

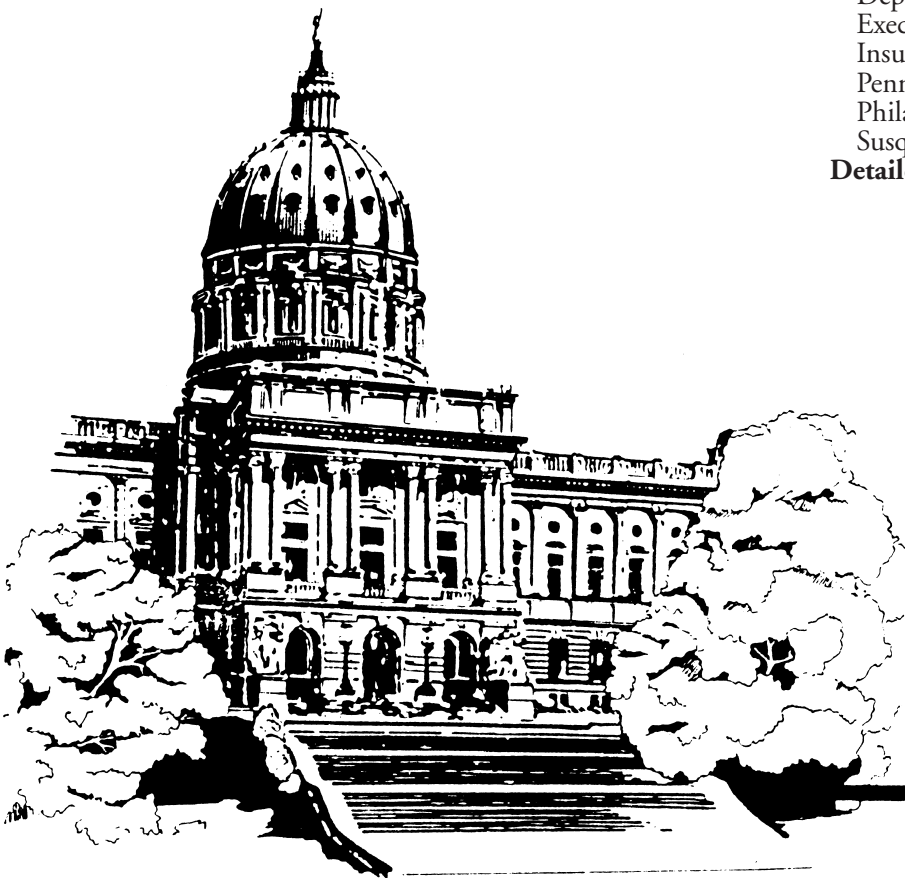
# PENNSYLVANIA BULLETIN

Volume 49 Number 8  
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Pages 817—908

**Agencies in this issue**

The General Assembly  
The Courts  
Department of Agriculture  
Department of Banking and Securities  
Department of Environmental Protection  
Department of Health  
Department of Human Services  
Executive Board  
Insurance Department  
Pennsylvania Public Utility Commission  
Philadelphia Parking Authority  
Susquehanna River Basin Commission

**Detailed list of contents appears inside.**



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

**No. 531, February 2019**

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

## *Pennsylvania Bulletin*

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

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

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

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

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

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

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

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

## *Citation to the Pennsylvania Bulletin*

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

## *Pennsylvania Code*

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

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

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

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

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

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

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

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

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### 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 GENERAL ASSEMBLY

## COMMISSION ON SENTENCING

### Meetings Scheduled; Correction

An error occurred in the notice published at 49 Pa.B. 704 (February 16, 2019). The document number line was incorrectly published. The correct document line is as follows. The remainder of the notice is accurate as published.

[Pa.B. Doc. No. 19-203. Filed for public inspection February 15, 2019, 9:00 a.m.]

MARK H. BERGSTROM,  
*Executive Director*

[Pa.B. Doc. No. 19-250. Filed for public inspection February 22, 2019, 9:00 a.m.]

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# THE COURTS

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

### PART IV. ADMISSION TO PRACTICE LAW

[ 204 PA. CODE CH. 71 ]

Order Amending Rule 202 of the Pennsylvania Bar Admission Rules; No. 790 Supreme Court Rules Doc.

#### Order

*Per Curiam*

And Now, this 8th day of February, 2019, upon the recommendation of the Board of Law Examiners, the proposal having been published for public comment at 48 Pa.B. 6385 (October 6, 2018):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 202 of the Bar Admission Rules is amended in the following form.

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

#### Annex A

### TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

#### PART IV. ADMISSION TO PRACTICE LAW

#### CHAPTER 71. PENNSYLVANIA BAR ADMISSION RULES

#### Subchapter B. ADMISSION TO THE BAR GENERALLY

#### IN GENERAL

#### Rule 202. Admission to the Bar.

An applicant who complies with the requirements of Rule 203 (relating to admission of graduates of accredited institutions), Rule 204 (relating to admission of domestic attorneys) or Rule 205 (relating to admission of foreign attorneys) and the applicable rules of the Board shall be admitted to the bar of this Commonwealth in the manner prescribed by these rules.

**An applicant who is an undocumented immigrant who has current Deferred Action for Childhood Arrivals (DACA) status, or equivalent status under a successor program, and who has current and valid employment authorization to work in the United States shall be eligible for admission to the Pennsylvania Bar provided that all other requirements of these Rules are otherwise satisfied. This Rule satisfies the requirements of Section 1621(d) of Title 8 of the United States Code. This Rule shall apply to all applications pending at the time of its adoption and thereafter.**

[Pa.B. Doc. No. 19-251. Filed for public inspection February 22, 2019, 9:00 a.m.]

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

### PART V. PROFESSIONAL ETHICS AND CONDUCT

[ 204 PA. CODE CHS. 81 AND 83 ]

Amendment of Rules 219(a) and 502(b) of the Pennsylvania Rules of Disciplinary Enforcement and Rule 1.15 of the Rules of Professional Conduct; No. 172 Disciplinary Rules Doc.

#### Order

*Per Curiam*

And Now, this 7th day of February, 2019, it is hereby Ordered that Rules 219(a) and 502(b) of the Pennsylvania Rules of Disciplinary Enforcement and Rule 1.15 of the Rules of Professional Conduct are amended in the following form. These amendments shall be effective for the 2019-20 annual attorney assessment and shall continue until further Order of this Court.

Pursuant to Rule 103 of the Pennsylvania Rules of Judicial Administration, the immediate amendment of Rules 219(a) and 502(b) of the Pennsylvania Rules of Disciplinary Enforcement and Rule 1.15 of the Rules of Professional Conduct is required in the interest of efficient administration.

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

#### Annex A

### TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

#### PART V. PROFESSIONAL ETHICS AND CONDUCT

#### Subpart A. PROFESSIONAL RESPONSIBILITY

#### CHAPTER 81. RULES OF PROFESSIONAL CONDUCT

#### Subchapter A. RULES OF PROFESSIONAL CONDUCT

#### § 81.4. Rules of Professional Conduct.

The following are the Rules of Professional Conduct:

#### CLIENT-LAWYER RELATIONSHIP

#### Rule 1.15. Safekeeping Property.

\* \* \* \* \*

(u) Every attorney who is required to pay an active annual assessment under Rule 219 of the Pennsylvania Rules of Disciplinary Enforcement (relating to annual registration of attorneys) shall pay an additional annual fee of [ \$30.00 ] \$25.00 for use by the IOLTA Board. Such additional assessment shall be added to, and collected with and in the same manner as, the basic annual assessment. All amounts received pursuant to this subdivision shall be credited to the IOLTA Board.

\* \* \* \* \*



**Subpart B. DISCIPLINARY ENFORCEMENT****CHAPTER 83. PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT****Subchapter B. MISCONDUCT****Rule 219. Annual registration of attorneys.**

(a) Every attorney admitted to practice law in this Commonwealth shall pay an annual fee of [ **\$120.00** ] **\$140.00** and electronically file the annual fee form provided for in this rule by July 1. The fee shall be collected under the supervision of the Attorney Registration Office, which shall make the annual fee form available for filing through a link on the Board's website (<http://www.padisciplinaryboard.org>) or directly at <https://ujportal.pacourts.us>. The said fee shall be used to defray the costs of disciplinary administration and enforcement under these rules, and for such other purposes as the Board shall, with the approval of the Supreme Court, from time to time determine. Upon an attorney's written request submitted to the Attorney Registration Office and for good cause shown, the Attorney Registration Office shall grant an exemption from the electronic filing requirement and permit the attorney to file the annual fee form in paper form.

\* \* \* \* \*

**Subchapter E. PENNSYLVANIA LAWYERS FUND FOR CLIENT SECURITY**  
**GENERAL PROVISIONS**

**Rule 502. Pennsylvania Lawyers Fund for Client Security.**

\* \* \* \* \*

(b) *Additional fee.* Every attorney who is required to pay an active annual fee under Rule 219 (relating to annual registration of attorneys) shall pay an additional fee of [ **\$75.00** ] **\$60.00** for use by the Fund. Such additional fee shall be added to, and collected with and in the same manner as, the basic annual fee. All amounts received pursuant to this subdivision shall be credited to the Fund.

\* \* \* \* \*

[Pa.B. Doc. No. 19-252. Filed for public inspection February 22, 2019, 9:00 a.m.]

**Title 210—APPELLATE PROCEDURE**

**PART I. RULES OF APPELLATE PROCEDURE**  
**[ 210 PA. CODE CHS. 1, 19 AND 21 ]**

**Proposed Adoption of Pa.R.A.P.s 130—136 and Proposed Amendment of Pa.R.A.P.s 121, 122, 124, 125, 1921, 1931, 2173 and 2174**

The Appellate Court Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the adoption of Pa.R.A.P.s 130, 131, 132, 133, 134, 135, 136 and the amendment of Pa.R.A.P.s 121, 122, 124, 125, 1921, 1931, 2173, 2174 governing electronic filing in the appellate courts. Pursuant to Pa.R.J.A. No. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

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

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

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

Karla M. Shultz, Counsel  
Appellate Court Procedural Rules Committee  
Supreme Court of Pennsylvania  
Pennsylvania Judicial Center  
PO Box 62635  
Harrisburg, PA 17106-2635  
FAX: 717-231-9526  
[appellaterules@pacourts.us](mailto:appellaterules@pacourts.us)

All communications in reference to the proposal should be received by April 26, 2019. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

*By the Appellate Court  
Procedural Rules Committee*

PATRICIA A. McCULLOUGH,  
*Chair*

**Annex A****TITLE 210. APPELLATE PROCEDURE****PART I. RULES OF APPELLATE PROCEDURE****ARTICLE I. PRELIMINARY PROVISIONS****CHAPTER 1. GENERAL PROVISIONS****DOCUMENTS GENERALLY****Rule 121. Filing and Service of Paper Documents.**

(a) *Filing of paper documents.*—[ **Papers** ] **Paper documents** required or permitted to be filed in an appellate court shall be filed with the prothonotary. Filing **of paper documents** may be accomplished by mail addressed to the prothonotary, but except as otherwise provided by these rules, filing shall not be timely unless the [ **papers** ] **paper documents** are received by the prothonotary within the time fixed for filing. If an application under these rules requests relief [ **which** ] **that** may be granted by a single judge, a judge in extraordinary circumstances may permit the application and any related [ **papers** ] **paper documents** to be filed with that judge. In that event the judge shall note thereon the date of filing and shall thereafter transmit such [ **papers** ] **paper documents** to the clerk.

A *pro se* [ **filing** ] **paper document** submitted by a prisoner incarcerated in a correctional facility is deemed filed as of the date it is delivered to the prison authorities for purposes of mailing or placed in the institutional mailbox, as evidenced by a properly executed prisoner cash slip or other reasonably verifiable evidence of the date that the prisoner deposited the *pro se* filing with the prison authorities.

(b) *Service of [ **all papers required** ] paper documents.*—Copies of all [ **papers** ] **paper documents** filed by any party and not required by these rules to be served by the prothonotary shall, concurrently with their filing,

be served by a party or person acting on behalf of that party or person on all other parties to the matter. Service on a party represented by counsel shall be made on counsel.

[ (c) ] **(c)(1) Manner of service.**—Service **of paper documents** may be **by the following**:

[ (1) by ] **(i)** personal service, which includes delivery of the copy to a clerk or other responsible person at the office of the person served, but does not include inter-office mail;

[ (2) by ] **(ii)** first class, express, or priority United States Postal Service mail;

[ (3) by ] **(iii)** commercial carrier with delivery intended to be at least as expeditious as first class mail if the carrier can verify the date of delivery to it; **and**

[ (4) by ] **(iv)** facsimile or e-mail with the agreement of the party being served as stated in the certificate of service.

Service by mail is complete on mailing.

[ (d) ] **(2) Proof of service.**—[ **Papers** ] **Paper documents** presented for filing shall contain an acknowledgement of service by the person served, or proof of service certified by the person who made service. Acknowledgement or proof of service may appear on or be affixed to the [ **papers** ] **paper documents** filed. The clerk may permit [ **papers** ] **paper documents** to be filed without acknowledgement or proof of service but shall require such to be filed promptly thereafter.

[ (e) ] **(d) Additional time after service of paper documents** by [ **mail and commercial carrier** ] **all forms of service other than personal service.**—Whenever a party is required or permitted to do an act within a prescribed period after service of a [ **paper** ] **document** upon that party (other than an order of a court or other government unit) and the [ **paper** ] **document** is served by [ **United States mail or by commercial carrier** ] **any form of service set forth in paragraph (c)(1)(ii)—(iv) of this rule**, three days shall be added to the prescribed period.

**Official Note:** [ **Subdivision** ] **Paragraph (a)**—The term “related [ **papers** ] **paper documents**” in [ **subdivision** ] **paragraph (a)** of this rule includes any appeal [ **papers** ] **documents** required under [ **Rule** ] **Pa.R.A.P. 1702** (stay ancillary to appeal) as a prerequisite to an application for a stay or similar relief.

In 2008, the term “paperbooks” was replaced with “briefs and reproduced records” throughout these rules. The reference to the deemed filing date for paperbooks when first class mail was used that was formerly found in [ **subdivision** ] **paragraph (a)** is now found in [ **Rule** ] **Pa.R.A.P. 2185** regarding filing briefs and in [ **Rule** ] **Pa.R.A.P. 2186** regarding filing reproduced records.

As to *pro se* filings by persons incarcerated in correctional facilities, see *Commonwealth v. Jones*, [ **549 Pa. 58**, ] 700 A.2d 423 (Pa. 1997); *Smith v. Pa. Bd. of Prob. & Parole*, [ **546 Pa. 115**, ] 683 A.2d 278 (Pa. 1996); *Commonwealth v. Johnson*, 860 A.2d 146 (Pa. Super. 2004).

[ **Subdivision (c)** ] **Paragraph (c)(1)**—An acknowledgement of service may be executed by an individual other than the person served, [ **e.g.** ] **for example**, by a clerk or other responsible person.

[ **Subdivision (d)** ] **Paragraph (c)(2)**—With respect to appearances by new counsel following the initial docketing of appearances pursuant to [ **subdivision (d)** ] **subparagraph (c)(2)** of this rule, please note the requirements of Rule 120 (entry of appearance).

[ **Subdivision (e) Subdivision (e)** ] **Paragraph (d)**—**Paragraph (d)** of the rule does not apply to the filing of a notice of appeal, a petition for allowance of appeal, a petition for permission to appeal, or a petition for reconsideration or re-argument, since under these rules the time for filing such [ **papers** ] **documents** runs from the entry and service of the related order, nor to the filing of a petition for review, which is governed by similar considerations. However, these rules permit the filing of such notice and petitions (except a petition for reconsideration or re-argument) in the local county (generally in the county court house; otherwise in a post office), thus eliminating a major problem under the prior practice. The amendments to [ **Rules** ] **Pa.R.A.P.s 903(b), 1113(b) and 1512(a)(2)** clarified that [ **subdivision (e)** ] **paragraph (d)** does apply to calculating the deadline for filing cross-appeals, cross-petitions for allowance of appeal, and additional petitions for review.

**For the procedure for electronic filing and service, see Pa.R.A.P.s 125 and 130 through 136.**

**Rule 122. Content and Form of Proof of Service of Paper Documents Filed in an Appellate Court.**

(a) *Content.*—A proof of service shall contain a statement of the date and manner of service and of the names of the persons served.

(b) *Form.*—Each name and address shall be separately set forth in the form of a mailing address, including applicable zip code, regardless of the actual method of service employed. The proof of service shall also show the telephone number, the party represented, and, where applicable, an e-mail or facsimile address. The name, address, and telephone number of the serving party shall be similarly set forth, followed by the attorney’s registration number. A proof of service may be in substantially the following form:

I hereby certify that I am this day serving the foregoing document upon the persons and in the manner indicated below, which service satisfies the requirements of Pa.R.A.P. 121:

Service by first class mail addressed as follows:

Name, Telephone number  
Mailing address  
(Party represented)

Acceptance of service endorsed by the following:

Name, Telephone number  
Mailing address  
(Party represented)

Service in person as follows:

Name, Telephone number  
Street address  
Mailing address (if different)  
(Party represented)

Service by commercial carrier as follows:

Name of commercial carrier  
Addressee's name, Telephone number  
Street address  
Mailing address (if different)  
(Party represented)

Service by e-mail at following:

E-mail address, with agreement of:  
Name, Telephone number  
Mailing address  
(Party represented)

Service by facsimile at following:

Fax number with the agreement of:  
Name, Telephone number  
Mailing address  
(Party represented)

Date:

(S) \_\_\_\_\_  
Name, Telephone number  
(Attorney Registration No. 00000)  
Mailing address  
(Party represented)

**Official Note:** Under 18 Pa.C.S. § 4904 (unsworn falsification to authorities) a knowingly false proof of service constitutes a misdemeanor of the second degree.

Rule 124. Form of [ **Papers** ] **Documents**; Number of Copies.

(a) *Size and other physical characteristics.*—All [ **papers** ] **documents** filed in an appellate court shall be on 8 1/2 inch by 11 inch [ **paper** ] **pages** and shall comply with the following requirements:

(1) The [ **papers** ] **documents** shall be prepared on white [ **paper** (except for covers, dividers and similar sheets) of good quality ] **background**.

(2) The first [ **sheet** ] **page** (except the cover of a brief or reproduced record) shall contain a 3 inch space from the top of the [ **paper** ] **document** for all court stampings, filing notices, etc.

(3) Text must be double spaced, but quotations more than two lines long may be indented and single spaced. Footnotes may be single spaced. Except as provided in [ **subdivision** ] **subparagraph** (2), margins must be at least one inch on all four sides.

(4) Lettering shall be clear and legible and no smaller than 14 point in the text and 12 point in footnotes. Lettering shall be on only one side of a page, except that exhibits and similar supporting documents, briefs, and reproduced records may be lettered on both sides of a page.

(5) Any metal fasteners or staples must be covered. Originals must be unbound. Copies must be firmly bound.

(6) No backers shall be necessary.

(b) *Nonconforming [ papers ] documents.*—The prothonotary of an appellate court may accept any nonconforming [ **papers** ] **documents**.

(c) *Copies.*—Except as otherwise prescribed by these rules [ :

**(1) An original of an application for continuance or advancement of a matter shall be filed.**

**(2) An original and three copies of any other application in the appellate courts shall be filed, but the court may require additional copies. ]**

**, the number of copies of an application required to be filed may be found at each appellate court's respective web page at www.pacourts.us.**

**Official Note:** The 2013 amendment increased the minimum text font size from 12 point to 14 point and added a minimum footnote font size of 12 point. This rule requires a clear and legible font. The Supreme, Superior, and Commonwealth Courts use Arial, Verdana, and Times New Roman, respectively, for their opinions. A brief using [ **one** ] **the respective court's font is preferred, but a brief using any** of these fonts will be satisfactory.

**Rule 125. Electronic Filing.**

(a) *PACFile exclusivity.*—Electronic filing of documents in the appellate courts shall be through the PACFile appellate court electronic filing system (PACFile).

(b) *PACFile rules.*—Electronic filing of documents shall be governed by [ **Administrative Orders of the Supreme Court of Pennsylvania, which may be found at <http://ujportal.pacourts.us/refdocuments/judicialorder.pdf>** ] **Pa.R.A.P.s 130—136.**

(c) *PACFile participation.*

(1) *General rule.*—Effective \_\_\_\_\_, \_\_\_\_\_, attorneys shall file and serve all documents required or permitted to be filed in an appellate court, except appeals pursuant to the Abortion Control Act under Pa.R.A.P. 3801—3814 or the Wiretap Act under 210 Pa. Code §§ 65.51—65.78 (relating to wiretaps), through the PACFile appellate court electronic filing system in accordance with Pa.R.A.P.s 130 through 136. Anyone proceeding without counsel may, but is not required to, file and serve all documents required or permitted to be filed in an appellate court through PACFile in accordance with Pa.R.A.P.s 125 and 130—136.

(2) *Exemption.*—Upon application and a showing of good cause, an appellate court may exempt an attorney from the provisions of Pa.R.A.P.s 130—136 and authorize the filing of paper documents.

**Official Note:** [ This is an interim rule permitting electronic filing of documents in the Pennsylvania appellate courts. Initially, electronic filing will be available only in the Supreme Court. Subsequently, electronic filing will become available in the Superior and Commonwealth Courts. After experience is gained with electronic filing, the Pennsylvania Rules of Appellate Procedure will be amended where needed and as appropriate. ] **PACFile participation for attorneys prior to the effective date set forth in paragraph (c)(2) is optional.**

*Editor's Note:* The following Rules 130—136 are proposed to be added and printed in regular type to enhance readability.)

#### **ELECTRONIC FILING OF DOCUMENTS IN THE APPELLATE COURTS**

**Rule 130. Electronic Filing System Participation, Use, Access, and Fees.**

(a) *Participation by attorneys.*—In order to use the PACFile appellate court electronic filing system (PACFile), an attorney must establish an account on the

UJS web portal: <http://ujportal.pacourts.us>. An attorney is responsible for the actions of other individuals whom the attorney authorizes to use the attorney's account.

(b) *Participation by those without counsel.*—PACFile will permit parties who are proceeding without counsel, *amicus curiae* proceeding without counsel, and prospective intervening parties who are proceeding without counsel to access their cases through an authorization process on the UJS web portal: <http://ujportal.pacourts.us>.

(c) *Use.*—Use of PACFile shall constitute the filer's certification of the following:

- (1) That the submission is authorized;
- (2) That the filer will accept electronic notice and service of other documents through PACFile; and
- (3) That the filer will accept e-mail service of advance text of briefs under Pa.R.A.P.s 2185(a) and (c), and 2187(b) if the record is being reproduced under Pa.R.A.P. 2154(b) (large records).

(d) *Access.*—Subject to the limits stated in paragraph (d)(4):

- (1) Attorneys registered with PACFile shall have access to all documents and filings in any case in which they have entered an appearance on behalf of a party or *amicus curiae*.
- (2) Parties proceeding without counsel who have been authorized to access their case through PACFile shall have access to all documents and filings in the case.
- (3) *Amicus curiae* proceeding without counsel who have been authorized to access a case through PACFile shall have access to all documents and filings in the case.
- (4) Any prospective party, with or without counsel, who has not been granted party status shall have access only to documents and filings related to the application to intervene.
- (5) The access to documents and filings provided for in this paragraph does not include access to documents submitted to a court *in camera*, and may not include access to confidential information and documents.

(e) *Fees.*—Applicable filing fees shall be paid electronically through procedures established by the appellate courts and the Administrative Office of Pennsylvania Courts, and at the same time and in the same amount as required by statute, court rule or order. In addition to the filing fees now applicable, a fee for use of PACFile shall be imposed. See 204 Pa. Code § 207.3.

#### **Rule 131. Format and Content of Electronically Filed Documents.**

(a) *General rule.*—The use of PACFile shall not affect the form or content of documents to be filed in the appellate courts. The applicable general rules of court and court policies that implement the rules shall continue to apply to all documents.

(b) *Format of electronically filed documents.*—Documents shall be presented for electronic filing in Portable Document Format (".pdf"). When possible, documents should be electronically converted to .pdf.

(c) *Signatures.*—Signatures on electronically filed documents shall use the following form: */s/ Chris L. Smith.*

**Official Note:** Paragraph (b) expresses a preference that documents presented for electronic filing be electronically converted to .pdf rather than scanned to .pdf, when possible. There are two ways to create a .pdf: one is to scan a paper document on a commercial copier or

stand-alone scanner; the other is to convert the document to .pdf electronically with the word processing program itself, or using .pdf conversion software.

#### **Rule 132. Electronic Filing and Service of Documents.**

(a) *Electronic filing of documents.*

(1) Electronically filed documents shall be submitted through PACFile on the UJS web portal: <http://ujportal.pacourts.us>.

(2) Electronically filed documents may be submitted at any time, except when the UJS web portal is down for periodic maintenance. The submission of the electronically filed document must be completed by 11:59:59 p.m. EST/EDT to be considered filed that day, unless the appellate court has otherwise directed that a document be filed by a specific time.

(b) *Service.*

(1) Service of electronically filed documents on attorneys who have established a UJS web portal account and on parties proceeding without counsel who have been authorized to access their cases through PACFile will be made automatically by PACFile. Service by PACFile shall be the official service copy.

(2) Service of electronically filed documents on any attorney who has not established a UJS web portal account and on parties proceeding without counsel who have not been authorized to access their cases through PACFile shall be made by the service methods permitted under Pa.R.A.P. 121(c).

(3) Original process shall be served in accordance with the general rules that authorize such service in a matter commenced in an appellate court.

(c) *Proof of service.*

(1) A proof of service for an electronically filed document will be generated automatically by PACFile, and will be served automatically by PACFile on attorneys who have established a UJS web portal account and on parties proceeding without counsel who have been authorized to access their cases through PACFile.

(2) A proof of service for an electronically filed document that is generated automatically by PACFile shall be served by the methods required under Pa.R.A.P. 121(c)(1) on any attorney who has not established a UJS web portal account and on any party proceeding without counsel who has not been authorized to access their case through PACFile.

(d) *Additional time after service of electronic filing.*—A party who is electronically served as a result of the submission of an electronically filed document and who is required or permitted to act within a prescribed period after service shall have three days added to the prescribed period to the same extent as a party who is required or permitted to do an act within a prescribed period after service of a paper document upon that party.

**Official Note:** Subparagraph (b)(3) is intended to prevent the possibility of default judgments due to a lack of monitoring of a PACFile account. Examples of methods of service otherwise specified include Pa.R.A.P. 1514(c) concerning service of petitions for review.

#### **Rule 133. Filing, Receipt, Docketing, and Rejection of Electronically Filed Documents.**

(a) *Filing.*—The time and date on which an electronically filed document is filed in PACFile shall be automati-

cally recorded by the system. The system shall provide an electronic acknowledgement of filing to the filer.

(b) *Provisional receipt*.—If an electronically filed document has a deficiency that is correctible, the system shall provide an automatically generated notice of provisional receipt, which shall instruct the filer to refile a corrected document within a specified time. If the filer refiles a corrected document within such time, the corrected document shall be treated as if originally filed on the date and time at which the provisionally accepted document was originally submitted to PACFile.

(c) *Receipt*.—The time and date on which an electronically filed document is received by the prothonotary shall be automatically recorded by PACFile, and the electronically filed document shall be given an electronic time-stamp showing the date and time of filing and the date and time of receipt.

(1) The system shall provide an electronic acknowledgement of the acceptance of the electronically filed document to the following:

- (i) the filer;
- (ii) other parties to the case, *amicus curiae*, and intervening parties with attorneys who have established a UJS web portal account; and
- (iii) other parties to the case, *amicus curiae*, and intervening parties proceeding without counsel who have been authorized to access their cases through PACFile.

(2) The electronic acknowledgement of the acceptance of the electronically filed document shall specify the number of paper versions of the electronically filed document required for filing to the appellate court pursuant to Pa.R.A.P. 134.

(d) *Rejection*.—If an electronically filed document is rejected by the prothonotary, the system shall provide an electronic notice of rejection to the filer specifying the reason for the rejection. A filer who files an electronically filed document that is rejected may seek appropriate relief.

**Official Note:** See Pa.R.A.P. 123 for the procedure to file an application for relief for a document rejected by PACFile pursuant to this rule. Practitioners may also contact PACFile Support through the UJS Portal Help Center at <https://ujsportal.pacourts.us/PortalSelfHelp.aspx> for help to correct the filing of a rejected document.

**Rule 134. Required Submission of Paper Version of Electronically Filed Document.**

Within seven days of the submission of any electronically filed document, the filer shall submit to the appellate court a paper version of the electronically filed document with as many copies as the court requires. The paper version of the electronically filed document shall be considered the original for archival purposes only.

**Rule 135. Retention of Electronically Filed Documents by the Filer.**

The original of a sworn or verified document requiring an original signature that is in an electronically filed document (for example, an affidavit) or is contained within an electronically filed document (for example, a verification) shall be maintained by the filer until two years after the entry of a final order, and shall be made available upon direction of the appellate court or reasonable request of the signatory or opposing party.

**Rule 136. Electronic Court Notices.**

The date of any notice generated by PACFile shall be noted on the docket of the court.

**ARTICLE II. APPELLATE PROCEDURE**

**CHAPTER 19. PREPARATION AND TRANSMISSION OF RECORD AND RELATED MATTERS**

**RECORD ON APPEAL FROM LOWER COURT**

**Rule 1921. Composition of Record on Appeal.**

The original [ **papers** ] **documents** and exhibits filed in the lower court, paper copies of [ **legal papers** ] **documents** filed with the prothonotary by means of electronic filing, the transcript of proceedings, if any, and a certified copy of the docket entries prepared by the clerk of the lower court shall constitute the record on appeal in all cases. In any appeal in which the record is electronically filed or transmitted through PACFile, the documents and filings electronically filed or transmitted thereby shall constitute original documents and exhibits.

**Official Note:** An appellate court may consider only the facts which have been duly certified in the record on appeal. *Commonwealth v. Young*, [ **456 Pa. 102, 115**, ] 317 A.2d 258, 264 (Pa. 1974). All involved in the appellate process have a duty to take steps necessary to assure that the appellate court has a complete record on appeal, so that the appellate court has the materials necessary to review the issues raised on appeal. Ultimate responsibility for a complete record rests with the party raising an issue that requires appellate court access to record materials. See, e.g., *Commonwealth v. Williams*, [ **552 Pa. 451, 460**, ] 715 A.2d 1101, 1106 (Pa. 1998) (addressing obligation of appellant to purchase transcript and ensure its transmission to the appellate court). [ **Rule** ] **Pa.R.A.P. 1931(c)** and (f) afford a “safe harbor” from waiver of issues based on an incomplete record. Parties may rely on the list of documents transmitted to the appellate court and served on the parties. If the list shows that the record transmitted is incomplete, the parties have an obligation to supplement the record pursuant to [ **Rule** ] **Pa.R.A.P. 1926** (correction or modification of the record) or other mechanisms in Chapter 19. If the list shows that the record transmitted is complete, but it is not, the omission shall not be a basis for the appellate court to find waiver. This principle is consistent with the Supreme Court’s determination in *Commonwealth v. Brown*, [ **Pa.** , ] 52 A.3d 1139, 1145 n.4 (Pa. 2012) that where the accuracy of a pertinent document is undisputed, the Court could consider that document if it was in the Reproduced Record, even though it was not in the record that had been transmitted to the Court. Further, if the appellate court determines that something in the original record or otherwise presented to the trial court is necessary to decide the case and is not included in the certified record, the appellate court may, upon notice to the parties, request it from the trial court *sua sponte* and supplement the certified record following receipt of the missing item. See [ **Rule** ] **Pa.R.A.P. 1926** (correction or modification of the record).

**Rule 1931. Transmission of the Record.**

(a) *Time for transmission.*

(1) *General rule*.—Except as otherwise prescribed by this rule, the record on appeal, including the transcript and exhibits necessary for the determination of the appeal, shall be transmitted to the appellate court within 60 days after the filing of the notice of appeal. If an appeal has been allowed or if permission to appeal has been granted, the record shall be transmitted as provided

by Pa.R.A.P. 1122 (allowance of appeal and transmission of record) or by Pa.R.A.P. 1322 (permission to appeal and transmission of record), as the case may be. The appellate court may shorten or extend the time prescribed by this paragraph for a class or classes of cases.

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

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

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

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

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

(f) *Inconsistency between list of record documents and documents actually transmitted.*—If the clerk of the lower

court fails to transmit to the appellate court all of the documents identified in the list of record documents, such failure shall be deemed a breakdown in processes of the court. Any omission shall be corrected promptly pursuant to Pa.R.A.P. 1926 (correction or modification of the record) and shall not be the basis for any penalty against a party.

**(g) Electronic filing, transmission, and remand of records.**—Records may be electronically filed, transmitted, and remanded through PACFile. The applicable general rules of court and court policies that implement the rules shall continue to apply to the filing, transmission, and remand of records on appeal regardless of whether a record is filed, transmitted, or remanded electronically through PACFile. The electronic filing or transmission of a record through PACFile by a court or other government unit to an appellate court shall not excuse the court or other government unit from submitting a paper version of the electronically filed or transmitted record to the appellate court should the appellate court require it.

**(1) The electronic filing, transmission, or remand of a record through PACFile by a court or other government unit shall constitute the filing, transmission, or remand of the record under the Pennsylvania Rules of Appellate Procedure.**

**(2) The filing, transmission, or remand of a record through PACFile is effectuated when a court or other government unit utilizes PACFile to electronically file, transmit, or give notice of the remand or remittal of the record to a court or other government unit.**

**(3) The date of the electronic filing, transmission, or remand of a record through PACFile by a court or other government unit shall be noted on the docket of the filing, transmitting, or remanding court or other government unit, and on the docket of the receiving court or other government unit.**

**(4) Upon the electronic filing, transmission, or remand of a record through PACFile, the record shall be considered to be in the possession of the receiving court or other government unit until the record is electronically filed in, or transmitted to, another court or government unit, or notice of remand or remittal to another court or other government unit is given.**

**(5) If a Rule of Appellate Procedure or court policy requires that a court file, transmit, remand, or remit a record to another court or other government unit, the filing, transmission, or notice of remand or remittal to the receiving court or other government unit may also be effectuated through PACFile.**

**(6) Any documents or filings sealed in a court or other government unit may be electronically filed, transmitted, or remanded through PACFile only in a manner that restricts access to the sealed documents or filings to the court or other government unit and registered users of PACFile who are authorized to view the sealed documents or filings. Documents filed *in camera* in a court or other government unit may not be electronically filed or transmitted through PACFile.**

**(7) The appellate courts shall retain control over electronic access to records electronically filed or transmitted through PACFile, and may permit such electronic access in whole or in part.**

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

## CHAPTER 21. BRIEFS AND REPRODUCED RECORD

### FORM OF BRIEFS AND REPRODUCED RECORD

#### Rule 2173. Numbering of Pages.

[ Except as provided in Rule 2174 (tables of contents and citations), the ] All pages of briefs, the reproduced record, and any supplemental reproduced record shall be numbered [ separately ] consecutively, starting with the cover page. The pages shall be numbered in Arabic figures [ and not in Roman numerals ]: thus 1, 2, 3, etc., followed in the reproduced record by a small a, thus 1a, 2a, 3a, etc., and followed in any supplemental reproduced record by a small b, thus 1b, 2b, 3b, etc. Where the reproduced record is bound in more than one volume, there shall be one continuous paging, regardless of the division into volumes.

