

# PENNSYLVANIA BULLETIN

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for the Pennsylvania Public  
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Communications Commission  
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**Latest Pennsylvania Code Reporter  
(Master Transmittal Sheet):**

**No. 542, January 2020**

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

## *Pennsylvania Bulletin*

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

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

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

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

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

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

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

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

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

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

## ***Pennsylvania Code***

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

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

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

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

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

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

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

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

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### Printing Format

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

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

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

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

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

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

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

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

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

### Fiscal Notes

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

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

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

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## List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2020.

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# THE GENERAL ASSEMBLY

## THE GENERAL ASSEMBLY

### COMMISSION ON SENTENCING

#### Proposed Model Pretrial Risk Assessment Tool

The Pennsylvania Commission on Sentencing hereby publishes for public comment a proposed model pretrial risk assessment tool. The proposed model pretrial risk assessment tool, Ontario Domestic Assault Risk Assessment, is set forth in Annex A.

Act 14 of 2018, effective April 16, 2018, amended 18 Pa.C.S.A. § 2711 (relating to probable cause arrests in domestic violence cases) to provide the following:

(c.1) *Pretrial risk assessment tool.*—The president judge of a court of common pleas may adopt a pretrial risk assessment tool for use by the court of common pleas or by the Philadelphia Municipal Court, the Pittsburgh Magistrates Court or magisterial district judges when acting as the issuing authority in cases under this section. The issuing authority may use the pretrial risk assessment tool to aid in determining whether the defendant poses a threat of danger to the victim. However, the pretrial risk assessment tool may not be the only means of determining whether to admit the defendant to bail. Nothing in this subsection shall be construed to conflict with the issuing authority's ability to determine whether to admit the defendant to bail under the Pennsylvania Rules of Criminal Procedure.

(c.2) *Pennsylvania Commission on Sentencing.*—The following shall apply to the Pennsylvania Commission on Sentencing:

- The Commission shall develop a model pretrial risk assessment tool which may be used by the issuing authority in cases under this section, as set forth in subsection (c.1).

- Subject to any inconsistent rule of court, in order to ensure that the model pretrial risk assessment tool or other pretrial risk assessment adopted under this section is effective, accurate and free from racial or economic bias, prior to the adoption of the tool the commission shall publish a report on validation using information from cases from the judicial district where the tool is to be utilized. The report shall be updated every two years.

On December 12, 2019, the Commission approved the Ontario Domestic Assault Risk Assessment (ODARA) as a proposed model pretrial risk assessment tool. The Commission is seeking public comment on the proposed model pretrial risk assessment tool as set forth in Annex A.

In accordance with 42 Pa.C.S.A. § 2155, prior to adoption the Commission shall publish in the *Pennsylvania Bulletin* all proposed risk assessment instruments and hold public hearings not earlier than 30 days and not later than 60 days thereafter to afford an opportunity for the following persons and organizations to testify:

- (i) Pennsylvania District Attorneys Association
- (ii) Chiefs of Police Associations
- (iii) Fraternal Order of Police
- (iv) Public Defenders Organization
- (v) Law School faculty members
- (vi) State Board of Probation and Parole

- (vii) Department of Corrections
- (viii) Pennsylvania Bar Association
- (ix) Pennsylvania Wardens Association
- (x) Pennsylvania Association on Probation, Parole and Corrections
- (xi) Pennsylvania Conference of State Trial Judges
- (xii) Any other interested person or organization

The Commission will hold three public hearings to receive comments on the proposed model pretrial risk assessment tool:

#### Hearing I.

Date: Tuesday, February 18, 2020  
 Time: 1:30 p.m.  
 Location: Allegheny County Courthouse, Courtroom 327  
 436 Grant Street, Pittsburgh, PA

#### Hearing II.

Date: Wednesday, February 19, 2020  
 Time: 1:30 p.m.  
 Location: Juanita Kidd Stout Center for Criminal Justice, Courtroom 304  
 1301 Filbert Street, Philadelphia, PA

#### Hearing III.

Date: Wednesday, March 4, 2020  
 Time: 2:00 p.m.  
 Location: Pennsylvania Judicial Center  
 601 Commonwealth Avenue, Harrisburg, PA

Persons or organizations wishing to testify should contact the Commission at least five business days prior to the hearing to register and to provide an electronic copy of any testimony. Written comments from persons or organizations not wishing to testify should be received by the Commission at least five business days before the last-scheduled public hearing. Commission staff will copy and distribute any submitted documents to Commission Members. Please contact Cathy Dittman (814.863.5729 or CWD@PSU.EDU) to register to testify and/or to submit testimony or written comments.

