Hazardous Air Pollutant (HAP) emission limit and including an annual brick production limit to the existing Brick Kiln (Source ID 107). The modified permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

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

**28-03045: Dominion Energy Transmission, Inc.** (925 White Oaks Blvd., Bridgeport, WV 26330-6919) on October 17, 2019, for a significant permit modification to the State Only operating permit for Chambersburg Compressor Station located in Hamilton Township, **Franklin County**. This permit modification is to incorporate plan approval No. 28-03045A for construction of natural gas

fired Source ID 105, Solar Mars 90 Gas Turbine 3; to update the startup and shutdown emissions; to include a facility fugitive emissions source P001 with monthly AVO requirements and requirements from NSPS Subpart OOOOa—Standards of Performance for Crude Oil and Natural Gas Facilities for which Construction, Modification or Reconstruction Commenced After September 18, 2015; to change the company name, permit contact and responsible official, and to make other minor administrative corrections.

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

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

**41-00079: Eureka Resources, LLC** (454 Pine Street, Williamsport, PA 17701) issued a modified State Only operating permit on October 18, 2019 to increase the allowable methanol concentration of the wastewater treated in the methanol recovery section of the treatment operation, as well as decrease the throughput for the section of the operation which treats wastewater containing low levels of methanol, at their facility located in Williamsport, **Lycoming County**. The modified State Only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

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

**32-00059: Keystone-Conemaugh Projects, LLC** (175 Cornell Road, Suite 1, Blairsville, PA 15717-8076). The Department on October 17, 2019, issued an administrative amendment of the Title V Operating Permit for the Conemaugh Station located in West Wheatfield Township, **Indiana County**. The amendment incorporates the change of ownership and corrects minor typographical errors.

**37-00023: New Castle Power, LLC** (P.O. Box 325, 2189 Star Route 168 South, West Pittsburg, PA 16160). The Department on October 10, 2019, issued an administrative amendment of the Title V Operating Permit for the New Castle Generating Station located in Taylor Township, **Lawrence County**. The amendment incorporates the change of ownership and corrects minor typographical errors.

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**De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.**

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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.*

**SOOP 15-00152: Sunoco Pipeline LP** (1818 Market Street, Philadelphia, PA 19103). Per 25 Pa. Code § 127.449(i), this Notice is for the following de minimis emission increases at the Eagle Pump Station located in Upper Uwchlan Township, **Chester County**: The project is for the use of a temporary portable flare, with a smokeless design with 98% VOC destruction efficiency, operating in accordance with 40 CFR 60.18 requirements, for maintenance activities at the station. The flaring maintenance activities are for natural gas liquids which is comprised of a mixture of ethane, propane and/or butane.



The emissions increases resulting from this project will not exceed either one (1) ton each for Volatile Organic Compounds (VOC) and Nitrogen Oxides (NO<sub>x</sub>) or four (4) tons Carbon Monoxide (CO) from the single source, that's the temporary portable flare, during the term of the permit.

This project will not trigger the requirements of 25 Pa. Code Subchapter E at the facility. The list of de minimis increases for this facility includes only this project.

## ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); The Clean Streams Law; the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.20a). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P.S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1002).**

### *Coal Permits Issued*

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

**Permit No. 56080104. Rosebud Mining Company,** 301 Market Street, Kittanning, PA 16201, permit renewal for reclamation only of a bituminous surface and auger mine in Paint & Adams Townships, **Somerset & Cambria Counties**, affecting 252.9 acres. Receiving streams: unnamed tributary to/and Paint Creek, classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: September 11, 2019. Permit issued: October 17, 2019.

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

**65010102 and NPDES Permit No. PA0202967. Coal Loaders, Inc.** (210 East Main Street, P.O. Box 556, Ligonier, PA 15658). Revision application for land use change from forestland to pastureland or land occasionally cut for hay and from forestland to unmanaged natural habitat to an existing bituminous surface mine, located in Fairfield Township, **Westmoreland County**, affecting 146.8 acres. Receiving streams: unnamed tributaries to Hannas Run to Mill Creek to Loyalhanna Creek; and unnamed tributaries to Hypocrite Creek to Hendricks Creek to Tubmill Creek to the Conemaugh River, classified for the following use: CWF, TSE, WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: May 6, 2019. Permit revision issued: October 16, 2019.

**03130101 and NPDES Permit No. PA0252409. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Permit renewal issued for continued mining to an existing bituminous surface mine, located in Madison

Township, **Armstrong County**, affecting 186.0 acres. Receiving streams: unnamed tributaries to Mahoning Creek. Application received: July 26, 2019. Renewal permit issued: October 18, 2019.

**03070103 and NPDES Permit No. PA0251160. Rosebud Mining Company** (301 Market Street, Kittanning, PA 16201). Permit renewal issued for continued mining to an existing bituminous surface mine, located in Redbank Township, **Armstrong County**, affecting 127.9 acres. Receiving streams: unnamed tributary to Pine Run and unnamed tributary to Nye Branch. Application received: April 4, 2018. Renewal permit issued: October 18, 2019.

### *Noncoal Permits Issued*

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

**Permit No. 05910301 and NPDES No. PA0599085, New Enterprise Stone & Lime Co., Inc.,** P.O. Box 77, New Enterprise, PA 16664, commencement, operation and restoration of a large noncoal (industrial minerals) mine to change the land use from Forestland & Pastureland to Unmanage Natural Habitat in Napier & West St. Clair Townships, **Bedford County**, affecting 133 acres. Receiving streams: unnamed tributary to/and Dunning Creek classified for the following use: warm water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: July 25, 2019. Permit issued: October 15, 2019.

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

**37020307. Amerikohl Aggregates, Inc.** (202 Sunset Drive, Butler, PA 16001). Renewal of NPDES Permit No. PA0242276 in Wayne Township, **Lawrence County**. Receiving streams: Unnamed tributary to Snake Run and an unnamed tributary to Beaver River. Application received: June 10, 2019. NPDES Renewal Permit issued: October 8, 2019.

## ACTIONS ON BLASTING ACTIVITY APPLICATIONS

**Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

### *Blasting Permits Issued*

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

**55194001. Steven Pettigrew** (132 Homestead Court, Woolwich Two, NJ 08085). Blasting for demolition of power plant units, precipitators, baghouse structures, and elevated conveyers at the Sunbury Generating Station located in Shamokin Dam Borough, **Snyder County** with an expiration date of October 27, 2019. Permit issued: October 15, 2019.

**08194106. M & J Explosives LLC** (P.O. Box 1248, Carlisle, PA 17013). Blasting for construction of a gas well pad located in Franklin Township, **Bradford County** with an expiration date of September 24, 2020. Permit issued: October 10, 2019.

**14194109. Douglas Explosives, Inc.** (2052 Philipsburg Bigler Highway, Philipsburg, PA 16866). Blasting for residential development (Nittany Glen Home Founda-

tions) in Benner Township, **Centre County** with an expiration date of December 30, 2019. Permit issued: October 16, 2019.

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

**Permit No. 36194151. Keystone Blasting Service** (15 Hopeland Road, Lititz, PA 17543), construction blasting for Ammon Lantz manure pit in Clay Township, **Lancaster County** with an expiration date of December 30, 2019. Permit issued: October 15, 2019.

**Permit No. 48194115. Rock Work, Inc.** (1257 DeKalb Pike, Blue Bell, PA 19422), construction blasting for Monocacy Interceptor Sanitary Sewer Line in Hanover Township, **Northampton County** with an expiration date of October 31, 2020. Permit issued: October 16, 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.*

**E15-910: Kennett Township**, 801 Burrows Run Road, Chadds Ford, PA 19317, Kennett Township, **Chester County**, ACOE Philadelphia District. To construct and maintain about 260 feet long and 10 feet wide shared use pedestrian path along the floodplain of the West Branch Red Clay Creek (TSF, MF) associated with the Kennett Greenway, Manor Trail to provide the safe pedestrian route between Pemberton Road and State Street. The site is located between Pemberton Road and State Street (USGS Kennett, PA, Quadrangle Latitude: 39.848433; Longitude: -75.724296) in Kennett Township, Chester County.

**E46-1190: Upper Merion Township**, 175 West Valley Forge Road, King of Prussia, PA 19406, Upper Merion Township, **Montgomery County**, ACOE Philadelphia District.

To operate and maintain a 73-foot long, maximum 7.5-foot-high retaining wall as a follow up to a previously issued emergency permit (EP4619301) associated with stream bank failure along Crow Creek (WWF-MF). This activity also includes the placement of riprap scour protection, the placement of fill and grading within the floodplain resulting in 74 linear feet (3,385 square feet) of permanent stream impact and 74 linear feet (4,878 square feet) of temporary stream impact. This project is located at 364 Cover Bridge Road in Upper Merion Township, Montgomery County (USGS PA Valley Forge Quadrangle—Latitude 40.104962, Longitude 75.381676 W).

*Northeast Regional Office, Waterways and Wetlands Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Telephone 570-826-2511.*

**E3902219-001. Depot Properties, LLC**, 2310 South Redwood Ave, Independence, MO 64057-2664. Lower Macungie Township, **Lehigh County**, Army Corps of Engineers Philadelphia District.

To construct and maintain the following water obstruction and encroachments as part of the development of a truck staging & logistics facility:

1. A road crossing of Swabia Creek (HQ-CWF, MF) consisting of a dual 41-foot long pre-cast open-bottom arch culvert with concrete wingwalls with each culvert having a span of 54 feet and an underclearance of 12 feet.

2. A 8-foot wide riprap lined, trapezoidal stormwater outfall channel within the floodway of Swabia Creek (HQ-CWF, MF).

3. A 10-foot wide riprap lined, trapezoidal stormwater outfall channel within the floodway of Swabia Creek (HQ-CWF, MF).

4. A utility line stream crossing of Swabia Creek (HQ-CWF, MF) consisting of a 6-inch diameter HDPE water line installed via directional bore.

5. A utility line stream crossing of Swabia Creek (HQ-CWF, MF) consisting of an 8-inch diameter ductile iron water line installed via directional bore.

6. A utility line stream crossing of Swabia Creek (HQ-CWF, MF) consisting of a 6-inch diameter PVC sewer line installed via directional bore.



The project is located approximately 650 feet south of the intersection of Alburdis Road and Orchard Road (Allentown West, PA Quadrangle, Latitude: 40° 30' 55.1"; Longitude: -75° 34' 47.2") in Lower Macungie Township, Lehigh County.

**E4502219-003. Liberty Homes Custom Builders**, P.O. Box 260, Pocono Lake, PA 18347. Coolbaugh and Tobyhanna Townships, **Monroe County**, Army Corps of Engineers Philadelphia District.

To construct and maintain a 20-foot wide single-family driveway crossing of PFO wetlands (EV). The crossing consists of a 24-inch diameter HDPE pipe that's approximately 20-feet long and a de minimus area of fill of the PFO wetlands (EV) equal to 0.02 acre. Additionally, a 1.5-inch sanitary line will cross the PFO wetlands (EV). The project is located at the intersection of Onawa Trail and Watami Road (Thornhurst, PA Quadrangle Latitude: 41° 09' 32.66"; Longitude: -75° 34' 34.13") in Coolbaugh and Tobyhanna Townships, Monroe County.

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ed Muzic, Section Chief, 717.705.4802.*

**E3603219-009: The Dutra Group**, 2350 Kerner Boulevard, San Rafael, CA 94901 in Fulton Township, **Lancaster County**, U.S. Army Corps of Engineers Baltimore District.

To temporarily place and maintain approximately 500 cubic yards of dredged sediment in the floodway of the Susquehanna River (WWF, MF), temporarily impacting 2,700 square feet of floodway for the purpose of supporting a dredging operation in the Conowingo Dam pool. The project is located along Peach Bottom Road (Latitude: 39.7505° N; Longitude: 76.2272° W) in Fulton Township, Lancaster County. No wetlands will be impacted by this project. The permit was issued on October 21, 2019.

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

**E02-1784, Pennsylvania Turnpike Commission**, 700 South Eisenhower Boulevard, Middletown, PA 17057, Marshall Township, **Allegheny County**, Pittsburgh ACOE District.

Has been given consent to:

1. Place and maintain fill in 31 LF of a UNT to Brush Creek (aka Brush Creek UNT-10) (WWF).

2. Restore 67 LF of a UNT to Brush Creek (aka Brush Creek UNT-10) (WWF).

3. Construct and maintain a 160' × 66" culvert in a UNT to Brush Creek (aka Brush Creek UNT-8) (WWF).

4. Construct and maintain a 155' × 42" culvert in a UNT to Brush Creek (aka Brush Creek UNT-12) (WWF).

5. Replace and extend an existing box culvert with a 159' box culvert in a UNT to Brush Creek (aka Brush Creek UNT-5) (WWF).

6. Construct and maintain a 268' × 42" culvert in a UNT to Brush Creek (aka Brush Creek UNT-3) (WWF).

7. Extend and maintain an existing 177' arch culvert in Achweek Run (aka Brush Creek UNT-2) (WWF) with a total extension length of 47'.

8. Place and maintain fill in 0.069 acre of PEM/PSS wetland.

9. Install and maintain road associated storm water facilities and outfalls in the Brush Creek Watershed (WWF).

10. Place and maintain fill in 2.1 acres of floodway/floodplain in the Brush Creek Watershed (WWF).

The project will permanently impact a total of approximately 1,254 linear feet (LF) of various watercourses, resulting in a permanent loss of 155 LF of regulated watercourses and 0.069 acre of wetland, and temporarily impact a total of approximately 553 LF of various watercourses and 0.02 acre of wetland. To compensate for the watercourse impacts associated with the project, the stream mitigation plan includes the on-site relocation of various watercourses and restoration on-site of a watercourse, totaling approximately 380 linear feet, and the purchase of 155 LF of stream credits at the Enlow Fork Mitigation Site. Wetland Mitigation will be provided through the purchase of 0.069 acre of wetland credits at the Robinson Fork Mitigation Site. The impacts are associated with reconstructing and widening the existing Pennsylvania Turnpike between the Cranberry Interchange (Milepost 28) in Butler County and the Warrendale Toll Plaza (Milepost 31) in Allegheny County. The structures and activities requiring authorization are located in Marshall Township, Allegheny County (Mars, PA Quadrangle; starting at Latitude 40° 40' 42.79", Longitude: -80° 6' 14.17"; and ending at Latitude 40° 39' 21.12", Longitude: -80° 4' 27.74").

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

**E1006219-002, Park Meadows, LLC**, P.O. Box 97, Mars, PA 16046. Park Meadows PRD, in Cranberry Township, **Butler County**, ACOE Pittsburgh District (Mars, PA Quadrangle N: 40°, 43', 13"; W: 80°, 04', 58").

To conduct the following activities associated with construction of a 67-lot residential development north of Goehring Road (T-309) approximately 0.25 mile west of Franklin Road (Mars, PA Quadrangle N: 40.721431; W: -80.082477) in Cranberry Township, Butler County:

1. To remove five existing culverts from the channel of UNT Wolfe Run (Stream 3) at approximately 375 feet, 950 feet, 1,325 feet, and 2,100 feet downstream of Goehring Road and to remove an existing culvert from UNT Wolfe Run (Stream 2) approximately 208 feet upstream of the confluence with UNT Wolfe Run (Stream 3).

2. To construct and maintain an 85.5-foot long, 6-foot diameter RCP culvert and associated rock scour protection in UNT Wolfe Run (Stream 3) for construction of Molly Lane approximately 900 feet downstream of Goehring Road.

3. To remove an existing stream enclosure and to construct and maintain an approximately 312-foot long, 36-inch diameter SLCPP pipe stream enclosure in a UNT Wolfe Run (Stream 4) having a contributory drainage area less than 100 acres discharging to UNT Wolfe Run (Stream 3) approximately 1,000 feet downstream of Goehring Road.

4. To remove an existing stream enclosure and to construct and maintain an approximately 380-foot long, 30-inch diameter SLCPP stream enclosure in UNT Wolfe Run (Stream 1) having a contributory drainage area less than 100 acres discharging to UNT Wolfe Run (Stream 3) approximately 1,625 feet downstream of Goehring Road.

5. To construct and maintain a 30-inch diameter stormwater outfall and rock outlet protection along the

left (west) bank of UNT Wolfe Run (Stream 3) approximately 40 feet downstream of Goehring Road.

6. To construct and maintain a 30-inch diameter stormwater outfall and rock outlet protection along the right (east) bank of UNT Wolfe Run (Stream 3) approximately 520 feet downstream of Goehring Road.

7. To construct and maintain utility lines including electric, gas, sewer, and water across UNT Wolfe Run (Stream 3) within the roadway embankment associated with Molly Lane.

8. To place fill along approximately 270 feet within the computed left (west) floodway of UNT Wolfe Run (Stream 3) impacting approximately 1,800 square feet for development of Lot 25 approximately 1,900 feet downstream of Goehring Road.

9. To construct and maintain a 30-inch diameter outfall and rock outlet protection the right (east) bank of UNT Wolfe Run (Stream 2) from the stormwater detention basin associated with the development approximately 260 feet upstream of its confluence with UNT Wolfe Run (Stream 3).

10. To construct and maintain an approximately 45-foot long culvert in UNT Wolfe Run (Stream 2) having a contributory drainage area less than 100 acres approximately 480 feet upstream of the confluence with UNT Wolfe Run (Stream 3) for maintenance access to the stormwater detention basin.

11. To install and maintain a sanitary sewer manhole and sewer line and connecting to the existing sanitary sewer line within the 100-year floodway of UNT Wolfe Run (Stream 3) immediately downstream of Lot 25.

12. To install and maintain a water line across UNT Wolfe Run (Stream 3) within the roadway embankment of Goehring Road.

*Northwest Region: District Oil & Gas Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**E42-08-022, Seneca Resources Company LLC**, 51 Zents Boulevard, Brookville, PA 15825. Elk Fork Realignment, in Norwich Township, **McKean County**, ACOE Pittsburgh District, Wildwood Fire Tower, PA Quadrangle N: 41°, 37', 04.34"; W: 78°, 26', 32.26".

The project involves a road realignment with the installation of a full metal bottom arch culvert. The project also includes the removal of an existing stream crossing and associated stream restoration grading. The proposed project impacts in McKean County include a total of 345 linear feet of permanent impacts, and 241 linear feet of temporary impacts to South Fork of West Branch Potato Creek HQ-CWF. The project also has 0.05 acre of permanent impact and 0.002 acre of temporary impacts to Palustrine Emergent (PEM) wetland(s). Total floodway impacts will be 0.3 acre of permanent impacts and 0.26 acre of temporary impacts.

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

**E4129-124: ARD Operating LLC**, 33 West Third Street, Suite 300, Williamsport, PA 17701. COP Tract 551 Pads A&B and Access Road in McIntyre Township, **Lycoming County**, ACOE Baltimore District.

To construct, operate and maintain:

(1) Access road fill and one 18-inch high density polyethylene (HDPE) culvert impacting 2,600 square feet of

permanent palustrine emergent (PEM) wetland (Liberty, PA Quadrangle 41.502573°N 77.019268°W);

(2) Access road fill and one 87-inch by 63-inch arch corrugated metal culvert impacting 30 permanent linear feet and 55 temporary linear feet of unnamed tributary to Frozen Run (HQ-CWF) (Liberty, PA Quadrangle 41.504115°N 77.010520°W);

(3) Access road fill impacting 657 square feet of permanent palustrine emergent (PEM) wetland (Liberty, PA Quadrangle 41.503720°N 77.009762°W);

(4) Access road fill impacting 93 square feet of permanent palustrine emergent (PEM) wetland (Liberty, PA Quadrangle 41.503384°N 77.009564°W);

(5) Access road fill and one 64-inch by 43-inch arch corrugated metal culvert impacting 40 permanent linear feet and 20 temporary linear feet of unnamed tributary to Frozen Run (HQ-CWF) and 3,804 square feet of permanent and 228 square feet of temporary palustrine emergent (PEM) wetland (Liberty, PA Quadrangle 41.502682°N 77.008572°W);

(6) Access road fill and one 18-inch HDPE culvert impacting 22 permanent linear feet and 65 temporary linear feet of unnamed tributary to Frozen Run (HQ-CWF) and 1,688 square feet of permanent palustrine emergent (PEM) wetland (Liberty, PA Quadrangle 41.502334°N 77.008051°W);

(7) Access road fill and one 18-inch HPDE culvert impacting 24 permanent linear feet and 35 temporary linear feet of unnamed tributary to Frozen Run (HQ-CWF) and 381 square feet of permanent and 13 square feet of temporary palustrine emergent (PEM) wetland (Liberty, PA Quadrangle 41.502166°N 77.006978°W);

(8) Access road fill and one 24-inch HPDE culvert impacting 18 permanent linear feet and 30 temporary linear feet of unnamed tributary to Frozen Run (HQ-CWF) (Liberty, PA Quadrangle 41.501871°N 77.006021°W);

(9) Access road fill impacting 40 square feet of permanent palustrine emergent (PEM) wetland (Trout Run, PA Quadrangle 41.496996°N 77.000532°W);

(10) Access road fill and one 24-inch HPDE culvert impacting 20 permanent linear feet and 44 temporary linear feet of unnamed tributary to Frozen Run (HQ-CWF) (Trout Run, PA Quadrangle 41.496853°N 77.000434°W);

(11) Access road fill and one 24-inch HPDE culvert impacting 32 permanent linear feet and 31 temporary linear feet of unnamed tributary to Frozen Run (HQ-CWF) and 89 square feet of permanent palustrine forested (PFO) wetland (Trout Run, PA Quadrangle 41.495971°N 77.000060°W);

(12) Access road fill and one 18-inch HPDE culvert impacting 1,510 square feet of permanent palustrine forested (PFO) wetland (Trout Run, PA Quadrangle 41.495845°N 77.000076°W);

(13) Access road fill and one 30-inch HPDE culvert impacting 24 permanent linear feet and 60 temporary linear feet of unnamed tributary to Frozen Run (HQ-CWF) (Trout Run, PA Quadrangle 41.495108°N 77.000146°W);

(14) Access road fill and one 36-inch HPDE culvert impacting 28 permanent linear feet and 58 temporary linear feet of unnamed tributary to Frozen Run (HQ-CWF) (Trout Run, PA Quadrangle 41.493512°N 77.001362°W).

The project will result in a total of 238 LF (753 SF) of permanent and 398 LF (2,247 SF) of temporary stream impacts and 10,862 SF (0.2494 acre) of permanent and 241 SF (0.0055 acre) of temporary wetland impacts all for the purpose of constructing access roadway to two natural gas well sites for Marcellus well development.

**E4129-126: Seneca Resources Company, LLC**, 5800 Corporate Drive, Suite 300, Pittsburgh, PA 15237. Lycoming Creek Waterline in Lewis Township, **Lycoming County**, ACOE Baltimore District.

To construct, operate and maintain:

(1) One 8-inch waterline impacting 115 linear feet of permanent and 123 linear feet of temporary impacts of Lycoming Creek (EV) (Bodine, PA Quadrangle 41.436786°N 76.993033°W);

(2) Temporary workspace impacting 2,637 square feet of temporary floodway impacts of unnamed tributary to Lycoming Creek (Bodine, PA Quadrangle 41.438050°N 76.992633°W).

The project will result in a total of 115 LF (365 SF) of permanent and 123 LF (12,909 SF) of temporary stream impacts and 2,651 SF (0.0609 acre) of permanent and 51,100 SF (1.1731 acre) of temporary floodway impacts all for the purpose of constructing an 8-inch waterline under Lycoming Creek to expand freshwater pipeline systems for Marcellus well development.

#### 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 # ESG076518001-00  
Applicant Name Laurel Mountain Midstream, LLC  
Contact Person Stephanie Ranker  
Address 111 Enterprise Lane  
City, State, Zip Connellsville, PA 15425  
County Westmoreland County

Township(s) Rostraver and South Huntingdon Townships  
Receiving Stream(s) and Classification(s) Youghiogheny River and UNTs to Youghiogheny River (WWF)  
Secondary Receiving Water—Monongahela River (WWF)

ESCGP-3 # ESX12-003-0001 Major Modification  
Applicant Name Range Resources Appalachia, LLC  
Contact Person Karl Matz  
Address 3000 Town Center Blvd  
City, State, Zip Canonsburg, PA 15317  
County Allegheny County  
Township(s) Frazier Township  
Receiving Stream(s) and Classification(s) Unnamed tributaries to Bull Creek (TSF), Bull Creek, Unnamed Tributary to Days Run, Days Run (WWF), Allegheny River (WWF)

ESCGP-3 # ESG073019015-00  
Applicant Name EQM Gathering OPCO, LLC  
Contact Person Brint Goettel  
Address 2200 Energy Dr.  
City, State, Zip Canonsburg, PA 15317  
County Greene County  
Township(s) Gilmore Township  
Receiving Stream(s) and Classification(s) UNTs to Garrison Fork (WWF); Taylor Run (WWF)  
Secondary Receiving Water—Garrison Fork (WWF); Pennsylvania Fork Dunkard Creek (WWF)

*Northwest Region: Oil and Gas Program Manager, 230 Chestnut St., Meadville, PA 16335.*

ESCGP-3 # ESG081019011-00—Bicker Discharge Pipeline  
Applicant Pine Run Midstream LLC  
Contact Cody Salmon  
Address 1000 Commerce Drive, Park Place One, Suite 400  
City Pittsburgh State PA Zip Code 15275  
County Butler Townships Winfield and Clearfield  
Receiving Streams and Classifications UNT to Rough Run and Sarver Run

*Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

ESCGP-3 # ESG295719006-00  
Applicant Name Exco Resources PA LLC  
Contact Person Brian Rushe  
Address 13448 SR 422, Ste 1  
City, State, Zip Kittanning, PA 16201  
County Sullivan  
Township(s) Shrewsbury  
Receiving Stream(s) and Classification(s) Spring Run (EV, HQ-CWF); UNT to Spring Run (EV, HQ-CWF)  
Secondary—Muncy Ck (EV-TSF); Spring Run (EV, EQ-CWF)

ESCGP-3 # ESG294119024-00  
Applicant Name Rockdale Marcellus LLC  
Contact Person Thomas Streeter  
Address 4600 J Barry Court, Suite 120  
City, State, Zip Canonsburg, PA 15317  
County Lycoming  
Township(s) McIntyre  
Receiving Stream(s) and Classification(s) Red Run (CWF, MF)  
Secondary—Lycoming Ck (EV, HQ-CWF, MF)

ESCGP-3 # ESG294119025-00  
Applicant Name SWN Production Co LLC  
Contact Person Afton Sterling  
Address 917 SR 92 N  
City, State, Zip Tunkhannock, PA 18657  
County Lycoming  
Township(s) Cogan House & Jackson Twp



Receiving Stream(s) and Classification(s) UNT to Flicks Run (EV) and UNT to Blockhouse Ck (EV)  
Secondary—Little Pine Ck (EV)

ESCGP-3 # ESG295919015-00  
Applicant Name Seneca Resources Co LLC  
Contact Person Doug Kepler  
Address 51 Zents Blvd  
City, State, Zip Brookville, PA 15825  
County Tioga  
Township(s) Delmar  
Receiving Stream(s) and Classification(s) Baldwin Run (HQ-CWF, HQ-CF, MF)  
Secondary—Marsh Ck (WWF, MF)

ESCGP-3 # ESG295819021-00  
Applicant Name Cabot Oil & Gas Corp  
Contact Person Luke Marsh  
Address 2000 Park Ln, Ste 300  
City, State, Zip Pittsburgh, PA 15275  
County Susquehanna  
Township(s) Dimock  
Receiving Stream(s) and Classification(s) Trib 29418 to Burdick Ck (CWF, MF)  
Secondary—Meshoppen Ck (CWF)

## CORRECTIVE ACTION UNDER ACT 32, 1989

### PREAMBLE 2

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**The following plans and reports were submitted under the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104).**

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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.*

**710 S Gulph Rd**, 46-069378, 710 S. Gulph Rd., Upper Merion Township, **Montgomery County**. Synergy Environmental, Inc., 155 Rail Road Plaza, First Floor, Royersford, PA 19468, on behalf of PALG UST II LLC, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet nonresidential Statewide health standards.

**Grandview Depot**, 09-30531, 396 N Main St, Sellersville Borough, **Bucks County**. Clayton Services, 1815 Gallagher Road, Plymouth Meeting, PA 19462, on behalf of Grandview Depot, 396 North Main Street, Sellersville, PA 18960 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.

**7 Eleven 24047**, 51-24573, 6401 Frankford Ave., **City of Philadelphia**. AECOM, 510 Carnegie Center, Princeton, NJ 08540, on behalf of 7-Eleven, Inc., P.O. Box 711, Dallas, TX 75221-0711 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 nonresidential Statewide health standards.

**Lukoil 69243**, 46-41506, 200 S. Easton Rd., Cheltenham Township, **Montgomery 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 Plan concerning remediation of soil and groundwater contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet residential Statewide health and site-specific standards.

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

**Former Star Enterprises Scranton Terminal**, Storage Tank ID # 40-00825, 801 Suscon Road, Pittston Township, **Luzerne County**. Arcadis US, 6041 Wallace Road Extension, Suite 300, Wexford, PA 15090 on behalf of Chevron Environmental Management Company, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum. The report is intended to document remediation of the site to meet a combination of Site-Specific and Statewide Health Standards.

**Allen's Garage**, Storage Tank ID # 58-17804, 370 Main Street, New Milford Borough, **Susquehanna County**. Resource Environmental Management, 50 Maple Street, Montrose, PA 18801, on behalf of Donald Button, P.O. Box 642, New Milford, PA 18834, has submitted a Remedial Action Completion Report concerning remediation of groundwater contaminated with gasoline. The report is intended to document remediation of the site to meet Statewide Health Standards.

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

**Turkey Hill Minit Markets # 307**, Storage Tank Facility ID Number 36-06914, 2171 Columbia Avenue, Lancaster, PA 17603, East Hempfield Township,



**Lancaster County**, Reliance Environmental, Inc., 235 N. Duke Street, Lancaster, PA 17602 on behalf of Turkey Hill Minit Markets, 257 Centerville Road, Lancaster, PA 17603 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum constituents. The report is intended to document remediation of the site to meet the Statewide Health Standard and the Site-Specific Standard.

**Penn Waste**, Storage Tank Facility ID Number 67-38263, 85 Brick Yard Road, Manchester, PA 17345-9204, Manchester Borough, **York County**, Letterle & Associates, Inc., 2022 Axemann Road, Suite 201, Bellefonte, PA 16823 on behalf of Penn Waste, Inc., 85 Brick Yard Road, Manchester, PA 17345-9204 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum constituents. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**E Z Gas Mart**, Storage Tank Facility ID Number 22-17541, 512 South 29th Street, Harrisburg, PA 17104, Harrisburg City, **Dauphin County**, United Environmental Services, Inc., 1143 Long Run Road, Schuylkill Haven, PA 17972 on behalf of Collotia Stores, Inc., 8 South Seasons Drive, Dillsburg, PA 17019 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum constituents. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Etter's Roxbury Store**, Storage Tank Facility ID Number 28-01621, 11195 Forge Hill Road, Roxbury, PA 17251, Lurgan Township, **Franklin County**, Converse Consultants, 2738 West College Avenue, State College, PA 16801 on behalf of Garnet Etter, P.O. Box 73, Roxbury, PA 17251 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum constituents. The report is intended to document remediation of the site to meet the Site-Specific Standard.

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

**Weiser's Service**, Storage Tank Facility ID # 16-34573, 29128 PA Route 66, Knox Township, **Clarion County**, Flynn Environmental, Inc., 5640 Whipple Avenue NW, Suite 1, North Canton, OH 44720, on behalf of Mrs. Jerrie Weiser, 29128 PA Route 66, Lucinda, PA 16235 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with benzene, toluene, ethyl benzene, xylenes, cumene, methyl tert-butyl ether, naphthalene, 1,2,4 trimethyl benzene and 1,3,5 trimethyl benzene. The plan is intended to document the remedial actions for meeting 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 construc-

tion 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.*

**Septa Frankford Bus Garage**, 51-07480, 5235 Penn St., **City of Philadelphia**. Michael Baker International, 1818 Market Street, Suite 1310, Philadelphia, PA 19103, on behalf of SEPTA, 1234 Market Street, 6th Floor, Philadelphia, PA 19107-3780, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum products. The Remedial Action Plan was acceptable to meet residential Statewide health standards and was approved by the DEP on October 3, 2019.

**Avis Rent A Car Sys**, 51-10630, Philadelphia International Airport, **City of Philadelphia**. Mid-Atlantic Associates, Inc., 409 Rogers View Court, Raleigh, NC 27610, on behalf of Avis Budget Car Rental, LLC, 6 Sylvan Way, Parsippany, NJ 07054, submitted a Remedial Action Completion Report, concerning remediation of groundwater contaminated with petroleum products. The Remedial Action Completion Report demonstrated attainment of residential Statewide health standards was approved by the DEP on October 11, 2019.

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

**Speedway 6742**, Storage Tank ID # 48-32013, 3283 Easton Avenue, Bethlehem Township, **Northampton County**. EMS Environmental, 4550 Bath Pike, Bethlehem, PA 18017, on behalf of Speedway LLC, 500 Speedway Drive, Enon, OH 45323, 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 Residential Statewide Health Standards and was approved by DEP on October 11, 2019.

**Bennett's Airline Texaco**, Storage Tank ID # 66-20615, 10944 State Route 6, Braintrim Township, **Wyoming County**, Synergy Environmental, Inc., 155 Railroad Plaza, Royersford, PA 19468, on behalf of Dunmore Oil Company, 1031B Reeves Street, Dunmore, PA 18512, submitted a 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 October 15, 2019.

**Pump-n-Pantry 001**, Storage Tank ID # 58-13092, 99 Grow Avenue, Bridgewater Township, **Susquehanna County**. LaBella Associates, 100 Dunham Drive, Suite B, Dunmore, PA 18512, on behalf of Pump-n-Pantry Inc., 100 Grow Avenue, Montrose, PA 18801 has submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum. The Remedial Action Completion Report demonstrated attainment of Statewide Health Standards and was approved by DEP on October 16, 2019.

**Merry Maid Novelties**, Storage Tank ID # 48-41208, 25 West Messinger Street, Bangor Borough, **Northampton County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Merry Maid Novelties, 25 West Messinger Street, Bangor, PA 18013 has submitted a combined Site Characterization Report and Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with heating oil. The Site Characterization Report was acceptable to meet Residential Statewide Health Standards and was approved by DEP on October 17, 2019, but the Remedial Action Completion Report did not demonstrate attainment of the Residential Statewide Health Standards and was disapproved by DEP on October 17, 2019.

**Promised Land Junction**, Storage Tank ID # 52-50520, 895 State Route 390, Palmyra Township, **Pike County**. United Environmental Services, P.O. Box 701, Schuylkill Haven, PA 17972 on behalf of Judith and Victor Apellanes, 895 State Route 390, Greentown, PA 18426, 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 October 17, 2019.

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

**Snedeker Holiday Mobil 2**, Storage Tank Facility ID # 44-12041, 13037 Ferguson Valley Road, Lewistown, PA 17044, Derry Township, **Mifflin County**, Enviro Trac, Ltd., 176 Thorn Hill Road, Warrendale, PA 15086 on behalf of Snedeker Energy, LLC, 709 East Walnut Street, Lewistown, PA 17044 submitted a Remedial Action Plan concerning remediation of groundwater contaminated with petroleum constituents. The Remedial Action Plan was acceptable to meet the Statewide Health Standard and was approved by the Department on October 15, 2019.

**Tyler's Old 322 Service Center**, Storage Tank Primary Facility ID # 44-62979, 14 Royal Street, Reedsville, PA 17084-9798, Armaugh Township, **Mifflin County**, YCP, Inc., 1550 Oak Lane, Dover, PA 17315, on behalf of Tyler's Old 322 Service Center, 14 Royal Street, Reedsville, PA 17084-9798, submitted a 3.10(b) Site Characterization—Remedial Action Completion Report concerning remediation of soil contaminated with Unleaded Gasoline constituents. The Remedial Action Completion

Report demonstrated attainment of the Statewide Health Standard and was disapproved by the Department on October 16, 2019.

**Blue Ridge CC**, Storage Tank Primary Facility ID # 22-64513, 3940 Linglestown Road, Harrisburg, PA 17110, Lower Paxton Township, **Dauphin County**, HRG, Inc., 369 East Park Dr., Harrisburg, PA 17111, on behalf of Blue Ridge CC, 3940 Linglestown Road, Harrisburg, PA 17110, submitted a Remedial Action Completion Report concerning remediation of groundwater contaminated with Unleaded Gasoline constituents. The Remedial Action Completion Report demonstrated attainment of the Residential Used Aquifer Statewide Health Standard and was approved by the Department on October 18, 2019.

**Sunoco Service Station**, Storage Tank Primary Facility ID # 36-60264, 1750 Oregon Pike, Lancaster, PA 17601-4204, Lancaster City, **Lancaster County**, Mulry and Cresswell Environmental, Inc., 1679 Horseshoe Pike, Glenmoore, PA 19343, on behalf of Evergreen Resources Group, LLC, 2 Righter Parkway, Suite 120, Wilmington, DE 19803 submitted a Remedial Action Completion Report and a Remedial Action Completion Report Addendum concerning remediation of soil and groundwater contaminated with unleaded gasoline and kerosene short list constituents. The Remedial Action Completion Report and the Remedial Action Completion Report Addendum demonstrated attainment of the Site-Specific Standard in soil and the Statewide Health Standard in groundwater and was approved by the Department on October 21, 2019.

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

**Weiser's Service**, Storage Tank Facility ID # 16-34573, 29128 PA Route 66, Knox Township, **Clarion County**. Flynn Environmental, Inc., 5640 Whipple Avenue NW, Suite 1, North Canton, OH 44720, on behalf of Mrs. Jerrie Weiser, 29128 PA Route 66, Lucinda, PA 16235 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with benzene, toluene, ethyl benzene, xylenes, cumene, methyl tert-butyl ether, naphthalene, 1,2,4 trimethyl benzene and 1,3,5 trimethyl benzene. The Remedial Action Plan was acceptable to meet the Statewide Health Standard and was approved by DEP on October 18, 2019.