[ **Official Note:** Based on former Supreme Court Rules 37 (part) and 38 (first clause), former Superior Court Rules 29 (part) and 30 (first clause), and former Commonwealth Court Rules 83 (part) and 84, without change in substance. ]

#### Rule 2174. Tables of Contents and Citations.

(a) *Tables of contents.*—The briefs and the reproduced record shall each contain a full and complete table of contents, set forth [ **either on the inside of the front cover or** ] on the first and immediately succeeding pages. The table of contents of the reproduced record, in addition to the material otherwise specified in this chapter, shall include a reference to all reproduced exhibits, indicating what each is, and the names of witnesses, indicating where the examination, cross-examination, and re-examination of each begin. Where the reproduced record is bound in more than one volume, there shall be but one table of contents which shall indicate in which volume each particular part of the record will be found. The combined table of contents ordinarily shall be set forth in full at the front of each volume, but where the combined table of contents is itself voluminous, a cross reference at the front of the second and subsequent volumes to the combined table of contents at the front of the first volume may be substituted for the text of the combined table of contents.

(b) *Tables of citations.*—All briefs shall contain a table of citations therein, arranged alphabetically, which shall be set forth immediately following the table of contents.

[ (c) *Paging of introductory tables.*—The pages of the tables specified in this rule need not be numbered, but if numbered shall be numbered in Roman numerals: thus i, ii, iii, etc. ]

**Official Note:** Based on former Supreme Court Rule 37, former Superior Court Rule 29 and former Commonwealth Court Rule 83. The rule substitutes the term “table of contents” for the incorrect term “index,” authorizes the optional practice of beginning the table of contents on the face-up page (rather than inside the front cover) and authorizes Roman numbering the introductory pages. ]

#### EXPLANATORY COMMENT

In 2012, the Supreme Court of Pennsylvania adopted Pa.R.A.P. 125 as an interim rule authorizing electronic

filing of documents through the Pennsylvania Appellate Courts electronic filing system (PACFile). The administrative order accompanying the adoption of Pa.R.A.P. 125 has governed the procedures for electronic filing in lieu of procedural rules in order to develop the system and gain experience with electronic filing in the appellate courts. Initially permitting the electronic filing of documents in the Supreme Court, the Commonwealth Court began accepting electronically filed documents in 2014, with the Superior Court following in 2015. An additional order prescribing procedures for the transmission of the record electronically was also adopted in 2015. With extensive experience now gained, the Appellate Court Procedural Rules Committee is proposing the adoption of Pa.R.A.P.s 130 through 136 and the amendment of Pa.R.A.P.s 121, 122, 124, 125, 1921, 2173, and 2174 to govern electronic filing in the appellate courts.

To accommodate PACFile, the Committee first proposes amendment of current Rules of Appellate Procedure governing the filing and service of paper documents. Pa.R.A.P.s 121 (filing and service) and 122 (content and form of proof of service) would be amended to limit the application of those procedures to paper documents only. Pa.R.A.P. 124 (form of papers) would also be amended to provide uniform requirements for documents filed with the appellate courts, regardless of whether a document is filed as a paper document or an electronic document.

Pa.R.A.P. 125 is proposed to be amended to set forth in separate paragraphs that PACFile is the exclusive electronic filing system and to reference the rules governing the electronic filing of documents. Paragraph (c) would be added to mandate the use of PACFile by attorneys at a date certain, which would result in the discontinuation of paper filing pursuant to Pa.R.A.P. 121 with the exception of attorneys for good cause and *pro se* litigants. The effective date for mandatory participation is anticipated to be no less than twelve months after the adoption of the other proposed amendments. The Committee solicits feedback on the proposed twelve-month period until participation is mandated.

Concerning the use of PACFile, this proposal is intended to codify current practice. New Pa.R.A.P.s 130 through 136 address several aspects of the PACFile system: participation by attorneys and those parties without counsel, form and handling of documents, enumeration of the responsibilities of the prothonotary's office and the parties, and electronic service by PACFile. Of particular note, Pa.R.A.P. 130(d) would provide *amicus curiae* access though PACFile to all documents and filings in a case.

The proposed recommendation also addresses transmission of the electronic record on appeal, which the Supreme Court previously implemented pursuant to an administrative order dated November 13, 2015. To codify the provisions of that order, Pa.R.A.P. 1921 (composition of record on appeal) would be amended to specify that any documents electronically filed or transmitted through PACFile shall constitute the original documents and exhibits. New paragraph (g) in Pa.R.A.P. 1931 (transmission of the record) would authorize the electronic filing, transmission, and remand of records through PACFile. Further, that amendment would require the notation of the date of electronic filing, transmission, or remand of a record through PACFile, clarify which court has possession of the record under the rules, specify the restrictions on transmitting sealed documents that are part of the record, and continue to prohibit the electronic filing or transmission of any documents through PACFile that have been filed *in camera*.

Proposed amendments to Pa.R.A.P. 2173 (numbering of pages) and Pa.R.A.P. 2174 (tables of contents and citations) would be made to accommodate electronic filing.

[Pa.B. Doc. No. 19-253. Filed for public inspection February 22, 2019, 9:00 a.m.]

## Title 210—APPELLATE PROCEDURE

### PART I. RULES OF APPELLATE PROCEDURE

#### [ 210 PA. CODE CH. 17 ]

#### Order Amending Rules 1732 and 1781 of the Pennsylvania Rules of Appellate Procedure; No. 277 Appellate Procedural Rules Doc.

#### Order

*Per Curiam*

And Now, this 8th day of February, 2019, upon the recommendation of the Appellate Court Procedural Rules Committee; the proposal having been submitted without publication pursuant to Pa.R.J.A. No. 103(a):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 1732 and 1781 of the Pennsylvania Rules of Appellate Procedure are amended in the following form.

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

#### Annex A

### TITLE 210. APPELLATE PROCEDURE

#### PART I. RULES OF APPELLATE PROCEDURE

#### ARTICLE II. APPELLATE PROCEDURE

#### CHAPTER 17. EFFECT OF APPEALS; SUPERSEDEAS AND STAYS

#### STAY OR INJUNCTION IN CIVIL MATTERS

#### Rule 1732. Application for Stay or Injunction Pending Appeal.

(a) *Application to trial court.*—Application for a stay of an order of a trial court pending appeal, or for approval of or modification of the terms of any *supersedeas*, or for an order suspending, modifying, restoring, or granting an injunction during the pendency of an appeal, or for relief in the nature of peremptory mandamus, must ordinarily be made in the first instance to the trial court, except where a prior order under this chapter has been entered in the matter by the appellate court or a judge thereof.

(b) *Contents of application for stay.*—An application for stay of an order of a trial court pending appeal, or for approval of or modification of the terms of any *supersedeas*, or for an order suspending, modifying, restoring, or granting an injunction during the pendency of an appeal, or for relief in the nature of peremptory mandamus, may be made to the appellate court or to a judge thereof, but the application shall show that application to the trial court for the relief sought is not practicable, or that the trial court has denied an application, or has failed to afford the relief which the applicant requested, with the reasons given by the trial court for its action. The application shall also show the reasons for the

relief requested and the facts relied upon, and if the facts are subject to dispute the application shall be supported by sworn or verified statements or copies thereof. With the application shall be filed such parts of the record as are relevant. Where practicable, the application should be accompanied by the briefs, if any, used in the trial court. The application shall contain the certificate of compliance required by Pa.R.A.P. 127.

(c) *Number of copies.*—Seven copies of applications under this rule in the Supreme Court or the Superior Court, and three copies of applications under this rule in the Commonwealth Court, shall be filed with the original.

**Official Note:** [The subject matter of this rule was covered by former Supreme Court Rule 62, former Superior Court Rule 53, and former Commonwealth Court Rule 112. The flat seven day period for answer of former Supreme Court Rule 62 (which presumably was principally directed at allocatur practice) has been omitted in favor of the more flexible provisions of Pa.R.A.P. 123(b). ]

**See generally *Pennsylvania Public Utility Commission v. Process Gas Consumers Group*, 467 A.2d 805 (Pa. 1983), for the criteria for the issuance of a stay pending appeal.**

#### STAY PENDING ACTION ON PETITION FOR REVIEW

#### Rule 1781. Stay Pending Action on Petition for Review.

(a) *Application to government unit.*—Application for a stay or *supersedeas* of an order or other determination of any government unit pending review in an appellate court on petition for review shall ordinarily be made in the first instance to the government unit.

(b) *Contents of application for stay or supersedeas.*—An application for stay or *supersedeas* of an order or other determination of a government unit, or for an order granting an injunction pending review, or for relief in the nature of peremptory mandamus, may be made to the appellate court or to a judge thereof, but the application shall show that application to the government unit for the relief sought is not practicable, or that application has been made to the government unit and denied, with the reasons given by it for the denial, or that the action of the government unit did not afford the relief which the applicant had requested. The application shall also show the reasons for the relief requested and the facts relied upon, and if the facts are subject to dispute the application shall be supported by sworn or verified statements or copies thereof. With the application shall be filed such parts, if any, of the record as are relevant to the relief sought. The application shall contain the certificate of compliance required by Pa.R.A.P. 127.

(c) *Notice and action by court.*—Upon such notice to the government unit as is required by Pa.R.A.P. 123 (applications for relief) the appellate court, or a judge thereof, may grant an order of stay or *supersedeas*, including the grant of an injunction pending review or relief in the nature of peremptory mandamus, upon such terms and conditions, including the filing of security, as the court or the judge thereof may prescribe. Where a statute requires that security be filed as a condition to obtaining a *supersedeas*, the court shall require adequate security.



**Official Note: See generally Pennsylvania Public Utility Commission v. Process Gas Consumers Group, 467 A.2d 805 (Pa. 1983), for the criteria for the issuance of a stay pending appeal.**

[Pa.B. Doc. No. 19-254. Filed for public inspection February 22, 2019, 9:00 a.m.]

## Title 234—RULES OF CRIMINAL PROCEDURE

[ 234 PA. CODE CHS. 4 AND 5 ]

### Proposed Revisions of the Comments to Pa.Rs.Crim.P. 458, 460, 462 and 546

The Criminal Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the revision of the Comments to Rules 458 (Dismissal in Summary Cases upon Satisfaction or Agreement), 460 (Notice of Appeal), 462 (Trial *De Novo*), and 546 (Dismissal Upon Satisfaction Or Agreement) for the reasons set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. No. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

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

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

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

Jeffrey M. Wasileski, Counsel  
Supreme Court of Pennsylvania  
Criminal Procedural Rules Committee  
601 Commonwealth Avenue, Suite 6200  
Harrisburg, PA 17106-2635  
fax: (717) 231-9521  
e-mail: criminalrules@pacourts.us

All communications in reference to the proposal should be received by no later than Friday, April 26, 2019. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

*By the Criminal Procedural Rules Committee*

BRIAN W. PERRY,  
*Chair*

#### Annex A

### TITLE 234. RULES OF CRIMINAL PROCEDURE CHAPTER 4. PROCEDURES IN SUMMARY CASES PART E. General Procedures in Summary Cases Rule 458. Dismissal In Summary Cases Upon Satisfaction or Agreement.

(A) When a defendant is charged with a summary offense, the issuing authority may dismiss the case upon a showing that:

- (1) the public interest will not be adversely affected;
- (2) the attorney for the Commonwealth, or in cases in which no attorney for the Commonwealth is present at the summary proceeding, the affiant, consents to the dismissal;
- (3) satisfaction has been made to the aggrieved person or there is an agreement that satisfaction will be made to the aggrieved person; and
- (4) there is an agreement as to who shall pay the costs.

(B) When an issuing authority dismisses a case pursuant to paragraph (A), the issuing authority shall record the dismissal on the transcript.

#### Comment

This rule permits an issuing authority to dismiss a summary case when the provisions of paragraph (A) are satisfied.

Paragraphs (A)(1) through (4) set forth those criteria that a defendant must satisfy before the issuing authority has the discretion to dismiss the case under this rule.

The requirement in paragraph (A)(2) that, when the attorney for the Commonwealth is present at the summary proceeding, he or she must consent to the dismissal, is one of the criteria, along with the other enumerated criteria, which gives the issuing authority discretion to dismiss a case under this rule, even when the affiant refuses to consent.

The requirement in paragraph (B) that the issuing authority include in the transcript of the case the fact that he or she dismissed the case is intended to ensure that an adequate record is made of any dismissals under this rule.

**This rule also provides the authority for a court of common pleas judge to dismiss upon satisfaction or agreement a summary case, as defined in Rule 103, that has been appealed to the court of common pleas.**

For dismissal upon satisfaction or agreement in a court case charging a misdemeanor that is pending before an issuing authority, see Rule 546.

For dismissal upon satisfaction or agreement by a judge of the court of common pleas **in court cases**, see Rule 586.

**Official Note:** Rule 88 adopted April 18, 1997, effective July 1, 1997; renumbered Rule 458 and Comment revised March 1, 2000, effective April 1, 2001; **Comment revise** , 2019, effective , 2019.

*Committee Explanatory Reports:*

Final Report explaining the provisions of new Rule 88 published with the Court's Order at 27 Pa.B. 2119 (May 3, 1997).

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. 1478 (March 18, 2000).

**Report explaining the Comment revisions regarding dismissal by agreement of summary cases in the common pleas court published for comment at 49 Pa.B. 837 (February 23, 2019).**

#### PART F. Procedures in Summary Cases for Appealing to Court of Common Pleas for Trial *De Novo*

##### Rule 460. Notice of Appeal.

(A) When an appeal is authorized by law in a summary proceeding, including an appeal following a prosecution

for violation of a municipal ordinance that provides for imprisonment upon conviction or upon failure to pay a fine, an appeal shall be perfected by filing a notice of appeal within 30 days after the entry of the guilty plea, the conviction, or other final order from which the appeal is taken. The notice of appeal shall be filed with the clerk of courts.

(B) The notice of appeal shall contain the following information:

- (1) the name and address of the appellant;
- (2) the name and address of the issuing authority who accepted the guilty plea or heard the case;
- (3) the magisterial district number in which the case was heard;
- (4) the name and mailing address of the affiant as shown on the complaint or citation;
- (5) the date of the entry of the guilty plea, the conviction, or other final order from which the appeal is taken;
- (6) the offense(s) of which convicted or to which a guilty plea was entered, if any;
- (7) the sentence imposed, and if the sentence includes a fine, costs, or restitution, whether the amount due has been paid;
- (8) the type or amount of bail or collateral, if any, furnished to the issuing authority;
- (9) the name and address of the attorney, if any, filing the notice of appeal; and
- (10) except when the appeal is from a guilty plea or a conviction, the grounds relied upon for appeal.

(C) Within 5 days after filing the notice of appeal, a copy shall be served either personally or by mail by the clerk of courts upon the issuing authority, the affiant, and the appellee or appellee's attorney, if any.

(D) The issuing authority shall, within 20 days after receipt of the notice of appeal, file with the clerk of courts:

- (1) the transcript of the proceedings;
- (2) the original complaint or citation, if any;
- (3) the summons or warrant of arrest, if any; and
- (4) the bail bond, if any.

(E) This rule shall provide the exclusive means of appealing from a summary guilty plea or conviction. Courts of common pleas shall not issue writs of *certiorari* in such cases.

(F) This rule shall not apply to appeals from contempt adjudications.

#### Comment

This rule is derived from former Rule 86(A), (D), (E), (F), (H), and (I).

This rule applies to appeals in all summary proceedings, including appeals from prosecutions for violations of municipal ordinances that provide for the possibility of imprisonment, and default hearings.

This rule was amended in 2000 to make it clear in a summary criminal case that the defendant may file an appeal for a trial *de novo* following the entry of a guilty plea.

Appeals from contempt adjudications are governed by Rule 141.

The narrow holding in *City of Easton v. Marra*, 326 A.2d 637 (Pa. Super. 1974), is not in conflict, since the record before the court did not indicate that imprisonment was possible under the ordinance there in question.

See Rule 461 for the procedures for executing a sentence of imprisonment when there is a stay.

"Entry," as used in this rule, means the date on which the issuing authority enters or records the guilty plea, the conviction, or other order in the magisterial district judge computer system.

When the only issues on appeal arise solely from an issuing authority's determination after a default hearing pursuant to Rule 456, the matter must be heard *de novo* by the appropriate judge of the court of common pleas and only those issues arising from the default hearing are to be considered. It is not intended to reopen other issues not properly preserved for appeal. A determination after a default hearing would be a final order for purposes of these rules.

Paragraph (D) was amended in 2003 to align this rule with Rule 401(A), which permits the electronic transmission of parking violation information in lieu of filing a citation. Therefore, in electronically transmitted parking violation cases only, because there is no original citation, the issuing authority would file the summons with the clerk of courts pursuant to paragraph (D)(3).

Rule 462(D) provides for the dismissal of an appeal when the defendant fails to appear for the trial *de novo*.

See Rule 462(F) regarding the retention of a case at the court of common pleas when a petition to file an appeal *nunc pro tunc* has been denied.

*Certiorari* was abolished by the Criminal Rules in 1973 pursuant to Article V Schedule Section 26 of the Constitution of Pennsylvania, which specifically empowers the Supreme Court of Pennsylvania to do so by rule. This Schedule section is still viable, and the substance of this Schedule section has also been included in the Judicial Code, 42 Pa.C.S. § 934. The abolition of *certiorari* continues with this rule.

**Nothing in this rule prevents a dismissal upon satisfaction or agreement in summary cases pursuant to Rule 458 when an appeal has been filed.**

**Official Note:** Former Rule 86 adopted July 12, 1985, effective January 1, 1986; revised September 23, 1985, effective January 1, 1986; the January 1, 1986 effective dates extended to July 1, 1986; amended February 2, 1989, effective March 1, 1989; amended March 22, 1993, effective January 1, 1994; amended October 28, 1994, effective as to cases instituted on or after January 1, 1995; amended February 27, 1995, effective July 1, 1995; amended October 1, 1997, effective October 1, 1998; amended May 14, 1999, effective July 1, 1999; amended March 3, 2000, effective July 1, 2000; rescinded March 1, 2000, effective April 1, 2001, and paragraphs (A), (D), (E), (F), (H), and (I) replaced by Rule 460. New Rule 460 adopted March 1, 2000, effective April 1, 2001; amended February 6, 2003, effective July 1, 2003; Comment revised February 28, 2003, effective July 1, 2003; Comment revised December 29, 2017, effective April 1, 2018; **Comment revised** , 2019, effective , 2019.

*Committee Explanatory Reports:*

Former Rule 86:

Final Report explaining the March 22, 1993 amendments to former Rule 86 published with the Court's Order at 23 Pa.B. 1699 (April 10, 1993).

Final Report explaining the October 28, 1994 amendments to former Rule 86 published with the Court's Order at 24 Pa.B. 5843 (November 26, 1994).

Final Report explaining the February 27, 1995 amendments to former Rule 86 published with the Court's Order at 25 Pa.B. 935 (March 18, 1995).

Final Report explaining the October 1, 1997 amendments to former Rule 86 published with the Court's Order at 27 Pa.B. 5408 (October 18, 1997).

Final Report explaining the March 3, 2000 amendments concerning appeals from guilty pleas published with the Court's Order 30 Pa.B. 1509 (March 18, 2002).

New Rule 460:

Final Report explaining the reorganization and renumbering of the rules and the provisions of Rule 460 published at 30 Pa.B. 1478 (March 18, 2000).

Final Report explaining the February 6, 2003 changes concerning electronically transmitted parking citations published at 33 Pa.B. 973 (February 22, 2003).

Final Report explaining the February 28, 2003 Comment revision cross-referencing Rule 461 published with the Court's Order at 33 Pa.B. 1326 (March 15, 2003).

Final Report explaining the December 29, 2017 Comment revision cross-referencing Rule 462(F) published with the Court's Order at 48 Pa.B. 226 (January 13, 2018).

**Report explaining the Comment revisions regarding dismissal by agreement of summary cases in the common pleas court pursuant to Rule 458 published for comment at 49 Pa.B. 837 (February 23, 2019).**

**Rule 462. Trial De Novo.**

(A) When a defendant appeals after the entry of a guilty plea or a conviction by an issuing authority in any summary proceeding, upon the filing of the transcript and other papers by the issuing authority, the case shall be heard *de novo* by the judge of the court of common pleas sitting without a jury.

(B) The attorney for the Commonwealth may appear and assume charge of the prosecution. When the violation of an ordinance of a municipality is charged, an attorney representing that municipality, with the consent of the attorney for the Commonwealth, may appear and assume charge of the prosecution. When no attorney appears on behalf of the Commonwealth, the affiant may be permitted to ask questions of any witness who testifies.

(C) In appeals from summary proceedings arising under the Vehicle Code or local traffic ordinances, other than parking offenses, the law enforcement officer who observed the alleged offense must appear and testify. The failure of a law enforcement officer to appear and testify shall result in the dismissal of the charges unless:

(1) the defendant waives the presence of the law enforcement officer in open court on the record;

(2) the defendant waives the presence of the law enforcement officer by filing a written waiver signed by the defendant and defense counsel, or the defendant if proceeding *pro se*, with the clerk of courts; or

(3) the trial judge determines that good cause exists for the law enforcement officer's unavailability and grants a continuance.

(D) If the defendant fails to appear, the trial judge may dismiss the appeal and enter judgment in the court of common pleas on the judgment of the issuing authority.

(E) If the defendant withdraws the appeal, the trial judge shall enter judgment in the court of common pleas on the judgment of the issuing authority.

(F) If the defendant has petitioned the trial judge to permit the taking of an appeal *nunc pro tunc* and this petition is denied, the trial judge shall enter judgment in the court of common pleas on the judgment of the issuing authority.

(G) The verdict and sentence, if any, shall be announced in open court immediately upon the conclusion of the trial, or, in cases in which the defendant may be sentenced to intermediate punishment, the trial judge may delay the proceedings pending confirmation of the defendant's eligibility for intermediate punishment.

(H) At the time of sentencing, the trial judge shall:

(1) if the defendant's sentence includes restitution, a fine, or costs, state:

(a) the amount of the fine and the obligation to pay costs;

(b) the amount of restitution ordered, including

(i) the identity of the payee(s),

(ii) to whom the restitution payment shall be made, and

(iii) whether any restitution has been paid and in what amount; and

(c) the date on which payment is due.

If the defendant is without the financial means to pay the amount in a single remittance, the trial judge may provide for installment payments and shall state the date on which each installment is due;

(2) advise the defendant of the right to appeal to the Superior Court within 30 days of the imposition of sentence, and that, if an appeal is filed, the execution of sentence will be stayed and the trial judge may set bail;

(3) if a sentence of imprisonment has been imposed, direct the defendant to appear for the execution of sentence on a date certain unless the defendant files a notice of appeal within the 30-day period; and

(4) issue a written order imposing sentence, signed by the trial judge. The order shall include the information specified in paragraphs (H)(1) through (H)(3), and a copy of the order shall be given to the defendant.

(I) After sentence is imposed by the trial judge, the case shall remain in the court of common pleas for the execution of sentence, including the collection of any fine and restitution, and for the collection of any costs.

**Comment**

This rule is derived from former Rule 86(G) and former Rule 1117(c).

This rule was amended in 2000 to make it clear in a summary criminal case that the defendant may file an appeal for a trial *de novo* following the entry of a guilty plea.

"Entry," as used in paragraph (A) of this rule, means the date on which the issuing authority enters or records the guilty plea, the conviction, or other order in the magisterial district judge computer system.

The procedures for conducting the trial *de novo* in the court of common pleas set forth in paragraphs (B), (G), and (H) are comparable to the summary case trial procedures in Rule 454 (Trial in Summary Cases).

Pursuant to paragraph (B), the decision whether to appear and assume control of the prosecution of the trial *de novo* is solely within the discretion of the attorney for the Commonwealth. When no attorney appears at the trial *de novo* on behalf of the Commonwealth or a municipality, the trial judge may ask questions of any witness who testifies, and the affiant may request the trial judge to ask specific questions. In the appropriate circumstances, the trial judge also may permit the affiant to question Commonwealth witnesses, cross-examine defense witnesses, and make recommendations about the case to the trial judge.

The provisions of paragraph (C) that permit the court to continue the case if there is good cause for the officer's unavailability were added in response to *Commonwealth v. Hightower*, 652 A.2d 873 (Pa. Super. 1995).

Paragraph (D) makes it clear that the trial judge may dismiss a summary case appeal when the judge determines that the defendant is absent without cause from the trial *de novo*. If the appeal is dismissed, the trial judge should enter judgment and order execution of any sentence imposed by the issuing authority.

New paragraph (F) was added in 2017 to clarify that in a case in which a defendant seeks to file an appeal *nunc pro tunc*, and the common pleas judge denies that petition, the case will remain at the court of common pleas. This is consistent with the long-standing policy under the rules that once a case has moved from the minor judiciary to the court of common pleas, the case remains at common pleas.

Paragraph (G) was amended in 2008 to permit a trial judge to delay imposition of sentence in order to investigate a defendant's eligibility for intermediate punishment for certain offenses, including summary violations of 75 Pa.C.S. § 1543(b) (driving while license is under a DUI-related suspension), but only if he or she meets certain eligibility requirements, such as undergoing a drug and alcohol assessment. Potentially this information may not be available to the trial judge following a trial *de novo* at the time of sentencing.

Pursuant to paragraph (H), if the defendant is convicted, the trial judge must impose sentence, and advise the defendant of the payment schedule, if any, and the defendant's appeal rights. See Rule 704(A)(3) and Rule 720(D). No defendant may be sentenced to imprisonment or probation if the right to counsel was not afforded at trial. See *Alabama v. Shelton*, 535 U.S. 654 (2002), *Scott v. Illinois*, 440 U.S. 367 (1979), and *Argersinger v. Hamlin*, 407 U.S. 25 (1972).

Certain costs are mandatory and must be imposed. See, e.g., Section 1101 of the Crime Victims Act, 18 P.S. § 11.1101.

Once sentence is imposed, paragraph (I) makes it clear that the case is to remain in the court of common pleas for execution of the sentence and collection of any costs, and the case may not be returned to the magisterial district judge. The execution of sentence includes the collection of any fines and restitution.

**Nothing in this rule prevents a dismissal upon satisfaction or agreement in summary cases pursuant to Rule 458 when an appeal has been filed.**

For the procedures concerning sentences that include restitution in court cases, see Rule 705.1.

For the procedures for appeals from the Philadelphia Municipal Court Traffic Division, see Rule 1037.

**Official Note:** Former Rule 86 adopted July 12, 1985, effective January 1, 1986; revised September 23, 1985, effective January 1, 1986; the January 1, 1986 effective dates extended to July 1, 1986; amended February 2, 1989, effective March 1, 1989; amended March 22, 1993, effective January 1, 1994; amended October 28, 1994, effective as to cases instituted on or after January 1, 1995; amended February 27, 1995, effective July 1, 1995; amended October 1, 1997, effective October 1, 1998; amended May 14, 1999, effective July 1, 1999; rescinded March 1, 2000, effective April 1, 2001, and paragraph (G) replaced by Rule 462. New Rule 462 adopted March 1, 2000, effective April 1, 2001; amended March 3, 2000, effective July 1, 2000; amended February 28, 2003, effective July 1, 2003; Comment revised March 26, 2004, effective July 1, 2004; amended January 18, 2007, effective August 1, 2007; amended December 16, 2008, effective February 1, 2009; Comment revised October 16, 2009, effective February 1, 2010; Comment revised May 7, 2014, effective immediately; amended March 9, 2016, effective July 1, 2016; amended December 29, 2017, effective April 1, 2018; **Comment revised** , **2019, effective** , **2019.**

*Committee Explanatory Reports:*

**FORMER RULE 86:**

Final Report explaining the March 22, 1993 amendments to former Rule 86 published with the Court's Order at 23 Pa.B. 1699 (April 10, 1993).

Final Report explaining the October 28, 1994 amendments to former Rule 86 published with the Court's Order at 24 Pa.B. 5843 (November 26, 1994).

Final Report explaining the February 27, 1995 amendments to former Rule 86 published with the Court's Order at 25 Pa.B. 935 (March 18, 1995).

Final Report explaining the October 1, 1997 amendments to former Rule 86 concerning stays published with the Court's Order at 27 Pa.B. 5413 (October 18, 1997).

Final Report explaining the May 14, 1999 amendments to former Rule 86, paragraph (G), concerning the police officer's presence published with the Court's Order at 29 Pa.B. 2776 (May 29, 1999).

**NEW RULE 462:**

Final Report explaining the reorganization and renumbering of the rules and the provisions of Rule 462 published at 30 Pa.B. 1478 (March 18, 2000).

Final Report explaining the March 3, 2000 amendments concerning appeals from guilty pleas published with the Court's Order at 30 Pa.B. 1508 (March 18, 2000).

Final Report explaining the February 28, 2003 amendments published with the Court's Order at 33 Pa.B. 1326 (March 15, 2003).

Final Report explaining the March 26, 2004 Comment revision published with the Court's Order at 34 Pa.B. 1931 (April 10, 2004).

Final Report explaining the January 18, 2007 amendment to paragraph (G)(2) published with the Court's Order at 37 Pa.B. 526 (February 3, 2007).

Final Report explaining the December 16, 2008 amendments to permit delay in sentencing for determination of intermediate punishment status published with the Court's Order at 39 Pa.B. 8 (January 3, 2009).

Final Report explaining the October 16, 2009 Comment revision regarding new Rule 1037 and procedures for the

appeal from the Philadelphia Traffic Court published with the Court's Order at 39 Pa.B. 6329 (October 31, 2009).

Final Report explaining the May 7, 2014 Comment revision changing the cross-reference to the Philadelphia Traffic Court to the Traffic Division of the Philadelphia Municipal Court published with the Court's Order at 44 Pa.B. 3056 (May 24, 2014).

Final Report explaining the March 9, 2016 amendments to paragraph (G) concerning required elements of the sentence published with the Court's Order at 46 Pa.B. 1540 (March 26, 2016).

Final Report explaining the December 29, 2017 amendments regarding appeals *nunc pro tunc* published with the Court's Order at 48 Pa.B. 226 (January 13, 2018).

**Report explaining the Comment revisions regarding dismissal by agreement of summary cases in the common pleas court pursuant to Rule 458 published for comment at 49 Pa.B. 837 (February 23, 2019).**

## CHAPTER 5. PRETRIAL PROCEDURES IN COURT CASES

### PART D. Proceedings in Court Cases Before Issuing Authorities

#### **Rule 546. Dismissal Upon Satisfaction or Agreement.**

When a defendant is charged in a case in which the most serious offense charged is a misdemeanor, the issuing authority may dismiss the case upon a showing that:

- (1) the public interest will not be adversely affected;
- (2) the attorney for the Commonwealth, or in cases in which there is no attorney for the Commonwealth present, the affiant, consents to the dismissal;
- (3) satisfaction has been made to the aggrieved person or there is an agreement that satisfaction will be made to the aggrieved person; and
- (4) there is an agreement as to who shall pay the costs.

#### **Comment**

Paragraphs (1) through (4) set forth those criteria that a defendant must satisfy before the issuing authority has the discretion to dismiss the case under this rule.

The requirement in paragraph (2) that, when the attorney for the Commonwealth is present, he or she must consent to the dismissal, is one of the criteria that, along with the other enumerated criteria, gives the issuing authority discretion to dismiss, even when the affiant refuses to consent.

A dismissal of the case pursuant to this rule is a dismissal of all the charges, including any summary offenses that have been joined with the misdemeanor(s) and are part of the case. *See* the Comment to Rule 502 (Instituting Proceedings In Court Cases) (when a misdemeanor, felony, or murder is charged with a summary offense in the same complaint, the case should proceed as a court case under Chapter 5 Part B). *See also* Rule 551 (Withdrawal of Charges Pending Before Issuing Authority) that permits the attorney for the Commonwealth to withdraw one or more of the charges.

For dismissal upon satisfaction or agreement in summary cases **by an issuing authority, including a judge of the court of common pleas when the summary case has been appealed to the court of common pleas**, see Rule 458.

For court dismissal upon satisfaction or agreement, see Rule 586.

***Official Note:*** Formerly Rule 121, adopted June 30, 1964, effective January 1, 1965; suspended January 31, 1970, effective May 1, 1970; revised January 31, 1970, effective May 1, 1970; renumbered Rule 145 and amended September 18, 1973, effective January 1, 1974; amended January 28, 1983, effective July 1, 1983; amended April 18, 1997, effective July 1, 1997; renumbered Rule 546 and amended March 1, 2000, effective April 1, 2001; amended March 9, 2006, effective September 1, 2006; **Comment revise , 2019, effective , 2019.**

#### *Committee Explanatory Reports:*

Final Report explaining the April 18, 1997 amendments aligning the rule with Rule 458 published with the Court's Order at 27 Pa.B. 2119 (May 3, 1997).

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. 1478 (March 18, 2000).

Final Report explaining the March 9, 2006 amendments to the first paragraph and the Comment published with the Court's Order at 36 Pa.B. 1392 (March 25, 2006).

**Report explaining the Comment revisions regarding dismissal by agreement of summary cases in the common pleas court published for comment at 49 Pa.B. 837 (February 23, 2019).**

## REPORT

### *Proposed Revisions of the Comments to Pa.Rs.Crim.P. 458, 460, 462, and 546*

#### **Dismissal by Agreement of Summary Cases in the Court of Common Pleas**

The Committee was presented with a question regarding the proper rule authority to dismiss a summary case upon agreement when the case is on appeal to the court of common pleas. Rule 458 (Dismissal in Summary Cases upon Satisfaction or Agreement) and Rule 586 (Court Dismissal upon Satisfaction or Agreement) both provide procedures for the dismissal of cases upon agreement of the parties. While the language in Rule 586 does not appear to limit itself to non-summary offenses, the Comment following the Rule appears to suggest that only summary offenses joined to a court case can be dismissed pursuant to the Rule, "(i)f a summary offense is joined with a misdemeanor, felony, or murder charge, and therefore is part of the court case, a dismissal of the case pursuant to this rule may include a dismissal of the summary offense." Rule 458 is clearly applicable to summary offenses, but the Comment provides, "(f)or dismissal upon satisfaction or agreement by a judge of the court of common pleas, see Rule 586."

It was this latter Comment terminology that resulted in the confusion that gave rise to this question. There is an unpublished Superior Court case, *Commonwealth v. Gonder*, 2015 WL 7721790 (Pa. Super. 2015), that held that a common pleas judge could not dismiss under Rule 458 because it only applied to magisterial district judges. However, the facts of *Gonder* involve a situation more akin to a *nolle pros* rather than a true dismissal upon agreement. Additionally, the Committee believes that the Superior Court may have read the rule too narrowly and missed the broader definition of "issuing authority" that is broader in meaning than magisterial district judges. The language in the Rule 458 Comment has been in place since 1983 and may reflect older terminology where court cases were intended.

The Committee examined the history of the two rules as well as that of Rule 546 (Dismissal upon Satisfaction or Agreement). Rule 546 provides for dismissal upon agreement in court cases by an issuing authority, presumably occurring before or at the time of the preliminary hearing. Rule 586 represents a similar dismissal when the court case is at the court of common pleas. The Comment to Rule 546 states, "For dismissal upon satisfaction or agreement in summary cases, see Rule 458" without distinction to the type of judge approving the dismissal. Looking at the three rules in conjunction, the Committee concluded that Rules 546 and 586 were intended to cover dismissals of court cases while Rule 458 was intended cover dismissals in summary cases. The omission of a mention of summary appeals may have been an oversight or a belief that dismissals by agreement after a summary case had been appealed to the court of common pleas were rare occurrences. Additionally, Chapter 5 is the portion of the rules that deal with court cases. Placing the procedure for the resolution of summary cases in that chapter would be an anomaly, especially considering that appeals to the common pleas court are contained in Chapter 4, e.g. Rule 462 (Trial *De Novo*).

Therefore, the Committee is proposing that the Comments to Rules 458 and 546 be revised to reflect that summary cases appealed to the common pleas court that are dismissed by agreement are governed by Rule 458. Additionally, the Comments to Rules 460 (Notice of Appeal) and 462 (Trial *De Novo*) would be revised to state, "Nothing in this rule prevents a dismissal upon satisfaction or agreement in summary cases pursuant to Rule 458 when an appeal has been filed."