Any other individuals wishing to testify who have not registered five days in advance are asked to provide 30 copies of any testimony at the time of the public hearing.

The Commission will evaluate the proposal after consideration of the testimony and written comments received. The next quarterly meeting of the Commission will be held on Thursday, March 5, 2020, in Room 60 East Wing of the Pennsylvania State Capitol, 500 Commonwealth Avenue, Harrisburg, PA.

REPRESENTATIVE TODD STEPHENS,  
*Chair*

#### Commentary on Annex A

This Commentary provides an overview of Commission's activities and the rationale for approving for public hearings the Ontario Domestic Assault Risk Assessment (ODARA) as the proposed model pretrial risk assessment tool. The Ontario Domestic Assault Risk Assessment (ODARA) is set forth in Annex A.



Annex A is a reproduction of the ODARA scoring form utilized in New Jersey (<https://www.nj.gov/lps/dcj/agguide/directives/ODARA-Scoring-Form.pdf>) based upon the ODARA manual found in Hilton, N.Z., Harris, G.T., & Rice, M.E. (2010). *Risk assessment for domestically violent men: Tools for criminal justice, offender intervention, and victim services*. Washington, DC: American Psychological Association.

Act 14 of 2018, signed April 16, 2018, provides the president judge of a court of common pleas the option of adopting a pretrial risk assessment tool for use by: “the court of common pleas, Philadelphia Municipal Court, the Pittsburgh Magistrates Court, or magisterial district judges when acting as the issuing authority” pursuant to 18 Pa.C.S.A. § 2711 (relating to probable cause arrests in domestic violence cases). A pretrial risk assessment tool may be used by the issuing authority as an “aid in determining whether the defendant poses a threat of danger to the victim.”

Act 14 requires the Pennsylvania Commission on Sentencing to “develop a model pretrial risk assessment tool which may be used by the issuing authority. . . .” The Commission is also required to “publish a report of validation using the information from cases from the judicial district where the tool is to be utilized.”

In order to meet this mandate, Commission investigated current procedures related to the following: the pretrial process; the information that is considered and available to judicial officers at the preliminary arraignment and the preliminary hearing; existing pretrial and pretrial domestic violence risk assessment tools utilized in the Commonwealth; research and best practices on domestic violence pretrial decision-making; and domestic violence risk assessment tools used in jurisdictions outside Pennsylvania. The steps undertaken by the Commission through engagement with key criminal justice stakeholders are outlined below:

- *Site visits*—Commission staff met with county practitioners to discuss pretrial practices, DV-specific pretrial practices, the information collected and available to the MDJ at preliminary arraignment, and the availability of pretrial services and programs. Participants in the meetings included Common Pleas and Magisterial District Court judges, district attorneys, public defenders, victim advocates, and staff from pretrial services agencies, probation departments, women shelters and health centers, and child advocacy centers. Meetings were held in the following counties: Allegheny, Cambria, Centre, Chester, Dauphin, Montgomery and Philadelphia counties.

- *Meetings with Domestic Violence Experts*—Commission staff discussed extant research, best practices, and issues associated with the creation and validation of existing pretrial and domestic violence pretrial risk assessment tools with subject-matter experts from the Pennsylvania Coalition Against Domestic Violence (PCADV), the National Center for State Courts, and with Professors Richard Berk and Susan Sorenson at the University of Pennsylvania.

- *Meeting with Pretrial Services Experts*—Commission staff also met with a representative of the Pennsylvania Pretrial Services Association and with Matt Alsdorf, President and Founder of Pretrial Advisory and former Vice President for Criminal Justice with the Laura and John Arnold Foundation (LJAF).