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## SPECIAL NOTICES

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### Public Hearing Rescheduled for NPDES Permit No. PAD130020

#### Broad Mountain Wind Project; Nesquehoning Borough and Packer Township, Carbon County

On June 17, 2019, the Department of Environmental Protection (PA DEP/Department) received an administratively complete NPDES Permit application for the Broad Mountain Wind Project, Nesquehoning Borough and Packer Township, Carbon County.

The following applicant has submitted an application:

- |                         |                      |
|-------------------------|----------------------|
| (1) Broad Mtn Power LLC | 345 David Rd         |
| C/O Liberty Power       | Ste 100              |
|                         | Oakville, ON L6J 2X1 |

The Department will hold a public hearing to accept comment on the documentation and plans associated with the Individual NPDES Permit Application No. PAD130020 for the discharge of stormwater from construction activities to the following receiving watercourses:

Shed A: Oberson Run (HQ-CWF, MF)  
 Shed B: Quakake Creek (HQ-CWF, MF)  
 Shed C: Deep Run (EV, MF)  
 Shed D: Broad Run (EV, MF)  
 Shed E: Dennison Run (EV, MF)  
 Shed F: Still Creek (HQ-CWF, MF)  
 Shed G: Bear Creek (EV, MF)  
 Shed H: Grassy Meadow Run (EV, MF)

The public hearing will be conducted on Wednesday, December 4, 2019 at the Panther Valley High School Auditorium, 912 Coal Region Way, Lansford, PA 18232 from 6 p.m.—9 p.m. Representatives from the Department's Waterways and Wetlands Program and Broad Mountain Power LLC will be in attendance.

The Department requests that individuals wishing to testify at the hearing submit a written notice of intent to Colleen Connolly, Community Relations Coordinator at: cconnolly@pa.gov, or Broad Mountain Wind Project Hearing, Department of Environmental Protection, Waterways & Wetlands Program, 2 Public Square, Wilkes-Barre, PA 18701-1915. The Department will accept requests up to the day of the hearing. The Department requests that individuals limit their testimony to 5 minutes so that all individuals have the opportunity to testify. The Department can only review comments made with regard to the NPDES Permit Application No. PAD130020 documentation and plans. Written copies of oral testimony are requested. Relinquishing time to others will not be allowed. Individuals attending the hearing will have the opportunity to testify if they so desire; however, individuals who preregister to testify will be given priority on the agenda.

Persons with a disability who wish to testify and require an auxiliary aid, service or other accommodation should contact Nancy Nork at (570) 826-2511 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department can meet their needs.

The NPDES permit application documentation and plans are available for review at the Carbon County Conservation District Office, 5664 Interchange Road, Lehighton, PA 18235, 610-377-4894 and/or the DEP Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701, (570) 826-2511. For further information, contact Colleen Connolly, Community Relations Coordinator of the Department's Northeast Regional Office at (570) 826-2035.

[Pa.B. Doc. No. 19-1635. Filed for public inspection November 1, 2019, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Availability of Technical Guidance

Technical guidance documents (TGD) are available on the Department of Environmental Protection's (Department) web site at [www.eLibrary.dep.state.pa.us](http://www.eLibrary.dep.state.pa.us). The "Technical Guidance Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final TGDs are posted. The "Technical Guidance Draft Documents" heading is the link to the Department's draft TGDs.

### Ordering Paper Copies of Department Technical Guidance

The Department encourages the use of the Internet to view and download TGDs. When this option is not available, persons can order a paper copy of any of the Department's draft or final TGDs by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

### Changes to TGDs

Following is the current list of recent changes. Persons who have questions or comments about a particular document should contact the person whose name and phone number are listed with each document.

### Final Technical Guidance: Substantive Revision

*DEP ID: 258-2182-773. Title: Management of Fill Policy. Description:* A person placing solid waste onto the ground is generally required to obtain a permit under the Solid Waste Management Act (SWMA) (35 P.S. §§ 6018.101—6018.1003). A person is not required to obtain a permit under the SWMA if the person can demonstrate that the material qualifies as clean fill in accordance with the municipal and residual waste regulations in 25 Pa. Code §§ 271.101(b)(3) and 287.101(b)(6) (relating to permit requirement; and general requirements for permit). The Management of Fill Policy defines the universe of materials that qualify as "fill" and provides the Department's procedures for determining whether fill is "clean fill," as defined in the municipal and residual waste regulations in 25 Pa. Code §§ 271.1 and 287.1 (relating to definitions) or "regulated fill," as defined in the policy.

The Department's amendments to the Management of Fill Policy include the following: The policy has been revised for clarity and reorganized for ease of use, providing expanded or revised definitions of existing terms and adding definitions for terms frequently used in the implementation of the policy but were not previously defined.

The amendments include a stepwise procedure for making a fill determination that clearly identifies the steps necessary to perform environmental due diligence; clarifies the procedures for performing analytical testing, if required, in a manner that is acceptable to the Department; and clarifies the requirements for filing forms or obtaining required approvals prior to transporting fill from one site to another.

The chemical concentration limits contained in the Management of Fill Policy that are used to determine whether materials are uncontaminated, as that term is defined in the policy, are derived from numerical limits for residential use specified in 25 Pa. Code Chapter 250 (relating to administration of Land Recycling Program). The chemical concentration limits included in the previous version of the policy were last updated in 2007 and, therefore, are not consistent with the revisions made in 2011 and 2016 to Chapter 250. The revised Management of Fill Policy directly references the applicable limits from 25 Pa. Code Chapter 250 and eliminates Tables FP-1a



(organic constituents) and FP-1b (metals and inorganic constituents) from the policy so that future revisions to the numerical limits in Chapter 250 are automatically updated in the policy.

Appendix A of the policy, relating to sample collection and analytical testing requirements for performing environmental due diligence, has been revised to include guidance on developing a sampling plan that meets the data quality objectives required by the Department; expand the instructions for sampling, including a sampling protocol for fill contained in piles and fill that is sampled in-situ. The revised Appendix A includes new sections that provide a mechanism for demonstrating that an observed exceedance of a numerical limit is due to background at the donor site. The procedure for performing a background determination includes the use of an equivalent site evaluation that ensures new regulated substances are not placed on the receiving site, unless those regulated substances are determined to be pre-existing at the receiving site and that the concentrations of the regulated substances in the donor fill have been compared to the concentration of the same regulated substances at the receiving site.

*Contact:* Questions regarding this TGD should be directed to Ali Tarquino Morris, ra-epbenuseall@pa.gov or (717) 787-7381. Use "Management of Fill Policy" as the subject line in written communication.

*Effective:* January 1, 2020

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 19-1636. Filed for public inspection November 1, 2019, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Bid Opportunity

**OSM 02(2195)101.1, Abandoned Mine Reclamation Project, West Allegheny School, North Fayette Township, Allegheny County.** The principal items of work and approximate quantities include: mobilization and demobilization, 1 lump sum; grading, 35,000 cubic yards; and seeding, 8 acres.

This bid issues on November 8, 2019, and bids will be opened on December 5, 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 for more information on this bid. Note this is a Small Construction Business Program bid opportunity.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 19-1637. Filed for public inspection November 1, 2019, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Bid Opportunity

**OSM 11(0824)102.1, Abandoned Mine Reclamation Project, Carrolltown Road No. 1 (II), West Carroll Township, Cambria County.** The principal items of work and approximate quantities include: clearing and grubbing, 9.8 acres; installation of 32" compost filter socks, 1,150 linear feet; construction of rock sump-R-6 non-calcareous coarse aggregate, 1,150 tons; construction of rock sump-R-3 non-calcareous coarse aggregate, 270 tons; grading, 131,013 cubic yards; orphan gas well, 1 lump sum; gate, 1 lump sum; and seeding-mulching, 10.2 acres.

This bid issues on November 8, 2019, and bids will be opened on December 5, 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 for more information on this bid.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 19-1638. Filed for public inspection November 1, 2019, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Environmental Justice Advisory Board Meeting and Citizens Advisory Council Joint Meeting

The Environmental Justice Advisory Board (Board) meeting scheduled for Tuesday, November 19, 2019, will begin at 9 a.m. in the Delaware Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The Board will then convene with the Citizens Advisory Council (Council) at 10 a.m. in Room 105 for a joint Board/Council meeting.

Questions concerning the November 19, 2019, meeting can be directed to John B. Brakeall at [jbrakeall@pa.gov](mailto:jbrakeall@pa.gov) or (717) 783-9731. The agenda and meeting materials will be available through the Public Participation tab on the Department of Environmental Protection's (Department) web site at [www.dep.pa.gov](http://www.dep.pa.gov) (select "Public Participation," then "Advisory Committees," then "Environmental Justice Advisory Board").

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact John B. Brakeall at (717) 783-9731 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. 19-1639. Filed for public inspection November 1, 2019, 9:00 a.m.]



## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Growing Greener Plus Grants Program

As part of the Department of Environmental Protection (Department) Growing Greener Plus Grants Program, applications will soon be accepted for Growing Greener (Watershed Restoration and Protection) grants under 27 Pa.C.S. §§ 6101—6119 (relating to the Environmental Stewardship and Watershed Protection Act) and Bond Forfeiture and Abandoned Mine Drainage (AMD) Set-Aside grants under section 18(j) of the Surface Mining Conservation and Reclamation Act (SMCRA) (52 P.S. § 1396.18(j)). Growing Greener grants are designed to improve or protect this Commonwealth's waters from nonpoint source pollution associated with agricultural activities, AMD, stormwater runoff, energy resource extraction, and streambank and shoreline degradation, while Bond Forfeiture and AMD Set-Aside grants are designed to address legacy mining impacts.

Eligible applicants include counties, municipalities, municipal authorities, county conservation districts, watershed organizations, councils of governments, educational institutions and other authorized organizations involved in water resource restoration and protection.

The Department has identified multiple priority areas for this grant solicitation. Priority areas for Growing Greener grants include projects that reduce nonpoint source pollution—especially nitrogen, phosphorous and sediment pollution from agricultural and stormwater runoff—as well as AMD-related iron, aluminum, acidity and sediment pollution. The Department is particularly interested in design and construction projects that implement effective best management practices (BMPs) that reduce

or eliminate pollutant loadings and lead to local water quality improvements. Additional priority areas include: implementation of countywide action plan projects as part of the Commonwealth's Phase 3 Chesapeake Bay Watershed Implementation Plan; restoration of floodplains; implementation of BMPs in municipal separate storm sewer system municipalities as identified in an approved pollutant reduction plan; implementation of projects in watersheds identified as restoration priorities in the Department's 2018 Integrated Water Quality Report; and development of plans to address agricultural erosion and sedimentation or nutrient and manure management.

Through the same application process, applicants can also apply for funding through the Department's SMCRA Grant Programs to address legacy mining impacts. SMCRA grants are available to various entities including municipalities, municipal authorities and nonprofit organizations for projects meeting AMD Set-Aside or Bond Forfeiture grant requirements.

Grant applications and all attachments must be submitted through the Commonwealth's Electronic Single Application web site, eGrants, at [www.esa.dced.state.pa.us](http://www.esa.dced.state.pa.us). The application period opens Monday, November 4, 2019, and will remain open through Friday, December 20, 2019. Any applications submitted after 5 p.m. on December 20, 2019, will not be considered.

To obtain more information about the Growing Greener Plus Grants program, visit the Department's web site at [www.dep.pa.gov](http://www.dep.pa.gov) (select "Residents," then "Grants, Loans and Rebates," then "Growing Greener").

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 19-1640. Filed for public inspection November 1, 2019, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Nutrient Credit Trading Program; Certification Requests

The Department of Environmental Protection (Department) has approved the following requests for amendments to certification of pollutant reduction activities to generate nitrogen (N) and phosphorus (P) credits under 25 Pa. Code § 96.8 (relating to use of offsets and tradable credits from pollution reduction activities in the Chesapeake Bay Watershed). Pollutant reduction activities include the following agriculture best management practices: conservation tillage (CT), continuous no-till planting methods (CNT), planting cover crops (CC), off-stream watering with and without fencing (pasture) (OFWFP), precision grazing (PG), rotational grazing (RG) and riparian forest buffers (RFB). This certification amendment request approval authorizes the generation of N and P credits for use by facilities with National Pollutant Discharge Elimination System permits in the compliance year in which the credits are generated. This approval is valid until September 30, 2020, provided the pollution reduction activities are implemented, maintained and verified in accordance with the plan contained in the approved certification request.

<i>Applicant/Consultant</i>	<i>Generator/Source</i>	<i>Pollutant Reduction Activity</i>	<i>N Credits</i>	<i>P Credits</i>	<i>Public Comment Notice Date</i>	<i>Certification Date</i>
Lycoming County Conservation District	Barbour	OFWFP, PG, RFB	621	0	8/24/19	10/26/19
Lycoming County Conservation District	Bosch	CT, CNT, CC	1,016	0	8/24/19	10/26/19
Lycoming County Conservation District	Brown, Er.	OFWFP, PG, RFB	1,295	0	8/24/19	10/26/19
Lycoming County Conservation District	Brown, Ev.	OFWFP, PG, RFB	409	0	8/24/19	10/26/19
Lycoming County Conservation District	Gavitt	CT, CNT, CC, OFWFP, RG, RFB	379	0	8/24/19	10/26/19

<i>Applicant/Consultant</i>	<i>Generator/Source</i>	<i>Pollutant Reduction Activity</i>	<i>N Credits</i>	<i>P Credits</i>	<i>Public Comment Notice Date</i>	<i>Certification Date</i>
Lycoming County Conservation District	London	CT, CNT, CC, OFWFP, PG, RFB	1,674	0	8/24/19	10/26/19
Lycoming County Conservation District	Mowery	CT, CNT	571	0	8/24/19	10/26/19
Lycoming County Conservation District	Sherman	CNT, CC, OFWFP, PG	328	0	8/24/19	10/26/19
Lycoming County Conservation District	Schrack Farms	CT, CNT, CC	33,820	0	8/24/19	10/26/19
Lycoming County Conservation District	Ulmer	CT, CNT, CC	3,456	0	8/24/19	10/26/19
Lycoming County Conservation District	Vandine	CT, CNT, CC	155	0	8/24/19	10/26/19

Persons aggrieved by this action may appeal, 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), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457.

TDD users may 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 receipt of notice of this action unless the appropriate statute provides a different time. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

Copies of the appeal form and the Board's rules of practice and procedure may be obtained at <http://ehb.courtapps.com> or by contacting the Secretary to the Board at (717) 787-3483. The appeal form and the Board's rules are also available in braille and on audiotape from the Secretary to the Board.

Important legal rights are at stake. 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. A lawyer is not needed to file a notice of appeal with the Board.

For individuals who wish to challenge this action, appeals must be filed with and received by the Board within 30 days of receipt of notice of this action.

For further information about this action or the Department's Nutrient Credit Trading Program, contact the Division of Operations, Bureau of Clean Water, Department of Environmental Protection, P.O. Box 8774, Harrisburg, PA 17105-8774, RA-EPPANutrientTrad@pa.gov, (717) 787-6744 or visit the Department's Nutrient Credit Trading Program web site at [www.dep.pa.gov/nutrient\\_trading](http://www.dep.pa.gov/nutrient_trading).

PATRICK McDONNELL,  
Secretary

[Pa.B. Doc. No. 19-1641. Filed for public inspection November 1, 2019, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Nutrient Credit Trading Program; Mass Certification

The Department of Environmental Protection (Department) provides notice of a mass credit certification action under the Nutrient Credit Trading Program. This action is taken under 25 Pa. Code § 96.8 (relating to use of offsets and tradable credits from pollution reduction activities in the Chesapeake Bay Watershed).

On September 7, 2019, the Department provided notice of its intent under the Nutrient Credit Trading Program to issue a mass certification to all significant sewage point source discharges within the Chesapeake Bay watershed with annual mass load effluent limitations (that is, "Cap Loads") in a National Pollutant Discharge Elimination System (NPDES) permit (see 49 Pa.B. 5259 (September 7, 2019)). Comments on this proposal were accepted until October 7, 2019.

For a list of significant sewage point sources in the Commonwealth portion of the Chesapeake Bay Watershed, see Table 7-1 of the Commonwealth's Phase 2 Watershed Implementation Plan (Phase 2 WIP) Wastewater Supplement, available at [www.dep.pa.gov/npdes-bay](http://www.dep.pa.gov/npdes-bay) or on the Department's Nutrient Credit Trading Program web site at [www.dep.pa.gov/nutrient\\_trading](http://www.dep.pa.gov/nutrient_trading).

#### Credit Certification

Effective October 1, 2019, to be eligible to generate credits for sale, all significant sewage point source discharges with an assigned cap load in the Commonwealth's portion of the Chesapeake Bay watershed (see Table 7-1 of the Phase 2 WIP Wastewater Supplement) must demonstrate treated yearly effluent concentrations below 6.0 mg/L total nitrogen (TN) and below 0.8 mg/L total phosphorous (TP)—that is, "baseline concentrations"—in accordance with the procedures described in the Phase 2 WIP Nutrient Trading Supplement, available on the Department's Nutrient Credit Trading Program web site at [www.dep.pa.gov/nutrient\\_trading](http://www.dep.pa.gov/nutrient_trading). When stringent effluent limitations for TN or TP, or both, are established in Part A of the NPDES permit for reasons other than the cap load assigned for protection of the Chesapeake Bay, the permittee is eligible to generate credits when the permittee demonstrates that these effluent limitations

have been achieved in accord with the Phase 2 WIP Nutrient Trading Supplement. In addition:

- to generate credits, facilities must demonstrate they are in compliance with their NPDES permit;
- the total amount of credits the facility is certified to generate cannot exceed its permitted cap load;
- the calculation of credits will be made using formulas described in the Phase 2 WIP Nutrient Trading Supplement; and
- this point source certification will expire on September 30, 2020.

To ensure that verification is complete in time for credit availability to be posted on the Department's web site, facilities are encouraged to provide the Department with their verification requests by October 28 of each year. Verification requests must include a complete Annual Chesapeake Bay Spreadsheet, available on the Department's Nutrient Credit Trading Program web site at [www.dep.pa.gov/nutrient\\_trading](http://www.dep.pa.gov/nutrient_trading), for the compliance year in which the credits were generated (that is, October 1 through September 30). Verification forms and instructions are found on the Credit Trading Process page of the Department's Nutrient Credit Trading Program web site at [www.dep.pa.gov/nutrient\\_trading](http://www.dep.pa.gov/nutrient_trading).

Persons aggrieved by this action may appeal, 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), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457.

TDD users may 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 receipt of notice of this action unless the appropriate statute provides a different time. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

Copies of the appeal form and the Board's rules of practice and procedure may be obtained at <http://ehb.courtapps.com> or by contacting the Secretary to the Board at (717) 787-3483. The appeal form and the Board's rules are also available in braille and on audiotape from the Secretary to the Board.

Important legal rights are at stake. 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. A lawyer is not needed to file a notice of appeal with the Board.

For individuals who wish to challenge this action, appeals must be filed with and received by the Board within 30 days of receipt of notice of this action.

For further information about this action or the Department's Nutrient Credit Trading Program, contact the Division of Operations, Bureau of Clean Water, Department of Environmental Protection, P.O. Box 8774, Harrisburg, PA 17105-8774, RA-EPPANutrientTrad@pa.gov, (717) 787-6744 or visit the Department's Nutrient Credit Trading Program web site at [www.dep.pa.gov/nutrient\\_trading](http://www.dep.pa.gov/nutrient_trading).

PATRICK McDONNELL,  
Secretary

[Pa.B. Doc. No. 19-1642. Filed for public inspection November 1, 2019, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Proposed State Implementation Plan Revision; Second Maintenance Plan for the Altoona (Blair County) 1997 8-Hour Ozone Nonattainment Area; Public Hearing

The Department of Environmental Protection (Department) is seeking public comment on a proposed revision to the State Implementation Plan (SIP) concerning a second maintenance plan demonstrating that the Altoona (Blair County) Area continues to maintain the 1997 8-hour ozone National Ambient Air Quality Standard (NAAQS). The Department intends to submit this proposed SIP revision to the United States Environmental Protection Agency (EPA) to satisfy sections 107(d)(3)(E)(iv) and 175A(b) of the Clean Air Act (CAA) (42 U.S.C.A. §§ 7407(d)(3)(E)(iv) and 7505a(b)).

Ground-level ozone concentrations above the Federal health-based standard pose a serious human health threat. On April 30, 2004, the EPA designated the Blair County Area as a nonattainment area for the 1997 8-hour ozone NAAQS. See 69 FR 23857 (April 30, 2004). On August 1, 2007, the Blair County Area was redesignated to attainment. See 72 FR 41906 (August 1, 2007). Air quality in the Blair County Area has improved since the EPA's original designations.

On March 6, 2015, the EPA published the final implementation rule for the 2008 8-hour ozone NAAQS. See 80 FR 12264 (March 6, 2015). This final rule revoked the 1997 8-hour ozone NAAQS and stated that one consequence of revocation was that areas that had been redesignated to attainment (maintenance areas) for the 1997 standard no longer needed to submit second 10-year maintenance plans under section 175A(b) of the CAA. See 80 FR 12264, 12302 and 12303. See also, 40 CFR 51.1105(d)(1) (relating to transition from the 1997 ozone NAAQS to the 2008 ozone NAAQS and anti-backsliding). The EPA's 2008 final rule was challenged in *South Coast Air Quality Management Distr. v. EPA et al.*, 882 F.3d. 1138 (D.C. Cir. 2018).

This proposed SIP revision addresses that case. Specifically, the Court vacated the EPA's final implementation rule for the 2008 ozone NAAQS to the extent that it waived the requirement under section 175A(b) of the CAA for states to submit a second 10-year maintenance plan SIP revisions for "orphan maintenance areas" under the 1997 standard (areas that had been redesignated to attainment for the 1997 ozone NAAQS and were designated attainment for the 2008 ozone NAAQS). In doing so, the Court characterized the language of section 175A(b) of the CAA as unambiguous and rejected the EPA's reasoning in the 2008 ozone NAAQS final rule that second maintenance plans were not needed for orphan maintenance areas because the 1997 standard had been revoked. *Id.* at 1156-57.

States with these "orphan maintenance areas" under the 1997 8-hour ozone NAAQS, including this Commonwealth, must submit maintenance plans for the second maintenance period. The Department intends to submit this proposed second maintenance plan SIP revision for the Blair County Area to the EPA for approval.

This proposed SIP revision is available on the Department's web site at <http://www.ahs.dep.pa.gov/eComment>.

The Department will provide the opportunity for a public hearing to receive comments regarding the pro-



posed SIP revision on December 6, 2019, at 10 a.m. at the Department's Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA.

Persons wishing to present testimony should contact Amanda Rodriguez, P.O. Box 8468, Harrisburg, PA 17105, (717) 787-9702 or amarodrigu@pa.gov to reserve a time. Witnesses will be limited to 10 minutes and should provide two written copies of their comments.

If by 12 p.m. on Monday, December 2, 2019, no person has expressed an interest in testifying at the hearing, the hearing will be cancelled. The Department will provide public notice on the Bureau of Air Quality webpage at <http://www.dep.pa.gov/Business/Air/BAQ/Pages/default.aspx> if the hearing is cancelled. Persons may also contact the Department to find out if the hearing is cancelled by contacting Amanda Rodriguez at amarodrigu@pa.gov or (717) 787-9702.

Persons with a disability who wish to attend a hearing and require an auxiliary aid, service or other accommodation to participate in the proceeding should contact Amanda Rodriguez, amarodrigu@pa.gov or (717) 787-9702. TDD users may contact the Pennsylvania AT&T Relay Service at (800) 654-5984 or (800) 654-5988 (voice users) to discuss how the Department can best accommodate their needs.

The Department must receive comments no later than Monday, December 9, 2019. 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 Policy Office, Department of Environmental Protection, Rachel Carson State Office Building, P.O. Box 2063, Harrisburg, PA 17105-2563. Use "Blair County Area Ozone" as the subject line in written communication.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 19-1643. Filed for public inspection November 1, 2019, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Stream Evaluation of Unnamed Tributary 03181 to Tohickon Creek (Bucks 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 unnamed tributary (UNT) to Tohickon Creek identified by the stream code number 03181—also known as Bog Run—basin to determine the proper protected use designations in this Commonwealth's Water Quality Standards.

UNT 03181 to Tohickon Creek is a tributary to Tohickon Creek. The majority of the basin of UNT 03181 to Tohickon Creek is in Haycock, East Rockhill, West Rockhill and Richland Townships in Bucks County. The evaluation of UNT 03181 to Tohickon Creek is being conducted as part of a National Pollutant Discharge Elimination System permit renewal. UNT 03181 to Tohickon Creek is currently designated Trout Stocking, Migratory Fishes.

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. This evaluation may lead to recommendations to the Environmental Quality Board for redesignation.

Data can 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](mailto:mbrickner@pa.gov). Data must be received by Monday, December 2, 2019. All data submitted must include the originator's name and address. All data received will be reviewed and considered in the Department's evaluation.

For further information, contact Mark Brickner at [mbrickner@pa.gov](mailto: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. 19-1644. Filed for public inspection November 1, 2019, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Human Immunodeficiency Virus (HIV) Community Prevention Planning Committee; Change of Dates for November Public Meetings

The Statewide HIV Planning Group public meetings originally scheduled for Wednesday, November 13, 2019, from 9 a.m. to 4 p.m. and Thursday, November 14, 2019, from 9 a.m. to 4 p.m. are being moved to Wednesday, November 20, 2019, from 9 a.m. to 4 p.m. and Thursday, November 21, 2019, from 9 a.m. to 4 p.m. at the Best Western Premier The Central Hotel, 800 East Park Drive, Harrisburg, PA 17111.

Jurisdictional HIV prevention planning is a required activity of the Department of Health's (Department) Centers for Disease Control and Prevention grant for Comprehensive HIV Prevention Programs for Health Departments. Additionally, the Ryan White HIV/AIDS Treatment Extension Act of 2009 (Pub.L. No. 111-87), previously known as the Ryan White Comprehensive AIDS Resources Emergency Act of 1990 (42 U.S.C.A. §§ 300ff-21—300ff-38), requires that the Department engage in a public advisory planning process in developing a comprehensive plan. The purpose of these meetings is to conduct an integrated prevention and care HIV planning process by which the Department works in partnership with the community and stakeholders to enhance access to HIV prevention, care and treatment services.

For additional information or persons with a disability who wish to attend the meeting who require an auxiliary aid, service or other accommodation to do so should contact Jill Garland, Acting Bureau Director, Department of Health, Bureau of Communicable Diseases, 625 Forster Street, Health and Welfare Building, Harrisburg, PA 17120, (717) 547-3428, 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).



The Department reserves the right to cancel this meeting without prior notice.

RACHEL L. LEVINE, MD,  
*Secretary*

[Pa.B. Doc. No. 19-1645. Filed for public inspection November 1, 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(d) and (e) (relating to prevention, control and surveillance of tuberculosis (TB)):

ManorCare Health Services—Bethel Park  
60 Highland Road  
Bethel Park, PA 15102  
FAC ID # 138802

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 201.22(j):

Claremont Nursing and Rehabilitation Center of Cumberland County  
1000 Claremont Road  
Carlisle, PA 17013  
FAC ID # 037602

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 201.3 (relating to definitions), specifically the definition of “nurse aide”:

Claremont Nursing and Rehabilitation Center of Cumberland County  
1000 Claremont Road  
Carlisle, PA 17013  
FAC ID # 037602

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. 19-1646. Filed for public inspection November 1, 2019, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Medical Marijuana Advisory Board Meetings

The Medical Marijuana Advisory Board (Board), established under section 1201 of the Medical Marijuana Act (35 P.S. § 10231.1201), hereby gives notice that the Board will meet on the following days and times:

- Thursday, February 13, 2020, from 10 a.m.—noon.
- Tuesday, May 12, 2020, from 10 a.m.—noon.
- Tuesday, August 11, 2020, from 10 a.m.—noon.
- Tuesday, November 10, 2020, from 10 a.m.—noon.

The location for the meeting on Thursday, February 13, 2020, will be in Hearing Room 1, Keystone Building, 400 North Street, 2nd Floor, Harrisburg, PA. All additional meetings previously listed will take place in the Forest Room, Meeting Center, Keystone Building, 400 North Street, Suite 114 East, Harrisburg, PA. At these meetings the Board will present and discuss Board progress and future plans.

For additional information, including an alternative format of this notice (for example, large print, audiotape, Braille) or for persons with a disability who wish to attend the meetings who require an auxiliary aid, service or other accommodation to do so, contact Holli Senior, Special Assistant, Office of Medical Marijuana, 625 Forster Street, Room 628, Health and Welfare Building, Harrisburg, PA 17120, (717) 547-3047, 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). These meetings are subject to cancellation without notice.

RACHEL L. LEVINE, MD,  
*Secretary*

[Pa.B. Doc. No. 19-1647. Filed for public inspection November 1, 2019, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Ho Ho Ho Tic-Tac-Toe Fast Play Game 5072

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 803.11 (relating to powers and duties of the Secretary of Revenue), the Secretary of Revenue hereby provides public notice of the rules for the following lottery game:

1. *Name*: The name of the lottery game is Pennsylvania Ho Ho Ho Tic-Tac-Toe (hereinafter “Ho Ho Ho Tic-Tac-Toe”). The game number is PA-5072.

2. *Definitions*:

(a) *Authorized Retailer or Retailer*: A person who is properly licensed by the Lottery pursuant to 61 Pa. Code §§ 805.1—805.17.

(b) *Bar Code*: The symbology on the ticket containing certain encrypted validation and accounting data used for identifying winning and losing tickets.

(c) *Game Ticket*: A bearer instrument produced through a Lottery Terminal that is the player’s record of a play for a Fast Play lottery game and sold by an authorized retailer containing the play and validation data as published in this game notice.

(d) *LINE*: A specific, pre-defined portion of the play area, which contains three play symbols and a prize symbol in a column or row, that when played according to the instructions, determine whether a player wins a prize. Each LINE is played separately.

(e) *Lottery Central Computer System*: The computer gaming system on which all Fast Play plays are recorded.

(f) *Lottery Terminal*: A device authorized by the Lottery to function in an interactive mode with the Lottery Central Computer System for the purpose of issuing plays, executing Quick Pick selections, and entering, receiving, and processing lottery transactions, including making purchases, validating plays, transmitting reports, and performing inventory functions.

(g) *Play*: A chance to participate in a particular Fast Play lottery game.

(h) *Play Area*: The area on a ticket which contains one or more play symbols.

(i) *Play Symbol*: A number, letter, symbol, image or other character found in the play area which is used to determine whether a player wins a prize.

(j) *PRIZE*: A non-monetary item, money, or experience that can be won as specified in section 7 (relating to prizes available to be won and determination of prize winners) of this game notice.

(k) *WINNING SYMBOLS*: The numbers, letters, symbols or other characters found in the play area that, when matched against the play symbols in any "LINE," determine whether a player wins a prize.

(l) *Winning Ticket*: A game ticket which has been validated and qualifies for a prize.

3. *Price*: The price of a Ho Ho Ho Tic-Tac-Toe ticket is \$1.

4. *Description of Ho Ho Ho Tic-Tac-Toe lottery game*:

(a) The Ho Ho Ho Tic-Tac-Toe lottery game is an instant win game printed from a Lottery Terminal. All prizes are predetermined, and the player does not have the ability to select his or her own play symbols. Ho Ho Ho Tic-Tac-Toe tickets may be purchased from an authorized retailer or at a Lottery self-service terminal that sells terminal-based Lottery game tickets. Tickets purchased from an authorized retailer shall be printed on-demand at the time of purchase and may not be preprinted by the retailer.

(b) Ho Ho Ho Tic-Tac-Toe is played by matching the play symbols in the "WINNING SYMBOLS" area to the play symbols located in each "LINE." A player matching all three play symbols in any "LINE" to any three of the "WINNING SYMBOLS" will win the prize shown for that "LINE." Each "LINE" is played separately. A bet slip is not used to play this game.

(c) Players can win the prize identified in section 7 (relating to prizes available to be won and determination of prize winners).

(d) A Ho Ho Ho Tic-Tac-Toe game ticket cannot be canceled or voided once printed by the Lottery Terminal, even if printed in error.

(e) To purchase a ticket at an authorized retailer, a player must remit the purchase price to the retailer and verbally request a Ho Ho Ho Tic-Tac-Toe game ticket. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize.

(f) To purchase a ticket at a Pennsylvania Lottery self-service terminal, the player must insert into the self-service terminal a dollar amount equal to the total purchase price of a Ho Ho Ho Tic-Tac-Toe game ticket and select the Ho Ho Ho Tic-Tac-Toe option on the Lottery self-service terminal. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize.

5. *Ho Ho Ho Tic-Tac-Toe ticket characteristics*:

(a) A Ho Ho Ho Tic-Tac-Toe ticket shall contain a play area, the cost of the play, the date of sale, and a bar code. Each ticket consists of six "LINE" areas. Each "LINE" is played separately.

(b) *Play Symbols*: Each Ho Ho Ho Tic-Tac-Toe ticket play area will contain a "WINNING SYMBOLS" area and six "LINE" areas. The play symbols located in the "WINNING SYMBOLS" area are: Deer (DEER) symbol, Poinsettia (POINSETTIA) symbol, Penguin (PENGUIN) symbol, Bear (BEAR) symbol, Cupcake (CUPCAKE) symbol, Star (STAR) symbol, Trumpet (TRUMPET) symbol, Scarf (SCARF) symbol, Milk and Cookies (MILK COOKIE) symbol, Wreath (WREATH) symbol, Snow Globe (SNOW GLOBE) symbol, Brownie (BROWNIE) symbol, Bow (BOW) symbol, Present (PRESENT) symbol, Holly (HOLLY) symbol, Drum (DRUM) symbol, Firewood (FIREWOOD) symbol, Fireplace (FIREPLACE) symbol, Mitten (MITTEN) symbol, Snowflake (SNWFLK) symbol, Ornament (ORNAMENT) symbol, and a Gingerbread Man (GNGBREAD) symbol. The play symbols located in each "LINE" area are: Deer (DEER) symbol, Poinsettia (POINSETTIA) symbol, Penguin (PENGUIN) symbol, Bear (BEAR) symbol, Cupcake (CUPCAKE) symbol, Star (STAR) symbol, Trumpet (TRUMPET) symbol, Scarf (SCARF) symbol, Milk and Cookies (MILK COOKIE) symbol, Wreath (WREATH) symbol, Snow Globe (SNOW GLOBE) symbol, Brownie (BROWNIE) symbol, Bow (BOW) symbol, Present (PRESENT) symbol, Holly (HOLLY) symbol, Drum (DRUM) symbol, Firewood (FIREWOOD) symbol, Fireplace (FIREPLACE) symbol, Mitten (MITTEN) symbol, Snowflake (SNWFLK) symbol, Ornament (ORNAMENT) symbol, and a Gingerbread Man (GNGBREAD) symbol.

(c) *Prize Symbols*: The prize symbols and their captions located in the play area are: FREE (TICKET), \$1<sup>00</sup> (ONE DOL), \$2<sup>00</sup> (TWO DOL), \$4<sup>00</sup> (FOR DOL), \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20<sup>00</sup> (TWENTY), \$25<sup>00</sup> (TWY FIV), \$40<sup>00</sup> (FORTY), \$100 (ONE HUN), \$500 (FIV HUN), and \$2,500 (TWYFIVHUN).

(d) *Prizes*: The prizes that can be won in this game are: Free \$1 Fast Play Ticket, \$1, \$2, \$4, \$5, \$10, \$20, \$25, \$40, \$100, \$500, and \$2,500. A player can win up to four times on a ticket.

(e) *Approximate number of tickets available for the game*: Approximately 2,400,000 tickets will be available for sale for the Ho Ho Ho Tic-Tac-Toe lottery game.

6. *Second-Chance Drawing*: The Pennsylvania Lottery will conduct a Holly Jolly Second-Chance Drawing for which non-winning Ho Ho Ho Tic-Tac-Toe lottery game tickets may be eligible as provided for in section 9.

7. *Prizes available to be won and determination of prize winners*:

(a) All Ho Ho Ho Tic-Tac-Toe prize payments will be made as one-time, lump-sum cash payments.

(b) Holders of tickets upon which any three of the "WINNING SYMBOLS" play symbols match all three play symbols in the same "LINE," and a prize symbol of \$2,500 (TWYFIVHUN) appears in the "PRIZE" area for that "LINE," on a single ticket, shall be entitled to a prize of \$2,500.

(c) Holders of tickets upon which any three of the "WINNING SYMBOLS" play symbols match all three play symbols in the same "LINE," and a prize symbol of \$500 (FIV HUN) appears in the "PRIZE" area for that "LINE," on a single ticket, shall be entitled to a prize of \$500.

(d) Holders of tickets upon which any three of the "WINNING SYMBOLS" play symbols match all three play symbols in the same "LINE," and a prize symbol of \$100 (ONE HUN) appears in the "PRIZE" area for that "LINE," on a single ticket, shall be entitled to a prize of \$100.

(e) Holders of tickets upon which any three of the "WINNING SYMBOLS" play symbols match all three play symbols in the same "LINE," and a prize symbol of \$40.00 (FORTY) appears in the "PRIZE" area for that "LINE," on a single ticket, shall be entitled to a prize of \$40.

(f) Holders of tickets upon which any three of the "WINNING SYMBOLS" play symbols match all three play symbols in the same "LINE," and a prize symbol of \$25.00 (TWY FIV) appears in the "PRIZE" area for that "LINE," on a single ticket, shall be entitled to a prize of \$25.

(g) Holders of tickets upon which any three of the "WINNING SYMBOLS" play symbols match all three play symbols in the same "LINE," and a prize symbol of \$20.00 (TWENTY) appears in the "PRIZE" area for that "LINE," on a single ticket, shall be entitled to a prize of \$20.

(h) Holders of tickets upon which any three of the "WINNING SYMBOLS" play symbols match all three

play symbols in the same "LINE," and a prize symbol of \$10.00 (TEN DOL) appears in the "PRIZE" area for that "LINE," on a single ticket, shall be entitled to a prize of \$10.

(i) Holders of tickets upon which any three of the "WINNING SYMBOLS" play symbols match all three play symbols in the same "LINE," and a prize symbol of \$5.00 (FIV DOL) appears in the "PRIZE" area for that "LINE," on a single ticket, shall be entitled to a prize of \$5.

