

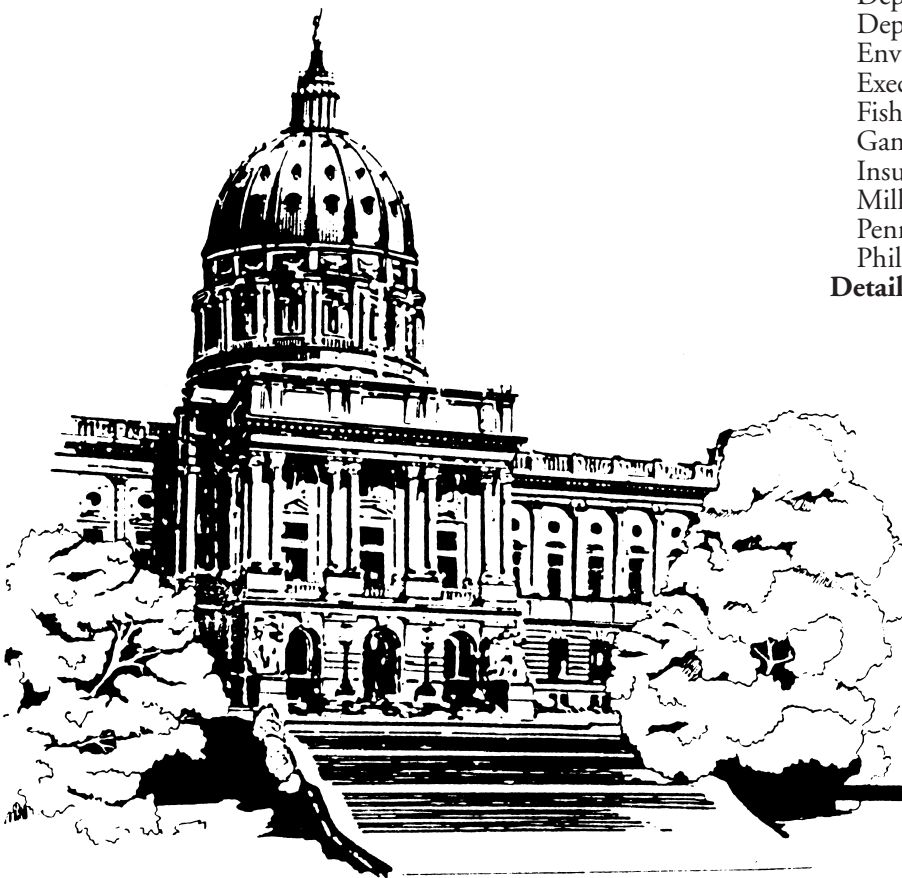
# PENNSYLVANIA BULLETIN

Volume 50  
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**Agencies in this issue**

The General Assembly  
The Courts  
Capitol Preservation Committee  
Department of Agriculture  
Department of Banking and Securities  
Department of Conservation and Natural Resources  
Department of Environmental Protection  
Department of Revenue  
Department of Transportation  
Environmental Quality Board  
Executive Board  
Fish and Boat Commission  
Game Commission  
Insurance Department  
Milk Marketing Board  
Pennsylvania Public Utility Commission  
Philadelphia Parking Authority

**Detailed list of contents appears inside.**



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

**No. 544, March 2020**

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# CONTENTS

## THE GENERAL ASSEMBLY

### THE GENERAL ASSEMBLY

Recent actions during the 2020 regular session of  
the General Assembly . . . . . 1502

## THE COURTS

### DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of disbarment . . . . . 1507

### LOCAL COURT RULES

#### Berks County

Amendments to local rules; No. 20-209 prothonotary . 1503

#### Delaware County

Local Rule No. 507 approval of police complaints  
and arrest affidavits by the attorney for the  
Commonwealth; No. MD 1545-17 . . . . . 1504

#### Montgomery County

Rescission of local rule of criminal procedure  
542\*(G), (H). preliminary hearing; adoption of  
local rule of criminal procedure 542\*(H), (I). pre-  
liminary hearing; No. AD75-2020 . . . . . 1505

#### Northampton County

Administrative order 2020-4; No. C-48-CV-2020-  
1644 . . . . . 1506

### PHILADELPHIA RULES

Philadelphia licenses and inspections liens filed  
pursuant to the Municipal Claim and Tax Lien  
Act (MCTLA), 53 P.S. §§ 7101—7505; administra-  
tive order No. 03 of 2020 . . . . . 1503

## EXECUTIVE AND INDEPENDENT AGENCIES

### CAPITOL PRESERVATION COMMITTEE

#### Notices

Request for proposals . . . . . 1555

### DEPARTMENT OF AGRICULTURE

#### Notices

Addendum to the order of quarantine; spotted  
lanternfly . . . . . 1555

### DEPARTMENT OF BANKING AND SECURITIES

#### Notices

Actions on applications . . . . . 1555

### DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

#### Notices

Conservation and Natural Resources Advisory  
Council meeting . . . . . 1557

### DEPARTMENT OF ENVIRONMENTAL PROTECTION

#### Notices

Applications, actions and special notices . . . . . 1557  
Availability of rebates through the Pennsylvania  
Alternative Fuels Incentive Grant Program . . . . . 1622  
Bid opportunity (3 documents) . . . . . 1622, 1623  
Laboratory Accreditation Advisory Committee meet-  
ing cancellation . . . . . 1623  
Proposed revision to the Infrastructure State  
Implementation Plan for the 2015 8-hour ozone  
National Ambient Air Quality Standard; public hear-  
ing . . . . . 1623

### DEPARTMENT OF REVENUE

#### Rules and Regulations

iLottery . . . . . 1528

### DEPARTMENT OF TRANSPORTATION

#### Notices

Finding . . . . . 1624

### ENVIRONMENTAL QUALITY BOARD

#### Rules and Regulations

Federal Office of Surface Mining Reclamation and  
Enforcement Program consistency . . . . . 1508

### EXECUTIVE BOARD

#### Statements of Policy

Reorganization of the Department of Corrections . . . 1551  
Reorganization of the Department of Education . . . . 1551  
Reorganization of the Department of Transporta-  
tion . . . . . 1551

### FISH AND BOAT COMMISSION

#### Rules and Regulations

Fishing; general fishing regulations . . . . . 1526  
Fishing in Lake Erie and boundary lakes . . . . . 1527

#### Notices

Temporary change to fishing regulations; Delaware  
River, West Branch Delaware River and river  
estuary . . . . . 1625  
Triploid grass carp permit application . . . . . 1625

### GAME COMMISSION

#### Proposed Rulemaking

Preliminary provisions; lands and buildings . . . . . 1549

### INSURANCE DEPARTMENT

#### Notices

Application for designation as a certified reinsurer . . 1626  
Continental General Insurance Company (SERFF #  
GLTC-132119342); rate increase filing for several  
individual LTC forms . . . . . 1626

### MILK MARKETING BOARD

#### Notices

Special sunshine meeting . . . . . 1626

### PENNSYLVANIA PUBLIC UTILITY COMMISSION

#### Notices

Service of notice of motor carrier applications . . . . . 1627  
Service of notice of motor carrier formal complaints . . 1627

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**PHILADELPHIA PARKING AUTHORITY**

**Notices**

Service of notice of motor carrier applications in the  
City of Philadelphia..... 1634

Service of notice of taxicab and limousine division  
formal complaint..... 1635

# 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.pacodeandbulletin.gov](http://www.pacodeandbulletin.gov).

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.

The *Pennsylvania Bulletin* is available at [www.pacodeandbulletin.gov](http://www.pacodeandbulletin.gov).

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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 2020.

## 4 Pa. Code (Administration)

**Adopted Rules**  
1 ..... 902

### Statements of Policy

9 ..... 328, 546, 915, 1118, 1551

## 25 Pa. Code (Environmental Protection)

**Adopted Rules**  
86 ..... 1508  
87 ..... 1508  
88 ..... 1508  
89 ..... 1508  
90 ..... 1508

### Proposed Rules

250 ..... 1011

## 28 Pa. Code (Health and Safety)

**Adopted Rules**  
26 ..... 1352

## 31 Pa. Code (Insurance)

**Proposed Rules**  
168 ..... 798

## 34 Pa. Code (Labor and Industry)

**Adopted Rules**  
91 ..... 792  
93 ..... 792  
95 ..... 792

## 49 Pa. Code (Professional and Vocational Standards)

**Adopted Rules**  
43b ..... 1354

### Proposed Rules

25 ..... 1364  
39 ..... 668

## 52 Pa. Code (Public Utilities)

**Adopted Rules**  
77 ..... 469

## 58 Pa. Code (Recreation)

**Adopted Rules**  
63 ..... 1526  
69 ..... 1527  
119 ..... 1246

### Proposed Rules

63 ..... 1247  
131 ..... 1549  
135 ..... 1372, 1549  
139 ..... 1373  
141 ..... 1379, 1380, 1384, 1385  
147 ..... 1387, 1390

## 61 Pa. Code (Revenue)

**Adopted Rules**  
876 ..... 1528

## 67 Pa. Code (Transportation)

**Adopted Rules**  
601 ..... 545

## 204 Pa. Code (Judicial System General Provisions)

**Adopted Rules**  
27 ..... 1344  
33 ..... 1108  
71 ..... 641, 1239  
83 ..... 197  
85 ..... 647  
91 ..... 647  
93 ..... 647, 648, 651

### Proposed Rules

83 ..... 642  
85 ..... 642  
89 ..... 642  
91 ..... 642  
93 ..... 642

## 207 Pa. Code (Judicial Conduct)

**Adopted Rules**  
33 ..... 7, 197, 1239

## 210 Pa. Code (Appellate Procedure)

**Adopted Rules**  
1 ..... 505, 535  
3 ..... 505  
5 ..... 505  
7 ..... 505  
9 ..... 505, 535  
11 ..... 535  
13 ..... 505, 535  
15 ..... 505  
16 ..... 505  
17 ..... 505, 535  
19 ..... 505  
23 ..... 535  
27 ..... 505  
33 ..... 505, 535  
37 ..... 651  
69 ..... 657

### Proposed Rules

3 ..... 303  
19 ..... 304

## 231 Pa. Code (Rules of Civil Procedure)

**Adopted Rules**  
200 ..... 198, 306  
400 ..... 199  
1000 ..... 199  
Part II ..... 306

## 249 Pa. Code (Philadelphia Rules)

Unclassified ..... 788, 1503

## 252 Pa. Code (Allegheny County Rules)

Unclassified ..... 307

## 255 Pa. Code (Local Court Rules)

Unclassified . 199, 200, 667, 790, 904, 912, 913, 914, 1114,  
1115, 1116, 1350, 1503, 1504, 1505, 1506

# THE GENERAL ASSEMBLY

## THE GENERAL ASSEMBLY

### Recent Actions during the 2020 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during the 2020 Regular Session:

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
<b>2020 General Acts of Regular Session Enacted—Act 001 through 008</b>					
001	Feb 5	S0060	PN1391	60 days	Crimes Code (18 Pa.C.S.) and Judicial Code (42 Pa.C.S.)—offense of trafficking in individuals, offense of patronizing a victim of sexual servitude and asset forfeiture
002	Feb 5	S0690	PN0829	60 days	Incorporated Towns Contracts Regulated—power to convey
003	Feb 5	S0691	PN0830	60 days	Second Class Township Code—real property
004	Feb 5	S0692	PN0831	60 days	Boroughs and Incorporated Towns (8 Pa.C.S.) and Cities (11 Pa.C.S.)—real property and city property and affairs
005	Feb 12	H0330	PN0883	60 days	Taxpayer Relief Act—editorial changes to incorrect references
006	Feb 12	H0427	PN2901	60 days	Fair Access to Cancer Treatment Act—enactment
007	Feb 12	H1001	PN3258	Immediately*	Keystone Mothers' Milk Bank Act—enactment
008	Feb 12	S0432	PN1490	Immediately*	Achieving Better Care by Monitoring All Prescriptions Program (ABC-MAP) Act—access to prescription information
<b>2020 Joint Resolutions of Regular Session Passed—JR 001</b>					
001	Feb 3	S0133	PN1185		Constitution of Pennsylvania—Lieutenant Governor
<b>2020 Vetoes of Regular Session of Bills—Veto 001</b>					
001	Feb 12	S0906	PN1447		Mental Health and Intellectual Disability Act of 1966—State center closure moratorium

\* denotes an effective date with exceptions

#### Effective Dates of Statutes

The effective dates specified for laws and appropriation acts were contained in the applicable law or appropriation act. Where no date is specified or where the effective date specified is prior to the date of enactment, the effective date is 60 days after final enactment except for statutes making appropriations or affecting budgets of political subdivisions. See 1 Pa.C.S. §§ 1701—1704 (relating to effective date of statutes).

#### Advance Copies of Statutes

Section 1106 of 1 Pa.C.S. (relating to prothonotaries to keep files of advance copies of statutes) provides that the prothonotaries of each county shall file advance copies of statutes in their offices for public inspection until the *Laws of Pennsylvania* are generally available.

One-time purchases of the advance copies of statutes can be purchased through the State Bookstore's web site at [www.shoppaheritage.com](http://www.shoppaheritage.com).

VINCENT C. DeLIBERATO, Jr.,  
*Director*  
*Legislative Reference Bureau*

[Pa.B. Doc. No. 20-367. Filed for public inspection March 13, 2020, 9:00 a.m.]



# THE COURTS

## Title 249—PHILADELPHIA RULES

### PHILADELPHIA COUNTY

#### Philadelphia Licenses and Inspections Liens Filed Pursuant to the Municipal Claim and Tax Lien Act (MCTLA), 53 P.S. §§ 7101—7505; Administrative Order No. 03 of 2020

#### Order

And Now, this 24th day of February, 2020, it is hereby Ordered and Decreed as follows:

(1) effective March 2, 2020 and thereafter, the City of Philadelphia may electronically file and the Office of Judicial Records (formerly the “Prothonotary”) shall receive, new City of Philadelphia Licenses & Inspections (“L & I”) Abatement Cost Liens which shall be indexed and searchable through the dockets maintained by the Office of Judicial Records and the First Judicial District of Pennsylvania; and

(2) effective with such new liens filed on and after March 2, 2020 the Office of Judicial Records shall assess and collect the filing fee required by its fee bill, 42 Pa.C.S. § 1725, as may be amended from time to time, as set forth in the Fee Schedule of the Office of Judicial Records which is available on the website of the First Judicial District at [www.courts.phila.gov/pdf/prothyfees.pdf](http://www.courts.phila.gov/pdf/prothyfees.pdf) (see “Filing of a Lien as a First Filing”). Provided, however, that at the discretion of the City of Philadelphia, the mandated filing fee may be added by the City of Philadelphia to the amount owed by the owner(s) of the real estate rather than being paid upon filing of the lien, shall be collected by the City of Philadelphia, and shall be paid to the Office of Judicial Records by the City of Philadelphia when the City of Philadelphia requests the Office of Judicial Records to mark the lien as satisfied.

It is further Ordered and Decreed that:

(a) the Office of Judicial Records shall migrate, as soon as practicable, all existing and unsatisfied L & I Abatement Liens filed pursuant to the Municipal Claim and Tax Liens Act (“MCTLA”), 53 P.S. §§ 7101—7505, to the Banner case management system, and such liens shall be indexed and searchable through the dockets maintained by the Office of Judicial Records and the First Judicial District of Pennsylvania; and

(b) the Office of Judicial Records shall continue to maintain an in rem index, the form and location of which shall be within the discretion of the Office of Judicial Records.

This Order is issued in accordance with the Municipal Claim and Tax Liens Act (“MCTLA”), Act of May 16, 1923, P.L. 207, 53 P.S. §§ 7101—7505. This Order is issued in accordance with Pa.R.C.P. No. 239 and the April 11, 1986 Order of the Supreme Court of Pennsylvania, Eastern District, No. 55 Judicial Administration. The original order shall be filed with the Office of Judicial Records in a Docket maintained for Administrative orders issued by the Administrative Judge of the Trial Division, Court of Common Pleas of Philadelphia County, and shall be submitted to the *Pennsylvania Bulletin* for publication. Copies of the order shall be submitted to the Administrative Office of Pennsylvania Courts, American Lawyer Media, *The Legal Intelligencer*, Jenkins Memorial Law Library, and the Law Library for the First Judicial District of Pennsylvania, and shall be posted on the

website of the First Judicial District of Pennsylvania: <http://www.courts.phila.gov/regs>.

By the Court

HONORABLE JACQUELINE F. ALLEN,  
Administrative Judge  
Trial Division  
Court of Common Pleas, Philadelphia County  
First Judicial District of Pennsylvania

[Pa.B. Doc. No. 20-368. Filed for public inspection March 13, 2020, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### BERKS COUNTY

#### Amendments to Local Rules; No. 20-209 Prothonotary

#### Order

And Now, this 13th day of February, 2020, the following new Berks County Rules of Civil Procedure 1915.11-1 shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*, in accordance with Pa.R.J.A. No. 103(d)(5)(iii).

The District Court Administrator is Ordered and Directed to:

1. Submit one (1) copy of this Order, including the amended rule, to the appropriate Rules Committee of the Supreme Court of Pennsylvania for review.

2. Distribute two (2) copies of this Order, including the amended rule, and one (1) disk copy to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. File one (1) copy of this Order, including the amended rules, with the Administrative Office of Pennsylvania Courts contemporaneously with publishing the local rules in the *Pennsylvania Bulletin*.

4. Compile the local rules within the complete set of local rules available on the Berks County Court website no later than 30 days following publication in the *Pennsylvania Bulletin*.

5. Distribute one (1) copy of this Order, including the amended rule to the Berks County Prothonotary's Office so they can keep them continuously available for public inspection and copying.

THOMAS G. PARISI,  
President Judge

#### Rule 1915.11-1. Parenting Coordination.

The 23rd Judicial District is implementing a parenting coordination program pursuant to Pa.R.C.P. 1915.11-1. A roster of qualified individuals to serve as parenting coordinators and their hourly rates shall be posted on the court's website at [www.co.berks.pa.us](http://www.co.berks.pa.us).

...

(b)(2)(ii) An attorney or mental health professional seeking to be included on the Berks County roster of qualified individuals to serve as a parenting coordinator shall submit a signed affidavit to Court Administration as designee of the Administrative Family Court Judge attesting that he or she meets the qualifications outlined in the state rule.

(b)(2)(iii) Every two years after submission of the initial affidavit, a parenting coordinator shall submit a new affidavit to Court Administration attesting that he or she continues to meet the qualifications for a parenting coordinator.

...

(g) *Fees.*

(1) Following the appointment of a parenting coordinator, the parties shall pay the parenting coordinator his or her hourly rate as set forth on the roster of qualified individuals to serve as parenting coordinators at [www.co.berks.pa.us](http://www.co.berks.pa.us) pursuant to the allocation contained in the appointment order. The parenting coordinator may reallocate the fees, subject to the approval of the court, if one party has caused a disproportionate need for the services of the parenting coordinator.

...

(3)(a) Low-income parties whose income is determined to be 199% of the federal poverty level or lower for the current year shall be eligible for the Modest Means Program and shall pay their allocated portion to the parenting coordinator at a reduced hourly rate as set by the Court.

(b) A party who qualifies for In Forma Pauperis status shall not pay any fee for their allocated portion. A parenting coordinator who seeks appointment in Berks County as a parenting coordinator agrees to serve on a pro bono basis for up to the maximum number of hours per year as established by the Berks County Bar Association and approved by the Court.

[Pa.B. Doc. No. 20-369. Filed for public inspection March 13, 2020, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### DELAWARE COUNTY

#### Local Rule No. 507 Approval of Police Complaints and Arrest Affidavits by the Attorney for the Commonwealth; No. MD 1545-17

##### Administrative Order

*And Now*, this 10th day of February, 2020, it is hereby *Ordered* and *Decreed* that the following local Rule 507 is *Adopted*.

This local Rule 507 *Shall* become effective thirty (30) days after publication of the same in the *Pennsylvania Bulletin*.

Upon publication of the following local Rule 507 and the same taking effect, the previous local Rule 507A<sup>1</sup> *Shall* be contemporaneously *Rescinded*.

*By the Court*

KEVIN F. KELLY,  
*President Judge*

#### Proposed Local Rule 507

#### Rule 507. Approval of Police Complaints and Arrest Warrant Affidavits By Attorney For the Commonwealth.

(A) The District Attorney of Delaware County having past filed a certificate pursuant to Pennsylvania Rule of Criminal Procedure 507—Approval of Police Complaints

<sup>1</sup> See Order dated March 4, 2014, No. MD 525-2014, and 44 Pa.B. 1878 (March 29, 2014).

and Arrest Warrant Affidavits by Attorney for the Commonwealth, as defined in the Rules of Criminal Procedure, charging the following criminal offenses:

- Criminal Homicide in violation of 18 Pa.C.S.A. Section 2501;
- Murder in any degree in violation of 18 Pa.C.S.A. Section 2502;
- Voluntary Manslaughter in violation of 18 Pa.C.S.A. Section 2503;
- Involuntary Manslaughter in violation of 18 Pa.C.S.A. Section 2504;
- Causing or aiding suicide in violation of 18 Pa.C.S.A. Section 2505;
- Drug delivery resulting in death in violation of 18 Pa.C.S.A. Section 2506;
- Criminal Homicide of unborn child in violation of 18 Pa.C.S.A. Section 2603;
- Murder in any degree of unborn child in violation of 18 Pa.C.S.A. Section 2604;
- Voluntary Manslaughter of unborn child in violation of 18 Pa.C.S.A. Section 2605;
- Aggravated Assault of unborn child in violation of 18 Pa.C.S.A. Section 2606;
- Homicide by Vehicle in violation of 75 Pa.C.S.A. Section 3732;
- Homicide by Vehicle While Driving Under the Influence in violation of 75 Pa.C.S.A. Section 3735;
- Aggravated Assault by vehicle While Driving Under the Influence in violation of 75 Pa.C.S.A. Section 3735.1;
- Aggravated Assault by Vehicle in violation of 75 Pa.C.S.A. Section 3732.1;
- Rape in violation of 18 Pa.C.S.A. Section 3121;
- Statutory Sexual Assault in violation of 18 Pa.C.S.A. Section 3122.1;
- Involuntary Deviate Sexual Intercourse in violation of 18 Pa.C.S.A. Section 3123;
- Sexual Assault in violation of 18 Pa.C.S.A. Section 3124.1;
- Institutional Sexual Assault in violation of 18 Pa.C.S.A. Section 3142.2; and
- Aggravated Indecent Assault in violation of 18 Pa.C.S.A. Section 3125;

Such police complaints and/or arrest warrant affidavits shall not hereafter be accepted by any judicial officer unless the Complaint and/or Affidavit have the approval of a Deputy District Attorney, Chief Assistant District Attorney or the First Assistant District Attorney of the Delaware County District Attorney's Office prior to filing.

(B) Upon disapproval of a police complaint, arrest warrant affidavit and/or both by a reviewing Commonwealth's attorney, the lawyer for the Commonwealth shall furnish to the police officer who prepared the complaint, affidavit, or both a written notice of the disapproval, in substantially the following form, and the Commonwealth's attorney shall maintain a record of the written notice.

District Attorney File No. \_\_\_\_\_  
 NOTICE AND RECORD OF DISAPPROVAL  
 COMMONWEALTH OF PENNSYLVANIA

VS.

Complaint/Affidavit/  
 Application of: \_\_\_\_\_  
 Charge: \_\_\_\_\_  
 Police Number: \_\_\_\_\_  
 Police Department: \_\_\_\_\_  
 Time: \_\_\_\_\_  
 Location: \_\_\_\_\_

Occurrence Date: \_\_\_\_\_

SUMMARY OF FACTS AND PROBABLE CAUSE:

CLEAN/NCIC check reveals no outstanding warrants:  
 Date \_\_\_\_\_

Source of Information \_\_\_\_\_

REASON(S) FOR DISAPPROVAL (Please check appropriate reason)

- \_\_\_ IC=Insufficient Corroboration
- \_\_\_ IE=Insufficient Evidence
- \_\_\_ II=Identification Inconclusive
- \_\_\_ IJ=Interest of Justice
- \_\_\_ IS=Inadmissible Evidence
- \_\_\_ IP=Insufficient Probable Cause
- \_\_\_ LJ=Lacks Jurisdiction
- \_\_\_ LP=Lacks Prosecutorial Merit
- \_\_\_ UW=Unavailable or Uncooperative Witness
- Other: \_\_\_\_\_

- \_\_\_ UV=Unavailable or Uncooperative Victim
- \_\_\_ WC=Witness Credibility Contradicted
- \_\_\_ ID=Inadequate Description of Persons,  
 Premises Or Property
- \_\_\_ NS=Insufficient Cause for  
 Nighttime Search

DISAPPROVED BY: \_\_\_\_\_  
 Attorney for the Commonwealth  
 Date: \_\_\_\_\_

(C) No defendant shall have the right to any relief of any kind based solely on a violation of this Rule.

[Pa.B. Doc. No. 20-370. Filed for public inspection March 13, 2020, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### MONTGOMERY COUNTY

#### Rescission of Local Rule of Criminal Procedure 542\*(G), (H). Preliminary Hearing; Adoption of Local Rule of Criminal Procedure 542\*(H), (I). Preliminary Hearing; No. AD75-2020

#### Order

And Now, this 20th day of February, 2020, the Court hereby Rescinds Montgomery County Local Rule of Criminal Procedure 542\*(G), (H)—Preliminary Hearing, and Adopts Montgomery County Local Rule of Criminal Procedure 542\*(H), (I)—Preliminary Hearing. These Rule changes shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

The Court Administrator is directed to publish this Order once in the *Montgomery County Law Reporter* and in *The Legal Intelligencer*. In conformity with Pa.R.J.A. 103, one (1) certified copy of this Order shall be filed with the Administrative Office of Pennsylvania Courts. Two (2) certified copies shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania*

*Bulletin*. One (1) copy shall be filed with the Law Library of Montgomery County, and one (1) copy with each Judge of this Court. This Order shall also be published on the Court's website and incorporated into the complete set of the Court's Local Rules.

By the Court

THOMAS M. DeLRICCI,  
*President Judge*

#### Rule 542\*(G), (H). Preliminary Hearing.

Rescinded.

#### Rule 542\*(H), (I). Preliminary Hearing.

(H) In all cases where the defendant or defense counsel elects to make a stenographic, mechanical, or electronic recording of the proceeding pursuant to (C)(5) of this Rule, the defendant or defense counsel shall advise the issuing authority of same prior to the commencement of the proceeding. The defendant or defense counsel may make an audio recording of the proceeding only. The defendant or defense counsel may not make a video recording of the proceeding. The issuing authority has the right to inspect any recording device, at any time during the proceeding, to ensure compliance with this Rule.

(I) In all cases where there is a transcript taken by a court reporter of a preliminary hearing in a criminal case, the entire cost of the notes of testimony which shall include an original for the Court, and a copy each to the Commonwealth and the defendant, shall be borne equally between the Commonwealth and defense counsel. If any extra copies are ordered, the party requesting the extra copy shall be responsible for same.

*Comments:*

1. A preliminary hearing before an issuing authority is not a record proceeding. See Pa.R.Crim.P. 115(A). As a result, any recording made pursuant to the above Rule, or any transcription thereof, does not constitute an official “record” of the preliminary hearing;

2. Defendants and defense counsel are reminded that any recording made pursuant to the above Rule is subject to the prohibitions of Pa.R.Crim.P. 112(D), which specifically notes that “such recordings shall not be publicly played or disseminated in any manner unless in a court during a trial or hearing.”;

3. The provisions of section (H) above apply equally to any individual identified in Pa.R.Crim.P. 112(D) who causes “a recording to be made” of a preliminary hearing.

[Pa.B. Doc. No. 20-371. Filed for public inspection March 13, 2020, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### NORTHAMPTON COUNTY

#### Administrative Order 2020-4; No. C-48-CV-2020-1644

##### Administrative Order

*And Now*, this 21st day of February, 2020, it is hereby *Ordered* that:

1. Northampton County Rule of Civil Procedure N1017 is hereby repealed;

2. Northampton County Rule of Civil Procedure N212A is hereby amended, and the amended rule follows hereto; and

3. Northampton County Rule of Civil Procedure N1028(c) is hereby amended; and the amended rule follows hereto.

*By the Court*

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

#### **Rule N1017. (Repealed).**

#### **Rule N1028(c). Procedure for Disposition of Preliminary Objections.**

Preliminary objections shall be resolved on an argument list and shall be filed and briefed in conformity with Rule N211.

(1) When the preliminary objections can be resolved from facts of record and no evidentiary hearing is required, within twenty (20) days of the filing of preliminary objections, the objecting party shall file a praecipe and accompanying brief in support of the objections with the Clerk of Courts—Civil in conformity with Rule N211.

(a) If a brief is not filed in accordance with this rule, the preliminary objections shall be dismissed by the

court, as of course, unless the time for filing has been extended by the court. The Clerk of Courts—Civil shall docket the order dismissing the preliminary objections and shall give notice thereof by ordinary mail to the objecting party or that party’s counsel. If the objecting party is required under the Rules of Civil Procedure to file a responsive pleading, it shall be filed within twenty (20) days of the mailing of notice by the Clerk of Courts—Civil of the dismissal of the preliminary objections.

(2) When the preliminary objections are endorsed with a notice to plead because the objections involve issues that cannot be determined from facts of record, the preliminary objections shall be filed and appropriate time shall be allowed for the responding party to file a response before the objecting party shall praecipe the objections for an evidentiary hearing in compliance with Rule N209. Within twenty (20) days of the completion of the evidentiary record, or if the objecting party deems that a hearing is not necessary because of admissions in the response within twenty (20) days of the date of the filing of the response, the objecting party shall file a praecipe and accompanying brief in support of the objections with the Clerk of Courts—Civil in conformity with Rule N211.

(a) If a praecipe for an evidentiary hearing or for argument is not filed within twenty (20) days of the responding party filing a response to the preliminary objections, the responding party may move to have the preliminary objections dismissed.

(b) If an evidentiary hearing is held pursuant to Rule N209, the objecting party shall file a praecipe and accompanying brief in support of the objections with the Clerk of Courts—Civil in conformity with Rule N211 within twenty (20) days of the completion of the evidentiary record. If such praecipe and accompanying brief are not timely filed, the responding party may move to have the preliminary objections dismissed.

#### **Rule N212A. Case Management/Trial Lists.**

(a) Upon the filing of an answer to a complaint in a civil action, the court will issue a case management order setting deadlines for completing discovery, serving expert reports, and filing pre-trial motions. The case management order shall also set the date for a pre-trial conference.

The parties may agree to alter the deadlines and dates set by the case management order by delivering a stipulation and proposed order to Court Administration for transmittal to a judge for approval by the court.

If the parties determine that the complexity of the case requires a specialized case management order and cannot agree to a stipulated order, any party may request a status conference by contacting Court Administration.

(b) The Court Administrator shall prepare jury and non-jury trial lists in accordance with case management orders and forward such lists to each attorney of record and each unrepresented party at least thirty (30) days prior to the preliminary call of the list. The day-by-day list shall be prepared in the order in which the actions were commenced or as directed by the court. See Pa.R.C.P. 214.

(c) A preliminary call of each jury and non-jury trial list shall be held prior to the trial week. At the call of the list, the court will consider all applications for continuances, and no continuance will thereafter be granted

except for cause arising between the time of the preliminary call and the beginning of the assigned trial week.

(d) Any party may file a praecipe for either a pre-trial conference list or a trial list, giving notice thereof to all opposing parties.

(e) At the pre-trial conference, the case shall proceed in accordance with Northampton County Rule N212B, and the court shall assign the case to the jury or non-jury trial list.

(f) Any case once certified for trial by a pre-trial judge shall, unless otherwise directed by the court, be relisted automatically on subsequent trial lists until the case is finally disposed of by trial or otherwise.

[Pa.B. Doc. No. 20-372. Filed for public inspection March 13, 2020, 9:00 a.m.]

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## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Disbarment

Notice is hereby given that James Kevin Reed (# 50075), having been disbarred in Maryland, the Supreme Court of Pennsylvania issued an Order February 28, 2020, disbaring James Kevin Reed from the Bar of this Commonwealth, effective March 29, 2020. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

MARCEE D. SLOAN,  
*Board Prothonotary*

[Pa.B. Doc. No. 20-373. Filed for public inspection March 13, 2020, 9:00 a.m.]

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# RULES AND REGULATIONS

## Title 25—ENVIRONMENTAL PROTECTION

### ENVIRONMENTAL QUALITY BOARD

[ 25 PA. CODE CHS. 86—90 ]

#### Federal Office of Surface Mining Reclamation and Enforcement Program Consistency

The Environmental Quality Board (Board) amends 25 Pa. Code Chapters 86—90 to read as set forth in Annex A. This final-form rulemaking primarily addresses inconsistencies between the Commonwealth's coal mining regulatory program and Federal regulations. This final-form rulemaking updates requirements to comply with the Federal coal mining regulations at 30 CFR Parts 700 through 955 (relating to mineral resources) and, for general program maintenance, includes additional revisions to correct typographical errors, organization names, statutory citations, remaining requirements and the use of reference data for the sizing of stormwater control facilities.

This final-form rulemaking was adopted by the Board at its meeting on November 19, 2019.

#### A. *Effective Date*

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

#### B. *Contact Persons*

For further information, contact William Allen, Bureau of Mining Programs, Rachel Carson State Office Building, 5th Floor, 400 Market Street, P.O. Box 8461, Harrisburg, PA 17105-8461, (717) 787-5015, or Joseph Iole, Assistant Counsel, Bureau of Regulatory Counsel, P.O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 787-9376. This final-form rulemaking is available on the Department of Environmental Protection's (Department) web site at [www.dep.pa.gov](http://www.dep.pa.gov) (select "Public Participation," then "Environmental Quality Board").

#### C. *Statutory Authority*

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

#### D. *Background and Purpose*

This final-form rulemaking addresses inconsistencies between the Commonwealth's coal mining program and Federal requirements. The Board also includes in this final-form rulemaking additional revisions for general program maintenance, such as correcting typographical errors and updating organization names, statutory citations, remaining requirements and the use of reference data for the sizing of stormwater control facilities.

#### *Required Program Amendments*

The Federal Surface Mining Control and Reclamation Act of 1977 (30 U.S.C.A. §§ 1201—1328) (Federal

SMCRA) "establish[ed] a nationwide program to protect society and the environment from the adverse effects of surface coal mining operations." See 30 U.S.C.A. § 1202(a). Federal SMCRA authorizes the Secretary of the Interior, through the Office of Surface Mining Reclamation and Enforcement (OSM), to administer the programs for controlling surface coal mining operations, and to review and approve or disapprove State programs for controlling the same. See 30 U.S.C.A. § 1211(c)(1).

Federal SMCRA allows a state to assume jurisdiction over the regulation of surface coal mining and reclamation operations if the state can administer that program according to Federal standards. See 30 U.S.C.A. § 1253. When a state program is approved by OSM, the state achieves "primacy" over the regulation of its surface coal mining program. The Commonwealth achieved primacy in 1982. See 47 FR 33,050, 33,076 (July 30, 1982). To keep its jurisdiction over the regulation of coal surface mining activities, the Commonwealth must maintain a State program in accordance with the requirements of Federal SMCRA, 30 U.S.C.A. § 1255(a), and with "rules and regulations consistent with regulations issued by the Secretary." See 30 U.S.C.A. § 1253(a)(1) and (7).

OSM identified several of the Commonwealth's regulations that require revision because they are not as effective as the Federal requirements. The Commonwealth is therefore required to revise existing regulations so that they are no less stringent than the Federal standards. See 30 CFR Part 938 (relating to Pennsylvania). The required program amendments are as follows:

#### *Augmented Seeding*

OSM disapproved of the use of the term "augmented" in the last sentence of § 86.151(d) (relating to period of liability) because it found it to be less stringent than the Federal requirement for the bond liability period. See 30 CFR 938.12(d) (relating to State statutory, regulatory, and proposed program amendment provisions not approved). According to the OSM, "augmented" seeding by definition restarts the period for liability. However, the Commonwealth's proposed regulation had referred to a normal husbandry practice (per OSM) as augmented seeding that would not restart the period for which an operator is liable. Therefore, this final-form rulemaking deletes the term "augmented" from § 86.151(d) to match OSM's understanding of seeding that does not restart the period of liability.

#### *Bonding*

OSM required the Commonwealth to revise its regulations relating to the valuation of certain collateral bonds at § 86.158(b) (relating to special terms and conditions for collateral bonds). OSM's requirements are as follows:

Pennsylvania shall amend its rules at § 86.158(b)(1) or otherwise amend its program to be no less effective than 30 CFR 800.21(a)(2) by requiring that the value of all government securities pledged as collateral bond shall be determined using the current market value.

Pennsylvania shall amend § 86.158(b)(2) or otherwise amend its program to be no less effective than 30 CFR 800.21(e)(1) by requiring that the provisions related to valuation of collateral bonds be amended to be subject to a margin, which is the ratio of the bond value to the market value, and which accounts for legal and liquidation fees, as well as value deprecia-

tion, marketability, and fluctuations which might affect the net cash available to the regulatory authority in case of forfeiture.

Pennsylvania shall amend § 86.158(b)(3) or otherwise amend its program to be no less effective than 30 CFR 800.21(e)(2) to ensure that the bond value of all collateral bonds be evaluated during the permit renewal process to ensure that the collateral bond is sufficient to satisfy the bond amount requirements.

30 CFR 938.16(m)—(o).

To address these issues, this final-form rulemaking includes revisions to § 86.158(b). In subsection (b)(1), “may” is changed to “will,” requiring the Department to be the entity responsible for valuing collateral at its current market value not at face value. This final-form rulemaking also adds “less any legal and liquidation costs” to subsection (b)(2) and revises subsection (b)(3) to require the posting of any needed additional bond amount with the permit renewal, which is at least every 5 years.

#### *Haul Roads*

OSM also required that the Commonwealth revise its regulations at § 88.1 (relating to definitions) regarding the use of public roads as part of an anthracite mining operation:

Pennsylvania shall submit a proposed amendment to § 88.1 to require that the definition of haul road include all roads (including public roads) that are used as an integral part of the coal mining activity and to clarify that the area of the road includes the entire area within the right-of-way, including roadbeds, shoulders, parking and side areas, approaches, structures, and ditches.

30 CFR 938.16(mmm).

This final-form rulemaking adds the following to the definition of a haul road at § 88.1: “The term includes public roads that are used as an integral part of the coal mining activity.” OSM’s requirement to clarify that the activity includes the right-of-way and other features of the road does not require an additional revision in this final-form rulemaking. The elements OSM requires are already included in the existing definition of “Road” at § 88.1, and the definition of “Road” includes a reference to “haul roads.”

#### *General Consistency Amendments*

Unrelated to issues of consistency with Federal law, the Department and various third parties have identified several typographical, citation and reference errors within the Department’s regulations, outdated source material, and areas of the program that require more clarity. These general consistency amendments are as follows:

#### *Effluent Limitations for Bituminous Underground Mines*

The Commonwealth currently lists effluent limitations for bituminous underground mines at § 89.52 (relating to water quality standards, effluent limitations and best management practices). Subsection (f) includes alternative effluent limitations for underground mine discharges that can be adequately treated using passive treatment technology. However, the Federal effluent limit guidelines at 40 CFR Part 434 (relating to coal mining point source category BPT, BAT, BCT limitations and new source performance standards) only include alternative limits for passive treatment systems applicable to surface mines instead of underground mines. When the Board revised the regulations to add subsection (f) related to under-

ground mines, this distinction was missed. This discrepancy came to light during a recent evaluation comparing the Federal effluent limit guidelines with the requirements in § 89.52.

Therefore, this final-form rulemaking eliminates the alternative effluent limits for underground mine passive treatment systems from subsection (f).

#### *Temporary Cessation*

The Commonwealth’s regulations regarding the temporary cessation of operations for bituminous surface mines included a 180-day upper limit on the amount of time that an operation can be in temporary cessation status. The Federal rules that address temporary cessation at 30 CFR 816.131 (relating to cessation of operations: temporary) do not include an upper limit on the duration of temporary cessation status. Therefore, this final-form rulemaking includes revisions to § 87.157 (relating to cessation of operations: temporary) removing the upper time limit.

Temporary cessation for anthracite coal mines is addressed at §§ 88.131, 88.219 and 88.332 (relating to cessation of operations: temporary) in regards to anthracite surface mines; anthracite bank removal; and anthracite coal refuse disposal. Sections 88.131 and 88.219 do not include an upper time limit for temporary cessation status. Section 88.332, applicable to anthracite coal refuse disposal, includes a 1-year upper time limit.

To ensure temporary cessation for anthracite coal mines is regulated the same way as bituminous mines, this final-form rulemaking revises §§ 87.157, 88.131 and 88.219 to include the same suite of revised requirements related to temporary cessation status, including a requirement for operators to submit information to the Department, consistent with 30 CFR 816.131, and triggers for when the status ends because of reactivation, or terminates through the permittee’s failure to comply with the law, regulations or the permit.

This final-form rulemaking also requires permittees to submit a timely renewal application when applicable. Amendments included in this final-form rulemaking do not lessen environmental protection related to surface mining because the performance standards in existing regulations focus on pollution prevention. The Department provides the same attention to sites in temporary cessation status as it does to active sites, through monthly inspections to ensure compliance with performance standards and updates to bond amounts, as appropriate.

Because the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66) includes the 1-year upper time limit, this requirement is retained in § 88.332.

#### *Definition of Surface Mining Activities*

This final-form rulemaking replaces the existing definition of “surface mining activities” in §§ 86.1 and 87.1 (relating to definitions) with a cross-reference to the Federal definition of “surface mining activities” from 30 CFR 701.5 (relating to definitions) (which in turn refers to “surface coal mining and reclamation operations” defined at 30 CFR 700.5 (relating to definitions)). This amendment is in response to issues informally raised by OSM related to the scope of the existing definition.

#### *Civil Penalties*

As outlined in § 86.194 (relating to system for assessment of penalties), the Department uses a system for assessment to determine the amount of a civil penalty

that depends on the specific circumstances of the violation. Currently, § 86.193(b) (relating to assessment of penalty) requires the Department to assess a civil penalty if the penalty the Department calculates equals \$1,100 or more. Correspondingly, § 86.193(c) affords the Department discretion whether to assess a civil penalty that equals less than \$1,100. The threshold dollar amount of \$1,100 in § 86.193(b) that triggers a mandatory assessment is based on the Federal civil penalty program found at 30 CFR 723 (relating to civil penalties).

The Federal program calculates penalty amounts by using a point system. Under this point system, a violation is given a certain number of points based on its circumstances and a formula is then used to equate those points to a dollar value. A violation that amounts to 30 points or more under the Federal system requires a penalty. Periodically, the Federal government revises the dollar amounts on the table, while the point threshold that triggers a mandatory penalty assessment remains fixed.

To address the fluctuating dollar amount from the Federal program's penalty calculations, this final-form rulemaking includes references to 30 CFR 723.12 (relating to when penalty will be assessed) and 723.14 (relating to determination of amount of penalty) instead of listing a specific penalty amount, so the Commonwealth's threshold for mandating the assessment of a penalty will always correctly reflect the Federal point system trigger.

#### *Administrative Requirements*

Two differences between the Commonwealth's requirements and the Federal requirements came to light during the recent development of the ePermitting application for new bituminous surface mines.

First, § 86.31 (relating to public notices of filing of permit applications) requires notification by registered mail to the municipality where mining is proposed. This requirement for registered mail is not in the Federal rules. Therefore, this final-form rulemaking revises § 86.31(c)(1) to retain the notification but to delete the registered mail requirement. In addition to consistency with the Federal regulations, this proposal will allow for electronic notice in cases where it is appropriate. This update will allow the Department flexibility to use registered mail and electronic notices as needed.

Second, § 86.62(a)(3) (relating to identification of interests) requires the date of issuance of the Mine Safety and Health Administration Identification Number to be provided in an application. This date of issuance is not required under the Federal rules. Therefore, this final-form rulemaking deletes the date of issuance from this subsection.

#### *Employee Financial Interest Reporting Form*

Section 86.238 (relating to what to report) lists an old OSM form number for reporting employee financial interests. The current form number is OSM Form 23. Therefore, this final-form rulemaking changes "Form 705-1" to "Form 23."

#### *Storm Events*

Sections 87.103, 88.93, 88.188, 88.293 and 89.53 each include a table of data representing the amount of precipitation for a 24-hour storm event with a recurrence interval of 10 years on a county-by-county basis. Section 90.103 (relating to precipitation event exemption) includes tables of similar data representing the 1-year and 10-year rainfall events. The Department derived the data in these tables from the climatological data available in the early 1980s, which only provided data for a limited number of stations in each county.

The regulations include the highest value in this data for each county. In subsequent years, additional data has been gathered and the National Oceanic and Atmospheric Administration (NOAA) has developed an online tool which provides the precipitation amount for various storm events for any location in the Commonwealth, currently available at <https://hdsc.nws.noaa.gov/hdsc/pfds/>.

Generally, the amount of precipitation for each storm event is lower than what is currently listed in the tables in the regulations. Therefore, in many cases, stormwater control facilities are over-designed and require unnecessary earth disturbance. This final-form rulemaking removes the tables and replaces them with a general reference to data available through NOAA or an equivalent resource. This will result in properly-sized stormwater controls and reduced costs for mine operators.

#### *Remining Financial Guarantees*

The Department identified and established best practices for managing accounts in the Remining Financial Guarantee (RFG) Program, similar to those established for the Land Reclamation Financial Guarantee Program. To provide stability to the RFG Program, the first best practice designates a monetary threshold and a reserve in the account. The designated threshold establishes the program limits while the reserve provides funds to pay for costs incurred when the financial guarantee program is used for land reclamation.

This final-form rulemaking includes an addition to § 86.281(b) (relating to financial guarantees to insure reclamation—general) to describe the process used to determine the amount of an individual remining financial guarantee. This final-form rulemaking also includes revisions to § 86.281(c) to clarify that the designated amount is maintained at the program level rather than on a permit-by-permit basis. This final-form rulemaking amends § 86.281(d) to refer to the designated amount when describing the permit limit, the operator limit, and the program limit and § 86.281(f) to describe the reserve.

An additional best practice targets risk management. For example, one method to manage risk includes limiting the participation of operators who previously failed to make the required payments on a timely basis. This final-form rulemaking revises § 86.282(a)(4) (relating to participation requirements) to add that to participate, the operator may not have been previously issued a notice of violation relating to maintaining bonds, including a missing or late payment. The requirement includes a 3-year window so as not to permanently prohibit participation for an operator who had a missing or late payment.

The existing regulatory language at § 86.284(d) (relating to forfeiture) differs from the statutory language in section 4.12 of the Pennsylvania Surface Mining Conservation and Reclamation Act (PA SMCRA) (52 P.S. § 1396.4(d)), which has resulted in confusion when interpreting the requirement. This final-form rulemaking revises § 86.284(d) to read the same as PA SMCRA.

#### *Natural Resources Conservation Service*

The existing regulations include numerous references to the Soil Conservation Service. This agency changed its name to the Natural Resources Conservation Service. This final-form rulemaking corrects these references.

#### *Conservation District*

Section 86.189(b)(4) (relating to reclamation of bond forfeiture sites) includes a reference to the Soil Conservation District. The current name of the agency to which



this refers is the Conservation District. This final-form rulemaking makes this revision.

*Chapter 92a Reference Correction*

The existing regulations include references to Chapter 92. In 2010, the Board reserved Chapter 92 and replaced it with Chapter 92a (relating to National Pollutant Discharge Elimination System permitting, monitoring and compliance). This final-form rulemaking corrects these references throughout Chapters 86—90.

*Department Reference*

Section 86.232 (relating to definitions) includes a reference to the Department of Environmental Resources. This final-form rulemaking updates this reference to be the Department of Environmental Protection.

*Water Quality Standards Implementation*

In 2000, the Board finalized Chapter 96 (relating to water quality standards implementation). The mining regulations have not been updated to include reference to Chapter 96. This final-form rulemaking corrects this by including references to Chapter 96 in §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

*Coal Ash and Biosolids*

Section 86.54 (relating to public notice of permit revision) includes the terms “fly ash disposal” and “sewage sludge.” Section 87.100 (relating to topsoil: nutrients and soil amendments) also uses the terms “fly ash” and “sewage sludge.” The correct term instead of “fly ash” is “coal ash,” which is defined in § 287.1 (relating to definitions). This definition of coal ash includes fly ash and other materials. In addition, disposal of coal ash is not allowed in the context of active mining sites. Coal ash may be beneficially used to enhance reclamation under Chapter 290 (relating to beneficial use of coal ash). Similarly, “biosolids” is a term which includes reference to “sewage sludge,” so it is more appropriate to use. Therefore, this final-form rulemaking revises §§ 86.54 and 87.100 to correct these terms to instead refer to “coal ash” and “biosolids.”

*Anthracite Mine Operators Emergency Bond Fund*

In 1992, section 4.7 of PA SMCRA, (52 P.S. § 1396.4g), was revised to allow anthracite surface mining operators to participate in the Anthracite Mine Operators Emergency Bond program. Prior to this, participation was limited to only deep mine operators. This final-form rulemaking changes the references to “deep mine” to be “mine” in § 86.162a (relating to Anthracite Mine Operators Emergency Bond Fund). This clarifies that not only deep mines are eligible to participate in the Anthracite Mine Operators Emergency Bond program.

*Coal Refuse Disposal Site Selection*

In 2010, section 4.1 of the Coal Refuse Disposal Control Act, (52 P.S. § 30.54a), was amended to add to the list of preferred sites for siting coal refuse disposal facilities. The amendment added the following language: “An area adjacent to or an expansion of an existing coal refuse disposal site.” This final-form rulemaking reflects this statutory change in § 90.201 (relating to definitions).

*Reviews of active permits*

Section 86.51 (relating to reviews of active permits) includes the phrase “. . . a review of the permit shall be no less frequent than the permit midterm of every 5 years, whichever is more frequent.” The “of” underlined previously should be “or.” This final-form rulemaking corrects this error.

*Mine Safety and Health Administration*

Section 86.84 (relating to applications for assistance) includes a reference to the Mining Enforcement and Safety Administration. The reference should be the Mine Safety and Health Administration. This final-form rulemaking corrects this error.

*“Road” Definition*

The definition of “road” at § 88.1 begins with “A surface right-of-way for purposes of travel by land vehicles used in coal exploration of surface coal mining and reclamation operations.” The “of” underlined previously should be “or.” This final-form rulemaking corrects this error.

*Remining Program*

After the Board finalized remining regulations in October 2016, discrepancies in the citations were identified in Chapter 88 (relating to anthracite coal). In § 88.502(ii) (relating to definitions), the citation to § 88.295(b)—(g) (relating to hydrologic balance: diversions and conveyances) is incorrect. The correct citation is § 88.295(b)—(i). Similarly, in § 88.507(c) (relating to treatment of discharges) the citations are incomplete. The correct citations are §§ 88.95(b)—(g), 88.190(b)—(g) (relating to hydrologic balance: diversions) and 88.295(b)—(i). Finally, § 88.508 (relating to request for bond release) lists “Section 86.172(a), (b) and (d).” Section 90.308 (relating to request for bond release) also refers to § 86.172(d) (relating to criteria for release of bond). There is no subsection 86.172(d). This final-form rulemaking includes revisions to address each of these errors.

*E. Summary of Changes to the Proposed Rulemaking*

*Section 86.1 and 87.1 Changes*

The language incorporating the definition of “surface mining activities” from 30 CFR 701.5 is revised to include language consistent with other Department regulations to denote that the Federal definition is adopted in its entirety.

*Section 86.31 Changes*

This final-form rulemaking includes several revisions from the proposed rulemaking. The Board made the following two revisions to § 86.31 in response to comments on the proposed rulemaking. First, the Board will retain the existing language listing a “city, borough, incorporated town or township,” replacing the proposed term “municipality.” Second, the Board specified that the notice to local governments will be written notice.

The Board made several additional revisions for clarification and consistency with the Commonwealth’s statutes and regulations. Sections 86.54 and 87.100 were revised in the proposed rulemaking to replace the term “sewage sludge” with the term “biosolids.” To be consistent with Chapter 271 (relating to municipal waste management—general provisions) and the proposed amendment to § 87.100, the term “residential septage” is also added in this final-form rulemaking to § 86.54.

*Section 88.107 Changes*

The proposed rulemaking deleted language from § 88.107(g) (relating to hydrologic balance: water rights and replacement) regarding the recovery of “attorney fees and expert witness fees” by the operator because of the act of December 20, 2000 (P.L. 980, No. 2000-138). This

act created a new scheme for recovery of litigation costs in mining proceedings at 27 Pa.C.S. Chapter 77 (relating to costs and fees) in order to conform to Federal law. The proposed change also reflected a similar amendment to § 87.119(g) (relating to hydrologic balance: water rights and replacement) in 2011. See 41 Pa.B. 3084 (June 18, 2011).

The act of December 20, 2000, also repealed section 4.2(f)(5) of PA SMCRA, which provided the statutory authority for these regulations in their entirety, and not only with respect to litigation costs. OSM did not approve either § 87.119(g) or § 88.107(g) because the repeal of section 4.2(f)(5) of PA SMCRA left the regulations with no remaining statutory authority to support them. See 30 CFR 938.12(c)(6) and 70 FR 25472 and 25484 (May 13, 2005). In order to streamline OSM's review on this topic, the change to § 88.107 in this final-form rulemaking will not be made, and revisions consistent with 27 Pa.C.S. Chapter 77 and the repeal of section 4.2(f)(5) of PA SMCRA will be incorporated in proposed rulemaking # 7-545, regarding water supply replacement, adopted by the Board on June 18, 2019. The proposed rulemaking was published in the *Pennsylvania Bulletin*, opening the public comment period on November 2, 2019. The public comment period closed on December 2, 2019.

#### *Section 88.332 Changes*

Because the Coal Refuse Disposal Control Act includes a 1-year upper time limit related to requirements triggered by temporary cessation, the proposal to remove this time limit from § 88.332 has been undone. To improve clarity, this final-form rulemaking retains the current language and inserts a reference to the specific section of the Coal Refuse Disposal Control Act where this requirement is stated.

#### *Section 89.52 Changes*

In § 89.52(f)(3) (relating to water quality standards, effluent limitations and best management practices), the word "Any" which was proposed at the beginning of the section is being revised to be "A" for clarity.

#### *F. Summary of Comments and Responses on the Proposed Rulemaking*

The following summaries are based on comments that were received from three public commentators and the Independent Regulatory Review Commission (IRRC).

##### *Related to Haul Roads*

One commenter was concerned that the term "public roads," as used in the revised definition of "Haul roads" in § 88.1, is very broad and could be used to impose additional bonding and other fees on common use public roads that are shared by thousands of other business concerns. Because of these concerns, they requested that the Board include language in the preamble of the regulation to address these concerns.

In response to this comment, the language "integral part of the coal mining activity" is intended to address mining activities that normally would not occur on a public road. This includes any use of the public road by off-road vehicles or equipment that cannot be licensed for

on-road use. The length of the public road to be defined as a haul road will be limited to the length of the public road used for travel by vehicles or equipment that are an integral part of the coal mining activity. Any use of a public road by licensed on-road vehicles is not considered to be an integral part of the coal mining activity for the purpose of the definition of "haul road."

##### *Related to Administrative Requirements*

Another commenter pointed out that § 86.31 requires notification by registered mail and that the Federal rules do not change this requirement. The commenter asserts that the proposed regulation would revise § 86.31(c)(1) to retain the notice requirement but delete language that requires the notice be sent by registered mail. The commenter contends that this notification is too important to not notify by registered mail. The commenter states that since the Federal policy does not require electronic notification, the existing notification by registered mail should be retained. IRRC additionally asked the Board to explain the reasonableness of not requiring registered mail, under what circumstances electronic notice is appropriate, and how the new notification requirement adequately protects public health, safety and welfare.

In response to this comment, the Federal requirement at 30 CFR 773.6(a)(3) (relating to public participation in permit processing) requires: "[T]he regulatory authority shall issue written notification indicating the applicant's intention to mine the described tract of land, the application number or other identifier, the location where the copy of the application may be inspected, and the location where comments on the application may be submitted." The Federal requirement is to provide written notice to the local government agency and does not specify the means by which written notice is given.

The regulation has been revised to require written notification to be consistent with the Federal requirement and allow the Department flexibility to use mail or electronic notice. The Department may provide notice by registered mail on a case-by-case basis. Authorizing the Department to provide notice by means other than registered mail is reasonable because it implements part of the Department's "Permit Reform Initiative" to reduce permit backlogs, modernize the permitting process, and better utilize technology to improve both oversight and efficiency. As notice becomes automated through the Department's electronic permitting system, parties will receive notice of completed permit applications in a more timely manner, and the resources the Department saves can be committed to other work directed at protecting the public health, safety and welfare. The Department does not believe that the regulation requires standards to determine when electronic notice is appropriate because, in practice, the method of written notice should not be an issue. Local government agencies are generally involved very early in the application process (before a complete application is submitted). The transition to electronic notification requires interaction and cooperation between the Department and the local government in order to establish the appropriate contacts. This interaction will provide the opportunity for the local government to express any concerns they have about the process at that time.

IRRC further noted that the Annex proposed to delete the phrase "the city, borough, incorporated town or township" and replace that language with "the municipality."

IRRC points out that § 86.1 contains a definition of the term “municipality” that defines a municipality as, “A county, city, borough, town, township, school district, institution or an authority created by any one or more of the foregoing.” IRRC asked whether the Board intended to expand notification to all the entities listed under the definition of municipality.

In response to this comment, the Federal Rule at 30 CFR 773.6(a)(3)(i) is to provide written notice to “[l]ocal governmental agencies with jurisdiction over or an interest in the area of the proposed surface coal mining and reclamation operation. . . .” The Department interprets this requirement to apply to general purpose units of government, specifically, the city, borough, incorporated town or township. The amendment in the proposed rulemaking was not intended to expand the notification requirement to counties or special purpose local government units in addition to relevant authorities included under § 86.31(c)(2) (“Sewage and water treatment authorities that may be affected by the activities.”) and (c)(3) (“Governmental planning agencies with jurisdiction to act with regard to land use, air or water quality planning in the area of the proposed activities.”). Language in this final-form rulemaking is therefore revised by reverting to the existing language listing “the city, borough, incorporated town or township.”

*Related to the Regulatory Analysis Form*

IRRC also pointed out that the Regulatory Analysis Form indicates that no data was the basis of the proposed rulemaking, but that the data available through the NOAA online tool for precipitation events is referred to repeatedly in the proposed regulation, so the Board should clarify that the availability of the data from the NOAA tool is the basis for the revisions proposed.

In response, the Regulatory Analysis Form has been revised to reflect the fact that the data available through the NOAA online tool was used as a basis for the regulation. The response includes a link to the web page where the tool is available.

*Related to Storm Events*

IRRC also asked about the term “equivalent resources,” which is used in several sections, relating to the determination of the size of storm events.

In response to this comment, this term is intended to allow for continued reliance on the data in the case where there is a government reorganization, technological advance or other factor that would cause the specific description of the tool to be outdated. While this can be corrected through further rulemaking, the “equivalent resources” reference will provide continuity.

*In Support of the Regulatory Process*

One commentator acknowledged the collaborative process undertaken in developing the proposed regulations. In response, the Board acknowledges the comment.

*Mining and Reclamation Advisory Board Collaboration*

The Department collaborated with the Mining and Reclamation Advisory Board’s (MRAB) Regulation, Legislation and Technical (RLT) committee to develop the proposed rulemaking. This included discussion at several RLT committee meetings and with the full board.

At its April 6, 2017, meeting, the MRAB voted to concur with the Department’s recommendation that the proposed rulemaking move forward in the regulatory process. At its April 25, 2019, meeting, the MRAB voted to concur with the Department’s recommendation that the final-form rulemaking move forward in the regulatory process.

*G. Benefits, Costs and Compliance*

*Benefits*

The revisions in this final-form rulemaking will resolve inconsistencies with Federal requirements, allow the Commonwealth to maintain program primacy, provide clarity to mine operators regarding compliance standards and result in properly-sized stormwater facilities. In some cases, the latter benefit will result in reduced costs, because current regulations may require larger facilities than necessary.

*Compliance costs*

None of the new or revised requirements are likely to increase costs. Due to the benefits described previously, this final-form rulemaking is likely to reduce costs. For example, this final-form rulemaking will result in properly-sized stormwater facilities. In many cases, this will result in reduced costs because the updated regulations may no longer require larger than necessary facilities.

*Compliance assistance plan*

Compliance assistance for this final-form rulemaking will be provided through the Department’s routine interaction with trade groups and individual applicants. There are about 400 licensed surface coal mining operators in this Commonwealth, most of which are small businesses that will be subject to this regulation.

*Paperwork requirements*

This final-form rulemaking does not require additional paperwork.

*H. Pollution Prevention*

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

*I. Sunset Review*

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

*J. Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on October 2, 2018, the Department submitted a copy of the notice of proposed rulemaking, published at 48 Pa.B. 6844 (October 27, 2018), to IRRC and to the Chairpersons of the House and Senate Environmental Resources and Energy Committees for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the House and Senate Committees were provided with copies of the comments received during the public

comment period, as well as other documents when requested. In preparing this final-form rulemaking, the Department has considered all comments from IRRC, the House and Senate Committees and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on January 30, 2020, this final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on January 31, 2020, and approved this final-form rulemaking.

*K. Findings of the Board*

The Board finds that:

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

(2) A public comment period was provided as required by law, and all comments were considered.

(3) These regulations do not enlarge the purpose of the proposal published at 48 Pa.B. 6844.

(4) These regulations are necessary and appropriate for administration and enforcement of the authorizing acts identified in Section C of this order.

*L. Order of the Board*

The Board, acting under the authorizing statutes, orders that:

(1) The regulations of the Department, 25 Pa. Code Chapters 86, 87, 88, 89 and 90 are amended by amending §§ 86.1, 86.31, 86.51, 86.54, 86.62, 86.84, 86.151, 86.158, 86.162a, 86.189, 86.193, 86.232, 86.238, 86.281, 86.282, 86.284, 87.1, 87.53, 87.100, 87.102, 87.103, 87.112, 87.117, 87.155, 87.157, 87.177, 87.181, 88.1, 88.32, 88.92, 88.93, 88.102, 88.103, 88.106, 88.107, 88.129, 88.131, 88.187, 88.188, 88.193, 88.197, 88.198, 88.202, 88.217, 88.219, 88.292, 88.293, 88.302, 88.303, 88.306, 88.330, 88.332, 88.491, 88.493, 88.502, 88.507, 88.508, 89.52, 89.53, 89.59, 89.86, 89.112, 89.121, 89.122, 89.134, 90.22, 90.102, 90.103, 90.112, 90.113, 90.116, 90.159, 90.161, 90.165, 90.201 and 90.308, as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(2) The Chairperson of the Board shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for review and approval as to legality and form, as required by law.

(3) The Chairperson shall submit this order and Annex A to IRRC and the Senate and House Environmental Resources and Energy Committees as required by the Regulatory Review Act (71 P.S. §§ 745.1—745.14).

(4) The Chairperson of the Board shall certify this order and Annex A, as approved for legality and form, and deposit them with the Legislative Reference Bureau, as required by law.

(5) This order shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

PATRICK McDONNELL,  
*Chairperson*

*(Editor's Note: See 50 Pa.B. 1001 (February 15, 2020) for IRRC's approval order.)*

**Fiscal Note:** Fiscal Note 7-532 remains valid for the final adoption of the subject regulations.

**Annex A**

**TITLE 25. ENVIRONMENTAL PROTECTION  
PART I. DEPARTMENT OF ENVIRONMENTAL  
PROTECTION**

**Subpart C. PROTECTION OF NATURAL  
RESOURCES**

**ARTICLE I. LAND RESOURCES**

**CHAPTER 86. SURFACE AND UNDERGROUND  
COAL MINING: GENERAL**

**Subchapter A. GENERAL PROVISIONS**

**§ 86.1. Definitions.**

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

\* \* \* \* \*

*Surface mining activities*—Any activities meeting the definition of “surface mining activities” as it is defined at 30 CFR 701.5, which is adopted in its entirety and incorporated herein by reference.