- *Roundtable Discussion*—The Commission hosted a roundtable discussion during its September 5-6, 2018 quarterly meeting with local practitioners and state ex-

perts to discuss the role of law enforcement, victim and defendant information, availability of data, procedures for criminal and civil actions, pretrial decisions and services, existing limitations, and how best to utilize the authority under Act 14 to improve decision-making and outcomes.

- *Survey of President Judges*—An online survey about pretrial practices was sent to President Judges in Pennsylvania. Information was received from 40 counties. The survey revealed that very few jurisdictions make use of a risk assessment tool to inform the bail decision and that no counties currently utilize a pretrial domestic violence risk assessment tool. However, over 32 of the 40 responding counties indicated that they would be interested in adopting a pretrial risk assessment for DV as an aid in determining whether the defendant poses a future threat of danger.

- *Review of existing risk assessment tools*—Commission staff conducted a thorough review of domestic violence risk assessment tools currently in use. Tools reviewed included: the Danger Assessment (DA), Spousal Assault Risk Assessment Instrument, Domestic Violence Screening Instrument (DVSI), Ontario Domestic Assault Risk Assessment, and Lethality Assessment Program (LAP).

To evaluate each tool, staff considered the intended purpose of the tool (e.g., predict risk of future assault against intimate partners), where the tool was designed/developed, which jurisdictions currently make use of the tool, whether the tool has been validated, how the tool is administered (e.g., by police at the crime scene), whether the person administering the tool needs professional qualifications (e.g., psychologist or trained clinician), and the predictive validity of the tool. This review process allowed staff to assess the relevance and appropriateness of each of the tools and examine whether an existing tool would fit the Commission’s mandate.

For example, as of 2017 the LAP was utilized in 43 counties and by over 250 police departments (PCADV). However, despite the high frequency of usage, the LAP is not a good candidate as a model tool since it was not designed to inform the pretrial bail decision for DV cases; instead, it was designed to connect victims to information and services. Similarly, the Danger Assessment was ruled out because the tool was designed to predict a different outcome (intimate partner homicide). It was also determined that SARA is not a practical alternative because the instrument relies on structured clinical assessment by trained psychologists or clinicians. Finally, the DVSI was eliminated from consideration because the tool performed significantly lower on measures of predictive validity than any of the existing tools. ODARA is the domestic violence pretrial tool that best fits the mandate.

- *Stakeholder Summit at Duquesne University School of Law*—The Commission hosted a one-day summit with subject matter experts and practitioners from Allegheny County to discuss the feasibility of adopting and implementing ODARA. Allegheny County attendees included representatives from Pretrial Services, Probation (including adult and juvenile, and domestic violence unit), District Attorney’s Office, Public Defender’s Office, and County Court Administration. Additionally, representatives from the Pennsylvania Office of the Victim Advocate and law professors from Duquesne Law School were present. Speakers at the summit included the lead author of ODARA and practitioners from three jurisdictions that are currently using ODARA to inform pretrial decisions for DV cases (Denver, CO; Travis County, TX; Maine).

- *Presentation on ODARA Validation*—Dr. Jill Messing (Associate Professor in the School of Social Work at

Arizona State University) provided a presentation to the Commission during the December 2019 quarterly meeting on issues related to the development and validation of domestic violence risk assessment tools and findings from her research on domestic violence risk assessments (including ODARA).

After a thorough review of research on domestic violence pretrial risk assessment and numerous discussions with experts and key criminal justice stakeholders, Commission staff recommended to the Commission that ODARA serve as the model pretrial risk assessment tool. The Commission voted during its December 11-12, 2019 quarterly meeting to approve this recommendation and to schedule public hearings.

ODARA is an empirically developed and validated actuarial risk assessment tool developed and validated in Ontario, Canada to assess the future likelihood of violence against an intimate partner. The tool includes 13 questions that were found to be the most highly predictive of future violence. Nine of the items are typically collected from victims by law enforcement and the other four are derived from criminal history records. ODARA is currently used to inform the pretrial decision process by assessing the risk of future intimate partner violence in Denver County and City (CO), Travis County (TX),

Maine, and New Jersey. The tool is free of charge to use and the designers of the tool provide access to free online training.