(j) Holders of tickets upon which any three of the "WINNING SYMBOLS" play symbols match all three play symbols in the same "LINE," and a prize symbol of \$4.00 (FOR DOL) appears in the "PRIZE" area for that "LINE," on a single ticket, shall be entitled to a prize of \$4.

(k) Holders of tickets upon which any three of the "WINNING SYMBOLS" play symbols match all three play symbols in the same "LINE," and a prize symbol of \$2.00 (TWO DOL) appears in the "PRIZE" area for that "LINE," on a single ticket, shall be entitled to a prize of \$2.

(l) Holders of tickets upon which any three of the "WINNING SYMBOLS" play symbols match all three play symbols in the same "LINE," and a prize symbol of \$1.00 (ONE DOL) appears in the "PRIZE" area for that "LINE," on a single ticket, shall be entitled to a prize of \$1.

(m) Holders of tickets upon which any three of the "WINNING NUMBER" play symbols match all three play symbols in the same "LINE," and a prize symbol of FREE (TICKET) appears in the "PRIZE" area for that "LINE," on a single ticket, shall be entitled to a prize of one Ho Ho Tic-Tac-Toe game ticket.

8. *Number and Description of Prizes and Approximate Chances of Winning.* The following table sets forth the approximate number of winners, amounts of prizes, and approximate chances of winning:

<i>Match The Winning Symbols To The Symbols In Each LINE. When You Match All Three Symbols In Any LINE, Win Prize Shown For That Line. Win With:</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 2,400,000 Tickets:</i>
FREE	FREE \$1 TICKET	10	240,000
\$1	\$1	76.92	31,200
\$1 x 2	\$2	25	96,000
\$2	\$2	25	96,000
\$1 x 4	\$4	333.33	7,200
\$2 x 2	\$4	333.33	7,200
(\$1 x 2) + \$2	\$4	125	19,200
\$4	\$4	333.33	7,200
(\$2 x 2) + \$1	\$5	200	12,000
\$4 + \$1	\$5	100	24,000
\$5	\$5	200	12,000
\$5 x 2	\$10	666.67	3,600
(\$4 x 2) + (\$1 x 2)	\$10	1,000	2,400

<i>Match The Winning Symbols To The Symbols In Each LINE. When You Match All Three Symbols In Any LINE, Win Prize Shown For That Line. Win With:</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 2,400,000 Tickets:</i>
(\$2 × 3) + \$4	\$10	333.33	7,200
\$10	\$10	666.67	3,600
\$10 × 2	\$20	1,667	1,440
(\$5 × 2) + \$10	\$20	2,500	960
\$10 + \$5 + \$4 + \$1	\$20	2,000	1,200
\$20	\$20	10,000	240
(\$5 × 3) + \$10	\$25	10,000	240
(\$10 × 2) + \$5	\$25	2,500	960
\$25	\$25	3,333	720
\$10 × 4	\$40	4,800	500
\$20 × 2	\$40	4,800	500
(\$10 × 2) + \$20	\$40	4,800	500
\$25 + \$10 + \$4 + \$1	\$40	3,429	700
\$40	\$40	4,800	500
(\$25 × 2) + \$40 + \$10	\$100	17,143	140
(\$40 × 2) + \$20	\$100	15,000	160
\$100	\$100	24,000	100
\$500	\$500	120,000	20
\$2,500	\$2,500	240,000	10

Each "LINE" is played separately.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Second-Chance Drawing:* Pennsylvania Lottery's Holly Jolly Second-Chance Drawing for qualifying Fast Play Lottery game tickets (hereafter, the "Drawing"):

(a) *Qualifying Tickets:* Non-winning PA-5070 Holiday Tree Farm (\$5); PA-5071 Snow Much Fun (\$2); and PA-5072 Ho Ho Ho Tic-Tac-Toe (\$1) Fast Play Lottery game tickets ("Qualifying Tickets") are eligible for entry in the Drawing.

(b) *Participation and entry:*

(1) Entrants must be members of the Pennsylvania Lottery VIP Players Club to participate in the Drawing. To join the VIP Players Club, visit <http://www.palottery.state.pa.us/vipplayersclub/login.aspx>. Becoming a VIP Players Club member is free.

(2) To enter the Drawing, entrants must submit the identifying information from at least one Qualifying Ticket via the Drawing's promotional web site, available at <http://www.palottery.com>, or the Pennsylvania Lottery's official mobile application during the entry period. The identifying information from a Qualifying Ticket may be submitted only once in the Drawing. No other method of submission will be accepted, and entries submitted using any other method, including entries mailed or hand-delivered to the Pennsylvania Lottery, are not valid and will be disqualified.

(3) Each entry must be complete and the information supplied by the entrant must be accurate. Incomplete entries cannot be accepted.

(4) Only one claimant per entry is allowed.

(5) Entrants must be 18 years of age or older.

(6) Players may submit the identifying information from an unlimited number of Qualifying Tickets in the Drawing.

(7) Once an entry has been submitted it cannot be withdrawn or changed.

(c) *Drawing description:*

(1) The Lottery will conduct one Holly Jolly Second-Chance Drawing for qualifying Fast Play Lottery game tickets. All time references are Eastern Prevailing Time.

(2) All entries received after 11:59:59 p.m. November 4, 2019, through 11:59:59 p.m. January 2, 2020, will be entered into the Drawing to be held between January 3, 2020 and January 14, 2020.

(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 five or ten (hereafter the "Entry Multiplier 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 Multiplier Prize, if applicable. The respective purchase price and corresponding number of entries for the Qualifying Ticket is as



follows: PA-5070 Holiday Tree Farm (\$5) = five entries; PA-5071 Snow Much Fun (\$2) = two entries; and PA-5072 Ho Ho Ho Tic-Tac-Toe (\$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:*

<i>Qualifying Tickets:</i>	<i>Approximate Number of Entry Multiplier Prizes:</i>		<i>Approximate Odds of Winning a 5X or 10X Multiplier Are 1 In:</i>	
	5X	10X	5X	10X
Holiday Tree Farm	351,134	175,567	5	10
Snow Much Fun	180,162	360,324	10	5
Ho Ho Ho Tic-Tac-Toe	182,231	364,462	10	5

(3) The Lottery will conduct one Drawing from among all the entries received during the entry period as described in section 9(c)(2).

(i) The first entry selected in the Drawing will be a winning entry and the entrant who submitted the winning entry shall be entitled to a prize of \$100,000, less required income tax withholding.

(ii) The second entry selected in the Drawing will be a winning entry and the entrant who submitted the winning entry shall be entitled to a prize of \$50,000, less required income tax withholding.

(iii) The third through the seventh entries selected in the Drawing will be winning entries and the entrants who submitted the winning entries shall each be entitled to a prize of \$10,000, less required income tax withholding.

(iv) The eighth through the fifty-seventh entries selected in the Drawing will be winning entries and the entrants who submitted the winning entries shall each be entitled to a prize of \$100 iLottery Bonus Money.

(4) All prizes will be paid as lump-sum cash payments or uploaded to a winning player’s Lottery 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

(1) The prize entitlements described below are subject to all restrictions and limitations described in section 9(e), or mentioned anywhere else in these rules.

(2) The following table sets forth the approximate number of Entry Multiplier Prizes and the approximate odds of winning an Entry Multiplier Prize:

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 9(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 Lottery account.

(15) Prizes are not transferrable.

(16) Other restrictions may apply.

#### 10. *Ticket Responsibility:*

(a) A Fast Play lottery game ticket is a bearer document deemed to be owned by the person holding the game ticket, except that if a name is contained on the back of the game ticket, the person so named will, for all purposes, be considered the owner of the game ticket.

(b) The holder of a Fast Play lottery game ticket has the sole responsibility for checking the accuracy and condition of the data printed on the game ticket.

(c) The Commonwealth shall not be responsible for a lost or stolen Fast Play lottery game ticket, or for a Fast Play ticket redeemed by a player in error.

#### 11. *Ticket Validation and Requirements:*

(a) *Valid Fast Play lottery game tickets.* To be a valid Fast Play lottery game ticket, the presented game ticket must meet the following requirements:

(1) The game ticket's bar code shall be present in its entirety.

(2) The game ticket must be intact.

(3) The game ticket may not be mutilated, altered, reconstituted or tampered with.

(4) The game ticket may not be counterfeit or a duplicate of a winning ticket.

(5) The game ticket must have been validly issued.

(6) The game ticket data shall have been recorded on the Lottery Central Computer System and the game ticket data shall match the computer record in every respect.

(7) The game ticket must not be defectively printed or printed or produced in error such that it cannot be processed or validated by the Lottery.

(8) The game ticket must pass other confidential security checks of the Lottery.

(b) *Invalid or defective game tickets:* A game ticket not passing the validation requirements in subsection (a) will be considered invalid and no payment will be made on account of any play recorded thereon. The determination of the Secretary in this regard is final.

#### 12. *Procedures for claiming and payment of prizes:*

(a) A prize may be claimed through an authorized retailer or the Lottery, as provided in this section. A prize must be claimed within 1 year of the sale date of the Fast Play lottery game ticket.

(b) An authorized retailer is authorized to pay prizes of \$2,500 or less. The holder of a game ticket evidencing a winning play representing a prize of \$2,500 or less may be paid by a participating authorized retailer if a proper validation pay ticket was issued by the retailer's Lottery Terminal.

(c) The holder of a game ticket evidencing a winning play representing a prize in excess of \$2,500 may present the game ticket to an authorized retailer, Lottery District Office, or Lottery Headquarters.

(d) The holder of a game ticket evidencing a winning play shall present the ticket, in person, to an authorized retailer, Lottery Headquarters or a Lottery District Office. The retailer or the Lottery will issue payment if:

(1) The game ticket is scanned and the play is validated through the Lottery Terminal or the Lottery Central Computer System;

(2) A claim form is properly and fully completed;

(3) The identification of the claimant is confirmed; and

(4) The winning ticket has not expired, pursuant to this section or section 14 (relating to unclaimed prizes).

(e) The Commonwealth shall not be responsible for a winning play paid in error by an authorized retailer.

(f) In the event a prize described in these rules is not available, the Lottery may either provide a substitute prize, determined by the Secretary to have an equivalent value to the prize won, or make a cash payment to the winner, in an amount determined by the Secretary to have an equivalent value to the prize won.

13. *Funding for prizes:* Moneys will be drawn from the State Lottery Fund, to the extent necessary, to fund the payment of prizes under this section. If this lottery game is terminated for any cause, prize moneys remaining undistributed will remain in the State Lottery Fund and used for purposes otherwise provided for by law.

14. *Unclaimed prizes:* Unclaimed prize money on winning Fast Play lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto for 1 year from the sale date of the Fast Play lottery game ticket. If no claim is made within 1 year from the sale date of the Fast Play lottery game ticket, the right of a ticket holder to claim the prize represented by that ticket, if any, shall expire.

15. *Purchase and prize restrictions:* A Fast Play lottery game ticket may not be purchased by, and a prize may not be paid, to an officer or employee of the Lottery, Lottery professional services contractors or subcontractors, or to a spouse, child, brother, sister or parent residing in the same household of an officer, employee, contractor or subcontractor who is involved in the production, distribution or operation of systems for the validation or accounting of Fast Play games.

#### 16. *Governing Law:*

(a) By purchasing a ticket, the purchaser agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), this notice, instructions, conditions and final decisions of the Secretary, and procedures established by the Secretary for the conduct of the Fast Play Ho Ho Ho Tic-Tac-Toe lottery game.

(b) Decisions made by the Secretary, including the declaration of prizes and the payment thereof, in interpretation of this notice are final and binding on players and persons making a claim in respect thereof.

17. *Retailer Compensation:*

(a) Authorized retailers may be entitled to compensation as determined by the Lottery.

(b) No authorized retailer or employee of an authorized retailer shall request, demand, or accept gratuities or any compensation other than as provided in subsection (a) in exchange for the performance of duties authorized pursuant to the Lottery retailer's license without the Lottery's prior written authorization.

18. *Retailer Incentive Programs:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Fast Play Ho Ho Ho Tic-Tac-Toe lottery game tickets.

19. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania Fast Play lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after the Fast Play game ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery Fast Play game ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

20. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Ho Ho Ho Tic-Tac-Toe or through normal communications methods.

21. *Applicability:* This notice applies only to the Ho Ho Ho Tic-Tac-Toe lottery game announced in this notice.

C. DANIEL HASSELL,  
Secretary

[Pa.B. Doc. No. 19-1648. Filed for public inspection November 1, 2019, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Holiday Tree Farm Fast Play Game 5070

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 803.11 (relating to powers

and duties of the Secretary of Revenue), the Secretary of Revenue hereby provides public notice of the rules for the following lottery game:

1. *Name:* The name of the lottery game is Pennsylvania Holiday Tree Farm (hereinafter "Holiday Tree Farm"). The game number is PA-5070.

2. *Definitions:*

(a) *Authorized retailer or retailer:* A person who is properly licensed by the Lottery pursuant to 61 Pa. Code §§ 805.1—805.17.

(b) *Bar code:* The symbology on the ticket containing certain encrypted validation and accounting data used for identifying winning and losing tickets.

(c) *Game ticket:* A bearer instrument produced through a Lottery Terminal that is the player's record of a play for a Fast Play lottery game and sold by an authorized retailer containing the play and validation data as published in this game notice.

(d) *Lottery Central Computer System:* The computer gaming system on which all Fast Play plays are recorded.

(e) *Lottery terminal:* A device authorized by the Lottery to function in an interactive mode with the Lottery Central Computer System for the purpose of issuing plays, executing Quick Pick selections, and entering, receiving, and processing lottery transactions, including making purchases, validating plays, transmitting reports, and performing inventory functions.

(f) *Play:* A chance to participate in a particular Fast Play lottery game.

(g) *Play area:* The area on a ticket which contains one or more play symbols.

(h) *Play Symbol:* A number, letter, symbol, image or other character found in the play area which is used to determine whether a player wins a prize.

(i) *Prize:* A non-monetary item, money, or experience that can be won as specified in section 7 (relating to prizes available to be won and determination of prize winners) of this game notice.

(j) *WINNING NUMBERS:* The numbers, letters, symbols or other characters found in the play area that, when matched against the play symbols in the "YOUR NUMBERS" area, determine whether a player wins a prize.

(k) *Winning ticket:* A game ticket which has been validated and qualifies for a prize.

(l) *YOUR NUMBERS:* The numbers, letters, symbols or other characters found in the main play area that, when matched against the play symbols in the "WINNING NUMBERS" area, determine whether a player wins a prize.

3. *Price:* The price of a Holiday Tree Farm ticket is \$5.

4. *Description of Holiday Tree Farm lottery game:*

(a) The Holiday Tree Farm lottery game is an instant win game printed from a Lottery Terminal. All prizes are predetermined, and the player does not have the ability to select his or her own play symbols. Holiday Tree Farm tickets may be purchased from an authorized retailer or at a Lottery self-service terminal that sells terminal-based Lottery game tickets. Tickets purchased from an authorized retailer shall be printed on-demand at the time of purchase and may not be preprinted by the retailer.



(b) Holiday Tree Farm is played by matching the play symbols in the "WINNING NUMBERS" area to the play symbols located in the "YOUR NUMBERS" area. A player matching play symbols in this manner will win the prize shown under the "YOUR NUMBERS" play symbol. A bet slip is not used to play this game.

(c) Players can win the prize identified in section 7 (relating to prizes available to be won and determination of prize winners).

(d) A Holiday Tree Farm game ticket cannot be canceled or voided once printed by the Lottery Terminal, even if printed in error.

(e) To purchase a ticket at an authorized retailer, a player must remit the purchase price to the retailer and verbally request a Holiday Tree Farm game ticket. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize.

(f) To purchase a ticket at a Pennsylvania Lottery self-service terminal, the player must insert into the self-service terminal a dollar amount equal to the total purchase price of a Holiday Tree Farm game ticket and select the Holiday Tree Farm option on the Lottery self-service terminal. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize.

#### 5. *Holiday Tree Farm ticket characteristics:*

(a) A Holiday Tree Farm ticket shall contain a play area, the cost of the play, the date of sale, and a bar code.

(b) *Play Symbols:* Each Holiday Tree Farm ticket play area will contain a "WINNING NUMBERS" area and a "YOUR NUMBERS" area. The play symbols located in the "WINNING NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), and 30 (THIRT). The prize symbols located in the "YOUR NUMBERS" play area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), and 30 (THIRT).

(c) *Prize Symbols:* The prize symbols and their captions located in the play area are: \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$15<sup>00</sup> (FIFTEEN), \$20<sup>00</sup> (TWENTY), \$40<sup>00</sup> (FORTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$400 (FOR HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$5,000 (FIV THO), and \$50,000 (FTY THO).

(d) *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$15, \$20, \$40, \$50, \$100, \$400, \$500, \$1,000, \$5,000, and \$50,000. A player can win up to 12 times on a ticket.

(e) *Approximate number of tickets available for the game:* Approximately 2,400,000 tickets will be available for sale for the Holiday Tree Farm lottery game.

6. *Second-Chance Drawing:* The Pennsylvania Lottery will conduct a Holly Jolly Second-Chance Drawing for which non-winning Holiday Tree Farm lottery game tickets may be eligible as provided for in section 9.

7. *Prizes available to be won and determination of prize winners:*

(a) All Holiday Tree Farm prize payments will be made as one-time, lump-sum cash payments.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$50,000 (FTY THO) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$5,000 (FIV THO) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5,000.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$400 (FOR HUN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$400.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$40<sup>00</sup> (FORTY) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$15<sup>00</sup> (FIFTEEN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$15.



(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$10<sup>.00</sup> (TEN DOL) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the

"WINNING NUMBERS" play symbols and a prize symbol of \$5<sup>.00</sup> (FIV DOL) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

8. *Number and description of prizes and approximate chances of winning.* The following table sets forth the approximate number of winners, amounts of prizes, and approximate chances of winning:

<i>When Any Of YOUR NUMBERS Match Any WINNING NUMBER, Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 2,400,000 Tickets</i>
\$5	\$5	8.7	276,000
\$5 × 2	\$10	25	96,000
\$10	\$10	33.33	72,000
\$5 × 3	\$15	40	60,000
\$5 + \$10	\$15	100	24,000
\$15	\$15	100	24,000
\$5 × 4	\$20	250	9,600
\$10 × 2	\$20	250	9,600
(\$5 × 2) + \$10	\$20	250	9,600
\$15 + \$5	\$20	222.22	10,800
\$20	\$20	200	12,000
\$20 × 2	\$40	500	4,800
(\$10 × 3) + (\$5 × 2)	\$40	500	4,800
(\$15 × 2) + \$10	\$40	500	4,800
\$20 + \$15 + \$5	\$40	1,000	2,400
\$40	\$40	1,000	2,400
\$10 × 5	\$50	1,000	2,400
(\$15 × 2) + (\$10 × 2)	\$50	1,000	2,400
(\$15 × 2) + (\$5 × 4)	\$50	1,000	2,400
(\$10 × 3) + \$20	\$50	1,000	2,400
(\$20 × 2) + \$10	\$50	1,000	2,400
\$40 + \$10	\$50	1,000	2,400
\$50	\$50	500	4,800
\$50 × 2	\$100	8,000	300
(\$15 × 4) + (\$10 × 4)	\$100	8,000	300
(\$20 × 2) + (\$15 × 2) + (\$10 × 2) + (\$5 × 2)	\$100	8,000	300
(\$40 × 2) + \$20	\$100	8,000	300
\$50 + \$40 + \$10	\$100	8,000	300
\$100	\$100	8,000	300
\$100 × 4	\$400	30,000	80
(\$50 × 4) + (\$40 × 4) + (\$20 × 2)	\$400	30,000	80
(\$100 × 2) + (\$50 × 2) + (\$20 × 2) + (\$15 × 2) + (\$10 × 2) + (\$5 × 2)	\$400	30,000	80
\$400	\$400	30,000	80

<i>When Any Of YOUR NUMBERS Match Any WINNING NUMBER, Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 2,400,000 Tickets</i>
\$100 × 5	\$500	120,000	20
(\$100 × 2) + (\$50 × 2) + (\$40 × 3) + (\$20 × 4)	\$500	120,000	20
(\$50 × 4) + (\$40 × 4) + (\$20 × 2) + \$100	\$500	120,000	20
\$400 + \$100	\$500	120,000	20
\$500	\$500	120,000	20
\$500 × 2	\$1,000	120,000	20
(\$400 × 2) + (\$100 × 2)	\$1,000	120,000	20
(\$400 × 2) + (\$50 × 2) + (\$20 × 2) + \$50 + \$10	\$1,000	120,000	20
\$1,000	\$1,000	120,000	20
\$1,000 × 5	\$5,000	240,000	10
\$5,000	\$5,000	240,000	10
\$50,000	\$50,000	240,000	10

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Second-Chance Drawing:* Pennsylvania Lottery's Holly Jolly Second-Chance Drawing for qualifying Fast Play Lottery game tickets (hereafter, the "Drawing"):

(a) *Qualifying Tickets:* Non-winning PA-5070 Holiday Tree Farm (\$5); PA-5071 Snow Much Fun (\$2); and PA-5072 Ho Ho Ho Tic-Tac-Toe (\$1) Fast Play Lottery game tickets ("Qualifying Tickets") are eligible for entry in the Drawing.

(b) *Participation and entry:*

(1) Entrants must be members of the Pennsylvania Lottery VIP Players Club to participate in the Drawing. To join the VIP Players Club, visit <http://www.palottery.state.pa.us/vipplayersclub/login.aspx>. Becoming a VIP Players Club member is free.

(2) To enter the Drawing, entrants must submit the identifying information from at least one Qualifying Ticket via the Drawing's promotional web site, available at <http://www.palottery.com>, or the Pennsylvania Lottery's official mobile application during the entry period. The identifying information from a Qualifying Ticket may be submitted only once in the Drawing. No other method of submission will be accepted, and entries submitted using any other method, including entries mailed or hand-delivered to the Pennsylvania Lottery, are not valid and will be disqualified.

(3) Each entry must be complete and the information supplied by the entrant must be accurate. Incomplete entries cannot be accepted.

(4) Only one claimant per entry is allowed.

(5) Entrants must be 18 years of age or older.

(6) Players may submit the identifying information from an unlimited number of Qualifying Tickets in the Drawing.

(7) Once an entry has been submitted it cannot be withdrawn or changed.

(c) *Drawing description:*

(1) The Lottery will conduct one Holly Jolly Second-Chance Drawing for qualifying Fast Play Lottery game tickets. All time references are Eastern Prevailing Time.

(2) All entries received after 11:59:59 p.m. November 4, 2019, through 11:59:59 p.m. January 2, 2020, will be entered into the Drawing to be held between January 3, 2020 and January 14, 2020.

(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 five or ten (hereafter the "Entry Multiplier 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 Multiplier Prize, if applicable. The respective purchase price and corresponding number of entries for the Qualifying Ticket is as follows: PA-5070 Holiday Tree Farm (\$5) = five entries; PA-5071 Snow Much Fun (\$2) = two entries; and PA-5072 Ho Ho Ho Tic-Tac-Toe (\$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 9(e), or mentioned anywhere else in these rules.

(2) The following table sets forth the approximate number of Entry Multiplier Prizes and the approximate odds of winning an Entry Multiplier Prize:

Qualifying Tickets:	Approximate Number of Entry Multiplier Prizes:		Approximate Odds of Winning a 5X or 10X Multiplier Are 1 In:	
	5X	10X	5X	10X
Holiday Tree Farm	351,134	175,567	5	10
Snow Much Fun	180,162	360,324	10	5
Ho Ho Ho Tic-Tac-Toe	182,231	364,462	10	5

(3) The Lottery will conduct one Drawing from among all the entries received during the entry period as described in section 9(c)(2).

(i) The first entry selected in the Drawing will be a winning entry and the entrant who submitted the winning entry shall be entitled to a prize of \$100,000, less required income tax withholding.

(ii) The second entry selected in the Drawing will be a winning entry and the entrant who submitted the winning entry shall be entitled to a prize of \$50,000, less required income tax withholding.

(iii) The third through the seventh entries selected in the Drawing will be winning entries and the entrants who submitted the winning entries shall each be entitled to a prize of \$10,000, less required income tax withholding.

(iv) The eighth through the fifty-seventh entries selected in the Drawing will be winning entries and the entrants who submitted the winning entries shall each be entitled to a prize of \$100 iLottery Bonus Money.

(4) All prizes will be paid as lump-sum cash payments or uploaded to a winning player's Lottery 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 Entertain-

ment, 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 9(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 Lottery account.

(15) Prizes are not transferrable.

(16) Other restrictions may apply.

10. *Ticket responsibility:*

(a) A Fast Play lottery game ticket is a bearer document deemed to be owned by the person holding the game ticket, except that if a name is contained on the back of the game ticket, the person so named will, for all purposes, be considered the owner of the game ticket.

(b) The holder of a Fast Play lottery game ticket has the sole responsibility for checking the accuracy and condition of the data printed on the game ticket.

(c) The Commonwealth shall not be responsible for a lost or stolen Fast Play lottery game ticket, or for a Fast Play ticket redeemed by a player in error.

11. *Ticket validation and requirements:*

(a) *Valid Fast Play lottery game tickets:* To be a valid Fast Play lottery game ticket, the presented game ticket must meet the following requirements:

(1) The game ticket's bar code shall be present in its entirety.

(2) The game ticket must be intact.

(3) The game ticket may not be mutilated, altered, reconstituted or tampered with.

(4) The game ticket may not be counterfeit or a duplicate of a winning ticket.

(5) The game ticket must have been validly issued.

(6) The game ticket data shall have been recorded on the Lottery Central Computer System and the game ticket data shall match the computer record in every respect.

(7) The game ticket must not be defectively printed or printed or produced in error such that it cannot be processed or validated by the Lottery.

(8) The game ticket must pass other confidential security checks of the Lottery.

(b) *Invalid or defective game tickets:* A game ticket not passing the validation requirements in subsection (a) will be considered invalid and no payment will be made on account of any play recorded thereon. The determination of the Secretary in this regard is final.

12. *Procedures for claiming and payment of prizes:*

(a) A prize may be claimed through an authorized retailer or the Lottery, as provided in this section. A prize must be claimed within 1 year of the sale date of the Fast Play lottery game ticket.

(b) An authorized retailer is authorized to pay prizes of \$2,500 or less. The holder of a game ticket evidencing a winning play representing a prize of \$2,500 or less may be paid by a participating authorized retailer if a proper validation pay ticket was issued by the retailer's Lottery Terminal.

(c) The holder of a game ticket evidencing a winning play representing a prize in excess of \$2,500 may present the game ticket to an authorized retailer, Lottery District Office, or Lottery Headquarters.

(d) The holder of a game ticket evidencing a winning play shall present the ticket, in person, to an authorized retailer, Lottery Headquarters or a Lottery District Office. The retailer or the Lottery will issue payment if:

(1) The game ticket is scanned and the play is validated through the Lottery Terminal or the Lottery Central Computer System;

(2) A claim form is properly and fully completed;

(3) The identification of the claimant is confirmed; and

(4) The winning ticket has not expired, pursuant to this section or section 14 (relating to unclaimed prizes).

(e) The Commonwealth shall not be responsible for a winning play paid in error by an authorized retailer.

(f) In the event a prize described in these rules is not available, the Lottery may either provide a substitute prize, determined by the Secretary to have an equivalent value to the prize won, or make a cash payment to the winner, in an amount determined by the Secretary to have an equivalent value to the prize won.

13. *Funding for prizes:* Moneys will be drawn from the State Lottery Fund, to the extent necessary, to fund the payment of prizes under this section. If this lottery game is terminated for any cause, prize moneys remaining undistributed will remain in the State Lottery Fund and used for purposes otherwise provided for by law.

14. *Unclaimed prizes:* Unclaimed prize money on winning Fast Play lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto for 1 year from the sale date of the Fast Play lottery game ticket. If no claim is made within 1 year from the sale date of the Fast Play lottery game ticket, the right of a ticket holder to claim the prize represented by that ticket, if any, shall expire.

15. *Purchase and prize restrictions:* A Fast Play lottery game ticket may not be purchased by, and a prize may not be paid, to an officer or employee of the Lottery, Lottery professional services contractors or subcontractors, or to a spouse, child, brother, sister or parent residing in the same household of an officer, employee, contractor or subcontractor who is involved in the production, distribution or operation of systems for the validation or accounting of Fast Play games.

16. *Governing law:*

(a) By purchasing a ticket, the purchaser agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), this notice, instructions, conditions and final decisions of the Secretary, and procedures established by the Secretary for the conduct of the Fast Play Holiday Tree Farm lottery game.

(b) Decisions made by the Secretary, including the declaration of prizes and the payment thereof, in interpretation of this notice are final and binding on players and persons making a claim in respect thereof.

17. *Retailer compensation:*

(a) Authorized retailers may be entitled to compensation as determined by the Lottery.

(b) No authorized retailer or employee of an authorized retailer shall request, demand, or accept gratuities or any compensation other than as provided in subsection (a) in exchange for the performance of duties authorized pursuant to the Lottery retailer's license without the Lottery's prior written authorization.

18. *Retailer incentive programs:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Fast Play Holiday Tree Farm lottery game tickets.



19. *Retailer bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania Fast Play lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after the Fast Play game ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery Fast Play game ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

20. *Termination of the game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Holiday Tree Farm or through normal communications methods.

21. *Applicability:* This notice applies only to the Holiday Tree Farm lottery game announced in this notice.

C. DANIEL HASSELL,  
Secretary

[Pa.B. Doc. No. 19-1649. Filed for public inspection November 1, 2019, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Millionaire Raffle XXIX Raffle Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 874.4 (relating to notice of raffle lottery game rules), the Secretary of Revenue hereby provides public notice of the rules for the following raffle lottery game:

1. *Name:* The name of the raffle lottery game is Pennsylvania Millionaire Raffle XXIX.

2. *Price:* The price of one Pennsylvania Millionaire Raffle XXIX lottery game ticket is \$20.

3. *Ticket Sales and Drawing Date:* Pennsylvania Millionaire Raffle XXIX lottery game ticket sales will commence on or after November 5, 2019, and will continue until all 500,000 tickets have been sold, or 8:00 p.m. on January 4, 2020, whichever occurs earlier.

4. *Ticket Characteristics:* Each Pennsylvania Millionaire Raffle XXIX lottery game ticket will contain one unique computer-generated eight-digit number between 00000001 and 00500000, the drawing date, amount bet, and validation data.

5. *Prizes:* The prizes that can be won in this game are \$100, \$1,000, \$100,000 and \$1,000,000.

6. *Maximum Number of Tickets Printed and Sold for the Game:* There will be no more than 500,000 tickets printed and sold for the Pennsylvania Millionaire Raffle XXIX lottery game. The chances will be sequentially issued on a statewide basis from the range of individual unique numbers representing the chances available for the game.

7. *Weekly Drawings:*

(a) *Conduct of the Weekly Drawings:* The Lottery will conduct eight (8) Weekly Drawings, each of which will award one (1) prize of \$100,000, for a total of eight (8) prizes.

(1) Each ticket purchased during the entry period for each Weekly Drawing will be automatically entered into that week's Weekly Drawing, as described in section 7(b) (relating to the Weekly Drawing entry periods), as well as the Millionaire Raffle Drawing on January 4, 2020, as described in section 8 (relating to conduct of Millionaire Raffle Drawing).

(2) A computer-generated randomizer will be used to conduct each Weekly Drawing. One unique eight-digit number will be drawn from the range of numbers representing the chances sold during each Weekly Drawing entry period. The unique eight-digit number drawn will be the winning number.

(3) The winning ticket numbers for each Weekly Drawing will be posted to the Pennsylvania Lottery's publicly accessible web site.

(b) *Weekly Drawing Entry Periods:*

(1) All tickets sold between November 5, 2019 at 12:00:00 a.m. and November 11, 2019 at 11:59:59 p.m. will be entered into Weekly Drawing 1, held between November 12, 2019 and November 18, 2019, with winners announced by November 18, 2019.

(2) All tickets sold between November 12, 2019 at 12:00:00 a.m. and November 18, 2019 at 11:59:59 p.m. will be entered into Weekly Drawing 2, held between November 19, 2019 and November 25, 2019, with winners announced by November 25, 2019.

(3) All tickets sold between November 19, 2019 at 12:00:00 a.m. and November 25, 2019 at 11:59:59 p.m. will be entered into Weekly Drawing 3, held between November 26, 2019 and December 3, 2019, with winners announced by December 3, 2019.

(4) All tickets sold between November 26, 2019 at 12:00:00 a.m. and December 2, 2019 at 11:59:59 p.m. will be entered into Weekly Drawing 4, held between December 3, 2019 and December 9, 2019, with winners announced by December 9, 2019.

(5) All tickets sold between December 3, 2019 at 12:00:00 a.m. and December 9, 2019 at 11:59:59 p.m. will be entered into Weekly Drawing 5, held between December 10, 2019 and December 16, 2019, with winners announced by December 16, 2019.

(6) All tickets sold between December 10, 2019 at 12:00:00 a.m. and December 16, 2019 at 11:59:59 p.m. will be entered into Weekly Drawing 6, held between December 17, 2019 and December 23, 2019, with winners announced by December 23, 2019.

(7) All tickets sold between December 17, 2019 at 12:00:00 a.m. and December 23, 2019 at 11:59:59 p.m. will be entered into Weekly Drawing 7, held between

December 24, 2019 and December 30, 2019, with winners announced by December 30, 2019.

(8) All tickets sold between December 24, 2019 at 12:00:00 a.m. and December 30, 2019 at 11:59:59 p.m. will be entered into Weekly Drawing 8, held between December 31, 2019 and January 4, 2020, with winners announced by January 4, 2020.

(9) All tickets sold after December 30, 2019 at 11:59:59 p.m. will only be eligible for the Millionaire Raffle drawing.

(c) *Determination of Weekly Drawing Prize Winners.*

(1) The first unique eight-digit number drawn from among the tickets automatically entered into each of the Weekly Drawings will be the winning number and the holder of the ticket that matches the winning numbers shall each be entitled to a prize of \$100,000.

(2) The tickets bearing the winning numbers from each Weekly Drawing shall be ineligible to win a prize in any subsequent Weekly Drawing, but shall be entered into the Millionaire Raffle Drawing, as described in section 8 (relating to conduct of Millionaire Raffle Drawing), and shall be eligible to win a prize described in section 9 (relating to determination of Millionaire Raffle Drawing prize winners).

(d) *Conduct of Weekly Drawings in the Event that All Tickets Are Sold.*

(1) If all Raffle tickets are sold during any of the Weekly Drawing entry periods described in section 7(b) (relating to Weekly Drawing entry periods), the Lottery will conduct the Weekly Drawing for that entry period from among all tickets sold during that entry period. For all subsequent Weekly Drawings, all non-winning tickets from the prior Weekly Drawing(s) will be eligible to be entered into any remaining Weekly Drawings, subject to section 7(d)(2).

(2) A winning ticket selected in any Weekly Drawing conducted under subsection 7(d) (relating to conduct of Weekly Drawings in the event that all tickets are sold) will be ineligible to win in any subsequent Weekly Drawings conducted under this subsection.

(e) The odds of an entry being selected in each Weekly Drawing depends upon the number of tickets sold during the entry period for each Weekly Drawing.

(f) The entry periods for the Weekly Drawings will be posted to the Pennsylvania Lottery's publicly accessible web site.

8. *Conduct of Millionaire Raffle Drawing:* The results of the Pennsylvania Millionaire Raffle XXIX lottery game will be posted to the Lottery's publicly accessible web site on January 4, 2020, after 10:00 p.m. A computer-generated randomizer will be used to conduct the drawing. Six-thousand (6,000) unique eight-digit numbers will be drawn from the range of numbers representing the chances sold. The first four unique eight-digit numbers drawn will be the first-prize-tier winning numbers. The fifth through eighth unique eight-digit numbers drawn will be the second-prize-tier winning numbers. The ninth through 108th unique eight-digit numbers drawn will be the third-prize-tier winning numbers. The 109th through 6,000th unique eight-digit numbers drawn will be the fourth-prize-tier winning numbers. A player may only win one time on each ticket or chance for the Millionaire Raffle Drawing.

9. *Determination of Millionaire Raffle Drawing Prize Winners:*

(a) Holders of tickets upon which the unique eight-digit number exactly matches one of the first-prize-tier numbers selected by the Lottery shall be entitled to a prize of \$1,000,000.

(b) Holders of tickets upon which the unique eight-digit number exactly matches one of the second-prize-tier numbers selected by the Lottery shall be entitled to a prize of \$100,000.

(c) Holders of tickets upon which the unique eight-digit number exactly matches one of the third-prize-tier numbers selected by the Lottery shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which the unique eight-digit number exactly matches one of the fourth-prize-tier numbers selected by the Lottery shall be entitled to a prize of \$100.

10. *Number and Description of Prizes and Approximate Odds:* The Pennsylvania Millionaire Raffle XXIX lottery game prizes and determination of winners are as follows:

<i>Ticket Matching Exactly the Unique Eight-digit Number Drawn:</i>	<i>Win Prize Of:</i>	<i>Maximum Odds Of Winning Are 1 In:</i>	<i>Number Of Winners</i>
First-Prize-Tier	\$1,000,000	125,000	4
Second-Prize-Tier	\$100,000	125,000	4
Third-Prize-Tier	\$1,000	5,000	100
Fourth-Prize-Tier	\$100	84.86	5,892

The odds of winning are based on selling all 500,000 tickets. If all 500,000 tickets are not sold, the odds of winning will depend on the total number of tickets sold. All Pennsylvania Millionaire Raffle XXIX lottery game prize payments, including first-prize-tier prizes, will be made as one-time, lump-sum cash payments. All required income tax withholding will be automatically deducted from the lump-sum cash payment for all first-prize-tier and second-prize-tier prizes.

11. *Consumer Promotional Programs:* The Lottery may conduct promotional activities to promote the sale of Pennsylvania Millionaire Raffle XXIX lottery game tickets, including offering tickets at a discounted price. Details of any such offering will be disseminated through media used to advertise or promote the Pennsylvania Millionaire Raffle XXIX lottery game or through normal communications methods.