[Pa.B. Doc. No. 19-255. Filed for public inspection February 22, 2019, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### BRADFORD COUNTY

#### Local Rules of Judicial Administration; No. 2019IR0009

##### Order

*And Now*, this 11th day of February, 2019, it is hereby *Ordered* and *Decreed* that Bradford County Court of Common Pleas amends Local Rule of Judicial Administration, Rule 4007(A) governing requests for transcripts for the 42nd Judicial District to read as set forth hereafter and shall be effective thirty (30) days after publication.

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

1) File one (1) copy of the local rules with the Administrative Office of Pennsylvania Courts via email to adminrules@pacourts.us.

2) Forward two (2) paper copies and one (1) electronic copy in a Microsoft Word format to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3) Publish the local rules on the court's website after publication in the *Pennsylvania Bulletin*.

4) Forward one (1) paper copy and/or (1) electronic copy in a Microsoft Word format for the publication *Bradford County Law Journal*.

5) File one copy of the local rules in the appropriate filing offices for public inspection and copying.

6) The effective date of the local rule shall be 30 days after publication in the *Pennsylvania Bulletin*.

*By the Court*

MAUREEN T. BEIRNE,  
*President Judge*

### LOCAL RULES OF JUDICIAL ADMINISTRATION

Rule 4007(A) Requests for Transcripts is amended as follows:

#### Rule 4007(A). Requests for Transcripts.

(A) All requests for transcripts shall be set forth on the standardized form as approved by the Administrative Office of Pennsylvania Courts as provided by the Bradford County Court Administrator. This form may be obtained from Bradford County Court Administrator's Office or on the county website when available.

(B) Requesters may also use the standardized form as created by the Court Administrator of Pennsylvania.

[Pa.B. Doc. No. 19-256. Filed for public inspection February 22, 2019, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

### List of Financial Institutions

Notice is hereby given that pursuant to Rule 221(b), Pa.R.D.E., the following List of Financial Institutions have been approved by the Supreme Court of Pennsylvania for the maintenance of fiduciary accounts of attorneys. Each financial institution has agreed to comply with the requirements of Rule 221, Pa.R.D.E., which provides for trust account overdraft notification.

SUZANNE E. PRICE,  
*Attorney Registrar*

#### Financial Institutions Approved as Depositories of Trust Accounts of Attorneys

##### Bank Code A.

595	Abacus Federal Savings Bank
<b>2</b>	<b>ACNB BANK</b>
613	Allegent Community Federal Credit Union
375	Altoona First Savings Bank
376	Ambler Savings Bank
<b>532</b>	<b>AMERICAN BANK (PA)</b>
615	Americhoice Federal Credit Union
<b>116</b>	<b>AMERISERV FINANCIAL</b>
648	Andover Bank (The)
377	Apollo Trust Company

##### Bank Code B.

558	Bancorp Bank (The)
485	Bank of America, NA
415	Bank of Landisburg (The)
642	BB & T Company
519	Beaver Valley Federal Credit Union
501	BELCO Community Credit Union
397	Beneficial Bank
652	Berkshire Bank
5	BNY Mellon, NA
<b>392</b>	<b>BRENTWOOD BANK</b>

495 Brown Brothers Harriman Trust Co., NA  
161 Bryn Mawr Trust Company (The)

**Bank Code C.**

654 CACL Federal Credit Union  
618 Capital Bank, NA  
16 CBT Bank, a division of Riverview Bank  
136 Centric Bank  
**394 CFS BANK**  
623 Chemung Canal Trust Company  
599 Citibank, NA  
238 Citizens & Northern Bank  
561 Citizens Bank (PA)  
206 Citizens Savings Bank  
602 City National Bank of New Jersey  
576 Clarion County Community Bank  
660 Clarion Federal Credit Union  
591 Clearview Federal Credit Union  
23 CNB Bank  
354 Coatesville Savings Bank  
223 Commercial Bank & Trust of PA  
21 Community Bank (PA)  
371 Community Bank, NA (NY)  
132 Community State Bank of Orbisonia  
**647 CONGRESSIONAL BANK**  
380 County Savings Bank  
617 Covenant Bank  
536 Customers Bank

**Bank Code D.**

339 Dime Bank (The)  
239 DNB First, NA  
27 Dollar Bank, FSB

**Bank Code E.**

500 Elderton State Bank  
567 Embassy Bank for the Lehigh Valley  
**541 ENTERPRISE BANK**  
28 Ephrata National Bank  
601 Esquire Bank, NA  
340 ESSA Bank & Trust

**Bank Code F.**

629 1st Colonial Community Bank  
158 1st Summit Bank  
31 F & M Trust Company—Chambersburg  
658 Farmers National Bank of Canfield  
205 Farmers National Bank of Emlenton (The)  
34 Fidelity Deposit & Discount Bank (The)  
**343 FIDELITY SAVINGS & LOAN ASSOCIATION  
OF BUCKS COUNTY**  
583 Fifth Third Bank  
643 First Bank  
174 First Citizens Community Bank  
191 First Columbia Bank & Trust Company  
539 First Commonwealth Bank  
46 First Community Bank of Mercersburg  
504 First Federal S & L Association of Greene  
County  
525 First Heritage Federal Credit Union  
42 First Keystone Community Bank  
51 First National Bank & Trust Company of  
Newtown (The)  
48 First National Bank of Pennsylvania  
426 First Northern Bank & Trust Company  
604 First Priority Bank, a division of Mid Penn  
Bank  
**592 FIRST RESOURCE BANK**  
657 First United Bank & Trust  
408 First United National Bank

151 Firsttrust Savings Bank  
416 Fleetwood Bank  
175 FNCB Bank  
291 Fox Chase Bank  
241 Franklin Mint Federal Credit Union  
639 Freedom Credit Union  
**58 FULTON BANK, NA**

**Bank Code G.**

499 Gratz Bank (The)  
498 Greenville Savings Bank

**Bank Code H.**

402 Halifax Branch, of Riverview Bank  
244 Hamlin Bank & Trust Company  
362 Harleysville Savings Bank  
363 Hatboro Federal Savings  
463 Haverford Trust Company (The)  
655 Home Savings Bank  
606 Hometown Bank of Pennsylvania  
68 Honesdale National Bank (The)  
350 HSBC Bank USA, NA  
**364 HUNTINGDON VALLEY BANK**  
605 Huntington National Bank (The)  
608 Hyperion Bank

**Bank Code I.**

365 InFirst Bank  
557 Investment Savings Bank  
526 Iron Workers Savings Bank

**Bank Code J.**

70 Jersey Shore State Bank  
127 Jim Thorpe Neighborhood Bank  
488 Jonestown Bank & Trust Company  
659 JPMorgan Chase Bank, NA  
**72 JUNIATA VALLEY BANK (THE)**

**Bank Code K.**

651 KeyBank NA  
414 Kish Bank

**Bank Code L.**

**74 LAFAYETTE AMBASSADOR BANK**  
554 Landmark Community Bank  
78 Luzerne Bank

**Bank Code M.**

361 M & T Bank  
386 Malvern Federal Savings Bank  
510 Marion Center Bank  
387 Marquette Savings Bank  
81 Mars Bank  
43 Marysville Branch, of Riverview Bank  
367 Mauch Chunk Trust Company  
619 MB Financial Bank, NA  
511 MCS (Mifflin County Savings) Bank  
641 Members 1st Federal Credit Union  
555 Mercer County State Bank  
192 Merchants Bank of Bangor  
610 Meridian Bank  
420 Meyersdale Branch, of Riverview Bank  
**294 MID PENN BANK**  
**276 MIFFLINBURG BANK & TRUST COMPANY**  
457 Milton Savings Bank  
614 Monument Bank  
**596 MOREBANK, A DIVISION OF BANK OF  
PRINCETON (THE)**  
**484 MUNCY BANK & TRUST COMPANY (THE)**

**Bank Code N.**

433	National Bank of Malvern
168	NBT Bank, NA
347	Neffs National Bank (The)
<b>434</b>	<b>NEW TRIPOLI BANK</b>
15	NexTier Bank, NA
636	Noah Bank
638	Norristown Bell Credit Union
439	Northumberland National Bank (The)
93	Northwest Bank

**Bank Code O.**

653	OceanFirst Bank
489	OMEGA Federal Credit Union
94	Orrstown Bank

**Bank Code P.**

<b>598</b>	<b>PARKE BANK</b>
584	Parkview Community Federal Credit Union
40	Penn Community Bank
540	PennCrest Bank
419	Pennian Bank
447	Peoples Security Bank & Trust Company
99	PeoplesBank, a Codorus Valley Company
556	Philadelphia Federal Credit Union
448	Phoenixville Federal Bank & Trust
79	PNC Bank, NA
449	Port Richmond Savings
451	Progressive-Home Federal Savings & Loan Association
637	Provident Bank
456	Prudential Savings Bank
491	PS Bank

**Bank Code Q.**

107	QNB Bank
560	Quaint Oak Bank

**Bank Code R.**

452	Reliance Savings Bank
220	Republic First Bank d/b/a Republic Bank
628	Riverview Bank

**Bank Code S.**

153	S & T Bank
316	Santander Bank, NA
460	Second Federal S & L Association of Philadelphia
646	Service 1st Federal Credit Union
458	Sharon Bank
462	Slovenian Savings & Loan Association of Franklin-Conemaugh
<b>486</b>	<b>SOMERSET TRUST COMPANY</b>
633	SSB Bank
<b>518</b>	<b>STANDARD BANK, PASB</b>
542	Stonebridge Bank
440	SunTrust Bank
<b>122</b>	<b>SUSQUEHANNA COMMUNITY BANK</b>

**Bank Code T.**

143	TD Bank, NA
<b>656</b>	<b>TIOGA FRANKLIN SAVINGS BANK</b>
<b>182</b>	<b>TOMPKINS VIST BANK</b>
609	Tristate Capital Bank

640	TruMark Financial Credit Union
467	Turbotville National Bank (The)

**Bank Code U.**

483	UNB Bank
481	Union Building and Loan Savings Bank
133	Union Community Bank
634	United Bank, Inc.
472	United Bank of Philadelphia
75	United Savings Bank
600	Unity Bank
232	Univest Bank & Trust Co.

**Bank Code V.**

611	Victory Bank (The)
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**Bank Code W.**

<b>119</b>	<b>WASHINGTON FINANCIAL BANK</b>
121	Wayne Bank
631	Wells Fargo Bank, NA
553	WesBanco Bank, Inc.
494	West View Savings Bank
473	Westmoreland Federal S & L Association
476	William Penn Bank
272	Woodlands Bank
<b>573</b>	<b>WOORI AMERICA BANK</b>
630	WSFS (Wilmington Savings Fund Society), FSB

**Bank Code X.****Bank Code Y.**

577	York Traditions Bank
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**Bank Code Z.****Platinum Leader Banks**

The **HIGHLIGHTED ELIGIBLE INSTITUTIONS** are Platinum Leader Banks—Institutions that go above and beyond eligibility requirements to foster the IOLTA Program. These Institutions pay a net yield at the higher of 1% or 75 percent of the Federal Funds Target Rate on all PA IOLTA accounts. They are committed to ensuring the success of the IOLTA Program and increased funding for legal aid.

**FINANCIAL INSTITUTIONS WHO HAVE FILED AGREEMENTS TO BE APPROVED AS A DEPOSITORY OF TRUST ACCOUNTS AND TO PROVIDE DISHONORED CHECK REPORTS IN ACCORDANCE WITH RULE 221, Pa.R.D.E.**

*New*

660	Clarion Federal Credit Union
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*Name Change*

236	Swineford National Bank—Change to 58 Fulton Bank
493	FNB Bank, NA—Change to 58 Fulton Bank
533	Community First Bank—Change to 205 Farmers National Bank of Emlenton (The)

*Platinum Leader Change**Correction**Removal*

[Pa.B. Doc. No. 19-257. Filed for public inspection February 22, 2019, 9:00 a.m.]



## SUPREME COURT

### Financial Institutions Approved as Depositories for Fiduciary Accounts; No. 173 Disciplinary Rules Doc.

#### Order

*Per Curiam*

*And Now*, this 8th day of February, 2019, it is hereby Ordered that the financial institutions named on the following list are approved as depositories for fiduciary accounts in accordance with Pa.R.D.E. 221.

#### FINANCIAL INSTITUTIONS APPROVED AS DEPOSITORIES OF TRUST ACCOUNTS OF ATTORNEYS

##### Bank Code A.

595 Abacus Federal Savings Bank  
**2 ACNB BANK**  
 613 Allegent Community Federal Credit Union  
 375 Altoona First Savings Bank  
 376 Ambler Savings Bank  
**532 AMERICAN BANK (PA)**  
 615 Americhoice Federal Credit Union  
**116 AMERISERV FINANCIAL**  
 648 Andover Bank (The)  
 377 Apollo Trust Company

##### Bank Code B.

558 Bancorp Bank (The)  
 485 Bank of America, NA  
 415 Bank of Landisburg (The)  
 642 BB & T Company  
 519 Beaver Valley Federal Credit Union  
 501 BELCO Community Credit Union  
 397 Beneficial Bank  
 652 Berkshire Bank  
 5 BNY Mellon, NA  
**392 BRENTWOOD BANK**  
 495 Brown Brothers Harriman Trust Co., NA  
 161 Bryn Mawr Trust Company (The)

##### Bank Code C.

654 CACL Federal Credit Union  
 618 Capital Bank, NA  
 16 CBT Bank, a division of Riverview Bank  
 136 Centric Bank  
**394 CFS BANK**  
 623 Chemung Canal Trust Company  
 599 Citibank, NA  
 238 Citizens & Northern Bank  
 561 Citizens Bank (PA)  
 206 Citizens Savings Bank  
 602 City National Bank of New Jersey  
 576 Clarion County Community Bank  
 660 Clarion Federal Credit Union  
 591 Clearview Federal Credit Union  
 23 CNB Bank  
 354 Coatesville Savings Bank  
 223 Commercial Bank & Trust of PA  
 21 Community Bank (PA)  
 371 Community Bank, NA (NY)  
 132 Community State Bank of Orbisonia  
**647 CONGRESSIONAL BANK**  
 380 County Savings Bank  
 617 Covenant Bank  
 536 Customers Bank

##### Bank Code D.

339 Dime Bank (The)  
 239 DNB First, NA  
 27 Dollar Bank, FSB

##### Bank Code E.

500 Elderton State Bank  
 567 Embassy Bank for the Lehigh Valley  
**541 ENTERPRISE BANK**  
 28 Ephrata National Bank  
 601 Esquire Bank, NA  
 340 ESSA Bank & Trust

##### Bank Code F.

629 1st Colonial Community Bank  
 158 1st Summit Bank  
 31 F & M Trust Company—Chambersburg  
 658 Farmers National Bank of Canfield  
 205 Farmers National Bank of Emlenton (The)  
 34 Fidelity Deposit & Discount Bank (The)  
**343 FIDELITY SAVINGS & LOAN ASSOCIATION  
OF BUCKS COUNTY**  
 583 Fifth Third Bank  
 643 First Bank  
 174 First Citizens Community Bank  
 191 First Columbia Bank & Trust Company  
 539 First Commonwealth Bank  
 46 First Community Bank of Mercersburg  
 504 First Federal S & L Association of Greene  
County  
 525 First Heritage Federal Credit Union  
 42 First Keystone Community Bank  
 51 First National Bank & Trust Company of  
Newtown (The)  
 48 First National Bank of Pennsylvania  
 426 First Northern Bank & Trust Company  
 604 First Priority Bank, a division of Mid Penn  
Bank  
**592 FIRST RESOURCE BANK**  
 657 First United Bank & Trust  
 408 First United National Bank  
 151 Firstrust Savings Bank  
 416 Fleetwood Bank  
 175 FNCB Bank  
 291 Fox Chase Bank  
 241 Franklin Mint Federal Credit Union  
 639 Freedom Credit Union  
**58 FULTON BANK, NA**

##### Bank Code G.

499 Gratz Bank (The)  
 498 Greenville Savings Bank

##### Bank Code H.

402 Halifax Branch, of Riverview Bank  
 244 Hamlin Bank & Trust Company  
 362 Harleysville Savings Bank  
 363 Hatboro Federal Savings  
 463 Haverford Trust Company (The)  
 655 Home Savings Bank  
 606 Hometown Bank of Pennsylvania  
 68 Honesdale National Bank (The)  
 350 HSBC Bank USA, NA  
**364 HUNTINGDON VALLEY BANK**  
 605 Huntington National Bank (The)  
 608 Hyperion Bank

##### Bank Code I.

365 InFirst Bank  
 557 Investment Savings Bank  
 526 Iron Workers Savings Bank

**Bank Code J.**

70 Jersey Shore State Bank  
 127 Jim Thorpe Neighborhood Bank  
 488 Jonestown Bank & Trust Company  
 659 JPMorgan Chase Bank, NA  
 72 **JUNIATA VALLEY BANK (THE)**

**Bank Code K.**

651 KeyBank NA  
 414 Kish Bank

**Bank Code L.**

74 **LAFAYETTE AMBASSADOR BANK**  
 554 Landmark Community Bank  
 78 Luzerne Bank

**Bank Code M.**

361 M & T Bank  
 386 Malvern Federal Savings Bank  
 510 Marion Center Bank  
 387 Marquette Savings Bank  
 81 Mars Bank  
 43 Marysville Branch, of Riverview Bank  
 367 Mauch Chunk Trust Company  
 619 MB Financial Bank, NA  
 511 MCS (Mifflin County Savings) Bank  
 641 Members 1st Federal Credit Union  
 555 Mercer County State Bank  
 192 Merchants Bank of Bangor  
 610 Meridian Bank  
 420 Meyersdale Branch, of Riverview Bank  
 294 **MID PENN BANK**  
 276 **MIFFLINBURG BANK & TRUST COMPANY**  
 457 Milton Savings Bank  
 614 Monument Bank  
 596 **MOREBANK, A DIVISION OF BANK OF PRINCETON (THE)**  
 484 **MUNCY BANK & TRUST COMPANY (THE)**

**Bank Code N.**

433 National Bank of Malvern  
 168 NBT Bank, NA  
 347 Neffs National Bank (The)  
 434 **NEW TRIPOLI BANK**  
 15 NexTier Bank, NA  
 636 Noah Bank  
 638 Norristown Bell Credit Union  
 439 Northumberland National Bank (The)  
 93 Northwest Bank

**Bank Code O.**

653 OceanFirst Bank  
 489 OMEGA Federal Credit Union  
 94 Orrstown Bank

**Bank Code P.**

598 **PARKE BANK**  
 584 Parkview Community Federal Credit Union  
 40 Penn Community Bank  
 540 PennCrest Bank  
 419 Pennian Bank  
 447 Peoples Security Bank & Trust Company  
 99 PeoplesBank, a Codorus Valley Company  
 556 Philadelphia Federal Credit Union  
 448 Phoenixville Federal Bank & Trust  
 79 PNC Bank, NA  
 449 Port Richmond Savings  
 451 Progressive-Home Federal Savings & Loan Association

637 Provident Bank  
 456 Prudential Savings Bank  
 491 PS Bank

**Bank Code Q.**

107 QNB Bank  
 560 Quaint Oak Bank

**Bank Code R.**

452 Reliance Savings Bank  
 220 Republic First Bank d/b/a Republic Bank  
 628 Riverview Bank

**Bank Code S.**

153 S & T Bank  
 316 Santander Bank, NA  
 460 Second Federal S & L Association of Philadelphia  
 646 Service 1st Federal Credit Union  
 458 Sharon Bank  
 462 Slovenian Savings & Loan Association of Franklin-Conemaugh  
 486 **SOMERSET TRUST COMPANY**  
 633 SSB Bank  
 518 **STANDARD BANK, PASB**  
 542 Stonebridge Bank  
 440 SunTrust Bank  
 122 **SUSQUEHANNA COMMUNITY BANK**

**Bank Code T.**

143 TD Bank, NA  
 656 **TIOGA FRANKLIN SAVINGS BANK**  
 182 **TOMPKINS VIST BANK**  
 609 Tristate Capital Bank  
 640 TruMark Financial Credit Union  
 467 Turbotville National Bank (The)

**Bank Code U.**

483 UNB Bank  
 481 Union Building and Loan Savings Bank  
 133 Union Community Bank  
 634 United Bank, Inc.  
 472 United Bank of Philadelphia  
 475 United Savings Bank  
 600 Unity Bank  
 232 Uninvest Bank & Trust Co.

**Bank Code V.**

611 Victory Bank (The)

**Bank Code W.**

119 **WASHINGTON FINANCIAL BANK**  
 121 Wayne Bank  
 631 Wells Fargo Bank, NA  
 553 Wesbanco Bank, Inc.  
 494 West View Savings Bank  
 473 Westmoreland Federal S & L Association  
 476 William Penn Bank  
 272 Woodlands Bank  
 573 **WOORI AMERICA BANK**  
 630 WSFS (Wilmington Savings Fund Society), FSB

**Bank Code X.****Bank Code Y.**

577 York Traditions Bank

**Bank Code Z.**

**PLATINUM LEADER BANKS**

The **HIGHLIGHTED ELIGIBLE INSTITUTIONS** are Platinum Leader Banks—Institutions that go above and beyond eligibility requirements to foster the IOLTA Program. These Institutions pay a net yield at the higher of 1% or 75 percent of the Federal Funds Target Rate on all PA IOLTA accounts. They are committed to ensuring the success of the IOLTA Program and increased funding for legal aid.

**IOLTA Exemption**

Exemptions are not automatic. If you believe you qualify, you must apply by sending a written request to the IOLTA Board's executive director: 601 Commonwealth Avenue, Suite 2400, P.O. Box 62445, Harrisburg, PA 17106-2445. If you have questions concerning IOLTA or exemptions from IOLTA, please visit their website at [www.paiolta.org](http://www.paiolta.org) or call the IOLTA Board at (717) 238-2001 or (888) PAIOLTA.

**FINANCIAL INSTITUTIONS WHO HAVE FILED AGREEMENTS TO BE APPROVED AS A DEPOSITORY OF TRUST ACCOUNTS AND TO PROVIDE DISHONORED CHECK REPORTS IN ACCORDANCE WITH RULE 221, Pa.R.D.E.***New*

660 Clarion Federal Credit Union

*Name Change*

236 Swineford National Bank—Change to 58 Fulton Bank

493 FNB Bank, NA—Change to 58 Fulton Bank

533 Community First Bank—Change to 205 Farmers National Bank of Emlenton (The)

*Platinum Leader Change**Correction**Removal*

[Pa.B. Doc. No. 19-258. Filed for public inspection February 22, 2019, 9:00 a.m.]

# STATEMENTS OF POLICY

## Title 4—ADMINISTRATION

### PART II. EXECUTIVE BOARD

#### [ 4 PA. CODE CH. 9 ]

#### Reorganization of the Department of Corrections

The Executive Board approved a reorganization of the Department of Corrections effective February 5, 2019.

The organization chart at 49 Pa.B. 845 (February 23, 2019) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

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

[Pa.B. Doc. No. 19-259. Filed for public inspection February 22, 2019, 9:00 a.m.]

## Title 4—ADMINISTRATION

### PART II. EXECUTIVE BOARD

#### [ 4 PA. CODE CH. 9 ]

#### Reorganization of the Department of Education

The Executive Board approved a reorganization of the Department of Education effective February 5, 2019.

The organization chart at 49 Pa.B. 846 (February 23, 2019) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

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

[Pa.B. Doc. No. 19-260. Filed for public inspection February 22, 2019, 9:00 a.m.]

## Title 4—ADMINISTRATION

### PART II. EXECUTIVE BOARD

#### [ 4 PA. CODE CH. 9 ]

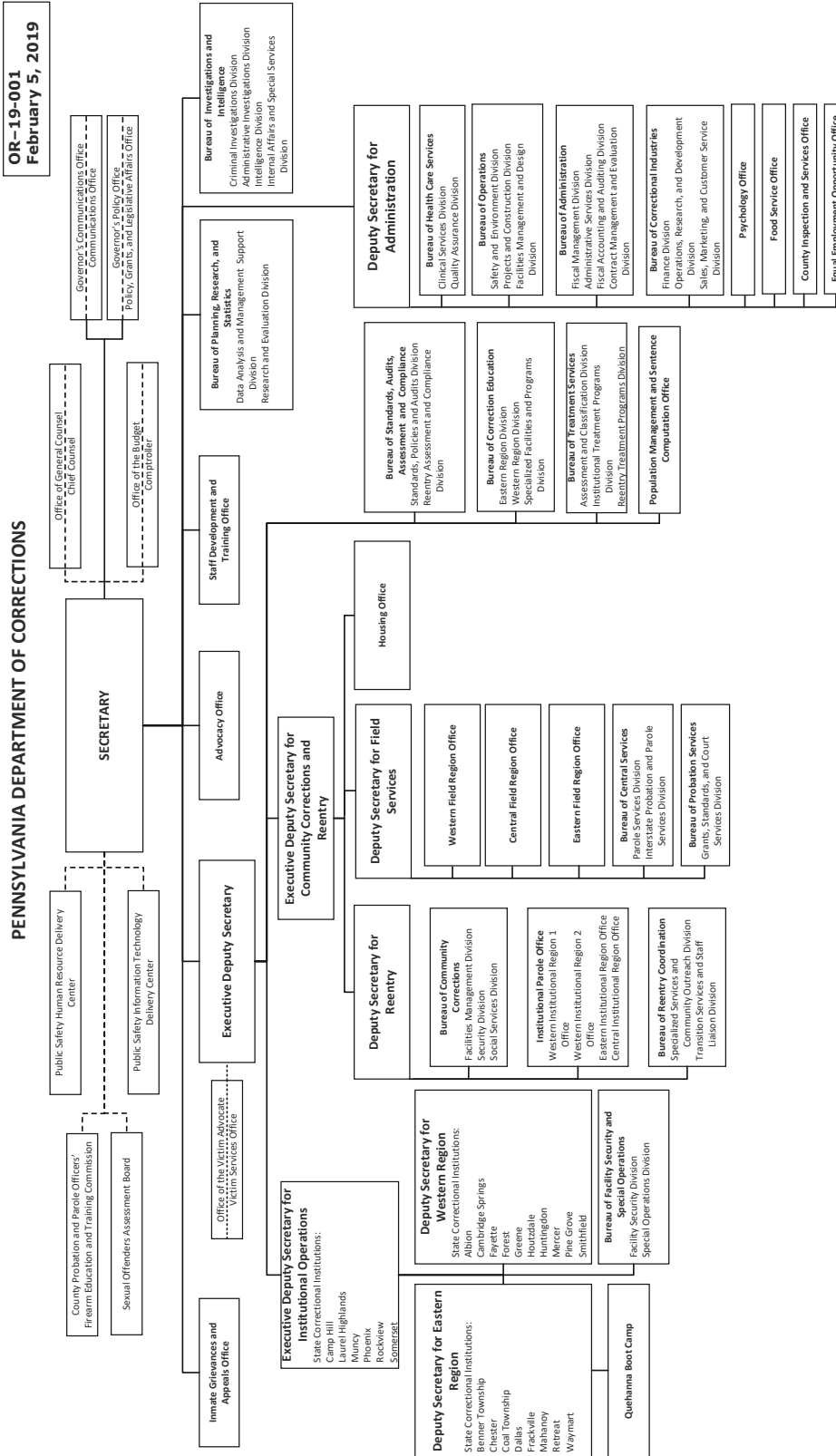
#### Reorganization of the Department of Environmental Protection

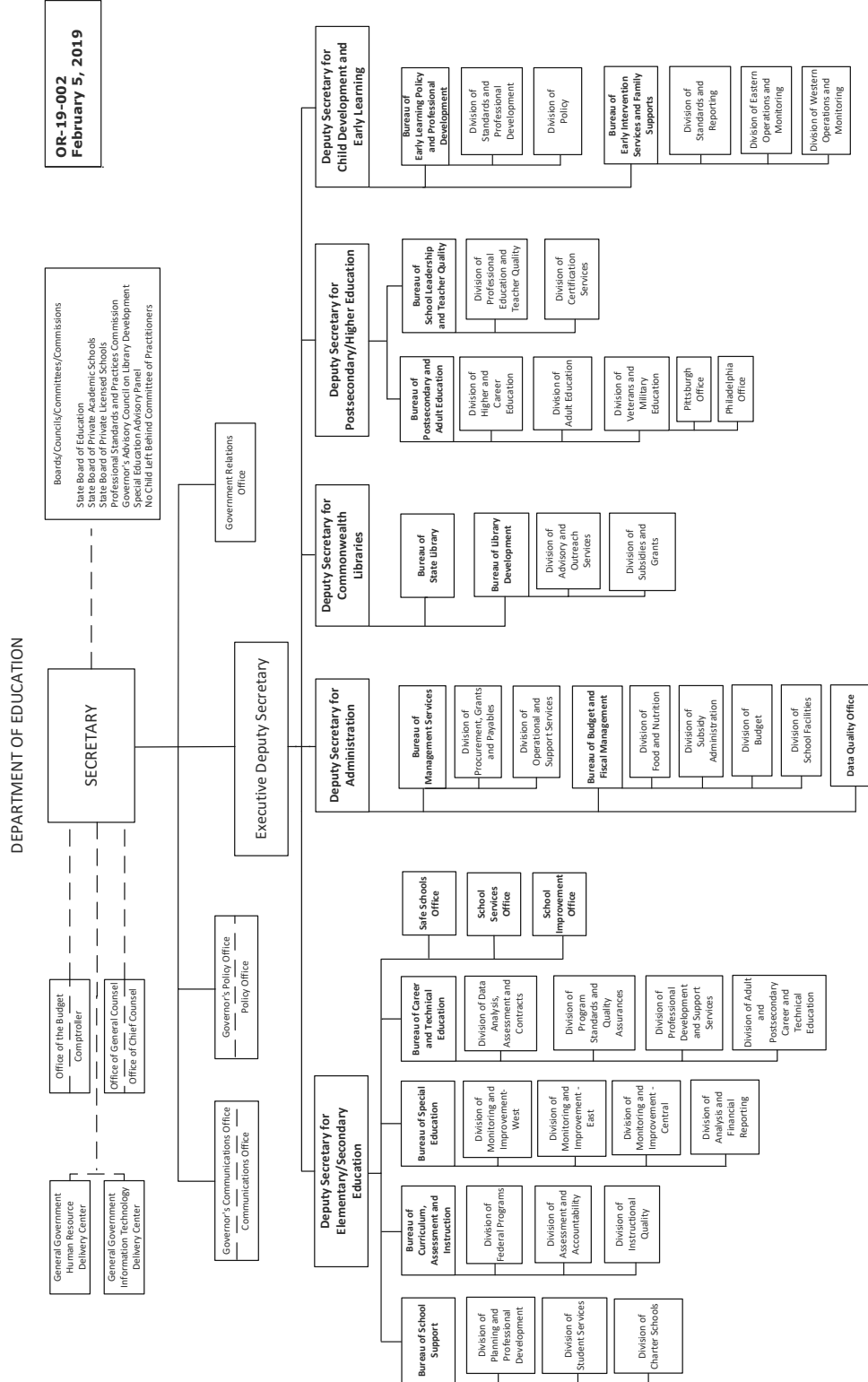
The Executive Board approved a reorganization of the Department of Environmental Protection effective February 5, 2019.

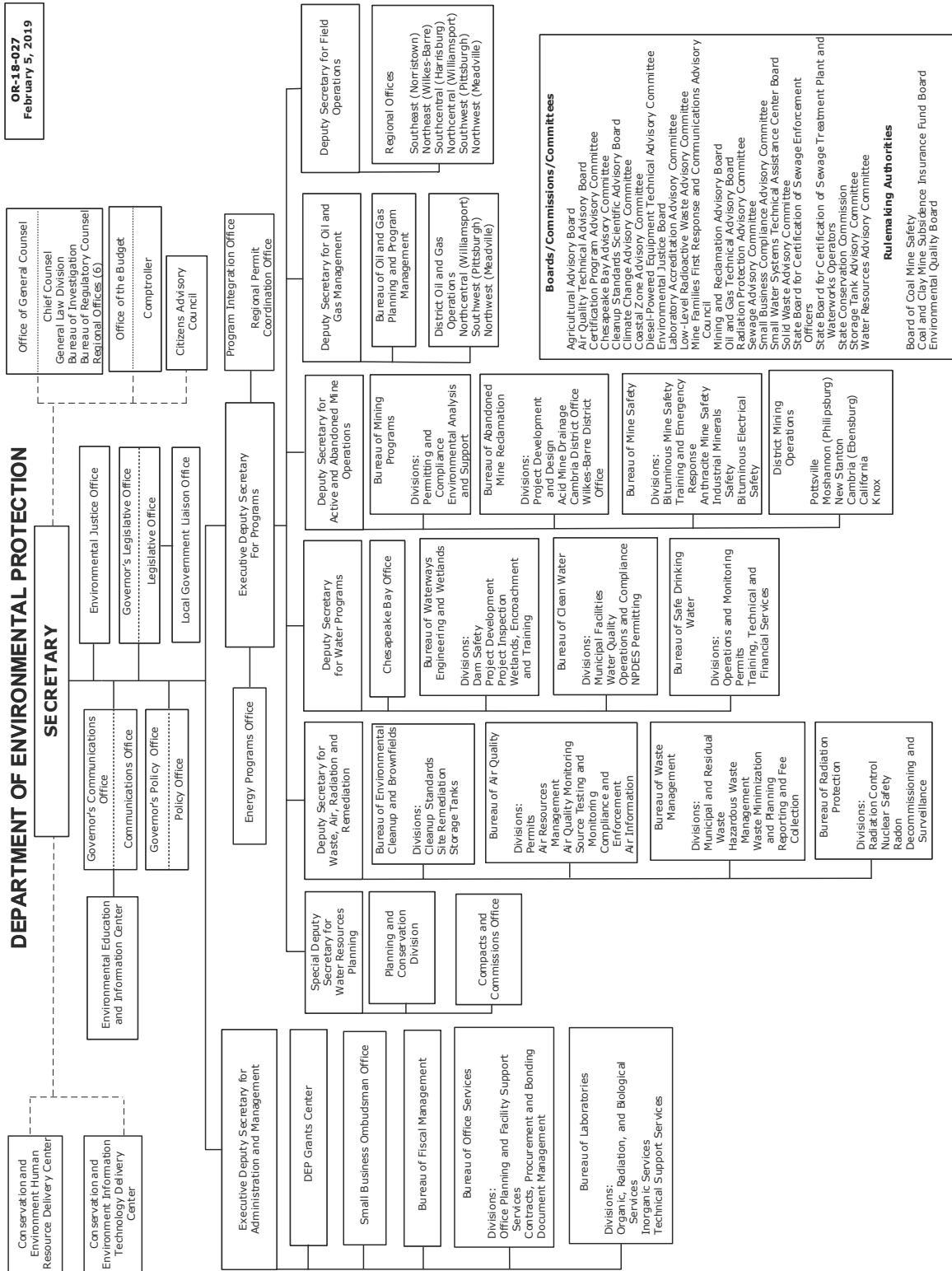
The organization chart at 49 Pa.B. 847 (February 23, 2019) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

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

[Pa.B. Doc. No. 19-261. Filed for public inspection February 22, 2019, 9:00 a.m.]







**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**OR-18-027**  
 February 5, 2019

# NOTICES

## DEPARTMENT OF AGRICULTURE

### Referendum on Continuation of the Pennsylvania Peach and Nectarine Research Program

I. The Pennsylvania Peach and Nectarine Research Program was established under the provisions of the Agricultural Commodities Marketing Act. The Act requires that the Secretary of Agriculture call a referendum of affected producers every five years to determine whether or not a majority of those voting still desire the program. The program was last subjected to a review referendum conducted in 2014. It is now time for another review referendum to determine whether a majority of the peach and nectarine producers desire the program to continue.