All domestic violence risk assessment tools (including ODARA) examined by the Commission have been designed to predict the risk of future violence on *intimate partners*. However, the current language in the statute defines domestic violence cases as violations of sections 2504 (relating to involuntary manslaughter), 2701 (relating to simple assault), 2702(a)(3), (4), (5) (relating to aggravated assault), 2705 (relating to recklessly endangering another person), 2706 (relating to terroristic threats), 2709.1 (relating to stalking), or 2718 (relating to strangulation) against a family or household member.

Family or household members are defined as “spouses or persons who have been spouses, persons living as spouses or who lived as spouses, parents and children, other persons related by consanguinity or affinity, current or former sexual or intimate partners or persons who share biological parenthood” (23 Pa.C.S.A. § 6102). The definition of intimate partner is generally limited to “a spouse or person who has been a spouse, a person living as a spouse, or current or former sexual partner.”

#### **Annex A**

#### **Pennsylvania Commission on Sentencing Proposed Model Pretrial Risk Assessment Tool**

### ODARA Scoring Form

*A summary of ODARA scoring instructions is provided below for reference. The ODARA manual is found in Hilton, N.Z., Harris, G.T., & Rice, M.E. (2010). Risk assessment for domestically violent men: Tools for criminal justice, offender intervention, and victim services. Washington, DC: American Psychological Association.*

**Defendant Name:** \_\_\_\_\_

**SBI #:** \_\_\_\_\_ **Live Scan Verified?** Yes  No

**Agency Name:** \_\_\_\_\_ **ORI #:** \_\_\_\_\_ **County:** \_\_\_\_\_

**Agency Case #:** \_\_\_\_\_ **Officer Completing ODARA:** \_\_\_\_\_

**Index Assault Date:** \_\_\_\_\_ **ODARA Completion Date:** \_\_\_\_\_

**Defendant identifies as:** Male  Female  **Victim identifies as:** Male  Female

**Crime(s) Charged:** \_\_\_\_\_

**Administer ODARA when the following offenses are charged and the Victim is a Partner (as terms are defined below):**

- Homicide, 2C:11-1
- Aggravated Assault, 2C:12-1b
- Kidnapping, 2C:13-1
- Sexual Assault, 2C:14-2
- Robbery, 2C:15-1
- Simple Assault, 2C:12-1a (w/contact or w/weapon)
- Terroristic Threats, 2C:12-3 (w/contact or w/weapon)
- False Imprisonment, 2C:13-3 (w/contact or w/weapon)
- Criminal Sexual Contact, 2C:14-3
- 2nd degree Burglary, 2C:18-2 (w/contact or w/weapon)
- Any other crime involving risk of death or SBI, 2C:25-19a(18)

**DEFINITIONS**

**Index Assault:** The most recent incident in which the person being assessed (Defendant, as defined below) assaulted his/her current or former Partner (as defined below). Assault is any act of violence that involved physical contact with the Victim (as defined below) or a credible threat of death made with a weapon displayed in the presence of the Victim.

**Defendant:** For the purposes of scoring ODARA, the Defendant is the person being assessed.

**Victim:** For the purposes of scoring ODARA, the Victim is the person upon whom the Index Assault was committed.

**Partner:** For the purposes of scoring ODARA, a Partner is a person who currently is, or previously was, involved with the Defendant in an intimate relationship. This includes current or former spouses, current or former intimate cohabitants, co-parents, and those currently or formerly in a dating relationship.

**INSTRUCTIONS**

- Score each Item as "1" if the evidence indicates that the Item is present and "0" if the evidence indicates that it is not present. The ODARA total score is the sum of the Item scores.
- If available documentation indicates that an Item might be present but the information is unclear or incomplete, then the Item may be treated as unknown or missing and scored as "?" In such cases, the Prorating Table should be used.
- The ODARA can be scored with up to 5 missing or unknown Items (scored as "?"). The ODARA cannot be interpreted if 6 or more items are scored as "?"

**1. Confinement of the Victim at the Index Assault**

**SAMPLE QUESTION:** *This time, did he/she do anything to prevent you from leaving the location?*

**Confinement:** Any act by the Defendant that physically prevents, or attempts to prevent, the Victim from leaving the scene of the assault.