\* \* \* \* \*

**Subchapter B. PERMITS**

**REVIEW, PUBLIC PARTICIPATION AND  
APPROVAL, DISAPPROVAL OF PERMIT  
APPLICATIONS AND PERMIT TERMS AND  
CONDITIONS**

**§ 86.31. Public notices of filing of permit applica-  
tions.**

\* \* \* \* \*

(c) Upon receipt of a complete application, the Department will publish notice of the proposed activities in the *Pennsylvania Bulletin* and send written notice to the following:

(1) The city, borough, incorporated town or township in which the activities are located.

\* \* \* \* \*

**PERMIT REVIEWS, RENEWALS, REVISIONS AND  
TRANSFERS**

**§ 86.51. Reviews of active permits.**

(a) The Department will review each permit issued and outstanding during the term of the permit. This review shall occur at the discretion of the Department during the permit term except as required by § 87.175 (relating to variance to contouring). For permits of longer than 5-year terms, a review of the permit shall be no less frequent than the permit midterm or every 5 years, whichever is more frequent.

\* \* \* \* \*

**§ 86.54. Public notice of permit revision.**

A permit revision request shall be subject to the notice requirements of § 86.31 (relating to public notices of filing of permit applications) under the following circumstances:

(1) For surface mining activities:

\* \* \* \* \*

(iii) The addition of coal refuse disposal, beneficial use of coal ash or biosolids, or residential septage for land reclamation to the operation.

\* \* \* \* \*

**MINIMUM REQUIREMENTS FOR LEGAL FINANCIAL COMPLIANCE AND RELATED INFORMATION**

**§ 86.62. Identification of interests.**

(a) *Application information.* An application shall contain the following information, except that the submission of a social security number is voluntary:

\* \* \* \* \*

(3) The name of the proposed mine and the Mine Safety and Health Administration (MSHA) Identification Number for the mine and all mine-associated structures that require MSHA approval.

\* \* \* \* \*

**Subchapter C. SMALL OPERATOR ASSISTANCE PROGRAM**

**§ 86.84. Applications for assistance.**

(a) An application for assistance shall contain the following information:

\* \* \* \* \*

(3) A schedule of the estimated total production of coal from the proposed permit area and all other locations from which production is attributed to the applicant under this section. For each location, the schedule shall include:

\* \* \* \* \*

(ii) The permit number and Mine Safety and Health Administration identification number, if available.

\* \* \* \* \*

**Subchapter F. BONDING AND INSURANCE REQUIREMENTS**

**AMOUNT AND DURATION OF LIABILITY**

**§ 86.151. Period of liability.**

\* \* \* \* \*

(d) The extended period of liability which begins upon completion of augmenting seeding, fertilization, irrigation or other work necessary to achieve permanent revegetation of the permit area shall include additional time taken by the permittee to repeat augmented seeding, fertilization, irrigation or other work under a requirement by the Department but may not include selective husbandry practices approved by the Department, such as pest and vermin control, pruning, repair of rills and gullies or reseeding or transplanting, or both, which constitute normal conservation practices within the region for other land with similar land uses. Seeding, fertilization, irrigation and repair of rills and gullies performed at levels or degrees of management which exceed those normally applied in maintaining use or productivity of comparable unmined land in the surrounding area, would necessitate extending the period of liability.

\* \* \* \* \*

**FORM, TERMS AND CONDITIONS OF BONDS AND INSURANCE**

**§ 86.158. Special terms and conditions for collateral bonds.**

\* \* \* \* \*

(b) Collateral bonds pledging negotiable government securities are subject to the following conditions:

(1) The Department will determine the current market value of government securities for the purpose of establishing the value of the securities for bond deposit.

(2) The current market value, less any legal and liquidation costs, is at least equal to the amount of the required bond amount.

(3) The Department may periodically revalue the securities and may require additional amounts if the current market value is insufficient to satisfy the bond amount requirements for the facility. At a minimum, the Department shall require any necessary additional amounts with each permit renewal.

\* \* \* \* \*

**§ 86.162a. Anthracite Mine Operators Emergency Bond Fund.**

(a) For permitted anthracite mine operators required to post a bond under § 86.143 (relating to requirements to file a bond), and who can demonstrate to the Department that they are unable to post a conventional surety or collateral bond as described in § 86.156 (relating to the form of the bond), and do not meet the requirements of § 86.161 (relating to phased deposits of collateral), may apply to the Department for an Anthracite Mine Operator's Emergency Bond Loan. The purpose of this loan is to guarantee a collateral bond posted by the operator.

(b) Permitted anthracite mine operators who wish to use the anthracite mine emergency bond loan program shall demonstrate one of the following:

\* \* \* \* \*

(c) The Department and the qualified operator shall enter into a written loan agreement, on forms provided by the Department, which shall contain at a minimum, the following provisions:

\* \* \* \* \*

(d) The Department will deposit appropriations and moneys collected under this section into the Anthracite Mine Operators Emergency Bond Fund.

\* \* \* \* \*

**BOND FORFEITURE**

**§ 86.189. Reclamation of bond forfeiture sites.**

\* \* \* \* \*

(b) The Department will provide for reclamation of bond forfeiture sites through one of the following:

\* \* \* \* \*

(4) Under cooperative agreements among the Department, the State Conservation Commission and the County Conservation District in which the bond forfeiture site is located, the District may enter into a contract with the landowner of the bond forfeiture site to reclaim the site.

\* \* \* \* \*

**Subchapter G. CIVIL PENALTIES FOR COAL MINING ACTIVITIES**

**GENERAL PROVISIONS**

**§ 86.193. Assessment of penalty.**

\* \* \* \* \*

(b) The Department will assess a civil penalty for each violation if the violation is assessable in an amount consistent with 30 CFR 723.12(b) and 723.14 under the system for assessment described in § 86.194 (relating to system for assessment of penalties).

(c) The Department may assess a penalty for each violation which is assessable in an amount consistent with 30 CFR 723.12(c) and 723.14 under the system for assessment described in § 86.194.

**Subchapter I. EMPLOYEE CONFLICT OF INTEREST**

**§ 86.232. Definitions.**

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

\* \* \* \* \*

*Department*—The Department of Environmental Protection.

\* \* \* \* \*

**§ 86.238. What to report.**

(a) Each employe shall report information required on the statement of employment and financial interests of the employe, the employe spouse, minor children or other relatives who are full-time residents of the employe home. The report shall be on OSM Form 23 as provided by the Department. The statement consists of three major parts:

\* \* \* \* \*

**Subchapter J. REMINING AND RECLAMATION INCENTIVES  
BONDING INCENTIVES**

**§ 86.281. Financial guarantees to insure reclamation—general.**

\* \* \* \* \*

(b) The financial guarantee applies to a permit with remining areas approved by the Department. Operators who wish to participate in this program shall demonstrate, for each permit, their eligibility under §§ 86.253 and 86.282 (relating to operator and project qualification; and participation requirements). The amount will be the estimated cost for the Department to reclaim the remining area, subject to the limitations established in subsection (d).

(c) The Department will designate a specified amount of the financial guarantees special account in the Remining Financial Assurance Fund to financially assure reclamation obligations on the permits with an approved remining area.

(d) The Department may not issue financial guarantees on a permit in excess of 10% of the then current designated amount in the special account in the Remining Financial Assurance Fund. The Department will not issue financial guarantees to a mine operator if the aggregate amount of financial guarantees on permits issued to the operator will exceed 30% of the then current designated amount in the special account in the Remining Financial Assurance Fund. The Department will not issue additional financial guarantees when the aggregate amount of outstanding financial guarantees exceeds that amount resulting from dividing the current designated amount in the special account in the Remining Financial Assurance Fund by the historical rate of bond forfeiture under § 86.181 (relating to general) with a margin of safety determined by the Department.

(e) Upon declaration of forfeiture, the specified amount of the financial guarantee from the financial guarantee special account will be used with other bonds forfeited on the permit by the Department to complete reclamation of the mine site in accordance with the procedures and criteria in §§ 86.187—86.190. If the actual cost of reclamation by the Department exceeds the specified amount of the financial guarantee, additional funds from the Remining Financial Assurance Fund may be used to complete reclamation.

(f) The Department will hold in reserve in the remining financial assurance fund funds that are not designated to underwrite remining financial guarantees. The Department will use funds held in reserve in the remining financial assurance fund to assure the availability of funds to cover reclamation liabilities when there is a mine operator bond forfeiture under § 86.181 (relating to general).

**§ 86.282. Participation requirements.**

(a) Upon completion of the technical review of a permit application and receipt of a request for bond, an operator may apply to participate in the financial guarantees program for a remining area if the requirements of § 86.253 (relating to operator and project qualification) are met. To participate in this program, an operator shall demonstrate to the Department's satisfaction one of the following:

\* \* \* \* \*

(4) The operator has previously participated in the remining financial guarantee program and met its reclamation obligations and made timely payments. An operator will be eligible under this subsection if it has not been cited through a notice of violation under § 86.165(a) (relating to failure to maintain proper bond) within the previous 3 years prior to the request for a remining financial guarantee.

\* \* \* \* \*

**§ 86.284. Forfeiture.**

\* \* \* \* \*

(d) The financial guarantees program may be discontinued immediately and notice published in the *Pennsylvania Bulletin*, if 25% or greater of the total outstanding financial guarantees are subject to forfeiture. If the financial guarantees program is discontinued, no additional financial guarantees may be approved. Outstanding financial guarantees will remain in effect until released under §§ 86.170—86.175.

\* \* \* \* \*

**CHAPTER 87. SURFACE MINING OF COAL**

**Subchapter A. GENERAL PROVISIONS**

**§ 87.1. Definitions.**

\* \* \* \* \*

*Surface mining activities*—Any activities meeting the definition of "surface mining activities" as it is defined at 30 CFR 701.5, which is adopted in its entirety and incorporated herein by reference.

\* \* \* \* \*

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

**§ 87.53. Prime farmland investigation.**

\* \* \* \* \*

(b) Land will not be considered prime farmland if the applicant can demonstrate one of the following:

(1) The land has not been historically used as cropland.

(2) Other factors exist, such as a very rocky surface, or the land is frequently flooded during the growing season, more often than once in 2 years, and the flooding has reduced crop yields.

(3) On the basis of a soil survey of lands within the permit area, there are no soil map units that have been designated prime farmland by the United States Natural Resources Conservation Service.

(c) If the investigation establishes that the lands are not prime farmland, the applicant shall submit with the permit application a request for a negative determination which shows that the land for which the negative determination is sought meets one of the criteria of subsection (b).

(d) If the investigation indicates that lands within the proposed permit area may be prime farmlands, the applicant shall contact the United States Natural Resources Conservation Service to determine if a soil survey exists for those lands and whether the applicable soil map units have been designated as prime farmlands. If no soil survey has been made for the lands within the proposed permit area, the applicant shall cause a survey to be made.

(1) When a soil survey, as required in this subsection, contains soil map units which have been designated as prime farmlands, the applicant shall submit a soil survey of the proposed permit area according to the standards of the National Cooperative Soil Survey and in accordance with the procedures in the *United States Department of Agriculture Handbooks 436* (Soil Taxonomy, 1975) and 18 (Soil Survey Manual, 1951) as amended. The soil survey shall include a map unit and representative soil profile description as determined by the United States Natural Resources Conservation Service for each prime farmland within the proposed permit area unless other representative descriptions from the locality, prepared in conjunction with the National Cooperative Soil Survey, are available and their use is approved by the State Conservationist, United States Natural Resources Conservation Service.

(2) When a soil survey, as required in this subsection, contains soil map units which have not been designated as prime farmland after review by the United States Natural Resources Conservation Service, the applicant shall submit a request for negative determination for nondesignated land with the permit soil survey establishing compliance with subsection (b).

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

**§ 87.100. Topsoil: nutrients and soil amendments.**

\* \* \* \* \*

(d) The use of coal ash, biosolids, and residential septage as soil amendments may be approved by the Department if demonstrated to be a suitable soil amendment and the requirements of Subpart D, Articles VIII and IX (relating to municipal waste; and residual waste management) are met.

**§ 87.102. Hydrologic balance: effluent standards.**

\* \* \* \* \*

(f) In addition to the requirements of subsections (a)—(e), the discharge of water from areas disturbed by mining activities shall comply with this title, including Chapters 91—93, 95, 96, 97 (reserved) and 102.

**§ 87.103. Precipitation event exemption.**

\* \* \* \* \*

(b) The 10-year, 24-hour precipitation event for specific areas in this Commonwealth shall be determined by reference to data provided by the National Oceanic and Atmospheric Administration or equivalent resources.

(c) For the permittee to demonstrate that the 10-year, 24-hour precipitation event has for the permittee's mine area been exceeded or that dry weather flow conditions did not exist, the permittee shall do one of the following:

\* \* \* \* \*

(3) Prepare an analysis identifying the runoff area tributary to the treatment facility, and compare the actual runoff as measured and depicted by the flow measuring device with the runoff expected from the 10-year, 24-hour precipitation event specified for the mine area.

\* \* \* \* \*

**§ 87.112. Hydrologic balance: dams, ponds, embankments and impoundments—design, construction and maintenance.**

\* \* \* \* \*

(b) The design, construction and maintenance of dams, ponds, embankments and impoundments shall achieve the minimum design criteria contained in the United States Natural Resources Conservation Service's Pennsylvania Field Office Technical Guide, Section IV, Standards 350, "Sediment Basin," and 378, "Pond," as amended, or United States Natural Resources Conservation Service's Technical Release No. 60, Earth Dams and Reservoirs, whichever is applicable. The standards contained therein are incorporated by reference. In addition to the requirements in "Sediment Basin," a minimum static safety factor of 1.3 is required. These structures shall also meet the following requirements:

\* \* \* \* \*

**§ 87.117. Hydrologic balance: surface water monitoring.**

(a) In addition to the monitoring and reporting requirements established by the Department under Chapter 92a (relating to National Pollutant Discharge Elimination System permitting, monitoring and compliance), surface water shall be monitored to accurately measure and record the water quantity and quality of the discharges from the permit area and the effect of the discharge on the receiving waters. Surface water shall be monitored for parameters that relate to the suitability of the surface water for current and approved postmining land uses and to the objectives for protection of the hydrologic balance as set forth in § 87.69 (relating to protection of hydrologic balance). At a minimum, total dissolved solids or specific conductance corrected to 25°C, total suspended solids, pH, acidity, alkalinity, total iron, total manganese, sulfates and flow shall be monitored and reported to the Department at least every 3 months for each monitoring location.

\* \* \* \* \*

**§ 87.155. Revegetation: standards for successful revegetation.**

(a) When the approved postmining land use is cropland, or as provided in subsection (c):

(1) The standards for successful revegetation shall be based upon crop productivity or yield.

(2) The approved standards shall be the average yields per acre for the crop and soil type as specified in the Soil Surveys of the United States Department of Agriculture Natural Resources Conservation Service.

\* \* \* \* \*

**§ 87.157. Cessation of operations: temporary.**

(a) Before temporary cessation status of operations for a period of 30 days or more, an operator shall submit to the Department a notice of intention to temporarily cease operations. The notice shall include a statement of the exact number of acres affected in the permit area, the extent and kind of reclamation of the areas and identification of the backfilling, regrading, revegetation, environ-

mental monitoring, and water treatment activities that will continue during the temporary cessation status.

(b) Temporary cessation status of operations does not relieve the operator of the obligations to comply with the acts as defined in § 86.1 (relating to definitions), Chapters 86—90, or the approved permit, including the obligation to submit an application for permit renewal at least 180 days before the expiration of the existing permit. The Department may enforce these obligations during the temporary cessation status of operations.

(c) Temporary cessation status will end with the resumption of coal extraction. Any subsequent notices of temporary cessation status must include updated information outlined in subsection (a).

(d) Temporary cessation status will terminate where the Department finds a failure to comply with the acts as defined in § 86.1, Chapters 86—90, or the approved permit. Termination of temporary cessation status due to failure to comply with the acts as defined in § 86.1, Chapters 86—90, or the approved permit will place the mining operation in permanent cessation status, subject to the provisions of § 87.158 (cessation of operations: permanent).

**§ 87.177. Prime farmland: special requirements.**

(a) When the surface mining activities are being conducted on prime farmland historically used for cropland, a permit for the mining and reclamation operation may be granted by the Department if it first finds, in writing, and after consultation with the Natural Resources Conservation Service, that the applicant has demonstrated that:

\* \* \* \* \*

(b) If a permit is granted under this section, the permit shall be specifically conditioned as containing the plan submitted under § 87.83 (relating to prime farmlands), including any revisions to that plan suggested by the Natural Resources Conservation Service.

\* \* \* \* \*

**§ 87.181. Prime farmland: revegetation.**

\* \* \* \* \*

(c) Standards for determining success of restoration on prime farmlands soils shall be based upon the soil surveys and soil interpretations and the latest yield data available from the United States Department of Agriculture Natural Resources Conservation Service.

\* \* \* \* \*

**CHAPTER 88. ANTHRACITE COAL**

**Subchapter A. GENERAL PROVISIONS**

**PRELIMINARY PROVISIONS**

**§ 88.1. Definitions.**

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

\* \* \* \* \*

*Haul road*—Roads that are planned, designed, located, constructed, reconstructed or improved, utilized and maintained for the transportation of equipment, fuel, personnel, coal, spoil and other operating resources from a public road to points within the surface mine or between principal operations on the mine site or both, but not including roads within the pit or on unreclaimed spoil areas. The term includes public roads that are used as an integral part of the coal mining activity.

\* \* \* \* \*

*Road*—A surface right-of-way for purposes of travel by land vehicles used in coal exploration or surface coal mining and reclamation operations. A road consists of the entire area within the right-of-way, including the roadbed shoulders, parking and side area, approaches, structures, ditches, surface and such contiguous appendages as are necessary for the total structure. The term includes access and haul roads constructed, used, reconstructed, improved or maintained for use in coal exploration or surface coal mining activities, including use by coal-hauling vehicles leading to transfer, processing or storage areas.

\* \* \* \* \*

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

**§ 88.32. Prime farmland investigation.**

\* \* \* \* \*

(b) Land may not be considered prime farmland if the applicant can demonstrate one of the following:

(1) The land has not been historically used for cropland.

(2) The slope of the land is 10% or greater.

(3) There are no soil map units that have been designated prime farmland by the United States Department of Agriculture Natural Resources Conservation Service, on the basis of a soil survey of lands within the permit area.

\* \* \* \* \*

(d) If the investigation indicates that lands within the proposed permit area may be prime farmlands, the applicant shall contact the United States Department of Agriculture Natural Resources Conservation Service to determine if a soil survey exists for those lands and whether the applicable soil map units have been designated as prime farmlands. If no soil survey has been made for the lands within the proposed permit area, the applicant shall cause a survey to be made.

(e) When a soil survey as required in subsection (d) includes soil map units that have been designated as prime farmlands, the applicant shall submit with the permit application a soil survey of the proposed permit area according to the standards of the National Cooperative Soil Survey and the procedures in the *United States Department of Agriculture Handbooks 436 (Soil Taxonomy, 1975) and 18 (Soil Survey Manual, 1951)*, as amended. The soil survey shall include a map unit and representative soil profile description as determined by the United States Natural Resources Conservation Service for each prime farmland soil within the proposed permit area unless other representative descriptions from the locality, prepared in conjunction with the National Cooperative Soil Survey, are available and their use is approved by the State Conservationist, United States Natural Resources Conservation Service.

(f) When a soil survey as required in subsection (d) includes map units that have not been designated as prime farmland after review by the United States Department of Agriculture Natural Resources Conservation Service, the applicant shall submit with the permit application a request for negative determination for nondesignated land establishing compliance with subsection (b).



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

**§ 88.92. Hydrologic balance: effluent standards.**

\* \* \* \* \*

(f) In addition to the requirements of subsections (a)—(e), the discharge of water from areas disturbed by mining activities shall comply with Chapters 91—93, 95, 96, 97 (reserved) and 102.

**§ 88.93. Hydrologic balance: precipitation event exemption.**

\* \* \* \* \*

(b) The 10-year, 24-hour precipitation event for specific areas in this Commonwealth shall be determined by reference to data provided by the National Oceanic and Atmospheric Administration or equivalent resources.

(c) For the permittee to demonstrate that the 10-year, 24-hour precipitation event has for his mine area been exceeded, or that dry weather flow conditions did not exist, the permittee shall do one of the following:

\* \* \* \* \*

(3) Prepare an analysis identifying the runoff area tributary to the treatment facility, and compare the actual runoff as measured and depicted by the flow measuring device with the runoff expected from the 10-year, 24-hour precipitation event for the mine area.

\* \* \* \* \*

**§ 88.102. Hydrologic balance: dams, ponds, embankments and impoundments—design, construction and maintenance.**

\* \* \* \* \*

(b) The design, construction and maintenance of dams, ponds, embankments and impoundments that are not of the class of subsection (a) shall achieve the minimum design criteria contained in United States Natural Resources Conservation Service's Pennsylvania Field Office Technical Guide, Section IV, Standards 350 "Sediment Basin" and 378, "Pond" as amended. In addition to the requirements in "Sediment Basin," a minimum static safety factor of 1.3 is required.

**§ 88.103. Hydrologic balance: coal processing waste dams and embankments.**

A dam and embankment constructed of coal processing waste or intended to impound coal processing waste, shall meet the requirement criteria established by Chapter 105 (relating to dam safety and waterway management) and the United States Natural Resources Service's *Pennsylvania Field Office Technical Guide, Section IV, Standard 378, "Pond"* as applicable.

**§ 88.106. Hydrologic balance: surface water monitoring.**

(a) In addition to the monitoring and reporting requirements established by the Department under Chapter 92a (relating to National Pollutant Discharge Elimination System permitting, monitoring and compliance), surface water shall be monitored to measure and record accurately the water quantity and quality of the discharges from the permit area and the effect of the discharge on the receiving waters. Surface water shall be monitored for parameters that relate to the suitability of the surface water for current and approved postmining land uses and to the objectives for protection of the hydrologic balance as set forth in 88.49 (relating to protection of hydrologic balance). At a minimum, total dissolved solids or specific

conductance corrected to 25°C, total suspended solids, pH, acidity, alkalinity, total iron, total manganese, sulfates and flow shall be monitored and reported to the Department every 3 months for each monitoring location.

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

**§ 88.129. Revegetation: standards for successful revegetation.**

\* \* \* \* \*

(e) When the approved postmining land use is cropland, the approved standard shall be the average yields per acre for the crop and soil type as specified in the Soil Surveys of the United States Department of Agriculture Natural Resources Conservation Service. The productivity or yield of the mined area shall be equal to or greater than the approved standard for the last two consecutive growing seasons of the extended period of responsibility established in § 86.151 (relating to period of liability). Productivity or yield shall be considered equal if production or yield is at least 90% of the approved standard.

(f) Standards for determining success of restoration on prime farmlands soils shall be based upon the soil surveys and soil interpretations and the latest yield data available from the United States Department of Agriculture Natural Resources Conservation Service.

\* \* \* \* \*

**§ 88.131. Cessation of operations: temporary.**

(a) Before temporary cessation status of operations for a period of 30 days or more, an operator shall submit to the Department a notice of intention to temporarily cease operations. The notice shall include a statement of the exact number of acres affected in the permit area, the extent and kind of reclamation of the areas and identification of the backfilling, regrading, revegetation, environmental monitoring, and water treatment activities that will continue during the temporary cessation status.

(b) Temporary cessation status of operations does not relieve the operator of the obligations to comply with the acts as defined in § 86.1 (relating to definitions), Chapters 86—90, or the approved permit, including the obligation to submit an application for permit renewal at least 180 days before the expiration of the existing permit. The Department may enforce these obligations during the temporary cessation status of operations.

(c) Temporary cessation status will end with the resumption of coal extraction. Any subsequent notices of temporary cessation status must include updated information outlined in subsection (a).

(d) Temporary cessation status will terminate where the Department finds a failure to comply with the acts as defined in § 86.1, Chapters 86—90, or the approved permit. Termination of temporary cessation status due to failure to comply with the acts as defined in § 86.1, Chapters 86—90, or the approved permit will place the

mining operation in permanent cessation status, subject to the provisions of § 88.132 (cessation of operations: permanent).

**Subchapter C. ANTHRACITE BANK REMOVAL AND RECLAMATION: MINIMUM ENVIRONMENTAL PROTECTION PERFORMANCE STANDARDS**

**§ 88.187. Hydrologic balance: effluent standards.**

\* \* \* \* \*

(f) In addition to the requirements of subsections (a)—(e), the discharge of water from areas disturbed by mining activities shall comply with Chapters 91—93, 95, 96, 97 (reserved) and 102.

**§ 88.188. Hydrologic balance: precipitation event exemption.**

\* \* \* \* \*

(b) The 10-year, 24-hour precipitation event for specific areas in this Commonwealth shall be determined by reference to data provided by the National Oceanic and Atmospheric Administration or equivalent resources.

(c) For the permittee to demonstrate that the 10-year, 24-hour precipitation event has for the mine area been exceeded, or that dry weather flow conditions did not exist, the permittee shall do one of the following:

\* \* \* \* \*

(4) Prepare an analysis identifying the runoff area tributary to the treatment facility and compare the actual runoff as measured and depicted by the flow measuring device with the runoff expected from the 10-year, 24-hour precipitation event specified for the mine area.

\* \* \* \* \*

**§ 88.193. Hydrologic balance: collection ponds within disturbed areas.**

\* \* \* \* \*

(b) The ponds or collection areas shall be capable of treating the runoff. Runoff shall be calculated using the Natural Resources Conservation Service methods.

\* \* \* \* \*

**§ 88.197. Hydrologic balance: ponds, embankments and impoundments—design, construction and maintenance.**

\* \* \* \* \*

(b) The design, construction and maintenance of dams, ponds, embankments and impoundments that are not of the class of subsection (a) shall achieve the minimum design criteria contained in United States Natural Resources Conservation Service’s Pennsylvania Field Office Technical Guide, Section IV, Standards 350 “Sediment Basin” and Standard 378, “Pond,” as amended. In addition to the requirements in “Sediment Basin,” a minimum static safety factor of 1.3 is required.

**§ 88.198. Hydrologic balance: coal processing waste dams and embankments.**

A dam and embankment constructed of coal processing waste or intended to impound coal processing waste, shall meet the criteria established by Chapter 105 (relating to dam safety and waterway management) and the United States Natural Resources Conservation Service’s *Pennsylvania Field Office Technical Guide, Section IV, and Standard 378 “Pond,”* as applicable.

**§ 88.202. Hydrologic balance: surface water monitoring.**

(a) In addition to the monitoring and reporting requirements established by the Department under Chapter 92a

(relating to National Pollutant Discharge Elimination System permitting, monitoring and compliance), surface water shall be monitored to measure and record accurately the water quantity and quality of the discharges from the permit area and the effect of the discharge on the receiving waters. Surface water shall be monitored for parameters that relate to the suitability of the surface water for current and approved postmining land uses and to the objectives for protection of the hydrologic balance as set forth in § 88.49 (relating to protection of hydrologic balance). At a minimum, total dissolved solids or specific conductance corrected to 25°C, total suspended solids, pH, acidity, alkalinity, total iron, total manganese, sulfates and flow shall be monitored and reported to the Department every 3 months for each monitoring location.

\* \* \* \* \*

**§ 88.217. Vegetation: standards for successful vegetation.**

\* \* \* \* \*

(e) When the approved postmining land use is cropland, the approved standard shall be the average yields per acre for the crop and soil type as specified in the Soil Surveys of the United States Department of Agriculture Natural Resources Conservation Service. The productivity or yield of the mined area shall be equal to or greater than the approved standard for the last two consecutive growing seasons of the extended period of responsibility established in § 86.151 (relating to period of liability). Productivity or yield shall be considered equal if production or yield is at least 90% of the approved standard.

(f) Standards for determining success of restoration on prime farmlands soils shall be based upon the soil surveys and soil interpretations and the latest yield data available from the United States Department of Agriculture Natural Resources Conservation Service.

\* \* \* \* \*

**§ 88.219. Cessation of operations: temporary.**

(a) Before temporary cessation status of operations for a period of 30 days or more, an operator shall submit to the Department a notice of intention to temporarily cease operations. The notice shall include a statement of the exact number of acres affected in the permit area, the extent and kind of reclamation of the areas and identification of the backfilling, regrading, revegetation, environmental monitoring, and water treatment activities that will continue during the temporary cessation status.

(b) Temporary cessation status of operations does not relieve the operator of the obligations to comply with the acts as defined in § 86.1 (relating to definitions), Chapters 86—90, or the approved permit, including the obligation to submit an application for permit renewal at least 180 days before the expiration of the existing permit. The Department may enforce these obligations during the temporary cessation status of operations.

(c) Temporary cessation status will end with the resumption of coal extraction. Any subsequent notices of temporary cessation status must include updated information outlined in subsection (a).

(d) Temporary cessation status will terminate where the Department finds a failure to comply with the acts as defined in § 86.1, Chapters 86—90, or the approved permit. Termination of temporary cessation status due to failure to comply with the acts as defined in § 86.1, Chapters 86—90, or the approved permit will place the mining operation in permanent cessation status, subject to the provisions of § 88.220 (relating to cessation of operations: permanent).

**Subchapter D. ANTHRACITE REFUSE DISPOSAL: MINIMUM ENVIRONMENTAL PROTECTION PERFORMANCE STANDARDS**

**§ 88.292. Hydrologic balance: effluent standards.**

\* \* \* \* \*

(f) In addition to the requirements of subsections (a)—(e), the discharge of water from areas disturbed by mining activities shall comply with this title, including Chapters 91—93, 95, 96, 97 (reserved) and 102.

**§ 88.293. Hydrologic balance: precipitation event exemption.**

\* \* \* \* \*

(b) The 1-year and 10-year; 24-hour precipitation events for specific areas in this Commonwealth shall be determined by reference to data provided by the National Oceanic and Atmospheric Administration or equivalent resources.

(c) For the permittee to demonstrate that the event has for the mine area been exceeded, or that dry weather flow conditions did not exist, the permittee shall comply with one of the following:

(1) Collect 24-hour rainfall information from official United States Weather Bureau Stations within a 25-mile distance—radius—of the site.

(2) Calculate the estimated rainfall event for the site, by appropriate interpolation of the data collected under paragraph (1). Appropriate interpolation shall be accomplished by the following:

(i) Preparing a verified copy of the chart or readout from a Department approved flow measuring device which continuously records the influent to the permitted treatment facility. The device shall be approved by the Department in writing prior to the rainfall event for which the exemption is sought and shall be secured to prevent tampering and acts of third parties.

(ii) Preparing an analysis identifying the runoff area tributary to the treatment facility, and compare the actual runoff as measured and depicted by the flow measuring device with the runoff expected from the 1-year or 10-year, 24-hour rainfall event specified for the mine area.

\* \* \* \* \*

(4) Prepare an analysis identifying the runoff area tributary to the treatment facility, and compare the actual runoff as measured and depicted by the flow measuring device with the runoff expected from the 1-year or 10-year, 24-hour rainfall event specified for the mine area.

\* \* \* \* \*

**§ 88.302. Hydrologic balance: dams, ponds, embankments and impoundments—design, construction and maintenance.**

\* \* \* \* \*

(b) The design, construction and maintenance of dams, ponds, embankments and impoundments that are not of the class of subsection (a) shall achieve the minimum design criteria contained in United States Natural Resources Conservation Service’s Pennsylvania Field Office Technical Guide, Section IV, Standards 350 “Sediment Basin” and 378, “Pond,” as amended. In addition to the requirements in “Sediment Basin,” a minimum static safety factor of 1.3 is required.

**§ 88.303. Hydrologic balance: coal processing waste dams and embankments.**

A dam and embankment constructed of coal processing waste or intended to impound coal processing waste, shall meet the requirement criteria established under Chapter 105 (relating to dam safety and waterway management) and the United States Natural Resources Conservation Service’s *Pennsylvania Field Office Technical Guide, Section IV, Standard 378, “Pond”*, as applicable.

**§ 88.306. Hydrologic balance: surface water monitoring.**

(a) In addition to the monitoring and reporting requirements established by the Department under Chapter 92a (relating to National Pollutant Discharge Elimination System permitting, monitoring and compliance), surface water shall be monitored to measure and record accurately the water quantity and quality of the discharges from the permit area and the effect of the discharge on the receiving waters. Surface water shall be monitored for parameters that relate to the suitability of the surface water for current and approved postmining land uses and to the objectives for protection of the hydrologic balance as set forth in § 88.49 (relating to protection of hydrologic balance). At a minimum, total dissolved solids or specific conductance corrected to 25°C, total suspended solids, pH, acidity, alkalinity, total iron, total manganese, sulfates and flow shall be monitored and reported to the Department every 3 months for each monitoring location.

\* \* \* \* \*

**§ 88.330. Revegetation: standards for successful revegetation.**

\* \* \* \* \*

(e) When the approved postmining land use is cropland, the approved standard shall be the average yields per acre for the crop and soil type as specified in the Soil Surveys of the United States Department of Agriculture, Natural Resources Conservation Service. The productivity or yield of the mined area shall be equal to or greater than the approved standard for the last two consecutive growing seasons of the extended period of responsibility established in § 86.151 (relating to period of liability). Productivity or yield shall be considered equal if production or yield is at least 90% of the approved standard.

(f) Standards for determining success of restoration on prime farmlands soils shall be based upon the soil surveys and soil interpretations and the latest yield data available from the United States Department of Agriculture Natural Resources Conservation Service.

\* \* \* \* \*

**§ 88.332. Cessation of operations: temporary.**

(a) As soon as it is known that the operation will temporarily cease for more than 30 days, the operator shall submit a notice of intention, in writing, to temporarily cease the operation. The notice shall include a statement of the exact number of acres which will have been affected in the permit area, the extent and kind of reclamation of those areas, and identification of the backfilling, regrading, revegetation, monitoring and water treatment activities that will continue during the temporary cessation. The system for preventing precipitation from contacting the coal refuse shall be installed when the temporary cessation exceeds 90 days. The Department may approve a longer period, not to exceed 1 year, consistent with section 6.1(i) of the Coal Refuse Disposal Control Act (52 P.S. § 30.56a(i)).

(b) Temporary cessation of an operation may not exceed 90 days unless the Department approves a longer period for reasons of seasonal shutdown or labor strike.

(c) Temporary cessation does not relieve the operator of the obligation to comply with any provisions of the permit.

**Subchapter F. ANTHRACITE UNDERGROUND MINES**

**§ 88.491. Minimum requirements for information on environmental resources.**

\* \* \* \* \*

(k) *Preapplication investigation.* The applicant shall conduct a preapplication investigation of the proposed permit area to determine whether lands within the area may be prime farmland.

(1) Land will not be considered prime farmland if the applicant can demonstrate one of the following:

(i) The land has not been historically used for cropland.

(ii) The slope of the land is 10% or greater.

(iii) There are no soil map units that have been designated prime farmland by the United States Department of Agriculture Natural Resources Conservation Service, on the basis of a soil survey of lands within the permit area.

(iv) The area of prime farmland is minimal in size—less than 5 acres—and has been or will be in use for an extended period of time—more than 10 years.

(2) If the applicant determines after investigation that all or part of the lands in the proposed permit area are not prime farmland, the applicant shall submit with the permit application a request for a negative determination showing that the lands meet one of the criteria of paragraph (1).

(3) If the investigation indicates that lands within the proposed permit area may be prime farmlands, the applicant shall contact the United States Department of Agriculture Natural Resources Conservation Service to determine if a soil survey exists for those lands and whether the applicable soil map units have been designated as prime farmlands. If no soil survey has been made for the lands within the proposed area, the applicant shall cause a survey to be made.

(4) When a soil survey as required in paragraph (3) includes soil map units that have been designated as prime farmlands, the applicant shall submit with the permit application a soil survey of the proposed permit area according to the standards of the National Cooperative Soil Survey and in accordance with the procedures set forth in the United States Department of Agriculture Handbooks 436 (Soil Taxonomy, 1975) and 18 (Soil Survey Manual, 1951) as amended. The soil survey shall include a map unit and representative soil profile description as determined by the United States Natural Resources Conservation Service for each prime farmland soil within the proposed permit area unless other representative descriptions from the locality, prepared in conjunction with the National Cooperative Soil Survey are available and their use is approved by the State Conservationist, United States Natural Resources Conservation Service.

(5) When a soil survey as required in paragraph (3) includes soil map units that have not been designated as prime farmland after review by the United States Department of Agriculture Natural Resources Conservation Service, the applicant shall submit with the permit applica-

tion a request for negative determination for nondesignated land establishing compliance with paragraph (1).

**§ 88.493. Minimum environmental protection performance standards.**

A person who conducts underground mining activities shall comply with the performance standards and design requirements of this section. The following performance standards shall be met:

\* \* \* \* \*

(8) Standards for determining success of restoration on prime farmland soils shall be based upon the soil surveys and soil interpretations and the latest yield data available from the United States Department of Agriculture Natural Resources Conservation Service. Soil productivity for prime farmland shall be returned to equivalent levels of yield as nonmined land of the same soil type in the surrounding area under equivalent management practices as determined from the soil survey performed under § 88.491(k) (relating to minimum requirements for information on environmental resources).

\* \* \* \* \*

**Subchapter G. ANTHRACITE SURFACE MINING ACTIVITIES AND ANTHRACITE BANK REMOVAL AND RECLAMATION ACTIVITIES: MINIMUM REQUIREMENTS FOR REMINING AREAS WITH POLLUTIONAL DISCHARGES**

**§ 88.502. Definitions.**

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

\* \* \* \* \*

*Encountered discharge*—

(i) A pre-existing discharge intercepted in the course of active surface mining activities, including, but not limited to, overburden removal, coal extraction and backfilling, or that occurs in the pit, any mining-related conveyance, sedimentation pond or treatment pond.

(ii) The term does not include diversions of surface water and shallow groundwater flow from areas undisturbed by the implementation of the pollution abatement plan which would otherwise drain into the affected area so long as they are designed, operated and maintained in accordance with § 88.95(b)—(g), § 88.190(b)—(g) or § 88.295(b)—(i) (relating to hydrologic balance: diversions; hydrologic balance: diversions; and hydrologic balance: diversions and conveyances), as applicable.

\* \* \* \* \*

**§ 88.507. Treatment of discharges.**

\* \* \* \* \*

(c) For purposes of subsections (a) and (b), the term “encountered” may not be construed to mean diversions of surface water and shallow groundwater flow from areas undisturbed by the implementation of the pollution abatement plan which would otherwise drain into the affected area, so long as the diversions are designed, operated and maintained under §§ 88.95(b)—(g), 88.190(b)—(g) and 88.295(b)—(i) (relating to hydrologic balance: diversions; hydrologic balance: diversions; and hydrologic balance: diversions and conveyances).

\* \* \* \* \*

**§ 88.508. Request for bond release.**

Sections 86.172(c) and 88.509 (relating to criteria for release of bond; and criteria and schedule for release of bonds on pollution abatement areas) apply to the release

of bonds for pollutional abatement areas authorized by this subchapter. Section 86.172(a) and (b) shall be inapplicable to the release of bonds.

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

**Subchapter B. OPERATIONS  
PERFORMANCE STANDARDS**

**§ 89.52. Water quality standards, effluent limitations and best management practices.**

\* \* \* \* \*

(f) *Postmining pollutional discharges.*

(1) If a postmining pollutional discharge occurs, the discharger shall immediately provide interim treatment to comply with the Group A effluent requirements in subsection (a), including modifications authorized or required under subsection (e), (g) or (h). The discharger shall also take whatever measures are necessary and available to abate the discharge, including modifying the operation and reclamation plan for the mining activity.

(2) If the discharge continues to exist, after implementation of the abatement measures required under paragraph (1), the discharger shall make provisions for sound future treatment of the discharge to achieve the Group A effluent requirements in subsection (c), including modifications authorized or required under subsection (e) or (h). If the untreated discharge can be adequately treated using a passive treatment system, in addition to achieving the effluent requirements, the passive treatment system shall be designed and constructed to accomplish the following:

(i) Prevent discharge of mine drainage into the groundwater.

(ii) Prevent extraneous sources of groundwater and surface water runoff from entering the treatment system.

(iii) Hydraulically handle the highest average monthly flow rate which occurs during a 12-month period.

(iv) Have inlet and outlet structures which will allow for flow measurement and water sampling.

(v) Prevent to the maximum extent practicable physical damage, and associated loss of effectiveness, due to wildlife and vandalism.

(vi) Be of a capacity so that it will operate effectively and achieve the required effluent quality for 15 to 25 years before needing to be replaced.

(3) Any passive treatment system shall be designed by, and constructed under the supervision of, a qualified professional knowledgeable in the subject of passive treatment of mine drainage.

\* \* \* \* \*

(h) *Additional requirements.* In addition to the requirements of subsections (c)—(g), the discharge of water from the permit area shall comply with this title, including Chapters 91—93, 95, 96, 97 (reserved) and 102.

\* \* \* \* \*

**§ 89.53. Precipitation event exemption.**

\* \* \* \* \*

(b) The 10-year, 24-hour rainfall events for specific areas in this Commonwealth shall be determined by reference to data provided by the National Oceanic and Atmospheric Administration or equivalent resources.

(c) For the permittee to demonstrate that the 10-year, 24-hour event has for the mine area been exceeded, or

that dry weather flow conditions did not exist, the permittee shall comply with one of the following:

\* \* \* \* \*

(2) The permittee shall comply with the following:

(i) Prepare a verified copy of the chart or readout from a Department-approved flow measuring device which continuously records the influent to the permitted treatment facility. The device shall be approved by the Department in writing prior to the rainfall event for which the exemption is sought and shall be secured to prevent tampering and acts of third parties.

(ii) Prepare an analysis identifying the runoff area tributary to the treatment facility, and compare the actual runoff as measured and depicted by the flow measuring device with the runoff expected from the 10-year, 24-hour rainfall event specified for the mine area.

\* \* \* \* \*

**§ 89.59. Surface water and groundwater monitoring.**

(a) Surface water and groundwater monitoring shall be conducted under § 89.34 (relating to hydrology) and with the monitoring plan contained in the permit. At a minimum, surface water and groundwater monitoring shall include the following conditions:

\* \* \* \* \*

(3) In addition to the monitoring and reporting requirements in Chapter 92a (relating to National Pollutant Discharge Elimination System permitting, monitoring and compliance), surface water shall be monitored accurately to measure and record the water quantity and quality of discharges from the permit area and the effect of the discharges on the receiving waters. Surface water shall be monitored for parameters that relate to the suitability of the surface water for current and approved postmining land uses and to the objectives for protection of the hydrologic balance as set forth in § 89.36 (relating to protection of hydrologic balance). At a minimum, total dissolved solids or specific conductance corrected to 25°C, total suspended solids, total iron, total manganese, acidity, alkalinity, pH, sulfates and flow shall be monitored and reported to the Department at least every 3 months for each monitoring location.

\* \* \* \* \*

**Subchapter C. RECLAMATION  
PERFORMANCE STANDARDS**

**§ 89.86. Revegetation.**

\* \* \* \* \*

(e) Standards for successful revegetation shall be as follows:

(1) When the approved postmining land use is cropland:

(i) The standards for successful revegetation shall be based upon crop productivity, yield or soil tests.

(ii) The approved standard shall be the average yield per acre for the crop and soil type as specified in the Soil Surveys of the United States Department of Agriculture Natural Resources Conservation Service.

(iii) The productivity or yield of the mined area shall be equal to or greater than the approved standard for the last 2 consecutive growing seasons of the 5-year responsibility period established in this section. Productivity or yield shall be considered equal if production or yield is at least 90% of the approved standard.

\* \* \* \* \*

**Subchapter D. STRUCTURAL REQUIREMENTS FOR IMPOUNDMENTS**

**PERFORMANCE STANDARDS**

**§ 89.112. Impoundments.**

An impoundment shall be designed in accordance with the United States Natural Resources Conservation Service's Pennsylvania Field Office Technical Guide, Section IV, Standards 350, "Sediment Basin," and 378, "Pond," or United States Natural Resources Conservation Service Technical Release No. 60, "Earth Dams and Reservoirs," whichever is applicable. The standards are incorporated by reference. In addition to the requirements in "Sediment Basin," a minimum static safety factor of 1.3 is required. Each impoundment shall be certified that it has been constructed and is being maintained as designed and in accordance with the approved plan and all applicable performance standards. These structures shall also meet the following requirements:

\* \* \* \* \*

**Subchapter E. PRIME FARMLANDS INFORMATION REQUIREMENTS**

**§ 89.121. Prime farmland investigation.**

(a) The applicant shall contact the county office of the Natural Resources Conservation Service to determine whether lands within the area may be prime farmland.

(b) Land shall not be considered prime farmland when the applicant can demonstrate one or more of the following:

\* \* \* \* \*

(5) On the basis of a soil survey of the lands proposed to be affected by surface operations or facilities, there are no soil map units that have been designated prime farmland by the United States Natural Resources Conservation Service; or

\* \* \* \* \*

(d) The applicant shall submit the results of the investigation along with certification by the Natural Resources Conservation Service that the conclusions are correct.

\* \* \* \* \*

**§ 89.122. Prime farmlands.**

\* \* \* \* \*

(b) A person who conducts or intends to conduct underground mining activities on prime farmlands historically used for cropland, except those persons exempted under subsection (a), shall submit a plan as part of the permit application for the mining and restoration of the land. A plan shall contain, at a minimum, the following:

(1) A soil survey of the permit area according to the standards of the National Cooperative Soil Survey and in accordance with the procedures in *United States Department of Agriculture Handbooks 436 (Soil Taxonomy, 1975) and 18 (Soil Survey Manual, 1951)*. The soil survey shall include a map unit and representative soil profile description as determined by the United States Natural Resources Conservation Service for each prime farmland soil within the permit area unless other representative descriptions from the locality, prepared in conjunction with the National Cooperative Soil Survey, are available and their use is approved by the State Conservationist, United States Natural Resources Conservation Service. The soil profile description shall include, but not be limited to, soil horizon depths, pH and range of soil densities for each prime farmland soil unit within the proposed permit area. The Department may require the applicant to provide information on other physical and

chemical soil properties as needed to make a determination that the operator has the technological capability to restore the prime farmland within the permit area to the soil reconstruction standards of §§ 89.131—89.133 (relating to soil removal; soil stockpiling; and soil replacement).

\* \* \* \* \*

(8) Standards for determining success of revegetation on prime farmland soils shall be based upon the soil surveys and soil interpretations and the latest yield data available from the United States Department of Agriculture Natural Resources Conservation Service. The current estimated yields under equivalent levels of management for each soil map unit and for each crop shall be used by the Department as the predetermined target level for determining success of revegetation. The target yields may be adjusted by the Department in consultation with the Secretary of Agriculture before approval of the permit application.

(c) Before a permit is issued for areas that include prime farmlands, the Department will consult the Natural Resources Conservation Service. The Natural Resources Conservation Service shall have the opportunity for review and comment of the proposed method of soil reconstruction in the plan submitted under subsection (b).

(d) When the underground mining activities are being conducted on prime farmland, a permit for the mining and reclamation operation may be granted by the Department, if it first finds, in writing, that:

\* \* \* \* \*

(4) The permit incorporates as specific conditions the contents of the plan submitted under subsection (b), after consideration of any revisions to the plan suggested by the Natural Resources Conservation Service under subsection (c).

\* \* \* \* \*

**PERFORMANCE STANDARDS**

**§ 89.134. Revegetation.**

\* \* \* \* \*

(c) Standards for determining success of restoration on prime farmlands soils shall be based upon the soil surveys and soil interpretations and the latest yield data available from the United States Department of Agriculture Natural Resources Conservation Service.

\* \* \* \* \*

**CHAPTER 90. COAL REFUSE DISPOSAL**

**Subchapter B. MINIMUM ENVIRONMENTAL RESOURCES INFORMATION REQUIRED IN PERMIT APPLICATIONS FOR COAL REFUSE DISPOSAL**

**§ 90.22. Prime farmland investigation.**

\* \* \* \* \*

(b) Land will not be considered prime farmland when the applicant can demonstrate one or more of the following:

\* \* \* \* \*

(5) There are no soil map units that have been designated prime farmland by the United States Natural Resources Conservation Service, on the basis of a soil survey of the lands proposed to be affected by coal refuse disposal activities.

\* \* \* \* \*

(d) If the investigation indicates that lands within the proposed area to be affected by coal refuse disposal activities may be prime farmlands, the applicant shall contact the United States Natural Resources Conserva-

tion Service to determine if these lands have a soil survey and whether the applicable soil map units have been designated prime farmlands. If a soil survey has not been made for these lands, the applicant shall cause a survey to be made.

(1) When a soil survey as required in this subsection contains soil map units which have been designated as prime farmlands, the applicant shall submit a soil survey of the proposed permit area according to the standards of the National Cooperative Soil Survey and in accordance with the procedures in the *United States Department of Agriculture Handbooks 436 (Soil Taxonomy, 1975) and 18 (Soil Survey Manual, 1951)*. The soil survey shall include a map unit and representative soil profile description as determined by the United States Natural Resources Conservation Service for each prime farmland soil within the proposed permit area, unless other representative descriptions from the locality, prepared in conjunction with the National Cooperative Soil Survey, are available and their use is approved by the State Conservationist, United States Natural Resources Conservation Service.

(2) When a soil survey as required in this subsection contains soil map units which have not been designated, after review by the United States Natural Resources Conservation Service, as prime farmland, the applicant shall submit a request for negative determination for nondesignated land with the permit application establishing compliance with subsection (b).

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

**§ 90.102. Hydrologic balance: water quality standards, effluent limitations and best management practices.**

\* \* \* \* \*

(f) *Additional requirements.* In addition to the requirements of subsections (a)—(e), the discharge of water from coal refuse disposal activities shall comply with this title, including Chapters 91—93, 95, 96, 97 (reserved) and 102.

\* \* \* \* \*

**§ 90.103. Precipitation event exemption.**

\* \* \* \* \*

(b) The 1-year and 10-year 24-hour rainfall events for specific areas in this Commonwealth shall be determined by reference to data provided by the National Oceanic and Atmospheric Administration or equivalent resources.

(c) For the coal refuse disposal permittee to demonstrate that the event has for the mine area been exceeded, or that dry weather flow conditions did not exist, the permittee shall comply with paragraph (1), (2) or (3).

\* \* \* \* \*

(2) Complying with the following:

(i) Prepare a verified copy of the chart or readout from a Department-approved flow measuring device which continuously records the influent to the permitted treatment facility. The device shall be approved by the Department in writing prior to the event for which the exemption is sought and shall be secure to prevent tampering and acts of third parties.

(ii) Prepare an analysis identifying the runoff area tributary to the treatment facility, and compare the actual runoff as measured and depicted by the flow measuring device with the runoff expected from the 1-year or 10-year, 24-hour precipitation event specified for the mine area.

\* \* \* \* \*

**§ 90.112. Hydrologic balance: dams, ponds, embankments and impoundments—design, construction and maintenance.**

\* \* \* \* \*

(b) The design, construction and maintenance of dams, ponds, embankments and impoundments shall achieve the minimum design criteria contained in the United States Natural Resources Conservation Service's *Pennsylvania Field Office Technical Guide, Section IV, Standards 350 "Sediment Basin" and 378, "Pond,"* or United States Natural Resources Conservation Service's Technical Release No. 60, Earth Dams and Reservoirs, whichever is applicable. The standards are incorporated by reference. In addition to the requirements in "Sediment Basin," a minimum static safety factor of 1.3 is required. These structures shall meet the following requirements:

\* \* \* \* \*

**§ 90.113. Hydrologic balance: coal processing waste dams and embankments.**

\* \* \* \* \*

(c) The design freeboard between the lowest point on the embankment crest and the maximum water elevation shall be at least 3 feet. The maximum water elevation shall be that determined by the freeboard hydrograph criteria contained in the United States Natural Resources Conservation Service's Technical Release No. 60, "Earth Dams and Reservoirs." The standards contained therein are hereby incorporated by reference.

\* \* \* \* \*

**§ 90.116. Hydrologic balance: surface water monitoring.**

(a) In addition to the monitoring and reporting requirements established by the Department under Chapter 92a (relating to National Pollutant Discharge Elimination System permitting, monitoring and compliance), surface water shall be monitored to accurately measure and record the water quantity and quality of the discharges from the permit area and the effect of the discharge on the receiving waters. Surface water shall be monitored for parameters that relate to the suitability of the surface water for current and approved postmining land uses and to the objectives for protection of the hydrologic balance as set forth in § 90.35 (relating to protection of hydrologic balance). At a minimum, total dissolved solids or specific conductance corrected to 25°C, total suspended solids, pH, acidity, alkalinity, total iron, total manganese, sulfates and flow shall be monitored and reported to the Department at least every 3 months for each monitoring location.

\* \* \* \* \*

**§ 90.159. Revegetation: standards for successful revegetation.**

(a) When the approved postdisposal land use is cropland or as provided in subsection (c), the following apply:

\* \* \* \* \*

(2) The approved standard shall be the average yields per acre for the crop and soil type as specified in the soil surveys of the United States Department of Agriculture Natural Resources Conservation Service.

\* \* \* \* \*

**§ 90.161. Prime farmland: special requirements.**

(a) When the coal refuse disposal activities are being conducted on prime farmland historically used for cropland, a permit for the mining and reclamation operation may be granted by the Department if it first finds, in

writing and after consultation with the Natural Resources Conservation Service, that the applicant has demonstrated that:

\* \* \* \* \*

(b) If a permit is granted under this section, the permit shall be specifically conditioned as containing the plan submitted under § 90.33 (relating to reclamation plan), including any revisions to that plan suggested by the United States Natural Resources Conservation Service.

\* \* \* \* \*

§ 90.165. Prime farmland: revegetation.

\* \* \* \* \*

(c) Standards for determining success of restoration on prime farmland soils shall be based upon the soil surveys and soil interpretations and the latest yield data available from the United States Department of Agriculture Natural Resources Conservation Service.

\* \* \* \* \*

Subchapter E. SITE SELECTION

§ 90.201. Definitions.

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

Preferred site—A watershed polluted by acid mine drainage; a watershed containing an unreclaimed surface mine but which has no mining discharge; a watershed containing an unreclaimed surface mine with discharges that could be improved by the proposed coal refuse disposal operation; unreclaimed coal refuse disposal piles that could be improved by the proposed coal refuse disposal operation; other unreclaimed areas previously affected by mining activities; or an area adjacent to or an expansion of an existing coal refuse disposal site.

\* \* \* \* \*

Subchapter F. COAL REFUSE DISPOSAL ACTIVITIES ON AREAS WITH PRE-EXISTING POLLUTIONAL DISCHARGES

§ 90.308. Request for bond release.

Sections 86.172(c) and 90.309 (relating to criteria for release of bond; and criteria and schedule for release of bonds on pollution abatement areas) apply to the release of bonds for pollutional abatement areas authorized by this subchapter. Section 86.172(a) and (b) is not applicable to the release of bonds.

[Pa.B. Doc. No. 20-374. Filed for public inspection March 13, 2020, 9:00 a.m.]

Title 58—RECREATION

FISH AND BOAT COMMISSION

[ 58 PA. CODE CH. 63 ]

Fishing; General Fishing Regulations

The Fish and Boat Commission (Commission) amends Chapter 63 (relating to general fishing regulations). The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The amendments update the Commission's display requirements for fishing licenses.

A. Effective Date

This final-form rulemaking will go into effect upon publication in the *Pennsylvania Bulletin*.

B. Contact Person

For further information on this final-form rulemaking, contact Wayne Melnick, Esq., P.O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This final-form rulemaking is available on the Commission's web site at [www.fishandboat.com](http://www.fishandboat.com).

C. Statutory Authority

The amendments to § 63.2 (relating to display of fishing license and verification of license purchase) are published under the statutory authority of section 2703(a) of the code (relating to possession and display of licenses).

D. Purpose and Background

The specific purpose and background of the amendments are described in more detail under the summary of changes.

E. Summary of Changes

The Commission is constantly exploring new ways to provide greater convenience for anglers and boaters. In recent years, anglers have remarked that the Commission's requirement to display fishing licenses on an outer garment is antiquated and often inconvenient, particularly when an angler is purchasing a license online on relatively short notice and does not have a license holder. Another common complaint is that due to the display requirement, anglers often lose their license after it becomes unattached somewhere along a stream or on a boat. In these situations, the angler then incurs the added cost of purchasing a duplicate license.

Nationwide, Pennsylvania is one of only three states to still require the display of a fishing license, along with Delaware and New Jersey. In 2012, the Game Commission removed the display requirement for hunting licenses, which has generally been well received by their customers. This change added more confusion for anglers and has led to complaints fielded by waterways conservation officers and regional staff. Removing the display requirement for fishing licenses would provide greater consistency between the two agencies, as many hunters are also anglers. This final-form rulemaking would also help facilitate the eventual purchase and storage of fishing licenses on mobile applications.

In looking at all aspects of removing the display requirement, the most obvious downside is that officers will need to do a field check on every angler since that will be the only way to verify whether or not someone has a license. This practice may lead to more complaints from anglers who get checked multiple times throughout a season; however, this final-form rulemaking would allow anglers to continue displaying their license if they prefer. Additionally, the removal of the display requirement will not change the practice of giving a resident of this Commonwealth 7 days to provide proof of a license purchase when caught without a license in their possession.

A similar rulemaking was approved at the July 2017 Commission meeting. The proposed rulemaking was tabled shortly thereafter due to concerns from the Office



of the Attorney General that the measure also allowed the display of licenses using a mobile device, which would require an amendment to 30 Pa.C.S. § 2710 (relating to form and expiration of licenses) removing the requirement for licenses to be signed “in ink.” Commission staff are concurrently pursuing legislation to remove this provision so a mobile device may be used in the future. This final-form rulemaking would only remove the display requirement, not authorize display on a mobile device.

A notice of proposed rulemaking was published at 49 Pa.B. 7413 (December 21, 2019). The Commission received one public comment opposed to the proposal.

The Commission amends § 63.2 to read as set forth at 49 Pa.B. 7413.

*F. Paperwork*

This final-form rulemaking will not increase paperwork and will not create new paperwork requirements.

*G. Fiscal Impact*

This final-form rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions.

*H. Public Comments*

A notice of proposed rulemaking was published at 49 Pa.B. 7413. The Commission received one comment opposed to the proposal.

*Findings*

The Commission finds that:

(1) Public notice of intention to adopt the amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202), known as the Commonwealth Documents Law, and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking required; and adoption of regulations).

(2) A public comment period was provided, and one comment was received.

(3) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for administration and enforcement of the authorizing statutes.

*Order*

The Commission, acting under the authorizing statutes, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 63, are amended by amending § 63.2 to read as set forth at 49 Pa.B. 7413.

(b) The Executive Director will submit this order and 49 Pa.B. 7413 to the Office of Attorney General for approval as to legality and form as required by law.

(c) The Executive Director shall certify this order and 49 Pa.B. 7413 and deposit them with the Legislative Reference Bureau as required by law.

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

TIMOTHY D. SCHAEFFER,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48A-295 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 20-375. Filed for public inspection March 13, 2020, 9:00 a.m.]

**Title 58—RECREATION**

**FISH AND BOAT COMMISSION**

**[ 58 PA. CODE CH. 69 ]**

**Fishing in Lake Erie and Boundary Lakes**

The Fish and Boat Commission (Commission) amends Chapter 69 (relating to fishing in Lake Erie and Boundary Lakes). The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The amendments update the Commission’s season dates for walleye fishing in Lake Erie, Lake Erie tributaries and Presque Isle Bay, including peninsula waters.

*A. Effective Date*

This final-form rulemaking will go into effect upon publication in the *Pennsylvania Bulletin*.

*B. Contact Person*

For further information on this final-form rulemaking, contact Wayne Melnick, Esq., P.O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This final-form rulemaking is available on the Commission’s web site at [www.fishandboat.com](http://www.fishandboat.com).

*C. Statutory Authority*

The amendments to § 69.12 (relating to seasons, sizes and creel limits—Lake Erie, Lake Erie tributaries and Presque Isle Bay including peninsula waters) are published under the statutory authority of section 2102(b) of the code (relating to rules and regulations).

*D. Purpose and Background*

The specific purpose and background of the amendments are described in more detail under the summary of changes.

*E. Summary of Changes*

Past Commission actions gave authority to the Executive Director to adjust harvest limits for walleye and yellow perch based upon adaptive management methods for Lake Erie, Lake Erie tributaries and Presque Isle Bay, including peninsula waters. These flexible management strategies serve to maintain consistency in angler catch rate given the vagaries of weather and other biotic and abiotic influences upon recruitment or production of young for these species. Following that approval, Commission staff identified a slight discrepancy in the start date of walleye season for Inland Waters and Lake Erie waters. In both cases, the start date occurs within one week of one another. To maintain regulatory consistency and simplicity, staff recommend the Lake Erie, Lake Erie tributaries, Presque Isle Bay and peninsular water walleye seasonal opening days be the same as that for Commonwealth Inland Waters. This small housekeeping change is expected to be unnoticed by anglers and have negligible impact upon fishing opportunity but will serve to simplify and make clear harvest rules applicable to walleyes across much of this Commonwealth.

A notice of proposed rulemaking was published at 49 Pa.B. 7298 (December 14, 2019). The Commission did not receive any public comments regarding the proposal.

The Commission amends § 69.12 to read as set forth at 49 Pa.B. 7298.

*F. Paperwork*

This final-form rulemaking will not increase paperwork and will not create new paperwork requirements.

### G. Fiscal Impact

This final-form rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions.

### H. Public Comments

A notice of proposed rulemaking was published at 49 Pa.B. 7298. The Commission did not receive any comments regarding the proposal.

### Findings

The Commission finds that:

(1) Public notice of intention to adopt the amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202), known as the Commonwealth Documents Law, and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking required; and adoption of regulations).

(2) A public comment period was provided, and no comments were received.

(3) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for administration and enforcement of the authorizing statutes.

### Order

The Commission, acting under the authorizing statutes, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 69, are amended by amending § 69.12 to read as set forth at 49 Pa.B. 7298.

(b) The Executive Director will submit this order and 49 Pa.B. 7298 to the Office of Attorney General for approval as to legality and form as required by law.

(c) The Executive Director shall certify this order and 49 Pa.B. 7298 and deposit them with the Legislative Reference Bureau as required by law.

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

TIMOTHY D. SCHAEFFER,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48A-294 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 20-376. Filed for public inspection March 13, 2020, 9:00 a.m.]

## Title 61—REVENUE

### DEPARTMENT OF REVENUE

#### [ 61 PA. CODE CH. 876 ]

#### iLottery

The Department of Revenue (Department) is promulgating permanent regulations to govern the implementation and operation of iLottery in this Commonwealth under the authority in section 503 of Act 42 of 2017 (P.L. 419, No. 42) (act) (4 Pa.C.S. § 503 (relating to iLottery authorization)) for the Secretary of the Department to offer iLottery games, and under the general authority in section 303(a) of the act of August 26, 1971 (P.L. 351, No. 91), as amended, known as the State Lottery Law (72 P.S. § 3761-303(a)). Under section 503(b)(1) of the act, the

Department issued temporary regulations which are codified in 61 Pa. Code Chapter 876 (relating to iLottery games—temporary regulations), published at 48 Pa.B. 1829 (March 31, 2018). The act requires that the temporary regulations expire no later than 2 years following publication in the *Pennsylvania Bulletin*.

The proposed rulemaking was published at 49 Pa.B. 2242 (May 4, 2019). The proposed rulemaking was printed showing revisions from the temporary regulations due to the number of changes made by the Department from the temporary regulations to the proposed rulemaking.

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

The purpose of this final-form rulemaking is to adopt regulations to govern iLottery implementation and operation in this Commonwealth. The Department, through the Secretary, is responsible for implementing iLottery through the authorization of the iLottery program and its various components, including, but not limited to, iLottery games. The Pennsylvania State Lottery (Bureau) is responsible for the operation and administration of the lottery, including iLottery.