II. *Referendum Period:* The referendum period shall be from March 18, 2019, until 4 p.m. on April 1, 2019. Completed ballots shall be mailed or hand-delivered to the Pennsylvania Department of Agriculture, Bureau of Market Development, Room 310, 2301 North Cameron Street, Harrisburg, Pennsylvania 17110-9408. Hand-delivered ballots must be received by 4 p.m. on April 1, 2019. Ballots that are mailed must be postmarked no later than April 1, 2019, and received no later than April 5, 2019.

III. *Notice of Referendum:* This referendum order and an official ballot shall be mailed no later than March 11, 2019, to all affected producers whose names appear on the list of Pennsylvania peach and nectarine producers maintained in the Office of the Secretary of Agriculture. Additional copies of the same materials shall be made available at the Office of the Secretary of Agriculture.

IV. *Eligible Voters:* The rules governing the eligibility of a producer for voting are as follows: The record date for determination of whether a producer is eligible to vote is

March 11, 2019. All peach and nectarine producers who produced, grew, or caused to be grown 500 or more peach and/or nectarine trees, of all ages, for the production of peaches and/or nectarines for sale or marketing in the Commonwealth in calendar year 2018 and intend to produce, grow, or cause to be grown 500 or more peach and/or nectarine trees, of all ages, for the production of peaches and/or nectarines for sale or marketing in the Commonwealth in calendar year 2019.

V. *Counting of Ballots:* The ballots will be canvassed and counted by a Teller Committee appointed by the Secretary of Agriculture. The counting of the ballots will begin at 12 p.m., Tuesday, April 9, 2019, at the Pennsylvania Department of Agriculture, 2301 North Cameron Street, Harrisburg, Pennsylvania 17110. The Secretary will announce the results of the referendum within 30 days following the completion of the referendum period. The results will be published in the *Pennsylvania Bulletin* and the *Harrisburg Patriot-News*, and disseminated to the news media.

VI. *Reporting Irregularities:* Any irregularities or disputes concerning the referendum procedures must be reported in written form to the Secretary of Agriculture not later than seven (7) calendar days from the end of the referendum period.

VII. *Publication:* This referendum order shall be published in the *Pennsylvania Bulletin* and the *Harrisburg Patriot-News*.

VIII. *Effective Date:* The foregoing order shall be effective immediately.

RUSSELL C. REDDING,  
*Secretary*

[Pa.B. Doc. No. 19-262. Filed for public inspection February 22, 2019, 9:00 a.m.]

## DEPARTMENT OF BANKING AND SECURITIES

### Actions on Applications

The Department of Banking and Securities (Department), under the authority in the Banking Code of 1965 (7 P.S. §§ 101—2204), the Department of Banking and Securities Code (71 P.S. §§ 733-1—733-1203) and 17 Pa.C.S. (relating to Credit Union Code), has taken the following actions on applications received for the week ending February 12, 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, Corporate Applications Division, 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, contact the Corporate Applications Division at (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>
10-31-2018	Community Bank Carmichaels Greene County	2111 North Franklin Drive Washington Washington County (Limited Service Facility)	Opened



<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
01-07-2019	The Bryn Mawr Trust Company Bryn Mawr Montgomery County	2 Greenville Crossing Greenville New Castle County, DE	Opened
02-06-2019	Republic First Bank Philadelphia Philadelphia County	90 Fifth Avenue New York New York County, NY	Approved
02-06-2019	Somerset Trust Company Somerset Somerset County	5256 US 30, Unit FC-05 Greensburg Westmoreland County	Filed
02-08-2019	Wayne Bank Honesdale Wayne County	734 Sans Souci Parkway Hanover Township Luzerne County	Approved
02-08-2018	Somerset Trust Company Somerset Somerset County	835 East Pittsburgh Street Greensburg Westmoreland County	Approved

#### Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
02-01-2019	Orrstown Bank Shippensburg Cumberland County	1680 Orchard Drive Chambersburg Franklin County	Closed
02-01-2019	Orrstown Bank Shippensburg Cumberland County	3141 Black Gap Road Chambersburg Franklin County	Closed
02-01-2019	Orrstown Bank Shippensburg Cumberland County	821 South Washington Street Greencastle Franklin County	Closed
02-01-2019	Riverview Bank Marysville Perry County	1935 Daisy Street Clearfield Clearfield County	Closed
02-01-2019	Riverview Bank Marysville Perry County	500 Penn Street Huntingdon Huntingdon County (Limited Service Facility)	Closed

#### CREDIT UNIONS

##### Branch Applications

##### De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
2-5-2019	1st Ed Credit Union Chambersburg Franklin County	475 Eisenhower Drive Hanover York County	Filed

##### Articles of Amendment

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
2-4-2019	1st Ed Credit Union Chambersburg Franklin County	Effective

Amendment to Article 8 of the institution's Articles of Incorporation provides for the addition of all employees and students who are employed and/or attend any school district in York County and members of their immediate family to its field of membership.

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

ROBIN L. WIESSMANN,  
*Secretary*

[Pa.B. Doc. No. 19-263. Filed for public inspection February 22, 2019, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

#### APPLICATIONS

### THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT APPLICATIONS FOR NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

This notice provides information about persons who have applied for a new, amended or renewed NPDES or WQM permit, a permit waiver for certain stormwater discharges or submitted a Notice of Intent (NOI) for coverage under a General Permit. The applications concern, but are not limited to, discharges regarding industrial, animal or sewage waste, discharges to groundwater, discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities or concentrated animal feeding operations (CAFO). This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

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

For NPDES renewal applications in Section I, the Department of Environmental Protection (Department) has made a tentative determination to reissue these permits for 5 years subject to effluent limitations and monitoring and reporting requirements in their current permits, with appropriate and necessary updated requirements to reflect new and changed regulations and other requirements.

For applications for new NPDES permits and renewal applications with major changes in Section II, as well as applications for MS4 Individual Permits and Individual Stormwater Construction Permits in Sections IV and VI, the Department, based upon preliminary reviews, has made tentative determinations of proposed effluent limitations and other terms and conditions for the permit applications. In accordance with 25 Pa. Code § 92a.32(d), the proposed discharge of stormwater associated with construction activities will be managed in accordance with the requirements of 25 Pa. Code Chapter 102. These determinations are published as proposed actions for comments prior to taking final actions.

Unless indicated otherwise, the United States Environmental Protection Agency (EPA) Region III Administrator has waived the right to review or object to proposed NPDES permit actions under the waiver provision in 40 CFR 123.24(d).

Persons wishing to comment on NPDES applications are invited to submit statements to the contact office noted before the application within 30 days from the date of this public notice. Persons wishing to comment on WQM permit applications are invited to submit statements to the office noted before the application within 15 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the applications. A comment submittal should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests for public hearings on applications. A public hearing may be held if the responsible office considers the public response significant. If a hearing is scheduled, a notice of the hearing will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. The Department will postpone its final determination until after a public hearing is held.

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

#### **I. NPDES Renewal Applications.**

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0062375 (Sewage)	Saddleview Sewer WWTP Saddle Lake Road Tunkhannock Twp, PA 18657	Wyoming County Tunkhannock Township	Mill Run (04-G)	Yes
PA0035891 (Sewage)	Escape Property Owners Association (POA) P.O. Box 282 Greentown, PA 18426-0282	Pike County Palmyra Township	Unnamed Tributary to Wallenpaupack Creek (1-C)	Yes

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PAS902202 (Storm Water)	Lehigh County Pretreatment Plant 7676 Industrial Blvd Allentown, PA 18106	Lehigh County Upper Macungie Township	Iron Run (2-C)	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>
PA0265888 (Stormwater)	Koval Chick Corp P.O. Box 279 Indiana, PA 15701	Mifflin County/ Burnham Borough	Kishacoquillas Creek/HQ	Y
PA0088676	Creek View Mobile Home Park 483 Potato Road Carlisle, PA 17241	Cumberland County/ Upper Frankford Township	Conodoguinet Creek/7B	Y
PA0080004	Gibble Foods Mfg Snack Plant 6647 Molly Pitcher Highway Chambersburg, PA 17201	Franklin County/ Antrim Township	Conococheague— Antietm Creeks/13C	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0046230 (Sewage)	Carmichaels Cumberland Joint Sewer Authority P.O. Box 304 103 Municipal Road Carmichaels, PA 15320-0304	Greene County Carmichaels Borough	Muddy Creek (19-B)	Yes
PA0217794 (Sewage)	Camman Industries SFTF 111 Strawcutter Road Derry, PA 15627-3615	Westmoreland County Derry Township	Union Run (18-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>
PA0037117 (Sewage)	Abraxas I P.O. Box 59 Marienville, PA 16239-0059	Forest County Howe Township	Unnamed tributary to The Branch (16-F)	Yes
PA0030341 (Sewage)	Plain Grove Apartments 2025 Moores Corner Road Slippery Rock, PA 16057	Lawrence County Plain Grove Township	Unnamed Tributary to the Taylor Run (20-C)	Yes
PA0101974 (Sewage)	Gaslight Campground 6297 Emlenton Clintonville Road Emlenton, PA 16373-7419	Venango County Scrubgrass Township	Unnamed Tributary to Allegheny River (16-G)	Yes

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

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

**PA0060046**, Sewage, SIC Code 4952, **CAN DO Inc.**, One South Church Street, Hazleton, PA 18201. Facility Name: CAN DO WWTP. This existing facility is located in Hazle Township, **Luzerne 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), Tomhicken Creek, is located in State Water Plan watershed 5-E and is classified for Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 1 MGD.—Interim Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Boron, Total	Report	XXX	XXX	Report	Report	XXX
beta-BHC	Report	XXX	XXX	Report	Report	XXX
Bis(2-Ethylhexyl)Phthalate	Report	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 1 MGD.—Final Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Boron, Total	Report	XXX	XXX	1.722	2.686	3.444
beta-BHC (ug/L)	Report	XXX	XXX	0.016	0.025	0.032
Bis(2-Ethylhexyl)Phthalate (ug/L)	Report	XXX	XXX	2.09	3.26	4.18

The proposed effluent limits for Outfall 001 are based on a design flow of 1 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>Daily Maximum</i>	<i>Instantaneous Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	6.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.02	XXX	0.06
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	170.8	XXX	XXX	20.48	XXX	40.96
Biochemical Oxygen Demand (BOD <sub>5</sub> )						
Raw Sewage Influent	Report	Report	XXX	Report	Report	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	Report	XXX
Total Suspended Solids	Report	XXX	XXX	30.0	Report	60
Total Dissolved Solids	Report	XXX	XXX	Report	Report	XXX
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
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
Total Mo						
Effluent Net	Report	XXX	XXX	XXX	XXX	XXX
Total Mo						
Ammonia-Nitrogen						
Nov 1 - Apr 30	55.0	XXX	XXX	6.6	Report	13
May 1 - Oct 31	18.3	XXX	XXX	2.2	Report	4.4
Ammonia-Nitrogen (Total Load, lbs)	Report	XXX	XXX	XXX	XXX	XXX
Total Mo						
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen (Total Load, lbs)	Report	XXX	XXX	XXX	XXX	XXX
Total Mo						
Total Phosphorus	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus (Total Load, lbs)	Report	XXX	XXX	XXX	XXX	XXX
Total Mo						
Effluent Net	Report	XXX	XXX	XXX	XXX	XXX
Total Mo						
Aluminum, Total	Report	XXX	XXX	Report	Report	XXX
Iron, Total	Report	XXX	XXX	Report	Report	XXX
Sulfate, Total	Report	XXX	XXX	Report	Report	XXX
Zinc, Total	1.42	XXX	XXX	0.170	0.266	0.34
Ultraviolet light dosage (mWsec/cm <sup>2</sup> )	XXX	XXX	Report	XXX	XXX	XXX
Chloride	Report	XXX	XXX	Report	Report	XXX
Bromide	Report	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 1 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Instantaneous Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Daily Maximum		Average Monthly	Daily Maximum	
Manganese, Total	Report Annl Avg	XXX	XXX	Report Annl Avg	Report	XXX

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

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Average Monthly	Maximum	
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	XXX	XXX	30.0
Total Suspended Solids	XXX	XXX	XXX	XXX	XXX	100.0
Oil and Grease	XXX	XXX	XXX	XXX	XXX	30.0
Iron, Total	XXX	XXX	XXX	XXX	XXX	Report

Sludge use and disposal description and location(s): Sludge is disposed at Greater Hazleton Joint Sewer Authority Treatment Plant.

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

- Chesapeake Bay Nutrient Requirements; Solids Management; Water Quality-Based Effluent Limitations for Toxic Pollutants; Whole Effluent Toxicity (WET); Requirements Applicable to Stormwater Outfalls; Stormwater prohibition; Residuals Management; Planning; Chlorine minimization; Dry Stream; WQM Permit Application (unbuilt sludge management units); Changes to existing discharge/stream.

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

The EPA Waiver is not in effect.

**PA0276171**, Storm Water, SIC Code 4225, **Bridgestone Americas Tire Operations, LLC**, 200 4th Avenue S, Nashville, TN 37201-2255. Facility Name: Bridgestone Americas Tire Operations, LLC—Allentown Distribution Center. This proposed facility is located in Upper Macungie Township, **Lehigh County**.

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

The receiving stream(s), Iron Run, is located in State Water Plan watershed 2-C and is classified for High Quality—Cold Water and Migratory 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 MGD (Stormwater).

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Daily Maximum		Average Monthly	Daily Maximum	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	XXX	100.0
Oil and Grease	XXX	XXX	XXX	XXX	XXX	30.0

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

- Stormwater Outfalls and Authorized Non-Stormwater Discharges
- Best Management Practices (BMPs)
- Routine Inspections
- Preparedness, Prevention and Contingency (PPC) Plan
- Stormwater Monitoring Requirements

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

The EPA Waiver is in effect.

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

**PA0080608**, Sewage, SIC Code 7032, **Fellowship of Bible Church Inc.**, 10670 Fort Loudon Road, Mercersburg, PA 17236-9505. Facility Name: Camp Tohiglo. This existing facility is located in Montgomery Township, **Franklin 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), Licking Creek, is located in State Water Plan watershed 13-C and is classified for Migratory Fishes and Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .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>Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
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	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
Ammonia-Nitrogen	XXX	XXX	XXX	Geo Mean Report	XXX	XXX

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>Maximum</i>	
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus	Annl Avg	XXX	XXX	Annl Avg	XXX	XXX
	Report	XXX	XXX	Report	XXX	XXX
	Annl Avg			Annl Avg		

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

The EPA Waiver is in effect.

**PA0247928**, Sewage, SIC Code 4952, **Hopewell Township**, 415 Three Square Hollow Road, Newburg, PA 17240-9333. Facility Name: Hopewell Township Bldg SFTF. This existing facility is located in Hopewell Township, **Cumberland 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 Peebles Run, is located in State Water Plan watershed 7-B and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for 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>Average Quarterly</i>	<i>Maximum</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	Avg Qrtly 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

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>Average Quarterly</i>	<i>Maximum</i>	
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report Avg Mo	XXX	Report

Sludge use and disposal description and location(s): Sludge is hauled off site via a local septage hauler to another WWTP for ultimate treatment/disposal.

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

The EPA Waiver is in effect.

**PA0262145**, Sewage, SIC Code 4952, **Jeffrey M Pierson**, 357 Sherwood Drive, Carlisle, PA 17015-9013. Facility Name: Pierson SRSTP. This existing facility is located in Middlesex Township, **Cumberland County**.

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

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

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

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Annual Average	Maximum	
Flow (MGD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <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

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

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Annual Average	Maximum	
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report Avg Mo	XXX	XXX

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

The EPA Waiver is in effect.

**PA0086941**, Sewage, SIC Code 7011, **Stardust Motel**, 3418 Susquehanna Trail, Duncannon, PA 17020-7112. Facility Name: Stardust Motel. This existing facility is located in Watts Township, **Perry County**.

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

The receiving stream(s), Unnamed Stream, is located in State Water Plan watershed 6-C 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 .00356 MGD.—Limits.

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

The proposed effluent limits for Outfall 001 are based on a design flow of .00356 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Annual Average	Average Weekly		Average Monthly	Maximum	
Flow (MGD)	Report Avg Mo	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0 Inst Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Annual Average	Average Weekly		Average Monthly	Maximum	
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	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000

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

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

**PA0272027**, Sewage, SIC Code 4952, 8800, **Dennis L Fisher Sr.**, 8265 Station Road, Erie, PA 16510. Facility Name: Dennis Fisher Sr SRSTP. This proposed facility is located in Harborcreek Township, **Erie 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 Sixmile Creek, located in State Water Plan watershed 15-A and classified for Cold Water and Migratory 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.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Annual Average	Maximum	
Flow (MGD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Daily Min	XXX	9.0 Daily Max	XXX
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	1,000

Sludge is stored in the process facilities for off-site disposal.

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

The EPA Waiver is in effect.

**PA0271951**, Sewage, SIC Code 8800, 4952, **Shawn Boyer**, 53 Valley View Drive, New Wilmington, PA 16142. Facility Name: Shawn Boyer SRSTP. This proposed facility is located in Pulaski Township, **Lawrence County**.

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

The receiving stream is an unnamed tributary to the Shenango River, located in State Water Plan watershed 20-A and classified for Warm 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 .0004 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Annual Average	Maximum	
Flow (MGD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Daily Min	XXX	9.0 Daily Max	XXX
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	1,000

Sludge is stored on site for off-site disposal.

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

The EPA Waiver is in effect.



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

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

**WQM Permit No. WQG02481901**, Sewerage, **Bethlehem Township Municipal Authority**, 3535 Orth Street, Bethlehem, PA 18020.

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

Description of Proposed Action/Activity: The project is for the construction of a pump station to serve portions of the proposed Traditions of America subdivision, existing homes on Green Pond Road, County Club Road, and proposed Dutt Tract. Two pumps (alternating between pumping cycles) rated for 80 gallons per minute at 34.5 ft TDH will convey wastewater to a 4-inch fused HDPE force main. The wet well-mounted pump station includes a control building, emergency generator, ventilation, and other associated appurtenances.

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

**WQM Permit No. 3619403**, Sewerage, **City of Lancaster**, 120 N Duke Street, P.O. Box 1599, Lancaster, PA 17608-1599.

This proposed facility is located in City of Lancaster, **Lancaster County**.

Description of Proposed Action/Activity: Seeking permit approval to upgrade existing Maple Grove PS from 8.4 MGD to 9.678 to provide capacity for peak hour flows and proposed developments. The upstream interceptor that conveys flow to the station will also be upgraded to accommodate the same potential peak hour flows. Portions of the existing downstream interceptor will be upgraded to increase the capacity of several key sections to accommodate the increased pumping station flow as well proposed future development.

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

**WQM Permit No. 6572405 A-5**, Sewerage, **New Kensington City Municipal Sanitary Authority**, 120 Logans Ferry Road, New Kensington, PA 15068-2004.

This existing facility is located in New Kensington City, **Westmoreland County**.

Description of Proposed Action/Activity: Additional clarifiers and upgrade of aeration and disinfection facilities.

**WQM Permit No. 6319402**, Sewerage, **North Strabane Township Municipal Authority Washington County**, 68 E Pike Street, Canonsburg, PA 15317-1375.

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

Description of Proposed Action/Activity: Construction of a submersible pump station and approximately 1,700 feet of six inch diameter force main to serve the proposed Greenwood Village development.

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

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*Southeast Regional Office: Regional Clean Water Program Manager, 2 E Main Street, Norristown, PA 19401, Telephone: 484.250.5970.*

**PAI130007**, MS4, **Richland Township Bucks County**, 1328 California Road, Suite A, Quakertown, PA 18951-4517. The application is for a renewal of an individual NPDES permit for the discharge of stormwater from a regulated municipal separate storm sewer system (MS4) to waters of the Commonwealth in Richland Township, **Bucks County**. The receiving stream(s), Tohickon Creek, Unnamed Tributary to Unami Creek, Beaver Run, and Morgan Creek, is located in State Water Plan watershed 2-D and 3-E and is classified for Migratory Fishes, Trout Stocking, and High Quality Waters—Trout Stocking, aquatic life, water supply and recreation. The applicant is classified as a small MS4.

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

- A Pollutant Reduction Plan (PRP)

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

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

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

**PAI134810**, MS4, **Spring Township Centre County**, 1309 Blanchard Street, Bellefonte, PA 16823-8623. The application is for a new individual NPDES permit for the discharge of stormwater from a regulated municipal separate storm sewer system (MS4) to waters of the Commonwealth in Spring Township, **Centre County**. The receiving stream(s), Logan Branch, is located in State Water Plan watershed 9-C and is classified for High Quality—Cold Water and Migratory Fish, aquatic life, water supply and recreation. The applicant is classified as a small MS4.

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

- A Pollutant Reduction Plan (PRP)

The Department has made a tentative determination to issue the NPDES permit. Written comments on the application and draft permit will be accepted for 30 days following publication of this notice. The period for comment may be extended at the discretion of DEP for one additional 15-day period. You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-327-3693.

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

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

**PAI136125**, MS4, **Delmont Borough Westmoreland County**, 77 Greensburg Street, Delmont, PA 15626. The application is for a renewal of an individual NPDES permit for the discharge of stormwater from a regulated municipal separate storm sewer system (MS4) to waters of the Commonwealth in Delmont Borough, **Westmoreland County**. The receiving streams, Turtle Creek, Unnamed tributaries to Turtle Creek, Unnamed Tributaries to Beaver Run, are located in State Water Plan watersheds 18-B and 19-A and are classified for High Quality Waters—Cold Water Fishes and Trout Stocking, aquatic life, water supply and recreation. The applicant is classified as a small MS4.

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

- A Pollutant Reduction Plan (PRP)

The Department has made a tentative determination to issue the NPDES permit. Written comments on the application and draft permit will be accepted for 30 days following publication of this notice. The period for comment may be extended at the discretion of DEP for one additional 15-day period. You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 412-442-4000.

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

**PAI136109**, MS4, **Municipality of Murrysville, Westmoreland County**, 4100 Sardis Road, Murrysville, PA 15668-1120. The application is for a renewal of an individual NPDES permit for the discharge of stormwater from a regulated municipal separate storm sewer system (MS4) to waters of the Commonwealth in Municipality of Murrysville, **Westmoreland County**. The receiving streams, Abers Creek, Lyons Run, Turtle Creek, Pucketa Creek, Haymakers Run, and Steels Run, are located in State Water Plan watershed 18-A and 19-A and are classified for High Quality Waters—Cold Water Fishes and Trout Stocking, aquatic life, water supply and recreation. The applicant is classified as a small MS4.

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

- A Pollutant Reduction Plan (PRP)

The Department has made a tentative determination to issue the NPDES permit. Written comments on the application and draft permit will be accepted for 30 days following publication of this notice. The period for comment may be extended at the discretion of DEP for one additional 15-day period. You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 412-442-4000.

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

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD390111	Air Products & Chemicals, Inc 7201 Hamilton Blvd Allentown, PA 18195	Lehigh	Upper Macungie Twp Lower Macungie Twp	Little Lehigh Creek (HQ-CWF, MF)
PAD390115	Upper Macungie Group 104 Old Mill Rd Sellersville, PA 18960	Lehigh	Upper Macungie Twp	Cedar Creek (HQ-CWF, MF) Little Lehigh Creek (HQ-CWF, MF)
PAD390114	Northwestern Lehigh School District 6493 Route 309 New Tripoli, PA 18066	Lehigh	Heidelberg Twp	School Creek (CWF, MF) EV Wetlands
PAD390056	HRP Management, LLC 2 Ridgedale Ave Ste 370 Cedar Knolls, NJ 07927	Lehigh	Bethlehem City	Monocacy Creek (HW-CWF, MF)

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

<i>Permit #</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD360042	Amos K. Esh 959 Georgetown Road Paradise, PA 17562	Lancaster	Bart Township	Nickel Mines Run (HQ-CWF, MF)
PAD210009	Trinity MSB, LLC 700 Ayers Avenue Lemoyne, PA 17043	Cumberland	Monroe Township	Yellow Breeches Creek (HQ-CWF, MF) UNT Yellow Breeches Creek (HQ-CWF, MF)
PAD060026	Berks County Industrial Development Authority 633 Court Street Floor 14 Reading, PA 19601	Berks	Bern Township	Schuylkill River (WWF, MF)

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

<i>Permit No.</i>	<i>Applicant &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Stream Name</i>
PAD300007	Contura Pennsylvania Land, LLC P.O. Box 1020 Waynesburg, PA 15370	Greene County	Center Township and Jackson Township	Garner Run (HQ-WWF) House Run (HQ-WWF)
PAD650009-1	Westmoreland County Industrial Development Corporation Elliott Company 901 North Fourth Street Jeannette, PA 15644	Westmoreland County	City of Jeannette	Brush Creek (TSF)

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

*Crawford County Conservation District, 21742 German Road, Meadville, PA 16335, 814-763-5269.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD200005	Trustees of Conneaut Lake Park 789 Bessemer Street Meadville, PA 16335	Crawford	Summit Township	Unnamed tributary to Conneaut Lake HQ-WWF

## 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>
Brubaker Run Farms, LLC Robert Brubaker, Jr. 2871 North Colebrook Rd Manheim, PA 17545	Lancaster	7.3	247.28	Broilers	NA	R
Robert Brubaker, Jr. Camp Rd Farm (2205 Camp Rd) 2871 North Colebrook Rd Manheim, PA 17545	Lancaster	9.5	505.75	Broilers	NA	R
The Barley Farms— Jeffrey Barley 862 Donerville Rd Millersville, PA 17551	Lancaster	450	355.57	Pullets/Steers	NA	R

**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 taken under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17).**

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

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<b>Permit No. 3619503</b> , Public Water Supply.
Applicant <b>Brookfield Development Corporation</b>
Municipality <b>East Lampeter Township</b>
County <b>Lancaster</b>
Responsible Official <b>William C. Briegel, Assistant Vice President</b> 227 Granite Run Drive Suite 100 Lancaster, PA 17601
Type of Facility <b>Public Water Supply</b>
Consulting Engineer <b>Scott M. Rights, P.E.</b> Steckbeck Engineering Associates 279 N Zinns Mill Rd Lebanon, PA 17042
Application Received: <b>1/25/2019</b>
Description of Action <b>New community water system including one groundwater well proposed for 65 gpm, an interconnection with the City of Lancaster, sodium hypochlorite disinfection with 4-log treatment of viruses, reverse osmosis filtration for TDS removal, cation exchange for hardness removal, activated carbon filtration for dechlorination prior to the reverse osmosis system, 300,000-gallon clearwell, booster pump station, and distribution system to serve 370 residential units and 10 retail shops.</b>

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

**Permit No. 4283501-MA5**, Public Water Supply.

Applicant <b>Bradford City Water Authority</b>
Township or Borough <b>City of Bradford</b>
County <b>McKean</b>

Responsible Official	Steve Disney
Type of Facility	Public Water Supply
Consulting Engineer	Randy Krause Bankson Engineers 267 Blue Run Road Cheswick, PA 15024
Application Received Date	January 31, 2019
Description of Action	Install 24 in PVC water transmission main
<b>Permit No. 3309502-MA2, Public Water Supply.</b>	
Applicant	<b>Brockway Borough Municipal Authority</b>
Township or Borough	Horton and Snyder Townships
County	<b>Elk and Jefferson Counties</b>
Responsible Official	Laurie Wayne
Type of Facility	Public Water Supply
Consulting Engineer	Peter Fleszar Glance Associates, Inc. 3705 Trindle Road Camp Hill, PA 17011
Application Received Date	February 4, 2019
Description of Action	Install Turbidimeter and Whetstone and Rattlesnake Filter Plants

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 1

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

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Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P.S. §§ 6026.302—6026.305) require the Department to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. A person intending to use the background standard, Statewide health standard, the site-specific standard or intend to remediate a site as a special industrial area shall file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of cleanup standards or receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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

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

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

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

**Manheim Township High School**, 100 School Road, Lancaster, PA 17601, Manheim Township, **Lancaster County**. Reliance Environmental, Inc., 235 North Duke Street, Lancaster, PA 17602, on behalf of Manheim Township School District, 450A Candlewyck Road, Lancaster, PA 17606 submitted a Notice of Intent to Remediate site soils contaminated with No. 4 fuel oil. The site will be remediated to the Statewide Health Standard. This site will continue to be used as a public High School campus. The Notice of Intent to Remediate was published in the *LNP* on January 23, 2019.

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

**Santander Bank-Fairgrounds Branch**, 1701 West Chew Street, Allentown City, **Lehigh County**. Liberty Environmental, 505 Penn Street, Suite 400, Reading, PA 19601, on behalf of Santander Bank NA, 2 Morrissey Boulevard, Dorchester, MA 02125-3312, submitted a Notice of Intent to Remediate. Soil and groundwater at this site were contaminated with No. 2 fuel oil from an underground storage tank. Future use of the site will be non-residential. A combination of Site-Specific and Statewide Health remediation standards is planned for this site. The Notice of Intent to Remediate was published in *The Morning Call* on January 28, 2019.

**Former Tyler Pipe**, 101 North Church Street, Macungie Borough and Lower Macungie Township, **Lehigh County**. Haley & Aldrich, 6500 Rockside Road, Suite 200, Cleveland, OH 44131, on behalf of McWane, Inc., 2900 Highway 280 South, Suite 250, Birmingham, AL 35223, submitted a Notice of Intent to Remediate. Soil and groundwater at this former foundry operation were contaminated with metals and petroleum products. Future use of the site will be non-residential. Site-Specific

remediation standards are planned for this site. The Notice of Intent to Remediate was published in *The Morning Call* on January 12, 2019.

*Southwest Region: Environmental Cleanup & Brownfields Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**EQT—Nicoloff Well Pad**, 197 Mahle Road, Morgan Township, **Greene County**. SE Technologies, LLC, 98 Vanadium Road, Building D, 2nd Floor, Bridgeville, PA 15017 on behalf of EQT Corporation, 625 Liberty Avenue, Pittsburgh, PA 15222 has submitted a Notice of Intent to Remediate. Produced water (brine) was released on the well pad from natural gas drilling operations on December 20, 2018. Primary constituents of concern are chlorides and metals in soil. The proposed future use of the property will be non-residential for continued use as a natural gas well pad. The proposed cleanup standard for the site is non-residential Statewide Health Standard for chlorides and residential Statewide Health Standard for metals. The Notice of Intent to Remediate was published in the *Greene County Messenger* on February 1, 2019.

**EQT—Strope Well Pad**, 1135 Washington Road, Washington Township, **Greene County**. SE Technologies, LLC, 98 Vanadium Road, Building D, 2nd Floor, Bridgeville, PA 15017 on behalf of EQT Corporation, 625 Liberty Avenue, Pittsburgh, PA 15222 has submitted a Notice of Intent to Remediate. An estimated 1 barrel of produced water (brine) was released on the well pad from natural gas drilling operations on December 20, 2018. Primary constituents of concern are chlorides and metals in soil. The proposed future use of the property will be non-residential for continued use as a natural gas well pad. The proposed cleanup standard for the site is non-residential Statewide Health Standard for chlorides and residential Statewide Health Standard for metals. The Notice of Intent to Remediate was published in the *Greene County Messenger* on February 1, 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.**

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

**Permit Application No. 101592. Tri-County Transfer Station**, 159 TCI Drive, Grove City, PA 16127; Pine and Liberty Townships, **Mercer County**. A major permit modification to the existing municipal waste transfer station permit owned by Tri-County Industries, Inc. was received on September 5, 2018. The application seeks to increase the maximum daily volume of the facility from 800 tons per day to 1,200 tons per day. A Local Municipal Involvement Policy meeting was conducted with the local municipal officials on January 23, 2019. The application was considered complete by the Northwest Regional Office on February 6, 2019.

Comments concerning the application should be directed to Christina Wilhelm, Program Manager, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335. Persons interested in obtaining more information about the permit application may contact the Northwest Regional Office, at (814) 332-6848. TDD users may contact the Department through the Pennsylvania AT&T

Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

**Permit Application No. 101678. Tri-County Landfill**, 159 TCI Drive, Grove City, PA 16127; Pine and Liberty Townships, **Mercer County**. A landfill permit application titled “Replacement Application for Permit Expansion” was received on December 17, 2018. This application is to re-open and expand the old Tri-County Landfill that was closed in 1990. Several attempts have been made to re-open this landfill over the past 28 years. The last application was denied on September 19, 2013. A Local Municipal Involvement Policy meeting was conducted with the local municipal officials on January 23, 2019. The application was considered complete by the Northwest Regional Office on February 6, 2019.

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

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

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

**Permit No. 301343, Bedford Waste Oil Transfer Station**, 170 Transport Road, Bedford, PA 15522.

An application for a permit reissuance was submitted by the Emaxx Central PA, LLC, for the waste oil transfer station currently permitted to RecOil, Inc., in Bedford Township, **Bedford County**. This application was deemed administratively complete by the Southcentral Regional Office on January 31, 2019. The Department will accept comments from the general public recommending revisions to, and approval or denial of, the application during the entire time the Department is reviewing the permit application.

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

## **AIR QUALITY**

### **PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS**

The Department has developed an “integrated” plan approval, State Operating Permit and Title V Operating Permit program. This integrated approach is designed to make the permitting process more efficient for the De-

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

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

**46-0005AT: Merck, Sharp & Dohme, Corp.** (770 Summeytown Pike, West Point, PA 19486-0004) for the installation of a natural gas fired emergency generator in Building 46 to upgrade the electric infrastructure and improve reliability in support of the operations in this building at an existing permitted Title V facility in Upper Gwynedd Township, **Montgomery County**. The generator will result in the following ton/year air contaminants: VOC—0.37; NO<sub>x</sub>—0.74; CO—1.47; SO<sub>x</sub>—0.0008; and PM/PM<sub>10</sub>/PM<sub>2.5</sub>—0.012. The installation of this source does not trigger applicability toward NSR or PSD regulations. The plan approval will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

*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.*

Notice is hereby given in accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b) that the Department of Environmental Protection (DEP) intends to issue **Plan Approval # 54-00054A to Commonwealth Environmental Systems, L.P. Landfill**, Discovery Drive, 99 Commonwealth Road, Foster Twp., PA 17938 for their facility in Foster Township, **Schuylkill County**. This plan approval will be incorporated into the Title V operating permit # 54-00054 through an administrative amendment at a later date, and the action will be published as a notice in the *Pennsylvania Bulletin*.

Plan approval # 54-00054A is for the installation and operation one (1) new enclosed flare rated at 6,000 SCFM, to revise the control device capacity of the existing Landfill Gas Extraction System with Gas Flare (Source ID No. CD01) and to remove the operating hour restriction on Emergency Landfill Gas Open Flare (Source ID No. CD02) operated at the landfill. CES is not modifying the actual source of the emissions (the landfill).

The proposed enclosed flare meets Department's BAT guidelines and NSPS Subpart WWW requirements for enclosed flare. Company's proposed open flare meets Department's new BAT guide line for open flare policy for beneficial use of landfill gas. The flares are designed to reduce NMOC by 98 weight percent or to reduce NMOC concentration by 20 PPM as hexane by volume, dry basis at 3% O<sub>2</sub>, or less. There will be no change in emissions from the landfill due to installation of new flare. The volatile organic compound (VOC) emissions from the landfill will be controlled by enclosed landfill gas flares and shall not exceed 50 tons per year keeping the landfill below major source threshold. The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701.

Any person(s) wishing to provide DEP with additional information which they believe should be considered prior to the issuance of this permit may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No. 54-00054A 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 Raymond Kempa, P.E., Environmental Group Manager, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701, Phone 570-826-2511 within 30 days after publication date.