- ✓ Count a charge of kidnapping, criminal restraint, or false imprisonment at the Index Assault.
- ✓ Examples: confining the Victim in a locked room, barring an exit.
- ✓ In locations without walls or doors, count actions taken to impede the Victim's active attempts to escape from the location.
- ✗ Do not include: any threats to harm the Victim if he/she leaves, pinning the Victim down in the course of an assault, cutting off the telephone, or confining persons other than the Victim.
- ✗ Do not include any confinement occurring before or after the Index Assault (i.e., during a separate incident).

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*Revised 10/23/2017*

Annex A is a reproduction of the ODARA scoring form utilized in New Jersey (<https://www.nj.gov/lps/dcj/agguide/directives/ODARA-Scoring-Form.pdf>) based upon the ODARA manual found in Hilton, N.Z., Harris, G.T., & Rice, M.E. (2010). *Risk assessment for domestically violent men: Tools for criminal justice, offender intervention, and victim services.* Washington, DC: American Psychological Association.



**ODARA Scoring Form**

**2. Threat to harm or kill anyone at the Index Assault**

**SAMPLE QUESTION:** *This time, did he/she threaten to harm or kill you or anyone else?*

- ✓ Count any threat to harm or kill uttered at the Index Assault by the Defendant to cause bodily harm to any person other than the Defendant (i.e., do not count threats of self-harm or suicide).
- ✓ Count bodily gestures commonly recognized as threats of physical harm, e.g., mimic shooting a gun or slashing a throat.
- ✗ Threats involving only pets or property, or threats of non-bodily harm, do not count for this Item.
- ✗ Do not include any threats occurring before or after the Index Assault.

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**3. Victim concern about future assaults**

**SAMPLE QUESTION:** *Are you concerned that he/she will assault you or the children again?*

**Victim concern:** Includes any statement made by the Victim that he/she is concerned, afraid, worried, or certain that the Defendant will assault him/her or the Victim's child(ren) in the future.

- ✓ This statement must be made by the Victim in the first report at or after the Index Assault. If no statement about Victim concern is present in a police report, a statement made by the Victim in the first report to victim support services can be counted.
- ✗ Do not count the Victim's concern for safety, or the child(ren)'s safety, in the course of the Index Assault.
- ✗ Do not include statements made by the Victim on a separate occasion before the Index Assault.

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**4. Victim and/or Defendant have more than 1 child altogether**

**SAMPLE QUESTIONS:** *How many children do you have? How many does your current Partner (Defendant) have?*

- ✓ Count the biological or adopted children of the Defendant.
- ✓ Count the biological or adopted children of the Victim.
- ✓ Count only living children, whether they are minors or adults, and whether they are living with the Victim, Defendant, or elsewhere. There must be a total of at least 2 children to score 1 for this Item.

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**5. Victim has a biological child with someone other than the Defendant**

**SAMPLE QUESTION:** *Do you have a child from any previous relationships (other than with the Defendant)?*

To determine whether the Victim has a biological child from a previous partner:

- ✓ Count the children of the Victim, but count only the Victim's biological children whose other parent is not the Defendant.
- ✓ Count only living children, whether they are minors or adults, and whether they are living with the Victim, Defendant, or elsewhere.
- ✗ Do not count adopted children for this Item.

The Victim need only have 1 child with a previous partner to score 1 for this Item.

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**6. Assault on Victim while she was pregnant (at Index Assault or prior assault)**

**SAMPLE QUESTION:** *Did he/she ever assault you when you were pregnant?*

- ✓ Include only assaults against the Victim. Do not count assaults against anyone other than the Victim.
- ✓ Count the Index Assault or any prior assault on the Victim, committed by the Defendant, if the Victim was pregnant at the time.
- ✓ The incident must include physical contact, the use or attempted use of a weapon to contact the Victim's body, or a threat of harm made while displaying a weapon. If you do not have a detailed description of the incident, count a charge of assault or other violent offense if it is known that the Victim was the Index Assault Victim and was pregnant at the time.
- ✗ It is not required that the Defendant knew that the Victim was pregnant.