Since iLottery's implementation in May 2018, it has generated revenue dedicated to and deposited in the State Lottery Fund. The efficient and successful administration and operation of the lottery requires that this final-form rulemaking be promulgated in a timely manner and include provisions that allow for the growth of the lottery, the availability of new lottery products and new technology, including the implementation of the latest innovations and trends in the industry.

### *Explanation of Regulatory Requirements*

Chapter 876 in the temporary regulations addressed certain statutory requirements of the act, including iLottery terms and conditions and self-exclusion requirements. The temporary regulations also addressed iLottery games and the rules associated with those games. This final-form rulemaking reflects the direction that the Department took in implementing iLottery and more clearly establishes rules which were previously only referenced in the iLottery terms and conditions. Registered iLottery player requirements, lottery account requirements and self-exclusion requirements, along with categories of iLottery games and their associated components and rules, are addressed in this final-form rulemaking.

Each of the following paragraphs describe a specific section of this final-form rulemaking, followed by an explanation of the revisions made from the proposed rulemaking to this final-form rulemaking and ending with an explanation as to whether that section was included in the temporary regulations and how the section changed from the temporary regulations to the proposed rulemaking.

The title of the chapter is changed from "iLottery Games" in the temporary regulations to "iLottery" in this final-form rulemaking to more accurately describe the requirements set forth in the chapter. Chapter 876 establishes requirements related to all aspects of iLottery, not only iLottery games.

Section 876.1 (relating to scope) establishes what is covered by the chapter in this final-form rulemaking, including iLottery game rules, iLottery registration and participation, lottery account requirements and iLottery self-exclusion requirements. This section appears in the temporary regulations and is revised to include lottery

account requirements as part of the scope of the chapter to more accurately reflect what is covered in the chapter.

Section 876.2 (relating to definitions) includes definitions that also appear in other chapters of the State Lottery regulations, including “bureau” and “secretary,” for clarity and consistency. Definitions for terms specific to or related to iLottery include: “bonus money,” “cash-out games,” “drawing,” “fixed payouts,” “iLottery,” “iLottery game,” “instant win game,” “Internet instant game,” “lottery account,” “lottery products,” “lotto game,” “numbers game,” “pari-mutuel,” “play,” “prize or lottery prize,” “prize pool or pool,” “prize tiers,” “progressive,” “purchase price,” “randomizer,” “random number generator,” “registered iLottery player,” “responsible gambling tools,” “subscription services,” “top prize,” “traditional lottery products,” “winning play” and “winning numbers.”

This final-form rulemaking revises several definitions in the proposed rulemaking. The definition of “bonus money” is revised to change the term “registered iLottery players” to the defined term “registered iLottery player” for consistency. The proposed definitions of “drawing,” “fixed payouts,” “instant win game,” “Internet instant game” and “random number generator” are revised to replace the term “play” with the phrase “play, chance or share” for clarity and consistency.

In response to a comment from the Independent Regulatory Review Commission (IRRC), the proposed definition of “drawing” is revised to remove the following substantive language: “Drawings may be conducted by a mechanical device using balls, a random number generator, a randomizer or by using any other method authorized by the Secretary. Drawings may be on demand or at a predetermined date and time as established by the Secretary.” The proposed definitions of “iLottery” and “Internet instant game” are revised to change the word “players” to the defined term “registered iLottery player” for clarity and consistency. The proposed definition of “Internet instant game” is also revised to add the word “a” in front of the phrase “play, chance or share” and to replace the word “Lottery” with the defined term “Bureau” for clarity and consistency. The proposed definition of “lottery products” is revised to add the following language in the second sentence: “any iLottery game or lottery product authorized by the Secretary and offered by the Bureau under the act of August 26, 1971 (P.L. 351, No. 91) (72 P.S. §§ 3761-301—3761-315), known as the State Lottery Law, or Act 42 of 2017 (P.L. 419, No. 42) (4 Pa.C.S. §§ 501—505 (relating to lottery)) such as” to enable the Bureau to offer additional lottery products through iLottery. The clause “authorized for sale under the State Lottery Law” is deleted to avoid duplicative language.

The proposed definition of “lotto game” is revised to replace the word “numbers” with the phrase “numbers, letters or symbols” to clarify that lotto games may include the drawing of numbers, letters or symbols and to replace the phrase “winning plays are those in which the” with the phrase “To win, a” for clarity, since “winning play” is a defined term.

The proposed definition of “numbers game” is revised to replace the word “numbers” with the phrase “numbers, letters or symbols” to clarify that numbers games may include the drawing of numbers, letters or symbols, to clarify that the numbers, letters or symbols are required to match and to remove any suggestion that a requirement is imposed on a registered iLottery player. Specifically, the sentence, “A straight play requires the registered iLottery player to match the numbers in the same

order as the winning numbers are drawn by the Bureau” is replaced with the following sentence: “In straight play, the numbers, letters or symbols are matched in the same order as the winning numbers are drawn by the Bureau.” Additionally, the sentence, “A box play requires the registered iLottery player to match all of the winning numbers drawn by the Bureau, but in any order” is replaced with the following sentence: “In box play, the numbers, letters or symbols match all of the winning numbers drawn by the Bureau, but in any order.”

The proposed definition of “pari-mutuel” is revised to replace the term “prize pool” with “prize pool or pool” to reflect the defined terms. The proposed definition of “prize or lottery prize” is revised to add the phrase “in this chapter” to the end of the second sentence for clarity.

The proposed definition of the term “prize pool or pool” is revised to clarify that reference to a “prize pool” or “pool” can also mean a preset number of plays, chances or shares containing a predetermined number of winners. The proposed definition of “progressive” is revised to replace the hyphenated word “pre-determined” with the non-hyphenated word “predetermined” for consistency. The proposed definition of “purchase price” is revised to replace the phrase “share or chance” with the phrase “chance or share” for consistency.

The proposed definition of “registered iLottery player” is revised to change the tense of the words from “created” to “creates” and from “registered” to “registers,” for consistency. The proposed definition of “winning numbers” is revised to change the tense from “will be” to “are.”

Section 876.2 was included in the temporary regulations but was modified significantly in the proposed rulemaking. Specifically, the only defined terms which appeared in the temporary regulations were “iLottery,” “iLottery game,” “internet instant game,” “lottery account,” “play” and “registered iLottery player.”

The definition of “iLottery” in the temporary regulations is revised in the proposed rulemaking to include the phrase “but are not limited to,” so as not to limit the Bureau to existing technology, given how rapidly technology changes and to change the word “allows” to “allow.” The proposed definition is revised in this final-form rulemaking as explained previously.

The definition of “lottery account” in the temporary regulations was revised in the proposed rulemaking to replace the phrase “and participate in” with the phrase “iLottery and to participate in iLottery.” The following sentence was also added to the definition of “lottery account” in the proposed rulemaking for clarity: “A lottery account may be used to purchase or use lottery products, to participate in lottery promotions and second chance drawings and for lottery communications.” The definition of “play” in the temporary regulations was revised in the proposed rulemaking to include the following sentence for clarity: “May also be referred to as a chance or share.”

The following defined terms did not appear in the temporary regulations and were added to the proposed rulemaking and are revised in this final-form rulemaking as explained previously: “bonus money,” “drawing,” “fixed payouts,” “instant win game,” “lottery products,” “lotto game,” “numbers game,” “prize or lottery prize,” “prize pool or pool,” “progressive,” “purchase price,” “random number generator” and “winning numbers.”

The following defined terms did not appear in the temporary regulations and were added to the proposed rulemaking and are not revised from the proposed rulemaking in this final-form rulemaking: “Bureau,” “cash-out

games,” “pari-mutuel,” “prize tiers,” “randomizer,” “responsible gambling tools,” “Secretary,” “subscription services,” “top prize,” “traditional lottery products” and “winning play.”

Section 876.2a (relating to lottery products available through iLottery) reiterates the power vested with the Secretary under section 303 of the State Lottery Law to determine the type of lottery to be conducted. This section of this final-form rulemaking did not appear in the temporary regulations.

Section 876.2b (relating to traditional lottery products) establishes that traditional lottery products sold through iLottery may be electronically delivered to the registered iLottery player’s lottery account. Further, it clarifies that traditional lottery products sold through iLottery will be governed by the applicable traditional lottery regulations. Proposed subsection (b) is revised in this final-form rulemaking to remove the word “and” and replace it with the word “or.” This section did not appear in the temporary regulations.

Section 876.2c (relating to categories of iLottery games) sets forth the categories of iLottery games that the Secretary may authorize and that the Bureau may offer, the ways in which the winners or outcomes of a game or a play are determined, how often iLottery game outcomes are determined, iLottery game prize structures and the ways in which drawings may be conducted. iLottery games may combine any number of the characteristics set forth in subsections (a)—(d) and (g) of this final-form rulemaking, which is provided for under subsection (e). Subsection (f) describes the way in which drawings may be conducted. Subsection (g) describes the frequency in which iLottery game outcomes may occur.

The proposed rulemaking is revised in subsection 876.2c(c) to change the word “plays” to the phrase “plays, chances or shares” for clarity. Proposed subsection (e) is revised to include subsection (g) to the list of applicable subsections set forth in subsection (e). Subsections (f) and (g) are added since the definition of “drawing” is revised to remove the substantive provisions. The language in the proposed definition of “drawing” is revised since it is added as subsection (g) to change the specific reference to “drawing” and replace it with the more encompassing word “outcome” so as to include drawings, random number generators and randomizers as set forth in subsection (c). Section 876.2c did not appear in the temporary regulations.

Section 876.2d (relating to iLottery game rules by category of game offered) establishes how the Bureau will notify players of new games offered by the Bureau, which may include any combination of the characteristics described in § 876.2c.

Proposed subsection 876.2d(3) is revised in this final-form rulemaking to change the term “iLottery games” to “the iLottery game” and the clause “iLottery games are” to “the iLottery game is.” Proposed subsections (3) and (4) are revised to replace the word “play” with the phrase “plays, chances or shares” for clarity. Subsection (4) is also revised from the proposed rulemaking to replace the word “lottery” with the defined term “iLottery” for clarity. Subsection (6) is revised to replace the phrase “share or chance” with the phrase “chance or share” for consistency. Subsection (8) is revised to replace the word “determined” with the word “established” to more accurately reflect the Secretary’s responsibilities and for consistency. Section 876.2d did not appear in the temporary regulations.

Section 876.3 is reserved. In the temporary regulations, this section required notice of iLottery game rules. In the

proposed rulemaking, this section was removed in its entirety and the requirements for notice of iLottery game rules are set forth in §§ 876.2d and 876.4 (relating to iLottery game description).

Section 876.4 specifies the information that will be made available regarding each iLottery game, including the name of the game; the purchase price or range of purchase prices for a play, chance or share of that game; the odds of winning the game; prizes; and game instructions. This section also establishes where iLottery game descriptions will be located.

Proposed § 876.4 is revised in this final-form rulemaking to add the word “an”; to change the word “descriptions” to “description”; to remove “, including” since the Bureau’s mobile application is separate from the Bureau’s web site; to change “Bureau’s web site” to “Bureau’s iLottery web site and”; to remove the comma following the word “application”; and to add a comma following the term “iLottery game.”

Proposed subsection 876.4(2) is revised to change “play” to the phrase “play, chance or share” and subsection (6) is revised to add the word “a” in front of “mini-game” for consistency.

Section 876.4 was included in the temporary regulations but was revised in the proposed rulemaking. The first paragraph was changed as follows: the word “an” was removed from the first sentence of the section (but is reinserted in this final-form rulemaking, as explained previously); the phrase “Pennsylvania Lottery’s iLottery,” was replaced with the defined term “Bureau’s”; and the phrase “including the Bureau’s mobile application,” was added for clarity (but is revised in this final-form rulemaking as explained previously). Subsection (2) was revised from the temporary regulations to the proposed rulemaking to include the phrase “or range of purchase prices” for clarity. Subsection (6) was revised from the temporary regulations to remove the word “The” and replace it with the phrase “If applicable, the”; to remove the phrase “if applicable, and the procedure” with the term “the instructions”; and to replace the phrase “, if applicable” with “and the chances of winning the bonus game, mini-game or game within a game and the prizes which can be won.”

Section 876.5 (relating to price) establishes where a registered iLottery player can find information on the price for each iLottery game. The proposed rulemaking is revised in this final-form rulemaking to change the term “play” to the phrase “play, chance or share” for purposes of consistency. This section was included in the temporary regulations and was not otherwise revised in the proposed rulemaking or this final-form rulemaking.

Section 876.6 (relating to governing law) sets forth the laws applicable to registered iLottery players and the laws that dictate how iLottery revenues are apportioned. Subsection (a) requires registered iLottery players to comply with Federal and State law, the regulations, the iLottery terms and conditions provided for under § 876.9 (relating to iLottery terms and conditions) and final decisions of the Secretary. Subsection (b) states that the revenues generated through iLottery will be apportioned as provided by Title 4 of the *Pennsylvania Consolidated Statutes* (relating to amusements) and the State Lottery Law.

Proposed § 876.6 is revised in this final-form rulemaking to be divided into two subsections for clarity. The language in the new subsection (a) is revised from the proposed rulemaking to replace “terms and conditions for

registration and participation in iLottery,” with “iLottery terms and conditions as provided for under § 876.9 (relating to iLottery terms and conditions)” to more accurately reflect the scope of the iLottery terms and conditions. The language in the new subsection (b) is revised to add “regarding disposition of funds” following the citation to section 12 of the State Lottery Law (72 P.S. § 3761-311). This section was in the temporary regulations and was not revised from the temporary regulations to the proposed rulemaking.

Section 876.7 (relating to general provisions) sets forth certain overarching requirements for participation in iLottery. Subsection (a) requires an individual to establish a lottery account and to register for iLottery to purchase plays, chances or shares or to purchase lottery products using a lottery account. Subsection (b) requires an individual to accept, acknowledge, consent and agree to be legally bound by the iLottery terms and conditions provided for under § 876.9. Subsection (c) requires an individual to be located in this Commonwealth to purchase a play, chance or share. Subsection (d) requires an individual to be 18 years of age or older to purchase a play, chance or share or to purchase lottery products using a lottery account.

Proposed subsection 876.7(a) is revised in this final-form rulemaking to replace the word “and” with the word “or” in the phrase “to purchase a play, chance or share and to purchase. . . .” Proposed subsection (b) is revised to add a comma between “iLottery” and “to purchase” and to add the phrase “through iLottery” following the phrase “play, chance or share.” The proposed subsections (c) and (d) are revised to replace the term “play” with the phrase “play, chance or share” for consistency.

Section 876.7 was included in the temporary regulations and was revised from the temporary regulations to the proposed rulemaking. Specifically, subsection (a) is revised to replace the word “plays” with the phrase “a play, chance or share and to purchase lottery products using a lottery account.” and the proposed subsection (a) is revised in this final-form rulemaking as explained previously.

Subsection 876.7(b) of the temporary regulations was revised as follows in the proposed rulemaking: the phrase “be legally bound by” is added for clarification; the word “and” was replaced with the word “to”; and the phrase “chance or share and to purchase lottery products using a lottery account” was added (and is revised in this final-form rulemaking as explained previously). Temporary subsection (d) was revised in the proposed rulemaking to include the phrase “or to purchase lottery products using a lottery account.”

Section 876.8 (relating to applicability) specifies that the chapter only applies to iLottery, the sale of lottery products through iLottery and the purchase of lottery products using a lottery account. Proposed § 876.8 is revised in this final-form rulemaking to remove the phrase “lottery products” and replace it with the phrase “plays, chances or shares through iLottery and the purchase of lottery products using a lottery account” to clarify that the chapter applies to the purchase of plays, chances or shares through iLottery and to the sale of lottery products through a lottery account as opposed to the sale of lottery products more generally. The proposed rulemaking is also revised to add the phrase “and administered” to clarify that the Department and the Bureau both offer and administer iLottery and the sale of lottery products through iLottery. This section was included in the temporary regulations and was changed in

the proposed rulemaking to remove the word “only” and to add the phrase “and the sale of lottery products,” which is revised in this final-form rulemaking as explained previously.

Section 876.9 describes the terms and conditions associated with a lottery account and registration and participation in iLottery. This section also clarifies that the terms and conditions provided for in § 876.9 will be referred to generally as the iLottery terms and conditions. Section 876.9 also establishes where amendments to the iLottery terms and conditions will be published.

Subsection 876.9(a) establishes that the terms and conditions for the creation of a lottery account, including amendments to those terms and conditions, will be published in the *Pennsylvania Bulletin* and will also be available on the Bureau’s iLottery web site. Subsection (b) sets forth the requirements and information that will be included in the iLottery terms and conditions for the establishment of a lottery account and for registration and participation in iLottery.

Subsection 876.9(b)(1) requires an individual who wants to establish a lottery account to acknowledge, consent, accept and agree to the terms and conditions required by this chapter which relate to the following: confirmation of the applicant’s age and identity; use of a mechanism by the Bureau to determine the physical location of a registered iLottery player; end user license agreement for the software and third-party services used in the operation of iLottery and the provision of iLottery games; monitoring and recording of registered iLottery player communications and geolocation information; jurisdiction of the Commonwealth to resolve disputes; reasons for suspending or closing a lottery account; lottery account moneys and unclaimed property; withholding requirements; required deductions from lottery winnings; prize claims; use of electronic communications; responsible gambling limits; self-exclusion; methods of deposit; no interest on deposits; methods of withdrawing moneys; fraudulent and unlawful activity; dispute resolution; need for true and correct information to be provided to the Department and the Bureau; purchasing lottery products as gifts or for the benefit of another person; iLottery game rules; iLottery promotions; subscription services; and prohibited activities.

Subsection 876.9(b)(2) establishes prohibitions against the following: allowing another individual to access or use the registered iLottery player’s lottery account; purchasing a play, chance or share unless the registered iLottery player is physically located in this Commonwealth; using automated software or equivalent mechanisms to engage in iLottery, except to the extent adaptive technology is needed for a registered iLottery player with a disability; participation in iLottery by an individual under the age of 18; participation in iLottery by an individual who is self-excluded; the purchase of a play, chance or share or receipt of a prize by certain individuals involved with the operation and administration of iLottery and by certain family members of those individuals.

Subsection 876.9(b)(3) provides the authority to include additional requirements necessary and relevant to the provision of iLottery in the iLottery terms and conditions.

Subsection 876.9(a) of the proposed rulemaking is revised in this final-form rulemaking to add the following phrase at the end for clarity: “and will be known as the iLottery terms and conditions.” Proposed paragraph (a)(1) is revised to change “terms and conditions” to “iLottery terms and conditions” for consistency. Proposed paragraph

(a)(2) is revised to change “terms and conditions” to “iLottery terms and conditions” for consistency; to change “Bureau’s web site” to “Bureau’s iLottery web site” for consistency; and to replace “determined” with “established” to more accurately reflect the Secretary’s roles and responsibilities and for consistency.

Subsection 876.9(b) of the proposed rulemaking is revised in this final-form rulemaking to change “terms and conditions” to “iLottery terms and conditions” for consistency. The proposed rulemaking is revised to change the word “their” to “the” in paragraph (b)(1)(vi) for clarity. Proposed paragraph (b)(1)(vi) is also revised to change the reference to “account” to the defined term “lottery account” for consistency and clarity. Proposed paragraph (b)(1)(vii) is revised to change the reference to “account” to “lottery account” for consistency and clarity. The proposed paragraph is revised to remove “(relating to amusements).” The proposed rulemaking was revised to remove the generic reference to Title 4 of the *Pennsylvania Consolidated Statutes* and to add the specific sections of Title 4 for consistency and clarity. Proposed paragraph (b)(1)(vii)(B) was further revised to capitalize the word “state” at the end of the paragraph.

Paragraph 876.9(b)(1)(vii)(D) of the proposed rulemaking is revised to add the phrase “by a registered iLottery player” and to change the word “his” to “the” for clarification. Proposed paragraph (b)(1)(vii)(E) is revised to replace the word “determined” with the word “established” to more accurately reflect the Secretary’s roles and responsibilities and for consistency.

Paragraph 876.9(b)(1)(x) of the proposed rulemaking is revised to remove the word “that” for clarity. Paragraph (b)(1)(xi) of the proposed rulemaking is revised to remove the word “description” and replace it with the word “descriptions.” Proposed paragraph (b)(1)(xi) is also revised to change the reference to § 876.2(c) to § 876.2c. Proposed paragraph (b)(1)(xvi) is revised to change “account” to “lottery account.” Proposed paragraph (b)(1)(xvii) is revised to remove the word “funds” and replace it with the word “moneys” for consistency. Proposed paragraph (b)(1)(xx) is revised to include the phrases “or Bureau” and “registered iLottery player’s” for clarity and consistency.

The proposed rulemaking is also revised to add the following paragraphs: 876.9(b)(1)(xxii), which establishes that iLottery game rules and iLottery game descriptions are acknowledged by, consented to, agreed to and accepted by the registered iLottery player as part of the iLottery terms and conditions; (b)(1)(xxiii), which establishes that terms and conditions for iLottery promotions provided for under § 876.17 (relating to iLottery promotional prizes) are acknowledged by, consented to, agreed to and accepted by the registered iLottery player as part of the iLottery terms and conditions; and (b)(1)(xxiv), which establishes that terms and conditions related to subscription services as provided for under § 876.19 (relating to subscription services) are acknowledged by, consented to, agreed to and accepted by the registered iLottery player as part of the iLottery terms and conditions.

Paragraph 876.9(b)(2)(i) of the proposed rulemaking is revised to remove the word “from” and replace it with the word “against” and to change “account” to the defined term “lottery account” for clarity and consistency. Paragraph (b)(2)(ii) of the proposed rulemaking is revised to remove the word “from” and replace it with the word “against” and to change the term “play” to the phrase “play, chance or share” for clarity and consistency. Para-

graph (b)(2)(iii) of the proposed rulemaking is revised to remove the word “for” and replace it with the word “by.” Paragraph (b)(2)(vi) of the proposed rulemaking is revised to change the term “play” to the phrase “play, chance or share” for consistency and clarity. Proposed paragraph (b)(vi)(D) is revised to include the phrase “as a member of” and to change the word “and” to “or” for clarity and consistency.

Portions of § 876.9 were included in the temporary regulations but changed during the rulemaking process. Specifically, temporary subsection (a) was revised as follows: to add the phrase “the establishment of a lottery account and for the registration;” to remove the phrase “available on the Pennsylvania Lottery’s iLottery web site and other locations as determined by the Secretary;” and to add the phrase “published in the *Pennsylvania Bulletin*.” Subsections (a)(1) and (2) did not appear in the temporary regulations.

Subsection 876.9(b) is revised from the temporary regulations to the proposed rulemaking to include the phrase “the establishment of a lottery account and for.” Paragraphs (b)(1)(i)—(v) remain unchanged from the temporary regulations. Temporary paragraph (b)(1)(vi) was revised in the proposed rulemaking to remove the sentence, “The forfeiture and escheatment of funds remaining on deposit in the registered iLottery player’s account if that account has been dormant for 3 years,” which was replaced with the following language in the proposed paragraph: “Any moneys remaining on deposit in the registered iLottery player’s account as abandoned and unclaimed property if the registered iLottery player has not logged into their lottery account using their username and password in more than 3 years” and is revised in this final-form rulemaking as explained previously. Temporary paragraphs (b)(1)(vii), (b)(1)(vii)(A) and (B) were unchanged in the proposed rulemaking but are revised in this final-form rulemaking as explained previously. Proposed paragraphs (b)(1)(vii)(C)—(E) did not appear in the temporary regulations. Temporary paragraphs (b)(1)(viii)—(x) were not changed in the proposed rulemaking, but proposed paragraph (b)(1)(x) is revised in this final-form rulemaking as explained previously.

Paragraph 876.9(b)(1)(xi) of the temporary regulations is revised in the proposed rulemaking to remove the term “iLottery” from the phrase “iLottery prizes”; to remove the reference to “§ 876.3 (relating to notice of iLottery game rules)” because that section is reserved; to add a reference to § 876.2(c), which is corrected in this final-form rulemaking as explained previously; and to replace the reference to the Pennsylvania Lottery with the defined term “Bureau.” This paragraph is revised in this final-form rulemaking as explained previously.

Paragraph 876.9(b)(1)(xiii) of the temporary regulations is revised in the proposed rulemaking to replace the word “establish” with the phrase “use the”; to remove the clause “limits including a deposit limit, spend limit or time-based limit, as available, through the lottery account” and replace it with the phrase “tools available through iLottery.” Temporary paragraph (b)(1)(xiv) is revised to add the clause “and the extent to which the self-exclusion applies to use of the registered iLottery player’s lottery account.” Temporary paragraph (b)(1)(xv) is revised to replace the word “funds” with “moneys” throughout the paragraph.

Paragraph 876.9(b)(1)(xii) of the temporary regulations is not changed in this final-form rulemaking. Temporary paragraphs (b)(1)(xvi)—(xix) were not changed in the proposed rulemaking, but paragraphs (b)(1)(xvi) and (xx)

are revised in this final-form rulemaking as explained previously. Paragraphs (b)(1)(xxi)—(xxiv) did not appear in the temporary regulations.

Subsection 876.9(b)(2) was included in the temporary regulations, and the following paragraphs were revised in the proposed rulemaking. Temporary paragraph (b)(2)(i) was revised to replace the word “person” with the word “individual.” Temporary paragraph (b)(2)(iii) was revised to replace the word “utilizing” with the word “using” and to add the following sentence: “Nothing in this section shall prohibit the use of adaptive technologies for registered iLottery players with a disability as defined in the Americans with Disabilities Act of 1990 (42 U.S.C.A. §§ 12101—12213).”

In the proposed rulemaking temporary paragraphs 876.9(b)(2)(iv) and (v) were revised to change the words “a person” to “an individual.” Also in the proposed rulemaking temporary paragraph (b)(2)(vi) was revised to replace the clause “Prohibition against the sale of a play or the award of a prize as follows:” with “Prohibition against purchasing a play or receiving a prize if the registered iLottery player is:” and is revised in this final-form rulemaking as explained previously. Temporary paragraphs (b)(2)(vi)(A)—(D) were revised to replace “To an” with “An,” in the proposed rulemaking and paragraph (b)(2)(vi)(D) is revised in this final-form rulemaking as explained previously.

Paragraph 876.9(b)(3) of the temporary regulations remains unchanged.

Section 876.10 (relating to iLottery registration and participation) sets forth the requirements for registration and participation in iLottery. Subsection (a) requires an individual to create a lottery account and to register for participation in iLottery. Subsection (b) establishes that by becoming a registered iLottery player, the individual agrees to be bound by the iLottery terms and conditions as provided for under § 876.9. Subsection (c) sets forth the information that is required to establish a lottery account. Subsection (d) establishes that individuals may be asked for additional information in order to establish a lottery account. Subsection (e) requires the lottery account to have a username and password. Subsection (f) limits access to the lottery account to the registered iLottery player that established the lottery account.

Subsection 876.10(g) sets forth the circumstances in which an individual will be prohibited from establishing a lottery account and registering for iLottery. Subsection (h) prohibits the purchase of a play, chance or share or the purchase of lottery products using a lottery account if the registered iLottery player is located outside of the geographical border of this Commonwealth. Subsection (i) prohibits an individual from having more than one lottery account but provides for the creation of a new account if a previous account was closed or the reopening of a closed account, as applicable. Subsection (j) prohibits an individual from registering or attempting to register for iLottery using more than one lottery account. Subsection (k) provides for communications related to lottery accounts and iLottery to occur electronically.

Subsection 876.10(l) requires that lottery accounts be created through the Bureau’s iLottery web site or the Bureau’s mobile application. Subsection (m) allows a registered iLottery player to close their account at any time. Subsection (n) authorizes the Bureau to retain information of registered iLottery players who close their accounts to prevent fraud. Subsection (o) establishes the process of closing a lottery account.

Subsection 876.10(b) of the proposed rulemaking is revised in this final-form rulemaking to replace the phrase “terms and conditions” with the phrase “iLottery terms and conditions” and to replace the word “in” with the phrase “as provided for under.” Proposed paragraph (c)(7) was revised to replace “determined” with “established” to more accurately reflect the responsibilities of the Secretary and for consistency. Proposed subsection (d) is revised to replace “provided for” with “set forth” and to add the phrase “as provided for under § 876.9” for clarity and consistency.

Paragraph 876.10(g)(5) of the proposed rulemaking is revised to change the phrase “terms and conditions” to “iLottery terms and conditions” for clarity and consistency.

Subsection 876.10(i) of the proposed rulemaking is revised to remove the word “will” and replace it with the word “does”; to remove the word “that” and replace it with the word “who”; to remove the word “their” and replace it with the word “a”; and to replace the word “their” with the word “the.” Proposed subsection (j) is revised to change “account” with the defined term “lottery account” for clarity and consistency. Subsection (k) of the proposed rulemaking was revised to replace the word “communication” with “communications.” Proposed subsection (l) is revised to replace the phrase “Bureau’s web site” with “Bureau’s iLottery web site” for clarity and consistency.

Section 876.10 was included in the temporary regulations, and some subsections were revised in the proposed rulemaking. Temporary subsections (a) and (b) remained unchanged in the proposed rulemaking, but subsection (b) is revised in this final-form rulemaking as explained previously. Temporary subsection (c) is revised to replace the clause “The following information will be required to register for iLottery” with the clause “To establish a lottery account and register for iLottery, an individual shall provide the following information.” Temporary paragraph (c)(1) is revised to replace “Name” with “The individual’s name” and to remove the word “on.” Temporary paragraph (c)(2) was revised to replace “Date” with “The individual’s date.”

Paragraph 876.10(c)(3) of the temporary regulations is revised to replace “Entire” with “The entire” and “number” with “Number”; to add the word “comparable”; and to remove the phrase “for a foreign person such as a passport or taxpayer identification number.” Temporary paragraph (c)(4) is revised to replace “Home” with “The individual’s home.” Temporary paragraph (c)(5) is revised to replace “Telephone” with “The individual’s telephone.” Temporary paragraph (c)(6) is revised to replace “E-mail” with “The individual’s e-mail.” Temporary paragraph (c)(7) is not changed in the proposed rulemaking.

Subsection 876.10(d) of the temporary regulations is revised to add the phrase “as provided for in the iLottery terms and conditions” and is revised in this final-form rulemaking as explained previously. Temporary subsection (e) remains unchanged. Temporary subsection (f) is revised to replace the phrase “lottery account user” with “registered iLottery player.” Temporary subsection (g) is revised to add the phrase “establishing a lottery account and from.” Temporary paragraph (g)(1) remains unchanged. Temporary paragraph (g)(2) is revised to replace the word “in” with “is.” Temporary paragraphs (g)(3) and (4) remain unchanged in the proposed rulemaking, but paragraph (g)(3) is revised in this final-form rulemaking as explained previously. Temporary paragraph (g)(5) is

revised in the proposed rulemaking to remove the word “as” and in this final-form rulemaking as explained previously.

Subsection 876.10(h) of the temporary regulations is revised to add the clause “chance or share or purchase lottery products using a lottery account” and to change “verify” to “verify that.” Temporary subsection (i) is revised to replace the word “utilize” with the word “use” and to add the following sentence: “This will not prohibit a registered iLottery player that closes their lottery account from reopening their lottery account or creating a new account, as applicable, at a later date,” which is revised in this final-form rulemaking as explained previously. Temporary paragraph (j) is revised to replace the word “utilizing” with the word “using” and is revised in this final-form rulemaking as explained previously. Subsections (k)—(o) were not included in the temporary regulations.

Section 876.10a (relating to registered iLottery player lottery account requirements) establishes the requirements that registered iLottery players are subject to following the creation of a lottery account. Subsections (1) and (2) establish that registered iLottery players are subject to the end user license agreements for software and services used in the provision of iLottery. Subsection (3) requires confirmation of the registered iLottery player’s age and identity. Subsection (4) requires the registered iLottery player to provide true and correct information to the Department and the Bureau. Subsections (5) and (6) subject the registered iLottery player to the continuous monitoring and recording of account information, including transactions and physical location. Subsection (7) provides for the suspension or closure of a lottery account for violation of the iLottery terms and conditions, related to a self-exclusion request, related to the application of responsible gambling tools, related to violations of the Pennsylvania Crimes Code and Title 4 of the *Pennsylvania Consolidated Statutes* and for other reasons established by the Secretary. Subsection (8) requires a registered iLottery player to comply with all applicable statutes, regulations and the iLottery terms and conditions as provided for in § 876.9. Subsection (9) requires a registered iLottery player to agree to the iLottery privacy policy available on the Bureau’s iLottery web site and on the Bureau’s mobile application.

The proposed rulemaking is revised in this final-form rulemaking to change the title of this section from “lottery account requirements” to “registered iLottery player lottery account requirements” to clarify that it is the registered iLottery player that is subject to the lottery account requirements. Subsection (4) of the proposed rulemaking is revised to add the phrase “and the Bureau” for consistency and clarity. Proposed subsections (6) and (7) are revised to change “a registered iLottery player” to “the registered iLottery player.”

Paragraph 876.10a(7)(i) of the proposed rulemaking is revised to change “provided” to “provided for.” Proposed paragraph (7)(ii) is revised to change “relating to self-exclusion from iLottery” to “relating to self-exclusion from iLottery and responsible gambling tools” due to the change of the title of § 876.16 (relating to self-exclusion from iLottery). Proposed paragraph (7)(iii) is revised to replace “provided for” with “set forth” and to add “as provided for under § 876.9.” Proposed paragraph (7)(iv) is revised to change “charged” to “charged with” for clarity; to remove the generic reference to Title 4 of the *Pennsylvania Consolidated Statutes* and to include the specific sections of Title 4 for consistency and clarity; to remove

“(relating to amusements);” and to capitalize the word “state” at the end of the subsection. Proposed paragraph (7)(v) is revised to replace “as determined” with “established” to more accurately reflect the roles and responsibilities of the Secretary and for consistency.

Subsection 876.10a(8) of the proposed rulemaking is revised to replace “a” with “the” at the beginning of the subsection and to remove “laws,” for clarity. Additionally, proposed subsection (8) is revised to add “as provided for under § 876.9” for consistency and clarity. Proposed subsection (9) was revised to add “, available on the Bureau’s iLottery web site and on the Bureau’s mobile application” for clarity.

Section 876.10a was not included in the temporary regulations.

Section 876.11 (relating to purchase and prize restrictions) establishes the restrictions related to purchases made using a lottery account and the restrictions related to the issuance of prizes. Subsection (a) requires an individual to be at least 18 years of age to register for iLottery or to purchase a play, chance or share. Subsection (b) requires registered iLottery players to be within the geographical boundaries of this Commonwealth in order to purchase a play, chance or share through iLottery. Subsection (c) prohibits certain individuals associated with the Bureau or the Bureau’s contractors or subcontractors from purchasing a play, chance or share or being awarded a prize. Subsection (d) prohibits a registered iLottery player from cancelling the purchase of a play, chance, share or lottery product.

Subsections 876.11(a)—(c) of the proposed rulemaking are revised in this final-form rulemaking to change “play” to “play, chance or share” for clarity and consistency. Subsection (b) is revised to change the phrase “registered iLottery players” to “A registered iLottery player” for clarity and consistency. Proposed paragraph (c)(2) is revised to replace “in” with “as a member of” for clarity and consistency. Proposed paragraph (c)(4) is revised to include the phrase “residing as a member of the same household as” for clarity and consistency.

Subsections 876.11(a)—(c) of this section were included in the temporary regulations and were not changed in the proposed rulemaking but are revised in this final-form rulemaking as explained previously. Subsection (d) was not included in the temporary regulations.

Section 876.11a (relating to methods to fund a lottery account) provides the methods by which a registered iLottery player may fund a lottery account. Subsection (a) establishes that a registered iLottery player is required to deposit money or credits in the lottery account prior to purchasing a play, chance or share or other lottery products through a lottery account. Subsection (b) establishes that the Secretary will determine which specific payment methods will be available and where the information regarding acceptable payment methods can be located. Subsection (c) lists the payment methods available for funding a lottery account and allows other available payment options that are authorized by the Secretary. Subsection (d) allows the Secretary to establish conditions or limits specific to different types of deposit methods. Subsection (e) allows the Secretary to establish a minimum deposit amount.

Subsection 876.11(a) of the proposed rulemaking is revised in this final-form rulemaking to change the term “play” to the phrase “play, chance or share” for clarity and consistency. Proposed subsection (b) is revised to remove the phrase “in his sole discretion;” to change “registered



iLottery players” to “a registered iLottery player”; and to change “iLottery products” to “lottery products” for clarity and consistency. Proposed subsection (b) is also revised to add “as provided for under § 876.9 (relating to iLottery terms and conditions).” Proposed paragraph (c)(3) is revised to remove “issued by agents.” The phrase “and issued by the Bureau” is added to proposed paragraphs (c)(2) and (3) for clarity.

Section 876.11a was not included in the temporary regulations.

Section 876.11b (relating to lottery account moneys and credits) establishes requirements related to the moneys and credits in a registered iLottery player’s lottery account. Subsection (a) establishes that moneys or credits deposited in a lottery account can be used to purchase plays, chances or shares and other lottery products. Subsection (b) establishes that moneys or credits deposited in a lottery account will not earn interest. Subsection (c) establishes that moneys remaining in a dormant lottery account for more than 3 years will be considered abandoned and unclaimed property.

Subsection 876.11b(a) of the proposed rulemaking is revised in this final-form rulemaking to change “play” to “plays, chances or shares”; to add a comma after “lottery products”; and to add the phrase “and offered by the Bureau” at the end of the subsection. Proposed subsection (c) is revised to replace the word “their” with the word “the.”

Section 876.11b was not included in the temporary regulations.

Section 876.12 (relating to prizes) sets forth requirements related to prizes. Subsection (a) provides the Secretary with the authority to determine the manner in which a prize is awarded to a player, including by check, draft or electronically through the registered iLottery player’s lottery account. Subsection (b) specifies that the Bureau will report taxable prizes and events to relevant taxing authorities. Subsection (c) provides that the Commonwealth and its agents, officers and employees shall not be liable upon payment of a prize. Subsection (d) requires that prizes be reduced by the required tax withholding and other legally required deductions. Subsection (e) allows the Bureau to withhold some prizes until the Department or the Bureau can confirm the registered iLottery player has no outstanding liabilities that must be deducted from the prize. Subsection (f) establishes that winning plays are based on the information maintained by the Bureau.

Subsection 876.12(a) of the proposed rulemaking is revised in this final-form rulemaking to add the phrase “and offered by the Bureau” for clarity. Proposed subsection (c) is revised to remove the word “payment” and replace it with the word “award” for clarity and consistency. Proposed subsection (e) is revised to add the phrase “or the Bureau” and to add the “relating to” parenthetical for the reference to § 876.14, for clarity and consistency. Proposed subsection (f) is changed to replace the phrase “prize winning plays” with the term “winning plays” for clarity and consistency.

Section 876.12 was included in the temporary regulations as a single-section regulation but was revised in the proposed rulemaking. Specifically, the temporary regulations were revised to add subsections, and temporary § 876.12 became subsection (a), which is revised to change “account” to “lottery account” and to add “or other means as authorized by the Secretary.”

Section 876.12a (relating to prize claims) addresses the process required to claim a prize. Subsection (a) provides that the Bureau will generate applicable tax forms for reportable gambling and lottery winnings. Subsection (b) authorizes the Bureau to use the lottery account information provided by the registered iLottery player to complete the applicable tax forms. Subsection (c) specifies that the Bureau may require a registered iLottery player to complete a claim form and submit it in person at one of the Bureau’s claim centers. Subsection (d) states that prizes requiring a prize will not be credited to a registered iLottery player’s lottery account until the claim form is properly completed, submitted to and accepted by the Bureau. Subsection (e) provides for the expiration of certain lottery prizes if a required claim form is not properly completed or received.

Subsection 876.12(d) of the proposed rulemaking is revised in this final-form rulemaking to change “submitted to” to “submitted to and accepted by” for clarity. Proposed subsection (e) is revised to remove the phrase “prize winner” and replace it with the defined term “registered iLottery player” and to include the citation for the State Lottery Law.

Section 876.12a was not included in the temporary regulations.

Section 876.13 (relating to withholding) establishes that prize payments are subject to Federal and State withholding taxes as required by law. This section is not changed from the temporary regulations.

Section 876.14 (relating to deductions required by law) establishes that prizes may be reduced by other deductions as required by law, including 23 Pa.C.S. § 4308 (relating to lottery winnings intercept) and 72 P.S. § 215 regarding lottery winnings intercept. Proposed subsection (2) is revised to add the “relating to” parenthetical for the statutory citation.

Section 876.14 was included in the temporary regulations and is revised in the proposed rulemaking to replace the phrase “iLottery prize winnings” with the term “prizes,” to remove the period after “law”; and to add “, including those amounts required under: (1) 23 Pa.C.S. § 4308 (relating to lottery winnings intercept). (2) 72 P.S. § 215,” which is revised in this final-form rulemaking as explained previously.

Section 876.14a (relating to withdrawals from a lottery account) addresses withdrawal requirements and limitations related to a lottery account. Subsection (a) establishes that registered iLottery players may make withdrawals from their lottery accounts. Subsection (b) allows the Secretary to establish a minimum balance requirement that must exist before a withdrawal from a lottery account will be processed. Subsection (c) establishes that the withdrawal request may not occur immediately. Subsection (d) allows the Bureau to request information from a registered iLottery player to verify the registered iLottery player’s withdrawal request. Subsection (e) prohibits a registered iLottery player from withdrawing bonus money. Subsection (f) provides for a registered iLottery player’s withdrawal to be credited to whatever payment types are authorized by the Secretary and offered by the Bureau. Subsection (g) allows the Bureau to adjust a registered iLottery player’s account if money or bonus money is mistakenly credited. Subsection (h) allows the Bureau to deduct the purchase price of a lottery product from the registered iLottery player’s lottery account.

Subsection 876.14a(c) of the proposed rulemaking is revised in this final-form rulemaking to remove the

phrase “these regulations” and replace it with the phrase “this chapter” for clarity and consistency. Proposed subsection (c) is also revised to replace “provided for” with “set forth” and to add the language “as provided for under § 876.9” for clarity and consistency. Proposed subsection (e) is revised to remove the word “their” and replace it with the defined term “registered iLottery player’s” for clarity and consistency. Proposed subsection (f) is revised to add the phrase “and offered by the Bureau” for clarity.

Section 876.14a was not included in the temporary regulations.

Section 876.15 (relating to termination of a game) authorizes the Secretary to terminate an iLottery game at any time and without notice. This section is unchanged from the temporary regulations.

Section 876.16 sets forth the self-exclusion requirements for iLottery, in addition to providing for responsible gambling tools. Subsection (a) allows a registered iLottery player to request self-exclusion from iLottery. Subsection (b) establishes the way in which a registered iLottery player may request self-exclusion. Subsection (c) provides that the Bureau will offer a registered iLottery player, predetermined periods of self-exclusion from which to choose. Under subsection (d), a self-excluded, registered iLottery player is prohibited from making purchases through iLottery and from participating in iLottery promotions. Subsection (e) establishes that a self-excluded, registered iLottery player will not receive communications from the Bureau during the self-exclusion period. Subsection (f) allows the Bureau to request certain identifying information from a registered iLottery player upon a request for self-exclusion.

Subsection 876.16(g) requires a registered iLottery player, who is requesting self-exclusion, to acknowledge and agree to certain statements related to self-exclusion before the self-exclusion request is processed. Subsection (h) prohibits a registered iLottery player from accessing the lottery account until the self-exclusion period expires. Subsection (i) allows a registered iLottery player to request the release of moneys from the lottery account through a process described in the iLottery terms and conditions. Subsection (j) provides for the immediate effectiveness of the self-exclusion request. Subsection (k) makes the self-exclusion request irrevocable. Subsection (l) requires a self-excluded, registered iLottery player to contact the Bureau after the self-exclusion period ends to request reinstatement and access to the lottery account.

Subsection 876.16(m) provides for the availability of responsible gambling tools through a lottery account. Subsection (n) establishes that a self-excluded, registered iLottery player or a registered iLottery player who uses responsible gambling tools may be prohibited from participating in certain promotions, second chance drawings and marketing communications from the Bureau.

The title of proposed § 876.16 was revised in this final-form rulemaking to add “and responsible gambling tools” so that the title of the section accurately reflects the provisions of the section. Proposed subsection (b) is revised to add the phrase “and offered by the Bureau” for clarity and consistency. Proposed subsection (c) is revised to replace the word “offered” with the word “authorized” and add the phrase “and offered by the Bureau” for clarity and consistency.

Subsection 876.16(d) of the proposed rulemaking is revised to replace the word “funds” with the word “moneys” and to change “account” to “lottery account” for clarity and consistency. Proposed paragraph (f)(3) is re-

vised to add the phrase “the entire or last four digits of the individual’s” for clarity and consistency. Proposed paragraph (f)(7) is revised to replace “determined” with “established.” Proposed subsection (g)(2) is revised to replace “provided for” with “set forth” and to add the clause “as provided for under § 876.9.”

Subsection 876.16(h) of the proposed rulemaking is revised to replace “their” with “the registered iLottery player’s.” Proposed subsection (i) is revised to add replace “provided for” with “set forth” and to add the clause “as provided for under § 876.9.” Subsection (l) is revised to change the word “account” to the defined term “lottery account” for clarity and consistency. Proposed subsection (m) is revised to replace “provided for” with “set forth” and to add the clause “as provided for under § 876.9” for clarity and consistency.

Subsections 876.16(a)—(e) were in the temporary regulations and were revised in part in the proposed rulemaking. Temporary subsection (a) is not changed. Temporary subsection (b) is revised to add the phrase “or through other means authorized by the Secretary.” Temporary subsection (c) is revised to remove the phrase “through the lottery account” and to add the phrase “by the Secretary.” Temporary subsection (d) is revised to replace “plays” with “plays, shares or chances,” to remove the phrase “or withdraw funds from” and to add the phrase “funds into.” Temporary subsection (e) is not changed.

Section 876.17 (relating to iLottery promotional prizes) provides for the authority of the Secretary to conduct iLottery promotions and issue terms and conditions related to those iLottery promotions. The proposed rulemaking is revised in this final-form rulemaking to remove the word “part” and replace it with the word “chapter” for clarity and consistency. This section is unchanged from the temporary regulations.

Section 876.18 (relating to agent promotion programs) provides for the authority of the Secretary to conduct lottery agent incentive and marketing promotion programs related to iLottery. This section was included in the temporary regulations and was revised in the proposed rulemaking to change the word “retailer” to “agent” in both the section heading and in the text of the section.

Section 876.19 addresses the availability of subscription services. Subsection (a) allows the Bureau to offer subscription services authorized by the Secretary. Subsection (b) provides that the subscription services will be governed by the iLottery terms and conditions. Subsection (c) provides that information regarding a registered iLottery player’s subscription service purchase will be delivered electronically.

Subsection 876.19(a) of the proposed rulemaking is revised in this final-form rulemaking to replace “determined” with “authorized” to more accurately reflect the roles and responsibilities of the Secretary and for consistency. Proposed subsection (b) was revised to add “as provided for under § 876.9 (relating to iLottery terms and conditions)” for clarity and consistency.

Section 876.19 was not included in the temporary regulations.

Section 876.20 (relating to confidential information) specifies the information regarding iLottery and registered iLottery players that is confidential based on the authority conferred by 4 Pa.C.S. § 503(d)—(e). Information about a registered iLottery player that will be maintained as confidential includes: last name; address; telephone number; financial information; self-exclusion

information; Social Security Number or comparable equivalent; use of responsible gambling tools; play history; and play tendencies. This section was not included in the temporary regulations.

#### *Affected Parties*

Adults who choose to open a lottery account will be affected by the regulations. The impact on individuals will be determined by the amount of interaction each person has with the iLottery services. For example, an adult 18 years of age or older can attempt to establish a lottery account. Only those individuals who meet the requirements of the regulation will be able to establish a lottery account and access lottery account features, such as responsible gambling tools, account statements, iLottery games, subscription services and self-exclusion tools. Only adults who have successfully registered for a lottery account and who are located within the geographical boundaries of this Commonwealth are permitted to purchase plays, chances and shares and other lottery products through iLottery.

Pennsylvanians 65 years of age or older and Pennsylvanians with disabilities may be affected by the regulations if they are eligible to receive benefits funded with the revenue generated through the implementation and operation of iLottery and deposited into the State Lottery Fund.

Businesses, small businesses or organizations that contract with the Department to provide the iLottery system and services will be impacted as they will be required to ensure that the iLottery system and services provided conform to the requirements of the regulations.

#### *Comment and Response Summary*

The proposed rulemaking was published at 49 Pa.B. 2242. No public hearings were held. The public comment period closed on June 3, 2019.

The Department received comments from two commenters, Greenwood Gaming Entertainment, Inc. (GGE) and Penn National Gaming, Inc. (PNG). Both commenters are petitioners in litigation to challenge the Department's administration of iLottery and offered comments opposing the rulemaking. IRRC also submitted comments on July 2, 2019. Following is a summary of the comments received, and the Department's responses.

#### *Litigation Challenging iLottery*

Both GGE and PNG noted that the iLottery program is the subject of a legal challenge, *Greenwood Gaming and Entertainment, Inc. et al. v. Commonwealth of Pennsylvania Department of Revenue et al.*, No. 571 MD 2018 filed on September 6, 2018. In that litigation, seven casino operators in this Commonwealth filed suit seeking an injunction against the Department to prevent it from operating iLottery as it currently exists. Specifically, the petitioners allege that the Department is violating the act with the iLottery games currently offered through iLottery. GGE recommends tabling the regulations pending the outcome of the litigation, while PNG recommends that the Department withdraw the regulations pending resolution of the litigation.

#### *Response*

The temporary regulations were promulgated under section 503(b)(1) of Act 42 (4 Pa.C.S. § 503(b)(1)), which provides the Department with temporary rulemaking authority to facilitate the "prompt implementation of iLottery or new sales methods of traditional lottery

products over the internet." The temporary regulations expire 2 years from the date of publication of the temporary regulations.

The final-form regulations pertain to the iLottery program in its entirety, not just the games which are the subject of litigation. Further, the iLottery games challenged in *Greenwood Gaming* are Internet instant games, a subset of the iLottery games which may be offered through iLottery under the enabling legislation and the final-form regulations. Commonwealth Court issued a decision and order in the *Greenwood Gaming* litigation on July 12, 2019, denying petitioners' request for a preliminary injunction. The litigation remains pending and, given the current schedule, will likely not go to trial until after the temporary regulations expire on March 31, 2020.

Prohibiting the Department from progressing through the rulemaking process could prevent the Bureau from operating iLottery in its entirety until resolution of the litigation, which could take years, in addition to the time required to promulgate new regulations once the litigation is resolved. Such a prohibition is contrary to the legislative mandate for the Bureau's prompt implementation of iLottery. That mandate is supported by the legislative grant of authority to the Department pursuant to 4 Pa.C.S. § 503(c) (relating to prompt implementation) to enter into contracts without going through the procurement process. While both iLottery and online games offered by the casinos were both authorized with the passage of Act 42, only iLottery received the legislative authority to forgo certain statutory requirements, processes and procedures to ensure prompt implementation.

Tabling or withdrawing the regulation would thus be prejudicial to the iLottery program in its entirety and to the Department's position in the litigation that the Internet instant games offered by the Bureau do not simulate casino-style games. It would also result in lost revenues for senior citizens who benefit from a program that has been operating and generating revenue since May 2018.

#### *Whether the Regulation Conforms to the Intention of the General Assembly*

Referring to one commenter's comments, IRRC requested an explanation as to how the Bureau will evaluate iLottery games to ensure that they meet the statutory definition of iLottery games to conform to the intention of the General Assembly that casino-style games be excluded from iLottery.

Both other commenters suggested that the regulations fail to address how iLottery games are not casino-style games. Both offered a list of game features they believe are features of slot machines and proposed prohibiting the use of those features in the definition of "iLottery game" in the final-form regulation. Both commenters also recommended that language be added to the final-form regulation prohibiting the Bureau from offering iLottery games that have been certified for compliance with gaming standards in other jurisdictions, including international jurisdictions.

One commenter raised concerns that the regulation does not include specific parameters for what features or game characteristics simulate a "casino-style lottery game," and recommended the final-form regulation establish a mechanism to evaluate iLottery games to ensure that they meet the statutory definition of an iLottery game. The other commenter recommended that the final-form regulations include certain prohibitions for iLottery games regarding game name, game symbols, play me-

chanics, game certifications, payout percentages, symbol matrices, game bonuses, play denominations, use of a random number generator, and use of animated graphics and patron loyalty programs, among other things.

#### *Response*

The act specifically defines “iLottery game” to include both Internet instant games and other lottery products offered through iLottery, as does the definition of “iLottery game” in this final-form regulation. The statutory definition of “iLottery game” explicitly excludes games that represent “physical, Internet-based or monitor-based interactive lottery games which simulate casino-style lottery games, specifically including poker, roulette, slot machines or blackjack.” 4 Pa.C.S. § 502 (relating to definitions). The definition of iLottery game in the final-form regulation is consistent with the definition which appears in the act and includes the same prohibitions against offering games which simulate casino-style lottery games as in the enabling statute.

The final-form regulation sets forth various categories of iLottery games that the Bureau may offer at § 876.2c (relating to categories of iLottery games). This section sets forth characteristics of iLottery games that may be combined by the Bureau to create lottery games which may be offered through iLottery. These characteristics include types of iLottery games, when and how the outcome of iLottery games may be determined and the prize structures for iLottery games. These characteristics are features of lottery games generally, and the combination of these characteristics ensures that the iLottery games offered through iLottery are lottery games and do not violate the exclusions set forth in the definition of “iLottery game.”

The State Lottery Law confers broad authority on the Secretary to administer the lottery, which necessarily includes iLottery. Specifically, the Secretary has the power and duty to determine “the type of lottery to be conducted.” 72 P.S. § 3761-303(a)(1) (relating to powers and duties of secretary). The game types listed in subsection 876.2c(a) are generally well-known types of lottery games. The definitions of those types of games, as set forth in § 876.2 (relating to definitions) were developed using information from traditional lottery game rules published by the Bureau in the *Pennsylvania Bulletin* and using definitions from leading lottery trade organizations of which the Bureau is a member, such as the North American Association of State and Provincial Lotteries. The games as defined in this final-form rulemaking are generally accepted in the industry to be lottery games and do not simulate casino-style games.

Additionally, and consistent with the broad authority to determine the type of lottery to be conducted, the Secretary has broad discretion as to how the various types of lottery games are offered. Specifically, the Bureau offers instant games using licensed properties, various game themes, color images, art work, bonuses, multipliers, varied play mechanics and styles and the like. The Bureau offers Fast Play games offered through a lottery terminal using licensed properties, various game themes, art work, bonuses, multipliers, varied play mechanics and styles and the like. The Bureau offers some draw games in which the winning numbers are drawn on live television. The Bureau offers some draw games, the outcomes of which are determined by a random number generator and the outcomes of which are represented by an animated sequence, such as monitor games like Derby Cash and Xpress Car Racing.

The iLottery enabling legislation and the final-form regulations allow the Department to offer Internet instant games online. Internet instant games, as defined by the statute and the final-form regulations, require a reveal of numbers, letters or symbols. The enabling legislation does not dictate how that reveal is required to occur. Notably, the enabling legislation does not limit or prohibit the use of animation, sounds, bonuses, multipliers, color images, art work, game themes and varied play mechanics. The enabling statute does not require an Internet instant game to simulate any of the Bureau’s traditional lottery games, such as an instant ticket. Rather, the enabling statute specifically provides the Secretary with the authority to offer new and additional lottery products through iLottery, including, but not limited to, Internet instant games. The Department disagrees that features such as animation, sounds, bonuses, multipliers and varied play mechanics are exclusive to slot machines; rather, as explained above, the aforementioned features are regularly used in lottery products.

With respect to licensed properties and game art, the Bureau has historically utilized licensed properties, including, but not limited to, Wheel of Fortune® and Monopoly®. Generally speaking, licensed properties are used across various industries, including the gambling industry, because they are readily identifiable, trusted brands. Game names, symbols and artwork for licensed properties are dictated by the owner of the licensed property and are carefully controlled to ensure legal protections for the intellectual property. With respect to other game art, the same types of symbols and themes are used across all types of gambling, including lottery, because these themes and symbols are established through history and culture as representing luck, prosperity, wealth, fortune and the like. The Department disagrees that the use of licensed properties, specific symbols, game art or game names are exclusive to slot machines; rather, licensed properties and the like are regularly used in lottery products.

As a result, no limitations or prohibitions were placed in the regulation related to the aforementioned features, licensed property or game art. The characteristics that are relevant to an iLottery game are set forth in § 876.2c of the final-form regulation. Internet instant games are a subset of iLottery games and are comprised of the characteristics established in § 876.2c. Internet instant games, and iLottery games more generally, are necessarily lottery games and not casino-style games.

The Secretary also has the power and duty to determine “the manner of selecting the winning tickets or shares.” 72 P.S. § 3761-303(a)(4). Under subsection 876.2c(c) of the final-form regulation, the outcome of iLottery games may be determined by a randomizer, a random number generator or a drawing. Some of the Bureau’s oldest and most popular lottery games are games in which the outcome is derived using a random number generator. Because the definition of “iLottery game” includes all lottery products, including traditional lottery products, prohibiting the use of a random number generator in iLottery games would prevent the Bureau from selling most lottery products through iLottery. Such a result is contrary to the legislative mandate of the enabling legislation which sought prompt implementation of “new sales methods of traditional lottery products over the internet.” See 4 Pa.C.S. § 503(b)(1). Furthermore, the use of random number generators in lottery games in this Commonwealth predates the legalization of slots gaming in this Commonwealth. The Department therefore disagrees that a random number generator is a hallmark of

a casino-style game. No language was added to the final-form regulation to prohibit the use of a random number generator.

The Secretary is granted the power and duty to determine “the price, or prices, of tickets or shares in the lottery.” 72 P.S. § 3761-303(a)(2). Simply put, the Secretary has the statutory authority to offer a single game at more than one price point. The Secretary has in fact authorized and the Bureau has offered lottery games with multiple price points, including Keno and certain draw games. The Department disagrees with the suggestion by the commenters that adjustable bets are exclusive to slot machines.

With respect to game certifications, Act 42 does not require the certification of iLottery games to any standard. Neither the State Lottery Law nor the State Lottery regulations require certification of games or random number generators. Rather, the Bureau uses lottery best practices to ensure the randomness of the outcome of an individual game and that the prize structure for an individual game is accurate. The Bureau’s only concern is that the jurisdictional standards against which the game is certified are reputable and accurate. As a result, no language was included in the regulation prohibiting the Bureau from offering iLottery games that have been certified for compliance with gaming standards in other jurisdictions or requiring that iLottery games be certified to a specific standard.

The final-form regulations set forth the types of iLottery games that may be offered, the way in which the outcome is determined and the various prize structures that may be utilized, all of which are key characteristics of a lottery game and all of which are within the power and duty of the Secretary of Revenue to establish. The characteristics of iLottery games, as set forth in the final-form regulation, establish them as lottery games and not casino-style games. It should be noted that there is no requirement in Act 42 which restricts the Department to using characteristics of lottery games that the Department has historically offered.

While both commenters identified many features that they believe are attributable to slot machines only, some of which are specifically addressed herein, neither commenter provided legal support for those assertions.

The final-form regulation clearly establishes characteristics of lottery games that when combined necessarily ensure that iLottery games are not casino-style games. As a result, no changes were made to the final-form regulation based on GGE’s or PNG’s comments.

*Determining Whether the Regulation is in the Public Interest*

*Comment*

IRRC noted that the explanation of the proposed regulation in the Preamble and the information in the RAF were insufficient to allow it to determine if the regulation is in the public interest, as the Preamble only described amendments to the temporary regulation and did not explain sections that were not revised from temporary to proposed.

*Response*

The Department has included a discussion of each regulatory section, identifying the revisions made from the temporary regulations to the proposed rulemaking to the final-form rulemaking as well as those sections that were not revised from the temporary regulations, in the Preamble to the final-form regulation.

*Comment*

IRRC requested that the Department provide additional information in the RAF to the final-form rulemaking related to who will benefit from the regulation. IRRC also requested that the Department address the discrepancies regarding the costs of the regulation to the Commonwealth in the RAF. Finally, IRRC asked that the Department include all applicable provisions of the act in the statutory authority statements in the Preamble and RAF to the final-form rulemaking, including a reference to section 503(i) of the act, which requires the Department to establish an iLottery self-exclusion program.

*Response*

The RAF to the final-form rulemaking includes specific information relating to who will benefit from the regulation. The Department also provided costs of the regulation that pertain to state government. The Department specified all relevant statutory authority, including the provisions regarding the establishment of the iLottery self-exclusion program as set forth at 4 Pa.C.S. § 503(i), in the Preamble and RAF to the final-form rulemaking.

*Compliance with the Provisions of the Commission’s Regulations.*

*Comments*

IRRC noted that the Annex of the proposed regulation was not submitted in accordance with the Commission’s regulation at 1 Pa. Code § 305.1a(b) (relating to formatting the text of a proposed regulation). IRRC further noted that an agency is required under 1 Pa. Code § 307.3a(a) (relating to formatting the text of a final regulation) to use the official text of a proposed rulemaking as published in the *Pennsylvania Bulletin* when preparing the final-form regulation. Accordingly, IRRC requested that the Department indicate revisions to the Annex of the final-form regulations as required under the regulation at 1 Pa. Code § 307.3a(b).

*Response*

The Department used the official text of the proposed rulemaking as published in the *Pennsylvania Bulletin* to prepare the final-form rulemaking and revised the proposed rulemaking in the format prescribed in section 307.3a(b).

*Cost Analysis*

*Comment*

One commenter suggested that the Department’s cost analysis is incomplete because it included no analysis to determine the extent to which the Pennsylvania casino industry would be adversely impacted if iLottery games simulate casino-style games and the corresponding loss of revenue to the Commonwealth.

*Response*

The Department did not conduct a cost analysis as suggested by the commenter as the cost analysis required by the rulemaking process requires the Department to identify the costs and financial and economic impact of the regulation. The final-form regulation establishes the requirements for iLottery games as authorized by the act. As a result, no analysis was conducted of the hypothetical situation posed by the commenter.

§ 876.2. Definition of “drawing”

*Comment*

IRRC stated that the definition of “drawing” contained substantive provisions regarding timing and methods to

conduct a drawing. IRRC requested that the Department move substantive provisions to a section of the final-form regulation, establishing how drawings are conducted, since substantive provisions in a definition are not enforceable.

*Response*

The Department removed the substantive provisions from the definition of “drawing” and incorporated those provisions into subsections 876.2c(f) and (g) (relating to categories of iLottery games) in the final-form regulation.

§ 876.2. *Definition of “lotto game”*

*Comment*

IRRC requested that the Department clarify the terminology used to describe a lotto game in the final-form regulation because it was unclear whether a player chooses only numbers or may choose numbers, letters or symbols.

*Response*

The Department revised the definition of “lotto game” in the final-form rulemaking to clarify that a player may choose letters, numbers or symbols. Additionally, for clarification, the Department updated the examples included in the definition.

§ 876.2. *Definition of “play”*

*Comment*

IRRC noted that throughout the proposed regulation, the terms “chance” and “share” are only used in conjunction with the word “play” and are not used independently. IRRC requested that the Department explain the need for the inclusion of the terms “chance” and “share” or, in the alternative, to delete those two terms in the final-form regulation.

*Response*

The definition of “play” includes the terms “chance” and “share” because these terms are used throughout the Bureau’s regulations, as they relate to various traditional lottery products offered by the Bureau. Since these terms are codified in the State Lottery Regulations or are used and defined in individual game rules published in the *Pennsylvania Bulletin*, the Department determined it should not attempt to define those terms individually in this final-form regulation. Instead, where appropriate, the term “play” was replaced with the phrase “play, chance or share” in the final-form rulemaking to demonstrate that the terms are interchangeable.

§ 876.9(b)(1). *iLottery terms and conditions*

*Comment*

IRRC noted that in subparagraph (vii)(B) of subsection 876.9(b)(1), the Department cited specific provisions of Title 18 of the *Pennsylvania Consolidated Statutes* which could result in the suspension or closure of a lottery account, whereas the Department only generically referred to offenses in Title 4 of the *Pennsylvania Consolidated Statutes*. IRRC requested an explanation as to why specific citations under Title 4 were not included or, in the alternative, to provide specific citations.