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

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

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

**39-00058: Packaging Corporation of America** (7451 Cetronia Road, Allentown, PA 1106-9123) The Department intends to issue a State-Only (Synthetic Minor) Operating Permit renewal for operation of sources at corrugated and solid fiber boxes manufacturing facility in Upper Macungie Township, **Lehigh County**. The sources include a corrugator, hogger, die-cutters, flexographic machine, and a gluer controlled by a cyclone. Sources also include two dual fuel-fired boilers and an emergency engine. Insignificant sources include a smaller gluer, labeler, wastewater pre-treatment, silo, heaters, furnace, parts washer, and fuel tank. The proposed permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

**40-00069: Independent Refining Co, LLC** (99 Stevens Lane, Exeter, PA 18643-1232) The Department intends to issue a State-Only (Natural Minor) Operating Permit renewal for operation of sources at a plastic materials and resins manufacturing facility in Exeter Borough, **Luzerne County**. The sources include wash tanks controlled by a scrubber. Insignificant sources include two natural gas-fired boilers and an indoor vented dryer. The proposed permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

**40-00104: Brdaric Excavating, Inc.** (500 Main Street, Swoyersville, PA 18704). The Department intends to issue a renewal State-Only Natural Minor Permit for Brdaric Buck Mountain Quarry located in Kingston Township, **Luzerne County**. This quarry operates a rock crushing plant. The sources are considered minor emission sources

of nitrogen oxide (NO<sub>x</sub>), sulfur oxides (SO<sub>x</sub>), carbon monoxide (CO), total suspended particulate (TSP) and VOC's. The proposed permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

*Southcentral Region: Air Quality Program, 909 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.*

**36-05106: Premier Custom Built, Inc.** (110 Short Street, New Holland, PA 17557) to issue a State-Only Operating Permit for the cabinet manufacturing facility in East Earl Township, **Lancaster County**. The facility's actual emissions for 2017 were reported as 0.13 tpy CO, 0.16 tpy NO<sub>x</sub>, 0.11 tpy PM<sub>10</sub> and PM<sub>2.5</sub>, 0.00 tpy SO<sub>x</sub>, 22.87 tpy VOC, 8.01 tpy of combined HAPs and 4.14 tpy of a single HAP (toluene). 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, 129.77 and 129.101—129.107.

**36-05120: Nessco Enterprises, LLC** (124 Earland Drive, New Holland, PA 17557) to issue a State-Only Operating Permit for the cabinet manufacturing facility in East Earl Township, **Lancaster County**. The facility's actual emissions for 2017 were reported as 23.58 tpy VOC, 6.47 tpy of combined HAPs and 3.72 tpy of a single HAP (xylenes). 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.

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

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

**41-00058: Charles Construction Co.** (838 E. Central Ave., Jersey Shore, PA 17740) to issue a renewal State Only (Synthetic Minor) Operating Permit for the Jersey Shore Asphalt Plant located in Limestone Township, **Lycoming County**. The facility is currently operating under State Only (Synthetic Minor) Operating Permit 41-00058. The facility's sources include one 2.24 MMBtu/hr, # 2 fuel oil-fired asphalt tank heater, two propane-fired space heaters, two liquid asphalt tanks, one # 2 fuel oil storage tank, one diesel fuel oil storage tank, one 50 MMBtu/hr hot mix drum asphalt concrete operation and miscellaneous sources. The facility has potential emissions of 0.20 TPY of CO; 0.80 TPY of NO<sub>x</sub>; 2.80 TPY of SO<sub>x</sub>; 0.80 TPY of PM/PM<sub>10</sub>; 2.45 TPY of VOCs; 0.36 TPY of combined hazardous air pollutants; 895 TPY GHGs. This facility is subject to 40 CFR 60, Subpart I-Standards of Performance for Hot Mix Asphalt Facilities. The emission limits and work practice standards along with testing, monitoring, record keeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable require-



ments of 25 Pa. Code Chapters 121—145, as well as 40 CFR Part 60. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

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

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

**20-00296: HomerWood Premium Hardwood**, (1026 Industrial Drive, Titusville, PA 16354). The Department intends to renew a State Only Operating Permit for the wood flooring manufacturing facility located in Titusville, **Crawford County**. The primary sources at the facility include 7 natural gas fueled heaters and a natural gas furnace, wood sanding operations, coating operations, wood sawing operations, and a natural gas fueled drying oven. The facility has taken a facility-wide VOC emission restriction of 49 tons per year and a VOC emission restriction on coating operations of 35.25 tpy. Potential emissions are 36 tpy PM; less than 1 tpy NO<sub>x</sub>; less than 1 tpy SO<sub>x</sub>; less than 1 tpy CO; less than 1 tpy HAPs; 49 tpy VOC. The facility is a Synthetic Minor. The permit contains emission restrictions, recordkeeping, and work practice requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

**24-00016: Keystone Powdered Metal Company**, (251 State Street, Saint Marys, PA 15857-1658), the Department intends to issue the renewal of a Synthetic Minor State-Only Operating Permit to a facility which manufactures bearings, small structural components, sprockets and gears for the automotive, appliance and outdoor power equipment industries. This facility located in Saint Mary's City, **Elk County**. The primary sources at the facility are miscellaneous space heaters (approximately 51), 2 natural gas fueled boilers, electric furnaces, hot forming presses, tempering furnaces, dry lube operation, degreasers, induction heat treat furnaces, natural gas fueled heat-treating furnaces, dry powder blending, a fluid elimination system, an Induction Hardener, shot blasters, emergency power generators, parts washers and belt sintering furnaces. The facility has taken a site limit of 45 tons per year (tpy) for VOC emissions, 9.9 tpy for a single HAP and 24.9 tpy for all HAPs. Actual emissions for other criteria pollutants are estimated as follows: CO, 17.5 tpy; NO<sub>x</sub>, 45.8 tpy, PM<sub>10</sub>, 5.0 tpy; and SO<sub>x</sub>, 0.17 tpy. The permit contains emission restrictions, along with testing, monitoring, recordkeeping, reporting, work practice and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

**43-00270: CCL Container, Advanced Monobloc Aerosol Division** (1 Llodio Dr., Hermitage, PA 16148), the Department intends to issue the renewal of the State-Only Operating Permit of an aerosol can manufacturing facility located in Hermitage City, **Mercer County**. Subject to elective restrictions of 49.5 tons VOC, 9.5 tons for any single HAP, and 24.5 tons for total HAPs in any consecutive 12-month rolling period, the facility is Synthetic Minor for permitting purposes. In this renewal, permit maps are updated to reflect current configurations of aerosol can manufacturing lines. Requirements of PA 43-270K, which authorized the current operations at the facility, are incorporated into the permit, replacing and ensuring compliance with those from previous plan approvals. Based on latest determination, the facility is

subject to 25 Pa. Code § 129.52's VOC content limits for can coatings and demonstrates compliance through use of VOC control devices. Promulgated on June 28, 2014, 25 Pa. Code § 129.67b applies to lithographic printing presses of aerosol can manufacturing lines. A second laser engraving system is added as a permitted source.

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

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

**OP17-000046: Metro CTI Inc.** (6711 Frankford Ave, Philadelphia, PA 19135) issued on February 6, 2019 for the operation of a human crematory in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include one (1) 150 pounds per hour cremation unit with one 0.5 MMBtu/hr primary burner and one 1.0 MMBtu/hr afterburner that fires natural gas.

## COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

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

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

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

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

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

*Coal Applications Received*

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

**56121301 and NPDES No. PA0236152. AK Coal Resources, Inc.**, (1134 Stoystown Road, Friedens, PA 15541). To revise the permit for the North Fork Mine in Jenner and Quemahoning Townships, **Somerset County** and related NPDES permit for expanding the pit and constructing additional support area (supply yard). Surface Acres Proposed 17.6. No additional discharges. The application was considered administratively complete on February 1, 2019. Application received: October 16, 2018.

**63921301 and NPDES No. PA0214434. UMCO Energy, Inc.**, (46226 National Road, St. Clairsville, OH 43950). To renew the permit for the High Quality Mine in Fallowfield Township, **Washington County** and related NPDES permit. No additional discharges. The application was considered administratively complete on February 1, 2019. Application received: January 2, 2019.

**32971302 and NPDES No. PA0215040. Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201). To renew the permit for the Dutch Run Mine in Washington Township, **Indiana County** and related NPDES. No additional discharges. The application was considered administratively complete on February 5, 2019. Application received: July 17, 2017.

**17071301 and NPDES No. PA0235784. Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201). To renew the permit for the Harmony Mine in Burnside Township, **Clearfield County** and related NPDES permit. No additional discharges. The application was considered administratively complete on February 7, 2019. Application received: May 29, 2018.

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

**Permit No. 32830113 and NPDES No. PA0605778. Beilchick Brothers**, P.O. Box 7, Heilwood, PA 15745, permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Buffington Township, **Indiana County**, affecting 410.5 acres. Receiving streams: unnamed tributaries to/and Mardis Run, classified for the following use: cold water

fishes. There are no potable water supply intakes within 10 miles downstream. Application received: January 31, 2019.

**Permit No. 3366BSM84 and NPDES No. PA0248797. Penn Coal Land, Inc.**, P.O. Box 68, Boswell, PA 15531, permit renewal for the continued operation and restoration of a bituminous surface mine in Brothersvalley Township, **Somerset County**, affecting 12.5 acres. Receiving streams: Buffalo Creek & Tubs Run, classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: February 6, 2019.

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

**24100101. P. and N. Coal Company, Inc.** (P.O. Box 332, Punxsutawney, PA 15767). Revision to an existing bituminous surface mine to change the post-mining landuse from "Forestland" to an "Unnamed natural habitat" on the lands of JM Resources, Inc. and Hayrose Ventures, Inc. in Jay Township, **Elk County** affecting 102.2 acres. Receiving streams: Unnamed tributaries to Kersey Run, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: January 18, 2019.

**16180102 and NPDES Permit No. PA0280666. Ben Hal Mining, Inc.** (389 Irishtown Road, Grove City, PA 16127) Commencement, operation and restoration of a bituminous surface mine in Highland Township, **Clarion County** affecting 84.0 acres. Receiving streams: Four unnamed tributaries to Reed Run and Reed Run, classified for the following uses: CWF. The first downstream potable water supply intake from the point of discharge is Pennsylvania American Water Company. Application received: January 17, 2019.

**27953-16180102-E-1. Ben Hal Mining, Inc.** (389 Irishtown Road, Grove City, PA 16127) Application for a stream encroachment to construct a haul road crossing over Reed Run in Highland Township, **Clarion County**. Receiving streams: Four unnamed tributaries to Reed Run and Reed Run, classified for the following uses: CWF. The first downstream potable water supply intake from the point of discharge is Pennsylvania American Water Company. Application received: January 17, 2019.

*Noncoal Applications Received*

*Effluent Limits*—The following effluent limits will apply to NPDES permits issued in conjunction with a noncoal mining permit:

Table 2

Parameter	30-day Average	Daily Maximum	Instantaneous Maximum
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Alkalinity exceeding acidity* pH*		greater than 6.0; less than 9.0	

\* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to surface runoff resulting from a precipitation event of less than or equal to a 10-year 24-hour event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

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

**14050302. Cynthia E. Russell** (2640 Greenville Pike, Grampian, PA 16838). Permit revisions to change in land use from Forestland to Recreational Use, approximate original contour to terrace backfilling, and additional bonded acres on

an existing large noncoal mine in Howard Township, **Centre County** affecting 117.5 acres. Receiving streams: Lick Run (HQ-CWF) to Bald Eagle (WWF) (Sayers Dam). There are no potable water supply intakes within 10 miles downstream. Application received: February 4, 2019.

*New Stanton District Office: 131 Broadview Road, New Stanton, PA 15672, 724-925-5500.*

**65930401 and NPDES Permit No. PA0200492. Hanson Aggregates BMC, Inc.** (2200 Springfield Pike, Conellsville, PA 15425-9503). NPDES renewal application for continued mining to an existing large noncoal surface mine, located in Derry and Ligonier Townships, **Westmoreland County**, affecting 172.6 acres. Receiving streams: unnamed tributaries to Loyalhanna Creek and Loyalhanna Creek, classified for the following use: TSF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: January 31, 2019.

### MINING ACTIVITY NPDES DRAFT PERMITS

This notice provides information about applications for a new, amended or renewed NPDES permits associated with mining activity (coal or noncoal) permits. The applications concern industrial waste (mining) discharges to surface water and discharges of stormwater associated with mining activities. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

The Department of Environmental Protection (Department) has prepared a draft NPDES permit and made a tentative determination to issue the NPDES permit in conjunction with the associated mining activity permit.

#### *Effluent Limits for Coal Mining Activities*

For coal mining activities, NPDES permits, when issued, will contain effluent limits that are the more stringent of technology-based (BAT) effluent limitations or Water Quality Based Effluent Limits (WQBEL).

The BAT limits for coal mining activities, as provided in 40 CFR Part 434 and 25 Pa. Code Chapters 87—90 are as follows:

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (Total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
Manganese (Total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
Suspended solids	35 mg/l	70 mg/l	90 mg/l
pH*		greater than 6.0; less than 9.0	
Alkalinity greater than acidity*			

\*The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applies to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; mined areas backfilled and revegetated; and all other discharges and drainage (resulting from a precipitation event of greater than 1-year 24-hour to less than or equal to a 10-year 24-hour event) from coal refuse disposal piles. Similarly, modified BAT limits apply to iron, manganese and suspended solids in surface runoff, discharges and drainage resulting from these precipitation events and those of greater magnitude in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

Exceptions to BAT effluent limits may be applicable in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

#### *Effluent Limits for Noncoal Mining Activities*

The limits for noncoal mining activities as provided in 25 Pa. Code Chapter 77 are pH 6 to 9 and other parameters the Department may require.

Discharges from noncoal mines located in some geologic settings (for example, in the coal fields) may require additional water quality based effluent limits. If additional effluent limits are needed for an NPDES permit associated with a noncoal mining permit, then the permit description specifies the parameters.

In addition to BAT or WQBEL limits, coal and noncoal NPDES permits establish effluent limitations in the form of implemented Best Management Practices (BMPs) identified in the associated Erosion and Sedimentation Plan, the Reclamation Plan and the NPDES permit application. These BMPs restrict the rates and quantities of associated pollutants from being discharged into surface waters in this Commonwealth.

More restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining that may occur are incorporated into an NPDES permit when necessary for compliance with water quality standards and antidegradation requirements (in accordance with 25 Pa. Code Chapters 91—96).

The procedures for determining the final effluent limits, using a mass-balance equation or model, are found in Technical Guidance Document 563-2112-115, Developing National Pollutant Discharge Elimination System (NPDES) Permits for Mining Activities. Other specific factors to be considered include public comments and Total Maximum Daily Load(s). Additional discharge limitations may apply in the event that unexpected discharges occur.

Discharge rates for surface mining activities are precipitation driven. Discharge rates for proposed discharges associated with underground mining are noted in the permit description.

Persons wishing to comment on an NPDES draft permit should submit a written statement to the Department at the address of the district mining office indicated before each draft permit within 30 days of this public notice. Comments received within the comment period will be considered in the final determinations regarding the NPDES permit

applications. Comments must include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests or petitions for a public hearing on NPDES permit applications, as provided in 25 Pa. Code § 92a.82(d). The request or petition for a public hearing shall be filed within 30 days of this public notice and contain the name, address, telephone number and the interest of the party filing the request, and state the reasons why a hearing is warranted. A public hearing may be held if the Department considers the public interest significant. If a hearing is scheduled, a notice of the hearing on the NPDES permit application will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. When a public hearing is held, the Department will consider comments from the public hearing in the final determination on the NPDES permit application.

*Coal NPDES Draft Permits*

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

**NPDES No. PA0214248 (Mining Permit No. 63743702), The Washington County Coal Company**, (46226 National Road, St. Clairsville, OH 43950). To renew and transfer the NPDES and mining activity permit for the Washington County CRDA from Eighty-Four Mining Company, Mine 84 Refuse Area in Somerset Township, **Washington County**. Surface Acres Affected 601. Receiving streams: 002 Unnamed Tributary 39728 to Center Branch Pigeon Creek, classified for the following use: WWF, 008 Unnamed Tributary 39727 to Center Branch Pigeon Creek, classified for the following use: WWF, and 009 Unnamed Tributary to Pigeon Creek, classified for the following use: WWF. The application for the renewal was considered administratively complete on November 17, 2015. Application received: June 29, 2015. The application for the transfer was considered administratively complete on May 12, 2016. Application received: November 23, 2015.

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.

*Outfall 002* discharges to: Unnamed Tributary 39728 of Center Branch Pigeon Creek.

The proposed effluent limits for *Outfall 002* (Lat: 40° 8' 21.5" Long: -80° 03' 0.62") are:

<i>Parameter</i>		<i>30-Day Minimum</i>	<i>Daily Average</i>	<i>Instant. Maximum</i>	<i>Maximum</i>
Flow	(mgd)	-	-	-	Report
Iron	(mg/l)	-	1.5	3.0	3.8
Suspended Solids	(mg/l)	-	35	70	90
Manganese	(mg/l)	-	1.0	2.0	2.5
Aluminum	(mg/l)	-	0.75	0.75	0.75
Sulfate	(mg/l)	-	-	-	Report
Total Dissolved Solids	(mg/l)	-	-	-	Report
Chloride	(mg/l)	-	-	-	Report
pH	(mg/l)	6.0	-	-	9.0
Alkalinity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	Report
Acidity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	Report
Alkalinity, Net	(mg/l)	0.0	-	-	-
Osmotic Pressure	(mOs/kg)	-	50	100	100

*Outfall 008* discharges to: Unnamed Tributary 39727 to Center Branch Pigeon Creek.

The proposed effluent limits for *Outfall 008* (Lat: 40° 8' 12.29" Long: -80° 03' 27.76") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	-	-	Report
Iron	(mg/l)	-	1.5	3.0	3.8
Suspended Solids	(mg/l)	-	35	70	90
Manganese	(mg/l)	-	1.0	2.0	2.5
Aluminum	(mg/l)	-	0.75	1.13	1.13
Sulfate	(mg/l)	-	-	-	Report
Total Dissolved Solids	(mg/l)	-	-	-	Report
Chloride	(mg/l)	-	-	-	Report
pH	(mg/l)	6.0	-	-	9.0
Alkalinity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	Report
Acidity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	Report
Alkalinity, Net	(mg/l)	0.0	-	-	-
Osmotic Pressure	(mOs/kg)	-	141	283	383

*Outfall 009* discharges to: Unnamed Tributary to Pigeon Creek.

The proposed effluent limits for *Outfall 009* (Lat: 40° 7' 21.42" Long: -80° 1' 53.73") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	-	-	Report
Iron	(mg/l)	-	1.5	3.0	3.8

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Suspended Solids	(mg/l)	-	35	70	90
Manganese	(mg/l)	-	1.0	2.0	2.5
Aluminum	(mg/l)	-	0.75	0.75	0.75
Sulfate	(mg/l)	-	-	-	Report
Total Dissolved Solids	(mg/l)	-	-	-	Report
Chloride	(mg/l)	-	-	-	Report
pH	(mg/l)	6.0	-	-	9.0
Alkalinity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	Report
Acidity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	Report
Alkalinity, Net	(mg/l)	0.0	-	-	-
Osmotic Pressure	(mOs/kg)	-	51	102	127

EPA waiver is not in effect.

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

**NPDES No. PA0248797 (Mining Permit No. 3366BSM84), Penn Coal Land, Inc.**, 181 W. Madison Street, FL 26, Chicago, IL 60602-4510, renewal of an NPDES permit for a bituminous surface mine in Brothersvalley Township, **Somerset County**, affecting 12.5 acres. Receiving stream: Tubs Run, classified for the following use: cold water fishes. This receiving stream is included in the Buffalo Creek TMDL. Application received: February 6, 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 outfall discharges to Tubs Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
002	N

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

<i>Outfalls: 002 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	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.

#### *Noncoal NPDES Draft Permits*

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

**NPDES No. PA0212032 (Permit No. 37860305). Three Rivers Aggregates, LLC** (1807 Shenango Road, New Galilee, PA 16141) Renewal of an existing NPDES permit for a large industrial minerals surface mine in Plain Grove Township, **Lawrence County**, affecting 103.0 acres. Receiving streams: Taylor Run, classified for the following uses: CWF. TMDL: None. Application received: January 14, 2019.

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

The following outfall discharges to Taylor Run:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
SP4	N

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <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)		2.0	4.0	5.0
Total Suspended Solids (mg/l)		35.0	70.0	90.0

<sup>1</sup> The parameter is applicable at all times.

*New Stanton District Office: 131 Broadview Road, New Stanton, PA 15672, 724-925-5500.*

**NPDES No. PA0252263 (Mining Permit No. 30120601) Fayette Coal and Coke, Inc.**, 195 Enterprise Lane, Connellsville, PA 15425, NPDES renewal for a surface noncoal mine in Monongahela Township, **Greene County** affecting 52.5 acres. Receiving stream(s): UNTs to Little Whiteley Creek and Little Whiteley Creek, classified for the following use: WWF. Application received: January 25, 2018.

The following stormwater outfall discharges to Unnamed Tributaries to Little Whiteley Creek:

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

The proposed effluent limits under all conditions for the previously listed outfall are as follows:

<i>Outfall: 002 Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Total Iron (mg/l)	3.0	6.0	7.0
Total Manganese (mg/l)	1.0	2.0	2.5
Total Aluminum (mg/l)	0.75	0.75	0.75
Total Suspended Solids (mg/l)	35	70	90
Osmotic Pressure (mOsm/kg)	N/A	N/A	N/A
Flow (gpm)		Monitor & Report	
Specific Conductance (umhos/cm)		Monitor & Report	
Sulfate (mg/l)		Monitor & Report	
TDS (mg/l)		Monitor & Report	

pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.

Alkalinity must exceed acidity at all times.

The following stormwater outfalls discharge to Little Whiteley Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>	<i>TYPE</i>
001, 003, 004	N	Stormwater Outfalls

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

<i>Outfall: 002 Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Total Iron (mg/l)	3.0	6.0	7.0
Total Manganese (mg/l)	2.0	4.0	5.0
Total Aluminum (mg/l)	0.75	0.75	0.75
Total Suspended Solids (mg/l)	35	70	90
Osmotic Pressure (mOsm/kg)	N/A	N/A	N/A
Flow (gpm)		Monitor & Report	
Specific Conductance (umhos/cm)		Monitor & Report	
Sulfate (mg/l)		Monitor & Report	
TDS (mg/l)		Monitor & Report	

pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.

Alkalinity must exceed acidity at all times.

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

**NPDES Permit No. PA0612308 on Surface Mining Permit No. 7475SM3. Keystone Cement Company,** (P.O. Box A, Bath, PA 18014), modification of an NPDES Permit for a limestone quarry operation in East Allen Township and Bath Borough, **Northampton County**, affecting 581.0 acres. Receiving stream: Monocacy Creek, classified for the following uses: HQ—cold water and migratory fishes. Application received: August 15, 2018.

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

The following outfalls discharge to Monocacy Creek.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
001	No	Groundwater Sumps
002	No	Groundwater Sumps
004	No	Groundwater Sumps

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>Instantaneous Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Total Suspended Solids		35.0	70.0	90.0
001 Discharge MDG		4.0	4.0	
002 Discharge MGD		2.5	2.5	
003 Discharge MDG		12.0	14.7	

<sup>1</sup> The parameter is applicable at all times.

## FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

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

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

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

#### WATER OBSTRUCTIONS AND ENCROACHMENTS

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ed Muzic, Section Chief, 717.705.4802.*

**E36-980: Warwick Township**, 315 Clay Road, Lititz, PA 17543 in Warwick Township, **Lancaster County**, U.S. Army Corps of Engineers Baltimore District.

To 1.) grade and maintain 0.62 acre of the floodway of Lititz Run (WWF, MF); 2.) install and maintain two subsurface outlet structures to Lititz Run (WWF, MF), impacting 21.0 feet of stream; 3.) place and maintain fill in the floodway of Lititz Run (WWF, MF), impacting 0.27 acre of floodway; and 4.) place and maintain fill in palustrine emergent wetlands, impact 355 square feet of wetland, all for the purposes of enhancing traffic safety at an existing intersection and providing for the future extension of Sixth Street. The project is located at the intersection of SR 772 and Clay Road (Latitude: 40° 8' 52.33" N; Longitude: 76° 17' 12.18" W) in Warwick Township, Lancaster County. Wetland impacts are de minimus and replacement is not required.

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

**E04051-375, PennDOT District 11-0**, 45 Thoms Run Road, Bridgeville, PA 15017; Greene Township, **Beaver County**; Pittsburgh ACOE District.

The applicant proposes to:

1. Construct and maintain a 12.27' long 30" extension to an existing 25.43' long 30" culvert conveying a private driveway over an unnamed tributary to Mill Creek (TSF; referred to as UNT-1) having a drainage area of 0.20 square mile.

2. Remove the existing 304' long 36" corrugated metal pipe enclosure carrying a gravel parking lot over a second unnamed tributary to Mill Creek (TSF; referred to as UNT-2) having a drainage area less than 100 acres; immediately downstream remove the existing 53' long 36" corrugated metal pipe carrying SR 30 over UNT-2; construct and maintain a replacement 213' long 56" reinforced concrete pipe enclosure in the same location under the relocated intersection of SR 30 and Red Dog Road. In addition, construct and maintain 91' of open stream channel upstream of the new culvert and construct and maintain 53' of open stream channel downstream of the new culvert.

3. Remove the existing 49' long 24" pipe carrying SR 30 over a third unnamed tributary to Mill Creek (TSF; referred to as UNT-3) having a drainage area less than 100 acres; construct and maintain 49' of open stream channel in this same location. Immediately upstream, construct and maintain a 125' long 48" reinforced concrete pipe enclosure conveying the relocated SR 30 over UNT-3. The new pipe results in the loss of 175' of UNT-3.

4. Remove the existing 43' long 18" pipe conveying SR 30 over a fourth unnamed tributary to Mill Creek (TSF; referred to as UNT-4) having a drainage area less than 100 acres; construct and maintain a springbox and a 64' long 18" reinforced concrete pipe in the same location.

5. Remove the combined 25' long 18" reinforced concrete pipe and downstream 40' long 24" reinforced concrete pipe carrying SR 30 over a fifth unnamed tributary to Mill creek (TSF; referred to as UNT-5) having a drainage area less than 100 acres; construct and maintain a replacement 70' long 63" by 48" elliptical reinforced concrete pipe.

6. Place and maintain fill in 0.207 acre of PEM wetland and 0.084 acre of PFO wetland.

7. In addition, construct and maintain roadway associated stormwater facilities, and temporarily impact 944' of stream and 0.729 acre of wetland for the purpose of constructing these encroachments. The project permanently impacts 850' of stream.

8. Stream mitigation will occur onsite via the removal of existing culverts resulting in a net gain of 28' of open stream channel. Wetland mitigation will occur onsite.

The project site is associated with the realignment and reconstruction of SR 30 (Lincoln Highway) beginning approximately 0.5 mile from the Pennsylvania-West Virginia Border and extending 4,900' east (East Liverpool, OH and Hookstown, PA USGS topographic quadrangles; N: 40°, 35', 22.21"; W: -80°, 30', 11.63"; Sub-basin 20B; USACE Pittsburgh District), in Greene Township, Beaver County.

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

**E5329-020: JKLM Energy, LLC**, 2200 Georgetown Drive, Suite 500, Sewickley, PA 15143, Allegheny Township, **Potter County**, ACOE Pittsburgh District. (Sweden Valley, PA Quadrangle, Latitude: N 41° 50' 03.62", Longitude: W 77° 52' 53.35").

To construct, operate and maintain the Woodcock Creek 125 to PVR Pipeline Project, which consists of two (2) 4-inch diameter natural gas gathering lines, installed via Horizontal Directional Drilling. The project will result in 50.0 linear feet of permanent impacts to Allegheny River (CWF, MF), and 7,687 square feet (0.18 acre) of permanent Exceptional Value Palustrine Forested (EV, PFO) Wetlands, all for the purpose of installing natural gas gathering lines for Marcellus shale development.

#### ENVIRONMENTAL ASSESSMENTS

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

**D28-117EA. Todd Burns**, Chairman, Greene Township, 1145 Garver Lane, Scotland, PA 17254, Greene Township, **Franklin County**, USACOE Baltimore District.

Project proposes to remove the Scotland Dam # 2 to eliminate a threat to public safety and to restore approximately 1,000 feet of stream channel to a free-flowing condition. The proposed restoration project includes construction of habitat enhancement structures in the

stream channel through the former reservoir. The project is located across Conococheague Creek (CWF, MF) (Scotland, PA Quadrangle, Latitude: 39.9715; Longitude: -77.5882).

**D45-120EA. Greg Young**, Owner Representative, Akiba AM, LP, 480 South Democrat Road, Gibbstown, NJ 08027, Jackson Township, **Monroe County**, USACOE Philadelphia District.

Project proposes to modify Lake Akiba Dam including placing roller compacted concrete (RCC) overtopping protection on the downstream embankment slope, extending the outlet pipe, constructing walls on the west end of the corewall and the east side of the spillway to direct flood flow, repairing concrete on the spillway and replacing the grouted spillway apron with a new concrete apron. The project will impact approximately 36 feet of stream channel, permanently impact 0.04 acre of wetland (PEM) and temporarily impact approximately 0.19 acre of wetland (PEM). The dam is located across Sand Spring Creek (HQ-CWF) (Saylorsburg, PA Quadrangle; Latitude: 40.9871, Longitude: -75.3726).

**EA1410-001. Pennsylvania Department of Environmental Protection**, Bureau of Abandoned Mine Reclamation, P.O. Box 69205, Harrisburg, PA 17106. Abandoned Mine Land Reclamation Project, in Burnside Township, **Centre County**, Baltimore ACOE District.

The applicant proposes to backfill an abandoned surface mine, which includes 0.094 acre of wetlands, 0.157 acre of waterbodies, 6,500 linear feet of highwall, and 38 acres of spoil material. (Karthaus Quadrangle N: 41° 06' 16.2", W: 78° 04' 28.8").

## ACTIONS

### THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

#### FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

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

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

Sections I—VI contain actions regarding industrial, animal or sewage wastes discharges, discharges to groundwater, and discharges associated with MS4, stormwater associated with construction activities and CAFOs. Section VII contains notices for parties who have submitted NOIs for Coverage under General NPDES Permits. The approval for coverage under these General NPDES Permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions in each General Permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions in the respective permit. The permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the



Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

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### I. NPDES Renewal Permit Actions.

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed No.)	EPA Waived Y/N?
PA0064157 (Sewage)	New Ringgold Borough Wastewater Treatment Facility 112 S. Railroad Street New Ringgold, PA 17960	Schuylkill County New Ringgold Borough	Little Schuylkill River (3-A)	Yes

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N?
PA0254029 (Industrial)	Buffalo Township Municipal Authority At Freeport 707 Sarver Pike Road Sarver, PA 16055	Armstrong County Freeport Borough	Allegheny River (18-F)	Yes

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

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

**NPDES Permit No. PA0271888**, Sewage, SIC Code 4952, 8800, **Sean Gill**, 154 Quarry Road, Greenville, PA 16125.

This proposed facility is located in Delaware Township, **Mercer County**.

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

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### 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. WQG02151817**, Sewage, **Oxford Area Sewer Authority**, 14 South Third Street, Oxford, PA 19363-1601.

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

Description of Action/Activity: An extension of a low pressure sewage system for 14 single family residential lots.

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

**WQM Permit No. 4507402A-1**, Sewage, SIC Code 4952, **Arrowhead Sewer Co. Inc.**, 961 Arrowhead Drive, Pocono Lake, PA 18347-7856.

This existing facility is located in Coolbaugh Township, **Monroe County**.

Description of Proposed Action/Activity: Improvements to an existing Sewage Treatment Plant operating under NPDES Permit PA0061662. The improvements include an additional Flow Splitter Box, new influent equalization pumps, new sludge pumps, and chemical feed equipment.

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

**WQM Permit No. 1008201 A-6**, Industrial Waste, **Seneca Landfill**, P.O. Box 1080, Mars, PA 16046.

This existing facility is located in Jackson Township, **Butler County**.

Description of Proposed Action/Activity: Modify treatment units at existing centralized wastewater treatment plant.

**WQM Permit No. 4318413**, Sewage, **Sean Gill**, 154 Quarry Road, Greenville, PA 16125.

This proposed facility is located in Delaware Township, **Mercer County**.

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

**WQM Permit No. 4318201**, Industrial, **SRF Enterprises LLC**, 17 Vickilee Drive, Wrightsville, PA 17368-9151.

This proposed facility is located in Liberty Township, **Mercer County**.

Description of Proposed Action/Activity: Disposal of greensand filter backwash from drinking water treatment.

#### V. NPDES Waiver Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4) Actions.

The following waiver applications have been approved for a 5-year period. The Department is issuing waivers for the following MS4s instead of NPDES permit coverage.