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**ODARA Scoring Form**

**7. Two or more indicators of substance abuse**

**SAMPLE QUESTIONS:** *Did he/she drink alcohol just before or during this assault? Did he/she use drugs just before or during the assault?*  
*Did he/she abuse alcohol or drugs in the past few days or weeks before this assault?*  
*Did he/she abuse alcohol or drugs more than usual in the few days or weeks before the assault?*  
*Before this assault, was he/she more angry or violent when he/she used drugs or alcohol?*  
*Before this assault, had he/she ever been charged for something he/she did when drinking?*  
*Before this assault, had he/she had an alcohol or drug problem any time since he/she was 18?*

**Substance abuse indicators:** More than 1 indicator of substance abuse is needed to score 1 for this Item. Count any 2 of these specific indicators pertaining to the Defendant.

- ✓ The Defendant consumed alcohol or used drugs immediately before or during the Index Assault.
- ✓ The Defendant abused drugs and/or alcohol in the days or weeks before the Index Assault (e.g., alcohol intoxication, frequent alcohol use, use of street drugs, misuse of medication).
- ✓ The Defendant noticeably increased his/her abuse of drugs and/or alcohol in the days or weeks before the Index Assault (without a return to normal consumption prior to the Index Assault).
- ✓ The Defendant had been more angry or violent when using drugs and/or alcohol before the Index Assault.
- ✓ The Defendant consumed alcohol before or during an offense (including driving while intoxicated) pre-dating the Index Assault.
- ✓ From age 18 to the time of the Index Assault, the Defendant's alcohol use resulted in problems or interference in his/her life; this can include alcohol use related to violations of the law resulting in a charge or revocation of conditional release, withdrawal symptoms, inability to decrease use, or problems attributable to alcohol use (such as financial, job, relationship, legal, or health problems).
- ✓ From age 18 to the time of the Index Assault, the Defendant's illicit or street drug use or misuse of prescription drugs resulted in some problems or interference in his/her life; this can include drug use related to violations of the law resulting in a charge or revocation of conditional release, withdrawal symptoms, inability to decrease use, or problems attributable to drug use (such as financial, job, relationship, legal, or health problems).
- ✗ Do not include medications taken as prescribed.

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**8. Victim faces at least 1 barrier to support**

**SAMPLE QUESTIONS:** *Do you have any children at home for whom you provide care?*  
*Do you live in a home with no phone?*  
*Do you live where there is no access to transportation?*

**Barriers to support:** Count any of these specific circumstances faced by the Victim. Circumstances not included in this list do not count.

- ✓ The Victim has 1 or more children age 18 or under who live with the Victim and for whom the Victim provides care.
- ✓ The Victim has no telephone, e.g., no mobile, cell, or landline in the home.
- ✓ The Victim has no access to a vehicle, no access to public transportation near his/her home, and no money for a taxi.
- ✓ The Victim lives in a rural area with nobody living close by.
- ✓ The Victim consumed alcohol or drugs just before or during the Index Assault, or the Victim has a history of alcohol or drug abuse (e.g., alcohol intoxication, frequent alcohol use, use of street drugs, misuse of prescription medication).
- ✗ Do not include medications taken as prescribed.

The Victim need only experience 1 of these barriers to score 1 for this Item.

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**9. Prior violent incident against a non-domestic victim**

**SAMPLE QUESTIONS:** *Is he/she violent toward people other than you and the children? Does he/she fight with or hit others?*

**Prior violence against a non-domestic victim:** Defendant assaulted any person who is not a Partner or Partner's child.

- ✓ A specific incident is required, but unlike Item 11, presence in a police report or criminal record is not required.
- ✓ The incident must include physical contact, the use or attempted use of a weapon to contact the person's body, or a threat of harm made while displaying a weapon.
- ✓ The violent incident must have occurred on a separate occasion, before the Index Assault. Information can come from sources other than criminal justice documentation, and the incident does not need to be known to the police.

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Annex A is a reproduction of the ODARA scoring form utilized in New Jersey (<https://www.nj.gov/lps/dcj/agguide/directives/ODARA-Scoring-Form.pdf>) based upon the ODARA manual found in Hilton, N.Z., Harris, G.T., & Rice, M.E. (2010). *Risk assessment for domestically violent men: Tools for criminal justice, offender intervention, and victim services*. Washington, DC: American Psychological Association.