*Response*

The Department revised subparagraph (vii)(B) in the final-form regulation to remove the generic reference to Title 4 and replace it with the specific sections in Title 4 which establishes criminal conduct.

*Comment*

IRRC identified a typographical error in subparagraph (xi) of subsection 876.9(b)(1) in the cross-reference to Section 876.2(c) and requested that the Department correct the error in the final-form regulation.

*Response*

The Department corrected the typographical error to cite to section 876.2c in the final-form regulation.

*Comment*

IRRC pointed out that subparagraph (xvii) of subsection 876.9(b)(1) referred to “funds” instead of “moneys” and requested that the correct terminology be used in the final-form regulation.

*Response*

The Department agreed that the term “funds” should be replaced with the term “moneys.” The change was made in the final-form regulation.

§§ 876.10a(4) and 876.12(e) *Registered iLottery player lottery account requirements; Prizes*

*Comment*

IRRC noted the use of the term “Department” in subsections 876.10a(4) and 876.12(e) instead of the term “Bureau.” IRRC requested that the correct terminology be used in the final-form regulation.

*Response*

The Department determined that the term “Department” should remain and that the term “Bureau” should be added in the aforementioned sections for purposes of consistency and clarity. Both “Department” and “Bureau” should be included as a registered iLottery player is likely to have interactions with both the Department and the Bureau in matters related to lottery account requirements and tax withholding.

§ 876.12(f) *Prizes*

*Comment*

IRRC noted the use of the clause “[p]rize winning plays will be determined” in subsection 876.12(f) and asked whether the Department intended to address both prizes and winning plays.

*Response*

The Department only intended to address winning plays in this section. As such, the phrase “prize winning plays” was replaced with the defined term “winning plays.”

*Fiscal Impact*

The Department determined that the amendments in this final-form rulemaking will generate revenue for the Commonwealth and will have no adverse fiscal impact on the Commonwealth. The iLottery features established by the regulations, such as lottery accounts and iLottery games, will increase revenue for the State Lottery Fund by creating more ways for the Bureau to interact with and engage lottery players, by providing registered iLottery players with an easy way in which to reinvest their lottery winnings and by providing registered iLottery players with new products and services. The increase in revenue will be used to provide benefits to Pennsylvanians 65 years of age and older.

The Department estimates that the cost to State government to implement the regulations will be approximately \$19.5 million in fiscal year 2019-2020 and approximately \$20.7 million each fiscal year thereafter. That

estimate includes the following costs related to the operation and administration of iLottery: vendor costs, including software and services needed to comply with the statutory and regulatory requirements; costs associated with lottery personnel; operating costs (such as leased building costs, electricity, heat and other utilities) and advertising costs. The Department estimates that profits from iLottery will be between \$40 million and \$50 million each fiscal year.

*Paperwork*

This final-form rulemaking will require minimal paperwork for the public or the Commonwealth. Registration for and participation in iLottery and the iLottery self-exclusion process for registered iLottery players, including the required forms, are completed online.

*Effective Date*

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

*Sunset Date*

The regulations are scheduled for review within 5 years of publication. No sunset date has been assigned.

*Contact Person*

The contact person for this final-form rulemaking is Maria L. Miller, Office of Chief Counsel, Department of Revenue, P.O. Box 281061, Harrisburg, PA 17128-1061.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on April 23, 2019, the Department submitted a copy of the notice of proposed rulemaking, published at 49 Pa.B. 2242, to IRRC and the Chairpersons of the House and Senate Committees on Finance for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on January 30, 2020 the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on January 31, 2020 and approved the final-form rulemaking.

*Findings*

The Department finds that:

(1) Public notice of intention to amend the regulations has been given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202), known as the Commonwealth Documents Law, and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking required; and adoption of regulations).

(2) The amendments are necessary and appropriate for the administration and enforcement of the act.

*Order*

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

(a) The regulations of the Department in 61 Pa. Code Chapter 876 are amended by adding §§ 876.1, 876.2, 876.2a, 876.2b, 876.2c, 876.2d, 876.4, 876.5, 876.6, 876.7, 876.8, 876.9, 876.10, 876.10a, 876.11, 876.11a, 876.11b,

876.12, 876.12a, 876.13, 876.14, 876.14a, 876.15, 876.16, 876.17, 876.18, 876.19 and 876.20 to read as set forth in Annex A.

(*Editor's Note:* Section 876.3 is reserved in this final-form rulemaking.)

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

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

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

C. DANIEL HASSELL,  
*Secretary*

(*Editor's Note:* See 50 Pa.B. 1001 (February 15, 2020) for IRRC's approval order.)

**Fiscal Note:** Fiscal Note 15-460 remains valid for the final adoption of the subject regulations.

**Annex A**

**TITLE 61. REVENUE**

**PART V. STATE LOTTERIES**

**CHAPTER 876. iLOTTERY**

**§ 876.1. Scope.**

This chapter establishes procedures for the notification of iLottery game rules, iLottery registration and participation requirements, lottery account requirements and iLottery self-exclusion requirements.

**§ 876.2. Definitions.**

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

*Bonus money*—Credit issued to a registered iLottery player that does not have a cash value, but which can be converted to a predetermined cash value as further detailed in § 876.14a (relating to withdrawals from a lottery account).

*Bureau*—The Pennsylvania State Lottery created to administer and operate the lottery by order of the Executive Board.

*Cash-out games*—A type of iLottery game in which the registered iLottery player is given the option to end the game early for a predetermined amount of money.

*Drawing*—The process of selecting the numbers, letters or symbols that determine the winning numbers, letters or symbols or the outcome of an iLottery game or an individual play, chance or share.

*Fixed payouts*—The numbers and amounts of prizes established for an iLottery game, regardless of how many plays, chances or shares are sold.

*iLottery*—A system that provides for the distribution of lottery products through numerous channels that include, but are not limited to, web applications, mobile applications, mobile web, tablets and social media platforms that allow a registered iLottery player to interface through a portal for the purpose of obtaining lottery products and ancillary services, such as account management, game purchase, game play and prize redemption.

*iLottery game—*

(i) Internet instant games and other lottery products offered through iLottery.

(ii) The term does not include games that represent physical, Internet-based or monitor-based interactive lottery games which simulate casino-style lottery games, specifically including poker, roulette, slot machines and blackjack.

*Instant win game—*A type of iLottery game in which the result of a play, chance or share is the display of numbers, letters or symbols indicating whether a prize has been won. Unlike Internet instant games, no reveal is required to determine whether a prize has been won.

*Internet instant game—*A lottery game of chance in which, by the use of a computer, tablet computer or other mobile device, a registered iLottery player purchases a play, chance or share with the result of a play, chance or share being a reveal on the device of numbers, letters or symbols indicating whether a lottery prize has been won according to an established methodology as provided by the Bureau.

*Lottery account—*An account established by an individual with the Bureau that shall be used to register for iLottery and to participate in iLottery. A lottery account may be used to purchase or use lottery products, to participate in lottery promotions and second chance drawings and for lottery communications.

*Lottery products—*Plays, shares or chances offered by the Bureau as well as lottery property that may be exchanged for plays, shares or chances. The term includes any lottery game or lottery product authorized by the Secretary and offered by the Bureau under the act of August 26, 1971 (P.L. 351, No. 91) (72 P.S. §§ 3761-301—3761-315), known as the State Lottery Law, or act 42 of 2017 (P.L. 419, No. 42) (4 Pa.C.S. §§ 501—505 (relating to lottery)) such as instant tickets, terminal-based tickets, raffle games, play-for-fun games, lottery vouchers, subscription services and gift cards.

*Lotto game—*A type of iLottery game in which a registered iLottery player chooses “X” numbers, letters or symbols from a field of “Y” numbers, letters or symbols. The field of “Y” numbers, letters or symbols is established by the Bureau. To win, a registered iLottery player matches a designated combination of numbers, letters, symbols, or a specified combination thereof, with the winning numbers, letters or symbols randomly drawn by the Bureau. Examples of lotto games include Powerball and MegaMillions® and similar games in which multiple “Y” numbers, letters or symbols are chosen from a single set of numbers, letters or symbols.

*Numbers game—*A type of iLottery game in which a registered iLottery player chooses “X” numbers, letters or symbols from multiple fields of “Y” numbers, letters or symbols. The player must choose whether to purchase a straight play or a box play. In straight play, the numbers, letters or symbols are matched in the same order as the winning numbers are drawn by the Bureau. In box play, the numbers, letters or symbols match all of the winning numbers drawn by the Bureau, but in any order. Examples of numbers games include Pick 4 and Pick 5 and similar games in which “Y” numbers, letters or symbols are chosen from multiple sets of numbers, letters or symbols.

*Pari-mutuel—*A prize structure in which the total available prize pool or pool is split between all winners at a particular prize level or levels.

*Play—*An opportunity, for a predetermined price, to participate in an iLottery game. May also be referred to as a chance or a share.

*Prize or lottery prize—*The item or money that can be won in each iLottery game as determined by the prize structure for that iLottery game. A prize or lottery prize may also be referred to as lottery winnings in this chapter.

*Prize pool or pool—*Amount of money designated for payments of prizes for an iLottery game. The term can also mean a preset number of plays, chances or shares containing a predetermined number of winners.

*Prize tiers—*One or more different levels, amounts or types of prizes for an iLottery game.

*Progressive—*An iLottery game prize structure in which the top prize available begins with a minimum prize amount, as determined by the Bureau, which grows at a predetermined rate every time a play is purchased and then resets to the minimum prize amount whenever a top prize winning play is purchased.

*Purchase price—*The cost of a play, chance or share for an iLottery game.

*Randomizer—*A device or program that generates a random set of numbers.

*Random number generator—*A secured computerized system, which draws random numbers to determine the outcome of an individual play, chance or share or an iLottery game.

*Registered iLottery player—*An individual who creates a lottery account with the Bureau, registers for iLottery and is approved for participation in iLottery.

*Responsible gambling tools—*Settings available to a registered iLottery player through iLottery that promote responsible gambling.

*Secretary—*The Secretary of Revenue of the Commonwealth.

*Subscription services—*A payment, advance payment or promise of payment for multiple lottery products over a specified period of time, including payment through iLottery.

*Top prize—*The highest prize available to be won in an iLottery game.

*Traditional lottery products—*Lottery products offered by the Bureau under 61 Pa. Code Chapters 801—875 (relating to State Lotteries).

*Winning play—*A play, chance or share that has been validated by the Bureau and qualifies for a prize.

*Winning numbers—*The numbers, letters or symbols selected in a particular iLottery game that have been validated by the Bureau and are used to determine the winning plays for that particular iLottery game.

#### § 876.2a. Lottery products available through iLottery.

The Secretary shall authorize and determine the availability of lottery products through iLottery and for purchase using a lottery account.

#### § 876.2b. Traditional lottery products.

(a) The Secretary may authorize the sale of traditional lottery products through iLottery and for purchase using a lottery account.



(b) Traditional lottery products delivered through a lottery account may be delivered to a registered iLottery player electronically or in a form and manner determined by the Bureau.

(c) Traditional lottery products offered through iLottery are governed by applicable regulations and corresponding notices published in the *Pennsylvania Bulletin*, unless otherwise noted by the Bureau in the notice for the applicable traditional lottery product.

**§ 876.2c. Categories of iLottery games.**

(a) In addition to traditional lottery products, the Secretary may authorize and the Bureau may offer categories of iLottery games which include the following types of iLottery games:

- (1) Numbers games.
- (2) Instant win games.
- (3) Lotto games.
- (4) Internet instant games.
- (5) Cash-out games.

(b) The outcomes of iLottery games or plays, chances or shares of iLottery games may be determined on demand or at a predetermined date and time established by the Secretary.

(c) The outcomes of iLottery games or plays, chances or shares of iLottery games may be determined by one or more of the following methods:

- (1) Randomizer.
- (2) Random number generator.
- (3) Drawing.

(d) Prize structures for iLottery games may include one or more of the following:

- (1) Pari-mutuel.
- (2) Prize tiers.
- (3) Progressive.
- (4) Fixed-payout.
- (5) Prize pool or pools.

(e) Categories of iLottery games may contain any combination of the characteristics described in subsections (a)—(d) and (g).

(f) A drawing may be conducted by a mechanical device using balls, a random number generator, a randomizer or by using any other method authorized by the Secretary.

(g) The outcome of an iLottery game may be determined on demand or at a predetermined date and time as established by the Secretary.

**§ 876.2d. iLottery game rules by category of game offered.**

For each category of iLottery game authorized under §§ 876.2a, 876.2b and 876.2c (relating to lottery products available through iLottery; traditional lottery products; and categories of iLottery games), the Secretary will publish a notice in the *Pennsylvania Bulletin* with the following minimum information, as applicable:

- (1) iLottery game type or types under §§ 876.2b(c) and 876.2c(a).
- (2) Definitions.
- (3) Whether the outcome of the iLottery game or plays, chances or shares of the iLottery game is determined on

demand or at a predetermined date and time established by the Secretary under §§ 876.2b(c) and 876.2c(b).

(4) How the outcome or winning numbers of the iLottery game or play, chance or share are determined under § 876.2c(c).

(5) Prize structure of the iLottery game under § 876.2c(d).

(6) Purchase price or range of purchase prices for a play, chance or share of the iLottery game.

(7) Availability.

(8) Other relevant information as established by the Secretary.

**§ 876.3. (Reserved).**

**§ 876.4. iLottery game description.**

The Secretary will post an iLottery game description on the Bureau's iLottery web site and the Bureau's mobile application for each iLottery game, with the following minimum information:

- (1) The name of the iLottery game.
- (2) The purchase price or range of purchase prices of a play, chance or share for the iLottery game.
- (3) The chances of winning the iLottery game and the prizes which can be won.
- (4) iLottery game instructions.
- (5) The existence of a finalist, grand prize, second chance or other offering, if applicable, and the procedure for the conduct of the same, if applicable.

(6) If applicable, the existence of a bonus game, a mini-game or a game within a game, the instructions for conduct of the same and the chances of winning the bonus game, mini-game or game within a game and the prizes which can be won.

(7) Other information necessary for the conduct of the iLottery game.

**§ 876.5. Price.**

The purchase price of a play, chance or share for each iLottery game will be included in the iLottery game description for each game, as provided for under § 876.4 (relating to iLottery game description).

**§ 876.6. Governing law.**

(a) By registering to participate in iLottery, the registered iLottery player agrees to comply with and abide by Federal and State law, this chapter, the iLottery terms and conditions as provided for under § 876.9 (relating to iLottery terms and conditions) and final decisions of the Secretary.

(b) Revenues generated by iLottery games will be apportioned as provided by 4 Pa.C.S. § 503(f) (relating to iLottery authorization) and section 3761-311 of the State Lottery Law (72 P.S. § 3761-311) regarding disposition of funds.

**§ 876.7. General provisions.**

(a) An individual shall establish a lottery account and register for iLottery as provided for under § 876.10 (relating to iLottery registration and participation) to purchase a play, chance or share or to purchase lottery products using a lottery account.

(b) An individual shall accept, consent, acknowledge and agree to be legally bound by the iLottery terms and conditions as provided for under § 876.9 (relating to

iLottery terms and conditions) to register for iLottery, to purchase a play, chance or share through iLottery and to purchase lottery products using a lottery account.

(c) An individual shall be located in this Commonwealth to purchase a play, chance or share.

(d) An individual shall be 18 years of age or older to register for iLottery, to purchase a play, chance or share or to purchase lottery products using a lottery account.

**§ 876.8. Applicability.**

This chapter applies to iLottery and the sale of plays, chances or shares through iLottery and the purchase of lottery products using a lottery account, as offered and administered by the Department and the Bureau.

**§ 876.9. iLottery terms and conditions.**

(a) The terms and conditions for the establishment of a lottery account and for the registration and participation in iLottery will be published in the *Pennsylvania Bulletin* and will be known as the iLottery terms and conditions.

(1) Amendments to the iLottery terms and conditions will be published in the *Pennsylvania Bulletin*.

(2) The iLottery terms and conditions will be available on the Bureau's iLottery web site and other locations as established by the Secretary.

(b) The iLottery terms and conditions for the establishment of a lottery account and for registration and participation in iLottery will include all of the following:

(1) Acknowledgment, consent, agreement and acceptance by the individual to all of the following:

(i) Confirmation by the Bureau of the applicant's age and identity.

(ii) The use of a mechanism by the Bureau to detect the physical location of a registered iLottery player in compliance with 4 Pa.C.S. § 503(h)(1) (relating to iLottery authorization).

(iii) The terms of the end user license agreement for the software and terms and conditions of any third-party services used for the implementation and operation of iLottery and the provision of iLottery games.

(iv) The monitoring and recording by the Department or the Bureau of any iLottery communications and geographic location information.

(v) The jurisdiction of the Commonwealth to resolve disputes arising out of the conduct of iLottery.

(vi) Any moneys remaining on deposit in the registered iLottery player's lottery account as abandoned and unclaimed property if the registered iLottery player has not logged into the lottery account using their username and password in more than 3 years.

(vii) The registered iLottery player's lottery account may be suspended or closed for reasons established by the Secretary, including any of the following:

(A) Violations of the iLottery terms and conditions as provided for under this chapter.

(B) The registered iLottery player has been charged with or convicted of an offense under 18 Pa.C.S. §§ 4106, 5111, 5512—5514, 4 Pa.C.S. § 1518 or § 3905 or conspiracy to commit offenses under 18 Pa.C.S. § 903, or equivalent crimes under Federal law or the law of another state.

(C) A self-exclusion request under § 876.16 (relating to self-exclusion from iLottery).

(D) The application of a responsible gambling tool by a registered iLottery player, as described in the iLottery terms and conditions, which limits the ability of the registered iLottery player to log into the lottery account.

(E) Other reasons as established by the Secretary.

(viii) Other terms and conditions that may apply related to registration and participation in iLottery.

(ix) Lottery winnings are subject to Federal and State withholding taxes and prizes awarded to the registered iLottery player will be reduced by the amount of withholding required under applicable law.

(x) Lottery winnings are subject to certain deductions as required by law and prizes awarded to the registered iLottery player will be reduced by any amount required to be deducted under applicable law.

(xi) To receive certain prizes, as identified and described in the iLottery game rules provided for under § 876.2c (relating to categories of iLottery games) or iLottery game descriptions as provided for under § 876.4 (relating to iLottery game description) or promotional prize notices provided for under § 811.41 (relating to promotional prizes), the registered iLottery player may be required to take additional measures to claim a prize, including to appear in person at a specified Bureau claim center.

(xii) Use of electronic communications to establish a lottery account, for iLottery registration, communications regarding the lottery account and other communications related to iLottery as determined by the Bureau.

(xiii) Ability of the registered iLottery player to use the responsible gambling tools available through iLottery.

(xiv) Ability of the registered iLottery player to self-exclude from iLottery and the extent to which the self-exclusion applies to use of the registered iLottery player's lottery account.

(xv) Methods by which moneys or credits may be deposited and under what circumstances moneys or credits may be deposited into the registered iLottery player's lottery account.

(xvi) Moneys or credits deposited and held in the registered iLottery player's lottery account do not earn interest.

(xvii) Methods by which moneys or credits may be withdrawn and under what circumstances moneys or credits may be withdrawn from the registered iLottery player's lottery account.

(xviii) Reporting of suspected fraudulent or unlawful activity related to the operation of iLottery.

(xix) Dispute resolution procedures related to iLottery.

(xx) Information provided to the Department or Bureau during the establishment, use, access or closure of the registered iLottery player's lottery account is true and correct.

(xxi) Methods by which a registered iLottery player may purchase lottery products as a gift or for the benefit of another person.

(xxii) iLottery game rules as described in § 876.2d (relating to iLottery game rules by category of game offered) and iLottery game descriptions in § 876.4.

(xxiii) Terms and conditions for iLottery promotions as provided for under § 876.17 (relating to iLottery promotional prizes).

(xxiv) Information related to subscription services as provided for under § 876.19 (relating to subscription services).

(2) Rules and obligations applicable to the registered iLottery player, other than rules of individual games, including all of the following:

(i) Prohibition against allowing another individual to access or use the registered iLottery player's lottery account.

(ii) Prohibition against purchasing a play, chance or share unless the registered iLottery player is physically located in this Commonwealth.

(iii) Prohibition against using automated computerized software or other equivalent mechanisms to engage in iLottery. Nothing in this section shall prohibit the use of adaptive technologies by registered iLottery players with a disability as defined in the Americans with Disabilities Act of 1990 (42 U.S.C.A. §§ 12101—12213).

(iv) Prohibition against participation in iLottery by an individual under 18 years of age.

(v) Prohibition of an individual who self-excluded from iLottery from participating in iLottery.

(vi) Prohibition against purchasing a play, chance or share or receiving a prize if the registered iLottery player is:

- (A) An officer or employee of the Bureau.
- (B) A spouse, child, brother, sister or parent residing as a member of the same household as an officer or employee of the Bureau.
- (C) An officer or employee of a contractor or subcontractor who is directly involved in the operation of iLottery or the provision of iLottery related services.
- (D) A spouse, child, brother, sister or parent residing as a member of the same household as an officer or employee of a contractor or subcontractor who is directly involved in the operation of iLottery or the provision of iLottery related services.

(3) Any other terms and conditions the Secretary deems necessary and relevant for the conduct of iLottery.

**§ 876.10. iLottery registration and participation.**

(a) An individual may not participate in iLottery without first creating a lottery account and registering to participate in iLottery through the Bureau as described in this chapter.

(b) A registered iLottery player agrees to be bound by the iLottery terms and conditions as provided for under § 876.9 (relating to iLottery terms and conditions).

(c) To establish a lottery account and register for iLottery, an individual shall provide the following information:

- (1) The individual's name as it appears on a valid government-issued identification or tax documents.
- (2) The individual's date of birth.
- (3) The entire or last four digits of the individual's Social Security Number, or comparable equivalent.
- (4) The individual's address.
- (5) The individual's telephone number.
- (6) The individual's e-mail address.

(7) Any other information as established by the Secretary to be necessary to verify the age and identity of the individual.

(d) An individual may be required to provide additional information or documentation, as set forth in the iLottery terms and conditions as provided for under § 876.9, to establish a lottery account or register for iLottery. The information may be used for iLottery registration or to confirm information provided by that individual during the registration process.

(e) The lottery account will require a username and password.

(f) Access to the lottery account and participation in iLottery is limited to the registered iLottery player.

(g) An individual will be prohibited from establishing a lottery account and from registering for iLottery if one or more of the following occurs:

- (1) The Department is unable to verify the age of the individual.
- (2) The Department is unable to verify the identity of the individual.
- (3) The individual fails to agree to the iLottery terms and conditions as provided for under § 876.9.
- (4) The information provided to the Bureau is false or misleading.
- (5) Other reasons set forth in the iLottery terms and conditions as provided for under § 876.9.

(h) A registered iLottery player may not purchase a play, chance or share or purchase lottery products using a lottery account if the Bureau is unable to verify that the registered iLottery player is physically located within the geographical borders of this Commonwealth.

(i) An individual may not open, access, maintain or otherwise use more than one lottery account for participation in iLottery. This does not prohibit a registered iLottery player who closes a lottery account from reopening the lottery account or creating a new account, as applicable, at a later date.

(j) An individual may not register or attempt to register for iLottery using more than one lottery account.

(k) By establishing a lottery account and registering for iLottery, a registered iLottery player agrees that all communications related to the establishment and use of the lottery account may be through electronic communications. All electronic communications from the Bureau may be directed to a registered iLottery player based on the lottery account information provided by the registered iLottery player and verified by the Bureau.

(l) An individual must create a lottery account and register for iLottery through the Bureau's iLottery web site or the Bureau's mobile application.

(m) A lottery account may be closed by the registered iLottery player at any time.

(n) A registered iLottery player's lottery account information may be retained by the Bureau to prevent another individual from using the same lottery account information to open a different lottery account.

(o) To close the registered iLottery player's lottery account, the registered iLottery player is required to contact the Bureau. The Bureau may require the registered iLottery player to confirm lottery account information prior to closing the lottery account.

**§ 876.10a. Registered iLottery player lottery account requirements.**

A registered iLottery player is subject to all of the following:

(1) The end user license agreement or agreements for software used in the provision of iLottery.

(2) The terms and conditions of any third-party service providers used in the provision of iLottery, including electronic payment processors, electronic payment transmitters and financial institutions.

(3) The confirmation of the individual's age and identity.

(4) To at all times provide true and correct information to the Department and the Bureau during the establishment, access, use or closure of the registered iLottery player's lottery account.

(5) The continuous monitoring and recording of information communicated and transactions conducted through iLottery, including electronic communications.

(6) The use of a mechanism by the Bureau to detect the physical location of the registered iLottery player in compliance with 4 Pa.C.S. § 503(h)(1) (relating to iLottery authorization).

(7) The registered iLottery player's lottery account may be suspended or closed for any of the following reasons:

(i) Violations of the iLottery terms and conditions as provided for under § 876.9 (relating to iLottery terms and conditions).

(ii) A self-exclusion request under § 876.16 (relating to self-exclusion from iLottery and responsible gambling tools).

(iii) The application of a responsible gambling tool which limits access to the registered iLottery player's lottery account as set forth in the iLottery terms and conditions as provided for under § 876.9.

(iv) The determination that the registered iLottery player has been charged with or convicted of an offense under 18 Pa.C.S. §§ 4106, 5111 and 5512—5514, 4 Pa.C.S. § 1518 or § 3905 or conspiracy to commit offenses under 18 Pa.C.S. § 903, or equivalent crimes under Federal law or the law of another state.

(v) Other reasons as established by the Secretary.

(8) The registered iLottery player's use of iLottery and software or third-party services used by the Bureau in the provision of iLottery shall comply at all times with all applicable statutes, regulations and the iLottery terms and conditions as provided for under § 876.9.

(9) The iLottery privacy policy, available on the Bureau's iLottery web site and on the Bureau's mobile application.

**§ 876.11. Purchase and prize restrictions.**

(a) Individuals must be at least 18 years of age or older to register for iLottery or to purchase a play, chance or share.

(b) A registered iLottery player shall be located within the geographical boundaries of this Commonwealth to purchase a play, chance or share.

(c) A play, chance or share may not be purchased by and a prize may not be awarded to the following:

(1) An officer or employee of the Bureau.

(2) A spouse, child, brother, sister or parent residing as a member of the same household as an officer or employee of the Bureau.

(3) An officer or employee of a contractor or subcontractor who is directly involved in the operation of iLottery or the provision of iLottery related services.

(4) A spouse, child, brother, sister or parent residing as a member of the same household as an officer or employee of a contractor who is directly involved in the operation of iLottery or the provision of iLottery related services.

(d) A registered iLottery player is prohibited from cancelling the purchase of a play, chance, share or lottery product.

**§ 876.11a. Methods to fund a lottery account.**

(a) A registered iLottery player shall deposit moneys or credits in the lottery account prior to purchasing a play, chance or share or purchasing other lottery products using a lottery account.

(b) The Secretary will determine the methods by which a registered iLottery player may fund a lottery account and purchase lottery products. The Bureau will describe those methods in the iLottery terms and conditions as provided for under § 876.9 (relating to iLottery terms and conditions).

(c) Methods for funding a lottery account may include the following:

(1) A registered iLottery player's credit card or debit card, including prepaid cards.

(2) Gift cards, as authorized by the Secretary and issued by the Bureau.

(3) Player cards, as authorized by the Secretary and issued by the Bureau.

(4) Automated clearing house transfers.

(5) Bonus money, credits or promotional prizes issued by the Bureau.

(6) Prizes received from a winning play.

(7) Payment processors or payment transmitters.

(8) Any other method authorized by the Secretary.

(d) The Secretary may establish conditions of purchase applicable to credit card and debit card transactions, such as daily deposit limits.

(e) The Secretary may establish a minimum deposit amount.

**§ 876.11b. Lottery account moneys and credits.**

(a) Moneys or credits deposited into a registered iLottery player's lottery account may be used to purchase plays, chances or shares and lottery products, as authorized by the Secretary and offered by the Bureau.

(b) Moneys or credits deposited and held in a registered iLottery player's lottery account will not earn interest.

(c) Moneys or credits remaining on deposit in a registered iLottery player's lottery account will be considered abandoned and unclaimed property if the registered iLottery player has not logged into the lottery account using their username and password for more than 3 years.

**§ 876.12. Prizes.**

(a) Prizes may be awarded by check, draft or electronically through the registered iLottery player's lottery account or other means as authorized by the Secretary and offered by the Bureau.

(b) The Bureau will report taxable prizes and events to relevant taxing authorities based on established statutory thresholds.

(c) The Commonwealth and its agents, officers and employees shall be discharged of liability upon award of a prize.

(d) Prizes will be reduced by required tax withholding and any deductions for outstanding liabilities as required by law, including those set forth in § 876.14 (relating to deductions required by law).

(e) A registered iLottery player may be prohibited from accessing a prize until the Department or the Bureau determines whether there are outstanding liabilities that must be deducted from the prize, including those set forth in § 876.14.

(f) Winning plays will be determined based on the iLottery game rules as established in § 876.2d (relating to iLottery game rules by category of game offered) and by the data recorded by the Bureau on its system or systems of record.

**§ 876.12a. Prize claims.**

(a) The Bureau will generate applicable tax forms for reportable gambling and lottery winnings as required by State and Federal laws and regulations.

(b) The Bureau may use lottery account information provided by a registered iLottery player and verified by the Bureau to generate applicable tax forms for reportable gambling and lottery winnings.

(c) The Bureau may require a registered iLottery player to complete a claim form and to submit it in person at a claim center designated by the Bureau.

(d) A prize requiring the completion of a claim form will not be credited to the registered iLottery player's lottery account until a properly completed claim form is submitted to and accepted by the Bureau.

(e) If a registered iLottery player fails to complete a claim form as required by this section, the prize money will be retained for payment to the registered iLottery player for 1 year after the prize is won. If a claim form is not completed within that period, the ability to claim the prize will expire and the prize money will be used consistent with the State Lottery Law (72 P.S. §§ 3761-301—3761-315).

**§ 876.13. Withholding.**

Federal and State withholding taxes will be withheld by the Bureau from prize payments as required by law.

**§ 876.14. Deductions required by law.**

In addition to any withholding required by Federal and State law, the Department will deduct amounts from prizes as required by law, including those amounts required under:

- (1) 23 Pa.C.S. § 4308 (relating to lottery winnings intercept).
- (2) 72 P.S. § 215 regarding lottery winnings intercept.

**§ 876.14a. Withdrawals from a lottery account.**

(a) A registered iLottery player may withdraw moneys from the registered iLottery player's lottery account.

(b) The Secretary may require a minimum balance in the registered iLottery player's lottery account prior to authorizing a withdrawal.

(c) The Bureau shall not be required to grant a withdrawal request immediately. A withdrawal request from a registered iLottery player's lottery account may be delayed for reasons consistent with this chapter and as set forth in the iLottery terms and conditions as provided for under § 876.9 (relating to iLottery terms and conditions).

(d) A registered iLottery player may be required to provide the Bureau with information to verify the details of a withdrawal request before the withdrawal request from the registered iLottery player's lottery account is processed.

(e) A registered iLottery player shall be prohibited from withdrawing bonus money from the registered iLottery player's lottery account where the registered iLottery player fails to convert bonus money into cash in conformance with the promotional terms and conditions issued under §§ 811.41 and 876.17 (relating to promotional prizes; and iLottery promotional prizes).

(f) A registered iLottery player may request that a withdrawal from the registered iLottery player's lottery account be credited to any payment type authorized by the Secretary and offered by the Bureau.

(g) The Bureau may make adjustments to a registered iLottery player's lottery account if the Bureau determines that moneys or bonus moneys are mistakenly credited to a registered iLottery player's lottery account.

(h) The Bureau will deduct the purchase price of a lottery product from a registered iLottery player's lottery account following the purchase of a lottery product.

**§ 876.15. Termination of a game.**

The Secretary may terminate an iLottery game at any time and without notice.

**§ 876.16. Self-exclusion from iLottery and responsible gambling tools.**

(a) A registered iLottery player may request self-exclusion from iLottery under this section.

(b) A registered iLottery player may request self-exclusion through the registered iLottery player's lottery account or through other means authorized by the Secretary and offered by the Bureau.

(c) A registered iLottery player may select from the predetermined periods of self-exclusion authorized by the Secretary and offered by the Bureau.

(d) During a period of self-exclusion, a self-excluded, registered iLottery player may not purchase plays, shares or chances, deposit moneys into the registered iLottery player's lottery account, or otherwise participate in iLottery and iLottery promotions prior to the conclusion of the self-exclusion period.

(e) During a period of self-exclusion, a registered iLottery player elects not to receive e-mails or other communications about iLottery.

(f) The Bureau may require a registered iLottery player to verify any of the following lottery account information to request self-exclusion:

- (1) The individual's name as it appears on a valid government-issued identification or tax documents.
- (2) The individual's date of birth.

(3) The entire or last four digits of the individual's Social Security Number or comparable equivalent.

(4) The individual's address.

(5) The individual's telephone number.

(6) The individual's e-mail address.

(7) Any other information as established by the Secretary to be necessary to verify the age and identity of the individual.

(g) To request self-exclusion, a registered iLottery player must:

(1) Acknowledge and agree that self-exclusion is requested voluntarily.

(2) Acknowledge and agree that self-exclusion applies to iLottery but may apply to other lottery products, promotions and drawings as set forth in the iLottery terms and conditions as provided for under § 876.9 (relating to iLottery terms and conditions).

(3) Acknowledge and agree to waive and release the Commonwealth and its agents and employees from all liability relating to the processing and enforcement of self-exclusion.

(h) A self-excluded, registered iLottery player shall be prohibited from logging into the registered iLottery player's lottery account using their username and password until the self-exclusion period expires.

(i) A self-excluded, registered iLottery player may request the release of moneys in the registered iLottery player's lottery account as set forth in the iLottery terms and conditions as provided for under § 876.9.

(j) The self-exclusion period will become effective immediately upon submission and verification of the request.

(k) A request for self-exclusion is irrevocable.

(l) At the conclusion of any period of self-exclusion, a self-excluded, registered iLottery player must contact the Bureau to reinstate the registered iLottery player's lottery account.

(m) The Bureau may offer responsible gambling tools applicable to iLottery and the purchase of lottery products through a lottery account as set forth in the iLottery terms and conditions provided for under § 876.9.

(n) During any period of self-exclusion or through the use of responsible gambling tools, a registered iLottery player may be prohibited from participating in second chance drawings, promotions offered by the Bureau and marketing communications from the Bureau.

#### § 876.17. iLottery promotional prizes.

The Secretary may authorize iLottery promotions and issue the terms and conditions related thereto under this chapter and § 811.41 (relating to promotional prizes).

#### § 876.18. Agent promotion programs.

Agent incentive and marketing promotion programs may be implemented at the discretion of the Secretary. Funds for the programs, if needed, will be drawn from the Lottery Fund.

#### § 876.19. Subscription services.

(a) The Bureau may offer subscription services for lottery products as authorized by the Secretary.

(b) The subscription services will be governed by the iLottery terms and conditions as provided for under § 876.9 (relating to iLottery terms and conditions).

(c) Details of subscription services purchased through iLottery will be available electronically through a registered iLottery player's lottery account.

#### § 876.20. Confidential information.

The following information about a registered iLottery player is confidential, exempt from being disclosed and will be maintained by the Bureau:

(1) The individual's last name.

(2) The individual's address.

(3) The individual's telephone number.

(4) The individual's financial information.

(5) The individual's self-exclusion information.

(6) The individual's Social Security Number or comparable equivalent.

(7) Information related to the individual's use of responsible gambling tools.

(8) The individual's play history, including information related to wins and losses.

(9) The individual's play tendencies.

[Pa.B. Doc. No. 20-377. Filed for public inspection March 13, 2020, 9:00 a.m.]

# PROPOSED RULEMAKING

## GAME COMMISSION

[ 58 PA. CODE CHS. 131 AND 135 ]

### Preliminary Provisions; Lands and Buildings

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its January 25, 2020, meeting to amend §§ 131.2, 135.2 and 135.41 (relating to definitions; unlawful actions; and State game lands) to define and allow use of Class I and II electric bicycles (e-bikes) on State game lands in the same manner as traditional bicycles.

This proposed rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for this proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

This proposed rulemaking was made public at the January 25, 2020, meeting of the Commission. Comments can be sent until April 1, 2020, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

#### 1. Purpose and Authority

The Commission has observed that e-bikes are gaining popularity within this Commonwealth and many hunters are exploring use of e-bikes to assist them in reaching their hunting and trapping locations. Under current regulations, it is unlawful to use or operate any type of e-bike on State game lands, unless used by individuals with mobility disabilities. The Commission also recognizes that there are many areas within its State game lands system that are difficult to access often due to a lack of a comprehensive road system that could sustain routine road vehicle traffic. In many cases, it is simply impractical to build new or maintain, or both, comprehensive road systems in these areas.

As a result, the Commission has determined that permitted use of certain e-bikes could greatly improve State game lands access and the hunting and trapping experience for many hunters, including those that do not suffer from a mobility disability. The Commission believes that allowing responsible use of certain e-bikes can be accommodated without significant damage to existing State game lands road and trail systems, wildlife populations or the peace and tranquility of the Commission's wilderness areas.

The Commission is proposing to amend §§ 131.2, 135.2 and 135.41 to define and allow use of Class I and II e-bikes on State game lands in the same manner as traditional bicycles. These devices will be limited to a two-wheeled bicycle equipped with fully operable pedals and an electric motor of 750 watts (1 horsepower) or less that ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour. It is important to note that these proposed amendments do not eliminate current statutory restrictions prohibiting the possession of loaded firearms in, on or against vehicles propelled by mechanical power under section 2503 of the code (relating to loaded firearms in vehicles).

Section 721(a) of the code (relating to control of property) provides "The administration of all lands and waters owned, leased or otherwise controlled by the commission shall be under the sole control of the director, and the commission shall promulgate regulations...for its use

and protection as necessary to properly manage these lands or waters." The amendments to §§ 131.2, 135.2 and 135.41 are proposed under this authority.

#### 2. Regulatory Requirements

This proposed rulemaking will amend §§ 131.2, 135.2 and 135.41 to define and allow use of Class I and II e-bikes on State game lands in the same manner as traditional bicycles.

#### 3. Persons Affected

Persons wishing to use e-bikes on lands designated as State game lands may be affected by this proposed rulemaking.

#### 4. Cost and Paperwork Requirements

This proposed rulemaking should not result in any additional cost or paperwork.

#### 5. Effective Date

This proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

#### 6. Contact Person

For further information regarding this proposed rulemaking, contact Jason L. DeCoskey, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

BRYAN J. BURHANS,  
*Executive Director*

**Fiscal Note:** 48-455. No fiscal impact; (8) recommends adoption.

### Annex A

#### TITLE 58. RECREATION

#### PART III. GAME COMMISSION

#### CHAPTER 131. PRELIMINARY PROVISIONS

#### § 131.2. Definitions.

In addition to the definitions contained in section 102 of the act (relating to definitions), the following words and terms, when used in this part or in the act, have the following meanings, unless the context clearly indicates otherwise:

\* \* \* \* \*

*Broadhead*—A fixed or mechanical tip affixed to the fore end of an arrow or bolt having sharpened cutting edges consisting of metal or naturally occurring stone.

**Class I electric bicycle**—A two-wheeled bicycle equipped with fully operable pedals and an electric motor of 750 watts (1 horsepower) or less that provides assistance only when the rider is actively pedaling and that ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour. This term does not include any device that is equipped with a throttle or that provides any degree of assistance from an electric motor when the rider is not actively pedaling.

*Closed season*—Periods of the calendar year and hours during which it is unlawful to take game or wildlife.

\* \* \* \* \*

**CHAPTER 135. LANDS AND BUILDINGS**

**Subchapter A. GENERAL PROVISIONS**

**§ 135.2. Unlawful actions.**

In addition to the prohibitions in the act on lands, waters or buildings under Commission ownership, lease, agreement, control or jurisdiction, it is unlawful, except with the permission of the person in charge of the lands, or the written permission of the Director to:

- (1) Camp or use campsites.
- (2) Plant, gather, cut, dig, remove or otherwise injure plants or parts thereof, including trees, shrubs, vines, flowering plants, cultivated crops, mushrooms and fruits of berry-producing plants.
- (3) Travel on lands by means of vehicle or conveyance propelled by motorized power. This provision is not intended to restrict travel by **Class I or Class II electric bicycles and** certain devices used for persons with mobility disabilities as specifically authorized under Subchapter C (relating to State game lands).

\* \* \* \* \*

**Subchapter C. STATE GAME LANDS**

**§ 135.41. State game lands.**

\* \* \* \* \*

(c) *Additional prohibitions.* In addition to the prohibitions contained in the act pertaining to State game lands and § 135.2, except with the written permission of the Director, it is unlawful to:

(1) Contaminate, pollute or degrade groundwaters or surface waters or any waterways.

(2) Graze or permit the grazing of livestock, place or maintain beehives or beekeeping apparatus.

(3) Solicit, or place advertisements, signs or posters.

(4) Ride a nonmotorized vehicle, conveyance, **Class I or Class II electric bicycle** or animal, except on roads normally open to public travel, or designated routes as posted, or while lawfully engaged in hunting, trapping or fishing.

(5) Ride a nonmotorized vehicle, conveyance, **Class I or Class II electric bicycle** or animal from the last Saturday in September until the third Saturday in January, and before 1 p.m. from the second Saturday in April through the last Saturday in May inclusive, except on Sundays or while lawfully engaged in hunting, trapping or fishing.

(6) Ride a nonmotorized vehicle, conveyance, **Class I or Class II electric bicycle** or animal on roads open to foot travel only.

\* \* \* \* \*

[Pa.B. Doc. No. 20-378. Filed for public inspection March 13, 2020, 9:00 a.m.]

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# 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 20, 2020.

The organization chart at 50 Pa.B. 1552 (March 14, 2020) 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. 20-379. Filed for public inspection March 13, 2020, 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 25, 2020.

The organization chart at 50 Pa.B. 1553 (March 14, 2020) 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. 20-380. Filed for public inspection March 13, 2020, 9:00 a.m.]

## Title 4—ADMINISTRATION

### PART II. EXECUTIVE BOARD

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

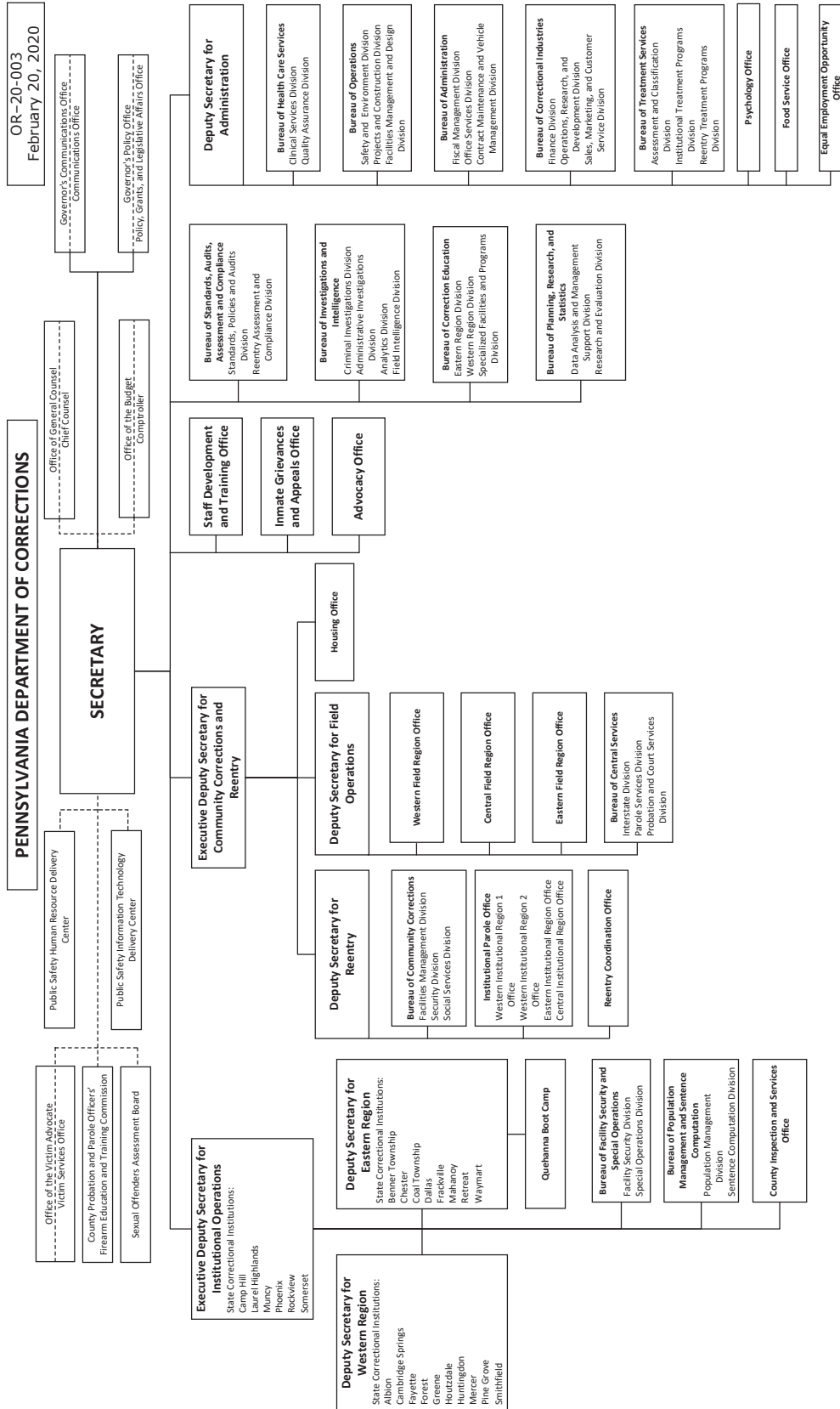
#### Reorganization of the Department of Transportation

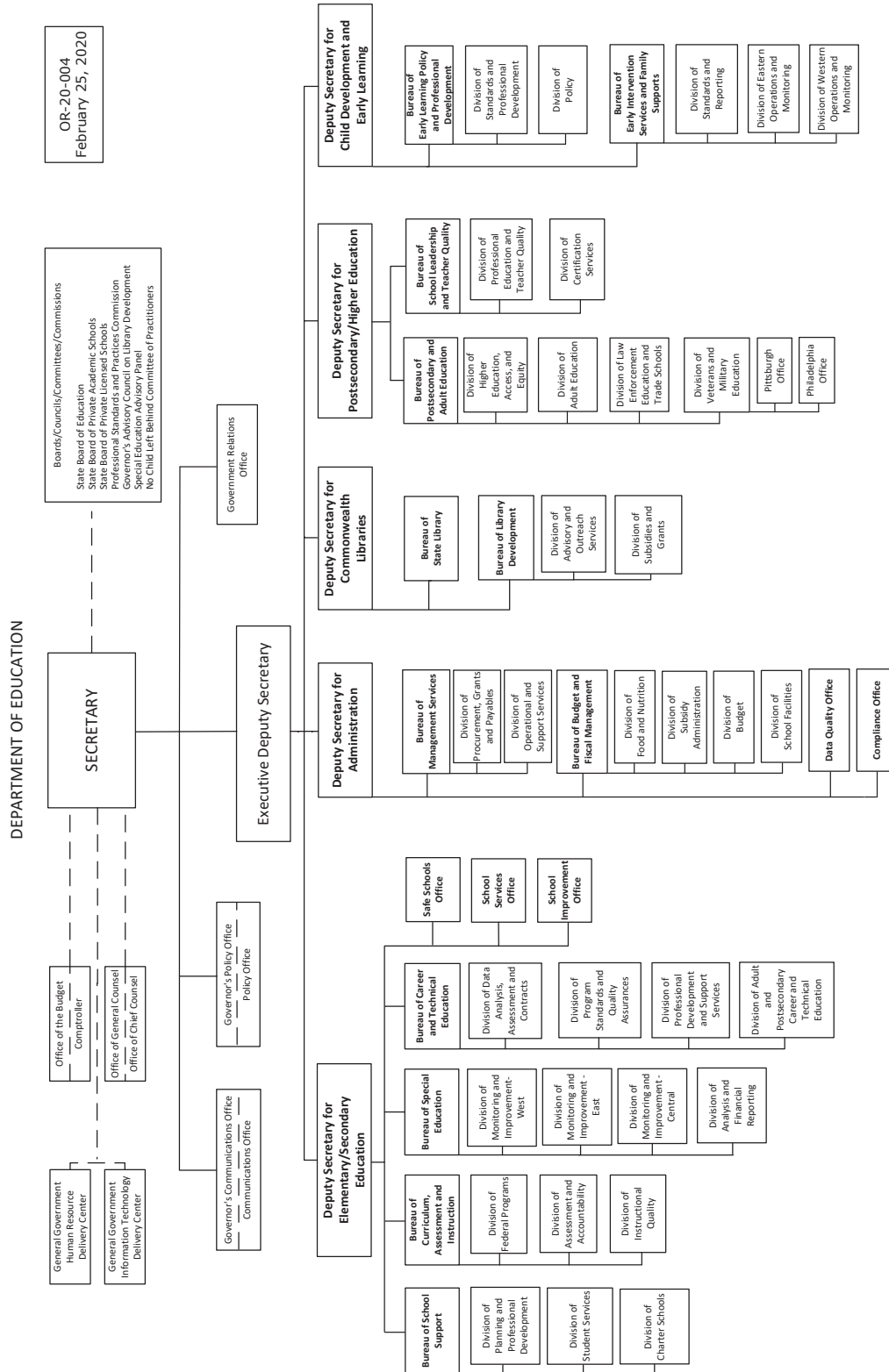
The Executive Board approved a reorganization of the Department of Transportation effective February 25, 2020.

The organization chart at 50 Pa.B. 1554 (March 14, 2020) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

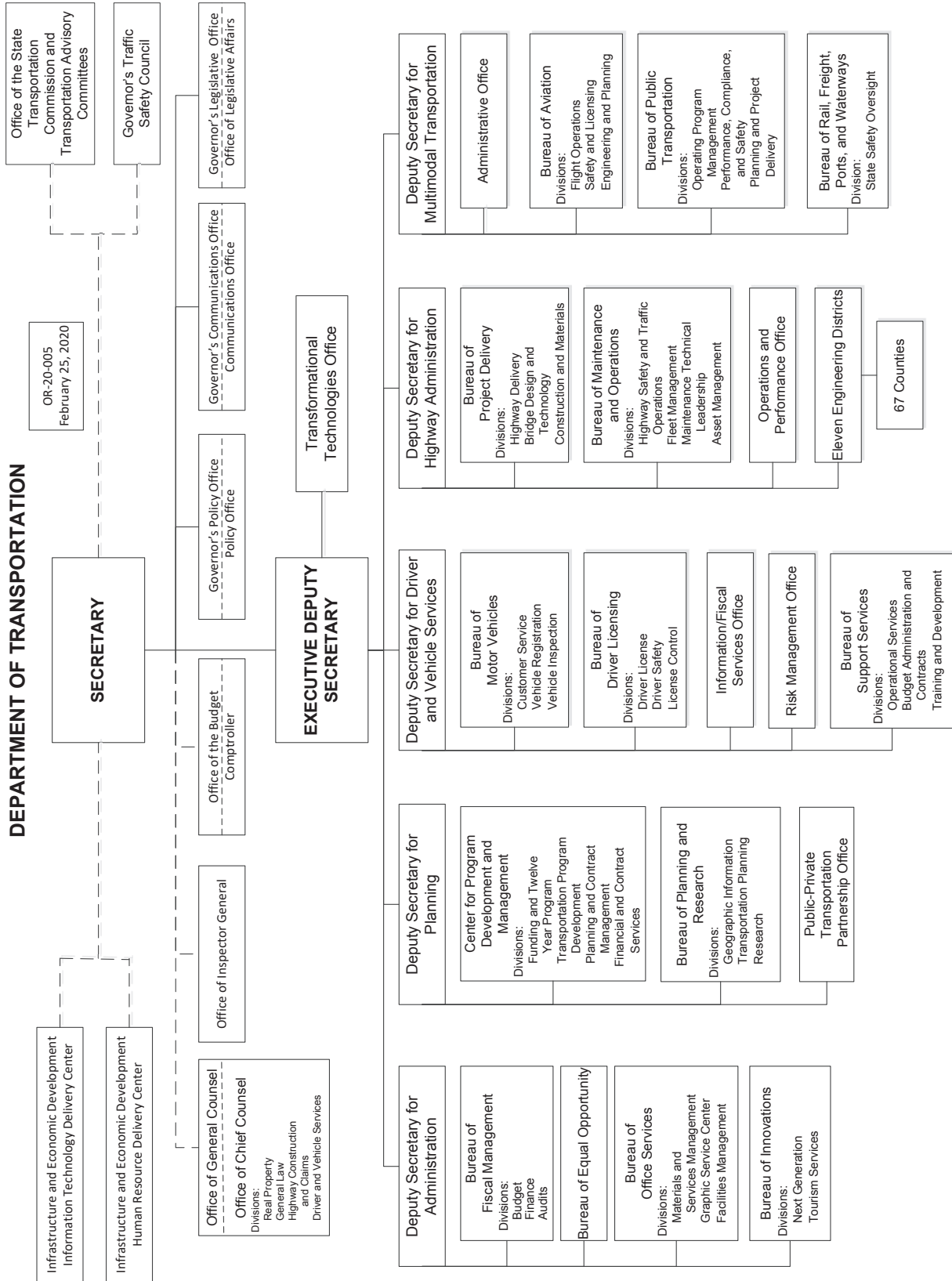
*(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania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

[Pa.B. Doc. No. 20-381. Filed for public inspection March 13, 2020, 9:00 a.m.]





**DEPARTMENT OF TRANSPORTATION**



# NOTICES

## CAPITOL PRESERVATION COMMITTEE

### Request for Proposals

**CPC 19.170: Clock Conservation and Maintenance.** This project involves the following cyclical maintenance: onsite oiling; studio cleaning; installation of temporary clocks; weekly winding and general maintenance; condition assessment reports; and documentation of historic wall and mantle clocks.

A \$50 deposit is required for issuance of project documents; awardee and those entities returning the documents in good condition will be reimbursed. The issue date of the request for proposals will be on March 16, 2020. A mandatory preproposal conference and walk through will be held on March 24, 2020, at 10 a.m. in Room 630 of the Main Capitol. The proposal receipt date is April 15, 2020, at 2 p.m. Project documents may be obtained in Room 630, Main Capitol Building, Harrisburg, PA or by contacting Tara Pyle at (717) 783-6484.

DAVID L. CRAIG,  
*Executive Director*

[Pa.B. Doc. No. 20-382. Filed for public inspection March 13, 2020, 9:00 a.m.]

## DEPARTMENT OF AGRICULTURE

### Addendum to the Order of Quarantine; Spotted Lanternfly

#### Recitals

A. Spotted lanternfly, *Lycorma delicatula*, is a new pest to the United States and has been detected in the Commonwealth. This is a dangerous insect to forests, ornamental trees, orchards and grapes and not widely prevalent or distributed within or throughout the Commonwealth or the United States. Spotted lanternfly has been detected in the Commonwealth and has the potential to spread to uninfested areas by natural means or through the movement of infested articles.

B. The Plant Pest Act (Act) (3 P.S. §§ 258.1—258.27) empowers the Department of Agriculture (Department) to take various measures to detect, contain and eradicate plant pests. A plant pest is defined as an organism, including other plants, causing or capable of causing injury or damage to plants or plant products (3 P.S. § 258.2). These powers also include the authority, set forth at section 258.21 of the Act (3 P.S. § 258.21), to establish quarantines to prevent the spread of plant pests within this Commonwealth.

C. Under the authority of section 258.20 of the Act (3 P.S. § 258.20) the Department may declare a pest to be a public nuisance when the Department determines a plant pest to be dangerous or destructive to the agriculture, horticulture or forests of this Commonwealth. For the reasons set forth in Paragraph A above, the Department declares Spotted lanternfly, *Lycorma delicatula*, to be a public nuisance.

D. Consistent with the “Order of Quarantine and Treatment; Spotted Lanternfly” published at 48 Pa.B. 3094, issued Saturday, May 26, 2018 (hereinafter “Quarantine Order”), where the Department detects or confirms any of the plant pests established in that Quarantine Order—Spotted lanternfly, *Lycorma delicatula*—the place or area in which any of the plant pests are detected or confirmed shall be subject to the provisions of that Quarantine Order.

E. The place or area in which the plant pest is detected or confirmed shall be added to the Quarantine Order through an Addendum delineating the specific location and geographic parameters of the area or place. Such Addendum shall be published in the *Pennsylvania Bulletin* and enforcement of the Addendum to the Quarantine Order, with regard to that place or area, shall become effective immediately.

#### Order

Under authority of section 21 of the Act (3 P.S. § 258.21), and with the Recitals previously listed incorporated into and made a part of this Addendum to the Quarantine Order by reference, the Department Orders the following:

#### 1. *Establishment of Quarantine.*

A quarantine is hereby established with respect to Allegheny, Beaver, Blair, Columbia, Cumberland, Huntington, Juniata, Luzerne, Mifflin, Northumberland, Perry and York Counties. This is in addition to, and does not replace, any areas already subject to the Quarantine Order and any previous Addendums to that Quarantine Order.

#### 2. *All Provisions Apply.*

All of the provisions and requirements established in the Quarantine Order are hereby incorporated herein and made a part of this Addendum as if fully set forth herein and shall hereby be made applicable to Allegheny, Beaver, Blair, Columbia, Cumberland, Huntington, Juniata, Luzerne, Mifflin, Northumberland, Perry and York Counties.

RUSSELL C. REDDING,  
*Secretary*

[Pa.B. Doc. No. 20-383. Filed for public inspection March 13, 2020, 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 March 3, 2020.

Under section 503.E of the Department of Banking and Securities Code (71 P.S. § 733-503.E), any person wishing to comment on the following applications, with the exception of branch applications, may file comments in writing with the

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

### BANKING INSTITUTIONS

#### Section 112 Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
03-04-2020	John A. Howard, Jr. Pittsburgh Allegheny County Application for approval to acquire up to 24.9% of the common stock of WVS Financial Corp., Pittsburgh, PA.	Approved

#### Holding Company Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
02-26-2020	Norwood Financial Corp. Honesdale Wayne County Application for approval to acquire 100% of UpState New York Bancorp, Inc., Geneva, NY, and thereby indirectly acquire 100% of USNY Bank, Geneva, NY.	Filed

#### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
02-26-2020	Wayne Bank Honesdale Wayne County Application for approval to merge USNY Bank, Geneva, NY, with and into Wayne Bank, Honesdale.	Filed

#### Branch Applications

##### De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
02-26-2020	Quaint Oak Bank Southampton Bucks County	117-21 Spring Garden Street Philadelphia Philadelphia County	Opened
02-28-2020	Huntingdon Valley Bank Huntingdon Valley Montgomery County	2444 South Broad Street Philadelphia Philadelphia County	Approved
03-02-2020	The Muncy Bank and Trust Company Muncy Lycoming County	2190 Route 54 Montgomery Lycoming County	Opened

#### Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
02-28-2020	Northwest Bank Warren Warren County	1205 River Road Marietta Lancaster County	Closed

### CREDIT UNIONS

#### Branch Applications

#### Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
01-31-2020	TruMark Financial Credit Union Fort Washington Montgomery County	400 Arcola Road Collegeville Montgomery County	Closed

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

RICHARD VAGUE,  
*Acting Secretary*

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### Conservation and Natural Resources Advisory Council Meeting

The Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural Resources (Department) will hold a meeting on Wednesday, March 25, 2020, at 10 a.m. in Room 105, Lobby Level, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this meeting or agenda items can be directed to Gretchen Leslie at (717) 772-9084. Persons who wish to participate during the public comment

section are encouraged to submit their comments in writing to Gretchen Leslie, Advisor, Conservation and Natural Resources Advisory Council, 400 Market Street, Harrisburg, PA 17101.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Aara Vinsh directly at (717) 787-9306 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

CINDY ADAMS DUNN,  
*Secretary*

[Pa.B. Doc. No. 20-385. Filed for public inspection March 13, 2020, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

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### APPLICATIONS

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

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

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

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

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

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

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

The Department will also accept requests for public hearings on applications. A public hearing may be held if the responsible office considers the public response significant. If a hearing is scheduled, a notice of the hearing will be

published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. The Department will postpone its final determination until after a public hearing is held.

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

### I. NPDES Renewal Applications.

*Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-0790, Email: RA-EPNPDES\_NERO@pa.gov.*

<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>
PA0021547 (Sewage)	Orwigsburg Sewage Treatment Plant South Liberty Street Route 61 Orwigsburg, PA 17961-1852	Schuylkill County Orwigsburg Borough	Mahannon Creek (CWF, MF) (3-A)	Yes
PA0065587 (Storm Water)	JFR Salvage, Inc. 6500 Sullivan Trail Wind Gap, PA 18091	Northampton County Plainfield Township	Unnamed Tributary to Little Bushkill Creek (1-F)	Yes
PA0044024 (Industrial)	Pleasant Mount State Fish Hatchery 229 Great Bend Turnpike Pleasant Mount, PA 18453	Wayne County Mount Pleasant Township	West Branch Lackawaxen River (HQ-CWF/MF) (1-B)	Yes

*Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, Email: RA-EPNPDES\_SCRO@pa.gov.*

<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>
PA0038130	Mont Alto Wastewater Treatment Facility 6341 Anthony Highway Mont Alto, PA 17237	Franklin County Quincy Township	Conococheague-Antietam Creeks 13C	Y
PA0246417	State Line Salvage Inc. 675 Nottingham Rd Peach Bottom, PA 17563-9749	Lancaster County Fulton Township	UNT Conowingo Creek 7-K	Y
PA0261190	Tiger Properties 770 Conodoguinet Ave Carlisle, PA 17015	Cumberland County North Middleton Township	Conodoguinet Creek 7-B	Y
PA0083470	Paradise Township Sewage Treatment Plant 33 Singer Avenue Paradise, PA 17562	Lancaster County Paradise Township	Pequea Creek 7-K	Y

*Northcentral Regional Office: Clean Water Program Manager, 208 W Third Street, Suite 101, Williamsport, PA 17701-6448. Phone: 570.327.3636, Email: RA-EPNPDES\_NCRO@pa.gov.*

<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>
PA0228885 (Sewage)	Burnside Boro Sewer System P.O. Box 208 Burnside, PA 15721	Clearfield County Burnside Borough	West Branch Susquehanna River (WWF, MF) (8-B)	Yes
PA0112534 (Sewage)	The Meadows at Watsontown 18 Albatross Drive Watsontown, PA 17777-9732	Northumberland County Delaware Township	Delaware Run (WWF) (10-D)	Yes

*Southwest Region: Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Email: RA-EPNPDES\_SWRO@pa.gov.*

<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>
PA0093891 (Sewage)	Hampshire Estates STP 945 Little Deer Creek Valley Road P.O. Box 148 Russellton, PA 15076-1331	Allegheny County West Deer Township	Unnamed Tributary to Dawson Run (CWF) (18-A)	Yes



NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N?
PA0217361 (Sewage)	Iron Bridge STP P.O. Box 9 2494 Route 981 Alverton, PA 15612-0009	Westmoreland County East Huntingdon Township	Jacobs Creek (WWF) (19-D)	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?
PA0102369 (Sewage)	Rainbow Valley MHP 400 Lord Road Fairview, PA 16415-1526	Erie County Waterford Township	Unnamed Tributary to LeBoeuf Creek (TSF) (16-A)	Yes
PA0272809 (Sewage)	Peter Rabbitt SRSTP 5346 US Highway 19 Cochranton, PA 16314	Crawford County Greenwood Township	Williams Run (16-D)	Yes

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

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

**PA0056758**, Sewage, SIC Code 4952, **Bucks County Water & Sewer Authority**, 1275 Almshouse Road, Warrington, PA 18976. Facility Name: Tradesville Sewer System & STP. This existing facility is located in Warrington Township, **Bucks County**.