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

<i>NPDES Waiver No.</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Receiving Water(s)/Use(s)</i>
PAG138303	West Middlesex Borough P.O. Box 582 West Middlesex, PA 16159	West Middlesex Borough Mercer County	Shenango River WWF

#### 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>
PAD150041	Weatherstone Town Center, LP 707 Eagleview Boulevard Exton, PA 19341-1159	Chester	West Vincent Township	Birch Run EV-MF
PAD230012	City of Philadelphia Division of Aviation 8500 Essington Avenue Philadelphia, PA 19153	Philadelphia	City of Philadelphia	Schuylkill River WWF-MF Eagle Creek WWF-MF Mingo 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, 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>
PAD130016	Blue Ridge Co C/O Craig Harahus P.O. Box 707 Blakeslee, PA 18610-0707	Carbon	Kidder Twp	Tunkhannock Creek (HQ-CWF, MF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD390103	ANR III, LLC 4500 Falmer Dr. Bethlehem, PA 18020	Lehigh	Upper Macungie Township	Schaefer Run— HQ-CWF, MF
PAD390062	Paarth Corporation 5650 W. Tilghman St. Allentown, PA 18104	Lehigh	Upper Macungie Township	Cedar Creek— HQ-CWF, MF

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

<i>Permit #</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD210026 Issued	Andrew Martin 74 Furnace Hollow Road Shippensburg, PA 17257-9611	Cumberland	South Newton Township	Yellow Breeches Creek (HQ-CWF, MF)

#### VII. Approvals to Use NPDES and/or Other General Permits.

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

**List of NPDES and/or Other General Permit Types.**

PAG-1	General Permit for Discharges from Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges from Small Flow Treatment Facilities
PAG-5	General Permit for Discharges from Petroleum Product Contaminated Groundwater Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharges from Hydrostatic Testing of Tanks and Pipelines
PAG-11	General Permit for Discharges from Aquatic Animal Production Facilities
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)
PAG-14	(To Be Announced)
PAG-15	General Permit for Discharges from the Application of Pesticides

*General Permit Type—PAG-02*

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

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Pennsburg Borough Montgomery County	PAC460277	The Perkiomen School 200 Seminary Avenue Pennsburg, PA 18073	Unnamed Tributary to Perkiomen Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Gwynedd Township Montgomery County	PAC460171	Provco Pinegood Sumneytown LLC 795 East Lancaster Avenue Building 2 Suite 200 Villanova, PA 19085	Wissahickon Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
East Norriton Township Montgomery County	PAC460268	MEH Investments 150 McCloskey Road Flourtown, PA 19031	Sawmill Run WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Franconia Township Montgomery County	PAC460283	HTSF LLC 1 Iron Bridge Drive Collegeville, PA 19426-2058	Unnamed Tributary to Tributary TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Skippack Township Montgomery County	PAC460272	Skyloff Real Estates LP 4416 Township Line Road Schwenksville, PA 19473	Unnamed Tributary to Perkiomen Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Horsham Township Montgomery County	PAC460306	LC Pepper, LLC 459 Bridgetown Pike Langhorne, PA 19053	Davis Grove Tributary TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

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

*Luzerne Conservation District, 325 Smiths Pond Road, Shavertown, PA 18708.*

**NPDES**

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAC400090	620 Oak Ridge LLC Robert Mericle 100 Baltimore Dr Wilkes-Barre, PA 18702	Luzerne	Hazle Twp	Tomhicken Creek (CWF, MF)
PAC400093	PPL Electric Util Corp Michael Hasel 1639 Church Rd Allentown, PA 18104-9342	Luzerne	Wilkes-Barre Twp	UNT to Susquehanna River (CWF, MF)
PAC400089	Davison Monk Holdings LLC Dawn Davison Monk 105 Clarks Crossroad Hanover, PA 18706	Luzerne	Hanover Twp	Tributary to Nanticoke Creek (CWF, MF)

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

**NPDES**

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAC450013	Mt Tom Rd Properties LLC 507 Seven Bridges Rd East Stroudsburg, PA 18301	Monroe	Smithfield Twp	UNT to Sambo Creek (CWF, MF)
PAC450014	Westfield North LLC 1146 S Cedar Crest Blvd Allentown, PA 18103	Monroe	Smithfield Twp	Brodhead Creek (TSF, MF)

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

**NPDES**

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAC480066	PPL Electric Util Corp Luke Portieles 2 N 9th St GENN 4 Allentown, PA 18101	Northampton	Lower Mt Bethel Twp	Delaware River (CWF, MF)
PAC480057	Portland Industrial Park LP 102 Demi Rd Portland, PA 18351	Northampton	Portland Boro Upper Mt Bethel Twp	UNT to Delaware River (CWF, MF)

*Schuylkill Conservation District, 1206 AG Center Drive, Pottsville, PA 17901-9733.*

**NPDES**

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAC540055	Snyders Dg LLC Steven Camp 361 Summit Blvd Ste 110 Birmingham, AL 35243	Schuylkill	W Penn Twp	Lizard Creek (TSF, MF)

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

**Facility Location:**

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Ontelaunee Township Berks County Issued	PAC060180	Scheler Realty, LLC 1810 South Ninth Street Harrisburg, PA 17104	Schuylkill River (WWF, MF)	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 610.372.4657

<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>
South Heidelberg Township Berks County Issued	PAC060185	Kenneth Eppinette 15 James Road Reinholds, PA 17569	UNT Little Cocalico Creek (TSF)	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 610.372.4657
Amity Township Berks County Issued	PAC060173	Speedway, LLC 105 Fieldcrest Ave Suite 505 Edison, NJ 08837	Schuylkill River (WWF, MF)	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 610.372.4657
Robeson Township Berks County Issued	PAD060027	Quaker Hill Development Company 4339 Morgantown Road Mohnton, PA 19540-8219	UNT Beaver Run (HQ, CWF)	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 610.372.4657
East Donegal Township Lancaster County Issued	ESG0307118001(1)	Enbridge, Texas Eastern Transmission LP 890 Winter Street Suite 320 Waltham, MA 02451	Susquehanna River (WWF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
Earl Township East Earl Township Lancaster County Issued	PAC360345	PPL Electric Utilities Corporation 1639 Church Road Allentown, PA 18104	Conestoga River (WWF, MF)	Lancaster County Conservation District 1383 Arcadia Road, Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
West Hempfield Township Lancaster County Issued	PAC360318	St. Mary's Coptic Church of Lancaster P.O. Box 23 Silver Spring, PA 17575	UNT Chiques Creek (WWF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
East Lampeter Township Lancaster County Issued	PAC360336	High Properties, LP 1853 William Penn Way Lancaster, PA 17601	UNT Stauffer Run (WWF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
East Hempfield Township Lancaster County Issued	PAC360358	Lime Spring Properties, LP 2456 Noll Drive Lancaster, PA 17603	Brubaker Run (WWF, MF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
Union Township Lebanon County Issued	PAC380103	Andrew C. Kolb One Meadowlands Plaza Suite 100 East Rutherford, NJ 07073	Forge Creek (WWF, MF)	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 717.277.5275

<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>
South Annville Township Lebanon County Issued	PAC380104	Cliff Weaver 1737 West Main Street Ephrata, PA 17522	Quittapahilla Creek (TSF)	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 717.277.5275
West Cornwall Township Lebanon County Issued	PAC380089	Roy Weaver 56 Old Mine Road Lebanon, PA 17042	Beck Creek (TSF)	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 717.277.5275
North Lebanon Township Lebanon County Issued	PAC380090	Jeffrey Horst 1 Krall Road Myerstown, PA 17067	UNT Swatara Creek (WWF, MF)	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 717.277.5275
Manchester Township York County Issued	PAC670236	Heritage Business Park, LP 1777 Sentry Parkway Suite 200 Blue Bell, PA 19422	UNT Codorus Creek (WWF, MF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717.840.7430
East Manchester Township York County Issued	PAC670235	KS Tooling, Inc. 535 Willow Springs Lane York, PA 17406	Little Conewago Creek (TSF, MF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717.840.7430

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

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Phone No.</i>
Peters Township	PAC630071A	Benjamin Marcus Homes, LLC 124 Windermere Court McMurray, PA 15317	UNTs to Peters Creek (TSF)	Washington County Conservation District 50 Old Hickory Ridge Road Suite 1 Washington, PA 15301 (724) 705-7098
North Strabane Township Houston Borough	PAC630086	PennDOT District 12-0 825 North Gallatin Avenue Extension Uniontown, PA 15401	UNT to Chartiers Creek (WWF)	Washington County Conservation District 50 Old Hickory Ridge Road Suite 1 Washington, PA 15301 (724) 705-7098
Peters Township; Nottingham Township	PAC630118	Venetia Commons, LLC 1550 Connor Road South Park, PA 15129	UNTs to Peters Creek (TSF)	Washington County Conservation District 50 Old Hickory Ridge Road Suite 1 Washington, PA 15301 (724) 705-7098
North Franklin Township	PAC630121	Carrols, LLC 968 James Street Syracuse, NY 13217	Chartiers Creek (WWF)	Washington County Conservation District 50 Old Hickory Ridge Road Suite 1 Washington, PA 15301 (724) 705-7098

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

*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>
Butler Township Butler County	PAC100121	Sheetz Inc Mr. David J Mastrostefano 817 Brookfield Drive Seven Fields, PA 16046	UNT to Sawmill Run WWF	Butler County Conservation District 122 McCune Drive Butler, PA 16001 724-284-5270

*General Permit Type—PAG-3*

*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>
Chester Township Delaware County	PAR900023	Savoy John dba Savoy Recycling 1279 Middletown Road Glen Mills, PA 19342-9661	Chester Creek 3-G	DEP Southeast Regional Office Clean Water Program 2 E. Main Street Norristown, PA 19401 484.250.5970
Old Lycoming Township Lycoming County	PAG034808 A-1	Baillie Lumber Co. Inc. 212 Colvin Road Williamsport, PA 17701-1030	Beautys Run— 10-A	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101 Williamsport, PA 17701-6448 570.327.3636

*General Permit Type—PAG-10*

*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>
Penn Township Westmoreland County	PAG106215	Huntley & Huntley Energy Exploration, LLC 501 Technology Drive Canonsburg, PA 15317	Unnamed Tributary to Lyons Run—19-A	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000

**PUBLIC WATER SUPPLY PERMITS**

The Department has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

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

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

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

**SAFE DRINKING WATER**

**Actions taken under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17).**

*Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

<b>Permit No. 0218530</b> , Public Water Supply.	
Applicant	<b>Fox Chapel Authority</b> 255 Alpha Drive Pittsburgh, PA 15238
[Borough or Township]	Fox Chapel Borough
County	<b>Allegheny</b>
Type of Facility	Fox Chapel Road Booster Pump Station

Consulting Engineer Bankson Engineers, Inc.  
267 Blue Run Road  
Suite 200  
Cheswick, PA 15024

Permit to Construct February 7, 2019  
Issued

**Permit No. 0410505GWR-A2, Minor Amendment.**  
Public Water Supply.

Applicant **Creswell Heights Joint Water Authority**  
3961 Jordan Street  
P.O. Box 301  
South Heights, PA 15081

[Borough or Township] South Heights Borough  
County **Beaver**

Type of Facility Water system

Consulting Engineer KLH Engineers, Inc.  
5173 Campbells Run Road  
Pittsburgh, PA 15205

Permit to Operate February 5, 2019  
Issued

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

**Permit No. 2580024, Operations Permit,** Public Water Supply.

Applicant **Pennsylvania American Water Company**  
800 W. Hershey Park Dr.  
Hershey, PA 17033

[Borough or Township] Harmony Township  
County **Susquehanna**

Type of Facility PWS

Consulting Engineer Mr. Richard C Dudek, PE  
Pennsylvania American Water Co  
2699 Stafford Ave  
Scranton, PA 18505

Permit to Operate January 11, 2019  
Issued

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

**Operation Permit No. 0616512** issued to: **Reading Area Water Authority (PWS ID No. 3060059)**, Ontelaunee Township, **Berks County** on 2/6/2019 for facilities approved under Construction Permit No. 0616512.

**Operation Permit No. 0616515** issued to: **Reading Area Water Authority (PWS ID No. 3060059)**, Reading, **Berks County** on 2/6/2019 for facilities approved under Construction Permit No. 0616515.

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

**Perry Township Municipal Authority (Public Water Supply), Snyder County:** On February 7, 2019, the Safe Drinking Water Program approved the Source Water Protection (SWP) plan for the Perry Township Municipal Authority 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. 1718507MA—Construction—Public Water Supply.**

Applicant **Aqua Pennsylvania, Inc.—Treasure Lake Division**

Township/Borough Sandy Township

County **Clearfield County**

Responsible Official Mr. Patrick R. Burke, P.E.  
Aqua Pennsylvania, Inc.  
204 East Sunbury Street  
Shamokin, PA 17827-0909

Type of Facility Public Water Supply—Construction

Consulting Engineer Robert Horvat, Jr., P.E.  
Entech Engineering, Inc.  
400 Rouser Road  
Bldg. 2  
Suite 200  
Coraopolis, PA 15108

Permit Issued February 7, 2019

Description of Action Authorizes modifications to the Bimini Pressure Zone, including the installation of 2 check valves and 2 pressure-reducing valves. This will effectively divide the Bimini Pressure Zone into 3 smaller areas.

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

**Operation Permit** issued to **Erie City Water Authority, PWSID No. 6250028**, City of Erie, **Erie County**. Permit Number 2594501-MA12 issued February 6, 2019 for the operation of the Lancaster Tank and South Hydropillar Tank. This permit is issued in response to an operation inspection conducted by the Department of Environmental Protection personnel on January 17, 2019.

**Permit No., 3309501-MA1,** Public Water Supply.

Applicant **Brookville Municipal Water Authority**

Township or Borough Brookville Borough

County **Jefferson County**

Type of Facility Public Water Supply

Consulting Engineer Christopher Eckenrode  
Gwin, Dobson & Foreman  
3121 Fairway Drive  
Altoona, PA 16602

Permit to Construct February 6, 2019  
Issued

**Permit No., 2518505,** Public Water Supply.

Applicant **Saint Mary's Home of Erie**

Township or Borough City of Erie

County **Erie**

Type of Facility Public Water Supply

Consulting Engineer Peter Fleszar  
Glance Associates  
705 Trindle Drive  
Camp Hill, PA 17011

Permit to Construct February 7, 2019  
Issued



**SEWAGE FACILITIES ACT PLAN APPROVAL**

**Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. 1535, as amended, 35 P.S. § 750.5.**

*Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
West Cocalico Township	156B W. Main St. P.O. Box 244 Reinholds, PA 17569	Lancaster

*Plan Description:* Approval is granted for a revision to the official plan of West Cocalico Township, Lancaster County. The project is known as the Sellers & Spang Property. The project consists of the replacement of a malfunctioning on lot sewage disposal system with a small flow treatment facility to serve a single-family dwelling on a 1.3-acre lot with sewage flows of 400 gpd to be discharged to the Cocalico Creek. The permit application must be submitted in the name of the property owners. The Department's review of the revision has not identified any significant impacts resulting from this proposal. The DEP Code Numbers for this plan are A3-36957-237-3s and Application No. 982442.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Lower Paxton Township	425 Prince Street Harrisburg, PA 17109	Dauphin

*Plan Description:* Approval is granted for a revision to the official plan of Lower Paxton Township, Dauphin County. The project is called Blue Ridge Village and consists of a mixed use development on a 131 acre parcel that includes 108 single family dwellings, 128 townhouses, 160 apartments, a 98 room assisted living facility, eight commercial/retail buildings, and approximately 46 acres of open space/recreation land. Total estimated sewage flows of 92,460 gallon per day will be served by the Lower Paxton Township Authority collection and conveyance system, the Susquehanna Township Authority conveyance facilities, and the Capital Region Water's conveyance and treatment facilities. The proposed development is located on the north side of Linglestown Road between Gale Drive and Crums Mill Road in Lower Paxton Township. The Water Quality Part II permit application must be submitted in the name of the municipality or authority as appropriate. The Department's review of the revision has not identified any significant impacts resulting from this proposal. The DEP Code Numbers for this plan are A3-22921-520-3 and Application No. 982077.

**SEWAGE FACILITIES ACT PLAN DISAPPROVAL**

**Plan Disapprovals Granted Under the Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. 1535, as amended, 35 P.S. § 750.5.**

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Todd Township	2998 East Dutch Corner Road McConnellsburg, PA 17233	Fulton

*Plan Description:* The planning module for the C2C Transporter-RV Park, DEP Code No. A3-29910-107-2, APS Id 973240, consisting of a new RV Park with 71 RV sites and 7 camp sites using an on-lot sewage system and a well, is disapproved. The proposed development is located at 12675 Lincoln Highway, McConnellsburg, PA. This plan is disapproved because general site suitability could not be determined, and the recent submission failed to document municipal determination of consistency with Act 537 sewage planning requirements.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Manheim Township	1840 Municipal Dr Lancaster, PA 17601	Lancaster

*Plan Description:* The planning module for new land development for the Amos & Naomi King Subdivision, DEP Code No. A3-36937-401-2, consisting of the subdivision of a 95.26-acre farm into two lots, one 81.5-acre lot with the existing farm buildings and house served by an on lot sewage disposal system (OLDS), and the other a proposed 13.74-acre lot to be served by an OLDS is denied. The project is located on the north side of East Oregon Road, east of John Landis Road in Manheim Township, Lancaster County. The plan is denied because the application was administratively incomplete due to the failure to provide sufficient information and supporting documentation as required by Act 537, The Clean Streams Law (CSL), and regulations promulgated thereunder, for DEP to conduct a technical review and act upon the application.

**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.*

**Trehab Associates**, 36 Public Avenue, Montrose Borough, **Susquehanna County**. Hydrocon Services, 1119 Longbrook Road, Lutherville, MD 21093, on behalf of Trehab Associates Inc., 36 Public Avenue, Montrose, PA 18801, submitted a final report concerning remediation of site soil and groundwater contaminated with heating oil from an underground storage tank. The report is intended to document remediation of the site to meet Statewide Health Standards.

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

**Yorgey Cleaners, Former Sunoco Service Station**, 735 South Market Street, Elizabethtown, PA 17022, Elizabethtown Borough, **Lancaster County**. EnviroTrac, Ltd., 176 Thorn Hill Road, Warrendale, PA 15086, on behalf of Sunoco Inc., 2 Righter Parkway, Suite 200, Wilmington, DE 198034, MANAJR Properties, LLC, 1598 Columbia Avenue, Lancaster, PA 17603 submitted a Final Report concerning remediation of site soil contaminated with Benzene, Toluene, Ethylbenzene, Xlenes, MTBE, Naphthalene, Cumene, 1,2-Dibromoethane, 1,2-Dichloroethane, and Lead and groundwater contaminated with Benzene, Toluene, Ethylbenzene, Xlenes, MTBE, Naphthalene, Cumene, 1,2-Dichloroethane, and Lead. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Former Unitas National Bank**, 501 Penn Street, Huntingdon, PA 16652, Huntingdon Borough, **Huntingdon County**. Core Environmental Services, Inc., 3960 William Flinn Highway, Suite 100, Allison Park, PA 15101, on behalf of First Commonwealth Bank, 111 South Main Street, P.O. Box 760, Greensburg, PA 15601, submitted a Remedial Investigation Report, Risk Assessment and Final Report concerning remediation of site soil and groundwater contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Site-Specific Standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995  
PREAMBLE 3

**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).**

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department regional office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

**Silk Mill Properties Inc.**, 8th Avenue and Union Avenue, Altoona, PA 16602, City of Altoona, **Blair County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16601, on behalf of Grappone Law Offices, 411 South Logan Boulevard, Suite 1, Altoona, PA 16602,

submitted a Remedial Investigation Report/Risk Assessment Report/Cleanup Plan concerning remediation of site soil and groundwater contaminated with VOCs, PAHs and chlorinated solvents. The Report was approved by the Department on January 31, 2019.

**Frank and Cindy Geiser Property**, 26 West 6th Street, Boyertown, PA 19512, Boyertown Borough, **Berks County**. Crawford Environmental Services, LLC, 20 Cardinal Drive, Birdsboro, PA 19508, on behalf of Jerome H. Rhodes, 624 South Prince Street, Lancaster, PA 17603, and Frank and Cindy Geiser, 26 West 6th Street, Boyertown, PA 19512 submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The Final Report did not demonstrate attainment of the Residential Statewide Standard and was disapproved by the Department on January 31, 2019.

**Environmental Recovery Corporation**, 1076 Manheim Pike, Lancaster, PA 17601, Manheim Township, **Lancaster County**. Reliance Environmental, Inc., 235 North Duke Street, Lancaster, PA 17602, on behalf of Environmental Recovery Corporation, 1076 Manheim Pike, Lancaster, PA 17601, submitted a Remedial Investigation Report and Cleanup Plan concerning remediation of site soil and groundwater contaminated with petroleum hydrocarbons. The report is intended to document remediation of the site to meet the Site-Specific and Statewide Health Standards. The report was disapproved on February 5, 2019 due to administrative deficiencies.

**Penn Tank Lines/Schneider National**, 3000 Lionville Station Road, Chester Springs, PA 19425, Monroe Township, **Cumberland County**. Taylor Geoservices, Inc., 38 Bishop Hollow Road, Newtown Square, PA 19073, on behalf of Penn Tank Lines, 3000 Lionville Station Road, Chester Springs, PA 19425; Pennsylvania Department of Transportation Engineering District 8, 2140 Herr Street, Harrisburg, PA 17103; and Hepaco, Inc., 1650 Riverside Drive, Bethlehem, PA 18015 submitted a Final Report concerning remediation of site soil contaminated with diesel fuel. The Final Report demonstrated attainment of the Residential Statewide Health Standard and was approved by the Department on February 5, 2019.

**Harley-Davidson Motor Company/Southern Property Boundary/South Plume Area**, 1425 Eden Road, York, PA 17402, Springettsbury Township, **York County**. Groundwater Sciences Corporation, 2601 Market Place Street, Suite 310, Harrisburg, PA 17110-9340, on behalf of Harley-Davidson Motor Company, 1425 Eden Road, York, PA 17402, submitted a Remedial Investigation Report concerning remediation of site groundwater contaminated with chlorinated solvents. The Report was approved by the Department on February 11, 2019.

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

**WY 18-West Well Pad**, 927 Sugar Hollow Road, Eaton Township, **Wyoming County**. Woodward & Curran, 12 Frear Hill Road, Tunkhannock, PA 18657, 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 documented remediation of the site to meet Statewide Health Standards and was approved by the Department on February 8, 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

**TCI of NY, LLC**, P.O. Box 396, Coeymans, NY 12045. License No. PA-AH 0842. Effective Feb 06, 2019.

**EQ Northeast, Inc.**, 185 Industrial Rd, Wrentham, MA 02093-0617. License No. PA-AH 0224. Effective Feb 06, 2019.

### Hazardous Waste Transporter License Reissued

**TCI of NY, LLC**, P.O. Box 396, Coeymans, NY 12045. License No. PA-AH 0842. Effective Feb 06, 2019.

**EQ Northeast, Inc.**, 185 Industrial Rd, Wrentham, MA 02093-0617. License No. PA-AH 0224. Effective Feb 06, 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.*

### Regulated Medical and Chemotherapeutic Waste Transporter License Voluntarily Terminated

**Image First Medical Waste Services**, 900 E Eighth Ave, King Of Prussia, PA 19406. License No. PA-HC 0255. Effective Feb 06, 2019.

## RESIDUAL WASTE GENERAL PERMITS

**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 Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.**

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

**General Permit No. WMGR123SW019. Hydro Recovery, LP**, 238 Main Street, Lobby # 2, Blossburg, PA 16912; Hydro Recovery, LP, Washington Water Treatment Facility Site, 572 Route 18, Burgettstown, PA 15021. A minor registration modification authorizing the installation of four (4) half-round tanks in the covered sludge solidification pad area at the facility located in Hanover Township, **Washington County** for processing and beneficial use of oil and gas liquid waste to be used as a

water supply to develop or hydraulically fracture an oil or gas well, was approved by the Southwest Regional Office on February 11, 2019.

**Permit ID No. WMGR123SW031. RES Water—Greene, LLC**, 1373 Washington Pike, Suite 100, Bridgeville, PA 15017. A registration under General Permit No. WMGR123 to operate a facility for processing and beneficial use of oil and gas liquid waste in Morgan Township, **Greene County**, was approved by the Southwest Regional Office on February 5, 2019.

## AIR QUALITY

**General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

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

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

**GP1-23-0160: Prospect CCMC** (One Medical Center Blvd., Upland, PA 19013) On February 1, 2019 for Small Gas & No. 2 Oil Fired Combustion Unit located in Upland Borough, **Delaware County**.

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

*Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2531.*

**AG5-58-00007A: Bluestone Pipeline Company of PA LLC** (1429 Oliver Road, New Milford, PA 18834) on January 25, 2019 for the renewal of their existing permit at the Comfort Lake Compressor Station site located in Thompson Twp., **Susquehanna County**.

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

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

**GP3-21-03129: TMT Gravel & Contracting, Inc.** (8792 Route 549, Millerton, PA 16936) on February 5, 2019, for portable nonmetallic mineral processing equipment, under GP3, at the Versus Warehouse site, in West Pennsboro Township, **Cumberland County**.

**GP11-21-03129: TMT Gravel & Contracting, Inc.** (8792 Route 549, Millerton, PA 16936) February 5, 2019, for 1 non-road engine, under GP11, to power portable nonmetallic mineral processing equipment, at the Versus Warehouse site, in West Pennsboro Township, **Cumberland County**.

**GP4-06-03091: Ecore International, Inc.** (715 Fountain Avenue, Lancaster, PA 17601) on February 8, 2019, for an existing burnoff oven, under GP4, at the facility located in Lancaster City, **Lancaster County**. The general permit authorization was renewed.

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

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

**GP3-08-314C: Marcus Cole Construction, Inc.** (P.O. Box 158, Nichols, NY 13812) on January 28, 2019, to

construct and operate one Eagle model 500-05CV crusher rated at (Crusher 1) rated at 75 tph, one Fintec model 1107 crusher rated at 250 tph (Crusher 2), one Eagle model 1000-15CV crusher rated at 250 tph (Crusher 3), one Eagle model 1200-25cc crusher rated at 350 tph (Crusher 4), one Extec model 55 vibratory screen rated at 125 tph (Screen 1), one Powerscreen model Mark II screener rated at 125 tph (Screen 2), one Fintec model 542 screen rated at 250 tph (Screen 3), one Fintec model 640 screen rated at 250 tph (Screen 4), one stacker rated at 250 tph and two stackers rated 500 tph with associated water spray dust suppression system pursuant to the General Plan Approval and/or General Operating Permit For Portable Nonmetallic Mineral Processing Plants (BAQ-PGPA/GP-3) at the Peck Hill Quarry facility in Windham Township, **Bradford County**.

**GP9-08-314C: Marcus Cole Construction, Inc.** (P.O. Box 158, Nichols, NY 13812) on January 28, 2019, to construct and operate one 250 bhp Deere model 2JDXLO6.5049 diesel-fired engine, one 350 bhp Caterpillar model C9 diesel-fired engine, one 375 bhp Detroit model 6064-HV33 diesel-fired engine, one 325 bhp Deere model RG6125H041906 diesel-fired engine, one 100 bhp Deutz model BFM2012 diesel-fired engine, one 31 bhp Cummins model A1400 diesel-fired engine, two Caterpillar model 3054C diesel-fired engines, each 99 bhp capacity, and three Kubota diesel-fired engines, each 49 bhp capacity pursuant to the General Plan Approval and/or General Operating Permit BAQ-GPA/GP-9: Diesel or No. 2 fuel-fired Internal Combustion Engines, at the Peck Hill Quarry facility in Windham Township, **Bradford County**.

**AG5-41-00007A: NFG Midstream Trout Run, LLC** (6363 Main Street, Williamsville, NY 14221) on February 6, 2019, for authorization for the construction and operation of new sources and continued operation of existing sources consisting of four (4) 1,900 bhp GE Waukesha model VHP-L7044GSI four stroke, rich-burn, natural gas-fired compressor engines, each equipped with non-selective catalytic reduction (three-way catalyst) (ENG-003, -004, -005, -006), one (1) 1,114 bhp Caterpillar model G3512 four-stroke, lean-burn, natural gas-fired emergency generator engine (GEN-002), one (1) 259 bhp Kohler model I50REZGC, four-stroke, rich-burn, natural gas-fired emergency generator engine equipped with a three-way catalyst (GEN-001), one (1) 160 million standard cubic foot per day (MMscf/day) dehydration unit equipped with a 1.0 MMBtu/hr reboiler and flash tank (DEHY-003, FLT-003, RB-003), one (1) Frederick Logan 100 million standard cubic foot per day (MMscf/day) dehydration unit equipped with a 1.5 MMBtu/hr reboiler and flash tank (DEHY-002, FLT-002, RB-002), two (1) 16,800-gallon waste fluids storage tanks (T-001, T-007), one (1) 2,100-gallon waste oil tank (T-008), two (2) 3,000-gallon lube oil tanks (T-009, T-010), one (1) 1,500-gallon triethylene glycol storage tank (T-002), two (2) 1,500-gallon Mercaptan odorant tanks (T-004, T-005), two (2) 295-gallon glycol tanks (T-011, T-012), four (4) 25,000 Btu/hr catalytic heaters (HTR-002, HTR-003, HTR-005, HTR-007), two (2) 60,000 Btu/hr catalytic heaters (HTR-004, HTR-006), two (2) 5.0 MMBtu/hr natural gas-fired pipeline heaters (PL-001, PL-002), two (2) 0.14 MMBtu/hr natural gas-fired fuel gas heaters (HTR-001, HTR-008) along with associated fugitive components (FUG-001) and liquids loading (L-001) pursuant to the General Plan Approval and/or General Operating Permit for Natural Gas Compression Stations, Processing Plants, and Trans-

mission Stations (BAQ-GPA/GP-5) at the Trout Run Mountain Compressor Station located in Lewis Township, **Lycoming County**.

**GP9-14-00038A: Valley Enterprise Container, LLC** (111 Eagleville Road, P.O. Box 230, Blanchard, PA 16826) on February 4, 2019, for authorization to construct and operate a 2008 Caterpillar model C-12 diesel-fired engine rated at 432 brake-horsepower (bhp) and equipped with Harco Manufacturing supplied EnviCat-2307-14.5x3.5x1 oxidation catalyst 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 Valley Enterprise Container facility located in Liberty Township, **Centre County**.

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

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

**GP5A-63-01018/AG5A-63-00006A: CNX Gas Company, LLC** (1000 Consol Energy Drive, Canonsburg, PA 15317) on February 8, 2019, received authorization under GP-5A for construction and/or operation of twelve (12) natural gas wells; twelve (12) gas processing units (GPU), each rated at 1.75 MMBtu/hr; three (3) produced water storage tanks; one (1) sand separator storage tank; one (1) condensate storage tank; truck load out operations; fugitive emission components; blowdowns and venting; fifty-three (53) intermittent bleed pneumatic controllers; and one (1) 8.75 MMBtu/hr enclosed combustor at its MOR-42 Well Pad facility located in East Finley Township, **Washington County**.

**GP1-65-00163A: PA Department of Human Services** (P.O. Box 111, State Route 1014, Torrance, PA 15779-0111) on June 11, 2018, to authorize the installation and operation of one (1) 25 MMBtu/hr dual fuel fired boiler at Torrance State Hospital located in Derry Township, **Westmoreland County**.

**GP5-30-00217C: CNX Midstream Operating Co., LLC** (1000 Consol Energy Drive, Canonsburg, PA 15317) on February 5, 2019, for construction and/or operation of additional equipment and continued operation of the previously authorized equipment at the Morris Station located in Richhill Township, **Greene County**.

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

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

**GP5-16-163B: Peoples Natural Gas Co. LLC Redbank Compressor Station** (375 North Shore Dr., Suite 600, Pittsburgh, PA 15212) on February 5, 2019, for the authority to continue operation of a natural gas production facility (BAQ-GPS/GP5) located at their facility in Redbank Township, **Clarion County**.

**Plan Approvals Issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.**

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

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

**06-05007Q: Carpenter Technology Corp.** (101 Bern Street, Reading, PA 19601) on February 4, 2019, to restart the Block 1 steel coil cleaning line in their specialty steel alloy manufacturing facility located in the City of Reading, **Berks County**.

**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

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

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

**09-0237: TC Millwork Inc.** (P.O. Box 826, Bensalem, PA 19020-0826) On February 6, 2019, for the installation and operation of a paint spray booth with associated filters, an adhesive spray booth with associated filters, an Adhesives Application Area, solvent clean-up operations, and a milling room with an associated dust collector at their facility located in Bensalem Township, **Bucks County**.

**46-0198P: Blommer Chocolate Co.** (1101 Blommer Dr., East Greenville, PA 18041-2140) On February 6, 2019, for the upgrade of the existing bean cleaning process and addition of a baghouse at their facility located in Upper Hanover Township, **Montgomery County**. This Plan Approval also contains conditions for determining pre-control particulate matter emissions for Compliance Assurance Monitoring (CAM) applicability analysis.

**09-0196K: Abington Reldan Metals LLC** (550 Old Bordentown Rd., Fairless Hills, PA 19030-4510) On February 7, 2019, for the replacement of an Acid Room NO<sub>x</sub> Scrubber at their facility located in Falls Township, **Bucks County**.

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

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

**06-05069AB: East Penn Manufacturing Co., Inc.** (P.O. Box 147, Lyon Station, PA 19536) on February 5, 2019, for the installation of battery manufacturing equipment controlled by baghouses, mist eliminators or filtration systems. The equipment will be installed in the Industrial Battery Manufacturing Facility located at East Penn's Lyon Station Plant in Richmond Township, Berks 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.*

**14-00043A: University Area Joint Authority** (1576 Spring Valley Rd., State College, PA 16801) on February 4, 2019, to extend the plan approval expiration date to August 27, 2020 to allow continued construction of the biofilter at the Spring Creek Pollution Control Facility located in College Township, **Centre County**.

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

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

**65-00839B: Texas Eastern Transmission, L.P.** (P.O. Box 1642, Houston, TX 77251) Extension effective February 28, 2018, to extend the period of temporary operation of the Solar Titan 250 turbine rated at 30,000 HP and controlled by an oxidation catalyst authorized under PA-65-00839B the Delmont Compressor Station located in Salem Township, **Westmoreland County**.

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

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

**67-05114: BAE Systems Land & Armaments LP** (P.O. Box 15512, York, PA 17405-1512) on February 4, 2019, for the military vehicle manufacturing/refurbishing facility located in West Manchester Township, **York County**. The Title V permit was renewed.

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**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.**

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

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

**39-00041: Greenwood Cemetery Association** (2010 W. Chew Street, Allentown, PA 18104-5550). On February 6, 2019, the Department issued a renewal State-Only (Natural Minor) Permit to operate a human crematory facility in Allentown City, **Lehigh County**. The primary sources consist of two (2) crematory incinerators. The control devices consist of afterburners. 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.

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

*Contact: Matt Williams, Facilities Permitting Chief at Telephone: 814-332-6940.*

**10-00345: Allegheny Mineral Corp** (P.O. Box 1022, Kittanning, PA 16201-5022). On February 5, 2019, the Department renewed a State Only operating permit for the Limestone processing facility located in Marion Township, **Butler County**. The significant sources are the stone crushing and sizing plant; storage piles; vehicle travel; vehicle loading; and a portable processing plant. The permit includes a 2,500,000 ton per year throughput

restriction on material processed in the stone crushing and sizing plant. This facility is a Natural Minor. The potential emissions from the facility are as follows: 61.31 tpy PM; 18.69 tpy PM<sub>10</sub>; 1.27 tpy PM<sub>2.5</sub>; 3.24 tpy NO<sub>x</sub>; 0.01 tpy SO<sub>x</sub>; 1.03 tpy CO; and 0.40 tpy VOC. The conditions of the previous plan approvals and operating permit are incorporated into the permit. This facility is subject to the Federal regulation 40 CFR Part 60 Subpart OOO, the Standards of Performance for Non-metallic Mineral Processing Plants, for which the applicable requirements are included in the permit. Two diesel engines which power a portable processing plant on site are subject to 40 CFR Part 60 Subpart IIII, the Standards of Performance for Stationary Compression Ignition Internal Combustion Engines. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

*Philadelphia: Air Management Services, 321 University Avenue, Philadelphia, PA 19104-4543, Contact: Edward Wiener, Chief, Source Registration at 215-685-9476.*

The City of Philadelphia, Air Management Services (AMS) has intended to issue a Minor State Only Operating Permit for the following facility:

**OP17-000046: Metro CTI Inc.** (6711 Frankford Ave, Philadelphia, PA 19135) issued on February 6, 2019 for the operation of a human crematory in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include one (1) 150 pounds per hour cremation unit with one 0.5 MMBtu/hr primary burner and one 1.0 MMBtu/hr afterburner that fires natural gas.

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

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

**67-05001: Magnesita Refractories Co.** (425 S. Salem Church Road, York, PA 17408-5955) on February 4, 2019, for the refractories manufacturing facility located in West Manchester Township, **York County**. The Title V permit was administratively amended in order to incorporate the sources and requirements of Operating Permit No. 67-05134.

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

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

**04-00306: BASF Corporation/Monaca Plant** (370 Frankfort Road, Monaca, PA 15061) on February 5, 2019, the Department amended the facility's Title V Operating Permit for a change in responsible official. The company operates a styrene/butadiene dispersion emulsion facility located in Potter Township, **Beaver County**.

## ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); The Clean Streams Law; the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.20a). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P.S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1002).**

### Coal Permits Issued

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

**Permit No. 32823005 and NPDES No. PA0607231. Blairsville Associates, P.O. Box 338, Blairsville, PA 15718,** permit renewal for reclamation only of a bituminous surface and auger mine in Burrell and West Wheatfield Townships, **Indiana County**, affecting 367 acres. Receiving stream: unnamed tributary to Palmers Run classified for the following use: cold water fishes. There are no potable surface water supply intakes within 10 miles downstream. Application received: June 20, 2018. Permit issued: February 8, 2019.

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

**10120107 and NPDES No. PA0259403. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001)** Renewal of an existing bituminous surface mine and associated NPDES permit in Donegal Township, **Butler County** affecting 194.1 acres. Receiving streams: Unnamed tributaries to Buffalo Creek and Buffalo Creek. Application received: September 18, 2018. Permit issued: February 6, 2019.

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

**Permit No. 54950202C8. Gilberton Coal Company, (10 Gilberton Road, Gilberton, PA 17934),** correction to update the post-mining land use of an existing anthracite coal refuse reprocessing and refuse disposal operation in Mahanoy Township, **Schuylkill County** affecting 148.0 acres, receiving stream: North Mahanoy Creek, classified for the following uses: cold water and migratory fishes. Application received: March 28, 2018. Correction issued: February 4, 2019.