12. *Retailer Bonus:* The Lottery in its sole discretion may offer a retailer bonus in connection with the sale of Pennsylvania Millionaire Raffle XXIX lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after the winning ticket is claimed and validated or approximately 30 days after the date of the drawing in which the winning ticket was entered, provided that Lottery security can and has verified the sales transaction as valid. A bonus will not be awarded to a Lottery retailer that sells a Pennsylvania Millionaire Raffle XXIX lottery game ticket used to enter a Pennsylvania Lottery Second-Chance Drawing or promotion that is subsequently selected to win a prize in that second-chance drawing or promotion.

13. *Promotional Drawings:* The Pennsylvania Lottery may conduct promotional drawings associated with the Pennsylvania Millionaire Raffle XXIX lottery game. If the Lottery does conduct such a promotional drawing, Pennsylvania Millionaire Raffle XXIX lottery game tickets will be imprinted with a unique code to be used by players to enter the promotional drawings. The promotional drawings may be held independently of or in conjunction with the regular Pennsylvania Millionaire Raffle XXIX drawings. The Secretary will announce the existence of the promotional drawings. Winners of promotional drawings will be randomly selected from the group of qualified entries. A description of the available prize(s) and the specific rules and other information necessary for the conduct of the promotional drawings will be posted to the Lottery's publicly accessible web site. A copy of the same will also be kept on file with the Lottery and will be available upon request.

14. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Millionaire Raffle XXIX lottery game tickets. The conduct of the Program will be governed by 61 Pa. Code § 811.41 (relating to promotional prizes).

15. *Unclaimed Prize Money:* Unclaimed prize money on winning Pennsylvania Millionaire Raffle XXIX lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto for 1 year from the announced close of the Pennsylvania Millionaire Raffle XXIX lottery game. If no claim is made within 1 year of the announced close of the Pennsylvania Millionaire Raffle XXIX lottery game conducted by the State Lottery, the right of a ticket holder to claim the prize represented by that ticket, if any, expires and the prize money will be paid into the State Lottery Fund and used for purposes otherwise provided for by statute.

16. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61

Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

C. DANIEL HASSELL,  
Secretary

[Pa.B. Doc. No. 19-1650. Filed for public inspection November 1, 2019, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Snow Much Fun Fast Play Game 5071

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 803.11 (relating to powers and duties of the Secretary of Revenue), the Secretary of Revenue hereby provides public notice of the rules for the following lottery game:

1. *Name:* The name of the lottery game is Pennsylvania Snow Much Fun (hereinafter "Snow Much Fun"). The game number is PA-5071.

2. *Definitions:*

(a) *Authorized retailer or retailer:* A person who is properly licensed by the Lottery pursuant to 61 Pa. Code §§ 805.1—805.17.

(b) *Bar code:* The symbology on the ticket containing certain encrypted validation and accounting data used for identifying winning and losing tickets.

(c) *GAME:* A specific, pre-defined area of a game ticket located in the play area that contains play symbols and prize symbols that, when played according to the instructions, determine whether a player wins a prize.

(d) *Game Ticket:* A bearer instrument produced through a Lottery Terminal that is the player's record of a play for a Fast Play lottery game and sold by an authorized retailer containing the play and validation data as published in this game notice.

(e) *Lottery Central Computer System:* The computer gaming system on which all Fast Play plays are recorded.

(f) *Lottery Terminal:* A device authorized by the Lottery to function in an interactive mode with the Lottery Central Computer System for the purpose of issuing plays, executing Quick Pick selections, and entering, receiving, and processing lottery transactions, including making purchases, validating plays, transmitting reports, and performing inventory functions.

(g) *Play:* A chance to participate in a particular Fast Play lottery game.

(h) *Play Area:* The area on a ticket which contains one or more play symbols.

(i) *Play Symbol:* A number, letter, symbol, image or other character found in the play area which is used to determine whether a player wins a prize.

(j) *PRIZE:* A non-monetary item, money, or experience that can be won as specified in section 7 (relating to prizes available to be won and determination of prize winners) of this game notice.

(k) *SNOWFLAKE:* The visual representation of a snowflake outline printed beneath certain play symbols in the four "GAME" areas. When a "YOUR NUMBERS" play symbol is printed over a snowflake outline and matches any of the "WINNING NUMBERS" play symbols, the player wins all four prizes shown for that GAME. "SNOWFLAKE" wins are not multiplied.



(l) *WINNING NUMBER*: The number, letter, symbol or other character found in each GAME located in the play area that, when matched against the play symbols in the "YOUR NUMBERS" area, determine whether a player wins a prize.

(m) *Winning ticket*: A game ticket which has been validated and qualifies for a prize.

(n) *YOUR NUMBERS*: The numbers, letters, symbols or other characters found in the play area that, when matched against the "WINNING NUMBER" for that "GAME," determine whether a player wins a prize. The "YOUR NUMBERS" play symbols in a Snow Much Fun game will appear in either a Snowman outline or a "SNOWFLAKE" outline.

3. *Price*: The price of a Snow Much Fun ticket is \$2.

4. *Description of the Snow Much Fun Fast Play lottery game*:

(a) The Snow Much Fun lottery game is an instant win game printed from a Lottery Terminal. All prizes are predetermined, and the player does not have the ability to select his or her own play symbols. Snow Much Fun game tickets may be purchased from an authorized retailer or at a Lottery self-service terminal that sells terminal-based Lottery game tickets. Tickets purchased from an authorized retailer shall be printed on-demand at the time of purchase and may not be preprinted by the retailer. A bet slip is not used to play this game.

(b) Snow Much Fun is played by matching any of the "YOUR NUMBERS" play symbols, appearing in either a Snowman or a "SNOWFLAKE," to the "WINNING NUMBER" play symbol for that "GAME."

(1) Players that correctly match any of the "YOUR NUMBERS" play symbols appearing in a Snowman shall win the PRIZE shown to the right of that "GAME." The player's prize is multiplied by either one, two or three depending on the position of the matching "YOUR NUMBERS" play symbol. If the player matches the first symbol, from left to right, the player's prize is multiplied by one. If the player matches the second symbol, from left to right, the player's prize is multiplied by two. If the player matches the third symbol, from left to right, the player's prize is multiplied by three.

(2) Players that correctly match any "YOUR NUMBERS" play symbol appearing in a "SNOWFLAKE" shall win all four prizes shown on the ticket. Prizes won by matching a "YOUR NUMBERS" play symbol appearing in a "SNOWFLAKE" to the "WINNING NUMBER" play symbol for that "GAME" are not multiplied.

(c) Players can win the prize identified in section 7 (relating to prizes available to be won and determination of prize winners).

(d) A Snow Much Fun game ticket cannot be canceled or voided once printed by the Lottery Terminal, even if printed in error.

(e) To purchase a ticket at an authorized retailer, a player must remit the purchase price to the retailer and verbally request a Snow Much Fun game ticket. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize.

(f) To purchase a ticket at a Pennsylvania Lottery self-service terminal, the player must insert into the self-service terminal a dollar amount equal to the total purchase price of a Snow Much Fun game ticket and select the Snow Much Fun option on the Lottery self-service terminal. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize.

5. *Pennsylvania Snow Much Fun game ticket characteristics*:

(a) A Snow Much Fun ticket shall contain a play area, the cost of the play, the date of sale, and a bar code. Each ticket consists of four "GAME" areas.

(b) *Play Symbols*: Each Snow Much Fun game ticket play area will contain a "WINNING NUMBER" area, a "YOUR NUMBERS" area and four "GAME" areas. Arrows above each column of "YOUR NUMBERS" display the multiplier assigned to the play symbols that appear in each column. The arrows are labeled "1X," "2X" and "3X." The "YOUR NUMBERS" area consists of play symbols that appear in either a Snowman or a "SNOWFLAKE." The play symbols located in the "WINNING NUMBER" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWNIN), 30 (THIRT), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN), and 40 (FORT). The play symbols located in the "YOUR NUMBERS" area, that can appear in either a Snowman or a "SNOWFLAKE," are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWNIN), 30 (THIRT), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN), and 40 (FORT).

(c) *Prize Symbols*: The prize symbols and their captions located to the right of the four "GAME" areas are: \$2.<sup>00</sup> (TWO DOL), \$4.<sup>00</sup> (FOR DOL), \$5.<sup>00</sup> (FIV DOL), \$10.<sup>00</sup> (TEN DOL), \$15.<sup>00</sup> (FIFTEEN), \$20.<sup>00</sup> (TWENTY), \$30.<sup>00</sup> (THIRTY), \$50.<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$500 (FIV HUN) and \$10,000 (TEN THO).

(d) *Prizes*: The prizes that can be won in this game are: \$2, \$4, \$5, \$10, \$15, \$20, \$30, \$50, \$100, \$200, \$500 and \$10,000. A player can win up to four times on a ticket.

(e) *Approximate number of tickets available for the Game*: Approximately 2,400,000 tickets will be available for sale for the Snow Much Fun lottery game.

6. *Second-Chance Drawing*: The Pennsylvania Lottery will conduct a Holly Jolly Second-Chance Drawing for which non-winning Snow Much Fun lottery game tickets may be eligible as provided for in section 9.

7. *Prizes available to be won and determination of prize winners*:

(a) All Snow Much Fun prize payments will be made as one-time, lump-sum cash payments.

(b) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols, appearing in a Snowman, match the "WINNING NUMBER" play symbol in any "GAME," and a prize symbol of \$10,000 (TEN THO) appears in the "PRIZE" area to the right of that "GAME," with the matching "YOUR NUMBERS" play symbol appearing in the 1X multiplier column, on a single ticket, shall be entitled to a prize of \$10,000.







matching "YOUR NUMBERS" play symbol appearing in the 1X multiplier column, on a single ticket, shall be entitled to a prize of \$4.

(ll) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols, appearing in a Snowman, match the "WINNING NUMBER" play symbol in any "GAME," and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears in the "PRIZE" area to the right of that "GAME," with the matching "YOUR NUMBERS" play symbol appearing in the 2X multiplier column, on a single ticket, shall be entitled to a prize of \$4.

(mm) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols, appearing in a Snowman, match the "WINNING NUMBER" play symbol in any "GAME," and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears in the "PRIZE" area to the right of that "GAME," with the matching "YOUR NUMBERS" play symbol appearing in the 1X multiplier column, on a single ticket, shall be entitled to a prize of \$2.

8. *Number and description of prizes and approximate chances of winning.* The following table sets forth the approximate number of winners, amounts of prizes, and approximate chances of winning:

<i>When Any Of YOUR NUMBERS Match The WINNING NUMBER For That GAME, Multiply The Prize By The Multiplier Shown For That Column And Win That Amount. Win With:</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 2,400,000 Tickets</i>
\$2	\$2	9.52	252,000
\$2 × 2	\$4	66.67	36,000
\$2 w/ 2X	\$4	20	120,000
\$4	\$4	66.67	36,000
\$5	\$5	35.71	67,200
\$5 × 2	\$10	200	12,000
(\$4 × 2) + \$2	\$10	200	12,000
\$5 w/ 2X	\$10	200	12,000
\$10	\$10	200	12,000
SNOWFLAKE w/ ((\$4 × 2) + \$5 + \$2)	\$15	333.33	7,200
\$5 × 3	\$15	10,000	240
\$10 + \$5	\$15	10,000	240
(\$5 w/ 2X) + \$5	\$15	2,000	1,200
\$5 w/ 3X	\$15	277.78	8,640
\$15	\$15	3,333	720
SNOWFLAKE w/ ((\$4 × 2) + \$10 + \$2)	\$20	500	4,800
SNOWFLAKE w/ (\$5 × 4)	\$20	500	4,800
(\$5 w/ 2X) × 2	\$20	2,000	1,200
(\$4 w/ 3X) + (\$4 × 2)	\$20	2,000	1,200
\$10 w/ 2X	\$20	2,000	1,200
\$20	\$20	2,000	1,200
SNOWFLAKE w/ ((\$10 × 2) + (\$5 × 2))	\$30	10,000	240
\$15 × 2	\$30	10,000	240
\$20 + \$10	\$30	10,000	240
(\$5 w/ 3X) + \$10 + \$5	\$30	2,500	960
(\$10 w/ 2X) + (\$5 × 2)	\$30	10,000	240
\$30	\$30	5,000	480
SNOWFLAKE w/ ((\$5 × 2) + (\$20 × 2))	\$50	4,000	600
SNOWFLAKE w/ ((\$10 × 2) + (\$15 × 2))	\$50	4,000	600
\$30 + \$20	\$50	24,000	100
(\$10 w/ 3X) + (\$10 × 2)	\$50	6,000	400
(\$10 w/ 2X) + \$30	\$50	6,000	400
(\$15 w/ 3X) + \$5	\$50	6,000	400
\$50	\$50	12,000	200



<i>When Any Of YOUR NUMBERS Match The WINNING NUMBER For That GAME, Multiply The Prize By The Multiplier Shown For That Column And Win That Amount. Win With:</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 2,400,000 Tickets</i>
SNOWFLAKE w/ (( $\$15 \times 2$ ) + $\$50$ + $\$20$ )	\$100	8,000	300
SNOWFLAKE w/ (( $\$30 \times 3$ ) + $\$10$ )	\$100	8,000	300
SNOWFLAKE w/ (( $\$30 \times 2$ ) + ( $\$20 \times 2$ ))	\$100	8,000	300
( $\$30$ w/ 2X) + ( $\$20$ w/ 2X)	\$100	40,000	60
( $\$10$ w/ 3X) + $\$50$ + $\$20$	\$100	40,000	60
$\$50$ w/ 2X	\$100	40,000	60
\$100	\$100	60,000	40
SNOWFLAKE w/ ( $\$50 \times 4$ )	\$200	24,000	100
( $\$50$ w/ 3X) + $\$30$ + $\$20$	\$200	24,000	100
( $\$50$ w/ 2X) + $\$100$	\$200	120,000	20
$\$100$ w/ 2X	\$200	120,000	20
\$200	\$200	120,000	20
SNOWFLAKE w/ (( $\$100 \times 3$ ) + $\$200$ )	\$500	240,000	10
SNOWFLAKE w/ (( $\$200 \times 2$ ) + ( $\$50 \times 2$ ))	\$500	240,000	10
( $\$100$ w/ 3X) + ( $\$100$ w/ 2X)	\$500	240,000	10
( $\$200$ w/ 2X) + $\$100$	\$500	240,000	10
\$500	\$500	240,000	10
\$10,000	\$10,000	240,000	10

When any of "YOUR NUMBERS" are in a "SNOWFLAKE" and match the WINNING NUMBER for that GAME, win all 4 prizes shown. "SNOWFLAKE" wins are not multiplied.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Second-Chance Drawing:* Pennsylvania Lottery's Holly Jolly Second-Chance Drawing for qualifying Fast Play Lottery game tickets (hereafter, the "Drawing").

(a) *Qualifying Tickets:* Non-winning PA-5070 Holiday Tree Farm (\$5); PA-5071 Snow Much Fun (\$2); and PA-5072 Ho Ho Ho Tic-Tac-Toe (\$1) Fast Play Lottery game tickets ("Qualifying Tickets") are eligible for entry in the Drawing.

(b) *Participation and entry:*

(1) Entrants must be members of the Pennsylvania Lottery VIP Players Club to participate in the Drawing. To join the VIP Players Club, visit <http://www.palottery.state.pa.us/vipplayersclub/login.aspx>. Becoming a VIP Players Club member is free.

(2) To enter the Drawing, entrants must submit the identifying information from at least one Qualifying Ticket via the Drawing's promotional web site, available at <http://www.palottery.com>, or the Pennsylvania Lottery's official mobile application during the entry period. The identifying information from a Qualifying Ticket may be submitted only once in the Drawing. No other method of submission will be accepted, and entries submitted using any other method, including entries mailed or hand-delivered to the Pennsylvania Lottery, are not valid and will be disqualified.

(3) Each entry must be complete and the information supplied by the entrant must be accurate. Incomplete entries cannot be accepted.

(4) Only one claimant per entry is allowed.

(5) Entrants must be 18 years of age or older.

(6) Players may submit the identifying information from an unlimited number of Qualifying Tickets in the Drawing.

(7) Once an entry has been submitted it cannot be withdrawn or changed.

(c) *Drawing description:*

(1) The Lottery will conduct one Holly Jolly Second-Chance Drawing for qualifying Fast Play Lottery game tickets. All time references are Eastern Prevailing Time.

(2) All entries received after 11:59:59 p.m. November 4, 2019, through 11:59:59 p.m. January 2, 2020, will be entered into the Drawing to be held between January 3, 2020 and January 14, 2020.

(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 five or ten (hereafter the "Entry Multiplier 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 Multiplier Prize, if applicable. The respective purchase price and corresponding number of entries for the Qualifying Ticket is as follows: PA-5070 Holiday Tree Farm (\$5) = five entries;



PA-5071 Snow Much Fun (\$2) = two entries; and PA-5072 Ho Ho Ho Tic-Tac-Toe (\$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:*

Qualifying Tickets:	Approximate Number of Entry Multiplier Prizes:		Approximate Odds of Winning a 5X or 10X Multiplier Are 1 In:	
	5X	10X	5X	10X
Holiday Tree Farm	351,134	175,567	5	10
Snow Much Fun	180,162	360,324	10	5
Ho Ho Ho Tic-Tac-Toe	182,231	364,462	10	5

(3) The Lottery will conduct one Drawing from among all the entries received during the entry period as described in section 9(c)(2).

(i) The first entry selected in the Drawing will be a winning entry and the entrant who submitted the winning entry shall be entitled to a prize of \$100,000, less required income tax withholding.

(ii) The second entry selected in the Drawing will be a winning entry and the entrant who submitted the winning entry shall be entitled to a prize of \$50,000, less required income tax withholding.

(iii) The third through the seventh entries selected in the Drawing will be winning entries and the entrants who submitted the winning entries shall each be entitled to a prize of \$10,000, less required income tax withholding.

(iv) The eighth through the fifty-seventh entries selected in the Drawing will be winning entries and the entrants who submitted the winning entries shall each be entitled to a prize of \$100 iLottery Bonus Money.

(4) All prizes will be paid as lump-sum cash payments or uploaded to a winning player’s Lottery 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

(1) The prize entitlements described below are subject to all restrictions and limitations described in section 9(e), or mentioned anywhere else in these rules.

(2) The following table sets forth the approximate number of Entry Multiplier Prizes and the approximate odds of winning an Entry Multiplier Prize:

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 9(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 Lottery account.

(15) Prizes are not transferrable.

(16) Other restrictions may apply.

10. *Ticket responsibility:*

(a) A Fast Play lottery game ticket is a bearer document deemed to be owned by the person holding the game ticket, except that if a name is contained on the back of the game ticket, the person so named will, for all purposes, be considered the owner of the game ticket.

(b) The holder of a Fast Play lottery game ticket has the sole responsibility for checking the accuracy and condition of the data printed on the game ticket.

(c) The Commonwealth shall not be responsible for a lost or stolen Fast Play lottery game ticket, or for a Fast Play ticket redeemed by a player in error.

11. *Ticket validation and requirements:*

(a) *Valid Fast Play lottery game tickets.* To be a valid Fast Play lottery game ticket, the presented game ticket must meet the following requirements:

(1) The game ticket's bar code shall be present in its entirety.

(2) The game ticket must be intact.

(3) The game ticket may not be mutilated, altered, reconstituted or tampered with.

(4) The game ticket may not be counterfeit or a duplicate of a winning ticket.

(5) The game ticket must have been validly issued.

(6) The game ticket data shall have been recorded on the Lottery Central Computer System and the game ticket data shall match the computer record in every respect.

(7) The game ticket must not be defectively printed or printed or produced in error such that it cannot be processed or validated by the Lottery.

(8) The game ticket must pass other confidential security checks of the Lottery.

(b) *Invalid or defective game tickets:* A game ticket not passing the validation requirements in subsection (a) will be considered invalid and no payment will be made on account of any play recorded thereon. The determination of the Secretary in this regard is final.

12. *Procedures for claiming and payment of prizes:*

(a) A prize may be claimed through an authorized retailer or the Lottery, as provided in this section. A prize must be claimed within 1 year of the sale date of the Fast Play lottery game ticket.

(b) An authorized retailer is authorized to pay prizes of \$2,500 or less. The holder of a game ticket evidencing a winning play representing a prize of \$2,500 or less may be paid by a participating authorized retailer if a proper validation pay ticket was issued by the retailer's Lottery Terminal.

(c) The holder of a game ticket evidencing a winning play representing a prize in excess of \$2,500 may present the game ticket to an authorized retailer, Lottery District Office, or Lottery Headquarters.

(d) The holder of a game ticket evidencing a winning play shall present the ticket, in person, to an authorized retailer, Lottery Headquarters or a Lottery District Office. The retailer or the Lottery will issue payment if:

(1) The game ticket is scanned and the play is validated through the Lottery Terminal or the Lottery Central Computer System;

(2) A claim form is properly and fully completed;

(3) The identification of the claimant is confirmed; and

(4) The winning ticket has not expired, pursuant to this section or section 14 (relating to unclaimed prizes).

(e) The Commonwealth shall not be responsible for a winning play paid in error by an authorized retailer.

(f) In the event a prize described in these rules is not available, the Lottery may either provide a substitute prize, determined by the Secretary to have an equivalent value to the prize won, or make a cash payment to the winner, in an amount determined by the Secretary to have an equivalent value to the prize won.

13. *Funding for prizes:* Moneys will be drawn from the State Lottery Fund, to the extent necessary, to fund the payment of prizes under this section. If this lottery game is terminated for any cause, prize moneys remaining undistributed will remain in the State Lottery Fund and used for purposes otherwise provided for by law.

14. *Unclaimed prizes:* Unclaimed prize money on winning Fast Play lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto for 1 year from the sale date of the Fast Play lottery game ticket. If no claim is made within 1 year from the sale date of the Fast Play lottery game ticket, the right of a ticket holder to claim the prize represented by that ticket, if any, shall expire.

15. *Purchase and prize restrictions:* A Fast Play lottery game ticket may not be purchased by, and a prize may not be paid, to an officer or employee of the Lottery, Lottery professional services contractors or subcontractors, or to a spouse, child, brother, sister or parent residing in the same household of an officer, employee, contractor or subcontractor who is involved in the production, distribution or operation of systems for the validation or accounting of Fast Play games.

16. *Governing law:*

(a) By purchasing a ticket, the purchaser agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), this notice, instructions, conditions and final decisions of the Secretary, and procedures established by the Secretary for the conduct of the Fast Play Snow Much Fun lottery game.

(b) Decisions made by the Secretary, including the declaration of prizes and the payment thereof, in interpretation of this notice are final and binding on players and persons making a claim in respect thereof.

17. *Retailer compensation:*

(a) Authorized retailers may be entitled to compensation as determined by the Lottery.

(b) No authorized retailer or employee of an authorized retailer shall request, demand, or accept gratuities or any compensation other than as provided in subsection (a) in exchange for the performance of duties authorized pursuant to the Lottery retailer's license without the Lottery's prior written authorization.

18. *Retailer Incentive Programs:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Fast Play Snow Much Fun lottery game tickets.

19. *Retailer bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania Fast Play lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after the Fast Play game ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery Fast Play game ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

20. *Termination of the game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Snow Much Fun or through normal communications methods.

21. *Applicability:* This notice applies only to the Snow Much Fun lottery game announced in this notice.

C. DANIEL HASSELL,  
*Secretary*

[Pa.B. Doc. No. 19-1651. Filed for public inspection November 1, 2019, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

### Silver Lake Township Municipal Authority v. Department of Environmental Protection; EHB Doc. No. 2019-120-M

Silver Lake Township Municipal Authority has appealed the issuance by the Department of Environmental Protection of NPDES Permit No. PA0060461 to Silver Lake Township Municipal Authority for a facility known as Laurel Lake WWTP located in Silver Lake Township, Susquehanna County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the Pennsylvania AT&T Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

THOMAS W. RENWAND,  
*Chairperson*

[Pa.B. Doc. No. 19-1652. Filed for public inspection November 1, 2019, 9:00 a.m.]

## HEALTH CARE COST CONTAINMENT COUNCIL

### Meeting Scheduled

The Health Care Cost Containment Council (Council) has scheduled the following meeting by conference call: Thursday, November 7, 2019—Council meeting at 10 a.m.

The meeting by conference call will be held at 225 Market Street, Suite 400, Harrisburg, PA 17101. The public is invited to attend. Persons who need accommodation due to a disability and wish to attend should contact Reneé Greenawalt at (717) 232-6787 at least 24 hours in advance so that arrangements can be made.

JOE MARTIN,  
*Executive Director*

[Pa.B. Doc. No. 19-1653. Filed for public inspection November 1, 2019, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Action Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10 a.m., Thursday, October 17, 2019, and announced the following:

*Regulation Deemed Approved Pursuant to Section 5(g) of the Regulatory Review Act—Effective October 16, 2019*

Environmental Quality Board # 7-551: Additional Requirements for Control of Fine Particulate Matter in the Nonattainment New Source Review Program (amends 25 Pa. Code Chapters 121 and 127)

GEORGE D. BEDWICK,  
*Chairperson*

[Pa.B. Doc. No. 19-1654. Filed for public inspection November 1, 2019, 9:00 a.m.]



## INDEPENDENT REGULATORY REVIEW COMMISSION

### Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations. They are scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA at 10 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or it can be viewed on the Commission's web site at [www.irrc.state.pa.us](http://www.irrc.state.pa.us).

<i>Final-Form Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
12-106	Department of Labor and Industry Minimum Wage	10/17/19	11/21/19
57-323	Pennsylvania Public Utility Commission Assumption of Commission Jurisdiction Over Pole Attachments from the Federal Communications Commission	10/21/19	11/21/19

GEORGE D. BEDWICK,  
*Chairperson*

[Pa.B. Doc. No. 19-1655. Filed for public inspection November 1, 2019, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Insurance Department and Health Insurance Exchange Authority Guidance Regarding Compliance in Marketplace Activities; Notice 2019-07

The Pennsylvania Insurance Department and the Pennsylvania Health Insurance Exchange Authority are jointly issuing this guidance to insurance producers and exchange assisters. For the 2020 coverage year, including the open enrollment period beginning November 1, 2019, Pennsylvania will be operating as a State-Based Exchange on the Federal Platform. This means that eligibility and enrollment activities will occur through [HealthCare.gov](http://HealthCare.gov). Accordingly, this guidance is being issued to inform and remind insurance producers and exchange assisters that it is the expectation of the Department and the Authority that they will comply with all applicable federal and state laws and regulations, including the Marketplace annual training requirements for producers, as described at <https://www.cms.gov/CCIIO/Programs-and-Initiatives/Health-Insurance-Marketplaces/Plan-Year-2020-Registration-and-Training.html>, and the Marketplace annual training requirements for exchange assisters, as described at <https://marketplace.cms.gov/technical-assistance-resources/training-materials/launch-of-py2020-ffe-assister-training.pdf>.

Questions concerning this guidance may be directed to either: the Pennsylvania Insurance Department, Licensing Service Division, Office of Market Regulation, or the Pennsylvania Health Insurance Exchange Authority, at 1326 Strawberry Square, Harrisburg, PA 17120, or [RA-IN-healthexhasst@pa.gov](mailto:RA-IN-healthexhasst@pa.gov).

ZACHARY SHERMAN,  
*Exchange Director*

JESSICA K. ALTMAN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 19-1656. Filed for public inspection November 1, 2019, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Senior Health Insurance Company of Pennsylvania (SERFF # SHPT-132068140); Rate Increase Filing for Several LTC Forms

Senior Health Insurance Company of Pennsylvania is requesting approval to increase the premium 30% on 3,406 policyholders with LTC forms 10853, 10922, 10955, 11001, AI, CSHIC-5000, CSHIC-5001, CSHIC-5002, CSHIC-5003, CSHIC-5004, CSHIC-5005, CIS-85, CSN, ATL-FQ-HHC, ATL-FQ-LTC, ATL-FQ-NH, ATL-HHC-1, ATL-HHC-2, ATL-HHC-3, ATL-HHC-4, ATL-HHC-87, ATL-LTC-1, ATL-LTC-2, ATL-LTC-3, ATL-LTC-5, ATL-LTC-6, ATL-LTC-8, ATL-LTC-89, NCP, ATL-NFQ-HHC, ATL-NFQ-LTC, ATL-NFQ-NH, NHP-1, WD, WDI and TPM. This increase applies only to policies without a 5% compound lifetime inflation rider.

Unless formal administrative action is taken prior to January 6, 2020, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov) (hover the cursor over the "Consumers" tab, then select "Long Term Care Rate Filings").

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, [jlaverty@pa.gov](mailto:jlaverty@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JESSICA K. ALTMAN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 19-1657. Filed for public inspection November 1, 2019, 9:00 a.m.]



## INSURANCE DEPARTMENT

### Senior Health Insurance Company of Pennsylvania (SERFF # SHPT-132096366); Rate Increase Filing for LTC Form 45666

Senior Health Insurance Company of Pennsylvania is requesting approval to increase the premium 30% on 29 policyholders with LTC form 45666. This increase applies only to policies without a 5% compound lifetime inflation rider.

Unless formal administrative action is taken prior to January 6, 2020, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov) (hover the cursor over the "Consumers" tab, then select "Long Term Care Rate Filings").

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, [jlaverty@pa.gov](mailto:jlaverty@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JESSICA K. ALTMAN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 19-1658. Filed for public inspection November 1, 2019, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Transamerica Life Insurance Company (SERFF # SHPT-132096307); Rate Increase Filing for LTC Form D425

Transamerica Life Insurance Company is requesting approval to increase the premium 30% on 102 policyholders with LTC form D425 PA. This increase applies only to policies without a 5% compound lifetime inflation rider.

Unless formal administrative action is taken prior to January 6, 2020, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov) (hover the cursor over the "Consumers" tab, then select "Long Term Care Rate Filings").

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, [jlaverty@pa.gov](mailto:jlaverty@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JESSICA K. ALTMAN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 19-1659. Filed for public inspection November 1, 2019, 9:00 a.m.]

## OFFICE OF OPEN RECORDS

### Right-to-Know Law and Sunshine Law Annual Training

The Office of Open Records (OOR) is conducting its annual training on the Right-to-Know Law (RTKL) (65 P.S. §§ 67.101—67.3104) and 65 Pa.C.S. §§ 701—716 (relating to Sunshine Act) on Thursday, November 7, 2019, from 1:30 p.m. to 4 p.m. in the Capitol Media Center. This year's training will include four sessions followed by a question and answer period. The sessions are:

- \* A review and discussion of the latest court decisions involving the RTKL, including an overview of what's on the legal horizon regarding upcoming cases on the courts' dockets and significant issues for attorneys.

- \* An updated overview of the OOR's proposed RTKL regulations and the regulatory process.

- \* A discussion of the upcoming OOR Docketing System, which will be rolled out in the coming months, and provide a hands-on tutorial. The new Docketing System is designed to make the RTKL appeal process smoother for all parties.

- \* A review with up-to-date information on the Commonwealth's Sunshine Act, which governs access to public meetings.

The OOR's annual training is free and open to everyone. To register, visit <https://oor-training-2019.eventbrite.com>. (While everyone is welcome to attend, those most likely to benefit include elected and appointed public officials, agency open records officers and attorneys who regularly deal with the RTKL or the Sunshine Act, or both. The OOR will schedule separate sessions to focus on issues more of interest to requesters.)

The training can be attended in person or online by means of the webinar.

This program is approved for two substantive CLE credits.

ERIK ARNESON,  
*Executive Director*

[Pa.B. Doc. No. 19-1660. Filed for public inspection November 1, 2019, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Future Sale or Acquisition of Property and Affiliated Interest Agreement

**A-2019-3013696 and G-2019-3013697. PECO Energy Company.** Application of PECO Energy Company for approval of: 1) the future sale or acquisition of property under a multi-utility agreement known as the RESTORE Agreement; and 2) the RESTORE Agreement as an affiliated interest agreement.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before Monday, November 18, 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.

*Applicant:* PECO Energy Company

*Through and By Counsel:* Ward L. Smith, Esquire, Assistant General Counsel, PECO Energy Company, 2301 Market Street, S23-1, Philadelphia, PA 19103

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 19-1661. Filed for public inspection November 1, 2019, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Implementation of Act 120 of 2018; Doc. No. M-2019-3013286

On October 24, 2018, Governor Wolf signed into law Act 120 of 2018, which amended the Public Utility Code regarding the accelerated replacement of customer-owned lead water service lines (LSLs) and damaged wastewater laterals (DWWLs). This new provision of the Public Utility Code establishes a uniform standard under which utilities may seek to replace customer-owned LSLs and DWWLs and recover costs associated with replacement.<sup>1</sup>

By Joint Motion adopted on October 3, 2019, the Commission directed its Bureau of Technical Utility Services (TUS) and Law Bureau (LAW) to develop recommendations for additional parameters for customer-owned LSL and DWWL replacement programs.<sup>2</sup> The Commission further directed TUS and LAW to convene a working group and solicit responses to directed questions in order to gather information and stakeholder input on how the Commission may develop uniform procedures to address customer-owned LSL and DWWL replacement issues facing regulated utilities. Upon completion of the work group process, TUS and LAW are to provide a written recommendation to the Commission by March 31, 2020.

The Joint Motion directs TUS and LAW to, at a minimum, invite all Class A water and wastewater utilities and certain named stakeholders to attend the proposed working group and to provide all parties with directed questions for comment. Other interested parties are also permitted to participate. While it is expected that Class A water and wastewater utilities will participate, this Secretarial Letter extends the invitation to provide comments for the directed questions to all interested parties. The directed questions are attached to this letter as Attachment 1.

The Commission requests all responses to the directed questions in Attachment 1 be submitted by November 22, 2019. Responses should include a cover letter identifying the party providing the comment(s) and should reference the above-captioned docket number. Please send all responses to the Secretary of the Commission at the following address:

Secretary, Pennsylvania Public Utility Commission  
400 North Street, 2nd Floor  
Harrisburg, PA 17120

<sup>1</sup> 66 Pa.C.S. § 1311(b).

<sup>2</sup> See Joint Motion of Chairman Gladys Brown Dutrieuille and Commissioner John F. Coleman, Jr.—Implementation of Act 120 of 2018, at Docket No. M-2019-3013286.

The Act 120 Working Group workshop will be held on December 19, 2019 at 1:30 p.m. in Hearing Room 1, Commonwealth Keystone Building, Second Floor, 400 North Street, Harrisburg, PA 17120. Stakeholders who wish to actively participate in the discussion should plan to attend the meeting in person. Issues to be addressed in the workshop will be based upon responses received to the directed questions, including additional issues or concerns raised in comments.

If you plan to attend the meeting, please RSVP to [pc-act120implementation@pagov.onmicrosoft.com](mailto:pc-act120implementation@pagov.onmicrosoft.com) by December 12, 2019. Please direct any questions you have about the meeting to this e-mail address. NOTE: Should any contested Act 120 proceedings commence during the pendency of working group activities, parties are reminded to maintain a generic discussion to comply with ex parte rules under 66 Pa.C.S. § 334(c).

ROSEMARY CHIAVETTA,  
*Secretary*

Attachment 1  
Bureau of Technical Utility Services  
Water/Wastewater Division  
Directed Questions Set 1.  
M-2019-3013286

#### Implementation of Act 120 of 2018

Note: Section headers provided below are intended to organize topics and are not intended to limit or influence responses to directed questions. Please restate the directed question prior to providing a response. References to LSLs and DWWLs below are intended to reference customer-owned LSLs and/or DWWLs, unless specifically identified as company-owned LSLs and/or DWWLs.

#### *Planning and Reporting*

M-1 What information should utilities seeking to replace LSLs and DWWLs provide in a distinct comprehensive replacement plan or as integrated elements within their long-term infrastructure improvement plans (LTIIPs)?

M-2 What are the most effective methodologies for completing a thorough study to locate and identify LSLs and DWWLs within a utility's service territory?

M-3 What would be a reasonable timeframe, based upon a concerted effort, for a utility to identify all the LSLs within its service territory via historical records, city permits, direct visual inspections and other such means early in an LSL replacement plan's schedule as part of a utility's LTIIP?

M-4 What are the best practices and avenues for reporting and/or communicating the results of a thorough study to locate and identify LSLs and DWWLs within a utility's service territory?

M-5 Other than annual asset optimization plans filed pursuant to 66 Pa. C.S. § 1356, what is/are the most effective means of reporting the progress of LSL and DWWL replacement program efforts, including the number of LSL and/or DWWL replacements, the size and length of pipe removed, the cost per service, the location of removal, site conditions, etc.

#### *Communications*

M-6 What information should be provided to customers that are or may be affected by a known or suspected LSL or DWWL (e.g., The utility's replacement schedule, the material type of the company owned service line, etc.)?

M-7 How and when should information be provided to customers that are or may be affected by a known or suspected LSL or DWWL? Discussions may include, but

are not limited to, providing information in a website portal and/or printed materials, sending out materials at periodic intervals and/or providing materials when a customer completes an application for service.

M-8 What information, if any, should the utility provide a municipality about the number of known and suspected LSLs within its jurisdictional boundaries and the potential schedule for replacement?

M-9 What processes and procedures should utilities follow based upon a customer's acceptance of an LSL or DWWL replacement?

M-10 What content should be included in notices to utility customers when a utility files a new tariff or tariff supplement pursuant to 66 Pa. C.S. § 1308 to replace LSLs and DWWLs?

#### *Replacements*

M-11 What are the best ways to prioritize LSL replacements outside of scheduled main replacement and relocation projects to allow for a proactive and distinct LSL replacement program in an efficient and effective manner?

M-12 Should priority LSL replacement scheduling be provided for customers where water is/will likely be consumed by sensitive populations (e.g., children in schools or day-care centers, pregnant women, etc.), what criteria should make a customer eligible for prioritization and how should utilities obtain this information?

M-13 Describe the considerations and replacement procedure of an LSL on a property where the site conditions would be conducive to a standard approach?

M-14 Describe the considerations and replacement procedure of an LSL on a property where the site conditions would require the utility to take unique or extraordinary efforts?