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

The receiving stream(s), Mill Creek (TSF, MF), is located in State Water Plan watershed 2-F 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 .33 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0 Inst Min	XXX	XXX	XXX
CBOD <sub>5</sub>						
Nov 1 - Apr 30	69	103	XXX	25	37.5	50
May 1 - Oct 31	55	83	XXX	20	30	40
CBOD <sub>5</sub> Raw Sewage Influent	XXX	XXX	XXX	Report	XXX	XXX
BOD <sub>5</sub> Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids Raw Sewage Influent	XXX	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	83	124	XXX	30	45	60
Total Dissolved Solids	XXX	XXX	XXX	1,000	2,000 Daily Max	2,500
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Ultraviolet light intensity (µw/cm <sup>2</sup> )	XXX	XXX	Report	XXX	XXX	XXX
Nitrate-Nitrite as N						
Nov 1 - Mar 31	Report	XXX	XXX	Report	XXX	XXX
Apr 1 - Oct 31	26.1	XXX	XXX	9.5	XXX	19
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	12.4	XXX	XXX	4.5	XXX	9
May 1 - Oct 31	4.1	XXX	XXX	1.5	XXX	3
Total Phosphorus	5.5	XXX	XXX	2.0	XXX	4

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

- No stormwater to sanitary sewer
- Necessary property rights
- Proper sludge disposal
- Notification of designation of responsible operator
- Fecal coliform reporting
- Operations and maintenance plan
- eDMR requirement

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.

*Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, Email: RA-EPNPDES\_NERO@pa.gov.*

**PA0276316**, Storm Water, SIC Code 5093, **JFR Salvage, LLC**, 1318 Crowe Road, East Stroudsburg, PA 18301. Facility Name: JFR Salvage, LLC—East Stroudsburg Facility. This proposed facility is located in Stroud Township, **Monroe 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), Brodhead Creek (HQ-CWF), is located in State Water Plan watershed 1-E 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)			Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly	Minimum	Average Monthly	Daily Maximum	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	XXX	120.0
Total Suspended Solids	XXX	XXX	XXX	XXX	XXX	100.0
Oil and Grease	XXX	XXX	XXX	XXX	XXX	30.0
Copper, Total	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

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

- 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.

**PA0028568**, Sewage, SIC Code 4952, **Bangor Borough Authority Northampton County**, 197 Pennsylvania Avenue, Bangor, PA 18013. Facility Name: Bangor Borough Authority. This existing facility is located in Washington Township, **Northampton 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), Martins Creek (TSE, MF), is located in State Water Plan watershed 1-F 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 1.6 MGD.—Interim Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly	Minimum	Average Monthly	Daily Maximum	
Chloroform (ug/L)	Report	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 1.6 MGD.—Final Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Chloroform (ug/L)	Report	XXX	XXX	52.5	82.0	105

The proposed effluent limits for Outfall 001 are based on a design flow of 1.6 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min 5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.18	XXX	0.42
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	334	534	XXX	25.0	40.0	50.0
BOD <sub>5</sub> Minimum % Removal (%)	85	XXX	XXX	XXX	Wkly Avg XXX	XXX
Total Suspended Solids	Min Mo Avg 400	600	XXX	30.0	45.0	60.0
Total Suspended Solids Minimum % Removal (%)	85	XXX	XXX	XXX	Wkly Avg XXX	XXX
Total Dissolved Solids	Min Mo Avg Report	XXX	XXX	Report	Report	XXX
Fecal Coliform (No./100 ml)	Report	XXX	XXX	Report	Report	XXX
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	Report	XXX	XXX	Report	Report	XXX
Total Nitrogen	Report	XXX	XXX	Report	Report	XXX
Ammonia-Nitrogen	Report	XXX	XXX	Report	Report	XXX
Nov 1 - Apr 30	96	XXX	XXX	7.2	Report	14.4
May 1 - Oct 31	32	XXX	XXX	2.4	Report	4.8
Total Kjeldahl Nitrogen	Report	XXX	XXX	Report	Report	XXX
Total Phosphorus	Report	XXX	XXX	Report	Report	XXX
Copper, Total (ug/L)	Report	XXX	XXX	Report	Report	XXX
Cyanide, Free (ug/L)	Report	XXX	XXX	Report	Report	XXX
Mercury, Total (ug/L)	Report	XXX	XXX	Report	Report	XXX
Acrylamide (ug/L)	Report	XXX	XXX	Report	Report	XXX

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	Inst Min 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
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	XXX	Report
Iron, Total	XXX	XXX	XXX	XXX	XXX	Report

The proposed effluent limits for Outfall 101 (Internal Monitoring Point for Raw Sewage Influent) are based on a design flow of 1.6 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Biochemical Oxygen Demand (BOD <sub>5</sub> )	Report	Report	XXX	Report	Report	XXX
Raw Sewage Influent	Report	Report	XXX	Report	Report	XXX
Total Suspended Solids	Report	Report	XXX	Report	Report	XXX
Raw Sewage Influent	Report	Report	XXX	Report	Report	XXX

Sludge use and disposal description and location(s): Disposal at Keystone Sanitary Landfill.

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

- Stormwater prohibition; Necessary property rights; Residuals Management; Chlorine minimization; Chapter 94 Reporting at 1.9 MGD wet weather flow; Solids management conditions; WQBELs for Toxics (chloroform); Whole Effluent Toxicity (WET) Testing; and Stormwater associated with industrial activity conditions

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.

*Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, Email: RA-EPNPDES\_SCRO@pa.gov.*

**NPDES Permit No. PA0246964**, CAFO, **Martin Kenneth R**, 1397 Robert Fulton Highway, Quarryville, PA 17566-9630.

This existing facility is located in East Drumore Township, **Lancaster County**.

Description of size and scope of existing operation/activity: Swine (Wean—Finish), Dairy (Cows, Calves), and Poultry (Pullets): 2,184.04 AEU.s.

The receiving stream, Unnamed Tributary to West Branch Octoraro Creek (HQ-CWF, MF) and Unnamed Tributary to Conowingo Creek (HQ-CWF), is in watershed 7-K and classified for: High Quality—Cold Water, High Quality Waters—Cold Water Fishes, and Migratory Fish.

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

**NPDES Permit No. PA0246441**, CAFO, **Deer Stone Ag**, 10049 Ferguson Valley Road, Lewistown, PA 17044-8601.

This existing facility is located in Granville Township, **Mifflin County**.

Description of size and scope of existing operation/activity: Swine (Gestating Sows, Sows with Litters, Nursery Pigs, Boars, (Beef (Cow, Calves))): 720.59 AEU.s.

The receiving stream, Unnamed Tributary to Strodes Run (HQ-CWF, MF) and Unnamed Tributary to Strodes Run (HQ-CWF), is in watershed 12-A and classified for: High Quality—Cold Water, High Quality Waters—Cold Water Fishes, and Migratory Fish.

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

**PA0021229**, Sewage, SIC Code 4952, **Littlestown Borough Authority Adams County**, 10 S Queen Street, Littlestown, PA 17340-1612. Facility Name: Littlestown STP. This existing facility is located in Littlestown Borough, **Adams County**.

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

The receiving stream(s), Unnamed Tributary of Alloway Creek (WWF), is located in State Water Plan watershed 13-D and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

Parameters	Mass Units (lbs/day)		Instantaneous Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
Flow (MGD) Raw Sewage Influent	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )						
Nov 1 - Apr 30	208	334	XXX	25.0	40.0	50
May 1 - Oct 31	141	212	XXX	17.0	25.5	34

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instantaneous Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Biochemical Oxygen Demand (BOD <sub>5</sub> )						
Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids	250	375	XXX	30	45	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
Ultraviolet light transmittance (%)	XXX	XXX	Report	XXX	XXX	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Effluent Net	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	25.0	XXX	XXX	3.0	XXX	6
May 1 - Oct 31	8.0	XXX	XXX	1.0	XXX	2
Ammonia-Nitrogen (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Phosphorus	Report	XXX	XXX	Report	Report Daily Max	XXX
Total Phosphorus (Total Load, lbs) (lbs)						
Effluent Net	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Phosphorus (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Cyanide, Available	XXX	XXX	XXX	Report Avg Qrtly	XXX	XXX

Sludge use and disposal description and location(s): York Landfill.

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

The EPA Waiver is not in effect.

**PA0081604**, Industrial, SIC Code 4953, **PADEP Southcentral Regional Office**, 909 Elmerton Avenue, Harrisburg, PA 17110-8200. Facility Name: ADSCO Landfill. This proposed facility is located in Tyrone Township, **Adams County**.

Description of Proposed Activity: The application is for an NPDES permit for the existing intermittent discharge of treated industrial wastewater.

The receiving stream(s), Unnamed Tributary to Opossum Creek (TSF, MF), is located in State Water Plan watershed 7-F 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 both Outfalls 001 & 002 are based on a combined design flow of 0.15 MGD—Interim Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (s.u.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0			XXX
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	56.0	220.0	XXX

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Total Suspended Solids	XXX	XXX	XXX	27.0	88.0	XXX
Fecal Coliform (#/100 mL)	XXX	XXX	XXX	Report	XXX	Report
Ammonia-Nitrogen	XXX	XXX	XXX	4.9	10.0	XXX
Alpha-Termeinol	XXX	XXX	XXX	0.019	0.042	XXX
Aniline	XXX	XXX	XXX	0.015	0.024	XXX
Arsenic, Total	XXX	XXX	XXX	0.54	1.1	XXX
Benzoic Acid	XXX	XXX	XXX	0.073	0.119	XXX
Chromium, Total	XXX	XXX	XXX	0.46	1.1	XXX
1,4-Dioxane	XXX	XXX	XXX	Report	Report	XXX
Iron, Total	XXX	XXX	XXX	Report	Report	XXX
Manganese, Total	XXX	XXX	XXX	Report	Report	XXX
Naphthalene	XXX	XXX	XXX	0.022	0.059	XXX
p-Cresol	XXX	XXX	XXX	0.015	0.024	XXX
Phenol	XXX	XXX	XXX	0.029	0.048	XXX
Pyridine	XXX	XXX	XXX	0.025	0.072	XXX
Zinc, Total	XXX	XXX	XXX	0.296	0.535	XXX
Nitrate-N	XXX	XXX	XXX	Report	XXX	Report
Nitrite-N	XXX	XXX	XXX	Report	XXX	Report
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	Report
Total Nitrogen	XXX	XXX	XXX	Report	XXX	Report
Total Phosphorus	XXX	XXX	XXX	Report	XXX	Report

The proposed effluent limits for Outfall 001 & 002 are based on a combined design flow of 0.15 MGD—Final Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (s.u.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0			XXX
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	56.0	220.0	XXX
Total Suspended Solids	XXX	XXX	XXX	27.0	88.0	XXX
Fecal Coliform (#/100 mL)	XXX	XXX	XXX	Report	XXX	Report
Ammonia-Nitrogen						
Nov 1-Apr 30	XXX	XXX	XXX	4.9	9.8	XXX
May 1-Oct 31	XXX	XXX	XXX	2.5	5.0	XXX
Alpha-Termeinol	XXX	XXX	XXX	0.019	0.042	XXX
Aniline	XXX	XXX	XXX	0.015	0.024	XXX
Arsenic, Total	XXX	XXX	XXX	0.54	1.1	XXX
Benzoic Acid	XXX	XXX	XXX	0.073	0.119	XXX
Chromium, Total	XXX	XXX	XXX	0.46	1.1	XXX
1,4-Dioxane	XXX	XXX	XXX	Report	Report	XXX
Iron, Total	XXX	XXX	XXX	1.5	3.0	XXX
Manganese, Total	XXX	XXX	XXX	1.16	1.82	XXX
Naphthalene	XXX	XXX	XXX	0.022	0.059	XXX
p-Cresol	XXX	XXX	XXX	0.015	0.024	XXX
Phenol	XXX	XXX	XXX	0.029	0.048	XXX
Pyridine	XXX	XXX	XXX	0.025	0.072	XXX
Zinc, Total	XXX	XXX	XXX	0.296	0.535	XXX
Nitrate-N	XXX	XXX	XXX	Report	XXX	Report
Nitrite-N	XXX	XXX	XXX	Report	XXX	Report
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	Report
Total Nitrogen	XXX	XXX	XXX	Report	XXX	Report
Total Phosphorus	XXX	XXX	XXX	Report	XXX	Report

The proposed effluent limits for stormwater Outfalls 003—005 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX

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

- A Compliance schedule to meet the final permit limits for Ammonia, Total Iron, and Total Manganese
- Prohibition of stripper tower cleaning wastewater discharged to any stream or other State waters
- Using DEP-approved Chemical Additives in approved dosages, with notification and reporting requirements
- A PPC Plan, Annual inspection, and Annual Stormwater Report to manage stormwater from the property

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.

**PA0232475**, Concentrated Animal Feeding Operation (CAFO), **Andrew A Reiff (West Buffalo Township Swine Finishing Operation)**, 8245 Buffalo Road, Mifflinburg, PA 17844-7856.

Andrew A Reiff has submitted an application for an Individual NPDES permit for a renewal of an CAFO known as West Buffalo Township Swine Finishing Operation, located in West Buffalo Township, **Union County**.

The CAFO is situated near Rapid Run (HQ-CWF, MF) in Watershed 10-C, which is classified for High Quality—Cold Water and Migratory Fish. The CAFO is designed to maintain an animal population of approximately 729.08 animal equivalent units (AEUs) consisting of 4,800 Finishing Swine. Manure is stored underbarn in a 501 ft × 81 ft × 5 ft liquid storage. A release or discharge to waters of the Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 100-year, 24-hour storm event.

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

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

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

**PA0246948**, Concentrated Animal Feeding Operation (CAFO), **Brian D Eckman & Donald M Eckman (Eckman Farm CAFO)**, 357 Black Barren Road, Peach Bottom, PA 17563-9798.

Brian D Eckman & Donald M Eckman have submitted an application for an Individual NPDES permit for a renewal of an CAFO known as Eckman Acres Farm CAFO, located in Fulton Township, **Lancaster County**.

The CAFO is situated near Unnamed Tributary of Conowingo Creek (HQ-CWF, MF) and Unnamed Tributary of Conowingo Creek (HQ-CWF) in Watershed 7-K, which is classified for High Quality—Cold Water, High Quality Waters—Cold Water Fishes, and Migratory Fish. The CAFO is designed to maintain an animal population of approximately 760.22 animal equivalent units (AEU) consisting of 3,200 grow-finish swine and 75,600 poultry broilers. Swine manure is stored in a 270 ft × 110 ft × 6 ft Rectangular Concrete underhouse storage with a 6-inch freeboard and 1,110,780-gallon capacity and poultry litter collects in the confinement barns. A release or discharge to waters of the Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 100-year, 24-hour storm event.

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

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

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

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

**PA0288136**, Sewage, SIC Code 8800, **Philip C Kiser**, 202 South Street, Clarion, PA 16214. Facility Name: Philip Kiser SRSTP. This proposed facility is located at 849 Slalom Run Road, Clarion, PA 16214, located in Clarion Township, **Clarion County**.

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

The receiving stream(s), Clarion River (WWF), is located in State Water Plan watershed 17-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.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Annual Average	Maximum	
Flow (GPD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

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

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

The EPA Waiver is in effect.

**PA0271934**, Storm Water, SIC Code 2400, **Gould, Inc.**, 184 Gould, Lane, Mahaffey, PA 15757-6830. Facility Name: Gould Wood Products. This proposed facility is located in Henderson Township, **Jefferson 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), Unnamed Tributary to East Branch Mahoning Creek, is located in State Water Plan watershed 17-D and is classified for High Quality Waters—Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6078.

The EPA Waiver is in effect.

### III. WQM Industrial Waste and Sewerage Applications under The Clean Streams Law (35 P.S. §§ 691.1—691.1001).

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

**WQM Permit No. WQG02152001**, Sewage, **Downingtown Borough**, 4 West Lincoln Highway, Downingtown, PA 19335.

This proposed facility is located in Downingtown Borough, **Chester County**.

Description of Action/Activity: Construction and operation of a sewer extension to serve residential and commercial space.

**WQM Permit No. 1571407**, Sewage, Amendment, **Tredyffrin Township**, 1100 Duportail Road, Berwyn, PA 19312.

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

Description of Action/Activity: Updating the new capacity for Wilson Rd PS to 7,000 gpm at 138' TDH and add the Darby Rd Force Main to permit.

**WQM Permit No. WQG02152002**, Sewage, **Spring City Borough**, 6 South Church Street, Spring City, PA 19475-1876.

This proposed facility is located in Spring City Borough, **Chester County**.

Description of Action/Activity: Construction and operation for pump station and force main for 37 single family dwellings, 62 two-family dwellings and 74 townhouses.



*Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, Phone: 570.826.2511, Email: RA-EPNPDES\_NERO@pa.gov.*

**WQM Permit No. 6420401**, Sewage, **Chestnut Lake Camp**, 326 Trails End Road, Beach Lake, PA 18405.

This proposed facility is located in Berlin Township, **Wayne County**.

Description of Proposed Action/Activity: Installation of three aerators, a phosphorous removal system with utility shed, and a chemical feed pump for dechlorination in the existing lagoon system.

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

**WQM Permit No. 3620401**, Sewerage, 4952, **Mobile Realty 6 LLC**, P.O. Box 251, Morgantown, PA 19543-0251.

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

Description of Proposed Action/Activity: Applicant is seeking permit approval for the construction/operation of a sewage facility located at Hilltop Mobile Home Park, Rapho Township, Lancaster, PA.

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

**WQM Permit No. 1000404 A-1**, Sewage, **Western Butler County Authority**, 607 Market Street, Zelienople, PA 16063-1830.

This existing facility is located in Zelienople Borough, **Butler County**.

Description of Proposed Action/Activity: Replacement of the Herman Pump Station.

**WQM Permit No. 2520404**, Sewage, **James & Wilma Spaulding**, 9180 Fry Road, McKean, PA 16426-1539.

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

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

**WQM Permit No. 2520405**, Sewage, **David H Curtis**, 15 Cliff Street, Albion, PA 16401.

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

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

**WQM Permit No. 2720403**, Sewage, **Gene Stumpf**, 4285 Neilltown Road, Pleasantville, PA 16341-4517.

This proposed facility is located in Harmony Township, **Forest County**.

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

**WQM Permit No. 1015402 A-1**, Sewage, **Bruce A Miller**, 106 Albert Drive, Prospect, PA 16052-9515.

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

Description of Proposed Action/Activity: Amendment to install Premier Tech coco filter system.

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

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*Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, Email: RA-EPNPDES\_NERO@pa.gov.*

**PAI132282**, MS4, **Luzerne County**, 20 North River Street, Wilkes-Barre, PA 18711. 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 Plains Township, **Luzerne County**. The receiving stream(s), Unnamed Tributary to Huntsville Creek (CWF, MF), Unnamed Tributary to Sutton Creek (CWF, MF), Culver Creek (CWF, MF), Marsh Creek (CWF, MF), Roaring Brook (CWF, MF), Unnamed Tributary to Hunlock Creek (CWF, MF), Unnamed Tributary to Nescopeck Creek (CWF, MF), East Fork Harveys Creek (CWF, MF), Huntsville Creek (CWF, MF), Unnamed Tributary to East Fork Harveys Creek (CWF, MF), Balliet Run (HQ-CWF (existing use)), Unnamed Tributary of Nescopeck Creek (CWF, MF), Unnamed Tributary to Little Nescopeck Creek (CWF, MF), Black Ash Creek (CWF, MF), Unnamed Tributary to Balliet Run (HQ-CWF (existing use)), Unnamed Tributary to Big Wapwallopen Creek (CWF, MF), and Unnamed Tributary to Toby Creek, is located in State Water Plan watershed 5-D, 4-G, 5-B, and 5-C and is classified for Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The applicant is classified as a small MS4.

The Department has made a tentative determination to issue the NPDES permit. Written comments on the application and draft permit will be accepted for 30 days following publication of this notice. The period for comment may be extended at the discretion of DEP for one additional 15-day period. You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472.

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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*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>
PAD150157	Eustace W. & Suzzane Mita 10 Stillmeadow Lane Malvern, PA 19355-3434	Chester	Willistown Township	Crum Creek HQ-CWF-MF
PAD230036	WV-PP Towne Center, L.P. 940 West Sproul Road Suite 301 Springfield, PA 19064-1255	Delaware	Middletown Township	Unnamed Tributary to Rocky Run HQ-CWF-MF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD670041	James E. Quesenberry, Jr 6544 Anderson Road Stewartstown, PA 17363	York	Hopewell Township	UNT Leibs Creek (HQ-CWF, MF)
PAD210050	Toigo Organic Farms LLC 750 South Mountain Estates Road Shippensburg, PA 17257	Cumberland	Middlesex Township	UNT Letort Spring Run (HQ-CWF, MF)

*Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

*Centre County Conservation District: 414 Holmes Avenue, Suite 4, Bellefonte, PA 16823, (814) 355-6817.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD140011 A-1	Grays Woods Partnership 325 W Aaron Dr State College, PA 16803	Centre	Patton Twp	Spring Creek HQ-CWF, MF

*Clinton County Conservation District: 45 Cooperation Lane, Mill Hall, PA 17751, (570) 726-3798.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD180023 Renewal/Major Modification Previously PAI041814007	Karl Walizer 6488 Nittany Valley Drive Mill Hall, PA 17751-9196	Clinton	Porter Twp	Fishing Creek HQ-CWF

*Southwest Region: Dana Drake, Waterways and Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD020029	Housing Authority of the City of Pittsburgh 200 Ross Street Ninth Floor Pittsburgh, PA 15219	Allegheny	City of Pittsburgh	Allegheny River (WWF)
PAD630051	Columbia Gas of Pennsylvania 2021 West State Street New Castle, PA 16101	Washington	North Strabane Township	UNT to Little Chartiers Creek (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 (National Pollutant Discharge Elimination System) 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>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/New</i>
Lime Valley Farms, Inc. Steve Good 1415 Lime Valley Rd Lancaster, PA 17602	Lancaster	58.1	359.93	Broilers	NA	Renewal
Huston Hollow 2994 South Madden Road Hustontown, PA 17229	Fulton	16	3,277.35	Swine Sow/Gilt	HQ	Renewal
David Kauffman 12050 Greenwood Road Huntingdon, PA 16652	Huntingdon	124.4	778.30	Swine/Beef	HQ	Renewal

**PUBLIC WATER SUPPLY PERMITS**

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

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

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

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

Persons with a disability that require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office

listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

**SAFE DRINKING WATER**

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

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

**Permit No. 6720502, Public Water Supply.**

Applicant	<b>Dillsburg Area Authority</b>
Municipality	Dillsburg Borough
County	<b>York</b>
Responsible Official	Sheldon K. Williams General Manager P.O. Box 370 98 West Church Street Dillsburg, PA 17019
Type of Facility	Public Water Supply
Consulting Engineer	Peter Lusardi, P.E. GHD, Inc. 1240 North Mountain Road Harrisburg, PA 17112
Application Received:	February 20, 2020
Description of Action	Construction of a new booster pump station (station) to replace the existing station located on site of the Reservoir Treatment Plant.

*Southwest Region: Safe Drinking Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Permit No. 0220504**, Public Water Supply.

Applicant **Findlay Township Municipal Authority**  
P.O. Box 409  
Findlay, PA 15026

Township or Borough Findlay Township

County **Allegheny**

Responsible Official Jason Orsini, General Manager  
Findlay Township  
Municipal Authority  
P.O. Box 409  
Findlay, PA 15026

Type of Facility Water system

Consulting Engineer KLH Engineers, Inc.  
5173 Campbells Run Road  
Pittsburgh, PA 15205

Application Received Date March 2, 2020

Description of Action Upgrades to the pumps at the Aten Road Booster Station.

**MINOR AMENDMENT**

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

*Southwest Region: Safe Drinking Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Application No. 6593506-T1**, Minor Amendment.

Applicant **J&L Mobile Homes, Inc.**  
236 Tryon Drive  
Blairsville, PA 15717

Township or Borough Derry Township

County **Westmoreland**

Responsible Official Beth Lutz, Vice President  
J&L Mobile Homes, Inc.  
236 Tryon Drive  
Blairsville, PA 15717

Type of Facility Water system

Consulting Engineer N/A

Application Received Date December 5, 2019

Description of Action Transfer of the Sundial Village Mobile Home Community public water supply system from Sundial Village, LLC to J&L Mobile Homes, Inc.

**Application No. 4560037-A1-T1**, Minor Amendment.

Applicant **Hooversville Borough**  
50 Main Street  
P.O. Box 176  
Hooversville, PA 15936

Township or Borough Hooversville Borough

County **Cambria**

Responsible Official Kenneth Karashowsky  
Council President  
Hooversville Borough  
50 Main Street  
P.O. Box 176  
Hooversville, PA 15936

Type of Facility Water system

Consulting Engineer N/A

Application Received Date February 10, 2020

Description of Action Transfer of the Hooversville Borough Municipal Authority water supply system to Hooversville Borough.

**Application No. 3020502MA**, Minor Amendment.

Applicant **Southwestern Pennsylvania Water Authority**  
1442 Jefferson Road  
P.O. Box 187  
Jefferson, PA 15344

Township or Borough Jefferson Township

County **Greene**

Responsible Official Timothy Faddis, Manager  
Southwestern Pennsylvania Water Authority  
1442 Jefferson Road  
P.O. Box 187  
Jefferson, PA 15344

Type of Facility Water system

Consulting Engineer N/A

Application Received Date February 28, 2020

Description of Action Installation of approximately 10,500 feet of 16-inch diameter transmission main (Keeny Row to Ralph Transmission Main Project).

**Application No. 5300007-T1**, Minor Amendment.

Applicant **Southwestern Pennsylvania Water Authority**  
1442 Jefferson Road  
P.O. Box 187  
Jefferson, PA 15344

Township or Borough Greensboro Borough

County **Greene**

Responsible Official Timothy Faddis, Manager  
Southwestern Pennsylvania Water Authority  
1442 Jefferson Road  
P.O. Box 187  
Jefferson, PA 15344

Type of Facility Water system

Consulting Engineer N/A

Application Received Date February 25, 2020

Description of Action Transfer of the Dunkard Valley Joint Municipal Authority water system to the Southwestern Pennsylvania Water Authority.

**Application No. 0220505, Minor Amendment.**

Applicant **Moon Township Municipal Authority**  
1700 Beaver Grade Road  
Suite 200  
Moon Township, PA 15108

Township or Borough Moon Township

County **Allegheny**

Responsible Official Deborah Walker, Director of Engineering  
Moon Township Municipal Authority  
1700 Beaver Grade Road  
Suite 200  
Moon Township, PA 15108

Type of Facility Water system

Consulting Engineer N/A

Application Received Date February 3, 2020

Description of Action Wellfield designation.

**Application No. 5636541-T2-MA, Minor Amendment.**

Applicant **Stallion Oilfield Services, LTD**  
4000 Town Center Boulevard  
Suite 260  
Canonsburg, PA 15317

Township or Borough Canton Township

County **Washington**

Responsible Official Mitchell McClay  
Project Manager  
Stallion Oilfield Services, LTD  
4000 Town Center Boulevard  
Suite 260  
Canonsburg, PA 15317

Type of Facility Water system

Consulting Engineer N/A

Application Received Date February 18, 2020

Description of Action Addition of bulk water hauler trucks and water taking points.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 1

#### **Acknowledgment of Notices of Intent to Remediate Submitted Under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.908).**

Sections 302— 305 of the Land Recycling and Environmental Remediation Standards Act (Act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent (NOI) 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. Persons intending to use the background standard, Statewide health standard, the site-specific standard, or who intend to remediate a site as a special industrial area, must file a (NOI) to

Remediate with the Department. A NOI 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 the cleanup standards, or who 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 any 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 NOI to Remediate is published in a newspaper of general circulation in the area of the site. For the following identified site(s), 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 following specified date. During this comment period the municipality may request that the following identified person, 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 NOI to Remediate, please contact the Environmental Cleanup Program Manager in the Department of Environmental Protection Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department of Environmental Protection has received the following Notice(s) of Intent to Remediate:

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

**Kelly Residence**, 516 Spencer Lane, Warminster Township, **Bucks County**. Greg Buzan, SSG-BARCO, Inc., 122 Walters Avenue, Ewing, NJ 08638 submitted a Notice of Intent to Remediate. Soil on the site has been contaminated with the release of No. 2 fuel oil. The future use of the property will remain residential. The proposed cleanup standard for the site is Statewide Health. The Notice of Intent to Remediate was published in the *Bucks County Courier Times* on November 6, 2019.

*Northeast Region: Environmental Cleanup & Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.*

**DTE Susquehanna WC 14/70/28 to Bluestone AMI Pipeline**, 2334 Brushville Road, Susquehanna, PA 18847, Jackson Township, **Susquehanna County**. Resource Environmental Management, 50 Maple Street, Montrose, PA 18801, on behalf of SWN Production Company LLC, 1000 Energy Drive, Spring, TX 77389, submitted a Notice of Intent to Remediate. Soil and groundwater were contaminated when a leaking pressure relief valve along part of a

buried pipeline released an unknown volume of brine. Future use of the site will be residential. The Notice of Intent to Remediate was published in *The Susquehanna County Independent* on February 5, 2020.

**DTE Susquehanna Gathering WC 41 to WC 57/43**, Gaylord Road, Susquehanna, PA 18847, Jackson Township, **Susquehanna County**. Resource Environmental Management, 50 Maple Street, Montrose, PA 18801, on behalf of SWN Production Company LLC, 1000 Energy Drive, Spring, TX 77389, submitted a Notice of Intent to Remediate. Soil was contaminated when a leaking valve along part of a buried pipeline released an unknown volume of brine. Future use of the site will be residential. The Notice of Intent to Remediate was published in *The Susquehanna County Independent* on February 5, 2020.

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

**Topton Volunteer Fire Company**, 600 State Street, Mertztown, PA 19539, Longswamp Township, **Berks County**. Liberty Environmental, Inc., 505 Penn Street, Reading, PA 19601, on behalf of Topton Volunteer Fire Company, 600 State Street, Mertztown, PA 19539, submitted a Notice of Intent to Remediate site soil and groundwater contaminated with diesel fuel. The site will be remediated to the Site-Specific and Statewide Health Standards. Future use of the site is to be used as non-residential. The Notice of Intent to Remediate was published in the *Reading Eagle* on February 17, 2020.

**Former Knarr Residence**, 2472 Wilson Street, Reading, PA 19605, Bern Township, **Berks County**. Crawford Environmental Services, LLC, 20 Cardinal Drive, Birdsboro, PA 19508, on behalf of June Lerch, 940 Franklin Street, Wyomissing, PA 19610, and Nolan and Samantha Katkowski, 2472 Wilson Street, Reading, PA 19605 submitted a Notice of Intent to Remediate site soil contaminated with No 2 fuel oil. The site will be remediated to the Residential Statewide Health Standard. Future use of the site will continue to be used as a residential property. The Notice of Intent to Remediate was published in the *Reading Eagle* on February 18, 2020.

**Thomasville Quarry**, 555 South Biesecker Road, Thomasville, PA 17364, Jackson Township, **York County**. Reliance Environmental, Inc., 235 North Duke Street, Lancaster, PA 17602, on behalf of Pennsy Supply, Inc., 2400 Thea Drive, Suite 3A, Harrisburg, PA 17110, submitted a Notice of Intent to Remediate soil contaminated with No. 2 fuel oil. The site will be remediated to the Residential Statewide Health Standard. Future use of the site will continue to be used as non-residential purposes. The Notice of Intent to Remediate was published in *The York Dispatch/York Sunday News* and *York Daily Record* on February 15, 2020.

*Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701, Telephone number: 570-327-3636.*

*Contact: Lisa Hensel, Clerk Typist II, 570-327-3653.*

**Cochran 705 Well Pad**, 2344 S. Union Road, Ogdensburg, Union Township, **Tioga County**. Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205, on behalf of Rockdale Marcellus, LLC, 3600 J Barry Court, Suite 120, Canonsburg, PA 15317, has submitted a Notice of Intent to Remediate site soil contaminated with calcium chloride. The proposed future use of the site is for production of natural gas and possible unrestricted residential use. The applicant pro-

poses remediation of the site to meet the Background or Statewide Health Standard. A summary of the Notice of Intent to Remediate was published in *The Sun Gazette* on February 7, 2020.

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

**Former Dollar General Property**, 202 E. State Street, Albion Borough, **Erie County**. InSite Group, Inc., 611 S. Irvine Avenue, Sharon, PA 16146, on behalf of Albion Borough, 26 Smock Avenue, Albion, PA 16401, submitted a Notice of Intent to Remediate. An Environmental Site Assessment indicates site soil and site groundwater have been contaminated with Benzene, Toluene, Ethylbenzene, Xylenes, Cumene, MTBE, Naphthalene, 1,2,4-Trimethylbenzene, 1,3,5-Trimethylbenzene, 1,2-Dichloroethane, 1,2-Dibromoethane, and Lead. The Site-Specific Standard has been selected for remediation. Future use of the property will be non-residential. The Notice of Intent to Remediate was published in the *Erie Times-News* February 16, 2020.

## AIR QUALITY

### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

The Department has developed an "integrated" plan approval, State Operating Permit and Title V Operating Permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the general public. This approach allows the owner or operator of a facility to submit permitting documents relevant to its application for all sources related to a facility or a proposed project, affords an opportunity for public input, and provides for a decision on the issuance of the necessary permits.

The Department received applications for Plan Approvals or Operating Permits from the following facilities. Copies of the application, the Department's analysis, all pertinent documents used in the evaluation of the application and subsequently prepared proposed plan approvals/operating permits are available for public review during normal business hours at the appropriate Department Regional Office. Appointments for scheduling a review must be made by calling the appropriate Department Regional Office. The address and phone number of the Regional Office is listed before the application notices.

Persons wishing to file a written protest or provide comments or additional information, which they believe should be considered prior to the issuance of a permit, may submit the information to the Department's Regional Office. A 30-day comment period from the date of this publication will exist for the submission of comments, protests and information. Each submission must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Plan Approval/Operating Permit including the permit number and a concise statement regarding the relevancy of the information or objections to issuance of the permit.

A person wishing to request a hearing may do so during the 30-day comment period. A public hearing may be held, if the Department, in its discretion, decides that a hearing is warranted based on the information received. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by

publication in the newspaper, the *Pennsylvania Bulletin* or by telephone, when the Department determines this type of notification is sufficient. Requests for a public hearing and any relevant information should be directed to the appropriate Department Regional Office.

Permits issued to the owners or operators of sources subject to 25 Pa. Code Chapter 127, Subchapter D or E, or located within a Title V facility or subject to 25 Pa. Code § 129.51(a) or permits issued for sources with limitations on their potential to emit used to avoid otherwise applicable Federal requirements may be submitted to the United States Environmental Protection Agency for review and approval as a revision to the State Implementation Plan. Final Plan Approvals and Operating Permits will contain terms and conditions to ensure that the sources are constructed and operating in compliance with applicable requirements in the Air Pollution Control Act (35 P.S. §§ 4001—4015), 25 Pa. Code Chapters 121—145, the Federal Clean Air Act (42 U.S.C.A. §§ 7401—7671q) and regulations adopted under the Federal Clean Air Act.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the regional office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

#### PLAN APPROVALS

**Plan Approval Applications Received under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B that may have special public interest. These applications are in review and no decision on disposition has been reached.**

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

*Contact: Dave Balog, New Source Review Chief, (814) 332-6328.*

**25-069R: BASF Corporation—Erie** (1729 East Avenue, Erie, PA 16503), for the proposed removal of the NO<sub>x</sub> scrubber from Source 048 due to the process no longer dissolving copper which was the major source of NO<sub>x</sub> emissions. The facility is located in Erie City, **Erie County**. This is a Title V facility.

**25-995D: Essentra Components** (2614 McClelland Avenue, Erie, PA 16510), for the proposed modification of the VOC & HAP limit associated with Sources 101, 103 and 106 established in Plan Approval 25-995C. The facility is located in Erie City, **Erie County**. This is a State Only facility.

**37-008C: Ellwood City Forge** (800 Commercial Avenue, Ellwood City, PA 16117), for the proposed construction of 3 natural gas fired furnaces each rated at 19.6 MMBtu/hr and the removal of the existing Rotary Hearth Furnace rated at 21.5 MMBtu/hr. The facility is located in Ellwood City Borough, **Lawrence County**. This is a State Only facility.

**Intent to Issue Plan Approvals 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.**

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

*Contact: James Beach, New Source Review Chief, (484) 250-5920.*

**09-0027I: Fres-Co System USA, Inc.** (3005 State Road, Telford, PA 18969), located in West Rockhill Township, **Bucks County**. Fres-Co submitted a Plan Approval application to the Department for a new three station laminator. Fres-Co operates a printing operation and prints on flexible packaging material for the coffee, pet food and agricultural industries. Fres-Co is a Title V Facility for Volatile Organic Compounds (VOC) emissions. The VOC emissions from the laminator will be captured by a permanent total enclosure and sent to two Regenerative Thermal Oxidizers that will reduce the VOC emissions by at least 98%. The Plan Approval will contain testing, monitoring, recordkeeping and operating restrictions designed to minimize emissions and keep the facility operating within all applicable air quality requirements.

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

*Contact: David Balog, New Source Review Chief, (814) 332-6940.*

**03-269B: PulFlex Technologies, LLC** (P.O. Box 7159, New Castle, PA 16107). The Department of Environmental Protection intends to issue a plan approval to PulFlex Technologies. The plan approval would provide authorization to change the method by which they operate existing equipment and to install new equipment at their facility in the Borough of Ford City, **Armstrong County**.

This is an existing facility which produces composite plastic products using non-HAP/VOC containing resins. The products are made from a fibrous substrate impregnated with resin using the pultrusion method. PulFlex currently has 3 pultrusion lines. This plan approval would authorize a change in the method by which the 3 existing lines are operated (now using VOC/HAP containing resin) and would authorize the construction of 7 new lines which use VOC/HAP containing resin.

The Plan Approval will contain testing, recordkeeping, emission restriction, reporting, and work practice requirements designed to keep the facility operating within all applicable air quality requirements. Potential emissions from the facility (after completion of the proposed project): 5.0 tons per year (tpy) of VOC, 5.0 tpy of a single HAP species, 5.0 tpy of combined HAP emissions.

In accordance with 25 Pa. Code § 127.44(e)(1), all the pertinent documents regarding this application (applications, review memos and draft approvals) are also available for review from 8:00 a.m. to 4:00 p.m. at the Meadville Regional DEP Office (Air Quality). Appointments for scheduling a review must be made by calling DEP at (814) 332-6940.

In accordance with 25 Pa. Code § 127.44(e)(2), a 30-day comment period, from the date of publication, will exist for the submission of comments. Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to Regional Air Quality Program Manager, Pennsylvania Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335-3494 and must contain the name, address and telephone number of the person submitting the comments, identification of the proposed plan approval [03-269B: PulFlex Technologies, LLC] and a con-

cise 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 Eric Gustafson, 230 Chestnut St., Meadville, PA 16335; Phone (814) 332-6819. Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should by calling 814-332-6940, or the Pennsylvania AT&T Relay Service at 1-800-654-5984 (TDD) to discuss how the Department may accommodate their needs.

In accordance with 25 Pa. Code § 127.45, a person may oppose the proposed plan approval by filing a written protest with the Department's Northwest Region.

**03-00975D: Armstrong Power, LLC** (2313 State Route 156, Shelocta, PA 15774-3005) for intent to issue an Air Quality Plan Approval to authorize a significant permit modification to Title V Permit 03-00975 that includes a modification to the fuel usage limit to allow an increase in the combined annual natural gas combustion in the turbines from  $15.99 \times 10^9$  standard cubic feet per year to  $16.688 \times 10^9$  standard cubic feet per year, an increase in the turbine Volatile Organic Compound (VOC)

emission rate (lb/hr) from 3.0 lb/hr to 3.2 lb/hr, and a request for decreasing the Particulate Matter less than 2.5 micrometers (PM<sub>2.5</sub>) emission rate (lb/hr) from 18 lbs/hr to 14 lbs/hr located at their Armstrong Power Electric Generating Station in South Bend Township, **Armstrong County**.

Affected sources include four (4) General Electric GE 7 GA dual-fuel, simple cycle combustion turbines each rated at 165.1 MW, equipped with a dry low-NO<sub>x</sub> natural gas combustion system, and utilize water injection when combusting low-sulfur diesel.

This action is subject to State regulations including 25 Pa. Code Chapter 127—Construction, Modification, Re-activation, and Operation of Sources and Compliance Assurance Monitoring Plan. These modifications will result in facility-wide criteria pollutant emission increases to levels below the significance levels for Nonattainment New Source Review under 25 Pa. Code Subchapter E and Prevention of Significant Deterioration under 40 CFR 52.21.

The units will remain subject to previously established LAER and BACT emission limitations for NO<sub>x</sub> and SO<sub>2</sub> and the monitoring, testing, recordkeeping, reporting and work practice requirements of its Title V operating permit which were derived from applicable requirements of 25 Pa. Code Chapters 123, 127 and 139, and 40 CFR Part 60 Subpart GG (Standards of Performance for Stationary Gas Turbines).

The proposed emission increases and operational limitations for the turbines are summarized as follows:

<i>Pollutant</i>	<i>Plan Approval PA-03-0975D Proposed Increase (tons per year)</i>	<i>Turbines Potential to Emit (tons per year)</i>
NO <sub>x</sub> (Nitrogen Oxides)	14.88	312.7
CO (Carbon Monoxide)	7.20	168.6
SO <sub>x</sub> (Sulfur Oxides)	0.65	38.5
VOC (Volatile Organic Compounds)	0.74	19.7
PM <sub>10</sub> (Particulate Matter <10 microns)	4.19	90.9
PM (Particulate Matter)	4.19	90.9
PM <sub>2.5</sub> (Particulate Matter <2.5 microns)	3.26	70.7
Formaldehyde	0.03	-
GHGs (CO <sub>2</sub> e)	42,109	1,004,372
<i>Natural Gas Usage Limitation</i>	$0.698 \times 10^9$ scf/yr	$16.688 \times 10^9$ scf/yr

In accordance with 25 Pa. Code § 127.522, the proposed plan approval will be submitted to the U.S. Environmental Protection Agency (EPA) and any affected states for comment.

All pertinent documents are available for public review between 8 a.m. and 4 p.m. at the Pennsylvania Department of Environmental Protection Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335. Appointments for scheduling a review may be made by calling the Department at 814-332-6078.

Any person may submit comments or objections to the plan approval or a proposed condition thereof by filing a written protest with the Department at the Northwest Regional Office.

A 30-day comment period, from the date of this publication, will exist for the submission of comments, protests, and additional information. A protest to a proposed action shall be filed with the Department within 30 days of the date that notice of the proposed action was published under 25 Pa. Code § 127.44 (relating to public notice). A

protest shall include the name, address and telephone number of the person filing the protest, identification of the proposed plan approval issuance being opposed (Plan Approval 03-00975D), and a concise statement of the objections to the plan approval issuance and the relevant facts upon which the objections are based.

Persons wishing to file a written protest, provide comments or additional information which they believe should be considered prior to the issuance of the plan approval or request a public hearing, may submit the information to Eric A. Gustafson, Environmental Program Manager, Pennsylvania Department of Environmental Protection, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335, phone (814) 332-6940.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. All persons who have properly filed a protest under 25 Pa. Code § 127.46 may appear and give testimony. The applicant, the protestant and other participants will be notified of the decision to



hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Once authorized, the proposed plan approval, to modify and revise the Title V permit, will be incorporated into Title V permit TV-03-00975 via an Administrative Amendment.

### OPERATING PERMITS

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

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

*Contact: Janine Tulloch-Reid, Facilities Permitting Chief, (484) 250-5920.*

**23-00014: Kimberly-Clark of PA** (Front and Avenue of the States, Chester, PA 19013) located in Chester City, **Delaware County**. This action is a renewal of the Title V Operating Permit. Based on its potential-to-emit oxides of nitrogen (NO<sub>x</sub>) the Kimberly-Clark facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments. The following sources are permanently out of service and have been removed from the permit; Source IDs: 035 (Boiler 10), 125D (T-10-4 Converting Area), 128 (Cooling Tower-Cogen Facility), 140 (Solid Fuel Unloading Structure/crusher), and 148A (Ash unloading room). With the removal of Boiler 10, the facility's NESHAP status has changed from major to area source. The renewed permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

*Contact: Matthew Williams, Facilities Permitting Chief, (814) 332-6328.*

**32-00200: Indiana University of Pennsylvania** (525 Pratt Drive, Indiana, PA 15705). In accordance with 25 Pa. Code §§ 127.441, 127.425 and 127.521, the Department is providing notice that they intend to issue a renewed Title V Operating Permit for the S.W. Jack Cogeneration Plant located in Indiana Borough, **Indiana County**. The facility's primary emission sources include the three gas/oil boilers, the four dual-fuel engines (8,400-bhp), a 600-bhp diesel emergency generator engine, and a cold solvent degreaser. The potential emissions, after permit limitations, of the major pollutants from the facility are as follows: 348.96 TPY (tons per year) NO<sub>x</sub>, 146.62 TPY CO, 234.93 TPY VOC, 57.02 TPY total HAPs (hazardous air pollutants), 78.33 TPY PM<sub>10</sub>, 78.32 TPY PM<sub>2.5</sub>, and 66.35 TPY SO<sub>x</sub>; thus, the facility is subject to Title V requirements for potential emissions of NO<sub>x</sub> and CO in excess of 100 TPY, VOC in excess of 50 TPY, and combined HAPs in excess of 25 TPY. The boilers are subject to 40 CFR 63 Subpart DDDDD, NESHAP for Major Sources: Industrial, Commercial and Institutional Boilers and Process Heaters and presumptive RACT under 25 Pa. Code § 129.97(b)(1) relating to tune-ups. The engines are subject to 40 CFR 63 Subpart ZZZZ, NESHAP for Stationary Reciprocating Internal Combustion Engines and presumptive RACT under 25 Pa. Code § 129.97(g)(3)(i)(B) and (g)(3)(ii) relating to emissions of VOC and NO<sub>x</sub>, respectively. The emergency generator engine is subject to presumptive RACT under 25 Pa. Code § 129.97(c)(1) relating to work practices. The renewal permit will contain emission restrictions, recordkeeping,

work practices, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

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

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

*Contact: Janine Tulloch-Reid, Facilities Permitting Chief, (484) 250-5920.*

**23-00053: Prospect DCMH** (501 North Lansdowne Ave, Drexel Hill, PA 19026-1114) for continued operation of a general medical and surgical hospital located in Upper Darby Township, **Delaware County**. The renewal permit is for a non-Title V (State only) facility. The major sources of air emissions include: Three dual fuel fired (natural gas and # 2 fuel oil) boilers, and four (4) emergency generators. The renewal permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**09-00246: AH Cornell & Sons** (2362 York Road, Jamison, PA 18929) for operation of a portable non-metallic processing plant and supporting engines located in Warwick Township, **Bucks County**. Fugitive particulate matter emissions are controlled by a wet suppression system. The potential to emit all criteria pollutants, including Volatile Organic Compound (VOC), Nitrogen Oxide (NO<sub>x</sub>), Carbon Monoxide (CO), Particulate Matter (PM), and Hazardous Air Pollutant (HAP) emissions is less than major source thresholds; the facility is classified as a Natural Minor Facility. The requirements of 40 CFR Part 60 Subpart OOO (NSPS) apply to the crusher and screen. The initial operating permit will include monitoring, testing, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**09-00191: Bucks County Water & Sewer Authority—Green Street Sewage Treatment Plant** (360 Green Street, Doylestown, PA 18901) for continued operation of a wastewater treatment plant in Doylestown Borough, **Bucks County**. The renewal permit is for a non-Title V (State only) facility. The major sources of air emissions include: the wastewater treatment plant, a packed bed scrubber, and a diesel-fired emergency generator. The renewal permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**09-00148: Bucks County Community College** (275 Swamp Road, Newtown, PA 18940-4106) for continued operation of a higher education facility in Newtown Township, **Bucks County**. The renewal permit is for a non-Title V (State only) facility. The major sources of air emissions are: two (2) dual-fired (natural gas and # 2 fuel oil) boilers, three (3) fuel oil-fired heaters, and seven (7) emergency generators. The renewal permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**46-00168: Moss Rehab Einstein** (60 East Township Line Road, Elkins Park, PA 19027) located in Cheltenham Township, **Montgomery County**. The renewal permit is for a non-Title V (State only) facility. The facility is categorized as a Synthetic Minor Facility for Nitrogen Oxide (NO<sub>x</sub>) emissions and an area source for Hazardous

Air Pollutant (HAP) emissions. Source ID 100 (Kewanee Boiler, 350 hp) was removed from the facility and is no longer listed in the permit. The requirements of 40 CFR Part 63 Subpart JJJJJJ—National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers at Area Sources (effective March 21, 2011; amended February 1, 2013) do not apply to the Cleaver Brooks Boiler because natural gas is the primary fuel consumed in each boiler. The requirements of 40 CFR Part 60 Subpart IIII—Standards of Performance for Stationary Compression Ignition Internal Combustion Engines apply to the Detroit Emergency Generator (Source ID 107). The renewal permit will include monitoring, recordkeeping, and reporting requirements designed to keep the facility within all applicable air quality requirements.

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

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

**07-03040: LSF Ag Group, LLC operated by Wenger Feeds, LLC** (P.O. Box 26, Rheems, PA 17570) to issue a State Only Operating Permit for the operation of the livestock feed mill facility in Martinsburg Borough, **Blair County**. The potential emissions from the facility are estimated at 2.12 tpy of NO<sub>x</sub>, 1.78 tpy of CO, 11.65 tpy of PM<sub>10</sub>, 0.12 tpy of VOC, 0.01 tpy SO<sub>x</sub> and 0.04 tpy HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include emission limits derived from 25 Pa. Code § 123.13.

**67-03181: Hartenstein Funeral & Cremation Care, Inc.** (19 S. Main St, Stewartstown, PA 17363) for the operation of a human crematory facility in Stewartstown Borough, **York County**. This is for an initial State-Only Permit. Potential air emissions from the facility are estimated at 1.59 tpy PM<sub>10</sub>, 1.94 tpy NO<sub>x</sub>, 1.62 tpy CO, 0.14 tpy VOC, and 0.72 tpy SO<sub>2</sub>. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

*Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

*Contact: Thomas Joseph, Facilities Permitting Chief, 412.442.4336.*

**30-00040: Cumberland Contura, LLC** (158 Portal Road, P.O. Box 1020, Waynesburg, PA 15370). In accordance with 25 Pa. Code §§ 127.441 and 127.425, the Department is providing notice that they intend to issue a renewed, facility-wide, State Only Operating Permit for the continued operation of a coal preparation plant, known as the Cumberland Mine Coal Preparation Plant, located in Whitely Township, **Greene County**.

Raw coal feed at the Cumberland Mine Coal Preparation Plant is limited to a maximum of 13,050,000 tons per year. The preparation plant contains air contamination sources for unloading, breaking, screening, wet processing, storing and loading coal. It has stockpiles and silos to supply and store coal, an underground reclaim for the raw coal stockpile, and roads. The facility also contains two, 813-bhp, each, emergency diesel engines. Air pollution prevention equipment and procedures at the facility

includes enclosures, minimization of drop height, and watering of roads and material.

Annual potential emissions from the facility are 47.8 tons of VOC, 14.1 tons of PM<sub>10</sub>, 3.4 tons of PM<sub>2.5</sub>, 9.2 tons of NO<sub>x</sub>, 3.5 tons of CO, and 0.8 ton of SO<sub>2</sub>. Sources at the Cumberland Mine Coal Preparation Plant are subject to 40 CFR Part 60, Subpart A—General Provisions, 40 CFR Part 60, Subpart Y—New Source Performance Standards for Coal Preparation Plants, and 40 CFR Part 60, Subpart IIII—Standards of Performance for Stationary Compression Ignition Internal Combustion Engines. Sources are also subject to 25 Pa. Code Chapters 121—145. The permit includes emission limitations and operational, monitoring, reporting, and recordkeeping requirements for the plant.

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

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of this Title V Operating Permit may submit the information to Martin L. Hochhauser, P.E., Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Operating Permit (specify Operating Permit SOOP-30-00040), and concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit.

All comments must be received prior to the close of business 30 days after the date of this publication. In accordance with 25 Pa. Code § 127.428, prior to issuing an operating permit, the Department may hold a fact-finding conference or hearing at which the petitioner, and a person who has properly filed a protest under § 127.426 (relating to filing protests) may appear and give testimony. The Department is not required to hold a conference or hearing. The applicant, the protestant and other participants will be notified of the time, place and purpose of a conference or hearing, in writing or by publication in a newspaper or the *Pennsylvania Bulletin*, unless the Department determines that notification by telephone will be sufficient.

**65-00595: Excelsa Health** (532 W. Pittsburgh St., Greensburg, PA 15601-2282). In accordance with 25 Pa. Code §§ 127.424, 127.425 and 127.521, the Department is providing notice that they intend to issue a natural minor State Only Operating Permit for the operation for the renewal of an Air Quality Natural Minor State Only Operating Permit (SOOP) to authorize the operation of the Westmoreland Regional Hospital located in the city of Greensburg, **Westmoreland County**.

Equipment at this facility: one (1) 20.9 MMBtu/hr natural gas-fired boilers with diesel fuel backup, one (1) 23.932 MMBtu/hr natural gas-fired boiler with diesel fuel backup, three (3) diesel-fired emergency generator internal combustion engines with 150 gallon day tanks each, one (1) natural gas-fired emergency generator internal combustion engine, one (1) 0.7 MMBtu/hr natural gas-fired boiler, three (3) 0.2 MMBtu/hr natural gas-fired boilers, one (1) 6,000 gallon underground diesel storage tank, and one (1) 1,750 gallon above-ground diesel storage

tank. Potential emissions from the facility are as follows: 40.64 tons per year of NO<sub>x</sub>, 11.75 tons per year of CO, 6.06 tons per year of SO<sub>2</sub>, 3.02 tons per year of PM<sub>10</sub>, and 1.72 ton per year of VOC. This facility is subject to the applicable requirements of 25 Pa. Code Chapters 121—145. The proposed SOOP renewal includes conditions relating to applicable emissions restrictions, testing, monitoring, recordkeeping, reporting, and work practice standards requirements.

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

Any person may submit comments, a request for the Department to hold a public hearing, or a protest to the proposed operating permit or a condition thereof by submitting the information to Nick Waryanka, P.E., Air Quality Engineer, at the Southwest Regional Office. A 30-day comment period from the date of publication of this notice will exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person submitting the comments, Identification of the proposed permit (specify Operating Permit 65-00595), and concise statements regarding the relevancy of the information in the proposed permit or objections to issuance of the permit.

A public hearing may be held in accordance with 25 Pa. Code § 127.429, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. If a public hearing is held, all persons who have properly filed a protest under 25 Pa. Code § 127.426 may appear and give testimony. The applicant, the protestant, and other participants will be notified of the decision to hold a hearing (and the time, place and purpose of such hearing) by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient.

**COAL & NONCOAL MINING ACTIVITY APPLICATIONS**

Applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.31); 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); the Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21). Mining activity permits issued in response to such applications will also address the appli-

cable 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 of Environmental Protection. A copy of the application is available for inspection at the District Mining Office indicated above 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 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 above 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 (relating to public notices of filing of permit applications, opportunity for comment, and informal conferences).

Written comments or objections related to 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.

Requests for an informal conference, or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code § 77.123 (relating to public hearing-informal conferences) or § 86.34 (relating to informal conferences), 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.

Where a National Pollutant Discharge Elimination System (NPDES) number is listed, the mining activity permit application was accompanied by an application for an individual NPDES permit. A separate notice will be provided after the draft NPDES permit is prepared.

*Coal Applications Received*

*Effluent Limits*—The following range of effluent limits will apply to NPDES permits issued in conjunction with the associated coal mining activity permit and, in some cases, noncoal mining permits:

Table 1

Parameter	30-Day Average	Daily Maximum	Instantaneous Maximum
Iron (total)	1.5 to 3.0 mg/l	3.0 to 6.0 mg/l	3.5 to 7.0 mg/l
Manganese (total)	1.0 to 2.0 mg/l	2.0 to 4.0 mg/l	2.5 to 5.0 mg/l
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Aluminum (Total)	0.75 to 2.0 mg/l	1.5 to 4.0 mg/l	2.0 to 5.0 mg/l
pH <sup>1</sup>		greater than 6.0; less than 9.0	

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

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; and mined areas backfilled and revegetated; and drainage (resulting from a precipitation event of less than or equal to a 1-year 24-hour event) from coal refuse disposal piles.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900, (Contact: Holly Calvetti).*

**Permit 32990110 and NPDES No. PA0235164. KMP Associates, Inc.,** 3756 Rt 981, Saltsburg, PA 15681, commencement, operation and restoration of a bituminous surface & auger mine in Young Township, **Indiana County**, affecting 4.0 acres. Receiving stream(s): unnamed tributary to/and Harpers Run, Blacklegs Creek, Kiskiminetas River classified for the following use(s): CWF & WWF. There are no potable water supply intakes within 10 miles downstream. Application received: February 21, 2020.

**Permit No. 11130101 and NPDES No. PA0269387, Laurel Sand & Stone Inc.,** 210 East Main Street, P.O. Box 556, Ligonier, PA 15658, commencement, operation and restoration of a bituminous surface and auger mine to add Lower Kittanning Coal to the mining plan in Elder and Susquehanna Townships, **Cambria County**, affecting 382 acres. Receiving stream(s): Little Brubaker Run classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: February 24, 2020.

*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.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900, (Contact: Holly Calvetti).*

**Permit 32200301 and NPDES No. PA0249653. Neiswonger Construction Inc.,** 17592 Route 322, Strattanville, PA 16258, commencement, operation and restoration of a large noncoal (industrial minerals) operation in Young Township, **Indiana County**, affecting 339 acres. Receiving stream(s): unnamed tributaries to/and Whiskey Run and Nesbit Creek classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: February 26, 2020.

**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:

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

Alkalinity greater than acidity\*

\*The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applies to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; mined areas backfilled and revegetated; and all other discharges and drainage (resulting from a

precipitation event of greater than 1-year 24-hour to less than or equal to a 10-year 24-hour event) from coal refuse disposal piles. Similarly, modified BAT limits apply to iron, manganese and suspended solids in surface runoff, discharges and drainage resulting from these precipitation events and those of greater magnitude in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

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

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

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

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

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

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

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

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

Persons wishing to comment on an NPDES draft permit should submit a written statement to the Department at the address of the district mining office indicated before each draft permit within 30-days of this public notice. Comments received within the comment period will be considered in the final determinations regarding the NPDES permit applications. Comments must include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

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

#### *Coal NPDES Draft Permits*

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200, (Contact: Janet Turner).*

**NPDES No. PA0608769 (Mining Permit No. 17814000), Rob Holland Enterprises**, 52 Holland Lane, Curwensville, PA 16833, permit renewal of an NPDES permit for bituminous coal surface and auger mining in Penn and Brady Townships, **Clearfield County**, affecting 206.9 acres. Receiving stream(s): unnamed tributaries to Irish Run and Irish Run, classified for the following use(s): CWF. This receiving stream is included in the West Branch Susquehanna River TMDL. Application received: September 23, 2019.

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

The following outfalls discharge to unnamed tributaries to Irish Run and Irish Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
020 (SP E)	N	SWO
013 (SP F)	N	SWO
012 (SP G)	N	SWO
009 (SP H)	N	SWO
021 (SP I)	N	SWO
008 (SP K)	N	SWO
022 (SP N)	N	SWO
023 (TF E)	N	TFO
001 (TF H)	N	TFO
005 (TF I)	N	TFO
007 (TF K)	N	TFO

**NPDES No. PA0256919 (Mining Permit No. 17080112), Kasubick Brothers Coal Company**, 501 David Street, Houtzdale, PA 16651 renewal of an NPDES permit for coal surface mine in Woodward Township, **Clearfield County**, affecting 46.8 acres. Receiving stream(s): Upper Morgan Run and North Branch Upper Morgan Run, classified for the following use(s): CWF. This receiving stream is included in the Clearfield Creek and North Branch Upper Morgan Run TMDL. Application received: February 4, 2020.

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

The following outfalls discharge to Upper Morgan Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
002 (TP2)	N	Treatment
004 (SB2)	N	Sediment
006 (SB4)	N	Sediment

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

<i>Outfalls: 002 (All Weather Conditions)</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
<i>Parameter</i>			
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	2.0	4.0	5.0
Total Suspended Solids (mg/l)	35.0	70.0	90.0
Osmotic Pressure (milliosmoles/kg)			50.0
Sulfate (mg/l)		Monitor & Report	
Flow (gpm)		Monitor & Report	
Temperature (°C)		Monitor & Report	
Specific Conductivity (µmhos/cm)		Monitor & Report	
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			
Alkalinity must exceed acidity at all times.			

<i>Outfalls: 004, 006 (All Weather Conditions)</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
<i>Parameter</i>			
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	2.0	4.0	5.0
Total Suspended Solids (mg/l)	35.0	70.0	90.0
Sulfate (mg/l)		Monitor & Report	
Flow (gpm)		Monitor & Report	
Temperature (°C)		Monitor & Report	
Specific Conductivity (µmhos/cm)		Monitor & Report	
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			
Alkalinity must exceed acidity at all times.			

*New Stanton District Office: P.O. Box 133, 131 Broadview Road, New Stanton, PA 15672, 724-925-5500. (Contact: Tracy Norbert).*

**NPDES No. PA061237 (Mining Permit No. 03793072). Consol Mining Company, LLC**, 1000 Consol Energy Drive, Suite 100, Canonsburg, PA 15317, renewal of NPDES permit for treatment of a postmining discharge in Kiskiminetas Township, **Armstrong County** and Young Township, **Indiana County**, affecting 302 acres. Receiving stream(s): UNT to Big Run and Big Run, classified for the following use(s): CWF. The first downstream potable water supply intake from the point of discharge is Buffalo Township Municipal Authority. Application received: April 23, 2019.

The following outfalls drain to the Monongahela River.

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
012	N	TFO
013	N	TFO

The proposed effluent limits for the previously listed outfalls at all times are as follows when only one outfall is discharging at any given time:

<i>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)		Monitor and Report	
Sulfates (mg/L)		Monitor and Report	
Temperature (°C)		Monitor and Report	
Flow (gpm)		Monitor and Report	

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Specific Conductivity (µmhos/cm)			
Alkalinity must be greater than acidity at all times.			
pH must be between 6.0 and 9.0 at all times.			

Monitor and Report

The proposed effluent limits for the previously listed outfalls at all times are as follows when both outfalls are discharging at the same time:

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Total Iron (mg/L)	1.5	3.0	3.7
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)			
Sulfates (mg/L)			
Temperature (°C)			
Flow (gpm)			
Specific Conductivity (µmhos/cm)			
Alkalinity must be greater than acidity at all times.			
pH must be between 6.0 and 9.0 at all times.			

Monitor and Report  
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Monitor and Report

*Noncoal NPDES Draft Permits*

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

**NPDES No. PA02080755 (Permit No. 37190301). Glacial Sand & Gravel Co.** (P.O. Box 1022, Kittanning, PA 16201). New NPDES permit for a large industrial mineral surface mine in Scott Township, **Lawrence County**, affecting 246.2 acres. Receiving streams: Unnamed tributary to Slippery Rock Creek and Taylor Run, classified for the following uses: CWF. TMDL: None. Application received: December 16, 2019.

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

The following outfalls discharge to an unnamed tributary to Slippery Rock Creek and Taylor Run:

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

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <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.

## 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 of Environmental Protection. Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341), requires the State to certify that the involved projects will not violate the applicable provisions of 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 or to the issuance of a Dam Permit or Water Obstruction and Encroachment Permit, or the approval of an Environmental Assessment must submit any comments, suggestions or objections within 30-days of the date of this notice, as well as any questions to the office noted above the 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 the hours of 8:00 AM and 4:00 PM on each working day at the office noted above the application.