**Permit No. GP12-54793206. Reading Anthracite Company, (P.O. Box 1200, Pottsville, PA 17901),** general operating permit to operate a coal preparation plant on Surface Mining Permit No. 54793206 in Mahanoy Township and Shenandoah Borough, **Schuylkill County**. Application received: May 4, 2018. Permit issued: February 8, 2019.

### Noncoal Permits Issued

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

**20072801 and NPDES Permit No. PA0280623. R. Hunter, Inc. (15428 Sheets Road, Guys Mills, PA 16327)** Revision to an existing small industrial mineral permit to add an NPDES permit in Steuben Township, **Crawford County**. Receiving streams: Muddy Creek. Application received: July 31, 2018. Permit issued: January 24, 2019.

**42042804 and NPDES Permit No. PA0280658. Richard A. Powell (1423 West Kane Road, P.O. Box 252, Kane, PA 16735)** Revision to an existing small industrial mineral permit to add an NPDES permit in Wetmore Township, **McKean County**. Receiving streams: Unnamed tributary to West Run. Application received: August 31, 2018. Permit issued: January 24, 2019.

**37180301. Three Rivers Aggregates, LLC (1807 Shenango Road, New Galilee, PA 16141)** Commencement, operation, and restoration of a large industrial minerals mine in Plain Grove Township, **Lawrence County** affecting 70.0 acres. Receiving streams: Taylor Run. There are no potable surface water supply intakes within 10 miles downstream. Application received: March 30, 2018. Permit issued: January 24, 2019.

**37180301. Three Rivers Aggregates, LLC (1807 Shenango Road, New Galilee, PA 16141)** Commencement, operation, and restoration of a large industrial minerals mine in Plain Grove Township, **Lawrence County** affecting 70.0 acres. Receiving streams: Taylor Run. There are no potable surface water supply intakes within 10 miles downstream. In conjunction with this approval, the Department is granting a 401 Water Quality Certification certifying that the approved activities will comply with the applicable provisions of sections 301—303, 306 and 307 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341) and will not violate applicable Federal and State water quality standards. Application received: March 30, 2018. Permit issued: January 24, 2019.

**PAM618027. Three Rivers Aggregates, LLC (1807 Shenango Road, New Galilee, PA 16141)** General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 37180301 in Plain Grove Township, **Lawrence County**. Receiving streams: Taylor Run. Application received: March 30, 2018. Permit issued: January 24, 2019.

**PAM614005. IA Construction Corp. (24 Gibb Road, P.O. Box 568, Franklin, PA 16232)** General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 62090301 in Pittsfield Township, **Warren County**. Receiving streams: Brokenstraw Creek. Application received: January 17, 2019. Permit issued: February 6, 2019.

**PAM619001. Lester C. Henry (1555 Route 208, Emlenton, PA 16373)** General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 16992802 in Ashland Township, **Clarion County**. Receiving streams: Unnamed tributary to Little Sandy Creek and an unnamed tributary to Pine Run. Application received: January 7, 2019. Permit issued: February 6, 2019.

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

**53182801. Duffy, Inc. (P.O. Box 374, Smethport, PA 16749).** Commencement, operation, and restoration of a small noncoal industrial minerals surface mine permit (shale and sandstone) in Roulette Township, **Potter**

County affecting 17.0 acres. Receiving stream(s): Fishing Creek and Allegheny River classified for the following use(s): CWF. Application received: May 23, 2018. Permit Issued: January 30, 2019.

**PAM218015. Duffy, Inc.** (P.O. Box 374, Smethport, PA 16749). General NPDES permit for stormwater discharge associated with mining activities on Surface Mining Permit No. 53182801 in Roulette Township, **Potter County**. Receiving stream(s): Fishing Creek and Allegheny River. Application received: May 23, 2018. Permit Issued: January 30, 2019.

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

**Permit No. 64182501 & NPDES Permit No. PA0225851. Robert A. Coleman**, (P.O. Box 3, Susquehanna, PA 18847), commencement, operation and restoration of a quarry operation and NPDES permit for discharge of treated mine drainage in Scott Township, **Wayne County** affecting 10.0 acres, receiving stream: unnamed tributary to Balls Creek. Application received: May 11, 2018. Permit issued: January 30, 2019.

**Permit No. PAM112094R. Brdaric Excavating, Inc.**, (913 Miller Street, Luzerne, PA 18709), renewal of General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 40980301 in Kingston Township and Swoyersville Borough, **Luzerne County**, receiving stream: no discharge to unnamed tributary to Toby Creek. Application received: October 1, 2018. Renewal issued: January 31, 2019.

**Permit No. PAM111002R. Hunlock Sand & Gravel Co.**, (121 Gravel Road, Hunlock, PA 18621), renewal of General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 6475SM8 in Hunlock Township, **Luzerne County**, receiving stream: Roaring Brook. Application received: April 28, 2016. Renewal issued: January 31, 2019.

**Permit No. PAM112076R. Tri City Highway Products, Inc.**, (145 Podpadic Road, Richmondville, NY 12149), renewal of General NPDES Stormwater permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 58122515 in New Milford Township, **Susquehanna County**, receiving stream: no discharge into the tributary to Nine Partners Creek. Application received: November 9, 2018. Renewal issued: February 4, 2019.

**Permit No. PAM112078R. Summit Anthracite, Inc.**, (196 Vista Road, Klingerstown, PA 17941), renewal of General NPDES Stormwater permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 54120301 in Porter and Hegins Townships, **Schuylkill County**, receiving stream: no discharge to the East Branch Rausch Creek. Application received: November 21, 2018. Renewal issued: February 4, 2019.

**Permit No. PAM112046R. Keystone Quarry, Inc.**, (249 Dunham Drive, Dunmore, PA 18512), renewal of General NPDES Stormwater permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 54980302 in Foster & Frailey Townships, **Schuylkill County**, receiving stream: Swatara Creek (via Middle Creek) and Yans Yost Creek. Application received: November 2, 2018. Renewal issued: February 7, 2019.

**Permit No. PAM112040R. Keystone Quarry, Inc.**, (249 Dunham Drive, Dunmore, PA 18512), renewal of

General NPDES Stormwater permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 54990301 in Foster & Frailey Townships, **Schuylkill County**, receiving stream: unnamed tributary to Swatara Creek. Application received: November 2, 2018. Renewal issued: February 7, 2019.

**Permit No. PAM118010. Godino's West Mountain Stone Quarry, Inc.**, (703 Newton Road, Scranton, PA 18504), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 35860302 in Ransom Township, **Lackawanna County**, receiving stream: Keyser Creek. Application received: March 8, 2018. Permit issued: February 8, 2019.

**Permit No. 7974SM2A2C12 and NPDES Permit No. PA0611999. Hanson Aggregates BMC, Inc.**, (7660 Imperial Way, Allentown, PA 18195), renewal of NPDES permit for discharge of treated mine drainage in Nockamixon Township, **Bucks County**, receiving stream: Rapp Creek. Application received: July 18, 2018. Renewal issued: February 8, 2019.

**Permit No. 58930301C3. Red Oak Sand & Gravel, LLC**, (P.O. Box 25, Kingsley, PA 18826), correction to an existing quarry operation to update the post-mining land use in Oakland Township, **Susquehanna County** affecting 40.6 acres, receiving stream: Susquehanna River. Application received: May 29, 2018. Correction issued: February 8, 2019.

**Permit No. PAM118026. Red Oak Sand & Gravel, LLC**, (P.O. Box 25, Kingsley, PA 18826), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 58930301 in Oakland Township, **Susquehanna County**, receiving stream: Susquehanna River. Application received: May 29, 2018. Permit issued: February 8, 2019.

**Permit No. 5273SM2C19 and NPDES Permit No. PA0594130. Hanson Aggregates BMC, Inc.**, (7660 Imperial Way, Allentown, PA 18195), renewal of NPDES permit for discharge of treated mine drainage in Thornbury and Middletown Townships, **Delaware County**, receiving stream: Chester Creek. Application received: January 19, 2018. Renewal issued: February 8, 2019.

**Permit No. 6575SM5C8 and NPDES Permit No. PA0225789. Lehigh Cement Co., LLC**, (3938 Nazareth Easton Highway, Nazareth, PA 18064), correction to an existing quarry operation to add an NPDES Permit for discharge of treated mine drainage in Ross Township, **Monroe County** affecting 37.4 acres, receiving stream: no discharge to Aquashicola Creek. Application received: October 26, 2017. Correction issued: February 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.*

**41194102. M & J Explosives LLC** (P.O. Box 1248, Carlisle, PA 17013). Blasting for well pad located in



McNett Township, **Lycoming County** with an expiration date of February 4, 2020. Permit issued: February 8, 2019.

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

**Permit No. 39194101. American Rock Mechanics, Inc.,** (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for Lehigh Hills Lot 4 Detention Pond B Conversion in Upper Macungie Township, **Lehigh County** with an expiration date of January 25, 2020. Permit issued: February 5, 2019.

**Permit No. 48194101. American Rock Mechanics, Inc.,** (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for Majestic Lot 4 in Bethlehem Township, **Northampton County** with an expiration date of January 21, 2020. Permit issued: February 5, 2019.

**Permit No. 35194101. Maurer & Scott Sales, Inc.,** (122 Thomas Street, Coopersburg, PA 18036), construction blasting for Alliance Sanitary Landfill in Ransom and Roaring Brook Townships; Taylor and Old Forge Boroughs, **Lackawanna County**; Duryea Borough and Black Creek Township, **Luzerne County** and Lehigh Township, **Wayne County** with an expiration date of February 6, 2022. Permit issued: February 8, 2019.

**Permit No. 40194101. Maurer & Scott Sales, Inc.,** (122 Thomas Street, Coopersburg, PA 18036), construction blasting for Center Point II B East in Pittston Township, **Luzerne County** with an expiration date of February 1, 2020. Permit issued: February 8, 2019.

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the 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.

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**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.**

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*Permits, Environmental Assessments and 401 Water Quality Certifications Issued:*

### WATER OBSTRUCTIONS AND ENCROACHMENTS

*Northeast Regional Office, Waterways and Wetlands Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Telephone 570-826-2511.*

**E40-813. Earth Conservancy,** 101 South Main Street, Ashley, PA 18701, City of Nanticoke, **Luzerne County**, U.S. Army Corps of Engineers, Baltimore District.

Reestablish and maintain a 1,030-linear foot reach of Espy Run (CWF, MF) as part of a phased stream channel restoration project for the purpose of restoring Espy Run to its historic alignment. Work will include the construction of a 2-foot deep, 27-foot wide (15-foot bed width) trapezoidal channel having 3:1 side slopes, a 0.5% longitudinal slope, impacting approximately 0.90 acre of PEM wetlands. The channel will include R-4 riprap underlain with a 12-inch deep sand layer and an impervious geomembrane liner. This is the first phase ("Segment A") of a larger project to restore Espy Run to its historical alignment. The project is located 0.1 mile southwest of the intersection of Middle Road and Espy Street (Wilkes-Barre West & Nanticoke, PA Quadrangle, Latitude: 41° 11' 16.73"; Longitude: -75° 59' 23.93"). Subbasin 5B.

**E40022-815. Gary Swartz,** 2375 Lakeside Drive, Harveys Lake, PA 18612, Harveys Lake Borough, **Luzerne County**, U.S. Army Corps of Engineers, Baltimore District.

To construct and maintain the expansion of an existing dock and boathouse with work consisting of a 804 sq. ft., pile-supported boathouse and a 494 sq. ft., pile-supported dock within the basin of Harveys Lake (HQ-CWF). The project is located at Pole # 216 along Lakeside Drive (S.R. 415) (Harveys Lake, PA Quadrangle, Latitude: 41° 21' 53"; Longitude: -76° 3' 3") in Harveys Lake Borough, **Luzerne County**. Subbasin 5B.

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ed Muzic, Section Chief, 717.705.4802.*

**E67-918: Columbia Gas of Pennsylvania,** 1600 Colony Road, York, PA 17408 in Paradise Township, **York County**, U.S. Army Corps of Engineers, Baltimore District.

To amend the previously issued water obstruction and encroachment permit, originally issued to P.H. Glatfelter Company, permit number E67-918, which authorized the following:

P.H. Glatfelter Company proposes to install and maintain a natural gas connector line spanning approximately

6 miles in Jackson and Paradise Townships beginning at 39° 55' 22"N, 76° 56' 15"W and ending at 39° 52' 33"N, 76° 52' 22"W. Ten (10) wetland crossings and thirteen (13) stream crossings are necessary for the proposed project. Wetland impacts comprise 21,541 square feet (permanent) and 19,997 square feet (temporary). Temporary linear stream impacts total 759 feet with an impact area of 6,072 square feet. Floodway impacts total 2.66 acres. Nine (9) additional stream crossings accompany the project which qualify for a waiver of permit requirements under 25 Pa. Code § 105.12(a)(2). Crossings will be permitted open cut and timber matted for temporary access, with the exception of KLF-Wetland03 and KLF-Wetland04 which will utilize bore methods. KLF-Wetland01 will be permanently impacted with the construction of a new impervious surface (157-ft by 150-ft) for a valve site. KLF-Wetland03 and KLF-Wetland04 are classified as Exceptional Value.

The permit was previously amended to include:

To install and maintain a 6-inch steel natural gas connector line. The crossing will be installed by directional bore method under a 46-inch culvert pipe carrying an unnamed tributary to Paradise Run (WWF) located within the Township right-of-way along the south side of North Lake Road just south of the intersection of North Schoolhouse Road in Paradise Township, York County at 39° 55' 22.8"N, 76° 55' 58.2"W.

The permit is now amended to include:

To clear and maintain the gas line ROW within wetland KLF-Wetland04, converting 0.49 acre of Palustrine Forested (PFO) wetland to Palustrine Emergent (PEM) wetland. The permittee is responsible for construction of a 0.98 PEM to PFO wetland conversion as compensatory mitigation, located in Codorus Township, York County (Latitude: 39° 44' 23.3"; Longitude: -76° 48' 8.7"). The permit was issued on January 23, 2019.

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

**E63-707, Thomas and Kathleen Marecic**, 2007 Grandview Farms Ct., Bethel Park, PA 15102, Morris Township, **Washington County**, Pittsburgh ACOE District.

Has been given consent to:

1. Construct and maintain a bridge having a clear span of 50 feet and an underclearance of 7 feet across Tenmile Creek (TSF),

2. Rehabilitate an existing low flow crossing composed of twenty-one 18" culvert pipes.

For the purpose of improving overall safety, roadway site distance, and provide accessibility during high water events to the permittee's property. The project will permanently impact 21 linear feet of stream channel and 0.07 acre of floodway. The project will result in temporary impacts to 70 linear feet of stream channel and 0.25 acre of floodway. No mitigation is required. The project is located along SR 2020 near Hackney Station Road ((Amity, PA USGS Topographic Quadrangle) Chapter 93: TSF, B; Sub-basin 20), in Morris Township, Washington County.

**E65-995, Derry Township Municipal Authority**, P.O. Box 250, New Derry, PA 15671; Derry Township, Salem Township, and New Alexandria Borough; **Westmoreland County**; Pittsburgh ACOE District.

Has been given consent to:

1. Permanently impact 434 linear feet of stream, including 11 stream crossings. Streams impacted include Loyalhanna Creek (WWF), McCune Run (WWF), and unnamed tributaries to McCune Run;

2. Permanently impact 0.21 acre of wetland overall, including 9 wetland crossings. Wetland types impacted include PEM, PSS, and PFO.

For the purpose of extending an existing sanitary sewer line from Keystone State Park to New Alexandria. The project will include the installation of approximately 4,900 linear feet of 8-inch gravity sewer line leading from Keystone State Park to SR 981, a pump station along SR 981, and 9,500 linear feet of 6-inch force main line from the proposed pump station to the Borough of New Alexandria. Approximately 5,440 linear feet of additional gravity sewers are proposed along portions of Flowers Road and SR 981 to provide public sewage to existing homes. The project will serve Keystone State Park and adjacent areas in Derry Township. Mitigation for the project impacts will include restoration of stream and wetland crossings. Approximately 0.17 acre of PSS and PFO wetland will be converted to PEM wetland as part of the project. Mitigation for the wetland conversion will include the creation of a 0.243 acre PSS/PFO wetland on-site.

The project site is located near Keystone State Park in Saltsburg and Latrobe, PA USGS topographic quadrangles. The sewer line begins near Greywing Community Park at 40° 23' 38.7"; -79° 25' 25.5" and ends near Keystone Lake at 40° 22' 29.69"; -79° 23' 45.93" (Sub-basin 18C; USACE Pittsburgh District), in Derry Township, Salem Township and New Alexandria Borough, Westmoreland County.

#### ENVIRONMENTAL ASSESSMENTS

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

**D01-071. Mr. Peter Sheppard**, 117 Frederick Street, Hanover, PA 17331, Union Township, **Adams County**, USACOE Baltimore District.

Project proposes to remove approximately 9.6 acres of accumulated silt and sediment from the reservoir impounded by the Sheppard Dam located across a tributary to the South Branch Conewago Creek (WWF, MF) (McSherrystown, PA Quadrangle, Latitude: 39.7510; Longitude: -77.0159).

**D11-122EA. Roger Adams, P.E.**, Director, Bureau of Waterways Engineering and Wetlands, Pennsylvania Department of Environmental Protection, P.O. Box 8460, Harrisburg, PA 17105, Susquehanna Township, **Cambria County**, USACOE Pittsburgh District.

Project proposes to remove the remains of the abandoned West Branch Mill Dam to eliminate a threat to public safety and to restore approximately 700 feet of stream channel to a free-flowing condition. The project is located across the West Branch Susquehanna River (WWF, MF) (Barnesboro, PA Quadrangle, Latitude: 40.6808; Longitude: -78.8060).

#### 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 sec-

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

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

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

*Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

ESCGP-2 # ESG29-081-18-0044

Applicant Name Chief Oil & Gas LLC

Contact Person Jeffrey Deegan

Address 1720 Sycamore Road

City, State, Zip Montoursville, PA 17754

County Lycoming

Township(s) McNett Twp.

Receiving Stream(s) and Classification(s) UNT to North Pleasant Stream (EV, MF).

Secondary: North Pleasant Stream.

ESCGP-3 # ESG32910518-001

Applicant Name JKLM Energy, LLC

Contact Person Joseph M. Harrick

Address 2200 Georgetowne Drive, Suite 500

City, State, Zip Sewickley, PA 15143

County Potter

Township(s) Hector Twp.

Receiving Stream(s) and Classification(s) Primary Watershed(s): Crippen Run (HQ-CWF).

Secondary Watershed(s): Potter Brook (HQ-CWF).

## CORRECTIVE ACTION UNDER ACT 32, 1989

### PREAMBLE 2

**The following plans and reports were submitted under the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104).**

Provisions of 25 Pa. Code Chapter 245 Subchapter D, Administration of the Storage Tank and Spill Prevention Program, require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A remedial action plan is submitted to summarize the site characterization, document the design and construction details for the remedial action, and describe how the remedial action will attain the selected remediation standard. The remedial action plan also provides results of studies performed and data collected to support the remedial action and a

description of postremediation care requirements. A remedial action completion report is submitted to document cleanup of a release of a regulated substance at a site to the selected remediation standard. A remedial action completion report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or non-residential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

For further information concerning plans or reports, please contact the Environmental Cleanup Program Manager in the DEP Regional Office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the DEP through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

**Turkey Hill Minit Market 114**, Storage Tank ID # 48-41707, 4205 Lehigh Drive, Lehigh Township, **Northampton County**. Comstock Environmental Services, P.O. Box 509, Lafayette Hill, PA 19444, on behalf of Dillon Companies, Inc./Kroger (Turkey Hill), 257 Centerville Road, Lancaster, PA 17603 has submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with gasoline. The report is intended to document remediation of the site to meet the Statewide Health Standards.

**Dingmans Best Station**, Storage Tank ID # 52-08100, 1596 Dingmans Turnpike (PA Route 739), Delaware Township, **Pike County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Dingmans Fuel Transfer Corporation, P.O. Box 686, Dingmans Ferry, PA 18328, has submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with gasoline. The report is intended to document remediation of the site to meet the Statewide Health Standards.

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

**LH Gross Manorette**, Storage Tank Facility ID number 67-12009, 783 Front Street, Lewisberry, PA 17339, Fairview Township, **York County**. United Environmental Services, Inc., 1143 Long Run Road, Schuylkill Haven, PA 17972, on behalf of LH Gross Manorette, 783 Front Street, Lewisberry, PA 17339 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.*

**Estes Express**, Storage Tank Primary Facility ID # 43-09380, 64 Stefanak Drive, Shenango Township, **Mercer County**. Compliance Environmental Services, P.O. Box 186, West Middlesex, PA 16159, on behalf of Estes Express Lines, 64 Stefanak Drive, West Middlesex,

PA 16159 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with 1, 2, 4-trimethylbenzene, 1, 3, 5-trimethylbenzene, benzene, toluene, ethylbenzene, methyl tertiary butyl ether, cumene, and naphthalene. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Shenango Township Municipal Building**, Storage Tank Primary Facility ID # 43-04177, 3439 Hubbard Middlesex Road, Shenango Township, **Mercer County**. Compliance Environmental Services, Inc., P.O. Box 186, West Middlesex, PA 16159, on behalf of Municipality of Shenango Township, 3439 Hubbard-West Middlesex Road, West Middlesex, PA 16159 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with 1, 2, 4-trimethylbenzene, 1, 3, 5-trimethylbenzene, benzene, toluene, ethylbenzene, total xylenes, methyl tertiary butyl ether, cumene, and naphthalene. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Country Fair 44**, Storage Tank Primary Facility ID # 43-91315, 1681 South Center Street Extension, Grove City, PA 16127, Springfield Township, **Mercer County**. Compliance Environmental Services, 6700 Kirila Boulevard, Hermitage, PA 16148, on behalf of United Refining Company of Pennsylvania, 15 Bradley Street, Warren, PA 16365 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with benzene, toluene, ethylbenzene, total xylenes, methyl tertiary butyl ether, cumene, and naphthalene. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Pine Avenue Shell**, Storage Tank Primary Facility ID # 25-90047, 3800 Pine Avenue, City of Erie, **Erie County**. ATC Group Services, LLC, 270 William Pitt Way, Pittsburgh, PA 15238, on behalf of MKP Enterprise, Inc., P.O. Box 8326, Erie, PA 16505 submitted a Remedial Action Completion Report concerning remediation of soil contaminated with benzene, ethylbenzene and xylenes and groundwater contaminated with benzene, ethylbenzene, cumene, methyl tertiary butyl ether (MTBE), naphthalene, toluene and xylenes. The report is intended to document remediation of the site to meet the Statewide Health Standard.

## CORRECTIVE ACTION UNDER ACT 32, 1989

### PREAMBLE 3

**The DEP has taken action on the following plans and reports under the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104).**

Provisions of 25 Pa. Code Chapter 245 Subchapter D, Administration of the Storage Tank and Spill Prevention Program, require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports.

A remedial action plan is submitted to summarize the site characterization, document the design and construction details for the remedial action, and describe how the remedial action will attain the selected remediation standard. The remedial action plan also provides results of studies performed and data collected to support the remedial action and a description of postremediation care requirements. A remedial action completion report is submitted to document cleanup of a release of a regulated substance at a site to the selected remediation standard.

A remedial action completion report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or non-residential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

The DEP may approve or disapprove plans and reports submitted. This notice provides the DEP's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, please contact the Environmental Cleanup Program Manager in the DEP Regional Office under which the notice of the plan or report appears. If information concerning a report is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the DEP through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The DEP has received the following plans and reports:

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

**7 ELEVEN 40156**, 15-30781, 1165 West Chester Pike, West Goshen Township, **Chester County**. Aquaterra Technologies, Inc., P.O. Box 744, West Chester, PA 19381, on behalf of Sunoco (R&M), LLC, 3801 West Chester Pike, Newtown Square, PA 19073 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum products. The Remedial Action Plan was acceptable to meet the Statewide health standards and was approved by DEP on February 4, 2019.

**Express Fuel Mart**, 51-06933, 5201 Oxford Avenue, **City of Philadelphia**. Synergy Environmental Inc., 155 Railroad Plaza, 1st Floor, Royersford, PA 19468, on behalf of 5201 Oxford Ave., Phila. LLC, 645 Hamilton Ave., Allentown, PA 18101, 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 DEP on February 4, 2019.

**Citgo Station**, 09-43147, 4216 Woodbourne Road, Bristol Township, **Bucks County**. Roux Associates, Inc., 402 Heron Drive, Logan Township, NJ 08085, on behalf of Five Points Retail Properties, L.P., P.O. Box 507, Southeastern, PA 19399, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum products. The Remedial Completion Report was acceptable to meet non-residential Statewide health standards and was approved by the DEP on February 8, 2019.

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

**Hoffman's Service Station**, Storage Tank ID # 54-04723, Oak Street and Lehigh Avenue, Frackville Borough, **Schuylkill County**, Center Point Tank Services, 536 East Benjamin Franklin Highway, Douglasville, PA 19518-9543, submitted a site characterization report/remedial action completion report on behalf of Dale Hoffman, Oak Street and Lehigh Avenue, Frackville, PA 17931, concerning remediation of groundwater contami-

nated with gasoline and kerosene. The report demonstrated attainment of the Background Standard for groundwater and was approved by DEP on February 6, 2019.

**Former Fowler A**, Storage Tank ID # 35-08952, Route 6/11 and PA Turnpike, South Abington Township, **Lackawanna County**, B&B Diversified Enterprises, P.O. Box 70, Barto, PA 19504, submitted a Remedial Action Plan on behalf of Fowler Oil Company, 1831 Fair Avenue, Honesdale, PA 18431, concerning remediation of soils and groundwater contaminated with gasoline. The Remedial Action Plan was acceptable to meet a combination of Nonresidential and Residential Statewide Health Standards for soil and Site-Specific Standards for groundwater and was approved by DEP on February 7, 2019.

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

**Rutter's Farm Store No. 31**, 21-39506, 1 Airport Road, Shippensburg, PA 17257, Shippensburg Township, **Cumberland County**, United Environmental Services, Inc., P.O. Box 701, Schuylkill Haven, PA 17972 on behalf of CHR Corporation, 2295 Susquehanna Trail, York, PA 17404 submitted a combined Site Characterization/Remedial Action Plan concerning remediation of soil and groundwater contaminated with benzene, toluene, ethylbenzene, xylenes, MTBE, naphthalene, 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene and cumene. The Remedial Action Plan was acceptable to meet the Statewide Health Standard and Site-Specific Standard and was approved with modifications by the Department on February 11, 2019.

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

**Hillard's Service**, Storage Tank Primary Facility ID # 10-10830, 3072 Oneida Valley Road, Venango Township, **Butler County**, Flynn Environmental, Inc., 5640 Whipple Avenue N.W., North Canton, OH 44720, on behalf of Kenneth Hillard, 131 Stalker Road, Hilliards, PA 16040 submitted a Remedial Action Plan concerning remediation of groundwater contaminated with 1, 2, 4-trimethylbenzene, 1, 3, 5-trimethylbenzene, benzene, toluene, ethylbenzene, total xylenes, methyl tertiary butyl ether, cumene, and naphthalene. The Remedial Action Plan was acceptable to meet the Statewide Health Standard and was approved by the Department on February 7, 2019.

## SPECIAL NOTICES

### Final Water Quality Certification Required by Section 401 of the Federal Clean Water Act for the UGI LNG, Inc.—Temple Truck Rack Expansion Project; DEP File No. WQ03-004

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, Scott Williamson 717-705-4802.*

**WQ03-004. UGI LNG, Inc. (UGI)**, 1 Meridian Boulevard, Suite 2C01, Wyomissing, PA 19610, Temple Truck Rack Expansion Project (Project) located at 5665 Leesport Ave., Reading, Ontelaunee Township, **Berks County**, PA (Lat: 40° 25' 28.18"; Long: -75° 55' 19.95").

On November 14, 2016, UGI applied to the Federal Energy Regulatory Commission (FERC) for a Certificate of Public Convenience and Necessity (Docket No. CP17-14-000) under section 7(c) of the Natural Gas Act. UGI proposes to construct and operate certain natural gas pipeline facilities to expand their existing Temple Lique-

fied Natural Gas (LNG) Peak-shaving Facility (aka: Temple Truck Rack Expansion Project) in Berks County, PA. The FERC Final Environmental Assessment (EA) for the Project, (dated 09/18/2018) may be viewed on FERC's web site at [www.ferc.gov](http://www.ferc.gov) (search eLibrary; Docket Search; CP-17-14).

On October 1, 2018, UGI requested a State Water Quality Certification from the Department of Environmental Protection (Department), as required by section 401 of the Clean Water Act (33 U.S.C.A. § 1341), to ensure that the construction, operation and maintenance of the Project will protect water quality in this Commonwealth through compliance with State water quality standards and associated State law requirements, which are consistent with the requirements of the Clean Water Act.

The proposed overall project consists of the following activities: construction and operation of two additional LNG loading and unloading terminals, two rack scales, transfer piping, and associated equipment in support of the truck rack expansion, as well as a new driveway for the expansion to Willow Creek Road at the Project site. Approximately 9.5 acres of earth disturbance is proposed within the property footprint of the existing truck rack site, with approximately 5.6 acres of permanent use areas proposed.

The receiving surface water for the Project is Willow Creek. No watercourse, floodway, water body or wetland impacts are proposed by UGI for this Project.

The Department hereby issues Section 401 Water Quality Certification to UGI LNG, Inc. for the Temple Truck Rack Expansion Project and certifies that UGI's construction, operation and maintenance of the Project complies with the applicable provisions of sections 301—303, 306 and 307 of the Federal Clean Water Act (33 U.S.C.A. §§ 1311—1313, 1316 and 1317). The Department further certifies that UGI's construction, operation and maintenance of the Project will not violate applicable State water quality standards, provided that UGI complies with the applicable laws, permitting programs, criteria and conditions established pursuant to State law and as part of the Water Quality Certification as follows:

1. *Discharge Permit*—UGI shall obtain and comply with a Department National Pollutant Discharge Elimination System (NPDES) permit for the discharge of water from the hydrostatic testing of the Project pursuant to Pennsylvania's Clean Streams Law (35 P.S. §§ 691.1—691.1001) and all applicable implementing regulations (25 Pa. Code Chapter 92a) if such discharges are proposed.

2. *Erosion and Sediment Control Permit*—UGI shall comply with the Department's Chapter 102 Individual NPDES permit for the discharge of stormwater associated with construction activities, NPDES Permit No. PAD060002 issued pursuant to Pennsylvania's Clean Streams Law and Storm Water Management Act (32 P.S. §§ 680.1—680.17), and all applicable implementing regulations (25 Pa. Code Chapter 102).

3. *Water Obstruction and Encroachment Permits*—UGI shall obtain and comply with a Department Chapter 105 Water Obstruction and Encroachment Permits for the construction, operation and maintenance of all water obstructions and encroachments associated with the Project pursuant to Pennsylvania's Clean Streams Law, Dam Safety and Encroachments Act (32 P.S. §§ 673.1—693.27), and Flood Plain Management Act (32 P.S. §§ 679.101—679.601) and all applicable implementing regulations (25 Pa. Code Chapter 105), if such water resource impacts are proposed and as these requirements are applicable.

4. *Delaware River Basin Commission*—UGI shall comply with any Delaware River Basin Commission (DRBC) approvals that may be necessary from the DRBC for the Project.

5. *Water Quality Monitoring*—The Department retains the right to specify additional studies or monitoring to ensure that the receiving water quality is not adversely impacted by any operational and construction process that may be employed by UGI.

6. *Operation*—UGI shall at all times properly operate and maintain all Project facilities and systems of treatment and control (and related appurtenances) which are installed to achieve compliance with the terms and conditions of this State Water Quality Certification and all required permits, authorizations and approvals. Proper operation and maintenance includes adequate laboratory controls, appropriate quality assurance procedures, and the operation of backup or auxiliary facilities or similar systems installed by UGI.

7. *Inspection*—The Project, including all relevant records, are subject to inspection at reasonable hours and intervals by the Department, or an authorized representative of the Department, to determine compliance with this State Water Quality Certification, including all required State water quality permits and State water quality standards. A copy of this certification shall be available for inspection by the Department, or an authorized representative thereof, during such inspections of the Project.

8. *Transfer of Projects*—If UGI intends to transfer any legal or equitable interest in the Project which is affected by this State Water Quality Certification, UGI shall serve a copy of this certification upon the prospective transferee of the legal and equitable interest at least 30 days prior to the contemplated transfer and shall simultaneously inform the Department Regional Office of such intent. Notice to the Department shall include a transfer agreement signed by the existing and new owners containing a specific date for transfer of responsibility, coverage, and liability under the Certification and any permits, authorizations and approvals obtained to comply with the Certification. The new owner shall submit to the Department a new application form for the Certification and any permits, authorizations and approvals required to comply with the Certification signed by the new owner.

9. *Correspondence*—All correspondence with and submittals to the Department concerning this State Water Quality Certification shall be addressed to: Department of Environmental Protection, Southcentral Regional Office, Program Manager, Waterways and Wetlands, 909 Elmerton Avenue, Harrisburg, PA 17110.

10. *Reservation of Rights*—The Department may suspend or revoke this State Water Quality Certification if (i) the Department becomes aware of new facts about the Project that warrant such action; or (ii) the Department determines that UGI has not complied with the terms and conditions of this certification. The Department may require additional measures to achieve compliance with any applicable law or regulation.

11. *Other Laws*—Nothing in this State Water Quality Certification shall be construed to preclude the institution of any legal action or relieve UGI from any responsibilities, liabilities, or penalties established pursuant to any applicable Federal or State law or regulation.

12. *Severability*—The provisions of this State Water Quality Certification are severable and should any provi-

sion of this certification be declared invalid or unenforceable, the remainder of the certification shall not be affected thereby.

Any person aggrieved by this action may file a petition for review under section 19(d) of the Natural Gas Act (15 U.S.C.A. § 717r(d)), with the Office of the Clerk, United States Court of Appeals for the Third Circuit, 21400 United States Courthouse, 601 Market Street, Philadelphia, PA 19106-1790 as provided by law. Important legal rights are at stake, so you should show this document to a lawyer promptly.

[Pa.B. Doc. No. 19-264. Filed for public inspection February 22, 2019, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Federal Consistency under the Coastal Zone Management Act; Maintenance Dredging at Conneaut Harbor

This notice is published under section 306(d)(14) of the Federal Coastal Zone Management Act of 1972 (CZMA) (16 U.S.C.A. § 1455(d)(14)), regarding public participation during consistency determinations. The Department of Environmental Protection (Department), Coastal Resources Management Program has received notice that the United States Army Corps of Engineers (USACE) is proposing to conduct maintenance dredging at Conneaut Harbor, Ashtabula County, OH.

The USACE is proposing to dredge approximately 200,000 cubic yards of sediment from the authorized Federal navigation channels (Outer Harbor Channel, Inner Harbor Channel and Municipal Access Channel) of Conneaut Harbor between July 1, 2019, and September 15, 2019. The sediments within the Outer and Inner Harbor Channels are primarily silts and clays, with some sand. The USACE proposes that dredged materials recovered from these areas will be placed at the existing designated open lake disposal area in Lake Erie. Sediments from the Municipal Access Channel have historically consisted of coarse-grained sands suitable for use as nearshore littoral nourishment. The USACE has proposed to conduct sampling within this reach prior to the planned dredging to determine suitability for nearshore placement. If the sediment is determined to be suitable for nearshore placement, the USACE proposes to place the recovered dredged materials within the designated nearshore disposal area, 1,500 feet to the east of the Conneaut Harbor East Breakwater Extension, between -11 and -8 feet mean low water. Non-suitable materials will be placed in the open lake disposal area in Lake Erie.