M-15 Should the Commission establish a cap on the amount a utility is permitted to invest in a LSL or DWWL replacement for a customer, what should this amount be and would it be reasonable to establish this cap based on a customer's meter size?

#### *Refusals*

M-16 What processes or procedures should utilities follow based upon a customer's refusal of a LSL replacement, including:

a. Should there be any implications for residential real estate property where the presence of an LSL is identified but the current property owner refuses to voluntarily and affirmatively collaborate with the public utility in question in the replacement of such identified LSL (e.g., filing of notices with appropriate municipal authorities and property registration records whether the LSL and the corresponding company-owned LSL have been identified and have or have not been replaced)?

b. Should utilities install a backflow prevention device on the company's service line and/or terminate service to the customer if an LSL is not replaced within a reasonable period?

M-17 What processes or procedures should utilities follow based upon a customer's refusal of a DWWL replacement?

M-18 If a customer refuses to accept full replacement of a LSL, what considerations should be addressed to reduce potential liabilities for the utility and its ratepayers?

M-19 Considering health implications associated with partial LSL replacements, should Company-owned LSLs be replaced where a customer refuses to allow replace-

ment of the customer-owned LSL and, if so, what additional procedures should a utility follow than those previously discussed?

M-20 When a number of LSLs are identified within a municipal boundary, should the utility seek legislative support regarding LSLs from the municipal entity to support a complete LSL replacement effort?

#### *1311(b) Analysis*

M-21 What is the appropriate definition of a DWWL?

M-22 What are reasonable standards, processes, and procedures for establishing the maximum number of LSLs and DWWLs that can be replaced annually?

M-23 What are reasonable standards, processes, and procedures for establishing a reasonable LSL or DWWL warranty term?

M-24 What are reasonable standards, processes, and procedures for establishing the amount and means for reimbursing customers that have replaced a LSL and/or DWWL within one year of commencement of a replacement project?

M-25 What constitutes customer LSL and DWWL projects as referenced in 66 Pa. C.S. 1311(vii)(B) and how would reimbursements be linked to the referenced project (e.g., proximity or direct impact)?

#### *Rates*

M-26 What benefits do LSL and DWWL replacements provide to each customer class, including the public and private fire protection, bulk/wholesale and industrial customer classes?

M-27 What benefits do utilities and ratepayers realize from LSL and DWWL replacements apart from a return on and of the utility's investment?

M-28 What is the applicable depreciation or amortization rate for LSL and DWWL replacement costs for DSIC purposes and would this change over the life of the investment?

M-29 What is the applicable depreciation or amortization rate for LSL and DWWL replacement costs for base rate purposes and would this change over the life of the investment?

M-30 When allocating LSL and DWWL replacement costs between customer classes, what guidelines should balance cost causation, benefits received and LSL/DWWL replacement program participation while ensuring just and reasonable rates?

M-31 When allocating LSL and DWWL replacement costs within a customer class, should customers with larger meters and greater consumption than the average member of their customer class have a lesser, equal or greater proportionate financial responsibility for LSL and DWWL replacement costs and should this responsibility be capped at a fixed amount for customers with meters larger than a certain size?

M-32 What alternative financial support sources exist for the replacement of LSLs and DWWLs, e.g., grants, and how should the potential and actual use of such funding sources be recognized by public utilities for accounting and ratemaking purposes in their respective LSL and DWWL replacement programs?

M-33 Should utilities be required to continually seek out alternative financial support sources to fund the replacement of LSL and DWWLs and how should these efforts be documented and/or reported?

M-34 Should utilities be required to submit and receive approval of a new tariff or a tariff supplement pursuant



to 66 Pa. C.S. § 1311(b)(v) before LSL and DWWL replacement costs are incorporated into a utility's LTIP?

[Pa.B. Doc. No. 19-1662. Filed for public inspection November 1, 2019, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Service of Notice of Household Goods Carrier 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 November 18, 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. Mubers Moving Corp.; Docket No. C-2018-3003688**

##### COMPLAINT

Now Comes the Bureau of Investigation and Enforcement ("I&E") of the Pennsylvania Public Utility Commission, by its prosecuting attorneys, pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, and files this Second Amended Formal Complaint ("Complaint") against Mubers Moving Corp. ("Mubers," "Company" or "Respondent") alleging violations of the Public Utility Code and attending Regulations. In support of its Complaint, I&E respectfully avers as follows:

##### *Parties and Jurisdiction*

1. The Pennsylvania Public Utility Commission ("PUC" or "Commission"), with a mailing address of 400 North Street, Harrisburg, PA 17120, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11). Complainant's counsel is as follows:

Christopher M. Andreoli  
Prosecutor  
chandreoli@pa.gov  
717.772.8582  
Michael L. Swindler  
Deputy Chief Prosecutor  
mswindler@pa.gov  
717.783.6369

3. Respondent is Mubers, with its most recent principal place of business at 5602 1st Avenue, Brooklyn, NY 11220.

4. Respondent holds itself out to be a household goods carrier, but it lacks Commission authority to provide or furnish transportation of household property for compensation within the Commonwealth as a common carrier by motor vehicle or a contract carrier by motor vehicle, pursuant to Sections 102 and 2501(b)(1) of the Public Utility Code. 66 Pa.C.S. §§ 102 and 2501(b)(1).

5. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

6. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission, inter alia, to hear and determine complaints against public utilities or companies holding themselves out to be a public utility for violations of any law or regulation that the Commission has jurisdiction to administer or enforce.

7. Section 3310 of the Public Utility Code, 66 Pa.C.S. § 3310, authorizes the Commission to impose civil penalties on any person or corporation operating as a common carrier by motor vehicle or as a contract carrier by motor vehicle without a certificate of public convenience, permit, or license authorizing the service performed. Section 3310(c) specifically provides that a civil penalty of Five Thousand Dollars (\$5,000) be imposed for a first violation of this section.

8. More specifically, pursuant to Section 3310(b) of the Public Utility Code, 66 Pa.C.S. § 3310(b), any unauthorized contract common carrier transporting household goods by motor vehicle shall be deemed in violation of this title and shall be ordered to pay an administrative penalty as prescribed in Section 3310(c). Section 3310(c) specifically provides that a civil penalty of Five Thousand Dollars (\$5,000) be imposed for a first violation of this section.

9. Respondent, by providing or furnishing the transportation of household property between points within the Commonwealth by motor vehicle for compensation is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations and orders. Consequently, Respondent is subject to Section 3310(b) of the Public Utility Code, 66 Pa.C.S. § 3310(b), and the corresponding penalty promulgated under Section 3310(c) of the Public Utility Code, 66 Pa.C.S. § 3310(c).

##### *Background*

10. On June 7, 2018, a resident of the Commonwealth ("Resident") entered into an agreement with Mubers to move her household property from 219 Mulberry Street, Bath, PA 18014 to 1405 Pittsburgh Street, Cheswick, PA 15024 ("1405 Pittsburgh Street"). The agreement included that an additional stop would be made along the way at 335 Massinger Street, Bangor, PA 18013. The moving estimate totaled One Thousand and Twenty Dollars (\$1,020). See Exhibit I&E-1.

11. The agreement stated that "Mubers Moving Corp (DOT # 2893157) is a moving carrier authorized by the Federal Government to transport an individual shipper's household goods." Id. However, Mubers' interstate authority to transport household goods had been revoked by the Federal Department of Transportation on September 25, 2017 and it remains revoked. See Exhibit I&E-2. Furthermore, Mubers was never issued a certificate of public convenience, permit, or license by the Commission authorizing such transportation of household property between points within the Commonwealth.

12. On June 30, 2018, Mubers picked up the Resident's household property as agreed upon. When the moving truck arrived at 1405 Pittsburgh Street, its employees refused to release the Resident's property unless she paid an additional One Thousand Six Hundred and Forty-Five Dollars (\$1,645). After the Resident refused to pay the additional amount, Mubers' employees left with her household property.

13. On July 8, 2018, the Commission received a complaint from the Resident against Mubers regarding the transportation of her household property between two points within Pennsylvania.



14. After several attempts, delivery was re-scheduled for July 26, 2018. Upon Mubers' arrival at 1405 Pittsburgh Street with the Resident's household property, two (2) of Mubers' employees were met by two (2) of the Commission's motor carrier enforcement officers and a local police officer. The two (2) enforcement officers remained with the Resident until the employees finished delivering her household property.

*Violation*

15. All allegations in paragraphs 1—14 are incorporated as if fully set forth herein.

16. Section 3310(b) of the Public Utility Code states that any person or corporation that operates as a common carrier or contract carrier by motor vehicle (as defined in 66 Pa.C.S. §§ 102 and 2501(b)) without a certificate of public convenience, permit, or license issued by the Commission authorizing such service performed, in violation of Section 3310(a), "shall be ordered to pay [a civil] penalty as prescribed in subsection (c)." 66 Pa.C.S. § 3310(b) (emphasis added).

17. Mubers violated Section 3310(a) and (b) of the Public Utility Code, 66 Pa.C.S. §§ 3310(a)-(b), by operating as a common carrier and/or contract carrier by motor vehicle without a certificate of public convenience, permit, or license issued by the Commission when it transported the Resident's household property between points within the Commonwealth for compensation.

18. Section 3310(c) of the Public Utility Code requires that "[t]he amount of the [civil] penalty under subsection (b) shall be \$5,000 for a first violation and \$10,000 for a second or subsequent violation." 66 Pa.C.S. § 3310(c) (emphasis added). As such, I&E's requested civil penalty is \$5,000 for this violation.

Wherefore, for all the foregoing reasons, the Bureau of Investigation and Enforcement of the Pennsylvania Public Utility Commission respectfully requests that, after consideration of the record, the Office of Administrative Law Judge and the Commission find Mubers Moving Corp. in violation of the only count as set forth herein, and Mubers Moving Corp. be assessed the statutorily mandated civil penalty of Five Thousand Dollars (\$5,000). Should Mubers Moving Corp. fail to pay the statutorily mandated civil penalty of Five Thousand Dollars (\$5,000) upon Order of the Commission, the Bureau of Investigation and Enforcement requests that this matter be referred to the Pennsylvania Office of Attorney General for appropriate action.

Respectfully submitted,  
Christopher M. Andreoli  
Prosecutor  
PA Attorney ID No. 85676

Michael L. Swindler  
Deputy Chief Prosecutor  
PA Attorney ID No. 43319

Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

Date: September 13, 2019

VERIFICATION

I, David W. Loucks, Chief of Enforcement, Bureau of Investigation and Enforcement, Motor Carrier 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 the Bureau of Investigation and

Enforcement will be able to prove the 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: 9/9/2019

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  
Commonwealth Keystone Building  
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:

Christopher M. Andreoli, Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

Or, emailed to Mr. Andreoli at: [chandreoli@pa.gov](mailto:chandreoli@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 requested relief.

C. You may elect not to contest this Complaint by paying the past due assessment and civil penalty within 20 days. Send only a certified check or money order made payable to the "Commonwealth of Pennsylvania," with the docket number indicated, and mailed to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

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 requested relief 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.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commissioner's ADA Coordinator at (717) 787-8714.

ROSEMARY CHIAVETTA,  
Secretary

[Pa.B. Doc. No. 19-1663. Filed for public inspection November 1, 2019, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission (Commission). Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Protests may only be filed if there is evidence that the applicant lacks fitness. Protests based on endangering or impairing operations of an existing carrier will not be honored. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120, with a copy served on the applicant by November 18, 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-2019-3013436. Health Star Personal Care Transportation, LLC** (13049 Frankstown Road, Penn Hills, Allegheny County, PA 15235) for the right to begin to transport, as a common carrier, by motor vehicles, persons in paratransit service, between points in Pennsylvania, excluding points in the Counties of Bucks, Chester, Delaware and Montgomery, and the City and County of Philadelphia.

**A-2019-3013602. Pramukh Transport Services, LLC, t/a Saferide Transport Services** (1417 Alexander Way, Bensalem, Bucks County, PA 19020) 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 Bucks, Chester and Montgomery, and the City and County of Philadelphia.

**A-2019-3013607. Asmara Bella Transportation, LLC** (1043 Surrey Road, Philadelphia, Philadelphia County, PA 19115) for the right to begin to transport, as a common carrier, by motor vehicle, persons in limousine service, from points in Montgomery County to points in Pennsylvania, and return; excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

**A-2019-3013657. Duda Transportation, LLC** (26581 Capp Road, Edinboro, PA 16412) to transport, as a common carrier, by motor vehicle, persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in the Counties of Crawford, Erie and Mercer, to points in Pennsylvania, and return.

**A-2019-3013661. Right Now Home Care, LLC** (2001 Market Street, Suite 2500, Philadelphia, PA 19103) persons, in paratransit service, limited to persons who require nonmedical transportation and who are unable to operate motor vehicles, between points in the City and County of Philadelphia.

#### Applications of the following for approval of the *beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods as described under each application.*

**A-2019-3013551. Maya's Movers, LLC** (3918 East Gate Drive, York, York County, PA 17402) household goods in use, between points in Pennsylvania.

**A-2019-3013637. Kane and Family Movers, LLC** (3618 River Road, Conestoga, Lancaster County, PA 17516) for the right to begin to transport, as a common carrier, by motor vehicle, household goods in use, between points in Pennsylvania.

**A-2019-3013640. T.S. Logistics, Inc.** (9125 Ashton Road, Philadelphia, Philadelphia County, PA 19114) for the right to begin to transport, as a common carrier, by motor vehicle, household goods in use, between points in Pennsylvania.

**A-2019-3013695. Reliable Movers, LLC, t/a Reliable Movers** (1137 West Tyler Street, Whitehall, Lehigh County, PA 18052) for the right to begin to transport, as a common carrier, by motor vehicle, household goods in use, between points in Pennsylvania.

#### Application of the following for approval to *begin operating as a broker for transportation of household goods in use as described under the application.*

**A-2019-3012898. Brier Moving Company, LLC** (242 Vassar Avenue, Clarks Green, Lackawanna County, PA 18411) for a brokerage license evidencing the Commission's approval of the right and privilege to operate as a broker, to arrange for the transportation of household goods in use, between points in Pennsylvania. *Attorney:* Patrick J. Brier, 425 Spruce Street, Suite 200, Scranton, PA 18503.

#### Application of the following for the approval of the *transfer of stock as described under the application.*

**A-2019-3013495. Godezi, LLC** (419 14th Street, Suite D1, Box 13, Huntingdon, Huntingdon County, PA 16652) for the approval of the transfer of ownership, from Adam Miller, to Daniel Christopher Toddes.

ROSEMARY CHIAVETTA,  
Secretary

[Pa.B. Doc. No. 19-1664. Filed for public inspection November 1, 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 November 18, 2019, and must be made with the Secretary, Pennsylvania Public Utility Commis-

sion, 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. JSW Transportation, LLC; Docket No. C-2019-3012886**

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 JSW Transportation, LLC, (respondent) is under suspension effective September 03, 2019 for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at 3133 Robert David Drive, Tobyhanna, PA 18466.
3. That respondent was issued a Certificate of Public Convenience by this Commission on July 26, 2016, at A-8918976.
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-8918976 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: 9/16/2019

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. Martin & Sons Trucking Incorporated; Docket No. C-2019-3012908**

**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 Martin & Sons Trucking Incorporated, (respondent) is under suspension effective September 05, 2019 for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at 1223 Main Street, East Earl, PA 17519.
3. That respondent was issued a Certificate of Public Convenience by this Commission on March 26, 2018, at A-8920583.
4. That respondent has failed to maintain evidence of Cargo insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500.00 and cancellation of the Certificate of Public Convenience.
5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500.00 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-8920583 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: 9/16/2019

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. Flynn Energy Transport, Inc.; Docket No. C-2019-3013102**

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 Flynn Energy Transport, Inc., (respondent) is under suspension effective September 13, 2019 for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at 1281 Mountain View Road, Towanda, PA 18848.
3. That respondent was issued a Certificate of Public Convenience by this Commission on May 01, 2009, at A-8910804.
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-8910804 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: 9/25/2019

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

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. Randy L. Whipple Trucking, LLC; Docket No. C-2019-3013105**

#### 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 del-

egated 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 Randy L. Whipple Trucking, LLC, (respondent) is under suspension effective September 14, 2019 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 8635 State Route 405, Milton, PA 17847.

3. That respondent was issued a Certificate of Public Convenience by this Commission on May 23, 2019, at A-8922131.

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-8922131 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: 9/25/2019

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

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. Sawmill Trucking, LLC; Docket No. C-2019-3013372**

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 Sawmill Trucking, LLC, (respondent) is under suspension effective September 26, 2019 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 19926 Middletown Road, Freeland, MD 21053.

3. That respondent was issued a Certificate of Public Convenience by this Commission on February 16, 2017, at A-8919328.

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-8919328 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: 10/7/2019

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, PA 17120

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](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. Twoz Logistics, LLC; Docket No. C-2019-3013377**

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 Twoz Logistics, LLC, (respondent) is under suspension effective September 27, 2019 for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at 21 Lincoln Street, Byrnedale, PA 15827.
3. That respondent was issued a Certificate of Public Convenience by this Commission on December 07, 2017, at A-8920400.
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-8920400 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: 10/7/2019

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

#### NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, PA 17120

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](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. G. Rodgers & Son Logging, LLC, t/a G. Rodgers Transport; Docket No. C-2019-3013361**

#### 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 G. Rodgers & Son Logging, LLC, t/a G. Rodgers Transport, (respondent) is under suspension effective September 25, 2019 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 165 Davis Road, Butler, PA 16002.

3. That respondent was issued a Certificate of Public Convenience by this Commission on July 26, 2018, at A-8921158.

4. That respondent has failed to maintain evidence of Liability and Cargo insurance on file with this Commis-

sion. 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-8921158 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: 10/7/2019

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

#### NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, PA 17120

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](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. 19-1665. Filed for public inspection November 1, 2019, 9:00 a.m.]

# PENNSYLVANIA BULLETIN

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Number 44

## Part II

This part contains the  
Rules and Regulations







# RULES AND REGULATIONS

## Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

### STATE BOARD OF CERTIFIED REAL ESTATE APPRAISERS

[ 49 PA. CODE CH. 36 ]

#### Federally-Mandated Revisions

The State Board of Certified Real Estate Appraisers (Board) hereby amends Chapter 36 to read as set forth in Annex A.

#### *Effective Date*

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

#### *Statutory Authority*

Section 5(1) of the Real Estate Appraisers Certification Act (act) (63 P.S. § 457.5(1)) authorizes the Board to pass upon the qualifications and fitness of applicants for certification or licensure and to adopt and revise rules and regulations requiring applicants for certification to pass examinations regarding qualifications for certification. Section 5(2) of the act authorizes the Board to adopt and revise rules and regulations as may be necessary to carry out the act. Under section 6 of the act (63 P.S. § 457.6), the Board is authorized to issue licenses and certificates to real estate appraisers who meet the minimum education and experience criteria established by the Appraiser Qualifications Board (AQB) of The Appraisal Foundation under Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA) (Pub.L. No. 101-73, 103 Stat. 183) (12 U.S.C.A. §§ 3331—3356).

FIRREA is the Federal legislation that established the broad framework by which state appraiser regulatory bodies are to credential licensed appraiser trainees and real estate appraisers in Federally-related transactions. The Appraisal Foundation, through the AQB, is charged under FIRREA with establishing the minimum initial education, continuing education, examination and experience requirements for state-credentialed appraisers. These minimum qualification criteria are binding on the Board. The AQB publication establishing the minimum education, experience, examination and continuing education requirements for real property appraisers is *The Real Property Appraiser Qualification Criteria* (AQB Qualification Criteria).

The act of July 7, 2016 (P.L. 474, No. 72) (Act 72) amended the act to implement AQB Qualification Criteria, including minimum requirements for licensed appraiser trainees. Section 4 of Act 72 added section 10(b.2) of the act (63 P.S. § 457.10(b.2)), which provides that licensed appraiser trainees are subject to the same continuing education requirements for licensure renewal as residential and general real estate appraisers.

#### *Background and Purpose*

This final-form rulemaking incorporates the mandated Federal amendments, including updates in qualification criteria for general and residential real estate appraisers and licensed appraiser trainees. This final-form rulemaking incorporates the May 1, 2018, AQB Qualification Criteria updates in postsecondary education, appraisal

education, experience, examinations, supervisory appraiser criteria and continuing education. This final-form rulemaking also requires applicants to submit an official criminal history record information check.

Historically, the Board has promulgated regulations by adopting the AQB Qualification Criteria almost verbatim in the regulations. The Board has determined that having two separate standards (the AQB Qualification Criteria and the Board regulations that restate the minimum qualification criteria) causes confusion among licensees and is difficult for the Board to administer. When Federal law changes or the AQB evaluates and modifies its minimum qualification criteria, the regulations are not immediately reflective of the new AQB Qualification Criteria because the Board must amend its regulations. The Board determined that it is more efficient and prudent to adopt and incorporate the AQB Qualification Criteria by reference, where practicable. By adopting and incorporating the AQB Qualification Criteria by reference, the Board eliminates the need to amend its regulations when the AQB updates or modifies the minimum qualification criteria. Where the Board requires more stringent standards than the Federal minimum standards, this final-form rulemaking adopts the AQB Qualification Criteria and incorporates the Board's more stringent standards.

#### *Summary of Comments and the Board's Response*

Notice of proposed rulemaking was published at 48 Pa.B. 3955 (July 7, 2018), with a 30-day public comment period. The Board received comments from the Appraisal Subcommittee of the Federal Financial Institutions Examination Council (ASC) and the Coalition of Pennsylvania Real Estate Appraisers (CPREA). The Board also received comments from the Independent Regulatory Review Commission (IRRC) as part of its review of the proposed rulemaking under the Regulatory Review Act. The Board did not receive comments from the House Professional Licensure Committee or the Senate Consumer Protection and Professional Licensure Committee.

#### *Generally*

ASC is the Federal agency responsible for the oversight of state appraiser regulatory programs. In drafting the proposed rulemaking, the Board worked closely with the ASC to ensure that its proposed regulatory amendments appropriately implement Federal requirements. The ASC audits the Board on a biennial basis and the Board works diligently to ensure compliance with those standards. The ASC submitted a comment supporting the Board's proposed rulemaking.

CPREA is the legislative arm of the Appraisal Institute in this Commonwealth and is the largest organization of professional appraisers in Pennsylvania. CPREA supports the proposed rulemaking and is specifically supportive of the technique/strategy of incorporating the AQB Qualification Criteria by means of reference rather than verbatim.

#### *§§ 36.11(e)(2) and 36.12(e)(2)—Experience*

The proposed amendments at §§ 36.11(e)(2) and 36.12(e)(2) (relating to qualifications for certification as residential real estate appraiser; and qualifications for certification as general real estate appraiser) would have required at least 50% of the total experience requirement to be in the actual preparation of real estate appraisal reports which includes physical inspection of interior and exterior of the subject properties. CPREA commented on

this proposed amendment and suggested increasing the number of hours in the actual preparation of real estate appraisal reports from 50% to 75% for both residential and general real estate appraisers. IRRC also commented regarding this issue and asked whether the Board considered requiring a higher percentage of actual preparation hours to account for the lower number of total hours required by the AQB Qualification Criteria. IRRC also asked the Board to explain why the number of hours of actual preparation of real estate appraisal reports required for both residential and general real estate appraisers is reasonable to protect the public health, safety and welfare.

While the AQB Qualification Criteria does not require a specified number of hours in the actual preparation of real estate appraisal reports, the Board has historically believed and continues to believe that the actual preparation of appraisal reports is a critical component of experience. The public relies upon the accuracy of professionally-prepared real estate appraisals in deciding to purchase or sell (and at what price) real estate, as well as whether to extend a loan secured by real estate. If the public is unable to rely upon the competency and professionalism of appraisers, the credibility of the profession is threatened, which undermines confidence in the real estate and financial markets which base their decisions on sound and credible real property appraisals.

For the residential real estate appraiser certification, the Board's existing regulation in § 36.11(e)(1) requires 2,500 hours of experience with 1,250 hours in the actual preparation of real estate appraisal reports which includes physical inspection of the interior and exterior of the subject properties. The 1,250 hours in actual preparation of real estate appraisal reports represents 50% of the total number of required experience hours. This final-form rulemaking adopting the updated AQB Qualification Criteria decreases the total required experience hours from 2,500 experience hours to 1,500 experience hours. For the general real estate appraiser certification, the Board's existing regulation in § 36.12(e)(1) requires 3,000 hours with 1,500 hours in the actual preparation of real estate appraisal reports which includes physical inspection of interior and exterior of the subject properties. The 1,500 hours in actual preparation of real estate appraisal reports represents 50% of the total number of required experience hours. For the general real estate appraiser certification, this final-form rulemaking adopting the AQB Qualification Criteria does not change the total experience hours required for general appraisers.

When the Board adopted the 50% standard in the proposed rulemaking, the Board considered and adopted the existing regulatory standard for the general and residential real estate appraisers (the equivalent of 50% for both general and residential real estate appraiser certifications). During its September 11, 2018, and March 6, 2019, Board meetings, the Board considered IRRC's comment and the concerns of CPREA. The Board discussed the updated AQB Qualification Criteria that decreases the residential real estate appraiser certification experience requirements and evaluated whether it is more appropriate and, in the public's best interest, to increase the number of hours in actual preparation of real estate appraisal reports to account for the lower number of hours. In doing so, the Board considered the underlying reasons for requiring a specified number of hours in actual preparation of real estate appraisal reports. For residential real estate appraisers, the Board historically required 1,250 hours in the actual preparation of appraisal reports to ensure that trainees receive sufficient

exposure to appraising different types of properties. Requiring a significant number of hours in the actual preparation of appraisal reports exposes trainees to different problems and issues that may arise in appraising properties. During the training period, trainees must develop appraisal skills, including online searches of properties and analysis of deeds and contracts. Trainees must also develop appraisal skills by using the sales comparison approach, the income approach and the cost approach. Another example of a skill requiring exposure to a variety of property types is rating the quality and condition of properties, as required in a standard Fannie Mae residential appraisal report form. In the Board's opinion, a trainee develops competence in rating the quality and condition of properties after being exposed to many different properties with different qualities and conditions. The Board believes trainees need to learn the theoretical aspects of appraising and must have significant experience in applying those methods and theories to actual properties. Obtaining a variety of experience through actual preparation of appraisal reports, under the supervision of a certified appraiser, develops those critical skills.

After considering the previous factors with regard to the residential real estate appraiser certification, the Board determined that increasing the number of hours of actual preparation of appraisal reports to 75% will provide sufficient training in the activity for which the licensed appraiser trainee will be certified—preparing appraisal reports. The increased percentage will provide a sufficient number of experience hours for development of basic skills that may be necessary prior to engaging in the actual preparation of real estate appraisal reports and will provide sufficient flexibility to obtain experience in other ways. The Board recognizes other types of experience hours that help develop appraisal competency, including fee and staff appraisals, ad valorem tax appraisal, review appraisals, case studies or practicum courses and research assistance in highest and best use analysis and feasibility analysis; however, experience in actual preparation of appraisal reports is an essential skill that must be developed throughout the training period. Accordingly, regarding the residential real estate appraiser certification, the Board amends § 36.11(e)(2) to require 75% of the total required experience hours in the actual preparation of real estate appraisal reports which includes physical inspection of the interior and exterior of the subject properties.

For general real estate appraisers, the Board does not support an increase in the number of hours in the actual preparation of appraisal reports. The final-form regulation in § 36.12(e)(2) requires 50% or 1,500 hours in the actual preparation of real estate appraisal reports. The Board believes this is a sufficient number of hours and is comparable to the number of hours required for residential real estate appraisers given the disparity between the total number of experience hours required for each certification.

#### *Clarity and Lack of Ambiguity*

IRRC questioned how the Board intends to notify the regulated community and applicants of changes in the AQB Qualification Criteria and asked whether the Board considered a mechanism for notification.

The Board currently has mechanisms in place for notification of AQB Qualification Criteria changes and will continue to implement these mechanisms upon publication of this final-form rulemaking. When AQB Qualification Criteria changes, the Board currently notifies



licensees and stakeholders by means of e-mail notices and newsletters and through notices on its web site. The Board takes steps to ensure that appropriate associations receive notification and the Board discusses all AQB Qualification Criteria changes in its public board meetings. Additionally, the Board's applications for initial certification, initial licensure and the supervisor registry contain information about and links to the AQB. The AQB web site does not require payment or subscription for AQB Qualification Criteria, but rather, is available to the public. Therefore, the Board is confident that the AQB Qualification Criteria is accessible to applicants, licensees and other stakeholders.

As suggested by IRRC, the Board amends this final-form rulemaking to include a notification requirement. The Board amends § 36.2 (relating to application process) by adding subsection (f). Under this provision, whenever the AQB adopts changes to the AQB Qualification Criteria, the Board will post a notice on the Board's web site, notify all licensees by means of e-mail, and announce the AQB Qualification Criteria changes at its next scheduled board meeting. Additionally, the Board may, in its discretion, publish notice of AQB Qualification Criteria changes in the *Pennsylvania Bulletin*.

#### *Other Amendments to this Final-form Rulemaking*

The following description includes changes other than those based on comments from IRRC and the public.

The Board amends § 36.1 (relating to definitions) to correct a typographical error in the definition of distance education. The proposed rulemaking provided examples of distance education to include "CD-ROM or DUD-ROM." The Board amends this section by changing DUD-ROM to DVD-ROM.

The Board amends § 36.3(a) (relating to examinations) to allow for an examination equivalent to the AQB-approved National examination. While the Board does not currently anticipate a change in the examination, the Board amends this provision so the Board will have some flexibility to change the examination in the event such change is necessary due to amendments in Federal or State law. The existing regulations allow for an equivalent examination; therefore, this amendment is not a change to the existing regulatory authority regarding examinations.

#### *Fiscal Impact and Paperwork Requirements*

This final-form rulemaking reflects the AQB Qualification Criteria for postsecondary education and experience standards for certified residential real estate appraiser. Prior to May 1, 2018, the AQB Qualification Criteria required applicants for certified residential real estate appraisers to hold a bachelor's degree, or higher, from an accredited college or university. The new AQB Qualification decreases the post-secondary education requirements and decreases the number of experience hours from 2,500 hours to 1,500 hours. The new AQB Qualification Criteria and this final-form rulemaking will lessen the financial burden on applicants for certified residential real estate appraiser credential due to decreased post-secondary education and experience requirements.

Current AQB Qualification Criteria for certified general real estate appraisers requires applicants to hold a bachelor's degree or higher. This Federal requirement represents an increase in education as compared to the Board's existing regulations. However, because the bachelor's degree is Federally mandated, the Board implemented this requirement on January 1, 2015. Similarly, the regulatory amendments that require licensed ap-

praiser trainees to obtain 28 classroom hours of continuing education reflect the amendments in Act 72 and the current AQB Qualification Criteria and are mandated for compliance with Federal requirements. The Board's amendments also require an official criminal history record information check from the State Police or other state agency for every state in which the candidate has lived or worked during the past 5 years. This final-form rulemaking will have a fiscal impact on the regulated community due to the cost of continuing education for licensed appraiser trainees (total annual cost of approximately \$105,315) and criminal history record information checks (annual cost of approximately \$7,480).

Regarding paperwork requirements, the Board has revised its application forms to reflect the current Federal standards. Therefore, the Board does not anticipate additional paperwork requirements. This final-form rulemaking requires completion of experience logs for licensed appraiser trainees and certified residential real estate appraisers pursuing experience credit.

#### *Sunset Date*

The Board continuously monitors the effectiveness of the regulations and will continue to do so with respect to these regulations. Therefore, no sunset date has been assigned.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on June 22, 2018, the Board submitted a copy of the proposed rulemaking, published at 48 Pa.B. 3955, and a copy of a Regulatory Analysis form to IRRC and to the Chairpersons of the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) and the House Professional Licensure Committee (HPLC) for review. A copy of this material is available to the public upon request.

Under section 5(c) of the Regulatory Review Act (71 P.S. § 745.5(c)), 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 the final-form regulation, the Board has considered the comments received 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 September 18, 2019, the final-form rulemaking was deemed approved by the HPLC and by the SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on September 19, 2019, and approved this final-form rulemaking.

#### *Additional Information*

Further information may be obtained by contacting Heidy Weirich, Board Administrator, State Board of Certified Real Estate Appraisers, P.O. Box 2649, Harrisburg, PA 17105-2649. Reference No. 16A-7022 (Federally-Mandated Revisions) when requesting information.

#### *Findings*

The Board finds that:

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

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

(3) This final-form rulemaking does not include any amendments that would enlarge the scope of the proposed rulemaking published at 48 Pa.B. 3955.

(4) The final-form rulemaking adopted by this order is necessary and appropriate for the administration of the act.

#### Order

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

(a) The regulations of the Board at 49 Pa. Code Chapter 36, are amended by amending §§ 36.1—36.3, 36.11, 36.12, 36.12a, 36.13, 36.41—36.43 and 36.54 to read as set forth in Annex A.

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

(c) The Board shall submit this order and Annex A to IIRC, the HPLC and the SCP/PLC as required by law.

(d) The Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

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

JOSEPH D. PASQUARELLA,  
Chairperson

(Editor's Note: See 49 Pa.B. 5769 (October 5, 2019) for IIRC's approval order.)

**Fiscal Note:** Fiscal Note 16A-7022 remains valid for the final adoption of the subject regulations.

#### Annex A

### TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

#### PART I. DEPARTMENT OF STATE

#### Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

#### CHAPTER 36. STATE BOARD OF CERTIFIED REAL ESTATE APPRAISERS

#### Subchapter A. GENERAL PROVISIONS

#### GENERAL PROVISIONS

#### § 36.1. Definitions.

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

**AQB**—*The Appraiser Qualifications Board of The Appraisal Foundation*—The independent board of The Appraisal Foundation that establishes the minimum education, experience, examination and continuing education requirements for real property appraisers under Title XI of FIRREA (12 U.S.C.A. §§ 3331—3356). The term includes any successor organization as designated by the United States Congress or the ASC.

**AQB Qualification Criteria**—The AQB publication, *The Real Property Appraiser Qualification Criteria*, establishing the minimum education, experience, examination and continuing education requirements for real property appraisers to obtain a state license or certification. The publication may be accessed at The Appraisal Foundation web site at [www.appraisalfoundation.org](http://www.appraisalfoundation.org).

**ASC**—The Appraisal Subcommittee of the Federal Financial Institutions Examination Council.

**Act**—The Real Estate Appraisers Certification Act (63 P.S. §§ 457.1—457.19).

**Ad valorem tax appraisal**—Valuation for tax purposes involving the appraisal of real estate, its analysis, opinions and conclusions regarding taxation.

**Applicant**—A natural person.

**Appraisal**—A written analysis, opinion or conclusion relating to the nature, quality, value or utility of specified interests in, or aspects of, identified real property, for or in expectation of compensation.

**Appraisal review**—An analysis of a completed appraisal report to determine if it conforms to specific requirements and guidelines and to ensure that the report is consistent and mathematically correct.

**Board**—The State Board of Certified Real Estate Appraisers within the Bureau of Professional and Occupational Affairs in the Department of State of the Commonwealth.

**Certified broker/appraiser**—A person who holds a certificate issued under authority of section 6(a)(3) of the act (63 P.S. § 457.6(a)(3)) and who is authorized to perform appraisals of all types of real property in non-Federally-related transactions.

**Certified general real estate appraiser**—A person who holds a certificate issued under authority of section 6(a)(2) and (e) of the act and § 36.12 (relating to qualifications for certification as general real estate appraiser) and who is authorized to perform appraisals of all types of real property in all transactions, whether Federally-related or non-Federally-related.

**Certified real estate appraiser**—A certified broker/appraiser, certified residential real estate appraiser or certified general real estate appraiser.

**Certified residential real estate appraiser**—A person who holds a certificate issued under authority of section 6(a)(1) and (d) of the act and § 36.11 (relating to qualifications for certification as residential real estate appraiser) and who is authorized to perform appraisals of residential properties of one-to-four dwelling units in all transactions, whether Federally-related or non-Federally-related.

**Distance education**—Except as otherwise required by AQB Qualification Criteria, an educational process based on the geographical separation of the learner and instructor, which provides interaction between the learner and instructor and includes testing. Examples include CD-ROM or DVD-ROM, on-line learning, correspondence courses, video conferencing, and video and remote television courses.

**FIRREA**—The Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (Pub.L. No. 101-73, 103 Stat. 183).

**Feasibility analysis**—A study of the cost-benefit relationship of an economic endeavor.

**Federally-related transaction**—A real estate-related financial transaction which a Federal financial institution regulatory agency or the Resolution Trust Corporation engages in, contracts for or regulates, and which requires the services of an appraiser.

**Highest and best use analysis**—A study which represents the reasonable and probable use that results in the highest present value of the land or improved property after considering all legally permissible, physically possible and economically feasible uses.

*IDECC*—International Distance Education Certification Center.

*In good standing*—

(i) When referring to an individual certified or licensed by the Board to perform appraisals, an individual who is authorized under the act to perform appraisals or to act as a licensed appraiser trainee.

(ii) The term includes an individual who has an active, unrestricted certificate or license, or a certificate or license that is on probation or subject to a restriction ordered by the Board.

(iii) The term does not include an individual who holds a certificate or license that is inactive, expired, suspended or revoked.

*Licensed appraiser trainee*—A person who holds a license issued under section 6(a.1) of the act and § 36.12a (relating to qualifications for licensure as appraiser trainee) and who is authorized to assist a certified residential real estate appraiser or certified general real estate appraiser in the performance of an appraisal.

*Real estate counseling*—Providing, for a fee, disinterested and unbiased advice, professional guidance and judgment in the broad field of real estate, involving all segments of the business, including marketing, leasing, managing, planning, financing, appraising, providing testimony and other similar services. Real estate counseling is a specialty area in which the counselor clearly identifies the real estate problem to be solved, determines the most satisfactory solutions and, where appropriate, follows through on the implementation.

*Real estate-related financial transaction*—A transaction involving the following:

(i) Sale, lease, purchase, investment in or exchange of real property, including interests in property or the financing thereof.

(ii) Refinancing of real property or interests in real property.

(iii) Use of real property or interests in property as security for a loan or investment, including mortgage-backed securities.

*Review appraiser*—A person who performs an appraisal review.