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

## WATER OBSTRUCTIONS AND ENCROACHMENTS

### 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 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

*Southeast Region: Waterways and Wetlands Program, 2 East Main Street, Norristown, PA 19401, Telephone 484.250.5160.*

*Contact: Elaine Henderson, Clerk Typist 3, 484.250.5157.*

**Permit No. EA4601220-021, Borough of Hatboro**, 414 South York Road, Hatboro, PA 19040, Hatboro Borough, **Montgomery County**, ACOE Philadelphia District.

To restore and maintain approximately 733 linear feet of stream restoration including sediment removal, slope protection, and streambank stabilization along the Pennypack Creek (TSF) associated with the Eaton Memorial Park Streambank Restoration & Stabilization Project.

The site is located approximately 700 feet southwest of the intersection of Moreland Avenue and Broad Street (Hatboro, PA USGS Quadrangle Latitude 40.178756; Longitude -75.112309).

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**E2203219-004. Hanuman 4, Inc.**, 7975 Jonestown Road, Harrisburg, PA 17113. West Hanover Township **Dauphin County**, U.S. Army Corps of Engineers Baltimore District.

To 1.) place and maintain fill in 0.23 acre of palustrine emergent wetlands; 2.) place and maintain fill in 80 linear feet of an unnamed tributary to Manada Creek (WWF, MF); and 3.) relocate and maintain 70 linear feet of an unnamed tributary to Manada Creek (WWF, MF) all for the purpose of constructing a proposed hotel. The project is located at the intersection of S.R. 39 and U.S. 22 (Latitude: 40.3510°N, Longitude 76.7142°W) in West Hanover Township, Dauphin County. To compensate for wetland impacts the applicant proposes to create 0.23 acre of palustrine emergent/scrub shrub wetland onsite.

**E3603219-012. Adam Davis**, 1040 Log Cabin Rd, Leola, PA 17540. Warwick Township, **Lancaster County**, U.S. Army Corps of Engineers Baltimore District.

To (1) construct and maintain 4 boardwalk walking trails impacting 0.04 acre of PEM wetlands, (2) construct and maintain 1 boardwalk impacting 9 square feet of a UNT to Cocalico Creek (WWF, MF), (3) construct and maintain 1 boardwalk and perform grading impacting 0.70 acre of the floodway of Cocalico Creek (WWF, MF) and (4) construct a boardwalk and dock impacting 0.01 acre of an open water pond all for the purpose of providing recreational access to the property. The project is located along Log Cabin Road (Latitude: 40° 07' 43.7" N; Longitude: 76° 14' 0.1" W) in Warwick Township, Lancaster County.

**E2203219-003. West Hanover Township**, 7171 Allentown Boulevard, Harrisburg, PA 17112. West Hanover Township, **Dauphin County**, U.S. Army Corps of Engineers Baltimore District.

To 1.) relocate/restore and maintain 344 linear feet of a UNT to Manada Creek (WWF, MF) impacting 703 square feet of PEM wetland 2.) install and maintain two cul-

verts, one under Clover Lane, impacting 92 square feet of wetland, and one under North Fairville Avenue. The project is located near the intersection of Clover Lane and Lakeside Avenue (40.3392, -76.7299) in West Hanover Township, Dauphin County. For the purpose of lowering stream velocities which are currently causing erosion and resolve water ponding on neighboring properties.

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

**E5504120-001 PA DOT Engineering District 3-0**, 715 Jordan Ave., Montoursville, PA 17754. SR 0522, Section 071, Segment 0110 Offset 0503, Bridge Replacement, Spring Township, **Snyder County**, Baltimore ACOE (McClure, PA Quadrangle N: 40° 43' 47"; W: -77° 15' 29").

PA DOT proposes to replace a Two Span Reinforced Concrete T-Beam Bridge with a Single Span Pre-Stressed Concrete Spread Box Beam Bridge on Integral Abutments over Beaver Creek. The existing bridge has a span of 37.2 Ft., a skew of 90 degrees, an underclearance of 3.4 Ft., and a low chord of 649.51 Ft. and a hydraulic opening of 125 Ft<sup>2</sup>. The proposed structure has a span of 44.5 Ft., a skew of 90 degrees, an underclearance of 3.6 Ft., and a low chord of 648.94 Ft. and a hydraulic opening of 161 Ft<sup>2</sup>. The proposed structure will utilize Grouted R-8 Rip Rap scour protection around the integral abutment slopes. The proposed structure is beyond the thresholds to meet GP-11. A temporary roadway and crossing will be utilized to convey traffic during construction. The project will utilize a phased cofferdam system to convey the stream during construction. The project will temporarily impact 0.13 acre and permanently impact 0.01 acre of jurisdictional wetlands. Beaver Creek is classified as a Cold Water Fishery by 25 Pa. Code Chapter 93 Water Quality Standards.

**E1804220-002: Dean Conrad & Carolyn Conrad**, 48 South Parson's Drive, Mill Hall, PA 17751. Conrad Riverlot Pavilion, Woodward Township, **Clinton County**, U.S. Army Corps of Engineers Baltimore District (Lock Haven Quadrangle; Latitude 41.147422°N; 77.460174°W).

The applicant proposes to construct and maintain a 20' x 30' pavilion and 240 sq. ft. of at-grade landscape pavers along the left-bank 100-year floodway of the W. Br. Susquehanna River. The project will disturb .020 ac. of floodway. No work will occur below the OHWM.

*Central Office: Jack Rokavec, Chief, P.O. Box 69205, Harrisburg, PA 17106-9205.*

**EA0310-001. Pennsylvania Department of Environmental Protection**, Bureau of Abandoned Mine Reclamation, P.O. Box 69205, Harrisburg, PA 17106-9205. Abandoned Mine Land Reclamation Project, in Redbank Township, **Armstrong County**, Pittsburgh USACE District.

The applicant proposes to backfill an abandoned surface mine, which includes a total of 1,400 linear feet of dangerous highwall and a 9.3-acre dangerous pile and embankment. The project will include the backfilling of 0.93 acre of wetlands that have developed within the open surface mine pit. (Dayton Quadrangle N: 40.925470, W: 79.237175).

**EA3310-002. Pennsylvania Department of Environmental Protection**, Bureau of Abandoned Mine Reclamation, P.O. Box 69205, Harrisburg, PA 17106-9205. Abandoned Mine Land Reclamation Project, in Washington Township, **Jefferson County**, Pittsburgh USACE District.



The applicant proposes to backfill an abandoned surface mine, which includes a total of 2,300 linear feet of dangerous highwall and a 9.2-acre spoil pile. The project will include the backfilling of 0.109 acre of open water and 0.122 acre of wetlands that have developed within the open surface mine pit (Falls Creek Quadrangle N: 41.21391, W: 78.76659).

**ENVIRONMENTAL ASSESSMENTS**

*Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 2, 400 Market Street, Harrisburg, PA 17101, telephone number: 717-787-3411.*

**EA3614-005. ACP Properties, LLC**, 301 East Hill Street, Ephrata, PA 17522, West Hempfield Township, Lancaster County, USACOE Baltimore District.

Project proposes to remove approximately 9,000 cubic yards of legacy sediment from an approximately 2.6-acre

floodplain area along a tributary to Strickler Run (WWF/MF) for the purpose of restoring natural aquatic resources including wetlands, streams, and floodplains; to construct temporary roadways and other erosion controls during restoration activities, to rehabilitate approximately 0.004 acre of existing wetlands and re-establish approximately 2.6 acres of wetlands; to realign approximately 1,000 lineal feet of unnamed tributaries to Strickler Run for the purpose of restoring a total of approximately 3,000 lineal feet of anastomosing stream channel; to place wood grade control structures, log sills, and woody debris habitat structures within the restoration area; to construct 3 minor road crossings, 3 utility line stream crossings, and 4 outfall structures. The project is located near PA Route 462 (Columbia Ave.) and Meadow Road in West Hempfield Township, Lancaster County (USGS Quadrangle: Columbia East, PA: Latitude: 40° 02' 1.5"; Longitude: -76° 27' 57.8").

**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	PDES	MS4 Individual Permit
Section V	NPDES	MS4 Permit Waiver
Section VI	NPDES	Individual Permit Stormwater Construction
Section VII	NPDES	NOI for Coverage under NPDES General Permits

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

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

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

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

**I. NPDES Renewal Permit Actions.**

*Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401. Phone: 484.250.5970.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed)</i>	<i>EPA Waived Y/N?</i>
PA0053279 (Sewage)	Buckingham Springs STP 1490 Durham Road New Hope, PA 18938	Bucks County Buckingham Township	Unnamed Tributary to Mill Creek (WWF, MF) 2-F	Yes

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

<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>
PA0085066 (SEW)	Conoy Township 211 Falmouth Road Bainbridge, PA 17502-9801	Lancaster County/ Conoy Township	Conoy Creek/7-G	Yes
PA0081299 (SEW)	Model Enterprises Inc. (Rolling Hills MHP) 630 Delp Road Lancaster, PA 17601-3077	Lancaster County/ Rapho Township	Chiques Creek/7-G	No
PA0086461 (SEW)	Pinch Pond Campground, Inc. 3075 Pinch Pond Road Manheim, PA 17545	Lancaster County/ Rapho Township	Chiques Creek/7-G	No
PA0084476 (SEW)	Camp Small Valley Girl Scouts in the Heart of America 350 Hale Avenue Harrisburg, PA 17105	Lancaster County/ Jefferson Township	Conleys Creek/6-C	Yes
PA0247537 (IW)	Four Seasons Produce 400 Wabash Road P.O. Box 788 Ephrata, PA 17522	Lancaster County/ East Cocalico Township	Cocalico Creek/7-J	Yes
PA0084492 (SEW)	Halifax Village LLC P.O. Box 375 Gap, PA 17527	Dauphin County/ Halifax Township	UNT Susquehanna River/6-C	Yes
PA0028886 (SEW)	Quarryville Boro Auth 300 St. Catherine St. Quarryville, PA 17566	Lancaster County/ Providence Township	UNT South Fork Big Beaver Creek/7-K	No
PA0087025 (SEW)	Dave & Jane's Crab House— Dave Ott 2989 Tract Road Fairfield, PA 17320-9333	Adams County/ Liberty Township	UNT Flat Run/13-D	Yes
PA0246484 (SEW)	Links at Gettysburg— Aqua PA Wastewater Inc. 762 West Lancaster Ave. Bryn Mawr, PA 19010-3489	Adams County/ Mount Joy Township	Rock Creek/13-D	Yes
PA0082996 (SEW)	Summit International School of Ministry 74 Harrison School Road Grantville, PA 17028-8222	Lebanon County/ East Hanover Township	UNT to Indiantown Run (WWF, MF) in Watershed(s) 7-D	Yes
PA0080756 (SEW)	Hershey Farm Rest & Motor Inn P.O. Box 159 240 Hartman Bridge Road Strasburg, PA 17579-0159	Lancaster County/ Strasburg Township	Pequea Creek (WWF, MF) (7-K)	Yes
PA0021865 (Sewage)	Adamstown STP 3000 North Reading Road P.O. Box 546 Adamstown, PA 19501-0546	Lancaster County/ Adamstown Borough	Little Muddy Creek (WWF) (7-J)	No
PA0080811 (Sewage)	GSP Management Co. P.O. Box 677 Morgantown, PA 19543-0677	York County/ Newberry Township	Unnamed Tributary to Conewago Creek (WWF) in Watershed(s) 7-F	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>
PA0087335 (Sewage)	Broad Top Township Bedford County P.O. Box 57 187 Municipal Road Defiance, PA 16633-0057	Bedford County/ Broad Top Township	Unnamed Tributary to Longs Run (WWF) in Watershed(s) 11-D	Yes
PA0026727 (Sewage)	Tyrone Borough Blair County 1100 Logan Avenue Tyrone, PA 16686-1624	Blair County/ Snyder Township	Little Juniata River (TSF) in Watershed(s) 11-A	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0113743 (Sewage)	Crestline WWTF 246 Railroad Street Sinnamahoning, PA 15861-1621	Cameron County Grove Township	Sinnemahoning Creek (WWF) (8-A)	Yes

*Southwest Region: Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Email: RA-EPNPDES\_SWRO@pa.gov.*

<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>
PA0034258 (Sewage)	Independence Elementary School STP 2354 Brodhead Road Aliquippa, PA 15001-4585	Beaver County Independence Township	Raccoon Creek (WWF) (20-D)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0272761 (Storm Water)	Northwest Hardwoods Marienville Facility 10589 Campbell Road Titusville, PA 16354	Forest County Jenks Township	Unnamed Tributary of Maple Creek (HQ-CWF), Unnamed Tributary to Maple Creek (HQ-CWF), and Unnamed Tributary to Salmon Creek (HQ-CWF) (17-B and 16-F)	Yes
PA0222976 (Sewage)	Albert R Shouey SFTF 2290 Belltown Road Clarington, PA 15828-8719	Jefferson County Barnett Township	Cathers Run (HQ-CWF) (17-B)	Yes
PA0044016 (Industrial)	Linesville Fish Culture Station Benner Spring Fish Research Station 1735 Shiloh Road State College, PA 16801-8495	Crawford County Pine Township	Unnamed Tributary to Crooked Creek (WWF), Unnamed Tributary to Shenango River (WWF), Shenango River (WWF), and Unnamed Stream (20-A)	Yes

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

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

**NPDES Permit No. PA0233048**, Sewage, SIC Code 4952, **John A. & Linda L. Barone**, 1224 Pleasant Hills Road, Williamsport, PA 17701-8485.

This proposed facility is located in Eldred Township, **Lycoming County**.

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

*Southwest Region: Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Email: RA-EPNPDES\_SWRO@pa.gov.*

**NPDES Permit No. PA0255475**, Industrial, SIC Code 4941, **Harmar Township Municipal Water Authority**, 200 Pearl Avenue, Cheswick, PA 15024.

This proposed facility is located in Harmar Township, **Allegheny County**.

Description of Proposed Action/Activity: The application is for a new NPDES permit for a new discharge of filter backwash water from the water treatment plant.

**NPDES Permit No. PA0026506**, Sewage, SIC Code 4952, **W Mifflin Sanitary Sewer Municipal Authority Allegheny County**, 1302 Lower Bull Run Road, West Mifflin, PA 15122-2902.

This existing facility is located in West Mifflin Borough, **Allegheny County**.

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

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

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

**WQM Permit No. 0904411**, Sewage, **Bucks County Water & Sewer Authority**, 1275 Almshouse Road, Warrington, PA 18976-2090.

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

Description of Action/Activity: Transfer ownership from Warrington Township to BCWSA.

**WQM Permit No. 0904415**, Sewage, **Bucks County Water & Sewer Authority**, 1275 Almshouse Road, Warrington, PA 18976-2090.

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

Description of Action/Activity: Transfer ownership from Warrington Township to BCWSA.

**WQM Permit No. 0999404** Sewage, **Bucks County Water & Sewer Authority**, 1275 Almshouse Road, Warrington, PA 18976-2090.

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

Description of Action/Activity: Transfer ownership from Warrington Township to BCWSA.

**WQM Permit No. 0996423**, Sewage, **Bucks County Water & Sewer Authority**, 1275 Almshouse Road, Warrington, PA 18976-2090.

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

Description of Action/Activity: Transfer ownership from Warrington Township to BCWSA.

**WQM Permit No. 0903412**, Sewage, **Bucks County Water & Sewer Authority**, 1275 Almshouse Road, Warrington, PA 18976-2090.

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

Description of Action/Activity: Transfer ownership from Warrington Township to BCWSA.

**WQM Permit No. 0997404**, Sewage, **Bucks County Water & Sewer Authority**, 1275 Almshouse Road, Warrington, PA 18976-2090.

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

Description of Action/Activity: Transfer ownership from Warrington Township to BCWSA.

**WQM Permit No. 0998423**, Sewage, **Bucks County Water & Sewer Authority**, 1275 Almshouse Road, Warrington, PA 18976-2090.

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

Description of Action/Activity: Transfer ownership from Warrington Township to BCWSA.

**WQM Permit No. 1519409**, Sewage, **Oxford Area Sewer Authority**, P.O. Box 380, Oxford, PA 19363-0380.

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

Description of Action/Activity: Construction and operation of a new pump station and force main to serve a new 100-unit subdivision.

**WQM Permit No. 1596405**, Sewage, **Willistown Township**, 688 Sugartown Road, Malvern, PA 19355-3302.

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

Description of Action/Activity: Permit Renewal.

**WQM Permit No. 1587416**, Sewage, **Longwood Gardens Inc.**, P.O. Box 501, Route 1, Kennett Square, PA 19348-0501.

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

Description of Action/Activity: Permit Renewal.

**WQM Permit No. 1500401**, Sewage, Amendment, **Unionville Chadds Ford School District**, 740 Unionville Road, Kennett Square, PA 19348.

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

Description of Action/Activity: Modifications to the treatment plant.

*Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**WQM Permit No. 4818406**, Sewage, SIC Code 4952, **Wind Gap Borough Municipal Authority Northampton County**, 578 Abel Colony Road, Wind Gap, PA 18091-9506.

This proposed facility is located in Plainfield Township & Wind Gap Borough, **Northampton County**.

Description of Proposed Action/Activity: Green Knight Industrial Park II gravity sewer system, pump station with force main.

*Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, Email: RA-EPNPDES\_SCRO@pa.gov.*

**WQM Permit No. 6719403**, Sewerage, SIC Code 4952, **Stewartstown Borough Authority York County**, 6 North Main Street, Stewartstown, PA 17363-4132.

This proposed facility is located in Stewartstown Borough, **York County**.

Description of Proposed Action/Activity: This permit approves the construction and modification of sewage facilities consisting of:

The construction of the new Mayberry PS and the upgrade of the existing High Street PS and Bailey's PS. Flows from the proposed Mayberry PS will be conveyed via a new 887 ft long, 4" diameter PVC (DR18, C900) forcemain that will connect to the existing gravity sewer system in Hopewell Township. The existing High Street PS and Bailey's PS will both need to be upgraded in order to accommodate the new flows from the Mayberry PS. The proposed project will also extend the Bailey's PS forcemain by 496 ft. such that it will connect to MH # 12A2 (currently it connects to MH # 20) and portions of the gravity sewer downstream of MH # 12A2 will be upsized to create additional capacity.

The proposed capacities of the pumping stations are as follows:

Mayberry PS: Two new 7.5 HP Smith and Loveless pumps with 4B3X 10.625" impellers rated for 94 gpm at 52 ft. TDH  
High Street PS: Two existing 7.5 HP Smith and Loveless pumps with new 4B2X\*1 8" impellers rated for 225 gpm at 48 ft. TDH  
Bailey's PS: Two existing 15 HP Smith and Loveless pumps with new 4C2B\*1 9.375" impellers rated for 450 gpm at 90 ft. TDH.

**WQM Permit No. 5019401**, Sewerage, SIC Code 4952, **Hamm Equities LLC**, 1 W Elm Street, Suite 400, Conshohocken, PA 19428-4135.

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

Description of Proposed Action/Activity: This permit approves the construction of sewage facilities consisting of:

- One pump station housing two (2) submersible pumps (2.2 HP) capable of having a pumping rate of 80 gpm and a TDH of 11.7 ft
- 4" diameter force main that is 86 linear feet

**WQM Permit No. WQG02211903**, Sewerage, SIC Code 4952, **Silver Spring Township Authority**, 5 Willow Mill Park Road, Suite 3, Mechanicsburg, PA 17050-8238.

This proposed facility is located in Silver Spring Township, **Cumberland County**.

Description of Proposed Action/Activity: This General Permit approves the construction and operation of: One Sewer Extension.

**WQM Permit No. 2219402**, Sewerage, SIC Code 4952, **West Hanover Township Water & Sewer Authority**, 7901 Jonestown Road, Harrisburg, PA 17112-9728.

This proposed facility is located in West Hanover Township, **Dauphin County**.

Description of Proposed Action/Activity: This permit approves the construction and modification of sewage facilities consisting of:

- A pump station with 2 submersible pumps and 1 engine driven suction lift pump each rated at 685 gpm at 146.8 TDH.
- Pump Station building, pump controls, wet well and 4 manholes.

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

**WQM Permit No. 4119401**, Sewage, SIC Code 4952, **John A. & Linda L. Barone**, 1224 Pleasant Hills Road, Williamsport, PA 17701-8485.

This proposed facility is located in Eldred Township, **Lycoming County**.

Description of Proposed Action/Activity: Construction of a new single residence sewage treatment plant.

*Southwest Region: Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Email: RA-EPNPDES\_SWRO@pa.gov.*

**WQM Permit No. 0275205 A-2**, Industrial, SIC Code 3312, **United States Steel Corporation**, 400 State Street, Clairton, PA 15025-1855.

This existing facility is located in Clairton City, **Allegheny County**.

Description of Proposed Action/Activity: Installation of a second belt filter press at the Clairton Plant's Contaminated Water Treatment Plant.

**WQM Permit No. 0291205 A-3**, Industrial, SIC Code 3312, **United States Steel Corporation**, 400 State Street, Clairton, PA 15025-1855.

This existing facility is located in Clairton City, **Allegheny County**.

Description of Proposed Action/Activity: Installation of a collection and conveyance system to route storm water from a localized area of accumulation on a plant roadway to the Coal Yard Treatment Plant.

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**IV. NPDES Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4) Individual Permits Issued.**


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

<i>NPDES Permit No.</i>	<i>Permittee Name &amp; Address</i>	<i>Municipality, County</i>	<i>Receiving Water(s)/Use(s)</i>	<i>TMDL Plan Submitted (Y/N)</i>	<i>Pollutant Reduction Plan Submitted (Y/N)</i>
PAI130044	Hilltown Township 13 W Creamery Road Hilltown, PA 18927	Hilltown Township Bucks County	Mill Creek (TSF, MF) and Unnamed Tributary to Reading Creek (WWF, MF)/WWF, TSF and MF	Y	Y

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


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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.

*Southeast Regional Office, 2 East Main Street, Norristown, PA 19401, 484-250-5900.*

<i>NPDES Waiver No.</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Receiving Water(s)/Use(s)</i>
PAI130513	Marlborough Township 6040 Upper Ridge Road Green Lane, PA 18054-2221	Marlborough Township Montgomery County	Unnamed Tributary of Unami Creek (HQ-TSF, MF), Unnamed Tributary to Macoby Creek (TSF, MF), Macoby Creek (TSF, MF), Unami Creek (HQ-TSF, MF), and Unnamed Tributary to Unami Creek (HQ-TSF, MF)/HQ-TSF, TSF, and MF

*Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, Email: RA-EPNPDES\_SCRO@pa.gov.*

<i>NPDES Waiver No.</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Receiving Water(s)/Use(s)</i>
PAG133570	Franklin Township York County 150 Century Lane Dillsburg, PA 17019-9461	Franklin Township York County	Unnamed Tributary to North Branch Bermudian Creek (WWF, MF), Dogwood Run (CWF, MF), North Branch Bermudian Creek (WWF, MF), and Unnamed Tributary of Dogwood Run (CWF, MF)/ WWF, CWF, and MF

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**VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions.**


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

*Contact: Aaron Redmond, Management Technician, 484.250.5821.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD090049	Island View Crossing II, LP 1 South State Street Newtown, PA 18940	Bucks	Bristol Borough	Delaware River WWF
PAD150160	Swedesford 66, LLC 940 West Sproul Road Springfield, PA 19064	Chester	East Whiteland Township	Valley Creek EV
PAD150134	Russell Road Partners, LLC 1613 Walnut Street 2nd Floor Philadelphia, PA 19103-5402	Chester	Tredyffrin Township	Little Valley Creek EV-MF

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD150103	Chester County Commissioners 313 West Market Street Suite 6202 West Chester, PA 19380-0991	Chester	North Coventry Township	Tributaries to Schuylkill River HQ-TSF-MF Schuylkill River WWF-MF
PAD460006	Toll PA XIV, LP 250 Gibraltar Road Horsham, PA 19044	Montgomery	Whitemarsh Township	Spring Mill Creek to North Schuylkill River WWF
PAD510045	South Philadelphia 1, LLC c/o Cedar Realty Trust, Inc. 44 South Bayles Avenue Port Washington, NY 11050	Philadelphia	City of Philadelphia	Lower Schuylkill River WWF
PAD510055	Philadelphia Water Department 1101 Market Street Philadelphia, PA 19107	Philadelphia	City of Philadelphia	Pennypack Creek WWF-MF
PAD510047	Resource Environmental Solutions, LLC 230 South Broad Street 17th Floor Philadelphia, PA 19102	Philadelphia	City of Philadelphia	Delaware Avenue WWF

*Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

*Contact: Gillian Ostrum, Clerk Typist 2, 570-830-3077.*

*Lehigh County Conservation District, 4184 Dorney Park Road, Suite 105, Allentown, PA 18401, 610-391-9583.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD390144	South Whitehall Township 4444 Walbert Ave. Allentown, PA 18104	Lehigh	South Whitehall Township	Little Cedar Creek, (HQ-CWF, MF)

*Northampton County Conservation District, 14 Gracedale Ave, Greystone Building, Nazareth, PA 18064-9211, 610-829-6276.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD480107	UGI Utilities, Inc. c/o Robert Davidson 1 UGI Drive Denver, PA 17517-9039	Northampton	East Allen Township	Monocacy Creek (HQ-CWF, MF), EV Wetlands

*Southcentral Region: Waterways and Wetlands Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, 717-705-4802.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD210009 Phase 2-4 Issued	Trinity MSB, LLC 4444 Carlisle Pike Camp Hill, PA 17043	Cumberland	Monroe Township	Yellow Breeches Creek (HQ-CWF, MF) UNT Yellow Breeches Creek (HQ-CWF, MF)

*Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

*Tioga County Conservation District: 50 Plaza Lane, Wellsboro, PA 16901, (570) 724-1801, X 3.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD590009	Jason Ward 1045 Joe Hill Rd Roaring Branch, PA 17765	Tioga	Union Twp	Mill Creek HQ, CWF

*Southwest Region: Dana Drake, Waterways and Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD020027	Quaker Valley Recreation Assoc., Inc. (QVRA) P.O. Box 74 Leetsdale, PA 15056	Allegheny County	Bell Acres Borough	Little Sewickley Creek (HQ-TSF)

*Regional Permit Coordination Office: Program Manager, Rachel Carson Building, 400 Market Street, Harrisburg, PA 17101.*

*Lancaster County Conservation District: 1383 Arcadia Road, Room 200, Lancaster, PA 17601-3149.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD360048	State Road Investors, LLC 2456 Noll Drive Lancaster, PA 17603	Lancaster	East Hempfield Township	Swarr Run (TSF, MF) & Tributary to Swarr Run (TSF, 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-01	General Permit for Discharges for Stormwater Discharges Associated with Small Construction Activities.
PAG-02	General Permit for Discharges of Stormwater Associated with Construction Activities
PAG-03	General Permit for Discharges of Stormwater from Industrial Activities
PAG-04	General Permit for Discharges from Small Flow Treatment Facilities
PAG-05	General Permit for Discharges from Petroleum Product Contaminated Groundwater Remediation Systems
PAG-06	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems (CSO)
PAG-07	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-08	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-08 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-08 General Permit Coverage
PAG-09	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-09 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-09 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*

<i>Permit No.</i>	<i>Facility Location: Municipality &amp; County</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
PAC090334	Lower Makefield Township Bucks County	Pennsylvania American Water Company 852 Wesley Drive Mechanicsburg, PA 17055	Brock Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC090338	Lower Makefield Township Bucks County	Cameron Troilo Properties 1 Sandy Run Road Yardley, PA 19067-2912	Buck Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900



## NOTICES

1591

<i>Permit No.</i>	<i>Facility Location: Municipality &amp; County</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
PAC090327	Bristol Township Bucks County	Premium Excavating 269 Canal Road Fairless Hills, PA 19030-4305	Neshaminy Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC090308	Bristol Township Bucks County	Red Cedar 14, LLC 543 Buck Drive Fairless Hills, PA 19030	Mill Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC090336	Northampton Township Bucks County	115 (ONE) Twining Road, LLC 554 Carson Terrace Huntingdon Valley, PA 19006	Unnamed Tributary/ Neshaminy Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC090325	Bensalem Township Bucks County	Philadelphia Regional Port Authority (Philaport) 3460 North Delaware Avenue Philadelphia, PA 19134-6311	Delaware River WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC090347	Bensalem Township Bucks County	LBD Enterprises 1205 Park Road Bensalem, PA 19020	Unnamed Tributary/ Neshaminy Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC150184	Caln Township Chester County	Joe Behrle Hill View III, LLC 1 Overlook Circle Media, PA 19063	Unnamed Tributary to West Branch Brandywine Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC150182	Caln Township Chester County	Ricky Wilson P.O. Box 181 Downingtown, PA 19335	Unnamed Tributary Beaver Creek CWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC150188	Sadsbury Township Chester County	John Newton P.O. Box 2995 Ponte Vedra, FL 32004	Tributary to Buck Run Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC150195	East Marlborough Township Chester County	Kenneth Grablewski 1001 Longwood Road Kennett Square, PA 19348	East Branch Red Clay Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC150205	West Sadsbury Township Chester County	JD Eckman, Inc. 4781 Lower Valley Road Atglen, PA 19310	Valley Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC150200	West Caln Township Chester County	Leroy J. Lapp 283 Beacon Light Road Parkesburg, PA 19365	Unnamed to Indian Spring Run CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC1501876	West Chester Borough Chester County	Kathryn Evans 1228 Euclid Avenue Cleveland, OH 44115	Goose Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

<i>Permit No.</i>	<i>Facility Location: Municipality &amp; County</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
PAC150187	Kennett Borough Chester County	Red Clay Manor 726 Yorklyn Road Suite 150 Hockessin, DE 19707	East Branch Red Clay Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC150196	Highland Township Chester County	Meg Lyons Cowan 10 Abbott Lane Highland, PA 19320	Unnamed Tributary to Birch Run TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC150198	New Garden Township Chester County	The Oppy Property, LP P.O. Box 368 Kennett Square, PA 19348	Unnamed Tributary to West Branch of Red Clay Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC150180	Kennett Borough Chester County	STANAB, LP 535 North Church Street West Chester, PA 19380	West Branch Red Clay Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC230137	Chester City Delaware County	Stormwater Authority of the City of Chester 29 East 5th Street Chester, PA 19013	Chester Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC230093	Ridley Township Delaware County	Kinder Park Housing Partnership I, L.P. One Brewery Place 1301 North 31st Street Philadelphia, PA 19121-4495	Crum Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC230144	Chester Heights Borough Delaware County	Mark and Nancy Beard 29 Stoney Bank Road Glen Mills, PA 19342	Chester Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC510146	City of Philadelphia Philadelphia County	Philadelphia Live, LLLP (The Cordish Companies) 601 East Pratt Street Baltimore, MD 21202-3114	Delaware River WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC510154	City of Philadelphia Philadelphia County	Philadelphia Parks & Recreation 1515 Arch Street 10th Floor Philadelphia, PA 19102	Delaware River WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC510159	City of Philadelphia Philadelphia County	IS3 Team, LLC 2929 Walnut Street Suite 1540 Philadelphia, PA 19104	Delaware Estuary WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC510149	City of Philadelphia Philadelphia County	Gilbane Building Company 100 Penn Square East Suite 1040 South Philadelphia, PA 19107	Pennypack Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC510112	City of Philadelphia Philadelphia County	BSS Academy, LLC c/o NorthPoint Development, LLC 4825 NW 41st Street Suite 500 Riverside, MO 64150	Byberry Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

*Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, 570-826-2511.*

*Contact: Gillian Ostrum, Clerk Typist 2, 570-830-3077.*

<i>Permit No.</i>	<i>Facility Location: Municipality &amp; County</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
PAC130017 Authorization/ Issuance	Jim Thorpe Boro Carbon County	Jim Thorpe Boro 101 E 10th St Jim Thorpe, PA 18229	Mauch Chunk Creek (CWF, MF)	Carbon County Conservation District 5664 Interchange Road Lehighon, PA 18235 610-377-4894
PAC390076 Authorization/ Issuance	Upper Saucon Twp Lehigh County	The Pennsylvania State University 201 Old Main University Park, PA 16802	Saucon Creek (CWF, MF)	Lehigh County Conservation District 4184 Dorney Park Road Suite 105 Allentown, PA 18401 610-391-9583

*Southcentral Region: Waterways and Wetlands Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, 717-705-4802.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone Number</i>
PAC220106 Major Modification Issued	Milton Hershey School P.O. Box 830 Hershey, PA 17033-0830	Dauphin	Derry Township	Spring Creek (WWF, MF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
PAC220216 Issued	Penn State Health 500 University Drive Hershey, PA 17033	Dauphin	Derry Township	Spring Creek (WWF, MF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
PAC360441 Issued	City of Lancaster Department of Public Works 120 North Duke Street Lancaster, PA 17603	Lancaster	Lancaster Township	Conestoga River (WWF, MF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC360514 Issued	Donsco Inc. 124 North Front Street Wrightsville, PA 17368	Lancaster	Mount Joy Borough	Little Chiques Creek (TSF, MF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC380144 Issued	Eugene S. Martin 519 West Main Street Annville, PA 17003	Lebanon	Annville Township	Quittapahilla Creek (TSF, MF)	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 717.277.5275

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone Number</i>
PAC380164 Issued	Michael Ungemach 200 Chestnut Hill Road Palmyra, PA 17078	Lebanon	South Londonderry Township	Spring Creek (WWF, MF)	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 717.277.5275
PAC380135 Issued	JD Oliver, LLC 4303 Lewis Road Harrisburg, PA 17111	Lebanon	Union Township	Forge Creek (WWF) UNT Swatara Creek (WWF)	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 717.277.5275
PAC670301 Issued	CORE5 Industrial Partners LLC 1250 North Mountain Road Harrisburg, PA 17112	York	Manchester Township	UNT Codorus Creek (WWF, MF)	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17402 717.840.7430
PAC670386 Issued	Kim Moyer 41 Cinema Drive York, PA 17402	York	Windsor Township	UNT Beaver Creek (CWF)	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17402 717.840.7430

*Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

<i>Permit No.</i>	<i>Facility Location: Municipality &amp; County</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
PAC080047	Canton Twp Bradford Cnty	Calvin Bristol Bristol Excavating, Inc. 167 Firehouse Dr Troy, PA 16947	UNT to Alba Creek CWF	Bradford County Conservation District Stoll Natural Resource Ctr 200 Lake Rd Ste E Towanda, PA 18848 (570) 265-5539, X 6
PAC140096	Harris Twp Centre Cnty	Ralls Pond & Tent Pad P.O. Box 150 Boalsburg, PA 16827	Trip 23044 to Roaring Run	Centre County Conservation District 414 Holmes Ave Ste 4 Bellefonte, PA 16823 (814) 355-6817
PAC490055	Borough of Milton Northumberland Cnty	Milton Area School Dist Attn: Cathy Keegan, Superintendent of Schools 700 Mahoning St Milton, PA 17847	UNT Susquehanna River WWF, MF	Northumberland County Conservation District 441 Plum Creek Rd Sunbury, PA 17801 (570) 286-7114 ext. 4

NOTICES

1595

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

<i>Permit No.</i>	<i>Facility Location and Municipality</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Phone No.</i>
PAC040073	City of Beaver Falls	Geneva College 3200 College Avenue Beaver Falls, PA 15010-3557	Beaver River (WWF)	Beaver County Conservation District 156 Cowpath Road Aliquippa, PA 15001 (724) 378-1701
PAC560039	Somerset Township	E. G. Properties of Somerset, LLC 203 East Pitt Street Suite 105 Bedford, PA 15522	East Branch of Coxes Creek (WWF)	Somerset County Conservation District 6024 Glades Pike Suite 103 Somerset, PA 15501 (814) 289-4250

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

<i>Permit No.</i>	<i>Facility Location: Municipality &amp; County</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
PAC420014	Hamlin Township Sergeant Township McKean County	Highland Field Services LLC 51 Zents Boulevard Brookville, PA 15828	UNT Marvin Creek CWF, Marvin Creek CWF	McKean County Conservation District 17137 Route 6 Smethport, PA 16749 814-887-4001
PAC430042	Hermitage City Mercer County	PTV 1084 LLC 326 North Buhl Farm Drive Hermitage, PA 16148	Unnamed tributary of Pine Run	Mercer County Conservation District 24 Avalon Court Suite 300 Mercer, PA 16137 724-662-2242
PAC160026	Monroe Township Clarion County	Dubois Regional Medical Center 100 Hospital Drive Dubois, PA 15801	UNT to Trout Run CWF, Courtleys Run CWF	Clarion County Conservation District 217 S 7th Avenue Room 106A Clarion, PA 16214 814-297-7813
PAC320038	White Township Indiana County	The Fountains at Indiana LLC P.O. Box 607 Indiana, PA 15704	McCarthy Run CWF	Indiana County Conservation District 280 Indian Springs Road Suite 124 Indiana, PA 15701 724-471-4751

*Cambria District: Bureau of Abandoned Mine Reclamation Environmental Program Manager, 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1800.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAC680032	Bureau of Abandoned Mine Reclamation Cambria Office 286 Industrial Park Road Ebensburg, PA 15931 814-472-1800	Fayette	Redstone Township	Lilly Run (WWF)
PAC680033	Bureau of Abandoned Mine Reclamation Cambria Office 286 Industrial Park Road Ebensburg, PA 15931 814-472-1800	Clarion	Paint Township	Unnamed Tributary of Toby Creek (WWF)

*General Permit Type—PAG-3*

<i>Permit No.</i>	<i>Facility Location: Municipality &amp; County</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
PAG030099	Falls Township Bucks County	Nucor Skyline 400 Gamesa Drive Fairless Hills, PA 19030	Biles Creek (WWF, MF) 2-E	DEP Southeast Regional Office Clean Water Program 2 E. Main Street Norristown, PA 19401 484.250.5970
PAG030101	Bensalem Township Bucks County	General Machine Products (KT) LLC 3111 Old Lincoln Highway Trevose, PA 19053	Unnamed Tributary Of Neshimany Creek (WWF, MF) 2-F	DEP Southeast Regional Office Clean Water Program 2 E. Main Street Norristown, PA 19401 484.250.5970

*General Permit Type—PAG-8*

<i>Permit No.</i>	<i>Facility Location: Municipality &amp; County</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
PAG080007	East Caln Township Chester County	Downingtwn Area Regional Authority 6 W. Lancaster Avenue Downingtwn, PA 19335	Downingtwn Regional Water Pollution Control Center 550 S. Brandywine Ave Downingtwn, PA 19335	Southeast Region Clean Water 484.250.5970

*General Permit Type—PAG-9*

<i>Permit No.</i>	<i>Facility Location: Municipality &amp; County</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
PAG-09-3528	65 Richard Lane Landisburg, PA 17040 Spring Township Perry County	Advanced Septic Service, LLC 65 Richard Lane Landisburg, PA 17040	65 Richard Lane Landisburg, PA 17040	DEP—SCRO— Clean Water 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707

*General Permit Type—PAG-09 (SSN)*

<i>Permit No.</i>	<i>Facility Location: Municipality &amp; County</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
PAG092206	Lower Mount Bethel Township Northampton County	Allstate Septic Systems, LLC 5167 Berry Hollow Road Bangor, PA 18013	Allstate Septic Systems, LLC 5167 Berry Hollow Road Bangor, PA 18013 Lower Mount Bethel	Northeast Regional 570-826-2511

*General Permit Type—PAG-13*

<i>Permit No.</i>	<i>Facility Location: Municipality &amp; County</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
PAG130089	Chester Township Delaware County	Chester Township 1150 Engle Street Chester, PA 19013-2418	Unnamed Stream (WWF, MF), Baldwin Run (WWF, MF), Chester Creek (MMF, WF), and Marcus Hook Creek (WWWF, MF) 3-G	DEP Southeast Regional Office Clean Water Program 2 E Main Street Norristown, PA 19401 484.250.5970

Permit No.	Facility Location Municipality & County	Applicant Name & Address	Receiving Water/Use	Contact Office & Phone No.
PAG130087	Eddystone Borough Delaware County	Eddystone Borough 1300 E. 12th Street Eddystone, PA 19022-1348	Ridley Creek 3-G	DEP Southeast Regional Office Clean Water Program 2 E Main Street Norristown, PA 19401 484.250.5970

**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).**

*Southeast Region: Safe Drinking Water Program Manager, 2 East Main Street, Norristown, PA 19401, Telephone 484.250.5980.*

*Contact: Kimberleigh Rivers, Clerk Typist 2, 484.250.5887.*

**Operations Permit # 0919521A** issued to: **Warminster Municipal Authority**, 415 Gibson Avenue, Warminster, PA 18974, **PWS ID No. 1090069**, Multiple Townships, **Bucks County** on February 26, 2020 for the operation of designation of reserves sources facilities approved under construction permit # 0919521A.

**Operations Permit # 1520503** issued to **Xpress Stop**, 3375 Gap-Newport Pike, West Grove, PA 19390, **PWS ID No. 1150380**, West Grove Borough, **Chester County** on February 26, 2020 for the operation of nitrate treatment

using Anion Exchange Resin facilities approved under construction permit # 1520503.

*Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, 570-826-2511.*

*Contact: Gillian Ostrum, Clerk Typist 2, 570-830-3077.*

**Permit No. 2408007, Operations Permit:** Public Water Supply.

Applicant	<b>Hazleton City Authority HCA Delano Park Place 400 East Arthur Gardner Parkway Hazleton, PA 18201-7359</b>
Borough or Township	Mahanoy Township
County	<b>Schuylkill</b>
Type of Facility	PWS
Consulting Engineer	John Synoski, PE Hazleton City Authority 400 East Arthur Gardner Parkway Hazleton, PA 18201-7359
Permit to Operate Issued	February 7, 2020

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

**Permit No. 3620501 MA, Minor Amendment,** Public Water Supply.

Applicant	<b>Little Britain MHP</b>
Municipality	Little Britain Township
County	<b>Lancaster</b>
Responsible Official	Samuel McMichael 208 East Locust Road P.O. Box 298 Oxford, PA 19363
Type of Facility	Installation of chlorine contact piping to provide 4-log treatment of viruses.
Consulting Engineer	Brent W. Cowan, P.E. CSC Technology Inc. 170 Netherwood Drive Coatesville, PA 19320
Permit to Construct Issued	February 24, 2020

**Permit No. 3619520,** Public Water Supply.

Applicant	<b>Pilgrim’s Oak Golf Course LLP</b>
Municipality	Drumore Township
County	<b>Lancaster</b>

Responsible Official	Peter P. Trimble 1107 Pilgrim's Pathway Peach Bottom, PA 17563
Type of Facility	Replacement of existing nitrate treatment system and two existing UV disinfection units.
Consulting Engineer	Charles A. Kehew II, P.E. James R. Holley & Associates, Inc. 18 South George Street York, PA 17401
Permit to Construct Issued	February 25, 2020
	<b>Permit No. 0619513</b> , Public Water Supply.
Applicant	<b>Speedway, LLC</b>
Municipality	Richmond Township
County	<b>Berks</b>
Responsible Official	Scott Fleming, Manager— Environmental Compliance 500 Speedway Drive Enon, OH 45323
Type of Facility	Construction of a new nitrate treatment system and the replacement of an existing softener.
Consulting Engineer	Charles A. Kehew II, P.E. James R. Holley & Associates, Inc. 18 South George Street York, PA 17401
Permit to Construct Issued	February 21, 2020

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

**Operations Permit** issued to: **Keystone Apt. LLC**, 35 Calais Road, Randolph, NJ 07869, **PWSID No. 4410016**, Lewis Township, **Lycoming County** on March 2, 2020, for the operation of facilities approved under construction permit # 4188502-T2 & MA-GWR-T2. Transfer permits.

**Operations Permit** issued to: **Waterville Water Association**, P.O. Box 88, Waterville, PA 17776, **PWSID No. 4410187**, Cummings Township, **Lycoming County** on March 2, 2020, for the operation of facilities approved under construction permit # 4117503MA & MA-GWR (Amended). Authorizes operation of the modified detention piping and new caustic-soda chemical-feed system to comply with the Lead and Copper Rule for copper exceedances, as well as the amended Minor Amendment-Groundwater Rule (MA-GWR). Special Condition B has been modified to address the changes to the detention piping. Special Condition E was eliminated because it is no longer necessary.

*Southwest Region: Safe Drinking Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Operations Permit** issued to: **Pennsylvania American Water Company**, 852 Wesley Drive, Mechanicsburg, PA 17055, **PWSID No. 5260022**, Connellsville Township, South Connellsville Borough, City of Connellsville, Dunbar Township and Bullskin Township, **Fayette County** on February 28, 2020 for the operation of facilities approved under permit # 0219513MA for the permitting of seven existing interconnections with the

Municipal Authority of Westmoreland County, Indian Creek Valley Water Authority and the North Fayette County Municipal Authority.

**Operations Permit** issued to: **Pennsylvania American Water Company**, 852 Wesley Drive, Mechanicsburg, PA 17055, **PWSID No. 5260005**, West Pike Run Township, **Washington County** on February 28, 2020 for the operation of facilities approved under permit # 0219511MA for the permitting of the existing interconnections with the Tri-County Joint Municipal Authority (TCJMA Daisytown Interconnection).

**Operations Permit** issued to: **Hampton Shaler Water Authority**, 3101 McCully Road, Allison Park, PA 15101, **PWSID No. 5020019**, Sharpsburg Borough, **Allegheny County** on February 27, 2020 for the operation of facilities approved under permit # 0219555-EI for the emergency interconnections with the Pittsburgh Water & Sewer Authority (PWSA Pleasant Valley Interconnection).

**Operations Permit** issued to: **Hampton Shaler Water Authority**, 3101 McCully Road, Allison Park, PA 15101, **PWSID No. 5020019**, Sharpsburg Borough, **Allegheny County** on February 27, 2020 for the operation of facilities approved under permit # 0285507-T1-EI for the emergency interconnections with the Pittsburgh Water & Sewer Authority (PWSA Sharpsburg Interconnection).

**Operations Permit** issued to: **Hampton Shaler Water Authority**, 3101 McCully Road, Allison Park, PA 15101, **PWSID No. 5020019**, O'Hara Township, **Allegheny County** on February 27, 2020 for the operation of facilities approved under permit # 0219554-EI for the emergency interconnections with the Fox Chapel Authority (Fox Chapel Brownhill Road Interconnection).

**Operations Permit** issued to: **Hampton Shaler Water Authority**, 3101 McCully Road, Allison Park, PA 15101, **PWSID No. 5020019**, Shaler Township, **Allegheny County** on February 27, 2020 for the operation of facilities approved under permit # 5020019-EI for the emergency interconnections with the Pittsburgh Water & Sewer Authority (PWSA Lanpher Interconnection).

**Operations Permit** issued to: **Southwestern Pennsylvania Water Authority**, P.O. Box 187, 1442 Jefferson Road, Jefferson, PA 15344, **PWSID No. 5300017**, Richhill Township, **Greene County** on February 26, 2020 for the operation of facilities approved under permit # 3013501WMP29 for use of the Consol Crabapple meter vault as a bulk load-out station.

**Operations Permit** issued to: **Southwestern Pennsylvania Water Authority**, P.O. Box 187, 1442 Jefferson Road, Jefferson, PA 15344, **PWSID No. 5300017**, Richhill Township, **Greene County** on February 26, 2020 for the operation of facilities approved under permit # 3013501WMP24 for use of the RHL8 Crabapple meter vault as a bulk load-out station.

**Operations Permit** issued to: **Southwestern Pennsylvania Water Authority**, P.O. Box 187, 1442 Jefferson Road, Jefferson, PA 15344, **PWSID No. 5300017**, Morris Township, **Greene County** on February 26, 2020 for the operation of facilities approved under permit # 3013501WMP28 for use of the Clemente meter vault as a bulk load-out station.

**Operations Permit** issued to: **Southwestern Pennsylvania Water Authority**, P.O. Box 187, 1442 Jefferson Road, Jefferson, PA 15344, **PWSID No. 5300017**, Center Township, **Greene County** on February 26, 2020 for the operation of facilities approved under permit



# 3013501WMP25 for use of the Maple Run Road meter vault as a bulk load-out station.

**Operations Permit** issued to: **Stallion Oilfield Services, Ltd.**, 950 Corbindale Road, Suite 400, Houston, TX 77024, **PWSID No. 53006607**, Carmichaels Borough and Canton Township, **Washington and Greene Counties** on February 26, 2020 for the operation of facilities approved under permit # 5636541-T2 for the name change from Stallion Oilfield Construction, LLC to Stallion Oilfield Services, Ltd.

**Operations Permit** issued to: **Municipal Authority of the Township of Robinson**, 4200 Campbells Run Road, Pittsburgh, PA 15205, **PWSID No. 5020045**, Robinson Township, **Allegheny County** on February 26, 2020 for the operation of facilities approved under permit # 0220503 for Filter # 3, part of the filtration plant improvement project.

**Operations Permit** issued to: **Harmar Water Authority**, 200 Pearl Avenue, Cheswick, PA 15024, **PWSID No. 5020009**, Harmar Township, **Allegheny County** on February 27, 2020 for the operation of facilities approved under permit # 0215530MA for the new 150,000-gallon Harmarville water storage tank.

**Operations Permit** issued to: **Latrobe Municipal Authority**, 104 Guerrier Road, Latrobe, PA 15650, **PWSID No. 5650060**, City of Latrobe and Derry Township, **Westmoreland County** on February 28, 2020 for the operation of facilities approved under permit # 6517532MA-1 for approximately 16-inch parallel line replacement project.

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

**Operation Permit** issued to **Aqua PA Inc., PWSID No. 6430054**, City of Hermitage, **Mercer County**. Permit Number 4300503-T1-MA15 issued February 25, 2020 for the operation of the rehabilitated finished water storage tank known as East Street Storage Tank. This permit is issued in response to an operation inspection conducted by the Department of Environmental Protection personnel on February 25, 2020.

**Operation Permit** issued to **Eastern Armstrong County Municipal Authority, PWSID No. 5030004**, Elderton Borough, **Armstrong County**. Permit Number 5030004-20E1 issued March 2, 2020 for the operation of 4-Log treatment of viruses for Entry Point 101. This action is taken under the requirements of the Groundwater Rule.

**Operation Permit** issued to **New Wilmington Municipal Authority, PWSID No. 6370035**, New Wilmington Borough, **Lawrence County**. Permit Number 3704501-MA2 issued March 2, 2020 for the operation of the Susan Trace Drie Interconnection with AQUA PA. This permit is issued in response to an operation inspection conducted by the Department of Environmental Protection personnel on February 4, 2020.

**Operation Permit** issued to **New Wilmington Municipal Authority, PWSID No. 6370035**, New Wilmington Borough, **Lawrence County**. Permit Number 3704501-MA1 issued February 26, 2020 for the operation of the "Solar Bee" solar powered finished water storage tank mixers. This permit is issued in response to an operation inspection conducted by the Department of Environmental Protection personnel on February 4, 2020.

## SEWAGE FACILITIES ACT PLAN APPROVAL

### Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. 1535, as amended, 35 P.S. § 750.5.

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

#### Plan Location:

Borough or Township	Borough or Township Address	County
Lower Windsor Township	2425 Craley Road Wrightsville, PA 17368	York

*Plan Description:* Approval of a revision to the official plan of Lower Windsor Township, York County. The project is known as Benjamin G. Shipley. The plan provides for a small flow treatment facility (SFTF) proposal to replace a holding tank serving an existing single-family residential dwelling on 0.796 acre with total estimated sewage flows of 400 gpd. There will be a proposed discharge to Cabin Creek. The proposed development is located at 208 Calvary Church Road in Lower Windsor Township, York County. The Department's review of the plan revision has not identified any significant impacts resulting from this proposal. The DEP Code Number for this planning module is A3-67937-327-3s and the APS Id is 1010674. Any permits must be obtained in the name of the property owner.

## 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:

Borough or Township	Borough or Township Address	County
Bethel Twp.	3015 S. Pine Grove St. Fredericksburg, PA 17026	Lebanon County

*Plan Description:* The request for planning exemption for the Beach Run Apartment Development (DEP Code No. A3-38905-243-3E; APS ID No. 1011437) has been disapproved. The proposed development—to be located south of Interstate 78 in Fredericksburg along N. Center Street—consists of a 51-unit apartment complex. This request for planning exemption has been disapproved because it does not qualify as an exemption from sewage facilities planning for new land development per Chapter 71, Section 71.51(b)(2)(ii) due to proposing connection to or an extension of public sewers where the existing collection, conveyance or treatment facilities have an existing or 5-year projected hydraulic or organic overload under Chapter 94.

## 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—6026.908).

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P.S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the environmental cleanup program manager in the Department regional office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

**Maple Glen Dry Cleaners**, 1945 Norristown Road, Upper Dublin Township, **Montgomery County**. Kimberley Wilkinson, Sovereign Consulting, Inc., 100 Dobbs Lane, Suite 212, Cherry Hill, NJ 08003 on behalf of Dean Frederickson, Safeway, Inc., 250 Parkcenter Boulevard, Boise, ID 83276 submitted a Remedial Investigation Report concerning remediation of site groundwater contaminated with organics. The report is intended to document remediation of the site to meet the Site-Specific Standard.

*Northeast Region: Environmental Cleanup & Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.*

**Cintas/Former RUS Facility**, 164 East Main Street, Emmaus, PA 18049, Emmaus Borough, **Lehigh County**, Arcadis, 10 Friends Lane, Newtown, PA 18940, on behalf of Cintas, 27 Whitney Drive, Milford, OH 45150, submitted a final report concerning remediation of soil and groundwater contaminated with chlorinated solvents from historical dry-cleaning operations. The report is intended to document remediation of the site to meet Site-Specific Standards.

**Cannella SUS Well Pad**, 808 Hollett Road, Montrose, PA 18801, Auburn Township, **Susquehanna County**. Creston Environmental, P.O. Box 1373, Camp Hill, PA

17001, on behalf of Chesapeake Appalachia LLC, 300 North Second Street, 5th Floor, Harrisburg, PA 17101, submitted a Final Report concerning remediation of soil contaminated by a release of production fluid (brine) from a storage tank. The report is intended to document remediation of the site to meet Residential Statewide Health Standards.

**DTE Susquehanna Gathering WC 41 to WC 57/43**, Gaylord Road, Susquehanna, PA 18847, Jackson Township, **Susquehanna County**. Resource Environmental Management, 50 Maple Street, Montrose, PA 18801, on behalf of SWN Production Company LLC, 1000 Energy Drive, Spring, TX 77389, submitted a Final Report concerning remediation of soil contaminated by a release of brine from a leaking valve along part of a buried pipeline. The report is intended to document remediation of the site to meet Residential Statewide Health Standards.

*Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701, Telephone number: 570-327-3636.*

*Contact: Lisa Hensel, Clerk Typist II, 570-327-3653.*

**Interstate 80 at MM 202.0W**, New Columbia, White Deer Township, **Union County**. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857 on behalf of Kappa Transportation, 363 W. Lexington Drive, Apt 4, Glendale, CA 91203, has submitted a Final Report concerning remediation of site soil contaminated with diesel fuel and motor oil. The report is intended to document remediation of the site to meet the Non-Residential Statewide Health Standard for soils.

**Interstate 80 at MM202.5W**, New Columbia, White Deer Township, **Union County**. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857, on behalf of Southern Mail Service, 1921 W. Commerce Street, Dallas, TX 75208, has submitted a Final Report concerning remediation of site soil contaminated with diesel fuel, motor oil and antifreeze. The report is intended to document remediation of the site to meet the Non-Residential Statewide Health Standard for soils.

**Cochran 705 Well Pad**, 2344 S. Union Road, Ogdensburg, Union Township, **Tioga County**. Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205, on behalf of Rockdale Marcellus, LLC, 3600 J Barry Court, Suite 120, Canonsburg, PA 15317, has submitted a Site Characterization and Final Report concerning remediation of site soil contaminated with calcium chloride. The report is intended to document remediation of the site to meet the Residential Background or Statewide Health Standard for soils.

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

**Trinity Industries Plant 102S RR Cars Manufacturing**, 100 York Street, Hempfield Township, **Mercer County**. Golder Associates, Inc., 200 Century Parkway, Suite C, Mt. Laurel, NJ 08054, on behalf of Trinity Industries, Inc., 2525 Stemmons Freeway, Dallas, TX 75207, submitted a Risk Assessment Report concerning the remediation of site soil contaminated with Aroclor 1268, 1,2,4-Trimethylbenzene and site groundwater contaminated with Iron, Manganese, and 4-Bromophenyl Phenyl Ether. 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

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**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).**

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Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department regional office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

**114 South Washington Street**, 114 South Washington Street, Pottstown Borough, **Montgomery County**. Joseph Kraycik, Environmental Standards, Inc., 1140 Valley Forge Road, P.O. Box 379, Pottstown, PA 19464 on behalf of Ken Wible, WC Development Group, LLC, 114 South Washington Street, P.O. Box 379, Pottstown, PA 19464

submitted a Remedial Investigation Report/Cleanup Plan concerning the remediation of site soil and groundwater contaminated with metals. The Report was reviewed by the Department which issued a technical deficiency letter on February 10, 2020.

**701 South Main Street**, 701 Main Street, Phoenixville Borough, **Chester County**. Paul White, Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382 on behalf of Mr. & Mrs. Paul Hartmann, CGF Properties, LLC, 20 Hedgerow Lane, Phoenixville, PA 19460 submitted a Remedial Investigation Report/Cleanup Plan concerning the remediation of site soil and groundwater contaminated with heating oil, metals and SVOCs. The Report was approved by the Department on February 11, 2020.

**Luetz Residence**, 38 Rolling Lane, Bristol Township, **Bucks County**. Richard D. Trimpi, Trimpi Associates Inc., 1635 Old Plains Road, Pennsburg, PA 18073 on behalf of Andrea Gluch, State Farm Insurance, PA Fire Claims, P.O. Box 106169, Atlanta, GA 30348-6169 submitted a Final Report concerning the remediation of site soil and shallow groundwater contaminated with petroleum. The Final Report demonstrated attainment of the residential Statewide Health Standard and was approved by the Department on February 13, 2020.

*Northeast Region: Environmental Cleanup & Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.*

**Mirabelli Well Pad**, 43 Rails Road, Tunkhannock, PA 18657, Washington Township, **Wyoming County**. Woodard & Curran, 300 Penn Center Boulevard, Suite 800, Pittsburgh, PA 15235 on behalf of BKV Operating LLC, 5385 State Route 6, Tunkhannock, PA 18657, submitted a Final Report concerning remediation of soil contaminated by a release of flowback/production fluid (brine). The report documented remediation of the site to meet a combination of Background and Statewide Health Standards and was approved by DEP on February 26, 2020.

**Former Shapiro Steel**, 600-602 and 616-618 South Main Street, Wilkes-Barre, PA 18701, Wilkes-Barre City, **Luzerne County**. Langan Engineering & Environmental Services, P.O. Box 1569, Doylestown, PA 18901, on behalf of South Main Plaza LP, 580 Third Avenue, Kingston, PA 18704, submitted a combined Remedial Investigation Report and Cleanup Plan concerning remediation of soil contaminated with metals, PCBs and polycyclic aromatic hydrocarbons from historic operations at this former scrap yard. The report was approved by DEP on February 27, 2020.

**26 Rutter Street Property**, 26 Rutter Street, Hanover Township, **Luzerne County**. United Environmental Services, P.O. Box 701, Schuylkill Haven, PA 17972, on behalf of Newell Fuel Service, 1355 Memorial Highway, Shavertown, PA 18708, submitted a final report concerning remediation of soil contaminated by a release of heating oil from an aboveground storage tank during product delivery. The report documented remediation of the site to meet Statewide Health Standards and was approved by DEP on February 27, 2020.

**Former Tyler Pipe**, 101 North Church Street, Macungie, PA 18062, 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 cleanup plan report and final report concerning remediation of site soils and groundwater contaminated at this former

foundry operation. The report documented remediation of the site to meet a combination of Site-Specific and Statewide Health Standards and was approved by DEP on March 2, 2020.

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

**Harley-Davidson AMF York, MMRP**, 1425 Eden Road, York, PA 17402, Springettsbury Township, **York County**. EA Engineering, Science, and Technology, Inc., PBC, 225 Schilling Circle, Suite 400, Hunt Valley, MD 21031, on behalf of Harley-Davidson Motor Company Operations, Inc., 1425 Eden Road, York, PA 17402, submitted a Cleanup Plan concerning remediation of site groundwater contaminated with lead. The Plan was approved by the Department on February 28, 2020.

**Harley-Davidson AMF York**, 1425 Eden Road, York, PA 17402, Springettsbury Township, **York County**. Groundwater Sciences Corporation, 2601 Market Place, Suite 310, Harrisburg, PA 17110, on behalf of Harley-Davidson Motor Company Operations, Inc., 1425 Eden Road, York, PA 17402, submitted a Cleanup Plan concerning remediation of site groundwater contaminated with metals, chlorinated solvents, VOCs, SVOCs, and petroleum. The Plan was approved by the Department on February 28, 2020.

*Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701, Telephone number: 570-327-3636.*

*Contact: Lisa Hensel, Clerk Typist II, 570-327-3653.*

**TI-09-Brown Pad**, 959 Stony Lane, Jackson Township, **Lycoming County**. Moody and Associates, Inc., 11548 Cotton Road, Suite 101, Meadville, PA 16335, on behalf of SWN Production Company, LLC, 10000 Energy Drive, Spring, TX 77389, has submitted a Combined Site Characterization and Soil Remedial Action Completion Report concerning remediation of site soil and groundwater contaminated with produced water. The report demonstrated attainment of the Background and Statewide Health Standards and was approved by the Department on February 24, 2020.

**State Route 54W near the intersection with State Route 901**, Mount Carmel Township, **Northumberland County**. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857, on behalf of American Cargo, Inc., 5893 Eldon Drive, Liberty Township, OH 45011, has submitted a Final Report concerning remediation of site soil contaminated with diesel fuel. The Final Report demonstrated attainment of the Non-Residential Statewide Health Standard and was approved by the Department on February 26, 2020.

**Cleanup site near 1003 Railroad Avenue**, Roulette Township, **Potter County**. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857, on behalf of Duffy Inc., 1 Delta Drive, Smethport, PA 16749, has submitted a Final Report concerning remediation of site soil contaminated with diesel fuel. The report demonstrated attainment of the Residential Statewide Health Standard for soil and was approved by the Department on March 2, 2020.

**Hughes 02-204 Well Site**, 231 Lower Arnot Road, Liberty Township, **Tioga County**. Resource Environmental Management, Inc., 50 Maple Street, Montrose, PA 18801, on behalf of Repsol Oil & Gas USA, LLC, 337 Daniel Zenker Drive, Horseheads, NY 14845, submitted a Site Characterization and Final report concerning site soil

contaminated with produced water. The Report demonstrated attainment of the Residential Statewide Health Standard and was approved by the Department on February 14, 2020.

**Interstate 80 at MM 202.0W**, New Columbia, White Deer Township, **Union County**. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857 on behalf of Kappa Transportation, 363 W. Lexington Drive, Apt 4, Glendale, CA 91203, has submitted a Final Report concerning remediation of soil contaminated with diesel fuel and motor oil. The report demonstrated attainment of the Non-Residential Statewide Health Standard for soils and was approved by the Department on March 2, 2020.

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

**General Partitions**, 1702 Peninsula Drive, Millcreek Township, **Erie County**. Environmental Remediation & Recovery, Inc., 4250 Route 6N, Edinboro, PA 16412, on behalf of General Partitions Manufacturing Corporation, 1702 Peninsula Drive, Erie, PA 16505, submitted a Remedial Investigation Report/Risk Assessment Report/Cleanup Plan concerning the remediation of site soil contaminated with Acetone, Fluoranthene, Arsenic, Barium, Chromium, Lead, 2-Butanone (MEK), Benzene, Methylene Chloride, Toluene, 2-Methylnaphthalene, Acenaphthene, Acenaphthylene, Benzo[g,h,i]perylene, Benzo[k]fluoranthene, Carbazole, Chrysene, Dibenzo[a,h]anthracene, Dibenzofuran, Fluoranthene, Fluorene, Indeno[1,2,3-cd]pyrene, Naphthalene, Phenanthrene, Phenol, Pyrene, Cadmium, Selenium, Mercury and site groundwater contaminated with Acenaphthene, Anthracene, Benzo[a]anthracene, Benzo[a]pyrene, Benzo[b]fluoranthene, Benzo[g,h,i]fluoranthene, Benzo[k]fluoranthene, Bis[2-ethylhexyl]phthalate, Butyl Benzyl Phthalate, Chrysene, Dibenzo[a,h]anthracene, Dibenzofuran, Di-n-butylphthalate, Diethyl Phthalate, Fluoranthene, Fluorine, Indeno[1,2,3-cd]pyrene, N-nitrosodiphenylamine, Phenanthrene, Pyrene, Carbazole, Caprolactam, Acetone, Cis-1,2-dichloroethene, Tetrachloroethene, Methylene Chloride, Trichloroethene, Vinyl Chloride, Arsenic, Barium, Chromium, Lead, and Selenium. The Plan/Report was disapproved by the Department on March 3, 2020

## 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.*

**GP1-23-0162: Evonik Corporation** (1200 West Front Street, Chester, PA 19013-3438) on February 21, 2020 for the replacement of the existing 715 Boiler (Source ID 031) in Chester Township, **Delaware County**.

*Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

*Contact: Edward Orris, New Source Review Chief, 412.442.4168.*

**GP5-30-00174F (AG5-30-00014A): CNX Midstream Partners LP** (1000 Consol Energy Drive, Canonsburg,

PA-15317) on February 25, 2020, to authorize the continued operation of the previously installed sources which include four (4) electric compressors each rated at 4,500 hp, two (2) electric compressors each rated at 2,250 hp, one (1) TEG dehy rated at 225 MMscfd with reboiler 2.00 MMBtu/hr, enclosed flare rated at 6 MMBtu/hr, one (1) dehy rated at 80 MMscfd with reboiler 0.75 MMBtu/hr, enclosed flare rated at 7 MMBtu/hr, one (1) 10,000-gallon produced water tank, one (1) 4,200-gallon produced water tank, one (1) truck loading, one (1) station flare rated at 158.41 MMBtu/hr, one (1) diesel-fired Cummins emergency generator rated at 1,000 kW, 3 pig receivers and 5 pig launchers at their McQuay Compressor Station located in Center Township, **Greene County**.

**GP5-30-00228B (AG5-30-00013A): CNX Midstream Partners LP** (1000 Consol Energy Drive, Canonsburg, PA-15317) on February 25, 2020, to authorize the continued operation of the previously installed sources which include five (5) natural gas-fired Caterpillar engines rated at 2,370 bhp equipped with oxidation catalysts, two (2) 200 MMscfd TEG with a reboiler rated at 2.86 MMBtu/hr, emissions controlled by an enclosed flare rated at 6.0 MMBtu/hr with 98% control efficiency, one truck loading, one (1) flare rated at 150 MMBtu/hr, one (1) Gun barrel produced water tank, 400-bbl slop water tank, 400-bbl condensate tank, one (1) TEG storage tank, one (1) VDU rated at 18.41 MMBtu/hr, 2 pigging vessels, miscellaneous gas venting, and nineteen (19) storage tanks of various capacities to store oil, methanol, condensate etc. at their Hopewell Compressor Station located in Center Township, **Greene County**.

**GP5-30-00229B (AG5-30-00016A): EQM Gathering Opc, LLC** (2200 Energy Drive, Canonsburg, PA-15317) on February 26, 2020, to authorize the continued operation of the previously installed sources which include one (1) 4,735 bhp natural gas-fired Caterpillar G3616LE compressor engine controlled by oxidation catalyst; one (1) 80 MMscfd dehydrator, a flash tank, and an associated reboiler rated at 1.54 MMBtu/hr controlled by an enclosed flare rated at 7.0 MMBtu/hr; two (2) 10,080-gallon produced water storage tanks; six (6) natural gas-fired Microturbines each rated at 65 kW; one (1) natural gas-fired fuel heater rated at 0.40 MMBtu/hr; seven (7) storage tanks of various capacities to store various fluids, and piping and associated fugitive components at their Europa Compressor Station located in Center Township, **Greene County**.

**GP5-65-01011D (AG5-65-00003A): CNX Midstream Operating Co., LLC** (1000 Consol Energy Drive, Canonsburg, PA-15317) on February 26, 2020, to authorize the continued operation of the previously installed sources which include four (4) 1,380 bhp natural gas-fired Caterpillar engines controlled by oxidation catalysts; one (1) 319 bhp Cummins rich burn natural gas-fired emergency generator engine with A/F ratio control and a 3-way catalyst; two (2) Dehydrators rated at 75 MMscfd with reboilers rated at 2.0 MMBtu/hr each controlled by JATCO BTEX condensers; two (2) 6,000-gallon Produced water storage tanks; truck loading operation via submerged loading; two (2) JATCO Condensers; three (3) miscellaneous storage tanks 3,000-gallon each; one (1) Glycol tank 3,000-gallon; one (1) Slop tank 750-gallon; eight (8) engine oil storage tank 500-gallon each tank; one (1) Waste oil storage tank 300-gallon; one (1) Pigging slop tank 300-gallon, one (1) Pig Launcher, and eight (8) Pig Receivers at their Mamont Compressor Station located in Washington Township, **Westmorland County**.

**GP5-30-00180D (AG5-30-00015A): CNX Midstream Partners LP** (1000 Consol Energy Drive, Canonsburg,

PA-15317) on February 27, 2020, to authorize the continued operation of the previously installed sources which include three (3) natural gas-fired Caterpillar engines rated at 1,340 bhp equipped with oxidation catalysts, one (1) 20 MMscfd TEG with a reboiler rated at 2.0 MMBtu/hr, emissions controlled by an enclosed flare rated at 2.0 MMBtu/hr with 85% control efficiency, one truck loading, miscellaneous gas venting, and eighteen (18) storage tanks of various capacities to store oil, methanol, condensate etc. at their GH6 Compressor Station located in Center Township, **Greene County**.

**GP13-65-00602A: Derry Construction Co., Inc.** (527 Route 217, Latrobe, PA 15650) on February 26, 2020, to authorize the installation and operation of a 300 ton per hour Hot Mix Asphalt Plant for a fixed period of 5 years at their Torrance Asphalt facility located at 323 Quarry Road in Derry Township, **Westmoreland County**.

**GP5A-63-01033A (AG5A-63-00018A): Range Resources Appalachia, LLC** (3000 Town Center Boulevard, Canonsburg, PA 15317) on March 2, 2020, received authorization under GP-5A for construction and/or operation of sources and controls associated with a natural gas well pad at its Campbell Unit 10272 facility located in Independence Township, **Washington County**.

**GP5-63-01013A (AG5-63-00003B): CNX Midstream Partners LP** (1000 Consol Energy Drive, Cannonsburg, PA 15317) on March 2, 2020, to authorize the continued operation of the previously installed sources which include five (5) natural gas-fired Caterpillar G3608 each rated at 2,520 bhp equipped with oxidation catalysts, one (1) diesel-fired Tier 3 certified Cummins emergency generator, rated at 1,490 bhp; one (1) 200 MMscfd TEG with a reboiler rated at 2.5 MMBtu/hr, emissions controlled by an enclosed flare rated at 5.0 MMBtu/hr with 98% control; one truck loading, one (1) enclosed flare rated at 5.0 MMBtu/hr, Flare-002; one (1) Station Flare, rated at 7,650 MMBtu/hr; three (3) storage tanks of various capacities to store various fluids; two (2) VDU rated at 18.41 MMBtu/hr, fifteen (15) Capstone C200 natural gas-fired Microturbines, each rated at 2.28 MMBtu/hr; and miscellaneous gas venting and fugitives at their Archer Compressor Station located at Morris Township, **Washington County**.

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**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.**

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

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

**46-0005AW: Merck, Sharp & Dohme, Corp.** (770 Sumneytown Pike, West Point, PA 19486-0004) on March 2, 2020, for the installation of a 1,300-kW natural gas fired non-emergency generator in Building 60 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**.

*Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

*Contact: Edward Orris, New Source Review Chief, 412.442.4168.*

**65-00125A: ATI Flat Rolled Products Holdings, LLC** (100 River Road, Brackenridge, PA 15014) on February 27, 2020, to authorize installation and operation of a 25-ton capacity unit electric arc furnace (EAF), one (1) 150,000 ACFM baghouse, and one (1) 2,000 gpm cooling tower at their Latrobe Facility located in Derry Township, **Westmoreland County**.

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**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

*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.*

**06-03102B: The City of Reading** (815 Washington Street, Reading, PA 19601) on February 28, 2020, for upgrades to the Reading Waste Water Treatment Plant on Fritz Island located in the City of Reading, **Berks County**. The plan approval was extended.

**36-03207A: Conoy Products LLC** (236 Governor Stable Road, Bainbridge, PA 17502) on March 2, 2020, for an existing 16.752 MMBtu/hr, # 2 oil fired boiler at the rendering facility located in Conoy Township, **Lancaster County**. The plan approval was extended.

*Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

*Contact: Edward Orris, New Source Review Chief, 412.442.4168.*

**30-00072E: Consol Pennsylvania Coal Company, LLC** (1000 Consol Energy Drive, Canonsburg, PA 15317) plan approval extension effective on February 28, 2020, with expiration on August 28, 2020, for continued temporary operation of air contamination sources and controls associated with the Crabapple Overland Conveyor located in Richhill Township, **Greene County**.

**30-00195A: Equitrans, LP** (2200 Energy Drive, Canonsburg, PA 15317), Plan Approval Extension effective on February 28, 2020, with expiration on August 28, 2020, for continued temporary operation of air contamination sources and controls at the Jefferson Compressor Station located in Jefferson Township, **Greene County**.

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

*Contact: David Balog, New Source Review Chief—Telephone: 814-332-6940.*

**10-079F: BNZ Materials, Incorporated** (191 Front Street, Zelenople, PA 16063) on February 28, 2020, effective February 29, 2020, has issued a plan approval extension to await the results of a stack test report in Zelenople Borough, **Butler County**. This is a Title V facility. This will expire on August 27, 2020.

**32-00055H: Homer City Generation LP** (1750 Power Plant Road, Homer City, PA 15748) on February 26, 2020, effective February 28, 2020, has issued a plan approval extension to provide the necessary time to submit an

administrative amendment to incorporate the plan approval into the Title V operating permit in Black Lick and Center Townships, **Indiana County**. This is a Title V facility. This will expire on August 26, 2020.

**32-00055I: Homer City Generation LP** (1750 Power Plant Road, Homer City, PA 15748) on February 26, 2020, effective February 28, 2020, has issued a plan approval extension to provide the necessary time to submit an administrative amendment to incorporate the plan approval into the Title V operating permit in Black Lick and Center Townships, **Indiana County**. This is a Title V facility. This will expire on August 26, 2020.

**32-00055J: Homer City Generation LP** (1750 Power Plant Road, Homer City, PA 15748) on February 26, 2020, effective February 28, 2020, has issued a plan approval extension to provide the necessary time to submit an administrative amendment to incorporate the plan approval into the Title V operating permit in Black Lick and Center Townships, **Indiana County**. This is a Title V facility. This will expire on August 26, 2020.

**37-331C: RWE Holding Company, West Pittsburg Plant** (372 Rundle Road, New Castle, PA 16101) on February 26, 2020, effective February 29, 2020, has issued a plan approval extension for shakedown and development of an operations improvement plan for their system in Taylor Township, **Lawrence County**. This is a State Only facility. This will expire on August 27, 2020.

**43-182D: Wheatland Tube Council Avenue Plant** (1 Council Avenue, Wheatland, PA 16146) on February 26, 2020, effective February 29, 2020, has issued a plan approval extension to give facility time to determine corrective actions in Wheatland Borough, **Mercer County**. This is a Title V facility. This will expire on August 27, 2020.

**43-348B: American Cap Company Incorporated** (15 Church Street, Wheatland, PA 16161) on February 28, 2020, effective February 29, 2020, has issued a three-month plan approval extension to allow the facility time to complete and submit an initial State Only Operating Permit application in Wheatland Borough, **Mercer County**. This is a State Only facility. This will expire on May 29, 2020.

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

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

*Contact: Janine Tulloch-Reid, Facilities Permitting Chief, (484) 250-5920.*

**23-00012: Braskem America, Inc.** (750 West 10th Street, Marcus Hook, PA 19061) on March 2, 2020, for renewal of the Title V Operating Permit for its Marcus Hook Plant, a polypropylene manufacturing facility, located in Marcus Hook Borough, **Delaware County**. The Commonwealth regulations 25 Pa. Code §§ 129.91—129.95, Stationary Sources of NO<sub>x</sub> and VOCs, and §§ 129.96—129.100, Additional RACT Requirements for Major Sources of NO<sub>x</sub> and VOC, which mandate facilities install Reasonably Available Control Technology (RACT), applies to the Braskem plant. This renewal Operating Permit includes conditions for a case-by-case determination for RACT.

Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Contact: Thomas Joseph, Facilities Permitting Chief, 412.442.4336.

**TVOP-65-00622: General Carbide Corporation** (1151 Garden Street, Greensburg, PA 15601) on March 3, 2020, a Title V Operating Permit renewal and RACT II Modification to General Carbide Corporation to authorize the continued operation of the carbide manufacturing facility located in Hempfield Township, **Westmoreland County**.

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

Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6940.

**10-00001:** On February 25, 2020, in accordance with 25 Pa. Code §§ 129.96—129.100, the Pennsylvania Department of Environmental Protection issued a significant modification to the Title V operating permit for the **AK**

**Steel Corporation Butler Works (Butler Works)** owned and operated by AK Steel Corporation in Butler Township, **Butler County**.

The permit modification incorporates the provisions and requirements contained in the amended RACT II approval for the facility, which are intended to satisfy the requirements for the 1997, 2008 and 2015 National Ambient Air Quality Standard (NAAQS) for ozone. The relevant RACT II requirements will be submitted to the U.S. Environmental Protection Agency (EPA) as a revision to Pennsylvania’s State Implementation Plan and will remain in effect until replaced pursuant to 40 CFR 51 and approval by the EPA. Requirements that are not part of the RACT II determination will be excluded from the SIP submittal; this includes the provisions of the Department’s presumptive RACT II requirements in accordance with 25 Pa. Code § 129.97, as they apply to existing sources at this facility. The following is a summary of the proposed amendments to the RACT II determination for this operation that will be submitted to the EPA as a SIP revision:

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

Source I.D.	Source Name	Summary of Additional RACT Requirements for Major Sources of NO <sub>x</sub> and VOC (Alternative RACT II Requirements)
101	EAF # 5	<i>Production Rate:</i> 300 tons/hr liquid steel as a 24-hour average; and the average production rate of liquid steel during the most recent compliant stack test +10% of the production rate, calculated as a 30-day rolling average. (Existing Title V Operating Permit 10-00001 Limitations)
		<i>Emission Limits:</i> NO <sub>x</sub> emission limit shall not exceed 358.75 tons in any consecutive 12-month period for Baghouse # 3; VOC emissions shall not exceed 90 tons per any consecutive 12-month period when using # 3 Baghouse. (Existing Title V Operating Permit 10-00001 Limitations)
		<i>Emission Limits:</i> NO <sub>x</sub> emission limit shall not exceed 0.35 lb/ton of liquid steel produced when the # 5 EAF is operating based on a 24-hour average for Baghouse # 3; VOC emissions shall not exceed 0.09 lb/ton calculated as a 24-hour average when using # 3 Baghouse.(Existing Title V Operating Permit 10-00001 Limitations)
		<i>Work Practice:</i> Use oxy-fuel burner technology (added condition); Implement, follow, and keep on site a scrap pollution prevention plan to prevent the charging of any scrap into the furnace that is heavily oiled or contains a large amount of combustible, nonmetallic, or rubber materials; Install operate and maintain in accordance with manufacturer’s emission-related specifications, if available, or in accordance with good air pollution control practices; Detailed Work Practices to ensure proper operation of air pollution control systems are detailed in Section E, Group Melt Shop; EAF shall only be operated when the DEC system, canopy hood, ductwork, # 3 baghouse fans, # 3 baghouse are functioning properly. (Existing Title V Operating Permit 10-00001 Limitations)
102	EAF # 2	<i>Production limitation:</i> 250,000 tons/yr of liquid steel in any 12-month period. (Existing Title V Operating Permit 10-00001 Limitation)
		<i>Emission Limitations:</i> NO <sub>x</sub> emissions shall not exceed 0.020 lb/ton calculated as a 24-hour average with Baghouse # 1/2; NO <sub>x</sub> emissions shall not exceed 20 tons per any consecutive 12-month period with Baghouse # 1/2; VOC emissions shall not exceed 140 tons per any consecutive 12-month period when using # 1/2 Baghouse; and VOC emissions shall not exceed 0.14 lb/ton calculated as a 24-hour average when using # 1/2 Baghouse. (Existing Title V Operating Permit 10-00001 Limitations)
		<i>Emission Limitations:</i> NO <sub>x</sub> emissions shall not exceed 358.75 tons per any consecutive 12-month period with Baghouse # 3; NO <sub>x</sub> emissions shall not exceed 0.42 lb/ton of liquid steel produced when the # 2 EAF is operating based on a 24-hour average with # 3 Baghouse; VOC emissions shall not exceed 90 tons per any consecutive 12-month period when using # 3 Baghouse; and VOC emissions shall not exceed 0.18 lb/ton calculated as a 24-hour average when using # 3 Baghouse. (Existing Title V Operating Permit 10-00001 Limitations)
		<i>Work Practice:</i> Implement, follow, and keep on site a scrap pollution prevention plan to prevent the charging of any scrap into the furnace that is heavily oiled or contains a large amount of combustible, nonmetallic, or rubber materials; EAF shall only be operated when the DEC system, canopy hood, ductwork, baghouse fans, an # 1/2 and # 3 baghouse are functioning properly; Install operate and maintain in accordance with manufacturer’s emission-related specifications, if available, or in accordance with good air pollution control practices; Detailed Work Practices to ensure proper

Source I.D.	Source Name	Summary of Additional RACT Requirements for Major Sources of NO <sub>x</sub> and VOC (Alternative RACT II Requirements)
		operation of air pollution control systems are detailed in Section E, Group Melt Shop. (Existing Title V Operating Permit 10-00001 Limitations)
109	TCM # 2	<i>Work Practice Standard:</i> Mist Eliminators must operate when source is in operation (added); Monitor pressure drop across mist eliminator filter; Maintain and operate each source and control device in accordance with the manufacturer's emission-related specifications, if available, or in accordance with good air pollution control practices. (Existing Title V Operating Permit 10-00001 Limitations)
110	TCM # 3	<i>Work Practice Standard:</i> Operate Mist Eliminators and monitor pressure drop across mist eliminator filter; Control device must operate when source is in operation. Maintain and operate each source and control device in accordance with the manufacturer's emission-related specifications, if available, or in accordance with good air pollution control practices. (Existing Title V Operating Permit 10-00001 Limitation) (Existing Title V Operating Permit 10-00001 Limitations)
111	HM # 5	<i>Fuel Limitation:</i> 700 mmcf/yr based on a consecutive 12-month period (Existing Title V Operating Permit 10-00001 Limitation); Burn only natural gas (added) <i>Work Practice:</i> Maintain and operate each source in accordance with the manufacturer's emission-related specifications, if available, or in accordance with good air pollution control practices. Perform annual burner maintenance, adjusting, and testing per current permit conditions. (Existing Title V Operating Permit 10-00001 Limitations)
112	HM # 6	<i>Fuel Limitation:</i> 600 mmcf/yr based on a consecutive 12-month period (Existing Title V Operating Permit 10-00001 Limitation); Burn only natural gas (added) <i>Work Practice:</i> Maintain and operate each source in accordance with the manufacturer's emission-related specifications, if available, or in accordance with good air pollution control practices. Perform annual burner maintenance, adjusting, and testing per current permit conditions. (Existing Title V Operating Permit 10-00001 Limitations)
113	HM # 7	<i>Fuel Limitation:</i> 600 mmcf/yr based on a consecutive 12-month period (Existing Title V Operating Permit 10-00001 Limitation); Burn only natural gas (added) <i>Work Practice:</i> Maintain and operate each source in accordance with the manufacturer's emissions-related specifications, if available, or in accordance with good operating and air pollution control practices. Perform annual burner maintenance, adjusting, and testing per current permit conditions. (Existing Title V Operating Permit 10-00001 Limitations)
136	AOD	<i>Throughput Rate:</i> 300 tons/hr of liquid steel calculated as a 24-hr average; and the average production rate of liquid steel during the most recent compliant stack test +10% of the production rate, calculated as a 30-day rolling average. (Existing Title V Operating Permit 10-00001 Limitation) <i>Emission Limitations:</i> NO <sub>x</sub> emission limits of: 20 tpy for Baghouse # 1/2; VOC emissions shall not exceed 140 tons per any consecutive 12-month period when using # 1/2 Baghouse. (Existing Title V Operating Permit 10-00001 Limitations) <i>Work Practice:</i> AOD shall only be operated when the canopy hood, ductwork, # 1/2 baghouse fans, # 1/2 baghouse are functioning properly; Maintain and operate each source in accordance with the manufacturer's emission-related specifications, if available, in accordance with good operating and air pollution control practices; Detailed Work Practices to ensure proper operation of air pollution control systems are detailed in Section E, Group Melt Shop. (Existing Title V Operating Permit 10-00001 Limitations)
137	HM # 8	<i>Fuel Limitation:</i> 600 mmcf/yr based on a consecutive 12-month period (Existing Title V Operating Permit 10-00001 Limitation); Burn only natural gas (added) <i>Work Practice:</i> Maintain and operate each source in accordance with the manufacturer's emission-related specifications, if available, or in accordance with good air pollution control practices; Perform annual burner maintenance, adjusting, and testing per current permit conditions. (Existing Title V Operating Permit 10-00001 Limitations)
156	# 4 AP	<i>Fuel Limitation:</i> Burn only natural gas. (Existing Title V Operating Permit 10-00001 Limitation) <i>Work Practice:</i> Maintain and operate each source in accordance with the manufacturer's emission-related specifications, if available, or in accordance with good air pollution control practices; Perform annual burner maintenance, adjusting, and testing per current permit conditions. (Existing Title V Operating Permit 10-00001 Limitations)
157	# 7 AP	<i>Fuel Limitation:</i> Burn only natural gas. (Existing Title V Operating Permit 10-00001 Limitation) <i>Work Practice:</i> Maintain and operate each source in accordance with the manufacturer's emission-related specifications, if available, or in accordance with good air pollution control practices; Perform annual burner maintenance, adjusting, and testing per current permit conditions. (Existing Title V Operating Permit 10-00001 Limitations)
158	# 12 AP	<i>Fuel Limitation:</i> 1,675 mmcf/yr based on quarterly rolling average (Existing Title V Operating Permit 10-00001 Limitation); Burn only natural gas (added)



Source I.D.	Source Name	Summary of Additional RACT Requirements for Major Sources of NO <sub>x</sub> and VOC (Alternative RACT II Requirements)
		<i>Work Practice:</i> Maintain and operate each source in accordance with the manufacturer's emission-related specifications, if available, or in accordance with good air pollution control practices; Perform annual burner maintenance, adjusting, and testing per current permit conditions. (Existing Title V Operating Permit 10-00001 Limitations)
162	# 26 Carlite	<i>Fuel Limitation:</i> Burn only natural gas. (Existing Title V Operating Permit 10-00001 Limitation)
		<i>Work Practice:</i> Maintain and operate each source in accordance with the manufacturer's emission-related specifications, if available, or in accordance with good air pollution control practices; Perform annual burner maintenance, adjusting, and testing per current permit conditions. Required continued use of Low NO <sub>x</sub> burner technology (Existing Title V Operating Permit 10-00001 Limitations)

**24-00009: Domtar Paper Company, LLC** (100 W. Center St., Johnsonburg, PA 15845). On February 25, 2020, in accordance with 25 Pa. Code §§ 129.96—129.100, the Pennsylvania Department of Environmental Protection issued a significant modification to the Title V operating permit for the Johnsonburg Mill owned by Domtar Paper Company, LLC, in the Borough of Johnsonburg, **Elk County**. The permit modification incorporates the provisions and requirements contained in the RACT II approval for the facility, which are intended to satisfy the requirements for the 1997, 2008, and 2015 National Ambient Air Quality Standard (NAAQS) for ozone. The relevant RACT II requirements are being submitted to the U.S. Environmental Protection Agency (EPA) as a revision to Pennsylvania's SIP and will remain in effect until replaced, pursuant to 40 CFR 51 and approval by the EPA. Requirements that are not part of the RACT II determination will be excluded from the SIP submittal; this includes the provisions of the Department's presumptive RACT II requirements in accordance with 25 Pa. Code § 129.97, as they apply to existing sources at this facility.

**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.**

*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.*

**67-05112: Kinsley Construction, Inc.** (1110 East Princess Street, York, PA 17403-2520) on February 27, 2020, for the structural steel manufacturing facility located in Springettsbury Township, **York County**. The State-only permit was renewed.

**36-05148: Country Value Woodworks LLC** (2302 Beaver Valley Pike, New Providence, PA 17560-9610) on March 2, 2020, for the wood furniture manufacturing facility located in New Providence Township, **Lancaster County**. The State-only permit was renewed.

**67-03143: ESAB Group, Inc.** (1500 Karen Lane, Hanover, PA 17331-8122) on February 20, 2020, for the welding rod manufacturing facility located in Hanover Borough, **York County**. The State-only permit was renewed.

*Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

*Contact: Thomas Joseph, Facilities Permitting Chief, 412.442.4336.*

**04-00013: Allegheny & Tsingshan Stainless, LLC** (100 River Road, Brackenridge, PA 15014) on February 24, 2020, a State Only Operating Permit (SOOP) and RACT II Modification to Allegheny & Tsingshan Stainless, LLC to authorize the operation of a specialty metals finishing facility located in Midland Borough, **Beaver County**.

**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

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

*Contact: Janine Tulloch-Reid, New Source Review Chief—Telephone: 484-250-5920.*

**09-00063: New Hope Crushed Stone and Lime Company** (6970 Phillips Mill Road, New Hope, PA 18938) for operation of one non-metallic mineral processing plant and three diesel engine water pumps in Solebury Township, **Bucks County**. The operating permit was terminated on February 28, 2020 as the facility sold their crushing plant to the new owner, physically removed the equipment from the site, and they will no longer mine stone.

*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.*

**67-03069: H & H Castings, Inc.** (4300 Lincoln Highway, York, PA 17406-8022) on February 27, 2020, for the aluminum foundry located in Hellam Township, **York County**. The State-only permit was administratively amended in order to incorporate the requirements of Plan Approval No. 67-03069C.

**28-05015: Blue Ridge Landfill Co.** (1660 Orchard Drive, Chambersburg, PA 17201-9206) on February 26, 2020, for the Blue Ridge landfill located in Greene Township, **Franklin County**. The Title V permit was administratively amended in order to incorporate the requirements of Plan Approval No. 28-05015B.

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

*Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6940.*

**10-00359: Markwest Liberty Bluestone Sarsen Plant** (1515 Arapahoe Street, Tower 1, Suite 1600, Denver, CO 80202-2137). On February 26, 2020 the Department issued a modification of the State Only Operating Permit for the facility located in Jackson Township, **Butler County**. The modified permit incorporates the applicable requirements of 40 CFR Part 60 Subpart OOOO instead of the previously established requirements of 40 CFR Part 60 Subparts KKK and VV. The facility is complying with the more stringent requirements of Subpart OOOO pursuant to a consent decree with the USEPA.

**37-00318: AMG Titanium Alloys & Coatings LLC** (207 Frenz Drive, New Castle, PA 16101). On February 25, 2020, the Department issued an administrative amendment to the State Only Operating Permit to incorporate the change of ownership for the facility located in Neshannock Township, **Lawrence County**.

**62-00012: Warren Generation LLC** (250 Power Plant Drive, P.O. Box F, Shawville, PA 16873). On February 25, 2020, the Department issued an administrative amendment to the Title V Permit to incorporate the change of ownership for the facility located in Conewango Township, **Warren County**.

*Philadelphia: Air Management Services, 321 University Avenue, Philadelphia, PA 19104-4543.*

*Contact: Edward Wiener, Chief, Source Registration at 215.685.9426.*

The City of Philadelphia, Air Management Services (AMS) intends to issue an amendment for a Synthetic Minor Operating Permit issued on March 4, 2019 for the following facility:

**OP16-000021: Southwest Water Pollution Control Plant** (8200 Enterprise Avenue, Philadelphia, PA 19153) for the operation of air emission sources at a water treatment plant in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include liquid treatment processes, solids treatment processes, two (2) boilers firing digester gas and No. 2 fuel oil each rated 5.230 MMBtu/hr, four (4) boilers firing digester gas and No. 2 Fuel Oil each rated 26.780 MMBtu/hr, four (4) flares firing digester gas and propane each rated 88,150 SCF/hr, two (2) portable washers firing gasoline and No. 2 Fuel Oil each rated 294,000 BTU/hr, and four (4) cold cleaning degreasers using non-halogenated solvents.

The changes made as part of the amendment includes the following:

- Updated Section B: General Conditions to the current AMS versions.
- Updated Section C: Facility Wide to the current AMS versions, and updated Section C.4 to incorporate the changes in the permissible grade of fuel oil usage.
- In Section D: Source Specific Requirements, updated Condition D.6.(b) to change the frequency of reporting to AMS from semi-annual to annual so that Condition D.6.(b) is consistent with Section C.10 and with the requirements for Synthetic Minor Operating Permit.

The operating permit will be issued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information

are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

Persons wishing to file protest, comments, or request a public hearing on the above operating permit must submit the protest, comments or request for public hearing within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least thirty days before the hearing.

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**De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.**

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*Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

*Contact: Edward Orris, New Source Review Chief, 412.442.4168.*

**04-00490C: Dominion Energy Transmission, Inc.** (5000 Dominion Boulevard 2NW, Glen Allen, VA 23060) on February 24, 2020, for de minimis emissions increase pursuant to 25 Pa. Code § 127.449 for up to 0.04 ton of VOC per year, resulting from the installation and operation of additional gas measuring and regulating equipment at its Beaver Compressor Station located in North Sewickley Township, **Beaver County**. To date, no other de minimis emissions increases have occurred at the facility during the term of its current Title V Operating Permit (TV-04-00490). This notice replaces a similar notice for the facility published in the *Pennsylvania Bulletin* on March 2, 2019.

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**Operating Permits Denied, Terminated, Suspended or Revoked under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.431 and 127.461.**

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

*Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6940.*

**24-00079: Ledvance LLC** (835 Washington Street, Saint Marys, PA 15857-3605) on February 25, 2020, the permit was revoked for the facility located in Saint Marys City, **Elk County**. This State Operating Permit was revoked because the facility ceased operations.

**24-00152: Diversified Oil & Gas LLC** (101 McQuiston Drive, Jackson Center, PA 16133) on February 10, 2020, the permit was revoked for the facility located in Horton Township, **Elk County**. This State Operating Permit was revoked because the facility was shut down on February 11, 2018 and has been permanently deactivated from service.

**42-00151: Weralit of America Inc.** (19 East Washington Street, Bradford, PA 16701) on February 10, 2020, the permit was revoked for the facility located in the Bradford City, **McKean County**. This State Operating Permit was revoked because the facility was shut down in October 2019. The sources are being auctioned in March 2020 and removed from the site.

## ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.31); 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); the Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21). 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 such applications will also address the application permitting requirements of the following statutes; the Air Quality 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).**

### Coal Permits Issued

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900, (Contact: Holly Calvetti).*

**Permit No. 32823005 and NPDES No. PA0607231. Bentley Development Company, Inc.,** P.O. Box 338, Blairsville, PA 15717, transfer of an existing bituminous surface and auger mine in Burrell and West Wheatfield Townships, **Indiana County**, affecting 6.8 acres. Receiving stream(s): unnamed tributary to Palmers Run, classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: December 12, 2019. Permit Issued: February 21, 2020.

*New Stanton District Office: P.O. Box 133, 131 Broadview Road, New Stanton, PA 15672, 724-925-5500. (Contact: Tracy Norbert).*

**3378BC21 and NPDES Permit No. PA0251348. Milrock Mining, Inc.,** 960 Penn Avenue, Suite 400, Pittsburgh, PA 15222. Permit renewal for continued treatment of an existing surface mining site located in Wharton and Henry Clay Townships, **Fayette County**, affecting 11.4 acres. Receiving stream(s): unnamed tributaries to Fike Run. There is no potable water intake within 10 miles downstream from the point of discharge. Application received: March 7, 2019. Permit issued: February 25, 2020

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118, (Contact: Theresa Reilly-Flannery).*

**Permit No. 54851336R6. Rausch Creek Coal Preparation Good Spring, LLC** (978 Gap Street, Valley View, PA 17983), renewal of an existing anthracite underground mine, coal preparation plant and coal refuse disposal operation in Porter & Frailey Townships, **Schuylkill County** affecting 14.1 acres. Receiving stream: Good Spring Creek. Application received: February 22, 2018. Renewal issued: February 25, 2020.

**Permit No. 54851336T3: Rausch Creek Coal Preparation Good Spring, LLC** (978 Gap Street, Valley View, PA 17983), transfer of an existing anthracite underground mine, coal preparation plant and coal refuse disposal operation in Porter & Frailey Townships, **Schuylkill**

**County** affecting 14.1 acres. Receiving stream: Good Spring Creek. Application received: November 14, 2018. Transfer issued: February 25, 2020.

**Permit No. PAM118049. Rausch Creek Coal Preparation Good Spring, LLC** (978 Gap Street, Valley View, PA 17983), coverage under the General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Underground Mining Permit No. 54851336 in Porter & Frailey Townships, **Schuylkill County**, receiving stream: Good Spring Creek. Application received: November 14, 2018. Permit issued: February 25, 2020.

**Permit No. 54190201. Rausch Creek Fuel, LLC** (978 Gap Street, Valley View, PA 17983), commencement, operation and restoration of an anthracite coal refuse reprocessing operation in Hegins Township, **Schuylkill County** affecting 34.22 acres. Receiving stream: East and West Branch of Rausch Creek. Application received: November 21, 2018. Permit issued: February 25, 2020.

**Permit No. PAM119001. Rausch Creek Fuel, LLC** (978 Gap Street, Valley View, PA 17983), renew coverage under the General NPDES Permit for Stormwater Discharges Associated with Mining Activities (BMP GP-104) on Surface Mining Permit No. 54190201 in Hegins Township, **Schuylkill County**, receiving stream: East and West Branch of Rausch Creek. Application received: November 21, 2018. Renewal issued: February 25, 2020.

### Noncoal Permits Issued

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

**37910806. Wayne Anthony Ryan** (1504 Highland Avenue, New Castle, PA 16105). Final bond release for a small noncoal mining operation in Union Township, **Lawrence County**. Restoration of 1.0 acre completed. Receiving streams: Mahoning River. Application Received: February 14, 2020. Final bond release approved: February 18, 2020.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118, (Contact: Theresa Reilly-Flannery).*

**Permit No. 36080301C3 and NPDES Permit No. PA0224651. Pierson Rheems, LLC** (426 Swedesboro Road, Pilesgrove, NJ 08098), correction to renew an NPDES Permit for discharge of treated mine drainage from a quarry operation in West Donegal Township, **Lancaster County**. Receiving stream: unnamed tributary to Donegal Creek. Application received: April 27, 2018. Renewal issued: February 28, 2020.

## 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

*New Stanton District Office: P.O. Box 133, 131 Broadview Road, New Stanton, PA 15672, 724-925-5500. (Contact: Tracy Norbert).*

**02204001. Wampum Hardware Company,** 636 Paden Road, New Galilee, PA 16141. Blasting activity

permit for construction of Amazon Warehouse, Sippel Development located in Findlay Township, **Allegheny County** with an expiration date of July 1, 2020. Permit issued: February 26, 2020.

## 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 the applicable provisions of 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.

Any person aggrieved by these actions may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. § 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30-days of publication of this notice 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 any right of appeal beyond that permitted by applicable statutes and decisional law.

If you want to challenge this action, your appeal must reach the Board within 30-days. You do not need a lawyer to file an appeal with the Board.

Important legal rights are at stake, however, so you should show this notice to a lawyer at one. If you cannot afford a lawyer, you may qualify for free pro bono representation. Call the Secretary to the Board (717) 787-3483 for more information.

### WATER OBSTRUCTIONS AND ENCROACHMENTS

**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.**

*Southeast Region: Waterways and Wetlands Program, 2 East Main Street, Norristown, PA 19401, Telephone 484.250.5160.*

*Contact: Elaine Henderson, Clerk Typist 3, 484.250.5157.*

**Permit No. E46-1200, Pennsylvania Department of Transportation, Engineering District 06, 7000 Geerdes**

Boulevard, King of Prussia, PA 19406, Upper Merion Township, **Montgomery County**, ACOE Philadelphia District.

To perform the following water obstruction and encroachment activities associated with the realignment and cantilevering of S.R. 0320 at Hanging Rock which is listed on the National Register of Historic Places.

1) To construct and maintain a spring box with outlet associated with the placement of roadway embankment fill, roadway realignment, and reconstruction activities within an unnamed tributary to Gulph Creek (WWF-MF, Watercourse 3) and wetlands (PEM, Wetland B-1). This activity also includes temporary wetland and floodway impacts due to construction access. Overall, impacts to regulated resources associated with this activity will result in 40.2 linear feet (301 square feet, 0.007 acre) of permeant watercourse impact, 7,563 square feet (0.174 acre) of permanent floodway impact, 2,718 square feet (0.060 acre) of temporary floodway impact, 128 square feet (0.003 acre) of permanent wetland impact, and 41.6 square feet (0.001 acre) of temporary wetland impact.

2) To remove an existing 785 foot long retaining wall system consisting of gabion baskets and a concrete retaining wall within Gulph Mills Creek (WWF, MF) and a tributary to Gulph Mills Creek (WWF-MF) and in its place, construct and maintain three (3) retaining wall sections: two (2) traditional concrete retaining wall sections totaling 407 linear feet and one (1) 558 linear foot section to support an overhanging roadway slab extending a maximum of 5 foot 11 inches over Gulph Mills Creek at the Hanging Rock location associated with roadway reconstruction and raising of roadway profile to improve overtopping and allow for safe travel lanes in both directions. This activity results in 640.3 linear feet (704.1 square feet, 0.0164 acre) of permanent watercourse impact due to riprap placement at base of retaining wall system, 901 linear feet (7,403 square feet, 0.170 acre) of temporary watercourse impact due to placement of cofferdam diversion system, 9,722 square feet (0.224 acre) of permanent floodway impact due to roadway construction and embankment work, and 23,751 square feet (0.545 acre) of temporary floodway impact due to construction access and roadway reconstruction.

The overall project will result in 0.95 acre of floodplain impact and is located between Upper Gulph Road and Arden Road in Upper Merion Township, Montgomery County (USGS PA Norristown Quadrangle—Latitude 40.063930 N, Longitude 75.341929 W).

**Permit No. E46-1180, LCB Berkshire Senior Living Holdings II, LLC, 121 Bellant Circle, Greenville, DE 19807-2219, Lower Merion Township, Montgomery County, ACOE Philadelphia District.**

To demolish the existing mill complex, construct and maintain a six-story, 84 unit senior living facility in its place. The complex will include park, walkway, and various public amenities within the 100-year floodway/floodplain of the Gully Run (WWF, MF) associated with the redevelopment of the property into a senior living facility. The project will include three minor road crossings and one overhead electrical utility crossing. The site is located at 211 Belmont Avenue (Germantown, PA, USGS Quadrangle Latitude: 40.022352; Longitude: -75.231449) in Lower Merion Township, Montgomery County.

*Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, 570-826-2511.*

*Contact: Gillian Ostrum, Clerk Typist 2, 570-830-3077.*

**E3902219-005. Whitehall Township**, 3219 MacArthur Road, Whitehall, PA 18052, Whitehall Township, **Lehigh County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain the following water obstructions and encroachments associated with the Whitehall Township Municipal Complex Project:

1) A fill within a 2,878 ft<sup>2</sup> portion of the floodway of a UNT to Coplay Creek (CWF, MF) consisting of the milling and overlaying of an existing asphalt access road. This impact will result in no net fill in the floodway.

2) A fill within a 232 ft<sup>2</sup> portion of the floodway of a UNT to Coplay Creek (CWF, MF) consisting of a proposed addition to an existing Police Station building. This impact will result in 6,728 ft<sup>3</sup> of fill in the floodway.

3) A fill within a 273 ft<sup>2</sup> portion of the floodway of a UNT to Coplay Creek (CWF, MF) consisting of a proposed addition to an existing Police Station building. This impact will result in 7,644 ft<sup>3</sup> of fill in the floodway.

4) A fill within a 1,489 ft<sup>2</sup> portion of the floodway of a UNT to Coplay Creek (CWF, MF) consisting of a proposed 8-space asphalt parking lot and associated grading. This impact will result in 447 ft<sup>3</sup> of fill in the floodway.

5) A fill within a 5,587 ft<sup>2</sup> portion of the floodway of a UNT to Coplay Creek (CWF, MF) consisting of the milling and overlaying of a of two (2) existing, 8-space asphalt parking lots. This impact will result in 3,743 ft<sup>3</sup> of fill in the floodway.

6) A fill within a 3,075 ft<sup>2</sup> portion of the floodway of a UNT to Coplay Creek (CWF, MF) consisting of a proposed grading. This impact will result in 3,075 ft<sup>3</sup> of fill in the floodway.

The project is located directly southeast of the intersection of MacArthur Road and Municipal Drive (Cementon, PA Quadrangle Latitude: 40° 39' 22" Longitude: -75° 30' 18") in Whitehall Township, Lehigh County.

**E4002219-012. Pennsylvania Turnpike Commission**, 700 S. Eisenhower Blvd, Middletown, PA 17057, in Bear Creek Township, **Luzerne County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain a 12-foot wide emergency gated access road crossing of Tributary to Tenmile Run (HQ-CWF, MF) and adjacent wetlands (EV) for the purpose of connecting turnpike right of way to an existing gravel service road, Old Glen Summit Trail. The crossing consists of a 24-foot long, 54-inch diameter corrugated metal pipe with concrete headwalls and riprap aprons and the placement of fill in a de minimus area of wetlands equal to 0.02 acre.

The project is located along the Pennsylvania Turnpike at milepost A-103.3 (Wilkes-Barre East, PA Quadrangle, Latitude: 41° 10' 18"; Longitude: -75° 46' 44") in Bear Creek Township, Luzerne County.

**E4502219-005. Charles and Rosemary Marianik**, 114 Trout Creek Drive, Pocono Lake, PA 18347, Coolbaugh Township, **Monroe County**, Army Corps of Engineers Philadelphia District.

To construct and maintain a 100 sq. ft., wave armor (molded, UV protected polyethylene), pile supported, recre-

ational dock in Arrowhead Lake (EV, MF). The project is located at Lot 24, Block A-41, Section 9 of the Arrowhead Lake subdivision.

**E4802219-004. Northampton Borough**, 1401 Laubach Avenue, Northampton, PA 18067-1677, Northampton Borough, **Northampton County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain the following water obstructions and encroachments associated with a stream restoration project along a 1,400-LF reach of Dry Run (CWF, MF):

1) To conduct stream restoration work consisting of brush layering, jute matting with live stake plantings, streambank toe protection consisting of R-3 riprap placement, re-grading the streambank to a 3:1 slope, and the in-stream placement of thirteen (13) sawtooth deflectors.

2) To maintain an existing 30-inch diameter reinforced concrete stormwater outfall pipe along the northern streambank of Dry Run (CWF, MF) consisting of a concrete endwall and R-7 riprap apron.

3) To maintain an existing 18-inch diameter corrugated plastic stormwater outfall pipe along the northern streambank of Dry Run (CWF, MF) consisting of a concrete endwall and R-6 riprap apron.

4) To maintain an existing 24-inch diameter reinforced concrete stormwater outfall pipe along the northern streambank of Dry Run (CWF, MF) consisting of a concrete endwall and R-7 riprap apron.

The limits of the project are located between Adrianna Court and Howertown Road (Catasauqua, PA Quadrangle Latitude: 40° 40' 37.04"; Longitude: -75° 28' 44.56") in Northampton Borough, Northampton County.

*Southwest Region: Dana Drake, Waterways and Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**E02051-1828, PennDOT District 11-0**, 45 Thoms Run Road, Bridgeville, PA 15017, South Fayette Township, **Allegheny County**, Pittsburgh ACOE District.

Has been given consent to:

Remove the existing SR 0050 Bridge superstructure over Chartiers Creek, having a drainage area of 165 mi<sup>2</sup> (Impact 1). The existing bridge out-to-out width is approximately 57.75-feet and consists of 14 prestressed concrete adjacent box beams (48" wide x 54" deep) and a 5" minimum composite concrete deck. The existing abutments will remain and have a normal clear span of about 127-feet. The temporary disturbance associated with the project consists of about 380-feet for construction access roads parallel to the stream and underneath the bridge on either side of the channel.

To construct and maintain the bridge superstructure, widened abutments, and scour protection for the SR 0050 Bridge over Chartiers Creek, having a drainage area of 165 mi<sup>2</sup> (Impact 2). The total out-to-out width will be 89.13-feet and will be widened a total of 31.38-feet from the existing condition. The normal clear span will be maintained at 127-feet and the low chord will be increased 0.35-feet from the existing condition. The structure will be constructed on the existing horizontal and vertical alignment. The proposed superstructure will consist of 43.3-inch deep steel beams, an 8-inch reinforced concrete deck, 1" minimum latex modified concrete overlay, and a 2'-1/2" high PA Type 10M bridge barrier. The total length of permanent stream impact in direction of

flow is about 144-feet to accommodate the widened structure and scour protection.

To remove six stormwater outfalls associated with the existing bridge and roadway. The temporary impact associated with the removal of these outfalls is included in Impact 1 previously listed because they are within the temporary impact footprint.

To construct and maintain a 24-inch diameter stormwater pipe and rock apron (Impact 3 Outfall A0) having a permanent impact of 7-feet wide by 19-feet long.

To construct and maintain an 18-inch diameter stormwater pipe and rock apron (Impact 4 Outfall B0) having a permanent impact of 7-feet wide by 28-feet long.

To construct and maintain an 18-inch diameter stormwater pipe and rock apron (Impact 5 Outfall C0) having a permanent impact of 7-feet wide by 23-feet long.

To construct and maintain an 18-inch diameter stormwater pipe and rock apron (Impact 6 Outfall D0) having a permanent impact of 7-feet wide by 15-feet long.

To remove the existing outfall (Impact 7) having a temporary impact of 21-feet wide by 16-feet and construct and maintain an 18-inch diameter stormwater pipe and rock apron (Impact 8 Outfall E0) having a permanent impact of 7-feet wide by 16-feet long.

The project site is located near the intersection of SR 0050 (Washington Pike), and Chartiers Street (Bridgeville, PA USGS topographic quadrangle; N: 40°, 21', 18.56"; W: 80°, 6', 51.72"; Sub-basin 20F; USACE Pittsburgh District), in Bridgeville Borough, South Fayette Township, Allegheny County.

**E11051-363, Northern Cambria Borough**, 1202 Philadelphia Avenue, Northern Cambria, PA 15717-1385, Blacklick Township, **Cambria County**, Pittsburgh ACOE District.

Has been given consent to:

Remove an existing, structurally deficient, 5 LF wide by 4.5 LF high by 43 LF concrete arch culvert, over an unnamed tributary (UNT) to South Branch Blacklick Creek (STR01, CWF), and construct and maintain a replacement 91-inch wide by 58-inch high by 76 LF long reinforced concrete elliptical pipe, which includes an 8 LF inlet protection and a 34 LF log-step pool downstream of the structure.

To realign, stabilization, UNT to South Branch Blacklick Creek (STR02, CWF) and construct and maintain a pipe extension carrying UNT to Blacklick Creek, resulting in 45 LF of permanent and 198 LF of temporary impact to UNT to Blacklick Creek.

To relocate 308 LF of existing UNT to South Branch Blacklick Creek (STR03, CWF), by constructing and maintaining 280 LF of new channel including the relocation of an existing 42 LF private driveway crossing and a 37 LF private driveway crossing.

Project impacts include 473 LF of permanent, and 668 LF of temporary impacts to UNT's to South Branch Blacklick Creek, for the purpose of improving road sight distance, and replacing a deficient structure.

The project site is located on SR 271 (Station Road) between Twin Rocks, and Nanty Glo, PA (Nanty Glo, PA USGS topographic quadrangle; N: 40°, 29', 0.4468"; W: 78°, 50', 39.3808"; Sub-basin 18D; USACE Pittsburgh District), in Blacklick Township, Cambria County.

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

**E0306119-002, PADOT Engineering District 10-0**, 2550 Oakland Ave., Indiana, PA 15701, S.R. 028, Section 112, in Boggs Township, **Armstrong County**, ACOE Pittsburgh District (Distant, PA Quadrangle N: 40°, 54', 17.2"; W: 79°, 22', 15.9").

To conduct the following impacts associated with a highway safety improvement project consisting of the widening and realignment of S.R. 0028, Section 112 at the Village of Goheenville (Distant, PA Quadrangle N: 40°, 54', 17.2"; W: 79°, 22', 15.9") in Boggs Township, Armstrong County:

1. To remove the existing outfall and to construct and maintain 20-linear feet of new outfall along UNT Scrubgrass Creek (STR-02, CWF).

2. To construct and maintain 760-linear feet of fill along UNT Scrubgrass Creek (STR-02, CWF) and to remove the existing structure and to construct and maintain 160-linear feet, 9-foot diameter reinforced concrete pipe on a new alignment.

3. To construct and maintain 76-linear feet of permanent fill along UNT Scrubgrass Creek (STR-03, CWF).

4. To construct and maintain 73-linear feet of permanent fill along UNT Scrubgrass Creek (STR-03A, CWF).

5. To permanently fill and maintain 2,088 square feet of fill in wetland WL-01 (PEM).

6. To temporarily impact 5-linear feet of UNT Scrubgrass Creek (STR-01A, CWF) to facilitate the relocation of UNT Scrubgrass Creek (STR-02, CWF).

7. To construct and maintain 43 linear feet of permanent fill along UNT Scrubgrass Creek (STR-01B, CWF).

8. To construct and maintain 42 linear feet of permanent fill along UNT Scrubgrass Creek (STR-01, CWF).

9. To construct and maintain outfalls of various size resulting in 80-linear feet of impacts to Scrubgrass Creek (STR-05, CWF).

10. To remove the existing structure and to construct and maintain a 155-foot long concrete box culvert having a 16-foot wide by 7.5-foot high waterway opening and to construct and maintain 435 linear feet of fill along Scrubgrass Creek (STR-05, CWF).

11. To remove the existing structure and to construct and maintain a 421-foot long, 18-inch diameter RCP carrying UNT Scrubgrass Creek (STR-04, CWF), under SR 0028.

12. To remove the existing structure and to construct and maintain a 221-foot long, 18-inch diameter RCP carrying UNT Scrubgrass Creek (STR-06, CWF) under SR 0028.

13. To construct and maintain 1,487 square feet of permanent fill in wetland WL-02 (PEM).

14. To construct and maintain 3,324 square feet of permanent fill and 665 square feet of temporary impacts to wetland WL-03 (PEM).

15. To remove the existing structure, restoring 75 feet of stream channel, and to construct and maintain a two-span composite prestressed concrete PA bulb-tee bridge having two identical spans of 119.04 feet and a minimum underclearance of 32.2 feet on a new horizontal and vertical alignment over UNT Scrubgrass Creek (STR-07, Laurel Run, CWF).

16. To construct and maintain outfalls of various size along UNT Scrubgrass Creek (STR-07, CWF).

The project includes construction of 0.191 acre of wetland onsite as mitigation for the 0.158 acre of permanent wetland impact and the construction of various stream enhancements totaling 1,379 linear feet to offset the 1,304 linear feet of permanent stream loss/impact associated with the project.

*Eastern Region: Oil and Gas Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.*

**E0829-125: Appalachia Midstream, LLC, 30351 Route 6, Wysox, PA 18854, Wilmot Township, Bradford County, ACOE Baltimore District.**

To construct, operate and maintain:

1. a 10-inch diameter natural gas line and a temporary timber mat bridge impacting 1,342 square feet of a Palustrine Scrub-Shrub Wetland (EV) (Colley, PA Quadrangle, Latitude: 41° 32' 47", Longitude: -76° 16' 19");

2. a 10-inch diameter natural gas line and a temporary timber mat bridge impacting 150 linear feet of an unnamed tributary to Wolf Run (CWF, MF) and impacting 664 square feet of an adjacent Palustrine Emergent Wetland (EV) and 644 square feet of an adjacent Palustrine Scrub-Shrub Wetland (EV) (Colley, PA Quadrangle, Latitude: 41° 32' 50", Longitude: -76° 16' 26");

3. a 10-inch diameter natural gas line and a temporary timber mat bridge impacting 14,315 square feet of a Palustrine Emergent Wetland (EV) (Colley, PA Quadrangle, Latitude: 41° 32' 49", Longitude: -76° 16' 29");

4. a 10-inch diameter natural gas line and a temporary timber mat bridge impacting 21 linear feet of an unnamed tributary to Wolf Run (CWF, MF) and impacting 57 square feet of a Palustrine Emergent Wetland (Colley, PA Quadrangle, Latitude: 41° 32' 48", Longitude: -76° 16' 44");

5. a 10-inch diameter natural gas line and a temporary timber mat bridge impacting 5,720 square feet of a Palustrine Emergent Wetland (EV) (Colley, PA Quadrangle, Latitude: 41° 32' 54", Longitude: -76° 16' 50");

6. a 10-inch diameter natural gas line and a temporary timber mat bridge impacting 52 linear feet of an unnamed tributary to Wolf Run (CWF, MF) (Colley, PA Quadrangle, Latitude: 41° 33' 00", Longitude: -76° 16' 53");

7. a 10-inch diameter natural gas line and a temporary timber mat bridge impacting 103 linear feet of an unnamed tributary to Wolf Run (CWF, MF) (Colley, PA Quadrangle, Latitude: 41° 32' 58", Longitude: -76° 16' 53");

8. a 10-inch diameter natural gas line and a temporary timber mat bridge impacting 52 linear feet of an unnamed tributary to Wolf Run (CWF, MF) and impacting 538 square feet of an adjacent Palustrine Emergent Wetland (EV) (Colley, PA Quadrangle, Latitude: 41° 33' 08", Longitude: -76° 17' 03").

The project will result in 228 linear feet or 1,061 square feet of temporary stream impacts and 21,294 square feet (0.49 acre) of PEM and 1,986 square feet (0.05 acre) of PSS wetland impacts all for the purpose of installing a natural gas pipeline with associated access roadways for Marcellus shale development in Wilmot Township, Bradford County. This project is associated with permit application number E5729-096.

**E5729-096: Appalachia Midstream, LLC, 30351 Route 6, Wysox, PA 18854, Colley Township, Sullivan County, ACOE Baltimore District.**

To construct, operate and maintain:

1. a 10-inch diameter natural gas line and a temporary timber mat bridge impacting 6,263 square feet of a Palustrine Emergent Wetland (EV) (Colley, PA Quadrangle, Latitude: 41° 32' 46", Longitude: -76° 16' 31");

2. a 10-inch diameter natural gas line and a temporary timber mat bridge impacting 62 linear feet of an unnamed tributary to Wolf Run (CWF, MF) and impacting 2,528 square feet of an adjacent Palustrine Emergent Wetland (EV) (Colley, PA Quadrangle, Latitude: 41° 32' 47", Longitude: -76° 16' 37");

3. a 10-inch diameter natural gas line and a temporary timber mat bridge impacting 69 linear feet of Wolf Run (CWF, MF) (Colley, PA Quadrangle, Latitude: 41° 32' 47", Longitude: -76° 16' 43");

4. a 10-inch diameter natural gas line and a temporary timber mat bridge impacting 34 linear feet of an unnamed tributary to Wolf Run (CWF, MF) (Colley, PA Quadrangle, Latitude: 41° 32' 48", Longitude: -76° 16' 45");

5. a 10-inch diameter natural gas line and a temporary timber mat bridge impacting 187 linear feet of an unnamed tributary to Wolf Run (CWF, MF) (Colley, PA Quadrangle, Latitude: 41° 32' 47", Longitude: -76° 16' 44");

6. a 10-inch diameter natural gas line and a temporary timber mat bridge impacting 57 linear feet of an unnamed tributary to Wolf Run (CWF, MF) (Colley, PA Quadrangle, Latitude: 41° 32' 48", Longitude: -76° 16' 45");

The project will result in 409 linear feet or 3,995 square feet of temporary stream impacts and 8,791 square feet (0.20 acre) of PEM impacts all for the purpose of installing a natural gas pipeline with associated access roadways for Marcellus shale development in Colley Township, Sullivan County. This project is associated with permit application number E0829-125.

#### ENVIRONMENTAL ASSESSMENTS

*Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 2, 400 Market Street, Harrisburg, PA 17101, telephone number: 717-787-3411.*

**EA3614-003. East Hempfield Township, 1700 Nissley Road, Landisville, PA 17538, East Hempfield Township, Lancaster County, USACOE Baltimore District.**

Project proposes to remove approximately 80,000 cubic yards of legacy sediment from the floodplain along Swarr Run (TSF/MF) for the purpose of restoring natural aquatic ecosystems including wetlands, streams, and floodplains; to construct temporary roadways and other erosion controls during restoration activities, to rehabilitate approximately 1.1 acre of existing wetlands and re-establish approximately 11.8 acres of wetlands; to realign approximately 3,740 lineal feet of Swarr Run for the purpose of restoring a total of approximately 6,454 lineal feet of anastomosing stream channel; to place wood grade control structures, log sills, root wads, woody debris habitat structures, energy dissipation boulders, and rip rap grade control structures within the restoration area. The project is located near State Road and PA-283 interchange and the intersection of Yellow Goose Road and State Road (USGS Quadrangle: Lancaster & Columbia East, PA: Latitude: 40° 05' 0"; Longitude: -76° 22' 56").

**EROSION AND SEDIMENT CONTROL**

The following Erosion and Sediment Control permits have been issued.

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

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

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

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.*

ESCGP-3 # ESG0300015002 Major Amendment  
Applicant Name Sunoco Pipeline, L.P.  
Contact Person Mr. Matthew Gordon  
Address 535 Fritztown Road  
City, State, Zip Sinking Spring, PA 19608  
County Perry  
Township(s) Toboyne Township  
Receiving Stream(s) and Classification(s) Horse Valley Run (HQ-CWF, MF) UNT Horse Valley Run (HQ-CWF, MF)

ESCGP-3 # ESG0300015002 Major Amendment  
Applicant Name Sunoco Pipeline, L.P.  
Contact Person Mr. Matthew Gordon  
Address 535 Fritztown Road  
City, State, Zip Sinking Spring, PA 19608  
County Blair  
Township(s) Woodbury Township  
Receiving Stream(s) and Classification(s) Piney Creek (HQ-CWF, MF) UNTs Piney Creek (HQ-CWF, MF)

*Northwest Region: Oil and Gas Management, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6860. Contact Mary Slye, Clerical Supervisor, 814-332-6325.*

ESCGP-3 # ESG080319013-00 Frosty Mug Well Site  
Applicant Name Snyder Bros Inc.  
Contact Person Carl Rose  
Address P.O. Box 1022, One Glade Park East  
City, State, Zip Kittanning, PA 16201  
County Armstrong County  
Township(s) Boggs Township  
Receiving Stream(s) and Classification(s) UNTS to South Fork Pine Creek HQ-CWF  
Secondary South Fork Pine Creek HQ-CWF

*Eastern Region: Oil and Gas Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.*

ESCGP-3 # ESG294119031-01  
Applicant Name Beech Resources, LLC  
Contact Person Donald Stevenson  
Address 343 Pine Street, Ste 1  
City, State, Zip Williamsport, PA 17701  
County Lycoming  
Township(s) Lycoming and Old Lycoming  
Receiving Stream(s) and Classification(s) UNT to Bottle Run (WWF), UNT to Thorn Brook (WWF), and UNT to Beautys Run (WWF)  
Secondary: Lycoming Creek (EV)

ESCGP-3 # ESX29-115-15-0034(01)  
Applicant Name Appalachia Midstream Services, LLC  
Contact Person Adam Weightman  
Address 30351 Route 6  
City, State, Zip Wysox, PA 18854  
County Susquehanna  
Township(s) Auburn  
Receiving Stream(s) and Classification(s) UNT to Little Meshoppen Creek (CWF, MF)

ESCGP-3 # ESG295820002-00  
Applicant Name Williams Field Services Co, LLC  
Contact Person Barry Mahar  
Address 30351 Route 6  
City, State, Zip Wysox, PA 18854  
County Susquehanna  
Township(s) Lenox  
Receiving Stream(s) and Classification(s) Tower Branch # 3850 NRT-CWF-MF

ESCGP-3 # ESG293519001-00  
Applicant Name EXCO Resources (PA), LLC  
Contact Person Brian Rushe  
Address 13448 State Route 422, Suite 1  
City, State, Zip Kittanning, PA 16201  
County Lackawanna  
Township(s) Greenfield  
Receiving Stream(s) and Classification(s) UNT to South Branch Tunkhannock Creek and UNT to Dundaff Creek

## **CORRECTIVE ACTION UNDER ACT 32, 1989**

### **PREAMBLE 2**

**The following plans and reports were submitted under the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104).**

Provisions of 25 Pa. Code Chapter 245 Subchapter D, Administration of the Storage Tank and Spill Prevention Program, require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A remedial action plan is submitted to summarize the site characterization, document the design and construction details for the remedial action, and describe how the remedial action will attain the selected remediation standard. The remedial action plan also provides results of studies performed and data collected to support the remedial action and a description of postremediation care requirements. A remedial action completion report is submitted to document cleanup of a release of a regulated substance at a site to the selected remediation standard. A remedial action completion report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the



environmental media of concern, documentation supporting the selection of residential or non-residential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

For further information concerning plans or reports, please contact the Environmental Cleanup Program Manager in the DEP Regional Office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the DEP through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Southeast Regional Office: Environmental Cleanup & Brownfields Program, 2 East Main Street, Norristown, PA 19401, 484-250-5960.*

*Contact: Richard Staron, Professional Geologist Manager.*

**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 Evergreen Resources Management Operations, 2 Righter Parkway, Suite 120, Wilmington, DE 19803, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum products. The report is intended to document remediation of the site to meet the nonresidential Statewide health and site-specific standards.

**Willow Grove Term**, 46-02711, 3290 Sunset Ln., Upper Moreland Township, **Montgomery County**. Mulry Cresswell Environmental, Inc., 1679 Horseshoe Pike, Glenmoore, PA 19343, on behalf of Evergreen Resources Management Operations, 2 Righter Parkway, Suite 120, Wilmington, DE 19803 submitted a Site Characterization Report concerning remediation of soil and groundwater contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet residential site-specific standards.

*Northeast Region: Environmental Cleanup & Brownfields Program Manager; 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.*

**Dorrance Sunoco**, Storage Tank ID # 40-20336, 7018 Blue Ridge Trail, Mountain Top, PA 18707, Dorrance Township, **Luzerne County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Liberty Truck Center, Inc., 2227 Scranton-Carbondale Highway, Scranton, PA 18508, 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 Statewide Health Standards.

**Sheetz # 319**, Storage Tank ID # 40-37719, 163 South Memorial Highway, Trucksville, PA 18708, Kingston Township, **Luzerne County**, EnviroTrac, on behalf of Sheetz, 351 Sheetz Way, Claysburg, PA 16625, submitted a revised, combined Site Characterization Report and Remedial Action Plan concerning remediation of groundwater contaminated with gasoline. The report is intended to document the remedial actions for meeting Statewide Health Standards.

*Southcentral Regional Office: Environmental Cleanup & Brownfields Program, 909 Elmerton Avenue, Harrisburg, PA 17110, 717-705-4705.*

*Contact: Gregory Bowman, Environmental Group Manager.*

**Point Store**, Storage Tank Facility ID # 44-12044, 5867 Highway 522 North, McClure, PA 17841, Decatur Township, **Mifflin County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16601, on behalf of Mr. Jeff Bell, Point Store, 5867 Highway 522 North, McClure, PA 17841 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum constituents. The plan is intended to document remediation of the site to meet the Site-Specific Standard.