This project is subject to Department review for Federal consistency because it is a Federal agency activity and will have reasonably foreseeable interstate effects on the Commonwealth's coastal resources or uses. Disruption of the Lake Erie littoral sediment transport system imposed by Conneaut Harbor and its location just updrift of the Pennsylvania/Ohio state line is recognized as an interstate coastal effect under the Coastal Resources Management Program's National Oceanic and Atmospheric Administration (NOAA)-approved CZMA Interstate Consistency program.

In accordance with NOAA regulations at 15 CFR Part 930, Subparts C and I (relating to consistency for Federal

agency activities; relating to consistency of Federal activities having interstate coastal effects), the USACE has determined that the proposed activity will be conducted in a manner consistent with the applicable enforceable policies of the Commonwealth's NOAA-approved Coastal Resources Management Program. Interested parties may request a copy of the Federal Consistency Determination from the Department contact listed as follows.

Questions regarding this review should be directed to Matthew Walderon, Federal Consistency Coordinator, at RA-Fed\_Consistency@pa.gov or (717) 772-2196. The Department will consider all comments received on or before March 11, 2019, before issuing a final Federal consistency concurrence or objection. Comments submitted by facsimile will not be accepted. Comments, including comments submitted by e-mail, must include the originator's name and address. Commentators are encouraged to submit comments using the Department's online eComment system at [www.ahs.dep.pa.gov/eComment](http://www.ahs.dep.pa.gov/eComment) or by e-mail at [ecomment@pa.gov](mailto:ecomment@pa.gov). Written comments can be submitted by mail to the Department of Environmental Protection, Policy Office, 400 Market Street, Harrisburg, PA 17101.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 19-265. Filed for public inspection February 22, 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—Shadyside  
5609 5th Avenue  
Pittsburgh, PA 15232  
FAC ID # 090302

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building):

Woodland Park Rehab Center  
18889 Croghan Pike  
Orbisonia, PA 17243  
FAC ID # 233002

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.67(k) (relating to electric requirements for existing and new construction):

Courtyard Gardens Nursing and Rehabilitation Center  
999 West Harrisburg Pike  
Middletown, PA 17057  
FAC ID # 150302

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 211.9(g) (relating to pharmacy services):

Siemon's Lakeview Manor Nursing and  
Rehabilitation Center  
228 Siemon Drive  
Somerset, PA 15501  
FAC ID # 970202

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](mailto: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. 19-266. Filed for public inspection February 22, 2019, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Sexual Assault Victim Emergency Services Regulation Listing of Hospitals that may not Provide Emergency Contraception and Hospitals that may not Provide any Sexual Assault Emergency Services

The Department of Health (Department) published final-form sexual assault victim emergency services regulations at 38 Pa.B. 573 (January 26, 2008). The sexual assault victim emergency services regulations became effective on January 26, 2008, and amended 28 Pa. Code Part IV, Subpart B (relating to general and special hospitals) to add specific requirements for hospitals relating to the provision of sexual assault emergency services. See 28 Pa. Code §§ 117.51—117.58 (relating to sexual assault victim emergency services).

Hospitals that decide they may not provide emergency contraception due to a stated religious or moral belief contrary to providing this medication are required to give notice to the Department of the decision. See 28 Pa. Code § 117.57 (relating to religious and moral exemptions). Hospitals that refer all emergency patients to other hospitals after institution of essential life-saving measures and decide not to provide any sexual assault emergency services are required to give notice to the Department of the decision. See 28 Pa. Code § 117.58 (relating to exemption for hospitals providing limited emergency services).

Sections 117.57(1)(ii) and 117.58(1)(ii) of 28 Pa. Code state that the Department will annually publish the lists of hospitals in the *Pennsylvania Bulletin* that have chosen not to provide emergency contraception under 28

Pa. Code § 117.57 or any sexual assault emergency services under 28 Pa. Code § 117.58. The following lists are published in accordance with those provisions and do not create any new obligations for hospitals or relieve hospitals of any existing obligations.

*Hospitals that may not Provide Emergency Contraception*

Under 28 Pa. Code § 117.57(1)(ii), the Department publishes the following list of hospitals that have provided notice to the Department that the hospital may not provide emergency contraception due to a stated religious or moral belief:

<i>Hospital Name</i>	<i>City, Zip Code</i>
Holy Spirit Hospital	Camp Hill, 17011
Geisinger Jersey Shore Hospital	Jersey Shore, 17740
Mercy Fitzgerald Hospital	Darby, 19023
Mercy Philadelphia Hospital	Philadelphia, 19143
Suburban Community Hospital	East Norriton, 19401
Millcreek Community Hospital	Erie, 16509
Muncy Valley Hospital	Muncy, 17756
Nazareth Hospital	Philadelphia, 19152
Physicians Care Surgical Hospital	Royersford, 19468
Regional Hospital of Scranton	Scranton, 18501
Sacred Heart Hospital	Allentown, 18102
St. Joseph Medical Center	Reading, 19603
St. Mary Medical Center	Langhorne, 19047
UPMC Mercy	Pittsburgh, 15219
Williamsport Regional Medical Center	Williamsport, 17701

*Hospitals that may not Provide any Sexual Assault Emergency Services*

Under 28 Pa. Code § 117.58(1)(ii), the Department publishes the following list of hospitals that have provided notice to the Department that the hospital may not provide any sexual assault emergency services due to the limited services provided by the hospital:

<i>Hospital Name</i>	<i>City, Zip Code</i>
Allied Services Institute of Rehabilitation—Scranton	Scranton, 18501
John Heinz Institute of Rehabilitation Medicine—Wilkes-Barre	Wilkes-Barre Township, 18702
Kindred Hospital South Philadelphia	Philadelphia, 19145
OSS Health	York, 17402
Physicians Care Surgical Hospital	Royersford, 19468
Rothman Orthopedic Specialty Hospital	Bensalem, 19020

Additional information regarding the sexual assault victim emergency services regulations and emergency contraception and an up-to-date list of hospitals not providing emergency contraception under 28 Pa. Code § 117.57 or not providing any sexual assault emergency services under 28 Pa. Code § 117.58 is available on the Department's web site at [www.health.state.pa.us](http://www.health.state.pa.us).

The notice in the *Pennsylvania Bulletin* or on the Department's web site of the lists of hospitals not providing emergency contraception under 28 Pa. Code § 117.57, or not providing any sexual assault emergency services under 28 Pa. Code § 117.58, may not be deemed an acknowledgement or confirmation by the Department that the hospitals are in compliance with the requirements of the regulations.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) should contact Garrison E. Gladfelter, Jr., Director, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120-0701, (717) 783-8980, fax (717) 772-2163 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. 19-267. Filed for public inspection February 22, 2019, 9:00 a.m.]

## DEPARTMENT OF HUMAN SERVICES

### Payment for Nursing Facility Services Provided by Nonpublic and County Nursing Facilities; Supplemental Ventilator Care and Tracheostomy Care Add-on Payment for Fiscal Year 2018-2019

This announcement provides advance notice that the Department of Human Services (Department) intends to make an additional payment in Fiscal Year (FY) 2018-2019 to nonpublic and county nursing facilities that qualified for supplemental ventilator care and tracheostomy care payments in FY 2014-2015.

*Proposed Payment*

The Department intends to make supplemental ventilator care and tracheostomy care payment to qualified nonpublic and county nursing facilities. This additional payment will be made to nonpublic and county nursing facilities that qualified for supplemental ventilator care and tracheostomy care payments in FY 2014-2015 with a percentage of Medical Assistance residents who required medically necessary ventilator care or tracheostomy care greater than 90%.

If the facility qualifies, then the Department would calculate each qualified nonpublic and county nursing facility's add-on payment for FY 2018-2019 by dividing the total funds for the supplemental ventilator care and tracheostomy care payment by the number of qualified nonpublic and county nursing facilities.

The Department will submit a State Plan Amendment (SPA) to the Centers for Medicare & Medicaid Services (CMS). If CMS approves the SPA, the total funds will consist of both State and Federal funding. The Department will use its best efforts to process this payment within 30 days of the date it receives notice from CMS.

*Fiscal Impact*

This change will result in a cost of \$3.141 million (\$1.5 million in State funds) for FY 2018-2019.



*Public Comment*

Interested persons are invited to submit written comments regarding this supplemental ventilator care and tracheostomy care add-on payment to the Department of Human Services, Office of Long-Term Living, Bureau of Policy and Regulatory Management, Attention: Marilyn Yocum, P.O. Box 8025, Harrisburg, PA 17105-8025. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

TERESA D. MILLER,  
*Secretary*

**Fiscal Note:** 14-NOT-1314. (1) General Fund; (2) Implementing Year 2018-19 is \$1,500,000; (3) 1st Succeeding Year 2019-20 through 5th Succeeding Year 2023-24 are \$0; (4) 2017-18 Program—\$1,099,000,000; 2016-17 Program—\$1,802,000,000; 2015-16 Program—\$968,083,000; (7) Long-Term Care; (8) recommends adoption. The Long-Term Care appropriation is able to absorb the increased cost.

[Pa.B. Doc. No. 19-268. Filed for public inspection February 22, 2019, 9:00 a.m.]

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## INSURANCE DEPARTMENT

### **Alleged Violation of Insurance Laws; Rebecca E. Vasinda; Doc. No. SC19-02-002**

Notice is hereby given of the Order to Show Cause issued on February 8, 2019, by the Deputy Insurance Commissioner in the previously-referenced matter. Violation of the following is alleged: sections 611-A(7), (9), (17) and (20) and 645-A of The Insurance Department Act of 1921 (40 P.S. §§ 310.11(7), (9), (17), (20) and 310.45).

The respondent shall file a written answer to the Order to Show Cause within 30 days of the date of issue. If the respondent files a timely answer, a formal administrative hearing shall be held in accordance with 2 Pa.C.S. §§ 501—588 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure) and other relevant procedural provisions of law.

Answers, motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed in writing with the Hearings Administrator, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Harrisburg, PA 17102.

Persons with a disability who wish to attend the previously-referenced administrative hearing, and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Domenica Dean, Agency ADA Coordinator, at (717) 705-4194.

JESSICA K. ALTMAN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 19-269. Filed for public inspection February 22, 2019, 9:00 a.m.]

## INSURANCE DEPARTMENT

### **Appeal of Pennsylvania Life and Health Insurance Guaranty Association; ID No. LTCG-130970630; Doc. No. RT19-01-016**

Under the Accident and Health Filing Reform Act (40 P.S. §§ 3801.101—3801.5104), Pennsylvania Life and Health Insurance Guaranty Association has filed an application for a hearing seeking review of the disapproval of a rate filing relating to policies issued by Penn Treaty Network America Insurance Company and American Network Insurance Company. The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508, 561—588 and 701—704 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and 31 Pa. Code Chapter 56 (relating to Special Rules of Administrative Practice and Procedure).

A prehearing telephone conference initiated by this office is scheduled for March 6, 2019, at 9:30 a.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before March 4, 2019. A date for a hearing shall be determined, if necessary, at the prehearing/settlement conference.

Protests, petitions to intervene, notices of appearance or notices of intervention, if any, must be filed with the Hearings Administrator at the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA on or before February 19, 2019. Answers to petitions to intervene, if any, shall be filed on or before March 4, 2019.

JESSICA K. ALTMAN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 19-270. Filed for public inspection February 22, 2019, 9:00 a.m.]

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## INSURANCE DEPARTMENT

### **Continental General Insurance Company; Rate Increase Filing for Several Individual LTC Forms (GLTC-131676674)**

Continental General Insurance Company is requesting approval to increase the premium 58.4% on 13 policyholders with individual LTC policy forms L-6000-NQ, L-6000-TQ, LTC-020201-UTA-NQ and LTC-020201-UTA-TQ.

Unless formal administrative action is taken prior to May 9, 2019, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](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, jlaveryt@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JESSICA K. ALTMAN,  
Insurance Commissioner

[Pa.B. Doc. No. 19-271. Filed for public inspection February 22, 2019, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Mark Anthony Johns; Order to Show Cause; Doc. No. SC18-11-021

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508, 561—588 and 701—704 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and 31 Pa. Code Chapter 56 (relating to Special Rules of Administrative Practice and Procedure).

A prehearing telephone conference initiated by this office is scheduled for March 12, 2019, at 10 a.m. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before March 8, 2019. A date for a hearing shall be determined, if necessary, at the prehearing telephone conference.

Protests, petitions to intervene or notices of intervention, if any, must be filed on or before February 26, 2019, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to protests, petitions to intervene or notices of intervention, if any, shall be filed on or before March 8, 2019.

Persons with a disability who wish to attend the previously-referenced administrative proceedings and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Joseph Korman, (717) 787-4429, jkorman@pa.gov.

JESSICA K. ALTMAN,  
Insurance Commissioner

[Pa.B. Doc. No. 19-272. Filed for public inspection February 22, 2019, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Lincoln National Life Insurance Company (TRST-131805416); Rate Increase Filing for Several LTC Forms

Lincoln National Life Insurance Company is requesting approval to increase the premium 30% on 85 policyholders with individual LTC policy form numbers HL-2500AA (8/90), HL-2525AA (8/90), HL-2550AA (8/90), HL-2950PA (5/94) and HL-2950PAFR (2/95).

Unless formal administrative action is taken prior to May 9, 2019, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](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 Lavery, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, jlaveryt@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JESSICA K. ALTMAN,  
Insurance Commissioner

[Pa.B. Doc. No. 19-273. Filed for public inspection February 22, 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, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by March 11, 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-2018-3006637. Aero Medical Transportation, LLC** (1118 HELLERMAN STREET, Philadelphia, Philadelphia County, PA 19111) for the right to begin to transport, as a common carrier, by motor vehicle, persons in non-emergency medical paratransit service between points in the Counties of Bucks, Chester, Delaware and Montgomery and the City and County of Philadelphia.

**A-2018-3007305. Precision Medical Transport, LLC** (3041 West Chester Pike H6, Broomall, Delaware County, PA 19008) for the right to begin to transport, as a common carrier, by motor vehicle, persons in non-emergency medical paratransit service between points in the Counties of Berks, Bucks, Chester, Delaware, Lancaster, Lehigh and Montgomery and the City and County of Philadelphia.

**Application of the following for approval to begin operating as a broker for transportation of persons as described under the application.**

**A-2018-3006712. Savvy Holdings, LLC, t/a YinzMart.com** (409 North McKean Street, Kittanning, Armstrong County, PA 16201) 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 persons between points in Pennsylvania.

ROSEMARY CHIAVETTA,  
Secretary

[Pa.B. Doc. No. 19-274. Filed for public inspection February 22, 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 March 11, 2019, and must be made with the Secretary, Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy to the First Deputy Chief Prosecutor, Pennsylvania Public Utility Commission.

### Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Big Lulu's Trucking, LLC; Docket No. C-2018-2622901

#### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement Prosecutory Staff hereby represents as follows:

1. That Big Lulu's Trucking, LLC, Respondent, maintains its principal place of business at 7347 Idlewild Street, Pittsburgh, Pennsylvania, 15208.

2. That Respondent was issued a certificate of public convenience by this Commission authorizing transportation of property on September 1, 2017, at Application Docket No. A-2017-2619351.

3. That Respondent, by Commission Secretarial letter dated August 16, 2017, was informed to submit a copy of a current satisfactory safety rating from the U.S. Department of Transportation or another state, within 180 days, or complete a safety fitness review by a Commission enforcement officer. A satisfactory safety fitness rating must be achieved by Respondent in order to maintain a certificate of public convenience to operate as a common carrier of property between points in the Commonwealth of Pennsylvania.

4. That Motor Carrier Enforcement Officer Christopher Urey attempted several times to schedule the required SFR. The SFR was performed on May 9, 2018 and failed the review. A second SFR was scheduled for June 8, 2018.

5. That Respondent failed to show up or rescheduled the second SFR appointment four times, at which point said Officer Urey said he could not keep rescheduling the appointments. Chief of Enforcement David Loucks con-

tacted Respondent and agreed to schedule the second SFR again. Officer Urey has tried repeatedly to schedule the required SFR by phone and e-mail with no success.

6. That Respondent, by failing to achieve a satisfactory evaluation on their safety fitness review, violated 66 Pa.C.S. § 501(c) and, for failure to maintain adequate, efficient and safe service and facilities, violated 66 Pa.C.S. § 1501.

Wherefore, the Bureau of Transportation Investigation and Enforcement Prosecutory Staff hereby requests that the Commission revoke the certificate of public convenience issued to Big Lulu's Trucking, LLC at A-2017-2619351.

Respectfully submitted,  
David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265

#### VERIFICATION

I, David W. Loucks, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 12/19/2018

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

#### NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original shall be mailed to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Or may be sent by overnight delivery to:

400 North Street, 2nd Floor  
Harrisburg, PA 17120

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor  
Bureau of Investigation and Enforcement  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Or, e-mailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this complaint within twenty (20) days, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing a penalty. The penalty could include a

fine, the suspension or revocation of your certificate of public convenience or other remedy.

C. You may elect not to contest this complaint by paying the fine proposed in this Complaint by certified check or money order. Payment must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 P.O. Box 3265  
 Harrisburg, PA 17105-3265

D. Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the complaint proceeding shall be closed.

E. If you file an Answer, which admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing a penalty.

F. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

**Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Foster Trucking Company, LLC; Docket No. C-2019-3003695**

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement Prosecutory Staff hereby represents as follows:

1. That Foster Trucking Company, LLC, Respondent, maintains its principal place of business at 701 North Perry Street, Titusville, Pennsylvania, 16354.

2. That Respondent was issued a certificate of public convenience by this Commission authorizing transportation of property on June 30, 2018, at Application Docket No. A-2018-3002491.

3. That Respondent, by Commission Secretarial letter dated June 7, 2018, was informed to submit a copy of a current satisfactory safety rating from the U.S. Department of Transportation or another state, within 180 days, or complete a safety fitness review by a Commission enforcement officer. A satisfactory safety fitness rating must be achieved by Respondent in order to maintain a certificate of public convenience to operate as a common carrier of property between points in the Commonwealth of Pennsylvania.

4. That Motor Carrier Enforcement Officer Andrew Rosenberger attempted to contact Respondent by telephone on two occasions to schedule the SFR inspection and left a message on an answering machine. A letter went out from the Pittsburgh District Office on December

5, 2018, instructing Respondent to contact the office within ten days to schedule the SFR. The letter was signed for on December 7, 2018, with an illegible signature and the name Foster Trucking printed below the signature. Respondent has failed to contact the district office.

5. That Respondent, by failing to achieve a satisfactory evaluation on their safety fitness review, violated 66 Pa.C.S. § 501(c) and, for failure to maintain adequate, efficient and safe service and facilities, violated 66 Pa.C.S. § 1501.

Wherefore, the Bureau of Transportation Investigation and Enforcement Prosecutory Staff hereby requests that the Commission revoke the certificate of public convenience issued to Foster Trucking Company, LLC at A-2018-3002491.

Respectfully submitted,  
 David W. Loucks, Chief  
 Motor Carrier Enforcement  
 Bureau of Investigation and Enforcement  
 P.O. Box 3265  
 Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 1/3/2019

David W. Loucks, Chief  
 Motor Carrier Enforcement  
 Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original shall be mailed to:

Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 P.O. Box 3265  
 Harrisburg, PA 17105-3265

Or may be sent by overnight delivery to:

400 North Street, 2nd Floor  
 Harrisburg, PA 17120

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor  
 Bureau of Investigation and Enforcement  
 Pennsylvania Public Utility Commission  
 P.O. Box 3265  
 Harrisburg, PA 17105-3265

Or, e-mailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this complaint within twenty (20) days, the Bureau of Investigation and Enforcement

will request that the Commission issue a Secretarial Letter imposing a penalty. The penalty could include a fine, the suspension or revocation of your certificate of public convenience or other remedy.

C. You may elect not to contest this complaint by paying the fine proposed in this Complaint by certified check or money order. Payment must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 P.O. Box 3265  
 Harrisburg, PA 17105-3265

D. Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the complaint proceeding shall be closed.

E. If you file an Answer, which admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing a penalty.

F. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

**Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Martin Scriven Trucking, LLC; Docket No. C-2019-3005388**

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement Prosecutory Staff hereby represents as follows:

1. That Martin Scriven Trucking Company, LLC, Respondent, maintains its principal place of business at 305 South Washington Street, Eau Claire, Pennsylvania, 16030.

2. That Respondent was issued a certificate of public convenience by this Commission authorizing transportation of property on October 15, 2018, at Application Docket No. A-2018-3003599.

3. That Respondent, by Commission Secretarial letter dated August 6, 2018, was informed to submit a copy of a current satisfactory safety rating from the U.S. Department of Transportation or another state, within 180 days, or complete a safety fitness review by a Commission enforcement officer. A satisfactory safety fitness rating must be achieved by Respondent in order to maintain a certificate of public convenience to operate as a common carrier of property between points in the Commonwealth of Pennsylvania.

4. That Motor Carrier Enforcement Officer Gerald Stover attempted to contact Respondent by telephone and

received a message that the number was discontinued. Officer Stover was not able to locate an alternative number to call or an alternative address for the company. Letters went out from the Pittsburgh District Office on December 3, 2018 by certified and first class mail, instructing Respondent to contact the office within ten days to schedule the SFR. The certified letter was returned December 27 as unclaimed. Respondent has failed to contact the district office.

5. That Respondent, by failing to achieve a satisfactory evaluation on their safety fitness review, violated 66 Pa.C.S. § 501(c) and, for failure to maintain adequate, efficient and safe service and facilities, violated 66 Pa.C.S. § 1501.

Wherefore, the Bureau of Transportation Investigation and Enforcement Prosecutory Staff hereby requests that the Commission revoke the certificate of public convenience issued to Martin Scriven Trucking Company, LLC at A-2018-3003599.

Respectfully submitted,  
 David W. Loucks, Chief  
 Motor Carrier Enforcement  
 Bureau of Investigation and Enforcement  
 P.O. Box 3265  
 Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 1/9/2019

David W. Loucks, Chief  
 Motor Carrier Enforcement  
 Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original shall be mailed to:

Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 P.O. Box 3265  
 Harrisburg, PA 17105-3265

Or may be sent by overnight delivery to:

400 North Street, 2nd Floor  
 Harrisburg, PA 17120

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor  
 Bureau of Investigation and Enforcement  
 Pennsylvania Public Utility Commission  
 P.O. Box 3265  
 Harrisburg, PA 17105-3265

Or, e-mailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this complaint within twenty (20) days, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing a penalty. The penalty could include a fine, the suspension or revocation of your certificate of public convenience or other remedy.

C. You may elect not to contest this complaint by paying the fine proposed in this Complaint by certified check or money order. Payment must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 P.O. Box 3265  
 Harrisburg, PA 17105-3265

D. Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the complaint proceeding shall be closed.

E. If you file an Answer, which admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing a penalty.

F. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

**Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. MCS Trucking, LLC; Docket No. C-2018-3006109**

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 MCS Trucking, LLC, (respondent) is under suspension effective November 07, 2018 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 26 B Brookside Dr., Lansdale, PA 19446-7218.

3. That respondent was issued a Certificate of Public Convenience by this Commission on December 23, 2016, at A-8919254.

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 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 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-8919254 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  
 P.O. Box 3265  
 Harrisburg, PA 17105-3265

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: 11/27/2018

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  
 P.O. Box 3265  
 Harrisburg, PA 17105-3265

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  
 P.O. Box 3265  
 Harrisburg, PA 17105-3265

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  
 P.O. Box 3265  
 Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 P.O. Box 3265  
 Harrisburg, PA 17105-3265

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. I-Haul, LLC;  
 Docket No. C-2019-3007075**

**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 I-Haul, LLC, (respondent) is under suspension effective December 31, 2018 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 821 Crescent Drive, Glenolden, PA 19036.

3. That respondent was issued a Certificate of Public Convenience by this Commission on March 11, 2011, at A-8913104.

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 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 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-8913104 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  
 P.O. Box 3265  
 Harrisburg, PA 17105-3265

**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: 1/23/2019

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  
 P.O. Box 3265  
 Harrisburg, PA 17105-3265

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  
 P.O. Box 3265  
 Harrisburg, PA 17105-3265

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  
 P.O. Box 3265  
 Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 P.O. Box 3265  
 Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this num-

ber if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

**Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Crown Limousine, Inc.; Docket No. C-2019-3007367**

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 Crown Limousine, Inc., (respondent) is under suspension effective December 16, 2018 for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at P.O. Box 328, Feasterville, PA 19053.
3. That respondent was issued a Certificate of Public Convenience by this Commission on May 9, 2008, at A-649947.
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 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 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-649947 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  
 P.O. Box 3265  
 Harrisburg, PA 17105-3265

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: 1/24/2019

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  
P.O. Box 3265  
Harrisburg, PA 17105-3265

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  
P.O. Box 3265  
Harrisburg, PA 17105-3265

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  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

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. 19-275. Filed for public inspection February 22, 2019, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Transfer of Indirect Control

**A-2019-3007828 and A-2019-3007829. West Safety Communications, Inc., West Telecom Services, LLC, Olympus Holdings II, LLC and AP VIII Olympus VoteCo, LLC.** Joint application of West Safety Communications, Inc., West Telecom Services, LLC, Olympus Holdings II, LLC and AP VIII Olympus VoteCo, LLC for authority to transfer indirect control of West Safety Communications, Inc. and West Telecom Services, LLC.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before March 11, 2019. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, 400 North Street, 2nd Floor, Commonwealth Keystone Building, 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.

*Joint Applicants:* West Safety Communications, Inc.; West Telecom Services, LLC; Olympus Holdings II, LLC; AP VIII Olympus VoteCo, LLC

*Through and By Counsel:* Michael A. Gruin, Esquire, Stevens & Lee, 16th Floor, 17 North Second Street, Harrisburg, PA 17101

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 19-276. Filed for public inspection February 22, 2019, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Water Service

**A-2019-3007833. Lee E. Mummau, School House Village—Water Division.** Application of Lee E. Mummau, School House Village—Water Division for approval of the abandonment of water service to the public located at Village Lane, Fulton County, Harrisonville.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before March 11, 2019. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, 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:* Lee. E. Mummau, School House Village—Water Division

*Through:* Lee. E. Mummau, Owner, 234 Lugano Street, SW, Sugarcreek, OH 44681

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 19-277. Filed for public inspection February 22, 2019, 9:00 a.m.]

## PHILADELPHIA PARKING AUTHORITY

### Service of Notice of Motor Carrier Applications in the City of Philadelphia

The following permanent authority applications to render service as a common carrier in the City of Philadelphia have been filed with the Philadelphia Parking Authority's (PPA) Taxicab and Limousine Division (TLD). Formal protests must be filed in accordance with 52 Pa. Code Part II (relating to Philadelphia Parking Authority) with the TLD's Office of the Clerk, 2415 South Swanson Street, Philadelphia, PA 19148, no later than March 11, 2019. The nonrefundable protest filing fee is \$5,000 payable to the PPA by certified check or money order. The applications are available for inspection at the TLD between 9 a.m. and 4 p.m., Monday through Friday (contact TLD Director Christine Kirlin, Esq. at (215) 683-9653 to make an appointment) or may be inspected at the business addresses of the respective applicants or attorneys, or both.

**Doc. No. A-19-02-08. Lucas Limousine Service, LLC** (10220 Selmer Terrance, Philadelphia, PA 19116): An application for a limousine certificate of public convenience (CPC) to transport persons and their baggage in luxury limousine service on an exclusive basis, arranged for in advance, between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return.

**Doc. No. A-19-02-09. Kainth Trans, Inc.** (1233 Fanshawe Street, Philadelphia, PA 19111): An application for a medallion taxicab CPC to transport, as a common

carrier, persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return. *Attorney for Applicant:* Danielle Friedman, Esq., 2301 Church Street, Philadelphia, PA 19124.

**Doc. No. A-19-02-10. Rahman Brothers Taxi, LLC** (814 Brighton Street, Philadelphia, PA 19111): An application for a medallion taxicab CPC to transport, as a common carrier, persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return. *Attorney for Applicant:* David R. Alperstein, Esq., 1080 North Delaware Avenue, Suite 505, Philadelphia, PA 19125.

**Doc. No. A-19-02-11. Ark Taxi, LLC** (7439 Sumnerdale Road, Philadelphia, PA 19111): An application for a medallion taxicab CPC to transport, as a common carrier, persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return. *Attorney for Applicant:* David R. Alperstein, Esq., 1080 North Delaware Avenue, Suite 505, Philadelphia, PA 19125.

SCOTT PETRI,  
*Executive Director*

[Pa.B. Doc. No. 19-278. Filed for public inspection February 22, 2019, 9:00 a.m.]

## PHILADELPHIA PARKING AUTHORITY

### Service of Notice of Taxicab and Limousine Division Formal Complaint

#### Philadelphia Parking Authority, Taxicab and Limousine Division v. Crown Limousine, Inc.; Doc. No. C-19-01-118

Attention Crown Limousine, Inc., c/o Israel Ziano, President, last known address of 15 Joshua Drive, Richboro, PA 18954: Citation T-27891 has been issued to you by first-class proof-of-mail on January 18, 2019, by the Enforcement Department of the Philadelphia Parking Authority's Taxicab and Limousine Division (TLD) citing you have committed a violation of 52 Pa. Code § 1051.4 for "failure to pay assessment," which carries a recommended penalty of \$500 along with cancellation of your luxury limousine certificate of public convenience (CPC) No. 1020995-07, if this violation is not corrected. Pursuant to 52 Pa. Code § 1005.13(b) (relating to answer to citations), an answer to the Citation was due no later than February 5, 2019.

However, the Citation was mailed to you at your last known address referenced above but has been returned to the TLD by the United States Postal Service marked as "return to sender, not deliverable as addressed, unable to forward." Therefore, service of the Citation is being accomplished through this notice pursuant to 52 Pa. Code § 1001.51(e) (relating to alternative service).

To avoid a default order being entered against you, and the above penalties being levied including cancellation of your CPC, you shall answer the Citation by completing one of the following:

(1) No later than forty-eight (48) hours after the date of this publication, which is no later than February 25, 2019, you shall:

a. Correct the violation by paying the full outstanding assessment as previously noticed to you and pay a reduced penalty of \$100 in a form as provided in 52 Pa. Code § 1001.42 (relating to mode of payment), payable to the Philadelphia Parking Authority; or

(2) No later than fifteen (15) days after the date of this publication, which is no later than March 11, 2019, you shall complete one of the following:

a. Plead liable to the violation and remit payment of the full penalty of \$500 as referenced above and in a form as provided in 52 Pa. Code § 1001.42, payable to the Philadelphia Parking Authority; or

b. Plead not liable by filing a hearing request as provided in 52 Pa. Code § 1005.13(b).

The payments and/or hearing request shall be filed with the TLD Clerk at: Philadelphia Parking Authority, Taxicab and Limousine Division, Attn: Office of the Clerk, 2415 S. Swanson Street, Philadelphia, PA 19148-4113.

Lastly, you are further advised that the Enforcement Department intends to initiate an out of service designation against your CPC. Failure to provide proof to the Enforcement Department that the violation outlined in the Citation was corrected within five (5) days from the date of this publication, which is no later than February 28, 2019, the Enforcement Department may place your CPC out of service. See 52 Pa. Code § 1003.32 (relating to out of service designation).

SCOTT PETRI,  
*Executive Director*

[Pa.B. Doc. No. 19-279. Filed for public inspection February 22, 2019, 9:00 a.m.]

## SUSQUEHANNA RIVER BASIN COMMISSION

### Commission Meeting

The Susquehanna River Basin Commission (Commission) will hold its regular business meeting on March 15, 2019, at 9 a.m. at the Crowne Plaza Annapolis, 173 Jennifer Road, Annapolis, MD 21401. Details concerning the matters to be addressed at the business meeting are contained in the Supplementary Information section of this notice. The Commission also published a document at 84 FR 2296 (February 6, 2019), concerning its public hearing on February 7, 2019, in Harrisburg, PA.

For further information contact Ava Stoops, Administrative Specialist, (717) 238-0423, Ext. 1302.

#### *Supplementary Information*

The business meeting will include actions or presentations on the following items: (1) informational presentation of interest to the lower Susquehanna River region; (2) Fiscal Year 2020 budget reconciliation; (3) consideration of an amendment to the irrevocable retiree health trust; (4) resolution adopting recommendations of the 2018 Pennsylvania performance audit; (5) ratification/approval of contracts/grants; (6) a report on delegated settlements; (7) resolution to balance renewal cycle workload; and (8) Regulatory Program projects.

Regulatory Program projects listed for Commission action are those that were the subject of public hearings

conducted by the Commission on February 7, 2019, and identified in the notice for the hearings published at 84 FR 2296.

The public is invited to attend the Commission's business meeting. Comments on the Regulatory Program projects were subject to a deadline of February 18, 2019. Written comments pertaining to other items on the agenda at the business meeting may be mailed to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788, or submitted electronically through [www.srbc.net/about/meetings-events/business-meeting.html](http://www.srbc.net/about/meetings-events/business-meeting.html). The comments are due to the Commission on or before February 18, 2018. Comments will not be accepted at the business meeting noticed herein.

*Authority:* Pub.L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808

*Dated:* February 8, 2019

ANDREW D. DEHOFF,  
*Executive Director*

[Pa.B. Doc. No. 19-280. Filed for public inspection February 22, 2019, 9:00 a.m.]

## SUSQUEHANNA RIVER BASIN COMMISSION

### Projects Approved for Consumptive Uses of Water

The Susquehanna River Basin Commission (Commission) approved by rule the following list of projects from January 1, 2019, through January 31, 2019.

For further information contact Jason E. Oyler, General Counsel, (717) 238-0423, Ext. 1312, fax (717) 238-2436, [joyler@srbc.net](mailto:joyler@srbc.net). Regular mail inquiries may be sent to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

#### *Supplementary Information*

This notice lists the projects, described as follows, receiving approval for the consumptive use of water under the Commission's approval by rule process in 18 CFR 806.22(e) and (f) (relating to standards for consumptive uses of water) for the time period previously specified:

#### *Approvals by Rule Issued Under 18 CFR 806.22(f):*

1. Chief Oil & Gas, LLC; Pad ID: HOFFMAN UNIT PAD, ABR-201901002; Overton Township, Bradford County, PA; Consumptive Use of Up to 2.5000 mgd; Approval Date: January 7, 2019.

2. Cabot Oil & Gas Corporation; Pad ID: SquierR P1, ABR-201401004.R1; Brooklyn Township, Susquehanna County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: January 24, 2019.

3. Pin Oak Energy Partners LLC; Pad ID: Wolfinger Pad A (Beechwood), ABR-201901001; Shippen Township, Cameron County and St. Marys City, Elk County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: January 28, 2019.

4. Repsol Oil & Gas USA, LLC; Pad ID: COOLEY (05 266) D, ABR-201901003; Pike Township, Bradford County, PA; Consumptive Use of Up to 6.0000 mgd; Approval Date: January 28, 2019.

5. SWN Production Company, LLC; Pad ID: NR-15-HUGHES-PAD; ABR-201401007.R1; Great Bend Township, Susquehanna County, PA; Consumptive Use of Up to 4.9990 mgd; Approval Date: January 29, 2019.

6. SWN Production Company, LLC; Pad ID: WY 04 DIMMIG, ABR-201401009.R1; Forkston Township, Wyoming County, PA; Consumptive Use of Up to 4.9990 mgd; Approval Date: January 29, 2019.

*Authority:* Pub.L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808

*Dated:* February 8, 2019

ANDREW D. DEHOFF,  
*Executive Director*

[Pa.B. Doc. No. 19-281. Filed for public inspection February 22, 2019, 9:00 a.m.]