*USPAP*—The Uniform Standards of Professional Appraisal Practice promulgated by the Appraisal Standards Board of The Appraisal Foundation.

**§ 36.2. Application process.**

(a) *Application form.* An individual who applies for licensure as a licensed appraiser trainee or for certification as a certified residential real estate appraiser or a certified general real estate appraiser shall do all of the following:

(1) Submit an application to the Board on a form provided by the Board.

(2) Submit an official criminal history record information check from the State Police or other state agency for every state in which the candidate has lived or worked during the past 5 years. A report must be dated within 90 days of the date of application.

(3) Pay the required application fee in the amount prescribed in § 36.6 (relating to fees).

(4) Satisfy the requirements for licensure or certification in this subchapter.

(5) Satisfy the requirements in the AQB Qualification Criteria.

(b) *Application fee.* The payment of a fee for processing an application is nonrefundable and must satisfy the following conditions:

(1) The application fee must be in the amount in § 36.6.

(2) Payment of the application fee must be in the form of a personal check or money order payable to “Commonwealth of Pennsylvania” or an electronic payment in a form or method approved by the Commissioner of Professional and Occupational Affairs.

(c) *Approved applications.* Residential real estate appraiser and general real estate appraiser certification applications approved by the Board are subject to all of the following conditions:

(1) Approval by the Board of an initial application for certification as a residential real estate appraiser or a general real estate appraiser constitutes approval to take the examination approved by the AQB with all of the following limitations:

(i) Approval of the application will be valid for 1 year from the date of approval.

(ii) Approval of the application will be subject to subsection (e).

(iii) If an applicant does not pass the certification examination approved by the AQB within 1 year of the date of approval, the application will be deemed to be withdrawn.

(iv) If an applicant wishes to take the certification examination approved by the AQB more than 1 year after the date of approval of an application, the applicant shall file a new application that complies with subsections (a) and (b).

(2) Approval by the Board of an application for licensure as an appraiser trainee, certification as a residential real estate appraiser or certification as a general real estate appraiser under section 7 of the act (63 P.S. § 457.7), regarding reciprocity, constitutes approval to issue a license or certificate to the applicant.

(d) *Disapproved applications.* Subject to subsection (e), an applicant for licensure as an appraiser trainee, certification as a residential real estate appraiser or certification as a general real estate appraiser whose application has been disapproved by the Board will be notified in writing of the reasons for the disapproval, and will have 1 year from the date of disapproval to correct the deficiencies or to file a request for reconsideration.

(1) A request for reconsideration must give the reason for the applicant’s request, must be accompanied by documentary materials not previously submitted which the applicant wishes the Board to consider and may include a request for an informal interview with the Board.

(2) If a request for reconsideration is denied or, subject to subsection (e), an applicant is unable to correct the deficiencies which resulted in the disapproval of the application within 1 year from the date of disapproval, a new application, along with the required fee, shall be submitted to the Board.

(e) *Compliance with new requirements.*

(1) *Residential real estate appraiser and general real estate appraiser applicants.* Except as otherwise provided in §§ 36.11 and 36.12 (relating to qualifications for



certification as residential real estate appraiser; and qualifications for certification as general real estate appraiser) or as required by the AQB Qualification Criteria, an applicant for certification as a residential real estate appraiser or general real estate appraiser shall comply with any increased education or experience requirements that take effect between the applicant's filing of an initial application and the applicant's passing the certification examination.

(2) *Appraiser trainee applicants.* Except as otherwise provided in § 36.12a (relating to qualifications for licensure as appraiser trainee), or as required by the AQB Qualification Criteria, an applicant for licensure as an appraiser trainee shall comply with any increased education requirement that takes effect between the applicant's filing of an application that is disapproved and the applicant's filing of a new application.

(f) *Notification of AQB Qualification Criteria changes.*

(1) Whenever the AQB adopts changes to the AQB Qualification Criteria, the Board will:

- (i) Post a notice on the Board's web site.
- (ii) Notify licensees by means of e-mail.
- (iii) Announce the AQB Qualification Criteria changes at the next scheduled Board meeting.

(2) The Board may in its discretion publish notice of AQB Qualification Criteria changes in the *Pennsylvania Bulletin*.

### § 36.3. Examinations.

(a) The examination required for certification as a residential real estate appraiser or a general real estate appraiser is the AQB-approved National examination, or its equivalent, for the certification for which an applicant is applying. The certification examinations are administered by a professional testing organization under contract with the Board at times and places established by the professional testing organization. An examination is not required for licensure as an appraiser trainee.

(b) Interested persons may obtain information about the certification examinations from the professional testing organization. Contact information for the professional testing organization appears on the Board's web site.

## QUALIFICATIONS FOR CERTIFICATION OR LICENSURE

### § 36.11. Qualifications for certification as residential real estate appraiser.

(a) *General qualifications.* An applicant for certification as a residential real estate appraiser shall:

- (1) Be of good moral character.
- (2) Satisfy the education and experience requirements prescribed by this section prior to the date of examination.
- (3) Pass an AQB-approved examination for certification as a residential real estate appraiser.
- (4) Satisfy the requirements in the AQB Qualification Criteria for certification as a residential real estate appraiser.

(b) *Appraisal classroom hours.* An applicant for certification as a residential real estate appraiser shall submit evidence to the Board of having completed the classroom hours required by the AQB Qualification Criteria as of the date of the application.

(1) *Length of classroom hour and courses; course examination requirement.*

(i) The length of classroom hours and courses must comply with the requirements in the AQB Qualification Criteria.

(ii) Credit toward the classroom hour requirement will be granted only if the applicant successfully completes an examination pertinent to the course and attends at least the minimum length of time, as required by the AQB Qualification Criteria, to receive course credit.

(iii) The course examination must comply with the requirements in the AQB Qualification Criteria.

(2) *Providers of appraisal courses.* Credit for the classroom hour requirement may be obtained from types of providers set forth in the AQB Qualification Criteria subject to the following:

(i) Credit for the classroom hour requirement may be obtained from accredited colleges or universities and community or junior colleges.

(ii) Real estate appraisal or real estate related organizations, State or Federal agencies or commissions, proprietary schools, and other providers are subject to Board approval under § 36.31 (relating to provider registration/appraisal courses).

(3) *Distance education.* Distance education courses must comply with the requirements in the AQB Qualification Criteria. A distance education course is acceptable to meet the classroom hour requirement if the course is approved by the Board and meets all of the following conditions:

(i) The course is presented by one of the following:

(A) An accredited (Commission on Colleges or a regional accreditation association) college or university that offers distance education programs in other disciplines.

(B) A course provider that has received approval for course design and delivery mechanism from the IDECC and approval for course content from the Board or from the AQB through its Course Approval Program.

(ii) The applicant successfully completes a written examination proctored by an official approved by the college, university or other course provider.

(iii) The length and content of the course meet the requirements of paragraph (1) and subsection (c), respectively.

(c) *Content of appraisal education.*

(1) The content of an applicant's appraisal education must comply with the qualifying education requirements in the AQB Qualification Criteria and as specified in the Required Core Curriculum in the AQB Qualification Criteria.

(2) All courses must consist of instruction in the subject areas in Guide Note 1 of the AQB Qualification Criteria or any successor Guide Note.

(d) *Postsecondary education.* An applicant for certification as a residential real estate appraiser shall satisfy the postsecondary education requirements in the AQB Qualification Criteria.

(e) *Experience.* An applicant's experience must comply with all of the following:

(1) An applicant for certification as a residential real estate appraiser shall satisfy the experience requirements in the AQB Qualification Criteria.



(2) At least 75% of the total experience requirement shall be in the actual preparation of real estate appraisal reports, which includes physical inspections of the interior and exterior of the subject properties, in accordance with § 36.13 (relating to experience options for preparation of appraisal reports; experience logs).

(3) Effective January 1, 2008, experience must be acquired after January 30, 1989, and must comply with USPAP. Experience acquired after August 2, 1993, will not be accepted unless the applicant completed 45 classroom hours of appraisal education, including 15 hours on USPAP prior to acquiring the experience. Effective January 1, 2020, experience credit may be obtained only by individuals who possess a license as an appraiser trainee.

(4) Acceptable categories of appraisal experience include all of the following:

- (i) Fee and staff appraisals.
- (ii) Ad valorem tax appraisals, if the applicant can demonstrate that the applicant used techniques to value properties similar to those used by appraisers and that the applicant effectively used the appraisal process.
- (iii) Review appraisals.
- (iv) Appraisal analysis (synonymous with an appraisal).
- (v) Real estate counseling, if the counselor can satisfactorily demonstrate that:
  - (A) The client clearly asked for counseling services.
  - (B) The client was informed that the counselor's time would be devoted to counseling services, which are separate from other real estate functions such as appraising, sales management and mortgage lending.
  - (C) A file memorandum was prepared on each assignment indicating the nature of the assignment, recommendations and disposition.
  - (D) Compensation for the counseling services was separate from other real estate services rendered.
- (vi) Highest and best use analysis.
- (vii) Feasibility analysis/study.
- (viii) Real estate related experience such as that of an officer of a lending institution, if the experience consists of the actual performance or professional review of real estate appraisals.
- (ix) Evaluations under FIRREA in accordance with requirements of Federal financial institution regulatory agencies.

(x) Case studies or practicum courses that are approved by the AQB Course Approval Program.

**§ 36.12. Qualifications for certification as general real estate appraiser.**

- (a) *General qualifications.* An applicant for certification as a general real estate appraiser shall:
  - (1) Be of good moral character.
  - (2) Satisfy the education and experience requirements prescribed by this section as of the date of the examination.
  - (3) Pass an AQB-approved examination for certification as a general real estate appraiser.
  - (4) Satisfy all the requirements in the AQB Qualification Criteria for certification as a general real estate appraiser.

(b) *Appraisal classroom hours.* An applicant for certification as a general real estate appraiser shall submit evidence to the Board of having completed the classroom hours required by the AQB Qualification Criteria as of the date of application.

(1) *Length of classroom hour and courses; course examination requirement.*

(i) The length of classroom hours and courses must comply with the requirements in the AQB Qualification Criteria.

(ii) Credit toward the classroom hour requirement will be granted only if the applicant successfully completes an examination pertinent to the course and attends at least the minimum length of time, as required by the AQB Qualification Criteria, to receive course credit.

(iii) The course examination must comply with the requirements in the AQB Qualification Criteria.

(2) *Providers of appraisal courses.* Credit for the classroom hour requirement may be obtained from the types of providers set forth in the AQB Qualification Criteria subject to all of the following:

(i) Credit for the classroom hour requirement may be obtained from accredited colleges or universities and community or junior colleges.

(ii) Real estate appraisal or real estate related organizations, State or Federal agencies or commissions, proprietary schools, and other providers are subject to Board approval under § 36.31 (relating to provider registration/appraisal courses).

(3) *Distance education.* Distance education courses must comply with the requirements in the AQB Qualification Criteria. A distance education course is acceptable to meet the classroom hour requirement if the course is approved by the Board, and meets all of the following conditions:

(i) The course is presented by one of the following:

(A) An accredited (Commission on Colleges or a regional accreditation association) college or university that offers distance education programs in other disciplines.

(B) A course provider that has received approval for course design and delivery mechanism from the IDECC and approval for course content from the Board or from the AQB through its Course Approval Program.

(ii) The applicant successfully completes a written examination proctored by an official approved by the college, university or other course provider.

(iii) The length and content of the course meet the requirements of paragraph (1) and subsection (c), respectively.

(c) *Content of appraisal education.*

(1) The content of an applicant's appraisal education must comply with the qualifying education requirements in the AQB Qualification Criteria and as specified in the Required Core Curriculum in the AQB Qualification Criteria.

(2) All courses must consist of instruction in the subject areas outlined in Guide Note 1 of the AQB Qualification Criteria or any successor Guide Note.

(d) *Postsecondary education.* An applicant for certification as a general real estate appraiser shall satisfy the postsecondary education requirements in the AQB Qualification Criteria.

(e) *Experience.* An applicant's experience must comply with all of the following:

(1) An applicant for certification as a general real estate appraiser shall satisfy the experience requirements in the AQB Qualification Criteria.

(2) At least 50% of the total experience requirement must be in the actual preparation of real estate appraisal reports, which includes physical inspections of the interior and exterior of the subject properties, in accordance with § 36.13 (relating to experience options for preparation of appraisal reports; experience logs).

(3) Effective January 1, 2008, experience must be acquired after January 30, 1989, and must comply with USPAP. Experience acquired after August 2, 1993, will not be accepted unless the applicant completed 45 classroom hours of appraisal education, including 15 hours on USPAP prior to acquiring the experience. Effective January 1, 2020, experience credit can be obtained only by individuals who possess a license as an appraiser trainee or a certification as a residential real estate appraiser.

(4) Acceptable categories of appraisal experience include:

- (i) Fee and staff appraisals.
- (ii) Ad valorem tax appraisals, if the applicant can demonstrate that the applicant used techniques to value properties similar to those used by appraisers and that the applicant effectively used the appraisal process.
- (iii) Review appraisals.
- (iv) Appraisal analysis (synonymous with an appraisal).
- (v) Real estate counseling, if the counselor can satisfactorily demonstrate that:
  - (A) The client clearly asked for counseling services.
  - (B) The client was informed that the counselor's time would be devoted to counseling services, which are separate from other real estate functions such as appraising, sales management and mortgage lending.
  - (C) A file memorandum was prepared on each assignment, indicating the nature of the assignment, recommendations and disposition.
  - (D) Compensation for the counseling services was separate from other real estate services rendered.
- (vi) Highest and best use analysis.
- (vii) Feasibility analysis/study.
- (viii) Real estate experience such as that of an officer of a lending institution, if the experience consists of the actual performance or professional review of real estate appraisals.
- (ix) Evaluations under FIRREA in accordance with requirements of Federal financial institution regulatory agencies.

(x) Case studies or practicum courses that are approved by the AQB Course Approval Program.

**§ 36.12a. Qualifications for licensure as appraiser trainee.**

(a) *General qualifications.* An applicant for licensure as an appraiser trainee shall:

- (1) Be of good moral character.
- (2) Satisfy the education requirements prescribed by this section.

(3) Complete a course that, at a minimum, complies with the specifications for course content established by the AQB Qualification Criteria, which is specifically oriented to the requirements and responsibilities of supervisory appraisers and licensed appraiser trainees.

(4) Satisfy the requirements in the AQB Qualification Criteria for licensure as an appraiser trainee.

(b) *Appraisal classroom hours.* An applicant for licensure as an appraiser trainee shall comply with the qualifying educational standards required by the AQB Qualification Criteria.

(1) *Content of appraisal education.*

(i) The content of an applicant's appraisal education must comply with the qualifying education requirements in the AQB Qualification Criteria.

(ii) All courses must consist of instruction in the subject areas outlined in Guide Note 1 of the AQB Qualification Criteria or any successor Guide Note.

(2) *Length of classroom hour and courses; course examination requirement.* The length of classroom hours and course requirements must comply with all of the following:

(i) The length of classroom hours and courses must comply with the requirements in the AQB Qualification Criteria.

(ii) Credit toward the classroom hour requirement will be granted only when the applicant successfully completes an examination pertinent to the course and attends at least the minimum length of time, as required by the AQB Qualification Criteria, to receive course credit.

(iii) The course examination must comply with the requirements in the AQB Qualification Criteria.

(3) *Providers of appraisal courses.* Credit for the classroom hour requirement may be obtained from the types of providers set forth in the AQB Qualification Criteria subject to all of the following:

(i) Credit for the classroom hour requirement may be obtained from accredited colleges or universities and community or junior colleges.

(ii) Real estate appraisal or real estate related organizations, State or Federal agencies or commissions, proprietary schools, and other providers are subject to Board approval under § 36.31 (relating to provider registration/appraisal courses).

(4) *Distance education.* Distance education courses must comply with the requirements in the AQB Qualification Criteria. A distance education course is acceptable to meet the classroom hour requirement if the course is approved by the Board and meets all of the following conditions:

(i) The course is presented by one of the following:

(A) An accredited (Commission on Colleges or a regional accreditation association) college or university that offers distance education programs in other disciplines.

(B) A course provider that has received approval for course design and delivery mechanism from the IDECC and approval for course content from the Board or from the AQB through its Course Approval Program.

(ii) The applicant successfully completes a written examination proctored by an official approved by the college, university or other course provider.

(iii) The content and classroom hours of the course meet the requirements of paragraphs (1) and (2).

(c) *Noneligibility for licensure.* A certified real estate appraiser is not eligible to be licensed as an appraiser trainee.

(d) *Limitation on license renewal.* An appraiser trainee license may not be biennially renewed more than four times unless the Board, for good cause shown and on a case-by-case basis, should determine that one or more additional renewals is warranted.

**§ 36.13. Experience options for preparation of appraisal reports; experience logs.**

\* \* \* \* \*

(b) For experience acquired before October 1, 2010, an assistant to a certified general real estate appraiser or certified residential real estate appraiser shall comply with all of the following requirements when preparing an appraisal report:

\* \* \* \* \*

(c) A licensed appraiser trainee shall comply with all of the following requirements when preparing an appraisal report for a certified general real estate appraiser or certified residential real estate appraiser:

\* \* \* \* \*

(d) A certified residential real estate appraiser shall comply with all of the following requirements when preparing an appraisal report for a certified general real estate appraiser:

(1) The residential appraiser shall perform an inspection of the interior and exterior of the property.

(2) The residential appraiser may not arrive at an independent determination of value.

(3) The residential appraiser shall comply with USPAP.

(4) The residential appraiser shall co-sign the appraisal report as set forth in § 36.52 (relating to use of certificate number and title) and ensure that the nature of his significant real property appraisal assistance is specified in the report.

(5) Jointly maintain an appraisal experience log with the general real estate appraiser on forms provided by the Board.

(e) The licensed appraiser trainee shall jointly maintain an appraisal experience log with the supervisory appraiser on forms provided by the Board. An appraisal experience log must comply with the requirements in the AQB Qualification Criteria.

**CONTINUING EDUCATION**

**§ 36.41. Continuing education requirement.**

(a) Continuing education for certified real estate appraisers and licensed appraiser trainees is necessary to ensure that they maintain and increase their skill, knowledge and competency in real estate appraising. Except as provided in subsection (b), certified real estate appraisers and licensed appraiser trainees shall satisfy the continuing education requirements in the AQB Qualification Criteria, which must include at least 2 hours on the act, this chapter and the policies of the Board during each biennial renewal period as a condition of renewal of certification for the next biennial renewal period.

(b) A certified general real estate appraiser, residential real estate appraiser or licensed appraiser trainee whose initial certification or license becomes effective between

January 1 and June 30 of a biennial renewal year will not be required to furnish proof of continuing education as a condition of renewal of certification in that biennial renewal year.

**§ 36.42. Subject matter and sources of continuing education.**

(a) Continuing education subject matter and sources must comply with the requirements in the AQB Qualification Criteria.

(b) Subjects acceptable for continuing education include the subjects set forth by the AQB Qualification Criteria.

(c) Credit for the classroom hour requirement may be obtained from colleges or universities and community or junior colleges. Subject to Board approval under § 36.31 (relating to provider registration/appraisal courses), credit for the classroom hour requirement may also be obtained from real estate appraisal or real estate related organizations, State or Federal agencies or commissions, proprietary schools and other providers.

(d) Educational offerings which cover real estate appraisal related topics other than those in subsection (b) may be acceptable for continuing education credit if the applicant can demonstrate to the Board that the topic or program contributed to the applicant's professional competence and is consistent with the purpose of continuing education as stated in § 36.41 (relating to continuing education requirement).

**§ 36.43. Distance education.**

Distance education courses must comply with the requirements in the AQB Qualification Criteria. A distance education course is acceptable for continuing education credit if it is approved by the Board and meets all of the following conditions:

(1) The course is presented by one of the following:

(i) A course provider that presents the course to an organized group in an instructional setting with a person qualified and available to answer questions, provide information and monitor attendance.

(ii) An accredited (Commission on Colleges or a regional accreditation association) college or university that offers distance education programs in other disciplines.

(iii) A course provider that has received approval for course design and delivery mechanism from the IDECC and approval for course content from the Board or from the AQB through its Course Approval Program.

(2) With regard to a course presented under paragraph (1)(ii) or (iii), the certified real estate appraiser or the licensed appraiser trainee either successfully completes a written examination proctored by an official approved by the college, university or other course provider or successfully completes the course mechanisms required for course accreditation that evidence the learner's mastery and fluency of the course content.

(3) The content and length of the course meet the requirements of § 36.42 (relating to subject matter and sources of continuing education).

**STANDARDS OF PROFESSIONAL APPRAISAL PRACTICE**

**§ 36.54. Duties of supervisory appraiser.**

\* \* \* \* \*

(b) A certified residential real estate appraiser or certified general real estate appraiser who utilizes a licensed appraiser trainee shall:



(1) Have at least 5 years of experience as a residential real estate or general real estate appraiser.

(2) Comply with the supervisory appraiser requirements in the AQB Qualification Criteria.

(3) Provide written notification to the Board of the name and address of the licensed appraiser trainee before the trainee begins work for the appraiser.

(4) Be a certified residential real estate appraiser or certified general real estate appraiser in this Commonwealth for at least 3 years immediately preceding the supervisory appraiser's notification to the Board.

(5) Be a certified residential real estate appraiser or certified general real estate appraiser in good standing in this Commonwealth.

(i) The supervisory appraiser shall be in good standing in this Commonwealth for a period of at least 3 years immediately preceding the supervisory appraiser's notification to the Board.

(ii) The supervisory appraiser shall be in good standing while serving as a supervisor.

(6) Have not received from the Board or any jurisdiction any disciplinary action that affects or affected the supervisor's legal eligibility to engage in appraisal practice within 3 years immediately preceding the supervisory appraiser's notification to the Board.

(7) Prior to supervising a licensed appraiser trainee, complete a course, that, at a minimum, complies with the specifications for course content established by the AQB Qualification Criteria, which is specifically oriented to the requirements and responsibilities of supervisory appraisers and licensed appraiser trainees.

(8) Supervise no more than three licensed appraiser trainees at one time.

(9) Directly supervise and control the licensed appraiser trainee's work, assuming total responsibility for the contents of the appraisal report, including all value conclusions.

(10) Accompany the licensed appraiser trainee during the physical inspection of the property until the licensed appraiser trainee has logged 300 hours of appraisal experience or until the supervising appraiser determines the licensed appraiser trainee is competent under USPAP to perform the physical inspection unaccompanied, whichever is the longer period.

(11) Co-sign a Board-approved appraiser trainee checklist that has been completed by the licensed appraiser trainee, relates to the licensed appraiser trainee's work on the appraisal report and is made part of the appraisal report submitted to the client.

(12) Jointly maintain an appraisal experience log with the licensed appraiser trainee. An appraisal experience log must comply with the requirements in the AQB Qualification Criteria.

(13) Provide a current or former licensed appraiser trainee who is applying for appraiser certification with copies of designated appraisal reports requested by the Board to verify the licensed appraiser trainee's experience.

(c) A certified general real estate appraiser who utilizes a certified residential real estate appraiser as an assistant for an appraisal of nonresidential property or an appraisal of residential property of more than four dwelling units shall:

(1) Directly supervise and control the residential appraiser's work, assuming total responsibility for the contents of the appraisal report, including all value conclusions.

(2) Accompany the residential appraiser during the physical inspection of the property until the general appraiser determines the residential appraiser is competent under USPAP to perform the physical inspection unaccompanied.

(3) Co-sign the appraisal report as set forth in § 36.52 and specify in the appraisal report the nature of the significant real property appraisal assistance rendered by the residential appraiser.

(4) Provide the residential appraiser, at the time of application for general appraiser certification, with copies of designated appraisal reports requested by the Board to verify the residential appraiser's experience.

(5) Jointly maintain an appraisal experience log with the general real estate appraiser on forms provided by the Board.

(6) Comply with the requirements in the AQB Qualification Criteria.

[Pa.B. Doc. No. 19-1666. Filed for public inspection November 1, 2019, 9:00 a.m.]

## Title 58—RECREATION

### PENNSYLVANIA GAMING CONTROL BOARD

[ 58 PA. CODE CHS. 423a, 429a, 437a, 439a, 440a, 461a, 465a, 601a, 609a, 621a, 635a, 649a, 659a, 669a, 670a, 674a, 675a, 678a AND 680a ]

#### Table Game Rules of Play

The Pennsylvania Gaming Control Board (Board), under the general authority in 4 Pa.C.S. § 1202(b)(30) (relating to general and specific powers) and the specific authority in 4 Pa.C.S. §§ 13A02(1) and (2), 13A27, 1322, 1602, 1604 and 1608, amends Chapters 423a, 429a, 437a, 439a, 440a, 461a, 465a, 601a, 609a, 621a, 635a, 649a, 659a, 669a, 670a, 674a, 675a, 678a and 680a to read as set forth in Annex A.

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

This final-form rulemaking will make revisions to the existing body of regulations for clarity, reduce the number of junket reports required and will incorporate new side wagers into the existing table games regulations.

#### *Explanation*

*Chapters 423a and 437a Applications; Statement of Conditions; Wagering Restrictions; and Gaming Service Provider Certification and Registration*

In Chapters 423a and 437a provisions have been added to provide for the surrender of a person's license "with prejudice." Currently persons who are licensed who may otherwise be subject to an upcoming revocation could technically surrender their license prior to the Office of Enforcement Counsel filing for revocation of that license thus avoiding the prohibition on reapplying for 5 years, which is currently applicable when a license or application is withdrawn with prejudice, denied or revoked. The provisions in this final-form rulemaking will close that loophole.



*Chapter 429a Manufacturer Designees*

A technical amendment was made in § 429a.2(a)(5) (relating to manufacturer designee license applications and standards) for consistency with the prohibition on manufacturers holding a supplier license found in 4 Pa.C.S. § 1317.1(e)(3) (relating to manufacturer licenses).

*Chapter 439a Junket Enterprises*

In § 439a.5 (relating to gaming junket representative general requirements), the Board is codifying an agency policy on the criteria it utilizes to determine whether an individual is a junket representative or if the individual is simply an employee of a slot machine licensee performing the job duties of a junket representative. The provisions in this section are consistent with several of the criteria the IRS utilizes to determine if an individual is an employer's employee or an independent contractor.

Additionally, the Board is deleting §§ 439a.7, 439a.8 and 439a.9 and is moving some of the relevant requirements found in those sections into § 439a.10 (relating to monthly gaming junket reports). Currently operators are required to provide four reports on junkets: a proposed schedule (contained in § 439a.7), an arrival report (contained in § 439a.8), a final report once the junket is concluded (contained in § 439a.9) and monthly report (contained in § 439a.10). The purpose of this change is to reduce the number of reports submitted to agency staff from four to one by combining all relevant information into one report showing all junket information from the previous month.

*Chapter 440a Management Companies*

In § 440a.5 (relating to management contracts), the Board is amending the criteria used to evaluate management agreements made between a licensee and proposed management company. The Board's regulations contemplate that the Board will evaluate whether awarding a casino license will create an "undue concentration of economic opportunities." See § 421a.5 (relating to undue concentration of economic opportunities and control). However, when the provision was applied to management companies, the language in the regulation was not consistent and contemplates that the Board would evaluate whether the management contract created a monopoly. The revision in this final-form rulemaking will use the same standard between operators and their management companies.

*Chapter 461a Slot Machine and Table Game Device Testing and Control*

In § 461a.13 (relating to wide area progressive systems), the Board is codifying a policy statement currently contained in Chapter 461b (relating to technical standards—statement of policy). Many of the requirements in § 461b.4 (relating to wide area progressive systems) are already contained in § 461a.13 making those policy provisions redundant. The provisions that were not already codified in the regulation were added in new subsections (h)—(m) and address the submission and approval requirements for wide area progressive systems.

In § 461a.19 (relating to remote system access), the Board is codifying another policy statement currently contained in § 461b.5 (relating to remote computer access). Remote access allows a user to electronically access a facility's systems, which may include an operator's back-of-house systems. Controls over who has access and the duration of that remote access are therefore necessary.

When this final-form rulemaking is codified the Board will eliminate the technical standards in §§ 461b.4 and 461b.5.

*Chapter 465a Accounting and Internal Controls*

In § 465a.11 (relating to slot machine licensee's organization; jobs compendium), the Board deletes the provision in subsection (i). If a licensee is making changes to required departments, those changes must be approved prior to implementation.

Additionally, the Board deletes the requirement in subsection (k) that an up-to-date jobs compendium be submitted yearly. Based on the agency's experience to date, this annual submission is not necessary.

In § 465a.23 (relating to customer deposits), subsection (d) is added recognizing that a licensee may use an electronic crediting system, summarized as follows, for the processing of customer deposits.

*Chapter 609a Credit*

New § 609a.19 (relating to use of an electronic credit system for the processing of Counter Checks and customer deposits) is added to Chapter 609a (relating to credit). Currently, the processing of credit transitions and customer deposits is a paper-based system. The provisions in this new section address the requirements for the use of an electronic system to process those transactions. As the acceptance of credit does impact the calculation of table game revenue, operators electing to use the electronic system are required to update internal controls ensuring the proper counting and recording of those credit transactions.

*Chapter 621a Pai Gow*

Several new side wagers are added to Pai Gow. Definitions associated with those wagers were added in § 621a.1 (relating to definitions). Table layout requirements for the new wagers and an amendment to the shaker requirements are added in § 621a.2 (relating to Pai Gow table; Pai Gow shaker; physical characteristics). A description of the wagers is added in § 621a.5 (relating to wagers). The procedure for dealing the tiles and the settling of wagers based on the value of the shake of the dice is added in § 621a.6 (relating to procedures for dealing the tiles; settling of wagers based on value of dice). How the dealer is to complete the round of play when a player has placed an optional wager is added in § 621a.8 (relating to procedures for completion of each round of play; setting of hands; payment and collection of wagers; payout odds; vigorish). Revisions in §§ 621a.9 and 621a.10 (relating to player bank; co-banking; selection of bank; procedures for dealing; and irregularities; invalid roll of the dice) are made for clarity. Finally, for consistency between table game chapters, payout odds for all wagers are added in a separate section, § 621a.11 (relating to payout odds; vigorish).

*Chapter 635a Spanish 21*

In Spanish 21, provisions are amended in §§ 635a.3 and 635a.4 (relating to cards; number of decks; value of cards; and opening of the table for gaming) for consistency with all other card-style table games.

*Chapter 649a Three Card Poker*

A new side wager, the 5 of 6 Progressive Payout Wager, is added to the game. Definitions associated with the wager are added in § 649a.1 (relating to definitions).

Table layout requirements for the new wager are added in § 649a.2 (relating to Three Card Poker table physical characteristics). A description of the wager is added in § 649a.7 (relating to wagers). How the dealer is to complete the round of play when a player has placed the wager are added in § 649a.11 (relating to procedures for completion of each round of play). The payout odds are added in § 649a.12 (relating to payout odds; envy bonus; rate of progression).

Additionally, in § 649a.12, the seed/reseed and incrementation rates are specified for all progressives as these rates correspond with the rates submitted by the manufacturer that are tested/approved by the Board Gaming Lab. The same revisions are also made in Chapters 659a, 669a, 670a and 678a.

#### *Chapter 674a Criss-Cross Poker*

The payout limitation in § 674a.12(d) (relating to payout odds) is amended to reflect that only required wagers should be subject to a payout limitation established by the certificate holder. Wagers that are optional for players should not be included as a cap on payouts alters the approved hold percentages. Amendments to payout limitations to reflect that only required wagers may be subject to a cap were also made in Chapters 678a and 680a (relating to High Card Flush; and Saigon 5 Card). Payout limitations are removed entirely from Chapter 675a (relating to High Roll Dice) as dice games should not be subject to a payout limitation. The same revision was published at 49 Pa.B. 4956 (August 31, 2019).

#### *Chapter 680a Saigon 5 Card*

A new wager, the Pot Wager, is added to the game. Definitions associated with the wager are added in § 680a.1 (relating to definitions). Table layout requirements for the new wager are added in § 680a.2 (relating to Saigon 5 Card table physical characteristics). A description of the wager is added in § 680a.7 (relating to wagers). How the dealer is to complete the round of play when the Pot Wager is offered is added in § 680a.11 (relating to procedures for completion of each round of play).

#### *Comment and Response Summary*

Notice of the proposed rulemaking was published at 47 Pa.B. 3827 (July 15, 2017). The Board received comments from Greenwood Gaming and Entertainment, Inc., d/b/a Parx Casino. The comment pertained to the proposed amendment to Chapter 465a (relating to accounting and internal controls), which required that an entity's jobs compendium be approved by the Board prior to implementation. The Independent Regulatory Review Commission (IRRC) also requested clarification on that amendment as to the necessity of the change in practice and what sort of timelines could be expected for approval of a jobs compendium.

The requirement to get a jobs compendium approved by the Board applies only when changes are made in the departments listed in 58 Pa. Code § 465a.11(b). Changes that require a new jobs compendium include addition or removal of positions, changes in job duties and responsibilities, changes to the organizational structure, changes to the chain of command and reporting responsibilities, and changes relating to casino area access for the positions in the compendium. If the proposed amendment to the jobs compendium is relatively minor and impacts a minimal amount of positions or departments, an estimated approval time is 8 days to 2 weeks. If the amendment is more complex and impacts more departments, it could take between 2 weeks to a month.

In regard to necessity for the change to the regulation, the departments and positions contemplated in § 465a.11(b) are those that are integral in maintaining the efficacy and integrity of gaming operations in a licensed facility. It is therefore paramount for the Board to be made aware of and approve any changes in these departments prior to implementation of the proposed changes, to prevent any position change from causing an unnecessary negative impact on the integrity of gaming operations.

In response to Greenwood Gaming and Entertainment, Inc. and IRRC's concerns, the Board added language to the section, which can be found in § 465a.11(m).

This language provides an exception that will allow for expedited review and approval process for amendments that require immediate implementation due to emergency, business necessity, or if the changes are minor in nature.

In addition to its comments on the amendment to Chapter 465a, IRRC also provided comments relative to Chapters 423a, 437a, 439a and 461a. All comments addressed clarity issues, and all recommended changes are made in this final-form rulemaking.

Any and all other changes from the proposed rulemaking to this final-form rulemaking are editorial changes made for publication in the *Pennsylvania Bulletin*.

#### *Fiscal Impact*

##### *Commonwealth.*

The Board does not expect that the provisions contained in this final-form rulemaking will have a fiscal impact on the Board or any other Commonwealth agency. Updates to Rules Submission forms and internal control procedures will be reviewed by existing Board staff.

##### *Political Subdivisions.*

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

##### *Private Sector.*

The amendments contained in this final-form rulemaking will provide certificate holders with additional table game options. If a certificate holder decides to offer one of the games or side wagers within the licensed facility, the certificate holder will be required to train their dealers on the rules of play and purchase new equipment—specifically table layouts corresponding to the game and wagers offered. Costs incurred to train employees or purchase/lease equipment should be offset by the proceeds of gaming.

##### *General Public.*

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

#### *Paperwork Requirements*

If a certificate holder selects different options for the play of table games, the certificate holder will be required to submit an updated Rules Submission form reflecting the changes. These forms are available and submitted to Board staff electronically. All table game rules submission forms are available at <http://gamingcontrolboard.pa.gov/?p=187>.

*Effective Date*

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

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), the Board submitted a copy of the proposed rulemaking, published at 47 Pa.B. 3827 and a copy of the Regulatory Analysis Form to IRRC and to the Chairpersons of the House Gaming Oversight Committee and the Senate Community, Economic and Recreational Development Committee.

Under section 5(c) of the Regulatory Review Act, IRRC and the Committees are provided with copies of comments received during the public comment period, as well as other documents when requested. With regard to this rulemaking, no comments were received from the Committees.

Under section 5a(j.2) of the Regulatory Review Act, on September 18, 2019, the final-form rulemaking was deemed approved by the Committees. IRRC met on September 19, 2019, and approved the regulations in accordance with section 5a(e) of the Regulatory Review Act.

*Findings*

The Board finds that:

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

(2) This final-form rulemaking is necessary and appropriate for the administration and enforcement of 4 Pa.C.S. Part II (relating to gaming).

*Order*

The Board, acting under 4 Pa.C.S. Part II, orders that:

(1) The regulations of the Board, 58 Pa. Code Chapters 423a, 429a, 437a, 439a, 440a, 461a, 465a, 601a, 609a, 621a, 635a, 649a, 659a, 669a, 670a, 674a, 675a, 678a and 680a are amended by adding §§ 609a.19 and 621a.11, deleting §§ 439a.7—439a.9 and amending §§ 423a.5, 423a.7, 429a.2, 437a.8, 439a.5, 439a.10, 440a.5, 461a.13, 461a.19, 465a.11, 465a.23, 601a.10, 621a.1, 621a.2, 621a.5, 621a.6, 621a.8—621a.10, 635a.3—635a.5, 649a.1, 649a.2, 649a.7, 649a.11, 649a.12, 659a.12, 669a.12, 670a.12, 674a.7, 674a.12, 675a.1, 675a.5, 675a.6, 678a.7, 678a.12, 680a.1, 680a.2, 680a.7, 680a.11 and 680a.12 to read as set forth in Annex A.

(2) The Chairperson of the Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(3) This order shall take effect upon publication in the *Pennsylvania Bulletin*.

DAVID M. BARASCH,  
*Chairperson*

*(Editor's Note: See 49 Pa.B. 5769 (October 5, 2019) for IRRC's approval order.)*

**Fiscal Note:** Fiscal Note 125-206 remains valid for the final adoption of the subject regulations.

**Annex A**

**TITLE 58. RECREATION**

**PART VII. GAMING CONTROL BOARD**

**Subpart B. LICENSING, PERMITTING, CERTIFICATION AND REGISTRATION**

**CHAPTER 423a. APPLICATIONS; STATEMENT OF CONDITIONS; WAGERING RESTRICTIONS**

**§ 423a.5. Application withdrawal and surrender.**

\* \* \* \* \*

(d) A request to surrender a license, permit, certification or registration may be made in accordance with the following requirements:

(1) An entity holding a license, certification or registration, an individual holding a principal license or a qualifier of an entity holding a license or certification that is requesting to surrender shall file a petition with the Board in accordance with § 493a.4.