**Pilot Travel Center # 4563**, Storage Tank Facility ID # 22-25046, 7833 Linglestown Road, Harrisburg, PA 17112, West Hanover Township, **Dauphin County**. Sovereign Consulting, 50 West Welsh Pool Road, Suite 6, Exton, PA 19341, on behalf of Pilot Travel Centers, LLC, P.O. Box 10146, 5508 Lonas Drive, Knoxville, TN 37939 submitted a combination Remedial Action Plan and Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum constituents. The plan is intended to document remediation of the site to meet the Site-Specific Standard.

**Bressler Service Station**, Storage Tank Facility ID # 06-05360, PA Route 501 and Old US Route 22, Bethel, PA 19057, Bethel Township, **Berks County**. Reliance Environmental, Inc., 235 N. Duke Street, Lancaster, PA 17602 on behalf of Bressler Service, Inc., PA Route 501 and Old US Route 22, Bethel, PA 19057 submitted a Remedial Action Completion Report concerning remediation of groundwater contaminated with petroleum constituents. The plan is intended to document remediation of the site to meet the Statewide Health Standard.

**Speedway # 6713**, Storage Tank Facility ID # 06-23196, 200 Lancaster Avenue, Reading, PA 19611, Reading City, **Berks County**. Speedway LLC, 500 Speedway Drive, Enon, OH 45323 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum constituents. The plan is intended to document remediation of the site to meet the Site-Specific Standard and the Statewide Health Standard.

*Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701, Telephone number: 570-327-3636.*

*Contact: Lisa Hensel, Clerk Typist II, 570-327-3653.*

**Sunoco Facility 0003-2037**, Storage Tank Facility ID # 49-70098, 5th & Market Streets, Mount Carmel, **Northumberland County**. Groundwater & Environmental Services, Inc., 301 Commerce Park Drive, Cranberry Township, PA 16066 on behalf of Evergreen Resources Management Operating, 2 Righter Parkway, Suite 120, Wilmington, DE 19803 has submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with unleaded gasoline. The plan is intended to document remedial actions for meeting the Residential Site-Specific Standard.

**Former Sunoco Facility**, Storage Tank Facility ID # 14-24228, 141 West Bishop Street, Bellefonte, **Centre County**. EnviroTrac, Ltd., 176 Thorn Hill Road, Warrendale, PA 15086, on behalf of Evergreen Resources Group, LLC, 2 Righter Parkway, Suite 120, Wilmington, DE 19803, 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 Standard.

**Sunoco Facility 0003-2037**, Storage Tank Facility ID # 49-70098, 5th & Market Streets, Mount Carmel, **Northumberland County**. Groundwater & Environmental Services, Inc., 301 Commerce Park Drive, Cranberry Township, PA 16066 on behalf of Evergreen Resources Management Operating, 2 Righter Parkway, Suite 120, Wilmington, DE 19803 has submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet the Residential Statewide Health and Site-Specific Standards.

**Turkey Hill Minit Market Store 184**, Storage Tank Facility ID # 49-71058, 140 W. Lincoln Street, Shamokin, **Northumberland County**. McKee Environmental, Inc., 145 Exeter Lane, Bellefonte, PA 16823, on behalf of Turkey Hill Minit Markets, 257 Centreville Road, Lancaster, PA 17872, submitted a Remedial Action Completion Report concerning remediation of soil contaminated with Petroleum. The report is intended to document remediation of the site to meet the Site-Specific Standard for soil and Statewide Health Standard for groundwater.

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

**Bridgeville BP**, Storage Tank Primary Facility ID # 02-26653, 3010 Washington Pike, Bridgeville, PA 15017, South Fayette Township, **Allegheny County**. Flynn Environmental, Inc., 5640 Whipple Avenue NW, North Canton, OH 44720, on behalf of FIDC 63, LLC, 100 Debartolo Place, # 400, Youngstown, OH 44512, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum products. The report is intended to document remediation of the site to meet the non-residential site-specific standard.

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

**Country Fair 64**, Storage Tank Facility ID # 42-91548, 8 West Washington Street, City of Bradford, **McKean County**. Groundwater & Environmental Services, Inc., 301 Commerce Park Drive, Cranberry Township, PA 16066, on behalf of Country Fair, Inc., 2251 East 30th Street, Erie, PA 16510 submitted a Remedial Action Plan concerning remediation of groundwater contaminated with benzene, ethylbenzene, toluene, xylenes, isopropyl benzene, naphthalene, MTBE, 1,2,4 trimethylbenzene, 1,3,5 trimethylbenzene. The plan is intended to document the remedial actions for meeting the Statewide Health Standard.

## CORRECTIVE ACTION UNDER ACT 32, 1989

### PREAMBLE 3

**The DEP has taken action on the following plans and reports under the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104).**

Provisions of 25 Pa. Code Chapter 245 Subchapter D, Administration of the Storage Tank and Spill Prevention Program, require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports.

A remedial action plan is submitted to summarize the site characterization, document the design and 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 Regional Office: Environmental Cleanup & Brownfields Program, 2 East Main Street, Norristown, PA 19401, 484-250-5960.*

*Contact: Richard Staron, Professional Geologist Manager.*

**Oak Lane Day Sch**, 46-00794, 137 Stenton Ave., Whitpain Township, **Montgomery County**. Penn E&R, Inc., 2755 Bergey Road, Hatfield, PA 19440, on behalf of Hansen Properties, Inc., 1401 Morris Road, Blue Bell, PA 19422 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with leaded & unleaded gasoline. The report demonstrated attainment of the residential Statewide Health Standards and was approved by the Department on February 19, 2020.

**Middletown Twp Delaware Cnty**, 23-16484, 27 N Pennell Rd, Middletown Township, **Delaware County**. Pennoni Associates, Inc., 1900 Market Street, Suite 300, Philadelphia, PA 19103, on behalf of Middletown Township, 27 N. Pennell Road, Media, PA 19063 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline and diesel fuel. The Remedial Action Completion Report did not demonstrate attainment of residential Statewide Health Standards and was disapproved by the Department on February 14, 2020.

**Wawa 8024**, 15-32845, 210 Kimberton Rd., Schuylkill Township, **Montgomery County**. Aquaterra Technologies, Inc., P.O. Box 744, West Chester, PA 19380, on behalf of Wawa, Inc., 260 W. Baltimore Pike, Wawa, PA 19063, submitted a Site Characterization Report 310(b) concerning remediation of soil contaminated with unleaded gasoline. The report demonstrated attainment of the nonresidential Statewide Health Standards and was approved by the Department on February 18, 2020.

**Top Star 41**, 46-37308, 550 N. Lewis Rd., Limerick Township, **Montgomery County**. Synergy Environmental, Inc., 155 Rail Road Plaza, First Floor, Royersford, PA 19468, on behalf of Top Star No. 41, 14 East Market Street, Emmaus, PA 18049, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum products. The RACR demonstrated attainment of residential Statewide Health Standards for soil and groundwater and was approved by the DEP on February 18, 2020.

**Cumberland Gulf 160755 L**, 51-09165, 3030 Grant Avenue, City of Philadelphia, **Philadelphia County**. Arcadis, 6041 Wallace Road, Suite 300, Wexford, PA 15090 on behalf of Chevron Environmental Management Company submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum products. The Remedial Action Plan was acceptable to meet nonresidential Statewide health and site-specific standards and was approved by the DEP on January 30, 2020.

**Thomas M Durkin & Sons**, 51-02338, 3030 Grant Avenue, **City of Philadelphia**. Aeon Geoscience, Inc., 2120 Bellemead Avenue, Suite 14-2, Havertown, PA 19083-2250 on behalf of Durkin Contracting Company, Inc., 3030 Grant Avenue, Philadelphia, PA 19114 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum products. The RACR demonstrated attainment of nonresidential Statewide Health Standards for soil and site-specific standards for groundwater and was approved by the DEP on February 4, 2020.

**Chestnut Hill Mobil**, 51-43700, 8019 Germantown Ave., **City of Philadelphia**. Synergy Environmental, Inc., 155 Rail Road Plaza, First Floor, Royersford, PA 19468, on behalf of Cross America Partners, 600 W. Hamilton Street, Suite 500, 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 13, 2020.

*Northeast Region: Environmental Cleanup & Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.*

**Former York's Service Station (AKA Puff-N-Stuff)**, Storage Tank ID # 35-08032, 990 Lakeland Drive, Scott Township, **Lackawanna County**. Geological and Environmental Associates, 430 West Mountain Road, Plymouth, PA 18651, on behalf of Jackie Bores, 983 Lakeland Drive, Montdale, PA 18447, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with gasoline. The Remedial Action Completion Report did not demonstrate attainment of the Statewide Health Standards and was disapproved by DEP on February 28, 2020.

*Southcentral Regional Office: Environmental Cleanup & Brownfields Program, 909 Elmerton Avenue, Harrisburg, PA 17110, 717-705-4705.*

*Contact: Gregory Bowman, Environmental Group Manager.*

**Pilot 4563**, Storage Tank Facility ID # 22-25046, 7833 Linglestown Road, Harrisburg, PA 17112, West Hanover Township, **Dauphin County**. Sovereign Consulting, 50 West Welsh Pool Road, Exton, PA 19341, on behalf of Pilot Travel Center, 7833 Linglestown Road, Harrisburg, PA 17112 submitted a combined Remedial Action Plan and Remedial Action Completion Report concerning

remediation of soil and groundwater contaminated with petroleum constituents. The combined plan is intended to document remediation of the site to meet the Statewide Health Standard. The combined Remedial Action Plan and Remedial Action Completion Report did not demonstrate attainment of the Statewide Health Standard and was disapproved by the Department of Environmental Protection on February 7, 2020.

**New Berlinville Gulf**, Storage Tank Facility ID # 06-30350, 1255 Montgomery Avenue, New Berlinville, PA 19545, Washington Township, **Berks County**. WSP, 4 West Chester Park Drive, Suite 175, White Plains, NY 10604, on behalf of Cumberland Farms, Inc. submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum constituents. The Remedial Action Completion Report demonstrated attainment of the Statewide Health and Site-Specific Standards and was approved by the Department of Environmental Protection on February 13, 2020.

**Kwik Fill S 32**, Storage Tank Facility ID # 07-22455, 5660 E. Pleasant Valley Boulevard, Old Route 220 South, Tyrone, PA 16686, Tyrone Township, **Blair County**. Groundwater and Environmental Services, Inc., 301 Commerce Park Drive, Cranberry Township, PA 16066 on behalf of United Refining Company of PA, 814 Lexington Avenue, Warren, PA 16365 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum constituents. The Remedial Action Completion Report did not demonstrate attainment of the Site-Specific Standard and was disapproved by the Department of Environmental Protection on February 14, 2020.

**Former Exxon Facility # 20558**, Storage Tank Facility ID # 21-06980, Plainfield Turnpike Plaza, Plainfield, PA 17018, West Pennsboro Township, **Cumberland County**. Kleinfelder, 1745 Dorsey Road, Suite J, Hanover, MD 21076 on behalf of Exxon Mobil Environmental and Property Solutions Company, 565 Longley Road, Groton, MA 01450 submitted a combination Remedial Action Plan and Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum constituents. The combined Remedial Action Plan and Remedial Action Completion Report did not demonstrate attainment of the Site-Specific Standard and was disapproved by the Department of Environmental Protection on February 19, 2020.

*Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701, Telephone number: 570-327-3636.*

*Contact: Lisa Hensel, Clerk Typist II, 570-327-3653.*

**7-11 Store 40157 (Former Sunoco Station # 0363-3468)**, Storage Tank Facility ID # 49-24097, N. Fourth Ave and Arch Street, City of Sunbury, **Northumberland County**. Aquaterra Technologies, Inc., P.O. Box 744, West Chester, PA 19381, on behalf of Sunoco, LLC, c/o Evergreen Resources Group, LLC, 2 Righter Parkway, Suite 120, Wilmington, DE 19803 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with leaded and unleaded gasoline. The Remedial Action Completion Report demonstrated attainment of the Site-Specific Standard and was approved by the Department on February 25, 2020.

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

**T-Bones BP**, Storage Tank Primary Facility ID # 02-28578, 100 VIP Drive, Wexford, PA 15090, Marshall Township, **Allegheny County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16601, on behalf of T-Bones, Inc., 100 VIP Drive, Wexford, PA 15090, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum products. The report was acceptable to meet the site-specific standard and was approved on March 2, 2020.

## SPECIAL NOTICES

### WATER OBSTRUCTIONS AND ENCROACHMENTS

**Special Notices 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 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).**

*Southeast Region: Waterways and Wetlands Program, 2 East Main Street, Norristown, PA 19401, Telephone 484.250.5160.*

*Contact: Elaine Henderson, Clerk Typist 3, 484.250.5157.*

#### SPECIAL NOTICE OF FINAL APPROVAL OF STATE WATER

#### QUALITY CERTIFICATION FOR A FERC REGULATED PIPELINE PROJECT

#### State Water Quality Certification

#### Required by Section 401 of the Clean Water Act for the

#### Adelphia Gateway, LLC Project

**Permit No. EA00012-001, Adelphia Gateway, LLC**, 1415 Wyckoff Road, Wall, NJ 07727, Adelphia Gateway Project, in **Delaware County** (Chester, Concord, Lower Chichester, Thornberry Townships, and Trainer Borough); **Chester County** (East Goshen, East Whiteland, Charlestown, and East Pikeland Townships); **Montgomery County** (Skipack and Perkiomen Townships); **Bucks County** (Richlandtown Borough and West Rockhill Township); and **Northampton County** (Lower Mount Bethel Township); Philadelphia District, U.S. Army Corps of Engineers. The proposed project starts at Martins Creek (Latitude: 40.7933; Longitude: -75.1314) and ends at Marcus Hook (Latitude: 39.8148; Longitude: -75.4386).

On January 12, 2018, Applicant filed an application with the Federal Energy Regulatory Commission (FERC) under Section 7 of the Natural Gas Act (15 U.S.C.A. § 717f) seeking a certificate of public convenience and necessity to construct and operate its Project (FERC Docket Nos. CP18-46-000 and CP18-46-001). The FERC Environmental Assessment for the Project, which was issued on January 4, 2019, may be viewed on FERC's website at [www.ferc.gov](http://www.ferc.gov) (search eLibrary; Docket Search; CP18-46-000 and CP18-46-001). FERC issued a Certificate of Public Convenience (Docket Nos. CP18-46-000 and CP18-46-001) on December 20, 2019.

On March 4, 2019, the Applicant requested a State water quality certification (SWQC) from the Pennsylvania Department of Environmental Protection (DEP), as required by Section 401 of the Clean Water Act (33 U.S.C.A.

§ 1341), to ensure that the construction, operation, and maintenance of the Project will protect water quality in Pennsylvania consistent with the requirements of State law and the Clean Water Act. Public notice of receipt of request for 401 certifications was published in the *Pennsylvania Bulletin* on March 16, 2019 (49 Pa.B. 1219—1221).

The Project as proposed, includes use of 84.2 miles of existing 18-inch pipeline and 4.4 miles of new 18-inch and 4.4 miles of new 20-inch pipelines to transport natural gas from Martins Creek, Northampton County to Marcus Hook, Delaware County. In addition, the Project proposes to construct the following new facilities along the existing mainline:

In total, the Project proposes to construct the following new and/or upgraded facilities along the 84.2 miles of existing mainline pipeline:

- Two (2) 5,625 horsepower compressor stations
- One 4.4 miles of 20-inch pipeline
- One 4.4 mile 16-inch lateral (a.k.a. Tilghman Lateral)
- One 0.3 mile 16-inch pipeline lateral (a.k.a. Parkway Lateral)
- Five (5) meter stations
- Two (2) mainline valves (MLVs)
- Seven (7) blowdown assembly valves (BAV) at existing MLVs
- Four (4) pig launcher/receiver facilities
- Two (2) tap valves
- One (1) ware yard within limits of the existing Marcus Hook Pump Station for the storage of pipe and contractors' facilities

The potential for discharges exists due to the construction activities associated with the Project from stormwater runoff, sediment, hydrostatic test water, potential spills from construction equipment, and construction in and around contaminated sites. The potential discharges will be managed, and pollution will be prevented by obtaining and abiding to DEP permits, permit conditions, and contingency plans discussed below. Restoration measures will be implemented to restore and revegetate temporarily disturbed areas and impacted resources. Once the Project is constructed, the pipeline will transport natural gas and should not pose a risk of impacts to Regulated waters of this Commonwealth (Waters), provided the pipeline is properly operated and maintained.

With regards to Public Participation, DEP published public notice of a draft SWQC for this project in the *Pennsylvania Bulletin* on March 16, 2019 (49 Pa.B. 1219—1221). The draft SWQC public notice requested comments about the project be sent to DEP within 30 days of notice. DEP also published notice of the applicant's CZMA Federal Consistency Certification in the *Pennsylvania Bulletin* on January 19, 2019 (49 Pa.B. 339—340). Comments on the applicant's Federal consistency certification were accepted for 30 days. Comments from the public on this request for SWQC were received and concerned the potential impacts to water quality and aquatic resources, and these comments were considered in the technical review of pending applications for State permits as well as those permit applications required as a condition of the SWQC.

DEP certifies that construction, operation, and maintenance of the Project as proposed 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). DEP further certifies that the construction, operation, and maintenance of the Project as proposed complies with Pennsylvania water quality standards and that the construction, operation, and maintenance of the projects does not violate applicable Commonwealth water quality standards provided that the construction, operation, and maintenance of the project complies with the following DEP water quality permitting programs, criteria, and conditions established pursuant to Pennsylvania law:

#### 1. Discharge Permits

A. *Hydrostatic Testing Discharge*: Applicant shall obtain and comply with a National Pollutant Discharge Elimination System (NPDES) permit(s) for the discharge of water from the hydrostatic testing of the pipeline associated with the Project pursuant to Pennsylvania's Clean Streams Law (35 P.S. §§ 691.1—691.1001), 25 Pa. Code Chapter 92a (relating to NPDES permitting, monitoring, and compliance), and all other applicable regulations.

B. *Industrial Wastewater Discharge Permits*: Applicant shall obtain and comply with the NPDES Industrial Wastewater Permit(s) for the discharge of industrial wastewater, stormwater, and/ or contaminated groundwater in compliance with the provisions of the Clean Water Act, 33 U.S.C.A. §§ 1251 et seq. and Pennsylvania's Clean Streams Law, as amended, 35 P.S. §§ 691.1 et seq. and all other applicable regulations. An NPDES permit does not constitute authorization to construct or make modifications to wastewater treatment facilities necessary to meet the terms and conditions of an NPDES permit(s). A Water Quality Management Permit must be obtained prior to construction or make modifications to wastewater treatment facilities.

C. *Municipal Stormwater Management Discharges*: The Applicant shall submit approvable, administratively, and technically complete, stormwater management plans, and other submittals related to stormwater, to NPDES Municipal Separate Storm Sewer System (MS4) municipalities that require such submittals, to comply with stormwater management ordinances that a municipality is required to adopt and implement under the terms of its NPDES MS4 permit, and any other applicable legal authorities, including the Stormwater Management Act, in order to regulate water quality impacts of specified activities conducted, or proposed to be conducted, by the Applicant, that may contribute stormwater to the regulated MS4.

2. *Erosion and Sediment Control Permit*—Applicant shall obtain and comply with an Erosion and Sediment Control Permit(s) for earth disturbance associated with the Project issued pursuant to Pennsylvania's Clean Streams Law and Stormwater Management Act (32 P.S. §§ 680.1—680.17), 25 Pa. Code Chapter 102 (relating to erosion and sediment control), and all other applicable regulations.

3. *Water Obstruction and Encroachment Permits*—Applicant shall obtain and comply with a Water Obstruction and Encroachment Permit(s) for the construction, operation and maintenance of all water obstructions and encroachments, including stream and wetland crossings, associated with the Project pursuant to Pennsylvania's Clean Streams Law, Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), and Flood Plain Management Act (32 P.S. §§ 679.101—679.601.), 25 Pa. Code Chapter

105 (relating to dam safety and waterway management), 25 Pa. Code Chapter 106 (relating to floodplain management) and all other applicable regulations.

4. *Other Water Quality and Pollution Prevention Requirements*—Applicant shall obtain any other permits, authorizations, or approvals required to construct, operate, and maintain the Project from any interstate or international agency as required by an interstate compact or international agreement that has established water quality standards applicable to surface Regulated waters of this Commonwealth, including wetlands. This shall include:

A. *Contamination Prevention Plan*: Applicant shall prepare and submit, subject to review and approval by DEP, a Contamination Prevention Plan (CPP) specifying measures the Applicant will develop and implement to prevent the contamination of Regulated waters of this Commonwealth due to the discharge, transport, release, or disposal, whether intentional or nonintentional, of regulated substances, hazardous substances, or contaminated media, including stormwater run-off, groundwater, or soils. The measures to be developed and implemented by the Applicant pursuant to the CPP shall contain, treat, address, and/or dispose of contaminated media in a manner that satisfies water quality standards and other applicable laws and regulations, including water quality protection requirements. The CPP shall require the Applicant to contact Federal, State, and local regulatory agencies to identify the locations of hazardous sites, contaminants, or releases of hazardous substances and planned, on-going, or completed remedial measures within, and within 50 feet of, the limit of disturbance (LOD). The sites to be identified in the CPP include CERCLA sites, HSCA sites, RCRA Corrective Action sites, storage tank facilities and sites, waste disposal sites, remedial soil caps, other containment measures, Pennsylvania Act 2 sites, and active industrial sites. The CPP shall require the Applicant to conduct sampling and analyses of the proposed LOD to confirm the agency data and develop and implement actions to prevent the migration of contaminants, hazardous substances, or pollutants due to, but not limited to, project activities such as, trenching, Horizontal Directional Drilling (HDD) boring, conventional boring, groundwater dewatering, groundwater flowback, creation of preferential contaminant migration paths, and soil excavation and disposal. Applicant shall coordinate any excavation where contaminated soils or groundwater are encountered with DEP and U.S. Environmental Protection Agency (USEPA).

B. *Preparedness, Prevention, and Contingency (PPC) Plans*: Applicant shall develop and implement PPC Plans, subject to review and approval by DEP, to prevent impacts to Regulated waters of this Commonwealth, including: (1) a Base PPC Plan; (2) an Inadvertent Return Assessment, Preparedness, Prevention, and Contingency Plan (IR PPC Plan) associated with HDD; (3) a Water Supply Assessment, Preparedness, Prevention and Contingency Plan (WS PPC Plan); and, where necessary, (4) a Void Mitigation Plan for (Voids PPC Plan). Applicant shall investigate for drinking water intakes or reservoirs for public and private water supplies within five (5) miles downstream (and upstream in tidal areas) of each crossing. For portions of the project proposing HDD, the applicant shall also investigate public and private water supply wells within 450 feet of the pipeline centerline to obtain baseline information to be used to prevent pollution, including diminution, to such waters. Applicant shall supply a list detailing each intake and water supply well to DEP. The permittee shall immediately notify DEP at

484.250.5900 in the event of an IR occurring, and immediately activate and implement the aforementioned Pollution Prevention Control Plans (PPC Plans) to prevent any impacts to Regulated waters of this Commonwealth and other natural resources.

5. *Water Quality Monitoring*—DEP retains the right to specify additional studies or monitoring to ensure that the receiving water quality associated with the Project is not adversely impacted by any operational and construction process that may be employed by Applicant.

6. *Operation*—Applicant shall properly operate and maintain at all times all Project facilities and systems of treatment and control (and related appurtenances) installed to achieve compliance with the terms and conditions of this SWQC and all required permits, authorizations, and approvals. Proper operation and maintenance includes adequate laboratory controls, appropriate quality assurance procedures, and the operation of backup or auxiliary facilities or similar systems installed by Applicant.

7. *Inspection*—The Project, including all relevant records, are subject to inspection at reasonable hours and intervals by an authorized representative of DEP or the delegated County Conservation District to determine compliance with this SWQC, including all required permits, authorizations, or approvals required by this SWQC. The Applicant shall provide a copy of this SWQC to an authorized representative conducting an inspection of the Project upon request.

8. *Transfer of Projects*—If Applicant intends to transfer any legal or equitable interest in the Project or any portion(s) thereof, the Applicant shall provide a copy of this SWQC and copies of any permits, authorizations, or approvals obtained to comply with the SWQC upon the prospective transferee of the legal and equitable interest at least thirty (30) days prior to the contemplated transfer and shall simultaneously inform the appropriate DEP Office of such intent. Notice to DEP shall include a transfer agreement signed by the existing and new owners containing a specific date for transfer of responsibility, coverage, and liability under the SWQC and any permits, authorizations, and approvals obtained to comply with the SWQC. The new owner shall submit to DEP a new application form for the SWQC and any permits, authorizations, and approvals required to comply with the SWQC signed by the new owner.

9. *Correspondence*—All correspondence with and submittals to DEP concerning this SWQC shall be addressed to the Environmental Program Manager, Pennsylvania Department of Environmental Protection, Southeast Regional Office, Waterways and Wetlands Program, 2 East Main Street, Norristown, PA 19401.

10. *Reservation of Rights*—DEP may modify, suspend, or revoke this SWQC if: (i) DEP becomes aware of new facts about the Project that warrant such action; or (ii) DEP determines that the Applicant has not complied with the terms and conditions of this certification. DEP may require additional measures to achieve compliance with any applicable law or regulation.

11. *Other Laws*—Nothing in this SWQC shall be construed to preclude the institution of any legal action or to relieve Applicant from any responsibilities, liabilities, or penalties established pursuant to any applicable law or regulation.

12. *Severability*—The provisions of this SWQC are severable and should any provision of this SWQC be declared invalid or unenforceable, the remainder of this SWQC shall not be affected thereby.

Any person aggrieved by this action may file a petition for review pursuant to 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 U.S. Courthouse, 601 Market Street, Philadelphia, PA 19106-1790, within the time prescribed in the law. Important legal rights are at stake, so you should show this document to a lawyer at once.

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### PA Pipeline Project (PPP)/Mariner East II; Permit Modification Public Hearings

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The Pennsylvania Department of Environmental Protection (DEP) will hold a public hearing to receive comments from citizens on **Chapter 102, Erosion and Sediment Control Permit ESG0100015001** and **Chapter 105, Water Obstruction and Encroachment Permit E15-862 Modification** requests currently under technical review for **PA Pipeline Project (PPP)/Mariner East II Project**.

The hearing will be held on Wednesday, April 15, 2020 at Downingtown East High School, located at 50 Devon Dr., Exton, PA 19341. The public hearing will begin at 6:00 PM and end by 10:00 PM.

The proposed permit modification currently under review is HDD 280. This request, received August 5, 2019, is entitled Modification Request—Installation Method Change at PA Turnpike/0280 HDD, Upper Uwchlan Township, **Chester County**. This modification consists of a change in the route and installation method for the 16 and 20-inch diameter pipeline previously permitted as Horizontal Directional Drill (HDD) 280. The permit modification request is to convert the installation method of both the 16 and 20-inch diameter pipelines from a HDD to an open cut installation and one conventional bore. The change in methodology is to minimize impacts to Waters of the Commonwealth and avoid potential future growth requirements of the PA Turnpike I-76. The modification includes an additional 4.86 acres of LOD.

More information on the project and modification requests can be found at: <https://www.dep.pa.gov/Business/ProgramIntegration/Pennsylvania-Pipeline-Portal/Pages/Mariner-East-II.aspx#Addendums>.

Due to the limited scope of the subject matter and time available for the hearing, commenters are asked to focus their remarks on the modification under review, rather than topics or matters outside of DEP's jurisdiction such as general statements of project opposition or support, job creation, post-construction safety concerns or other matters not specifically pertaining to the specific modification outlined above. Relevant remarks on the proposed permit modification provided by commenters at this hearing will be considered in the DEP review process of the permit modification request.

Individuals will have the opportunity to present up to three minutes of verbal testimony; this time limit is put in place to allow more commenters the opportunity to speak. To ensure that all speakers have a fair and equal opportunity to present their testimony, relinquishing of time to other speakers is not allowed, and groups are asked to designate one speaker per organization. DEP also requests, but does not require, those providing oral remarks bring a written copy of their comments in order to aid the transcriptionist at the hearing.

Those who wish to present testimony during the scheduled hearing are asked to register in advance by contacting the Southeast Regional Office. Registration for the hearing will be taken until the business day prior to the hearing, after which time interested speakers can register at the hearing. To register to speak, please contact Virginia Cain, Community Relations Coordinator, 484-250-5808 or vicain@pa.gov.

PADEP will accept written comments on the Chapter 102 Erosion and Sediment Control Permit and Chapter 105 Water Obstruction and Encroachment Permit Modification requests until May 5, 2020. Comments on the applications can be emailed or sent via postal mail to the Department of Environmental Protection, Southeast Regional Office, Waterways and Wetlands Program, 2 East Main Street, Norristown, PA 19401, RA-EPWW-SERO@pa.gov.

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### **PA Pipeline Project (PPP)/Mariner East II; Permit Modification Public Hearings**

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The Pennsylvania Department of Environmental Protection (DEP) will hold a public hearing to receive comments from citizens on **Chapter 102, Erosion and Sediment Control Permit ESG0100015001** and **Chapter 105, Water Obstruction and Encroachment Permit E15-862 Modification** requests currently under technical review for **PA Pipeline Project (PPP)/Mariner East II Project**.

The hearing will be held on Thursday, April 16, 2020, at Peirce Middle School located at 1314 Burke Rd., West Chester, PA 19380. The public hearing will begin at 6:00 PM and end by 10:00 PM.

The proposed permit modification currently under review is HDD 400. This request, received May 14, 2019, is entitled Modification Request for Installation Method Change at HDD S3-0400 Lisa Drive, West Whiteland Township, **Chester County**. This modification consists of a change in installation method for the 20-inch diameter pipeline previously permitted as Horizontal Directional Drill (HDD) 400. The permit modification request consists of a change in installation method for 20-inch diameter pipeline from a Horizontal Directional Drill (HDD) to a Direct Pipe Bore and open trench installation. The direct pipe bore will go under the Exton Bypass (State Route 30), AMTRAK (American Track National Railroad Passenger Corporation), Norfolk Southern Railroad, and wetland WL-K21. The remaining 1,269 feet will be installed via open trench installation. The change in installation method will not result in any increase to the permanent impacts to wetland WL-K21 or other waters of the Commonwealth as set forth in the original Chapter 105 authorization. The modification includes an additional 3.99 acres of LOD.

More information on the project and modification requests can be found at: <https://www.dep.pa.gov/Business/ProgramIntegration/Pennsylvania-Pipeline-Portal/Pages/Mariner-East-II.aspx#Addendums>.

Due to the limited scope of the subject matter and time available for the hearing, commenters are asked to focus their remarks on the modifications under review, rather than topics or matters outside of DEP's jurisdiction such as general statements of project opposition or support, job creation, post-construction safety concerns or other matters not specifically pertaining to the modifications. Relevant remarks on these proposed permit modifications provided by commenters at this hearing will be considered in the DEP review process of the permit modification request.

Individuals will have the opportunity to present up to three minutes of verbal testimony; this time limit is put in place to allow more commenters the opportunity to speak. To ensure that all speakers have a fair and equal opportunity to present their testimony, relinquishing of time to other speakers is not allowed, and groups are asked to designate one speaker per organization. DEP also requests, but does not require, those providing oral remarks bring a written copy of their comments in order to aid the transcriptionist at the hearing.

Those who wish to present testimony during the scheduled hearing are asked to register in advance by contacting the Southeast Regional Office. Registration for the hearing will be taken until the business day prior to the hearing, after which time interested speakers can register at the hearing. To register to speak, please contact Virginia Cain, Community Relations Coordinator, 484-250-5808 or vicain@pa.gov.

PADEP will accept written comments on the Chapter 102 Erosion and Sediment Control Permit and Chapter 105 Water Obstruction and Encroachment Permit Modification requests through May 6, 2020. Comments on the applications can be emailed or sent via postal mail to the Department of Environmental Protection, Southeast Regional Office, Waterways and Wetlands Program, 2 East Main Street, Norristown, PA 19401, RA-EPWW-SERO@pa.gov.

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### **PA Pipeline Project (PPP)/Mariner East II; Permit Modification Public Hearings**

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The Pennsylvania Department of Environmental Protection (DEP) will hold a public hearing to receive comments from citizens on **Chapter 102, Erosion and Sediment Control Permit ESG0100015001** and **Chapter 105, Water Obstruction and Encroachment Permit E23-524 Modification** requests currently under technical review for **PA Pipeline Project (PPP)/Mariner East II Project**.

The hearing will be held on Tuesday, April 14, 2020, at Penn State Brandywine located at 25 Yearsley Mill Rd., Media, PA 19063. The public hearing will begin at 6:00 PM and end by 10:00 PM.

The proposed permit modification currently under review is HDD 620. This request, received March 26, 2019, is entitled Modification Request Installation Method Change at 0620 HDD, Middletown Township, **Delaware County**. This modification consists of a change in the route and installation method for the 16 and 20-inch diameter pipeline previously permitted as Horizontal Directional Drill (HDD) 620. This modification is being requested for a change from the HDD installation method for the 20-inch, and portions of the 16-inch, diameter pipelines to a conventional open trench construction through Wetland WL-I1 and Stream S-I2, conventional auger bore under Glen Riddle Road, and a direct pipe bore under Riddlewood Drive and the Southeast Pennsylvania Transportation Authority's (SEPTA) Railroad. The modification includes an additional 5.32 acres of LOD.

More information on the project and modification requests can be found at: <https://www.dep.pa.gov/Business/ProgramIntegration/Pennsylvania-Pipeline-Portal/Pages/Mariner-East-II.aspx#Addendums>.

Due to the limited scope of the subject matter and time available for the hearing, commenters are asked to focus their remarks on the modifications under review, rather than topics or matters outside of DEP's jurisdiction such as general statements of project opposition or support, job

creation, post-construction safety concerns or other matters not specifically pertaining to the modifications. Relevant remarks on these proposed permit modifications provided by commenters at this hearing will be considered in the DEP review process of the permit modification request

Individuals will have the opportunity to present up to three minutes of verbal testimony; this time limit is put in place to allow more commenters the opportunity to speak. To ensure that all speakers have a fair and equal opportunity to present their testimony, relinquishing of time to other speakers is not allowed, and groups are asked to designate one speaker per organization. DEP also requests, but does not require, those providing oral remarks bring a written copy of their comments in order to aid the transcriptionist at the hearing.

Those who wish to present testimony during the scheduled hearing are asked to register in advance by contacting the Southeast Regional Office. Registration for the hearing will be taken until the business day prior to the hearing, after which time interested speakers can register at the hearing. To register to speak, please contact Virginia Cain, Community Relations Coordinator, 484-250-5808 or vicain@pa.gov.

PADEP will accept written comments on the Chapter 102 Erosion and Sediment Control Permit and Chapter 105 Water Obstruction and Encroachment Permit Modification requests through May 4, 2020. Comments on the applications can be emailed or sent via postal mail to the Department of Environmental Protection, Southeast Regional Office, Waterways and Wetlands Program, 2 East Main Street, Norristown, PA 19401, RA-EPWW-SERO@pa.gov.

[Pa.B. Doc. No. 20-386. Filed for public inspection March 13, 2020, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Availability of Rebates through the Pennsylvania Alternative Fuels Incentive Grant Program

The Department of Environmental Protection (Department) announces the continued availability of grants to Commonwealth residents under Pennsylvania's Alternative Fuel Vehicle (AFV) Rebate Program (Program). The Program, administered by the Department through the Alternative Fuels Incentive Grant Program, provides rebates to Commonwealth residents to assist individuals with the incremental costs of purchasing an AFV.

To qualify for the rebate, the AFV must be registered in and be operated primarily within this Commonwealth. The rebate will be offered on a first-come, first-served basis in the order in which they are received.

AFV rebate applications must be submitted online through the Department of Community and Economic Development's Electronic Single Application web site, eGrants. Visit the eGrants web site at <https://www.esa.dced.state.pa.us> to apply. Rebate applications must be submitted no later than 6 months after the vehicle is purchased.

The Department began implementing the following changes to the Program on March 1, 2020:

- The Program will offer 2,500 rebates. The Program can be reassessed or changed at any time.
- Three rebate levels will be offered for new, preowned and demonstration AFVs:
  - o A \$1,000 rebate for all hydrogen fuel cell vehicles.
  - o A \$750 rebate for all battery electric vehicles.
  - o A \$500 rebate for all plug-in hybrid electric vehicles, natural gas vehicles, propane vehicles and electric motorcycles (does not include electric scooters).

The Program guidelines and application instructions, as well as an up-to-date listing of rebate availability, can be viewed online at <http://www.dep.pa.gov/AFVrebates>. Interested applicants may contact the Department at (717) 783-8411 for more information.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 20-387. Filed for public inspection March 13, 2020, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Bid Opportunity

**OSM 02(1712)301.1, Abandoned Mine Reclamation Project, Renton South, Plum Borough, Allegheny County.** The principal items of work and approximate quantities include: implementation of the erosion and sediment pollution control plan, miscellaneous items; clearing and grubbing, 1 job; selective grading, 1 job; dewatering, diversion and care of water, 1 job; excavating, backfilling and compacting for utilities, slotted PVC well pipe, unclassified, 216 linear feet; excavating, backfilling and compacting for utilities, slotted PVC well pipe, rock over-excavation, 10 cubic yards; excavating, backfilling and compacting for utilities, solid PVC pipe, unclassified, 162 linear feet; excavating, backfilling and compacting for utilities, solid PVC pipe, rock over-excavation, 20 cubic yards; precast concrete manholes and appurtenances, 1 each; slotted PVC pipe, fittings and appurtenances, 230 linear feet; solid PVC pipe, fittings and appurtenances, 148 linear feet; PVC pipe, fittings and appurtenances, cleanouts and observation ports, 3 each; PVC pipe, fittings and appurtenances and clay dikes, 1 each; PVC geomembrane, 480 square yards; paving and roadway appurtenances restoration, bituminous driveways and sidewalks, 1,170 square yards; paving and roadway appurtenances restoration, bituminous curb, 10 square yards; paving and roadway appurtenances restoration, cement concrete curb/curb gutter/sidewalks, 1 square yard; paving and roadway appurtenances restoration, gravel driveways and stabilized shoulders, 1 square yard; paving and roadway appurtenances restoration, paved shoulders, Type III, 5 square yards; landscape restoration, plants, shrubbery and trees, miscellaneous items; and allowance for utility services, 1 invoice.

This bid issues on March 20, 2020, and bids will be opened on April 16, 2020, at 2 p.m. Bid documents, including drawings in PDF format and AutoCAD Map 3D format, may be downloaded for free beginning on the issue date from the Department of Environmental Protec-



tion by going to [www.BidExpress.com](http://www.BidExpress.com). This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1328) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or [RA-ConstructionContr@pa.gov](mailto:RA-ConstructionContr@pa.gov) for more information on this bid. Note this is a Small Construction Business Program bid opportunity.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 20-388. Filed for public inspection March 13, 2020, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Bid Opportunity

**OSM 17(7069)102.1, Abandoned Mine Reclamation Project, Bigler, Boggs Township, Clearfield County.** The principal items of work and approximate quantities include: mobilization and demobilization, lump sum; diversion and care of water, lump sum; subsurface drain with cleanouts, 1,200 linear feet; subsurface drains—removal and disposal of excess excavated material, 122 cubic yards; grading, 51,000 cubic yards; rock lining with filter blanket, 500 square yards; and seeding, 6 acres.

This bid issues on March 20, 2020, and bids will be opened on April 16, 2020, at 2 p.m. Bid documents, including drawings in PDF format and AutoCAD Map 3D format, may be downloaded for free beginning on the issue date from the Department of Environmental Protection by going to [www.BidExpress.com](http://www.BidExpress.com). This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1328) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or [RA-ConstructionContr@pa.gov](mailto:RA-ConstructionContr@pa.gov) for more information on this bid. Note this is a Small Construction Business Program bid opportunity.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 20-389. Filed for public inspection March 13, 2020, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Bid Opportunity

**OSM 26(4732)101.1, Abandoned Mine Reclamation Project, Lake Lynn West, Springhill Township, Fayette County.** The principal items of work and approximate quantities include: mine seal construction—coarse aggregate, 680 tons; mine seal construction—mine drain pipe, 1,020 linear feet; grading, 55,600 cubic yards; alkaline addition, 620 tons; rock lining with geotextile, 1,145 square yards; and seeding, 13.2 acres.

This bid issues on March 27, 2020, and bids will be opened on April 23, 2020, at 2 p.m. Bid documents,

including drawings in PDF format and AutoCAD Map 3D format, may be downloaded for free beginning on the issue date from the Department of Environmental Protection by going to [www.BidExpress.com](http://www.BidExpress.com). This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1328) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or [RA-ConstructionContr@pa.gov](mailto:RA-ConstructionContr@pa.gov) for more information on this bid.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 20-390. Filed for public inspection March 13, 2020, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Laboratory Accreditation Advisory Committee Meeting Cancellation

The April 2, 2020, meeting of the Laboratory Accreditation Advisory Committee (Committee) is cancelled. The next Committee meeting is scheduled for Thursday, October 1, 2020, at 9 a.m. in Room 206, Bureau of Laboratories Building, 2575 Interstate Drive, Harrisburg, PA.

Questions concerning the October 1, 2020, meeting can be directed to Martina McGarvey at [mmcgarvey@pa.gov](mailto:mmcgarvey@pa.gov) or (717) 346-7200. The agenda and meeting materials will be available through the Public Participation tab on the Department of Environmental Protection's (Department) web site at [www.dep.pa.gov](http://www.dep.pa.gov) (select "Public Participation," then "Advisory Committees," then "Lab Accreditation Advisory Committee").

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Martina McGarvey at (717) 346-7200 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 20-391. Filed for public inspection March 13, 2020, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Proposed Revision to the Infrastructure State Implementation Plan for the 2015 8-Hour Ozone National Ambient Air Quality Standard; Public Hearing

The Department of Environmental Protection (Department) is seeking public comment on a proposed revision to the Commonwealth's State Implementation Plan (SIP) to address applicable requirements of section 110(a)(1) and (2) of the Clean Air Act (CAA) (42 U.S.C.A. § 7410(a)(1) and (2)) for the 2015 8-hour ozone National Ambient Air Quality Standard (NAAQS).

On October 1, 2015, the United States Environmental Protection Agency (EPA) promulgated revisions to the 8-hour ozone NAAQS. The EPA lowered the standard from 0.075 parts per million (ppm) promulgated in 2008 (see 73 FR 16436 (March 27, 2008)) to 0.070 ppm in 2015 (see 80 FR 65291 (October 26, 2015)). Section 110(a)(1) and (2) directs each state to develop and submit to the EPA a plan that provides for the implementation, maintenance and enforcement of the NAAQS within 3 years after promulgation of a new or revised primary or secondary NAAQS. This type of SIP revision is commonly referred to as an “infrastructure SIP.”

The Commonwealth’s proposed infrastructure SIP revision for the 2015 ozone NAAQS addresses the infrastructure SIP elements of section 110(a)(2)(A)—(C), (D)(i)(II), (D)(ii), (E), (F)(i)—(iii), (G), (H) and (J)—(M) of the CAA. The Department does not address the section 110(a)(2)(D)(i) element of the CAA in this SIP revision relating to interstate transport of pollution affecting attainment and maintenance of the 2015 ozone NAAQS as per the EPA’s September 2013 “Guidance on Infrastructure State Implementation Plan (SIP) Elements under Clean Air Act Sections 110(a)(1) and 110(a)(2).” This requirement will be addressed by the Department in another SIP revision.

This proposal is available on the Department’s web site at [www.ahs.dep.pa.gov/eComment/](http://www.ahs.dep.pa.gov/eComment/).

The Department will provide the opportunity for three public hearings to receive comments on the proposed SIP revision as follows:

- April 15, 2020, at 1 p.m. at the Department’s Southwest Regional Office, Waterfront A Room, 400 Waterfront Drive, Pittsburgh, PA 15222.
- April 17, 2020, at 10 a.m. at the Department’s Southcentral Regional Office, Susquehanna Room A, 909 Elmerton Avenue, Harrisburg, PA 17110.
- April 17, 2020, at 10 a.m. at the Department’s Southeast Regional Office, Schuylkill River or Delaware River Room, 2 East Main Street, Norristown, PA 19401.

Persons wishing to present testimony should contact Amanda Rodriguez, P.O. Box 8468, Harrisburg, PA 17105, (717) 787-9702 or [amarodrigu@pa.gov](mailto:amarodrigu@pa.gov) to reserve a time. Witnesses will be limited to 10 minutes and should provide two written copies of their comments.

If by 12 p.m. on Monday, April 13, 2020, no person has expressed an interest in testifying at the respective hearings, those hearings will be cancelled. Public notice will be provided on the Bureau of Air Quality’s webpage at [www.dep.pa.gov/Business/Air/BAQ/Pages/default.aspx](http://www.dep.pa.gov/Business/Air/BAQ/Pages/default.aspx) if the hearings are cancelled. Persons may also contact the Department to find out if the hearings are cancelled by contacting Amanda Rodriguez at (717) 787-9702 or [amarodrigu@pa.gov](mailto:amarodrigu@pa.gov).

Persons with a disability who wish to attend a hearing and require an auxiliary aid, service or other accommodation to participate in the proceeding should contact Amanda Rodriguez at [amarodrigu@pa.gov](mailto:amarodrigu@pa.gov) or (717) 787-9702. TDD users may contact the Pennsylvania AT&T Relay Service at (800) 654-5984 or (800) 654-5988 (voice users) to discuss how the Department can best accommodate their needs.

The Department must receive comments no later than Monday, April 20, 2020. Commentators are encouraged to submit comments using the Department’s online eComment tool at [www.ahs.dep.pa.gov/eComment](http://www.ahs.dep.pa.gov/eComment) or by e-mail

at [ecomment@pa.gov](mailto:ecomment@pa.gov). Written comments can be submitted by mail to the Policy Office, Department of Environmental Protection, Rachel Carson State Office Building, P.O. Box 2063, Harrisburg, PA 17105-2563. Use “2015 Ozone Infrastructure SIP” as the subject line in written communication.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 20-392. Filed for public inspection March 13, 2020, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Finding

Under section 2002(b) of The Administrative Code of 1929 (71 P.S. § 512(b)) establishing the Department of Transportation (Department), the Acting Director of the Bureau of Project Delivery, as delegated by the Secretary of Transportation, makes the following written finding:

Build Alternative 2D is the preferred alternative for the SR 0080, Section 17M, Monroe County project. The preferred alternative includes 3.5 miles of full roadway reconstruction, widening and interchange reconfigurations along I-80. The preferred alternative will improve partial movement interchanges to full movement interchanges at Exits 303 and 304, maintain full access at Exit 307 and eliminate a partial interchange at Exit 306 (Dreher Avenue). Exit 304, together with Exit 305, will provide a single, full movement interchange due to their proximity.

In accordance with section 2002(b) of The Administrative Code of 1929 establishing the Department, an Environmental Assessment (EA) has been developed for the subject project. The environmental, economic, social and other effects of the proposed project, as enumerated in section 2002 of The Administrative Code of 1929, have been considered. The EA and the EA Responses to Comments have been evaluated by the Federal Highway Administration (FHWA) and were determined to discuss adequately and accurately the need, environmental issues and impacts of the proposed project and appropriate mitigation measures. Based on the EA, the FHWA has issued a Finding of No Significant Impact for the project. Furthermore, the Bureau of Project Delivery has concluded that all State environmental evaluation requirements, as published in section 2002 of The Administrative Code of 1929, have been satisfied.

The proposed project is anticipated to impact approximately 0.2 acre of the 81.3 acres of the National Register of Historic Places, eligible Stroudsburg and East Stroudsburg Unit No. 1 Local Protection Works (Levee System), approximately 0.05 acre of the Rotary Creek Park and approximately 0.04 acre of the Ann Street Park. All Section 4(f)/Section 2002 uses are de minimus. Based upon studies and the Final Section 4(f) Evaluation, there is no feasible and prudent alternative to the use of the Section 4(f)/Section 2002 resources for the proposed action and the project is planned to minimize harm to the Section 4(f)/Section 2002 resources.

Mitigation measures will be taken to minimize harm as stipulated in the EA. No significant adverse environmental effect is likely to result from the proposed action.

BRIAN THOMPSON,  
*Director*  
*Bureau of Project Delivery*

[Pa.B. Doc. No. 20-393. Filed for public inspection March 13, 2020, 9:00 a.m.]

**FISH AND BOAT COMMISSION**

**Temporary Change to Fishing Regulations; Delaware River, West Branch Delaware River and River Estuary**

The Executive Director of the Fish and Boat Commission (Commission), acting under the authority of 58 Pa. Code § 65.25 (relating to temporary changes to fishing regulations), has taken immediate action to amend 58 Pa. Code § 61.2 (relating to Delaware River, West Branch Delaware River and River Estuary). Specifically, the Executive Director has amended this section to change the minimum size limit for striped bass to a 28 to less than 35 inch slot limit in the Delaware Estuary (from the Pennsylvania line upstream to the Calhoun Street Bridge) and Delaware River (from the Calhoun Street Bridge upstream) during the periods January 1 through March 31 and June 1 through December 31 (one fish daily limit), and to change the slot limit during the period April 1 through May 31 to 21 to less than 24 inches (two fish daily limit). The Executive Director also has amended the section to require the use of nonoffset (inline) circle hooks when fishing with bait for any species of fish in the tidal Delaware Estuary, including tributaries from the mouths of the tributaries upstream to the limit of tidal influence. These actions are being taken to meet the requirements of the Atlantic States Marine Fisheries Commission (ASMFC).

The ASMFC’s management plan for striped bass calls for management actions when the coast-wide spawning stock biomass (SSB) or fishing mortality rates reach thresholds set within the management plan. The SSB threshold is 201 million pounds and the current SSB is below this at 151 million pounds. At the current fishing mortality rates, there is concern that the SSB will fall further below the threshold in the future under current management and fishing pressure. Also, because catch and release practices contribute substantially to overall fishing mortality, states are also required to implement mandatory circle hook requirements when fishing with bait to reduce release mortality in recreational striped bass fisheries. The ASFMC Striped Bass Management Board, which includes the Commonwealth as a member, has directed all coastal states to reduce fishing mortality rates by 18% beginning in 2020 and require circle hooks by 2021. The Commonwealth is taking proactive measures to implement the circle hook requirement beginning in 2020 to inform anglers and facilitate compliance with this important conservation measure ahead of the ASMFC mandate for implementation beginning in 2021. The amendments to 58 Pa. Code § 61.2 are designed to meet this objective.

To address the coast-wide regulation directed by the ASMFC, the Commission’s Executive Director has taken immediate action to make the following modifications to fishing regulations:

**§ 61.2. Delaware River, West Branch Delaware River and River Estuary.**

\* \* \* \* \*

**(d) It is unlawful to fish with bait for any species of fish in the tidal Delaware Estuary, including tributaries from the mouths of the tributaries upstream to the limit of tidal influence using any hook type other than non-offset (in-line) circle hooks. The definition of a non-offset (in-line) circle hook is a non-offset hook where the point is pointed perpendicularly back towards the shank. The term “non-offset” means the point and the barb are in the same plane as the shank.**

[ (d) ] (e) The following seasons, sizes and creel limits apply to the Delaware River, West Branch Delaware River and Delaware River tributaries, from the mouths of the tributaries upstream to the limit of the tidal influence and the Lehigh River from its mouth upstream to the first dam in Easton, Pennsylvania:

<i>SPECIES</i>	<i>SEASONS</i>	<i>MINIMUM SIZE</i>	<i>DAILY LIMIT</i>
* * * * *			
STRIPED BASS and HYBRID STRIPED BASS	From Pennsylvania line upstream to Calhoun Street Bridge: January 1 until March 31 and June 1 until December 31	[ 28 ] 28 to less than 35 inches	1
	April 1 through May 31	21 to [ 25 ] less than 24 inches	2
	From Calhoun Street Bridge upstream: open year-round	[ 28 ] 28 to less than 35 inches	1
* * * * *			

The Executive Director has found that this action is necessary and appropriate for the management of fish and to conserve and preserve fishing opportunities. The temporary modifications will go into effect on April 1, 2020, and will remain in effect until the Commission, by appropriate action, amends 58 Pa. Code § 61.2. At its meeting on April 27, 2020, the Commission will consider the publication of a notice of proposed rulemaking containing the proposed amendments and soliciting public comments for a period of 30 days.

TIMOTHY D. SCHAEFFER,  
*Executive Director*

[Pa.B. Doc. No. 20-394. Filed for public inspection March 13, 2020, 9:00 a.m.]

**FISH AND BOAT COMMISSION**

**Triploid Grass Carp Permit Application**

Under 58 Pa. Code § 71.7 (relating to triploid grass carp), the Fish and Boat Commission (Commission) may issue permits to stock triploid grass carp in Common-

wealth waters. Triploid grass carp are sterile fish that may, in appropriate circumstances, help control aquatic vegetation. The Commission has determined consistent with 58 Pa. Code § 71.7(e)(3) to seek public input with respect to any proposed stockings of triploid grass carp in waters having a surface area of more than 5 acres.

Interested persons are invited to submit written comments, objections or suggestions about the notice to the Executive Director, Fish and Boat Commission, P.O. Box 67000, Harrisburg, PA 17106-7000, within 10 days after

publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted. Comments also may be submitted electronically by completing the form at [www.fishandboat.com/regcomments](http://www.fishandboat.com/regcomments). If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

The following application to stock triploid grass carp in waters having a surface area of greater than 5 acres is currently undergoing staff review:

<i>Applicant</i>	<i>Water</i>	<i>Location of Water</i>	<i>Description of Water</i>	<i>Nature of Vegetation to be Controlled</i>
Fish and Boat Commission	Harris Pond 41 17' 36" -76 08' 00"	Ross Township Luzerne County	30-acre lake tributary to Roaring Brook tributary to Hunlock Creek tributary to North Branch Susquehanna River	<i>Myriophyllum spp.</i> , <i>Ceratophyllum demersum</i> , <i>Nymphaea odorata</i> , <i>Cabomba caroliniana</i>

TIMOTHY D. SCHAEFFER,  
*Executive Director*

[Pa.B. Doc. No. 20-395. Filed for public inspection March 13, 2020, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Application for Designation as a Certified Reinsurer

Watford Re Ltd. has applied for designation as a certified reinsurer in this Commonwealth. The application was received on February 27, 2020, and was made under section 319.1(a) of The Insurance Company Law of 1921 (40 P.S. § 442.1(a)) and 31 Pa. Code § 161.3a (relating to requirements for certified reinsurers).

Persons who wish to comment on the application are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Kimberly A. Rankin, Director, Bureau of Company Licensing and Financial Analysis, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, [krankin@pa.gov](mailto:krankin@pa.gov). Comments received will be forwarded to the applicant for appropriate response.

JESSICA K. ALTMAN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 20-396. Filed for public inspection March 13, 2020, 9:00 a.m.]

holders of forms 440, 442, 443, 444, 445, 446, 448, 449, 450, 460, 461, 462, 463, 470 and 471.

Unless formal administrative action is taken prior to May 28, 2020, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov) (hover the cursor over the "Consumers" tab, then select "Pending Long Term Care Rate Filings").

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, [jlaverty@pa.gov](mailto:jlaverty@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JESSICA K. ALTMAN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 20-397. Filed for public inspection March 13, 2020, 9:00 a.m.]

## MILK MARKETING BOARD

### Special Sunshine Meeting

The Milk Marketing Board will meet on Thursday, March 19, 2020, at 9 a.m. in Room 110, Agriculture Building, Harrisburg, PA 17110.

TIM MOYER,  
*Secretary*

[Pa.B. Doc. No. 20-398. Filed for public inspection March 13, 2020, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Continental General Insurance Company (SERFF # GLTC-132119342); Rate Increase Filing for Several Individual LTC Forms

Continental General Insurance Company is requesting approval to increase the premium 144.4% on 42 policy-

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Protests may only be filed if there is evidence that the applicant lacks fitness. Protests based on endangering or impairing operations of an existing carrier will not be honored. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120, with a copy served on the applicant by March 30, 2020. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

### Application of the following for approval to *begin operating as common carriers for transportation of persons as described under the application.*

**A-2020-3017821. SEL Transit, LLC** (908 Yeadon Avenue, Yeadon, Delaware County, PA 19050) for the right to begin to transport, as a common carrier, by motor vehicles, persons in nonemergency medical paratransit service, between points in the Counties of Bucks, Delaware and Montgomery, and the City and County of Philadelphia.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 20-399. Filed for public inspection March 13, 2020, 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 30, 2020, and must be made with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120, with a copy to the First Deputy Chief Prosecutor, Pennsylvania Public Utility Commission.

### Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Fortune Transportation Group, LLC; Docket No. C-2020-3015660

#### 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 Fortune Transportation Group, LLC, (respondent) is under suspension effective December 31, 2019 for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at 1818 Jericho Road, Warrington, PA 18976.
3. That respondent was issued a Certificate of Public Convenience by this Commission on April 09, 2019, at A-6419903.
4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500.00 and cancellation of the Certificate of Public Convenience.
5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500.00 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-6419903 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,  
David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement  
400 North Street  
Harrisburg, PA 17120

#### VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 01/10/2020

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 400 North Street  
 Harrisburg, PA 17120

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor  
 Pennsylvania Public Utility Commission  
 Bureau of Investigation and Enforcement  
 400 North Street  
 Harrisburg, PA 17120

Or, emailed to Mr. Swindler at: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility  
 Services  
 Pennsylvania Public Utility Commission  
 400 North Street  
 Harrisburg, PA 17120

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 400 North Street  
 Harrisburg, PA 17120

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

**Pennsylvania Public Utility Commission; Bureau of  
 Investigation and Enforcement v. PJ Valen  
 Trucking Company;  
 Docket No. C-2020-3016282**

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 PJ Valen Trucking Company, (respondent) is under suspension effective January 08, 2020 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 25 North Filbert Street, Allentown, PA 18109.

3. That respondent was issued a Certificate of Public Convenience by this Commission on April 11, 2019, at A-8921995.

4. That respondent has failed to maintain evidence of Liability and Cargo insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500.00 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

*Wherefore*, unless respondent pays the penalty of \$500.00 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-8921995 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,  
David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement  
400 North Street  
Harrisburg, PA 17120

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 01/21/2020

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, PA 17120

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
400 North Street  
Harrisburg, PA 17120

Or, emailed to Mr. Swindler at: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility Services  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, PA 17120

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, PA 17120

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

**Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. LT International Transport, LLC;**  
**Docket No. C-2020-3016860**

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 LT International Transport, LLC, (respondent) is under suspension effective January 18, 2020 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 349 Academy St., Carnegie, PA 15106-2705.

3. That respondent was issued a Certificate of Public Convenience by this Commission on December 11, 2019, at A-8920257.

4. That respondent has failed to maintain evidence of Liability and Cargo insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500.00 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500.00 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-8920257 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,  
David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement  
400 North Street  
Harrisburg, PA 17120

#### VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 01/29/2020

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

#### NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, PA 17120

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
400 North Street  
Harrisburg, PA 17120

Or, emailed to Mr. Swindler at: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility  
Services  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, PA 17120

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, PA 17120

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

**Pennsylvania Public Utility Commission; Bureau of  
Investigation and Enforcement v. L & S  
Transportation, Incorporated;  
Docket No. C-2020-3017357**

#### 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 L & S Transportation, Incorpora, (respondent) is under suspension effective January 24, 2020 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 104 Hoffman Road, Wind Gap, PA 18091.

3. That respondent was issued a Certificate of Public Convenience by this Commission on February 04, 2000, at A-00116251.

4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500.00 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500.00 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-00116251 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,  
David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement  
400 North Street  
Harrisburg, PA 17120

#### VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: February 3, 2020

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

#### NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, PA 17120

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
400 North Street  
Harrisburg, PA 17120

Or, emailed to Mr. Swindler at: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility Services  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, PA 17120

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, PA 17120

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

—

**Pennsylvania Public Utility Commission;  
Bureau of Investigation and Enforcement v. Arista  
Limousine, Inc.; Docket No. C-2020-3017365**

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 Arista Limousine, Inc., (respondent) is under suspension effective January 23, 2020 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 212 Independence Drive, Holland, PA 18966.

3. That respondent was issued a Certificate of Public Convenience by this Commission on March 24, 2002, at A-00118451.

4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500.00 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500.00 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-00118451 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,  
David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement  
400 North Street  
Harrisburg, PA 17120

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: February 3, 2020

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, PA 17120

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
400 North Street  
Harrisburg, PA 17120

Or, emailed to Mr. Swindler at: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility  
Services  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, PA 17120

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, PA 17120

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

**Pennsylvania Public Utility Commission; Bureau of  
Investigation and Enforcement v. Woodys, LLC;  
Docket No. C-2020-3018565**

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 Woodys, LLC, (respondent) is under suspension effective February 07, 2020 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 555 Bosler Avenue, Lemoyne, PA 17043.

3. That respondent was issued a Certificate of Public Convenience by this Commission on August 31, 2011, at A-8913364.

4. That respondent has failed to maintain evidence of Liability and Cargo insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500.00 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500.00 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-8913364 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,  
David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement  
400 North Street  
Harrisburg, PA 17120

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: February 18, 2020

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, PA 17120

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
400 North Street  
Harrisburg, PA 17120

Or, emailed to Mr. Swindler at: [RA-PCCmpltResp@pa.gov](mailto:RA-PCCmpltResp@pa.gov)

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility  
Services  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, PA 17120

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, PA 17120

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this num-

ber 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. 20-400. Filed for public inspection March 13, 2020, 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 common carriers 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 30, 2020. 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-20-02-09. The Executive Limousine Co., LLC** (1410 Lincoln Avenue, Prospect Park, PA 19076): 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. *Attorney for Applicant:* Charles Milstein, Esq., 7102 Frankford Avenue, Philadelphia, PA 19135.

**Doc. No. A-20-03-01. Kamal Trans, Inc.** (3616 Southwest 165th Avenue, Miramar, FL 33027): 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-20-03-02. Elebran, LLC** (1120 Yeadon Avenue, Yeadon, PA 19050): 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-20-03-03. Nesa Cab Co.** (40 Richfield Road, Upper Darby, PA 19082): 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

phia to points in Pennsylvania, and return. *Attorney for Applicant*: Danielle Friedman, Esq., 2301 Church Street, Philadelphia, PA 19124.

SCOTT PETRI,  
*Executive Director*

[Pa.B. Doc. No. 20-401. Filed for public inspection March 13, 2020, 9:00 a.m.]

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## PHILADELPHIA PARKING AUTHORITY

### Service of Notice of Taxicab and Limousine Division Formal Complaint

#### Philadelphia Parking Authority, Taxicab and Limousine Division v. Misbawu N. Thaisa; Doc. No. C-20-01-085

Attention Misbawu N. Thaisa, last known address of 7701 Lindbergh Boulevard, Apt. 600, Philadelphia, PA 19153: Citation T-29386 and Citation T-29246 (Citations) have been issued to you by first-class proof-of-mail on January 31, 2020 by the Enforcement Department of the Philadelphia Parking Authority's (Authority) Taxicab and Limousine Division (TLD) citing you have committed violations of 52 Pa. Code § 1057.10 for "PA DOT Inspection Stickers Expired" which carries a recommended penalty of \$500 for each of the Citations. Pursuant to 52 Pa. Code § 1005.13(b) (relating to answer to citations), an answer to the Citation was due no later than February 18, 2019.

However, the Citations were mailed to you at your last known address referenced above but have been returned to the TLD by the United States Postal Service marked as "Forward time expired, return to sender." Therefore, service of the Citations is being accomplished through this notice pursuant to 52 Pa. Code § 1001.51(e) (relating to alternative service).

To avoid a default order being entered against you, and the above penalties being levied, you shall answer the Citations by completing one of the following:

No later than fifteen (15) days after the date of this publication, which is no later than March 30, 2020, you shall complete one of the following:

a. Plead liable to the violations and remit payment of the full penalty of \$500 for each of the Citations 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.

SCOTT PETRI,  
*Executive Director*

[Pa.B. Doc. No. 20-402. Filed for public inspection March 13, 2020, 9:00 a.m.]

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