(2) An individual holding a key employee license, permit or registration who is requesting to surrender the license, permit or registration shall file the request on a form supplied by the Bureau of Licensing. If Board staff objects to the request to surrender, the person filing the form will be notified and may be required to file a petition to surrender with the Board in accordance with § 493a.4.

(e) The petition or form must set forth the reasons for the surrender.

(f) When rendering a decision on a petition to surrender, the Board may grant the request with or without prejudice.

(g) Unless the Board otherwise directs, fees or other payments relating to the application, license, permit, registration or certification will not be refundable by reason of the withdrawal or surrender. Additionally, fees and costs owed to the Board shall be paid prior to granting a withdrawal or surrender.

**§ 423a.7. Restriction on application after denial, withdrawal or surrender with prejudice, or revocation.**

(a) A person whose application has been denied or withdrawn with prejudice, or whose license, permit, registration or certification has been revoked or surrendered with prejudice may not apply for a license, permit, certification or registration for 5 years from the date that the application was denied or withdrawn with prejudice, or the license, permit, certification or registration was revoked or surrendered with prejudice.

(b) The 5-year restriction in subsection (a) will not apply:

(1) To applicants for a slot machine license if the denial was for reasons other than unsuitability.

(2) If the denial or revocation was based on pending charges for a disqualifying offense under section 1213 or 1518 of the act (relating to license or permit prohibition; and prohibited acts; penalties), 18 Pa.C.S. (relating to Crimes Code) or the criminal laws of any other jurisdiction and the pending charges did not result in conviction of the disqualifying offense.

(c) Two years from the date that the application was denied or withdrawn with prejudice, or the license, permit, certification or registration was revoked or surrendered with prejudice, a person may file a petition for



permission to apply for a license, permit, certification or registration before the expiration of the 5-year period.

(d) A petition filed under subsection (c) shall be filed in accordance with § 493a.4 (relating to petitions generally).

(e) Petitions filed under subsection (c) must contain:

(1) An explanation of how the conditions that were the basis for denial, withdrawal or surrender with prejudice, or revocation have been corrected or no longer exist.

(2) Supporting materials that demonstrate that the person meets the requirements for a license, permit, certification or registration.

(3) If the denial, withdrawal or surrender with prejudice, or revocation was the result of a conviction, the petition must include evidence of rehabilitation, such as:

\* \* \* \* \*

#### **CHAPTER 429a. MANUFACTURER DESIGNEES**

##### **§ 429a.2. Manufacturer designee license applications and standards.**

(a) An applicant for a manufacturer designee license shall submit:

\* \* \* \* \*

(5) An affirmation that neither the applicant nor any of its affiliates, intermediaries, subsidiaries or holding companies is an applicant for or a holder of a slot machine or supplier license.

\* \* \* \* \*

#### **CHAPTER 437a. GAMING SERVICE PROVIDER CERTIFICATION AND REGISTRATION**

##### **§ 437a.8. Authorized gaming service providers list; prohibited gaming service providers.**

\* \* \* \* \*

(c) The Board may place a person on the prohibited gaming service providers list if:

(1) The gaming service provider has failed to comply with this chapter.

(2) The gaming service provider has failed to cooperate with Board staff in its review and investigation of the gaming service provider's application.

(3) The gaming service provider's application for certification or registration has been denied or withdrawn with prejudice, or the gaming service provider has had its gaming service provider certification or registration suspended, revoked, or surrendered with prejudice.

\* \* \* \* \*

#### **CHAPTER 439a. JUNKET ENTERPRISES**

##### **§ 439a.5. Gaming junket representative general requirements.**

(a) An individual may not act as a gaming junket representative in connection with a gaming junket to a licensed facility unless the individual has obtained an occupation permit under § 435a.3 (relating to occupation permit) and is employed by a gaming junket enterprise that is licensed by the Board.

(b) A gaming junket representative may be employed by only one gaming junket enterprise at a time.

(c) An individual who is employed by a slot machine licensee and holds a valid occupation permit may act as a gaming junket representative. Board staff will evaluate all of the following indicia of employment to determine if

an individual is a bona fide employee of a slot machine licensee versus an employee of a gaming junket enterprise:

(1) The individual receives a W-2 Form, wage and tax statement, from the slot machine licensee.

(2) The slot machine licensee has the right to control or direct what work shall be done and how it shall be performed.

(3) The individual is reimbursed by the slot machine licensee for business expenses incurred on behalf of the licensee.

(4) The individual participates in or receives benefits from the slot machine licensee such as insurance, pension plan, vacation pay or sick pay.

(d) An individual may not be considered an employee of a slot machine licensee but shall be considered an employee of a gaming junket enterprise if one of the following conditions is met:

(1) The individual receives an IRS Form 1099, miscellaneous income form, from the slot machine licensee.

(2) The individual is licensed or otherwise credentialed in another gaming jurisdiction as a junket enterprise/organizer or provides the same or similar services to gaming facilities in other markets.

(3) The individual receive compensation for services through the junket enterprise.

(4) The individual exhibits other indicia of genuine employment with a gaming junket enterprise, including Federal and State taxation withholdings.

**§ 439a.7. (Reserved).**

**§ 439a.8. (Reserved).**

**§ 439a.9. (Reserved).**

##### **§ 439a.10. Monthly gaming junket reports.**

(a) Each slot machine licensee shall, on or before the last day of the month, file with the Bureau of Casino Compliance and the Bureau of Investigations and Enforcement a monthly gaming junket report for the preceding month. The monthly gaming junket report must contain all of the following:

(1) The name of the gaming junket enterprise.

(2) The name and gaming identification number of each individual who performed the services of a gaming junket representative.

(3) Patron name.

(4) Patron address.

(5) Patron account number.

(6) Date of association with the gaming junket enterprise or gaming junket representative.

(7) Date of the trip.

(8) Table games theoretical win.

(9) Table games actual win.

(10) Slot machine theoretical win.

(11) Slot machine actual win.

(12) The actual amount of complimentary goods or services provided to each junket participant.

(13) Patron's outstanding markers.

(14) Table game percentage rate paid.

(15) Slot machine percentage rate paid.

- (16) Commission accrued per patron.
- (17) Commission paid per patron.
- (18) Total amount of commission paid to each gaming junket enterprise or representative.
- (19) Other information as requested by Board staff.
- (b) Copies of the monthly gaming junket reports shall be maintained on the premises of the licensed facility for a minimum of 5 years and shall be made available to Board staff upon request.
- (c) If there is no junket activity in the preceding month, the slot machine licensee shall notify the Bureau of Investigations and Enforcement and the Bureau of Casino Compliance, in accordance with subsection (a), that junket activity has not occurred during the previous month.
- (d) In addition to the monthly gaming junket report, the licensee shall submit a list of all employees who conduct business on behalf of the slot machine licensee with a gaming junket representative or gaming junket enterprise on a full-time, part-time or temporary basis.
- (e) An employee of the slot machine licensee shall certify the list of employees and the monthly gaming junket report submitted in accordance with subsections (a) and (d).

**CHAPTER 440a. MANAGEMENT COMPANIES**

**§ 440a.5. Management contracts.**

\* \* \* \* \*

(c) A management contract or amendment will not be approved by the Board unless the management company proves by clear and convincing evidence that the approval of the contract would not create an undue concentration of economic opportunities and control of licensed gaming facilities in this Commonwealth.

\* \* \* \* \*

**Subpart E. SLOT MACHINE, TABLE GAME AND ASSOCIATED EQUIPMENT TESTING AND CONTROL; ACCOUNTING AND INTERNAL CONTROLS**

**CHAPTER 461a. SLOT MACHINE AND TABLE GAME DEVICE TESTING AND CONTROL**

**§ 461a.13. Wide area progressive systems.**

- (a) Two or more slot machine licensees may, with the prior written approval of the Board as required under subsection (c), operate a wide area progressive system.
- (b) A wide area progressive system shall at all times be installed and operated in accordance with relevant requirements of the act and this subpart.
- (c) A wide area progressive system shall be operated and administered by participating slot machine licensees in accordance with the terms and conditions of a written agreement executed by the participating slot machine licensees. The agreement shall be referred to as a slot system agreement. Slot system agreements must be submitted in writing and approved by the Board prior to implementation.
- (d) Slot machine licensees participating in a slot system agreement may delegate, in whole or in part, the operation and administration of a wide area progressive system to a licensed manufacturer provided that the slot system agreement is executed by the licensed manufacturer and its express terms are approved by the Board. The persons designated in a slot system agreement as

being responsible for the operation and administration of a wide area progressive system shall be referred to as the slot system operator.

(e) An agreement between a licensed manufacturer and a slot machine licensee under which a licensed manufacturer sells, leases or services a wide area progressive system will not constitute a slot service agreement unless the agreement also covers operation and administration of the wide area progressive system.

(f) Slot system agreements providing for the operation and administration of a wide area progressive system must identify and describe with specificity the duties, responsibilities and authority of each participating slot machine licensee and each slot system operator including all of the following:

- (1) Details with regard to the terms of compensation for the slot system operator. The agreement must address to what extent, if any, the slot system operator is receiving compensation based directly or indirectly on an interest, percentage or share of a slot machine licensee's revenue, profits or earnings from the operation of the wide area progressive system.
- (2) Responsibility for the funding and payment of all jackpots, fees and gross terminal revenue taxes associated with the operation of the wide area progressive system.
- (3) Control and operation of the computer monitoring room required under subsection (g).
- (4) A description of the process by which significant decisions with regard to the operation of the wide area progressive system are approved and implemented by the participating slot machine licensees and slot system operator.
- (5) When applicable, the terms of apportionment of responsibility for establishing and servicing any trust agreement associated with any annuity jackpot offered by the wide area progressive system.
- (6) Responsibility for generating, filing and maintaining the records and reports required under the act and this part.
- (g) A wide area progressive system shall be controlled and operated from a computer monitoring room. The computer monitoring room must:
  - (1) Be under the sole possession and control of, and maintained and operated by, employees of the slot system operator designated in the slot system agreement for that system. The employees of the slot system operator may be required to obtain a license or permit if the Board determines, after a review of the work being performed, the employees require a license or permit for the protection of the integrity of gaming.
  - (2) Have its monitoring equipment subjected to surveillance coverage either by the surveillance system of a slot machine licensee participating in the slot system agreement or by a dedicated surveillance system maintained by the slot system operator.
  - (3) Be accessible through a locked door. The door must be alarmed in a manner that audibly signals the surveillance monitoring room for the surveillance system elected under paragraph (2).
  - (4) Have a computer monitoring room entry log. The log must be:
    - (i) Kept in the computer monitoring room.
    - (ii) Maintained in a book with bound numbered pages that cannot be readily removed.

(iii) Signed by each person entering the computer monitoring room who is not an employee of the slot system operator expressly employed in the computer monitoring room on his assigned shift. Entries must contain all of the following:

(A) The date and time of entering and exiting the room.

(B) The name, department or employer, when applicable, gaming license or permit number of the person entering and exiting the room and of the person authorizing the entry.

(C) The reason for entering the computer monitoring room.

(5) Reside within a participating licensed facility or other approved location.

(h) A slot system agreement submitted to the Board for approval must be accompanied by a proposed system of internal controls addressing all of the following:

(1) Transactions directly or indirectly relating to the payment of progressive jackpots including the establishment, adjustment, transfer or removal of a progressive jackpot amount and the payment of any fees or taxes associated therewith.

(2) The name, employer, position and gaming license status of any person involved in the operation and control of the wide area progressive system.

(i) The Bureau of Licensing must review the persons identified in subsection (h)(2) and determine, based on an analysis of specific duties and responsibilities, which persons will be licensed to what level in this Commonwealth.

(j) A slot system operator may not commence operation and administration of a wide area progressive system under the terms of a slot system agreement until the agreement itself and the internal controls required under subsection (h) have been approved and the slot system operator has complied with any licensing requirements under subsection (i).

(k) When a slot system agreement involves payment to a licensed manufacturer, functioning as a slot system operator, of an interest, percentage or share of a slot machine's licensee's revenue, profits or earnings from the operation of a wide area progressive system, the Board will evaluate the slot system agreement to determine if the total amounts paid to the licensed manufacturer under the terms of the agreement are commercially reasonable for the operational and administrative services provided.

(l) Each party to a slot system agreement shall be liable for acts, omissions and violations of the act and this part related to its own individual duties and responsibilities under the slot system agreement, unless the slot system agreement specifically provides that the parties will be jointly and severally liable.

(m) The Executive Director may waive one or more of the technical requirements applicable to wide area progressive systems adopted by the Board upon a determination that the wide area progressive system as configured nonetheless meets the operational integrity requirements of the act and this part.

#### § 461a.19. Remote system access.

(a) In emergency situations or as an element of technical support, an employee of a licensed manufacturer may perform analysis of, or render technical support with

regard to, a slot machine licensee's slot monitoring system, casino management system, player tracking system, external bonusing system, cashless funds transfer system, wide area progressive system, gaming voucher system or other Board-approved system from a remote location.

(b) Remote system access shall be performed in accordance with all of the following procedures:

(1) Only an employee of a licensed manufacturer who is licensed as a gaming employee or key employee in this Commonwealth may remotely access a system sold, leased or otherwise distributed by that licensed manufacturer for use at a licensed facility.

(2) The slot machine licensee shall establish a unique system account for each employee of a licensed manufacturer identified by his employer as potentially required to perform technical support from a remote location. System access afforded under this section shall:

(i) Be restricted in a manner that requires the slot machine licensee's information technology department to receive prior notice from the licensed manufacturer of its intent to remotely access a designated system.

(ii) Require the slot machine licensee to take affirmative steps, on a per access basis, to activate the licensed manufacturer's access privileges.

(iii) Be designed to appropriately limit the ability of a person authorized under this section to deliberately or inadvertently interfere with the normal operation of the system or its data.

(3) A log shall be maintained by both the licensed manufacturer and the slot machine licensee's information technology department. Each of the two logs must contain, at a minimum, all of the following information:

(i) The system accessed, including manufacturer and version number.

(ii) The type of connection (that is, leased line, dial in modem or private WAN).

(iii) The name and license number of the employee remotely accessing the system.

(iv) The name and license number of the information technology department employee activating the licensed manufacturer's access to the system.

(v) The date, time and duration of the connection.

(vi) The reason for the remote access including a description of the symptoms or malfunction prompting the need for remote access to the system.

(vii) Action taken or further action required.

(4) Communications between the licensed manufacturer and any of the systems identified in subsection (a) shall occur using a dedicated and secure communication facility such as a leased line approved in writing by the Board.

(c) Prior to granting remote system access, a slot machine licensee shall establish a system of internal controls applicable to remote system access. The internal controls shall be submitted to and approved by the Board under § 465a.2 (relating to internal control systems and audit protocols). The internal control procedures submitted by the slot machine licensee shall be designed to protect the physical integrity of the systems listed in subsection (a) and the related data and be capable of limiting the remote access to the system or systems requiring technical support.



(d) Any modification of, or remedial action taken with respect to, an approved system shall be processed and approved by the Board in accordance with the standard modification provisions submitted under § 461a.4(h) (relating to submission for testing and approval) or the emergency modification provisions of § 461a.4(l).

(e) If an employee of a licensed manufacturer is no longer employed by, or authorized by, that manufacturer to remotely access a system under this section, the licensed manufacturer shall immediately notify the Bureau of Gaming Laboratory Operations and each slot machine licensee that has established a unique system account for that employee of the change in authorization and shall timely verify with each slot machine licensee that any access privileges previously granted have been revoked.

(f) The Executive Director may waive one or more of the technical requirements applicable to remote computer access adopted by the Board upon a determination that the nonconforming remote access procedures nonetheless meet the integrity requirements of the act and this part.

**CHAPTER 465a. ACCOUNTING AND INTERNAL CONTROLS**

**§ 465a.11. Slot machine licensee’s organization; jobs compendium.**

\* \* \* \* \*

(i) Any proposed amendment to a previously approved jobs compendium, including any amendment to an organizational chart, which involves the departments listed in subsection (b) shall be submitted as an amendment to the slot machine licensee’s internal controls in accordance with § 465a.2.

(j) For departments that are not listed in subsection (b), unless otherwise directed by the Board, a slot machine licensee will not be required to submit amendments to its jobs compendium for approval. Instead, the certificate holder will be required to notify the Bureau of Licensing by the end of the business day on the date of implementation for newly created positions or changes to job descriptions and tables of organizations. The notification must include properly formatted job descriptions and organization charts for the affected departments. After the notification has been submitted, the Bureau of Licensing may require changes to the job descriptions and organizational charts to ensure compliance with licensing, permitting or registration requirements.

(k) Each slot machine licensee shall maintain on its premises a complete, updated copy of its jobs compendium, in a written or electronic form, which shall be made available for review upon request of the Board, the Department or the Pennsylvania State Police.

(l) This section may not be construed so as to limit a slot machine licensee’s discretion in utilizing a particular job title for any position in its jobs compendium.

(m) If the proposed amendment to a previously approved jobs compendium requiring submission and approval under subsection (i) requires immediate implementation due to emergent circumstances, business necessity, or if the scope of the proposed amendment is determined by the Bureau of Gaming Operations to be minor, the slot machine licensee may request expedited review of the amendment and interim approval by the Bureau of Gaming Operations, pending a full review and approval by the Executive Director.

**§ 465a.23. Customer deposits.**

\* \* \* \* \*

(c) The internal control procedures developed and implemented by the slot machine licensee under subsection (b) must include all of the following:

(1) A requirement that customer deposits be accepted at the cage.

(2) A requirement that customer deposits be withdrawn by the patron at the cage, gaming table or upon receipt of a written request for withdrawal whose validity has been established.

(3) A requirement that the patron receive a receipt for any customer deposit accepted reflecting the total amount deposited, the date of the deposit and the signature of the cage employee accepting the customer deposit.

(4) Procedures for verifying the identity of the patron at the time of withdrawal. Signature verification shall be accomplished in accordance with the signature verification procedures under § 465a.20. The slot machine licensee shall maintain adequate documentation evidencing the patron identification process and how the signature was verified.

(d) A certificate holder may utilize an electronic credit system for the processing of customer deposits in accordance with § 609a.19 (relating to use of an electronic credit system for the processing of Counter Checks and customer deposits).

**Subpart K. TABLE GAMES**

**CHAPTER 601a. GENERAL TABLE GAMES PROVISIONS**

**§ 601a.10. Approval of table game layouts, signage and equipment.**

(a) Table game staffing plans, tournament schedules, dealer training programs and schematics of gaming guides, table game layouts, signage and equipment that require the approval of the Board’s Executive Director shall be submitted electronically to the Bureau of Gaming Operations using the Internal Controls & Table Games Submission Form on the Board’s web site.

\* \* \* \* \*

**CHAPTER 609a. CREDIT**

**§ 609a.19. Use of an electronic credit system for the processing of Counter Checks and customer deposits.**

(a) A certificate holder may utilize an electronic credit system for the processing of Counter Checks and customer deposits. A certificate holder that utilizes an electronic credit system shall comply with §§ 609a.1—609a.12, 609a.17 and 609a.18 unless otherwise provided in this section.

(b) A certificate holder that elects to utilize an electronic credit system shall submit internal controls specifying all of the following:

(1) Which positions, as described in the certificate holder’s jobs compendium, will have administrator, accounting and revenue audit, and cage function access to the electronic credit system, and the functions or permissions assigned to each of those roles. The certificate holder shall submit a narrative description of the permissions for each of the roles and the level of access assigned.

(2) Which positions will have permission to reset a patron's personal identification number (PIN) as provided in subsections (d)(2) and (e)(1)(iii).

(3) How a patron's credit information and limit established will be entered into the electronic credit system, ensuring compliance with the approval of credit limit requirements in § 609a.4 (relating to approval of credit limits).

(4) The flow of receipts and the reports generated through the revenue process.

(5) How a voided transaction in the electronic credit system will be processed, specifying which positions will have authority to void a transaction, ensuring that at least two employees with no incompatible functions process the void and that a detailed explanation for the void is recoded in the electronic credit system.

(6) How the certificate holder will ensure that redemption, partial redemption, substitution and consolidation of Counter Checks generated utilizing the electronic credit system complies with §§ 609a.15(d) and (g) and 609a.16(e) and (f) (relating to redemption of Counter Checks; and substitution and consolidation of Counter Checks).

(7) If the certificate holder allows patrons to substitute or redeem Counter Checks through the mail, how the certificate holder will process those redemptions and substitutions utilizing the electronic credit system.

(8) How credit transactions will be processed and accurately record if the electronic credit system becomes inoperable.

(9) Which funds a patron is required to utilize first if the patron has an established credit line and has a customer deposit, as provided in subsection (e).

(c) Prior to implementing the electronic credit system, the certificate holder shall establish and receive approval from Board staff to conduct a test period of the new electronic credit system. The certificate holder shall maintain its current credit processing system and may not fully transition to the electronic credit system until full approval is granted by the Board's Executive Director.

(d) To establish an electronic credit file for a patron, in addition to the requirements in §§ 609a.3—609a.6:

(1) The credit department shall scan the patron's valid picture identification into the electronic credit system for display when accessing a patron's credit file.

(2) The patron shall establish a PIN to access credit, which must be an encrypted PIN.

(e) For customer deposits, if a certificate holder is utilizing the electronic credit system to allow patrons access to their customer deposits, the certificate holder shall comply with § 465a.23 (relating to customer deposits) and:

(1) If the patron with a customer deposit does not already have an electronic credit account established, a deposit account shall be established as follows:

(i) The requirements for establishing a credit account in §§ 609a.3—609a.6 do not apply and a patron's credit limit shall be set at \$0.

(ii) The credit department shall scan the patron's picture identification for display when accessing the patron's deposited funds.

(iii) The patron shall establish a PIN to access the patron's deposited funds.

(2) Customer deposits shall be completed at the cage by a cage cashier with no incompatible functions. Utilizing the portable device, the cashier shall:

(i) Login by entering the employee's PIN.

(ii) Access the patron's account in the electronic credit system by entering the patron's account number or scanning the patron's card.

(iii) Credit the patron's account by the amount of the deposit.

(iv) Input the date and method of deposit (chips, gaming vouchers, cash, wire transfer, and the like).

(v) Have the patron enter his PIN and electronically sign verifying the accuracy of the transaction.

(vi) The cashier shall then electronically sign verifying the deposit.

(vii) A two-part deposit receipt evidencing the transaction shall be generated with one part provided to the patron and the other maintained in the cage cashier's impressed inventory.

(f) For the issuance of Counter Checks and the withdrawal of customer deposits utilizing an electronic credit system, notwithstanding § 609a.14 (relating to issuance and reconciliation of Counter Checks), if the issuance or withdrawal is conducted:

(1) At a gaming table:

(i) A pit clerk or above shall use an approved portable device and:

(A) Login by entering the employee's PIN.

(B) Access the patron's electronic credit file by entering the patron's account number or scanning the patron's card.

(C) Verify the patron's identity by comparing the patron's appearance to the digital identification accessed from the electronic credit system.

(D) Enter or select the amount of credit or withdrawal requested.

(E) Have the patron enter his PIN and electronically sign verifying the accuracy of the transaction.

(ii) The dealer or boxperson shall then:

(A) Use the portable device and enter his PIN number.

(B) Verify the patron's credit or withdrawal request, selecting the gaming table at which the patron has requested the credit or withdrawal and electronically sign the verification.

(C) After verifying the credit or withdrawal request, the dealer shall place the portable device displaying the amount of the Counter Check or customer withdrawal and the equivalent number of chips on the gaming tables so both are captured by surveillance.

(D) Distribute the chips to the patron, completing the credit transaction.

(iii) A document evidencing the credit or withdrawal transaction shall be generated and placed in the drop box.

(2) At the cage:

(i) A cage cashier shall use an approved portable device and complete the requirements in paragraph (1)(i)(A)—(E).

(ii) The cage supervisor shall then:

(A) Use the portable device and enter his PIN number.

(B) Verify the patron's credit or withdrawal request and electronically sign the verification.

(C) After verifying the credit or withdrawal request, the cage supervisor shall place the portable device displaying the amount of the Counter Check or customer withdrawal and the equivalent in cash or a gaming voucher so both are captured by surveillance.

(D) Distribute the cash or gaming voucher to the patron, completing the credit or withdrawal transaction.

(iii) A document evidencing the credit or withdrawal transaction shall be generated and placed in the cashier's impressed inventory.

(3) At a slot machine:

(i) A slot attendant shall obtain the amount of the requested Counter Check or customer withdrawal, the patron's signature, asset number and the method of withdrawal (cash or gaming voucher) on a two-part request form and shall transport both copies of the request form directly to the cage cashier.

(ii) The cage cashier with no incompatible functions shall verify that there are sufficient funds in the patron's credit or customer deposit account to satisfy the request.

(iii) The cage cashier processing the request shall disburse funds to the slot attendant, in the presence of a cage supervisor, and shall:

(A) Sign the request form.

(B) Maintain the original of the request form in the cashier's impressed inventory.

(C) Provide the slot attendant with a portable device connected to the electronic system.

(D) Provide the duplicate of the request form to the slot attendant.

(iv) The slot attendant and cage supervisor shall transport the funds and the portable device to the patron at the slot machine. Prior to presenting the funds to the patron, the slot attendant and cage supervisor shall complete the procedures in paragraph (1)(i)(A)—(E) and (ii)(A) and (B).

(v) The slot attendant shall disburse funds requested by the patron and drop the duplicate copy of the request form in a locked accounting box.

(vi) If a transaction cannot be completed (patron changes his mind or changes the amount of credit or withdrawal requested), the slot attendant and cage supervisor shall return the funds and the request form to the cage cashier. The cage cashier shall clearly and conspicuously record "VOID" on the duplicate of the request form and maintain the document as part of his impressed inventory until forwarded to the accounting department for reconciliation with electronic credit system.

(vii) On a daily basis, the accounting department shall compare the original and duplicate request forms to the electronic credit system. Instances of irregularities of any kind or the misappropriation of funds shall be immediately reported to onsite casino compliance representatives.

(g) For the redemption and partial redemption of Counter Checks utilizing an electronic credit system:

(1) All redemptions and partial redemptions of electronically generated Counter Checks shall be initiated at the cage.

(2) If a patron has more than one unredeemed Counter Check, the most recently dated Counter Check shall be redeemed or partially redeemed first.

(3) When a patron partially redeems a Counter Check, the replacement Counter Check shall be dated with the same date as the Counter Check being redeemed.

(4) Notwithstanding § 609a.15, the full redemption of electronically generated Counter Checks shall be completed as follows:

(i) A cage cashier shall use a portable device and:

(A) Login by entering the employee's PIN.

(B) Access the patron's electronic credit file by entering the patron's account number or scanning the patron's card.

(C) Verify the patron's identity by comparing the patron's appearance to the digital identification accessed from the electronic credit system.

(D) Select the most recently dated Counter Check to redeem.

(E) Select or enter the redemption amount and the payment method, provided that payment with a personal check must be drawn on a bank account in the patron's credit file as provided in § 609a.3(c)(4) (relating to application and verification procedures for granting credit).

(F) Verify that the total amount of an outstanding Counter Check matches the amount presented by the patron ensuring that the amount presented by the patron and the portable device displaying the amount of the Counter Check to be redeemed are captured by surveillance. The cage cashier shall then electronically sign the verification approving the redemption.

(ii) After placing the patron's payment into the cage cashier's impressed inventory, the cage cashier shall generate a two-part receipt documenting the redemption with one part provided to the patron and the other maintained in the cashier's impressed inventory.

(5) Notwithstanding § 609a.15, the partial redemption of electronically generated Counter Checks shall be completed as follows:

(i) The cage cashier shall complete the procedures in paragraph (4)(i)(A)—(D).

(ii) After selecting the Counter Check to partially redeem, the cage cashier shall enter the partial redemption amount and the payment method ensuring that the amount presented by the patron and the portable device displaying the amount of the partial redemption are captured by surveillance. The cage cashier shall then electronically sign the verification approving the partial redemption and shall create an electronic Counter Check for the difference between the amount presented and the electronic Counter Check being partially redeemed.

(iii) After signing the portable device acknowledging completion of the partial redemption and placing the patron's payment into the cage cashier's impressed inventory, the cage cashier shall generate a two-part receipt documenting the partial redemption with one part provided to the patron and the other maintained in the cage cashier's impressed inventory.

(h) For the substitution and consolidation of Counter Checks utilizing an electronic credit system:

(1) All substitutions and consolidations of electronically generated Counter Checks shall be initiated at the cage.



(2) Notwithstanding § 609a.16:

(i) To consolidate two or more Counter Checks, a cage cashier shall use an approved portable device and:

(A) Login by entering the employee's PIN.

(B) Access the patron's electronic credit file by entering the patron's account number or scanning the patron's card.

(C) Verify the patron's identity by comparing the patron's appearance to the digital identification accessed from the electronic credit system.

(D) Select the Counter Checks to be consolidated. The cage cashier shall then enter the employee's PIN and electronically sign the verification approving the consolidation.

(ii) To substitute a Counter Check, a cage cashier shall use an approved portable device and:

(A) Login by entering the employee's PIN.

(B) Access the patron's electronic credit file by entering the patron's account number or scanning the patron's card.

(C) Verify the patron's identity by comparing the patron's appearance to the digital identification accessed from the electronic credit system.

(D) Select the Counter Check to substitute.

(E) A patron may substitute the Counter Check for an electronic Counter Check on a different account that has been verified and recorded in the patron's electronic credit file in accordance with § 609a.3(c)(4) or may substitute for a personal check provided that the personal check is drawn on an account that has been verified and recorded in the patron's credit file. If a patron provides a personal check, the cage cashier shall enter the transaction into the electronic credit system and place the personal check in the cage cashier's impressed inventory.

(F) The cage cashier shall then electronically sign the verification completing the substitution.

(i) A certificate holder that utilizes an electronic credit system shall record each electronic Counter Check issued and Customer Deposit withdrawn at a gaming table on the Daily Banking Table Game Count Report required under § 465a.25 (relating to counting and recording of slot cash storage boxes and table game drop boxes).

## CHAPTER 621a. PAI GOW

### § 621a.1. Definitions.

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

*Bank*—A player who elects to have the other players and the dealer play against him and accepts the responsibility of paying all winning Pai Gow Wagers.

*Co-banking*—When the bank and the dealer each cover 50% of all winning Pai Gow Wagers.

*Copy hand*—A high hand or low hand of a player which is identical in pair rank or point value as the corresponding high hand or low hand of the dealer or bank.

*Gee Joon Pair*—The Six (2-4) tile and the Three (1-2) tile.

*Heaven Pair*—Two Twelve (6-6) tiles.

*High hand*—The two-tile hand formed with two of the four tiles dealt that ranks higher than the low hand formed from the remaining two tiles.

*Identical Pair*—Two tiles that are identical in appearance such as two Four (3-1) tiles.

*Low hand*—The two-tile hand formed with two of the four tiles dealt that ranks lower than the high hand formed from the remaining two tiles.

*Marker*—An object used to designate the bank and the co-bank.

*Mixed Pair*—Two tiles with the same number of spots but not identical in appearance such as two Eight tiles (6-2) and (5-3).

*Setting the hands*—The process of forming a high hand and a low hand from the four tiles dealt.

*Supreme Pair*—The Six (2-4) tile and the Three (1-2) tile that forms the highest ranking hand.

*Value*—The numerical point value assigned to a pair of tiles in accordance with § 621a.3 (relating to Pai Gow tiles; ranking of hands, pairs and tiles; value of the hand).

*Vigorish*—A fee collected on winning Pai Gow Wagers.

### § 621a.2. Pai Gow table; Pai Gow shaker; physical characteristics.

(a) Pai Gow shall be played at a table having betting positions for six players on one side of the table and a place for the dealer on the opposite side of the table.

(b) The layout for a Pai Gow table shall be submitted to the Bureau of Gaming Operations and approved in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment) and contain, at a minimum:

(1) The name or logo of the certificate holder.

(2) A separate betting area designated for the placement of the Pai Gow Wager for each player.

(3) A separate area, located to the left of the dealer, for the placement of four tiles which shall be referred to as the Dead Hand.

(4) If the certificate holder offers the optional Pair Fortunes Wager authorized under § 621a.5(e)(1) (relating to wagers):

(i) A separate betting area designated for the placement of the Pair Fortunes Wager for each player.

(ii) Inscriptions that advise patrons of the payout odds for the Pair Fortunes Wager. If the payout odds are not inscribed on the layout, a sign identifying the odds shall be posted at each Pai Gow table.

(5) If the certificate holder is offering a wager based on the value of the dice in the manual or player-activated Pai Gow shaker, each player's wagering position must have:

(i) A separate betting area designated for the placement of the Sum Wager, if offered by the certificate holder, authorized under § 621a.5(e)(2).

(ii) Six separate betting areas designated for the placement of the Match Wager, if offered by the certificate holder, authorized under § 621a.5(e)(3).

(iii) A separate betting area designated for the placement of the Beat It Wager, if offered by the certificate holder, authorized under § 621a.5(e)(4).

(iv) A player-activation button if player-activated Pai Gow is being offered by the certificate holder.

(c) Each Pai Gow table must have a drop box with a tip box attached on the same side of the gaming table as, but

on opposite sides of, the dealer, as approved by the Bureau of Casino Compliance in accordance with § 601a.10(g).

(d) Pai Gow shall be played with a Pai Gow shaker, approved in accordance with § 601a.10(a), used to shake three dice before each hand of Pai Gow is dealt to determine the starting position for the dealing of the Pai Gow tiles. The Pai Gow shaker shall be the responsibility of the dealer and may not be left unattended at the table. The Pai Gow shaker must be designed and constructed to maintain the integrity of the game and:

(1) Be capable of housing three dice that when not being shaken must be maintained within the Pai Gow shaker. Dice that have been placed in a Pai Gow shaker for use in gaming may not remain on a table for more than 24 hours.

(2) Be designed to prevent the dice from being seen while being shaken.

(3) Have the name or logo of the certificate holder imprinted or impressed thereon.

(e) If a certificate holder elects to use a computerized random number generator as permitted under § 621a.6 (relating to procedures for dealing the tiles; settling of wagers based on value of dice), the random number generator shall be approved by the Bureau of Gaming Laboratory Operations in accordance with § 461a.4 (relating to submission for testing and approval) prior to its use.

(f) Notwithstanding subsection (d), a certificate holder may utilize a player-activated Pai Gow shaker to determine the starting position for the dealing of the Pai Gow tiles provided that the shaker is submitted to the Bureau of Gaming Laboratory Operations for approval in accordance with § 461a.4 prior to its use. The player-activated Pai Gow shaker must:

(1) Have the capability of being sealed or locked to ensure the integrity of the three dice contained inside the shaker. Dice used inside the shaker must comply with § 603a.12(b) (relating to dice; physical characteristics) and if offering the Beat It Wager authorized under § 621a.5(e)(4)(i), one red and two blue dice must be used in the shaker.

(2) Shake the dice for at least 5 seconds to cause a random mixing of the dice.

**§ 621a.5. Wagers.**

(a) Wagers at Pai Gow shall be made by placing value chips or plaques on the appropriate areas of the Pai Gow layout. Verbal wagers accompanied by cash may not be accepted.

(b) Only players who are seated at the Pai Gow table may place a wager. Once a player has placed a wager and received tiles, that player shall remain seated until the completion of the round of play. If a player leaves the table during a round of play, any wagers made by the player may be considered abandoned and treated as losing wagers.

(c) All wagers at Pai Gow shall be placed prior to the dealer announcing “no more bets” in accordance with the dealing procedures in § 621a.6 (relating to procedures for dealing the tiles; settling of wagers based on value of dice). Verbal wagers accompanied by cash may not be accepted. A wager may not be made, increased or withdrawn after the dealer has announced “no more bets.”

(d) To participate in a round of play and compete against the dealer’s high and low hands, a player shall place a Pai Gow Wager.

(e) If specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), a certificate holder may offer to each player who placed a Pai Gow Wager in accordance with subsection (d) the option of placing the following additional wagers:

(1) A Pair Fortunes Wager which shall win if any of the four tiles dealt to a player contains a Gee Joon Pair, Heaven Pair, Identical Pair or Mixed Pair. The Pair Fortunes Wager does not have bearing on any of the player’s other wagers.

(2) A Sum Wager, which shall be based on the value of the dice in the manual or player-activated Pai Gow Shaker and shall win depending on the payable selected by the certificate holder, if:

(i) The total of the three dice in the Pai Gow shaker is equal to an 8, 16 or 17.

(ii) The total of the three dice is equal to a 3, 8 or 9.

(iii) At least two of the dice are matching.

(iv) The three dice form a series, such as a 1, 2 and 3, or 3, 4 and 5.

(3) A Match Wager, which shall be based on the value of the dice in the manual or player-activated Pai Gow shaker and shall win if at least two of the dice in the Pai Gow shaker match the value selected by the player. For example, a player’s Match Wager on the 1 shall win if two or three of the dice rolled is a 1.

(4) A Beat It Wager, which shall be based on the value of the dice in the manual or player-activated Pai Gow shaker and shall win depending on the payout table selected by the certificate holder in its Rules Submission, if:

(i) The red die in the Pai Gow shaker is equal in value to or greater than the sum of the two blue dice. For example, a player’s Beat It Wager shall win if the red die is a 6 and the two blue dice are a 2 and a 1 for a total of 3.

(ii) Any single dice beats the sum of the two other dice by 1 to 4 points. For example, a player’s Beat It Wager shall win if the dice rolled are a 5, a 1 and a 1 ( $5 - (1 + 1) = 3$ ).

(f) Except as provided in § 621a.9(f) (relating to player bank; co-banking; selection of bank; procedures for dealing), a certificate holder may, if specified in its Rules Submission under § 601a.2, permit a player to wager on two adjacent betting areas at a Pai Gow table. If a certificate holder permits a player to wager on adjacent betting areas, the tiles dealt to each betting area shall be played separately. If the Pai Gow Wagers are not equal, the player shall rank and set the hand with the larger wager before ranking and setting the other hand. If the amounts wagered are equal, each hand shall be played separately in a counterclockwise rotation with the first hand being ranked and set before the player proceeds to rank and set the second hand. Once a hand has been ranked, set and placed face down on the layout, the hands may not be changed.

**§ 621a.6. Procedures for dealing the tiles; settling of wagers based on value of dice.**

(a) After the dealer has completed mixing and stacking the tiles, the dealer shall either:

(1) Announce “no more bets” and use a computerized random number generator that automatically selects and displays a number.

(2) Announce “no more bets” and shake the Pai Gow shaker at least three times to cause a random mixture of the dice. The dealer shall then remove the lid covering the Pai Gow shaker and place the uncovered Pai Gow shaker on the designated area of the table layout.

(3) Announce “no more bets” and instruct a player to activate the Pai Gow shaker by pressing an activation button at the player’s wagering position.

(b) If the certificate holder is utilizing a manual or player-activated Pai Gow shaker as provided in subsection (a)(2) or (3) and is offering Sum, Match and Beat It Wagers, after the dice come to rest, the dealer shall announce the numeric value of each die and determine if the player has a winning Sum, Match or Beat It Wager as described in § 621a.5(e)(2)—(4) (relating to wagers). The dealer shall settle the wagers by collecting all losing wagers and paying out winning wagers in accordance with § 621a.11(c)—(e) (relating to payout odds; vigorish).

(c) After settling the player’s Sum, Match and Beat It Wagers, if applicable, the dealer shall then use the total of the dice or the number displayed by the computerized random number generator to determine which player receives the first stack of tiles. To determine the starting position for dealing the tiles, the dealer shall count each betting position in order, regardless of whether there is a wager at the betting position, and the Dead Hand, beginning with the dealer as number one and continuing around the table in a counterclockwise manner, until the count matches the total of the three dice or the number displayed by the computerized random number generator. Examples are as follows:

(1) If the dice total 9, the dealer would receive the first stack of four tiles.

(2) If the dice total 15, the sixth wagering position would receive the first stack of four tiles.

(d) The dealer shall deal the first stack of four tiles, starting from the right side of the eight stacks, to the starting position as determined in subsection (c) and, moving counterclockwise around the table, deal all other positions including the Dead Hand and the dealer a stack of tiles, regardless of whether there is a wager at the position. The dealer shall place a marker on top of his stack of tiles immediately after they are dealt.

(e) After all the stacks of tiles have been dealt, the dealer shall, without exposing the tiles, collect any stacks dealt to a position where there is no wager and place the stacks with the Dead Hand on the layout to the left of the dealer in front of the table inventory container.

(f) If a manual Pai Gow shaker is utilized, once all tiles have been dealt and any tiles dealt to positions with no wagers have been collected, the dealer shall place the cover on the Pai Gow shaker and shake the shaker once. The Pai Gow shaker shall then be placed to the right of the dealer.

**§ 621a.8. Procedures for completion of each round of play; setting of hands; payment and collection of wagers; payout odds; vigorish.**

\* \* \* \* \*

(e) A player may surrender his wager after the hands of the dealer have been set. The player shall announce his intention to surrender prior to the dealer exposing either of the two hands of that player as provided in

subsection (g). Once the player has announced his intention to surrender, the dealer shall immediately collect the Pai Gow Wager from that player and collect the four tiles dealt to that player and stack them face down on the right side of the table in front of the table inventory container without exposing the tiles to any other player at the table provided that if a player placed a Pair Fortunes Wager, the player’s wager shall be placed on top of the player’s tiles until the wager is settled in accordance with subsection (j).

\* \* \* \* \*

(i) A wager shall win if the high hand of the player is higher in rank than the high hand of the dealer and the low hand of the player is higher in rank than the low hand of the dealer. The dealer shall pay the winning Pai Gow Wager and collect a vigorish in accordance with § 621a.11(a) (relating to payout odds; vigorish).

(j) After settling the player’s Pai Gow Wager, the dealer shall settle the player’s Pair Fortunes Wagers, if applicable, by determining if the player’s four tiles create a Gee Joon Pair, Heaven Pair, Identical Pair or Mixed Pair. Irrespective of how the player’s hand was set, if the player’s hand:

(1) Contains a Gee Joon Pair, Heaven Pair, Identical Pair or Mixed Pair, the dealer shall pay the winning Pair Fortunes Wager in accordance with § 621a.11(b).

(2) Does not contain a pair, the dealer shall collect the losing Pair Fortune Wager.

(k) After settling the player’s Pai Gow and Pair Fortunes Wagers, the dealer shall immediately collect the tiles of that player and place the tiles face up to the right of the dealer in front of the table inventory container.

(l) Tiles collected by the dealer shall be picked up in order and in a way so that they can be readily arranged to reconstruct each hand in the event of a question or dispute.

**§ 621a.9. Player bank; co-banking; selection of bank; procedures for dealing.**

\* \* \* \* \*

(d) Before a player may bank a round of play, the dealer shall confirm that:

(1) The player placed a wager against the dealer during the last round of play in which there was no player banking the game.

(2) The player has sufficient value chips or plaques on the table to cover all of the Pai Gow Wagers placed by other players at the table for that round of play.

\* \* \* \* \*

(h) Once the dealer has determined that a player may be the bank, as required under subsection (d), and the tiles have been mixed, stacked and, if applicable, cut, the dealer shall, unless co-banking is in effect, remove value chips from the table inventory container in an amount equal to the banker’s last wager made against the dealer or in an amount as specified in the certificate holder’s Rules Submission. This amount shall be the amount the dealer wagers against the bank. The bank may direct that the sum wagered by the dealer be a lesser amount or that the dealer place no wager during that round of play. Any amount wagered by the dealer shall be placed in front of the table inventory container. Immediately upon receipt of the four tiles dealt to the dealer under subsection (k), the dealer shall place his wager on top of these tiles, instead of the marker otherwise required under



§ 621a.6 (relating to procedures for dealing the tiles; settling of wagers based on value of dice), before dealing the remaining tiles. If co-banking is in effect, the dealer may not remove any value chips from the table inventory container under this subsection.

\* \* \* \* \*

(o) If a player is banking the round of play, once the dealer has determined the outcome of the Pai Gow Wager of the dealer against the bank, if any, the dealer shall, starting with the player farthest to the dealer's right and continuing around the table in a counterclockwise manner, expose the hands of each player. The dealer shall compare the high and low hand of each player to the high and low hand of the bank and announce if the Pai Gow Wager shall win, lose or tie. Losing Pai Gow Wagers shall be immediately collected and placed in the center of the table. All winning Pai Gow Wagers, including the dealer's wager, shall be paid by the dealer with the value chips located in the center of the table. If this amount becomes exhausted before all winning Pai Gow Wagers have been paid, the dealer shall collect from the bank an amount equal to the remaining winning Pai Gow Wagers and place that amount in the center of the layout. The remaining winning Pai Gow Wagers shall be paid from the amount in the center of the layout. If, after collecting all losing Pai Gow Wagers and paying all winning Pai Gow Wagers, there is a surplus in the center of the table, this amount shall be charged a 5% vigorish in accordance with § 621a.11(a) (relating to payout odds; vigorish). Once the vigorish has been paid, the remaining amount shall be given to the bank.

(p) Immediately after a winning Pai Gow Wager of the dealer is paid, this amount and the dealer's original Pai Gow Wager shall be returned to the table inventory container.

(q) Each player who has a winning Pai Gow Wager against the bank shall pay a 5% vigorish on the amount won, in accordance with § 621a.11(a).

(r) If a player and the dealer are co-banking the round of play, once the dealer has set the co-bank hand under subsection (e), the dealer shall, starting with the player farthest to the dealer's right and continuing around the table in a counterclockwise manner, expose the hands of each player. The dealer shall compare the high and low hand of each player to the high and low hand of the bank and announce if the Pai Gow Wager shall win, lose or tie. Losing Pai Gow Wagers shall be immediately collected and placed in the center of the table. All winning Pai Gow Wagers shall be paid by the dealer with the value chips located in the center of the table. If this amount becomes exhausted before all winning Pai Gow Wagers have been paid, the dealer shall collect from the co-bank an amount equal to 1/2 of the remaining winning Pai Gow Wagers and place that amount in the center of the layout. The dealer shall remove an amount equal to 1/2 of the remaining winning Pai Gow Wagers from the table inventory container and place that amount in the center of the layout. The remaining winning Pai Gow Wagers shall be paid from the total amount in the center of the layout. If, after collecting all losing Pai Gow Wagers and paying all winning Pai Gow Wagers, there is a surplus in the center of the table, this amount will be counted and the dealer shall place 1/2 of this amount into the table inventory container. The dealer shall collect a 5% vigorish, in accordance with § 621a.11(a) on the remaining amount. Once the vigorish has been paid, the remaining amount shall then be given to the co-bank.

(s) After the Pai Gow Wager has been settled, the dealer shall settle the player's Pair Fortunes Wager in accordance with § 621a.8(j) (relating to procedures for completion of each round of play; setting of hands; payment and collection of wagers; payout odds; vigorish).

**§ 621a.10. Irregularities; invalid roll of the dice.**

(a) If all three dice in the Pai Gow shaker do not land flat on the bottom of the shaker, the dealer shall call a "no roll" and the dealer or player, if a player-activated shaker is used, shall reshake the dice.

(b) If the dealer uncovers the manual Pai Gow shaker and a die or dice fall out of the shaker, the dealer shall call a "no roll" and reshake the dice.

\* \* \* \* \*

**§ 621a.11. Payout odds; vigorish.**

(a) The certificate holder shall pay each winning Pai Gow Wager at odds of 1 to 1, except that the certificate holder shall extract a vigorish from the winning players in an amount equal to 5% of the amount won. When collecting the vigorish, the certificate holder may round off the vigorish to 25¢ or the next highest multiple of 25¢. A certificate holder shall collect the vigorish from a player at the time the winning payout is made.

(b) The certificate holder shall pay each winning Pair Fortunes Wager at the odds in the following payout table:

<i>Hand</i>	<i>Payout</i>
Gee Joon Pair and Heaven Pair	300 to 1
Two Pair	25 to 1
Gee Joon Pair	8 to 1
Mixed Pair	4 to 1
Identical Pair	3 to 1

(c) The certificate holder shall pay each winning Sum Wager in accordance with one of the following payout tables selected by the certificate holder in its Rules Submission:

<i>Sum of Dice</i>	<i>Paytable A</i>	<i>Sum of Dice</i>	<i>Paytable B</i>
17	25 to 1	3	25 to 1
16	6 to 1	8	4 to 1
8	3 to 1	9	2 to 1
	<i>Paytable C</i>		<i>Paytable D</i>
Any three match	3 to 1	Any series of three	15 to 2
Any two match	1 to 1		

(d) The certificate holder shall pay each winning Match Wager at the odds in the following payout table:

	<i>Payout</i>
Triple match	100 to 1
Double match	6 to 1

(e) The certificate holder shall pay out each winning Beat It Wager in accordance with one of the following payout tables selected by the certificate holder in its Rules Submission:

	<i>Paytable A</i>	<i>Paytable B</i>
Red die beats sum of blue dice by		
4 points	50 to 1	60 to 1
2 or 3 points	10 to 1	10 to 1
Tie or 1 point	1 to 1	1 to 1
	<i>Paytable C</i>	
Any die beats sum of other two by 1 or more points	5 to 2	

**CHAPTER 635a. SPANISH 21**

**§ 635a.3. Cards; number of decks; value of cards.**

(a) Except as provided in subsection (d), Spanish 21 shall be played with six or eight decks of cards that are identical in appearance and at least one cover card. The decks shall consist of 48 cards, with the 10 of each suit removed from each deck during the inspection required under § 635a.4 (relating to opening of the table for gaming).

(b) The decks of cards opened for use at a Spanish 21 table shall be changed at least once every 24 hours.

(c) The value of the cards shall be as follows:

- (1) Any card from 2 to 9 shall have its face value.
- (2) Any jack, queen or king shall have a value of 10.

(3) An ace shall have a value of 11, unless that value would give a player or the dealer a score in excess of 21, in which case, the ace shall have a value of 1.

(d) If an automated card shuffling device is utilized, other than a continuous shuffler, Spanish 21 may be played with two batches of cards in accordance with the following requirements:

(1) Each batch shall be separated and must contain an equal number of decks in each batch.

(2) The cards in each batch must be of the same design but the backs of the cards in one batch must be of a different color than the cards in the other batch.

(3) One batch of cards shall be shuffled and stored in the automated card shuffling device while the other batch is being used to play the game.

(4) Both batches of cards shall be continuously alternated in and out of play, with each batch being used for every other dealing shoe.

(5) The cards from only one batch shall be placed in the discard rack at any given time.

**§ 635a.4. Opening of the table for gaming.**

\* \* \* \* \*

(e) If the decks of cards received at the table are preinspected and reshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), subsections (a), (c) and (d) do not apply.

(f) If an automated shuffling device is utilized, other than a continuous shuffler, all the decks in one batch of cards shall be spread for inspection, mixed, stacked and shuffled in accordance with subsections (a)—(d) separate from the decks in the other batch of cards.

**§ 635a.5. Shuffle and cut of the cards.**

\* \* \* \* \*

(g) If there is no gaming activity at a Spanish 21 table which is open for gaming, the cards shall be removed from the dealing shoe and the discard rack and spread out on the table for inspection face down unless a player requests that the cards be spread face up on the table. After the first player at the table is afforded an opportunity to visually inspect the cards:

(1) If an automated shuffling device is not in use, the cards shall be mixed thoroughly by a washing of the cards, stacked, then shuffled and cut in accordance with this section.

(2) If an automated shuffling device is in use, the cards on the table shall be stacked and placed into the automated shuffling device to be shuffled. The batch of cards already in the shuffler shall then be removed. The batch of cards removed from the shuffler does not need to be spread for inspection and reshuffled prior to being dealt, unless a player requests otherwise.

(h) A certificate holder may utilize a dealing shoe or other device that automatically reshuffles and counts the cards provided that the device is approved in accordance with § 461a.4 (relating to submission for testing and approval) prior to its use in the licensed facility. If a certificate holder is utilizing the approved device, subsections (b)—(g) do not apply.

**CHAPTER 649a. THREE CARD POKER**

**§ 649a.1. Definitions.**

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

*5 of 6 Envy Bonus*—An additional fixed sum payout made to a player who placed a 5 of 6 Progressive Payout Wager when another player at the Three Card Poker table is the holder of a 5 of 6 Envy Bonus Qualifying Hand.

*5 of 6 Envy Bonus Qualifying Hand*—A player's five-card Poker hand with a rank of a royal flush, as defined in § 649a.6(d) (relating to Three Card Poker rankings).

*Five-Card Envy Bonus*—An additional fixed sum payout made to a player who placed a Five-Card Progressive Payout Wager when another player at the Three Card Poker table is the holder of a Five-Card Envy Bonus Qualifying Hand.

*Five-Card Envy Bonus Qualifying Hand*—A player's five-card Poker hand with a rank of a straight flush or better, as defined in accordance with § 649a.6(d).

\* \* \* \* \*

**§ 649a.2. Three Card Poker table physical characteristics.**

\* \* \* \* \*

(b) The layout for a Three Card Poker table shall be submitted to the Bureau of Gaming Operations in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment) and contain, at a minimum:

\* \* \* \* \*

(5) If a certificate holder offers the Five Card Hand Bonus Wager authorized under § 649a.7(d)(7), each betting position must contain an electronic wagering system for the placement of the Five Card Hand Bonus Wager.

(6) If the certificate holder offers the 5 of 6 Progressive Payout Wager authorized under § 649a.7(d)(8), a separate area designated for the placement of the 5 of 6 Progressive Payout Wager.

(7) Inscriptions that advise patrons of the payout odds or amounts for all permissible wagers offered by the certificate holder and the phrase "Dealer Plays with Queen High or Better." If payout odds or amounts are not inscribed on the layout, a sign indicating the payout odds or amounts for all permissible wagers shall be posted at each Three Card Poker table.

(c) If a certificate holder offers a Progressive Payout Wager in accordance with § 649a.7(d)(4), (6) or (8), the Three Card Poker table must have a progressive table game system, in accordance with § 605a.7 (relating to progressive table games), for the placement of Progressive Payout Wagers. If the certificate holder is offering a Progressive Payout Wager on multiple linked tables or games in the same licensed facility, the progressive table game system must comply with § 605a.8 (relating to linked progressive table games). The progressive table game system must include:

\* \* \* \* \*

§ 649a.7. Wagers.

\* \* \* \* \*

(d) The following wagers may be placed in the game of Three Card Poker:

\* \* \* \* \*

(7) If specified in its Rules Submission under § 601a.2, a certificate holder may offer to each player at a Three Card Poker table the option to make an additional Five Card Hand Bonus Wager that the player's five-card Poker hand or the dealer's five-card Poker hand, or both, will contain a flush or better as defined in § 649a.6(d) (relating to Three Card Poker rankings). After placing an Ante Wager or a Pair Plus Wager, or both, a player may make the additional Five Card Hand Bonus Wager on the player's hand or the dealer's hand, or both, by using the electronic wagering device designated for that player. Each player shall be responsible for verifying that the player's Five Card Hand Bonus Wager has been accepted.

(8) If specified in its Rules Submission under § 601a.2, a certificate holder may offer to each player who placed an Ante Wager or a Pair Plus Wager the option of placing a 5 of 6 Progressive Payout Wager which shall win if the player's three cards combined with the dealer's three cards forms a straight or better as described in § 649a.6(d). After placing an Ante Wager or a Pair Plus Wager, or both, a player making a 5 of 6 Progressive Payout Wager shall place a value chip onto the progressive wagering device designated for that player. Each player shall be responsible for verifying that the player's respective 5 of 6 Progressive Payout Wager has been accepted.

(e) Notwithstanding subsection (d)(1)—(3), a certificate holder may offer a version of Three Card Poker requiring:

\* \* \* \* \*

§ 649a.11. Procedures for completion of each round of play.

\* \* \* \* \*

(b) After each player has examined his cards, the dealer shall, beginning with the player farthest to the dealer's left and moving clockwise around the table, ask each player who placed an Ante Wager if he wishes to

make a Play Wager in an amount equal to the player's Ante Wager or forfeit the Ante Wager and end his participation in the round of play. If a player:

(1) Has placed an Ante Wager and a Pair Plus Wager but does not make a Play Wager, the player shall forfeit both the Ante Wager and the Pair Plus Wager.

(2) Has placed an Ante Wager and a Three or Five-Card Progressive Payout Wager but does not make a Play Wager, the player shall forfeit both the Ante Wager and the Progressive Payout Wager but may not forfeit the eligibility to receive an Envy Bonus under § 649a.12(e) or (h) (relating to payout odds; Envy Bonus; rate of progression).

(3) Has placed an Ante Wager, a Pair Plus Wager and a Six Card Bonus, Five Card Hand Bonus or a 5 of 6 Progressive Payout Wager, but does not make a Play Wager, the player shall forfeit both the Ante Wager and the Pair Plus Wager but does not forfeit the Six Card Bonus, Five Card Hand Bonus or 5 of 6 Progressive Payout Wager.

(c) After each player who has placed an Ante Wager has either placed a Play Wager on the designated area of the layout or forfeited his Ante Wager and hand, the dealer shall collect all forfeited wagers and associated cards, except for the cards of those players who placed a Six Card Bonus, Five Card Hand Bonus or a 5 of 6 Progressive Payout Wager, and place the cards in the discard rack. The dealer shall then reveal the dealer's cards and place the cards so as to form the highest possible ranking Three Card Poker hand. After the dealer's cards are turned face up, the dealer shall, beginning with the player farthest to the dealer's right and continuing around the table in a counterclockwise direction, complete the following applicable procedures in succession for each player:

\* \* \* \* \*

(8) If the certificate holder offers the Five Card Hand Bonus Wager, after settling all other wagers, the dealer shall then settle the Five Card Hand Bonus Wager and any Magic Card or Lucky Bonus payouts. The dealer shall expose the two additional community cards dealt in accordance with §§ 649a.8(d), 649a.9(b) and 649a.10(c) and form the highest ranking five-card Poker hand of the player and the dealer from the player's or dealer's three cards and the two community cards. A winning Five Card Hand Bonus Wager shall be paid irrespective of whether the player's hand outranks the dealer's hand. If a player has won a Five Card Hand Bonus or any Magic Card or Lucky Bonus payout, the dealer shall:

(i) Verify that the hand is a winning hand.

(ii) Have a floorperson or above verify any Five Card Hand Bonus payout with odds of 500 for 1 or a payout that is a percentage of the jackpot amount on the progressive meter in accordance with approved internal control procedures submitted under § 465a.2 (relating to internal control systems and audit protocols).

(iii) Credit the player's game account for the winning Five Card Hand Bonus Wager or the Magic Card or Lucky Bonus payout in accordance with § 649a.12(i). If a player has won a Five Card Hand Bonus payout that is a percentage of the jackpot amount on the progressive meter, the payout may not be paid to the player's game account. If a player has won a payout that is not being paid to the player's game account, the winning hand must remain on the table until the necessary documentation has been completed.



(9) If the certificate holder offers the 5 of 6 Progressive Payout Wager, after settling all other wagers, the dealer shall combine the player's three cards and the dealer's three cards to form the highest ranking five-card Poker hand of the player. If a player has won a progressive payout, the dealer shall:

- (i) Verify that the hand is a winning hand.
- (ii) Verify that the appropriate light on the progressive table game system has been illuminated.
- (iii) Have a floorperson or above validate the progressive payout in accordance with the certificate holder's approved internal control procedures.

(iv) Pay the winning 5 of 6 Progressive Payout Wager in accordance with the payout odds in § 649a.12(j)(1). If a player has won a progressive payout that is a percentage of the jackpot amount on the progressive meter, the progressive payout may not be paid from the table inventory container. If a player has won a progressive payout that is not being paid from the table inventory container, the cards of that player must remain on the table until the necessary documentation has been completed.

(v) Pay any Envy Bonus won in accordance with § 643a.12(j)(5). Players making a 5 of 6 Progressive Payout Wager shall receive an Envy Bonus when another player at the same Three Card Poker table is the holder of a 5 of 6 Envy Bonus Qualifying Hand. Players are entitled to multiple Envy Bonuses if more than one player is the holder of a 5 of 6 Envy Bonus Qualifying Hand. A player is not entitled to an Envy Bonus for his own hand.

(d) After all wagers of the player have been settled, the dealer shall remove all remaining cards from the table and place them in the discard rack in a manner that permits the reconstruction of each hand in the event of a question or dispute.

**§ 649a.12. Payout odds; Envy Bonus; rate of progression.**

\* \* \* \* \*

(e) If a certificate holder offers a Progressive Payout Wager:

\* \* \* \* \*

(3) The rate of progression (incrementation rate) and the seed and reseed amounts for the meter used for the progressive payouts in paragraph (1) must be based upon the amount of the Progressive Payout Wager being offered and must be as follows:

	<i>Paytable A</i>	<i>Paytable B</i>
Seed/reseed	\$1,000 for 1	\$1,000 for 1
Incrementation rate		
Primary	14%	20%

(4) Winning Progressive Payout Hands shall be paid in accordance with the amount on the meter when it is the player's turn to be paid in accordance with § 649a.11(c) (relating to procedures for completion of each round of play).

\* \* \* \* \*

(h) If a certificate holder offers the Five-Card Progressive Payout Wager:

\* \* \* \* \*

(3) The rate of progression (incrementation rate) and the seed and reseed amounts for the meter used for the progressive payout in paragraph (1) must be based upon the amount of the Five-Card Progressive Payout Wager being offered and must be as follows:

Seed/reseed	\$10,000 for 1
Incrementation rate	
Primary	21%

(4) Winning Five-Card Progressive Payout Hands shall be paid in accordance with the amount on the meter when it is the player's turn to be paid in accordance with § 649a.11(c)(7).

\* \* \* \* \*

(i) If a certificate holder offers the Five Card Hand Bonus Wager:

\* \* \* \* \*

(4) The rate of progression (incrementation rate) and the seed and reseed amounts for the meter used for the progressive payout in paragraph (1) must be based upon the amount of the Five Card Hand Bonus Wager being offered and must be as follows:

Seed	\$10,000 for 1
Reseed	\$0
Incrementation rate	
Primary	21%
Reserve	8%

(j) If a certificate holder offers the 5 of 6 Progressive Payout Wager:

(1) The certificate holder shall pay out winning 5 of 6 Progressive Payout Wagers at the odds in the following payable:

<i>Hand</i>	<i>Paytable</i>
Royal flush of spades	100% of meter
Royal flush of clubs, diamonds or hearts	25% of meter
Straight flush	250 for 1
Four-of-a-kind	100 for 1
Full house	20 for 1
Flush	10 for 1
Straight	5 for 1

(2) A player shall receive the payout for only the highest ranking five-card Poker hand formed.

(3) The rate of progression (incrementation rate) and the seed and reseed amounts for the meter used for the progressive payout in paragraph (1) must be based upon the amount of the 5 of 6 Progressive Payout Wager being offered and must be as follows:

Seed/reseed	\$10,000 for 1
Incrementation rate	
Primary	28%

(4) Winning 5 of 6 Progressive Payout Wagers shall be paid in accordance with the amount on the meter when it is the player's turn to be paid.

(5) Envy Bonus payouts shall be made according to the following payouts for 5 of 6 Envy Bonus Qualifying Hands based upon the amount of the 5 of 6 Progressive Payout Wager placed by the player receiving the Envy Bonus:

*\$1 Progressive Payout Wager*

<i>Hand</i>	<i>Envy Bonus</i>
Royal flush of spades	\$100
Royal flush of clubs, diamonds or hearts	\$50

*\$5 Progressive Payout Wager*

<i>Hand</i>	<i>Envy Bonus</i>
Royal flush of spades	\$500
Royal flush of clubs, diamonds or hearts	\$250

**CHAPTER 659a. FORTUNE ASIA POKER**

**§ 659a.12. Payout odds.**

\* \* \* \* \*

(d) If the certificate holder offers the Progressive Payout Wager:

\* \* \* \* \*

(2) A player shall receive the payout for only the highest ranking hand formed.

(3) The rate of progression (incrementation rate) and the seed and reseed amounts for the meter used for the progressive payout in paragraph (1) must be based on the amount of the Progressive Payout Wager being offered and must be as follows:

Seed/reseed	\$10,000 for 1
Incrementation rate	
Primary	28%

(4) Winning Progressive Payout Wagers shall be paid in accordance with the amount on the meter when it is the player's turn to be paid in accordance with § 659a.11(h) (relating to procedures for completion of each round of play).

**CHAPTER 669a. RAISE IT UP STUD POKER**

**§ 669a.12. Payout odds; Envy Bonus; rate of progression.**

\* \* \* \* \*

(e) If a certificate holder offers the Progressive Payout Wager:

(1) The certificate holder shall pay each winning Progressive Payout Wager in accordance with the following odds:

<i>Hand</i>	<i>Payout</i>
Ace, king and queen of spades	100% of meter
Ace, king and queen of hearts, diamonds or clubs	500 for 1
Straight flush	70 for 1
Three-of-a-kind	60 for 1
Straight	6 for 1

(2) A player shall receive the payout for only the highest ranking hand formed from the player's three cards and the three community cards.

(3) The rate of progression (incrementation rate) and the seed and reseed amounts for the meter used for the progressive payouts in paragraph (1) must be based on the amount of the Progressive Wager being offered and must be as follows:

Seed/reseed	\$1,000 for 1
Incrementation rate	
Primary	14%

(4) Winning Progressive Payout Hands shall be paid in accordance with the amount on the meter when it is the player's turn to be paid in accordance with § 669a.11(i)(3)(i) (relating to procedures for completion of each round of play).

\* \* \* \* \*

**CHAPTER 670a. SIX-CARD FORTUNE PAI GOW POKER**

**§ 670a.12. Payout odds; Envy Bonus; rate of progression.**

\* \* \* \* \*

(d) If the certificate holder offers the Progressive Payout Wager:

(1) The certificate holder shall pay out winning Progressive Payout Wagers at the odds in the following payable:

<i>Hand</i>	<i>Payout</i>
Five aces	100% of meter
Royal flush	10% of meter
Straight flush	300 for 1
Four-of-a-kind	150 for 1
Full house	15 for 1
Flush	6 for 1
Straight	3 for 1

(2) The rate of progression (incrementation rate) and the seed and reseed amounts for the meter used for the progressive payout in paragraph (1) must be based upon the amount of the Progressive Payout Wager being offered and must be as follows:

Seed/reseed	\$5,000 for 1
Incrementation rate	
Primary	21%

(3) Winning Progressive Payout Wagers shall be paid the amount on the meter when it is the player's turn to be paid in accordance with § 670a.11(h)(3) (relating to procedures for completion of each round of play) irrespective of the amount that was on the meter when the player placed the wager or when the dealer dealt the player's cards.

\* \* \* \* \*

**CHAPTER 674a. CRISS-CROSS POKER**

**§ 674a.7. Wagers.**

\* \* \* \* \*

(g) The certificate holder shall specify in its Rules Submission under § 601a.2 the number of adjacent boxes on which a player may place a wager in one round of play.

§ 674a.12. Payout odds.

\* \* \* \* \*

(d) Notwithstanding the payout odds in subsections (a) and (b), if specified in its Rules Submission form filed in accordance with § 601a.2 (relating to table game Rules Submissions), the certificate holder may establish an aggregate payout limit per player per round of play which may not be less than \$50,000 or the maximum amount that one patron could win per round when betting the minimum wager, whichever is greater. Any maximum payout limit established by the certificate holder must apply only to payouts of Ante Across, Ante Down, Across Bet, Down Bet and Middle Bet Wagers under subsections (a) and (b) but does not apply to payouts for Five Card Bonus Wagers in subsection (c).

CHAPTER 675a. HIGH ROLL DICE

§ 675a.1. High Roll Dice table; physical characteristics.

\* \* \* \* \*

(b) The layout for a High Roll Dice table shall be submitted to the Bureau of Gaming Operations and approved in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment) and contain, at a minimum:

\* \* \* \* \*

(3) The payout odds, in accordance with § 675a.5 (relating to payout odds), for all permissible wagers offered by the certificate holder. If the payout odds are not on the layout, a sign identifying the payout odds shall be posted at each High Roll Dice table.

(4) A throw box set into the surface of the High Roll Dice table. The throw box layout must contain an area for the placement of dice labeled “Ace” through “Six” with the “Ace” box farthest to the left of the dealer and the “Two” box farthest to the right of the dealer.

\* \* \* \* \*

§ 675a.5. Payout odds.

\* \* \* \* \*

(d) The certificate holder shall pay out winning Like Kind Boulevard Wagers on the Extra Roll at the following odds:

	<i>Payout Odds</i>
Eight-of-a-kind	50 to 1
Seven-of-a-kind	10 to 1
Six-of-a-kind	4 to 1
Five-of-a-kind	2 to 1
Four-of-a-kind	1 to 1
Three-of-a-kind	6 to 1

§ 675a.6. High Roll Dice variation.

\* \* \* \* \*

(k) The certificate holder shall pay out winning Like Kind Wagers at the following odds:

	<i>Payout Odds</i>
Six-of-a-kind	6,000 to 1
Five-of-a-kind	200 to 1
Four-of-a-kind	15 to 1
Three-of-a-kind	2 to 1
Two-of-a-kind	1 to 2
No matches	60 to 1

CHAPTER 678a. HIGH CARD FLUSH

§ 678a.7. Wagers.

\* \* \* \* \*

(e) The certificate holder shall specify in its Rules Submission under § 601a.2 the number of adjacent boxes on which a player may place a wager in one round of play.

§ 678a.12. Payout odds; payout limitation.

\* \* \* \* \*

(d) If a certificate holder offers the Progressive Jackpot Wager:

\* \* \* \* \*

(3) The rate of progression (incrementation rate) and the seed and reseed amounts for the meter used for the progressive payout in paragraph (1) must be based upon the amount of the Progressive Jackpot Wager being offered and must be as follows:

	<i>Paytable A</i>	<i>Paytable B</i>
Seed	\$30,000 for 1	\$30,000 for 1
Reseed	\$0	\$0
Incrementation rate		
Primary	23%	23%
Reserve	5%	5%

(4) Winning Progressive Jackpot Wagers shall be paid in accordance with the amount on the meter when it is the player’s turn to be paid in accordance with § 678a.11(e)(3) (relating to procedure for completion of each round of play).

(e) Notwithstanding the payout odds in subsection (a), if specified in its Rules Submission form filed in accordance with § 601a.2, the certificate holder may establish an aggregate payout limit per player per round of play which may not be less than \$50,000 or the maximum amount that one patron could win per round when betting the minimum wager, whichever is greater. Any maximum payout limit established by the certificate holder must apply only to payouts of Ante and Raise Wagers under subsection (a) but does not apply to payouts for Flush Bonus, Straight Flush Bonus or Progressive Jackpot Wagers under subsections (b)—(d).

CHAPTER 680a. SAIGON 5 CARD

§ 680a.1. Definitions.

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

*Ante Wager*—The wager that a player is required to make prior to any cards being dealt to compete against the dealer’s hand.



*Bonus Wager*—An optional wager a player may make to compete against a posted payout table.

*Pot Wager*—A wager that a player is required to make, if selected by the certificate holder, prior to any cards being dealt to compete against the other players' two-card hands.

*Qualify or qualifies*—When the dealer's three-card hand or the player's three-card hand made from the five cards dealt to the dealer and the player has a total value of 10, 20 or 30.

*Showdown hand*—The two-card hand of the player or the dealer made from the five cards dealt to the player or the dealer.

**§ 680a.2. Saigon 5 Card table physical characteristics.**

(a) Saigon 5 Card shall be played at a table having betting positions for no more than six players on one side of the table and a place for the dealer on the opposite side of the table.

(b) The layout for a Saigon 5 Card table shall be submitted to the Bureau of Gaming Operations in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment) and contain, at a minimum:

- (1) The name or logo of the certificate holder.
- (2) A separate betting area designated for the placement of the Ante Wager for each player.
- (3) If the certificate holder elects to require players to make a Pot Wager, as selected by the certificate holder in its Rules Submission, a separate betting area designated for the placement of the Pot Wager.
- (4) Two separate areas for each player for the placement of the player's three-card qualifying hand and the player's two-card showdown hand.
- (5) If the certificate holder offers the optional Bonus Wager authorized under § 680a.7(d)(3) (relating to wagers), a separate area designated for the placement of the Bonus Wager for each player.
- (6) Inscriptions that advise patrons of the payout odds for all permissible wagers offered by the certificate holder. If payout odds are not inscribed on the layout, a sign indicating the payout odds for all permissible wagers shall be posted at each Saigon 5 Card table.
- (7) If the certificate holder establishes a payout limit per player, per round of play, as authorized under § 680a.12(d) (relating to payout odds; payout limitation), inscriptions that advise patrons of the payout limit. If the payout limit is not inscribed on the layout, a sign identifying the payout limit shall be posted at each Saigon 5 Card table.

(c) Each Saigon 5 Card table must have a drop box and a tip box attached on the same side of the table as, but on opposite sides of, the dealer, as approved by the Bureau of Casino Compliance in accordance with § 601a.10(g). The Bureau of Casino Compliance may approve an alternative location for the tip box when a card shuffling device or other table game equipment prevents the placement of the drop box and tip box on the same side of the gaming table as, but on opposite sides of, the dealer.

(d) Each Saigon 5 Card table must have a discard rack securely attached to the top of the dealer's side of the table.

**§ 680a.7. Wagers.**

\* \* \* \* \*

(d) The following wagers may be placed in the game of Saigon 5 Card:

(1) A player shall compete solely against the dealer by placing an Ante Wager.

(2) If more than one player is playing at a Saigon 5 Card table and the certificate holder elects to require players to place a Pot Wager, a player shall make a Pot Wager equal to the table minimum to compete against the other players' two-card hands.

(3) If specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), a certificate holder may offer to each player at a Saigon 5 Card table the option to make an additional Bonus Wager which shall win if the player's five cards contain two pair or better as described in § 680a.6(c) (relating to Saigon 5 Card rankings).

\* \* \* \* \*

**§ 680a.11. Procedures for completion of each round of play.**

\* \* \* \* \*

(d) After the dealer's cards are turned face up and set, the dealer shall, beginning with the player farthest to the dealer's right and continuing around the table in a counterclockwise direction, complete the following applicable procedures in succession for each player. The dealer shall turn the player's three-card hand face up on the layout and compare the dealer's three-card hand to the player's three-card hand. If the dealer's three-card hand:

- (1) Does not qualify and the player's three-card hand:
  - (i) Does not qualify, the dealer shall return the player's Ante Wager.
  - (ii) Qualifies, the dealer shall reveal the player's showdown hand. If the player's two-card showdown hand:
    - (A) Has a Point Count of 1—4 or 6—10, the dealer shall pay the winning Ante Wager in accordance with § 680a.12(a) (relating to payout odds; payout limitation).

\* \* \* \* \*

(e) After settling the player's Ante Wager, the dealer shall settle any optional Bonus Wager by reconfiguring the player's five cards to form the highest ranking Poker hand. If the player's hand:

- (1) Does not contain two pair or better, as provided in § 680a.6(c) (relating to Saigon 5 Card rankings), the dealer shall collect the losing Bonus Wager.
- (2) Contains two pair or better, the dealer shall pay the winning Bonus Wager in accordance with § 680a.12(c).

(f) After settling the player's Ante and Bonus Wagers, the dealer shall settle the Pot Wager, if offered by the certificate holder, by determining which player's two-card hand point total ranks the highest. The player with the highest ranking two-card hand point total shall be paid the entire pot amount provided that if there is a tie hand, the pot shall be split evenly between the winning players.

(g) After all wagers of the player have been settled, the dealer shall remove any remaining cards from the table and place them in the discard rack in a manner that permits the reconstruction of each hand in the event of a question or dispute.

**§ 680a.12. Payout odds; payout limitation.**

\* \* \* \* \*

(d) Notwithstanding the payout odds in subsections (a) and (b), if specified in its Rules Submission form filed in accordance with § 601a.2 (relating to table games Rules Submissions), the certificate holder may establish an aggregate payout limit per player per round of play which may not be less than \$50,000 or the maximum amount that one patron could win per round when betting the minimum wager, whichever is greater. Any maximum payout limit established by the certificate holder must apply only to payouts of Ante Wagers under subsections (a) and (b) but does not apply to payouts for Bonus Wagers under subsection (c).

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