**ODARA Scoring Form**

**10. Prior domestic incident of assault in a police report or criminal record (against current or former Partner or Partner's child)**

- Prior domestic:** The Defendant previously assaulted a Partner or a Partner's child, and it is recorded in a police report or criminal record.
- ✓ The incident must include physical contact, the use or attempted use of a weapon to contact the victim's body, or a threat of harm made while displaying a weapon. If you do not have a detailed description of the incident, count a charge of assault or other violent offense against a Partner or Partner's child as a domestic incident. (Note: a charge is not required.)
  - ✓ The prior incident must have been reported to the police.
  - ✓ The prior incident must have occurred on a separate occasion, before the Index Assault. If the Index Assault is part of a cluster of assaults documented in 1 police report, count any domestic assault against a Partner or Partner's child that occurred at least 24 hours before the Index Assault as a prior domestic incident.
  - ✗ Incidents involving only pets or property do not count for this Item.

**11. Prior non-domestic incident of assault in a police report or criminal record (against any person other than a Partner or a Partner's child)**

- Prior non-domestic:** The Defendant previously assaulted any person who is not a Partner or a Partner's child, and it is recorded in a police report or criminal record. This Item differs from Item 10 only in who the assaulted person is.
- ✓ The incident must include physical contact, the use or attempted use of a weapon to contact the victim's body, or a threat of harm made while displaying a weapon. If you do not have a detailed description of the incident, count a charge of assault or other violent offense against someone other than a Partner or a Partner's child as a non-domestic incident. (Note: a charge is not required.)
  - ✓ The incident must have been reported to the police.
  - ✓ The incident must have occurred on a separate occasion, before the Index Assault. If the Index Assault is part of a cluster of assaults documented in 1 police report, count any non-domestic assault that occurred at least 24 hours before the Index Assault as a prior non-domestic incident.
  - ✗ Incidents involving only pets or property do not count for this Item.

**12. Prior custodial sentence of 30 days or more**

- Prior custodial sentence:** The final disposition for an offense committed by the Defendant, handed down before the Index Assault.
- ✓ The sentence itself must be for at least 30 days.
  - ✓ The Defendant must have been admitted to an adult or juvenile correctional facility, prison, or jail, but the Defendant need not have been in custody for the entire 30 days. Count the sentence, not the time spent in custody.
  - ✗ Do not include a sentence given for the Index Assault.

**13. Failure on current or prior conditional release (including bail, parole, probation, or pretrial release order) or conditions of a restraining order (TRO, FRO, DORO, SORO, SASPA, stalking)**

- Conditional release failure:** The conditional release must have been ordered before the Index Assault.
- ✓ If Defendant was on a conditional release at the time of the Index Assault, and no information is available about release conditions, count the Index Assault as a conditional release failure, because such releases typically require offenders to remain offense free.
  - ✓ The Defendant must have been at liberty in the community under supervision, monitoring, or other requirement ordered by a criminal court, or a no-contact order imposed by any court.
  - ✓ Any known violations of the conditional release or violations of release conditions count for this Item.
  - ✓ Any charges incurred while on conditional release count for this Item. Count any known failure, even if it did not result in a charge.
  - ✓ Examples: committing a new criminal offense; failing to appear for court; failing to attend a probation appointment; drinking when prohibited by court or probation; going to a person's home or work when prohibited; contacting a person when prohibited.
  - ✗ Do not include violations occurring after the Index Assault.

Annex A is a reproduction of the ODARA scoring form utilized in New Jersey (<https://www.nj.gov/lps/dcj/agguide/directives/ODARA-Scoring-Form.pdf>) based upon the ODARA manual found in Hilton, N.Z., Harris, G.T., & Rice, M.E. (2010). *Risk assessment for domestically violent men: Tools for criminal justice, offender intervention, and victim services*. Washington, DC: American Psychological Association.



**ODARA Scoring Form**

<b>Raw Score</b> (sum of Items scored 1)	_____
Number of Missing or Unknown ("?") Items	_____
<b>ODARA Final Score</b> (use Prorating Table if indicated)	_____

**PRORATING TABLE**

Only use if 1 or more Items are scored as missing or unknown ("?"), indicating the Item might be present but the available documentation or information is unclear or incomplete. *Note:* The ODARA can be scored with up to 5 missing Items. The ODARA cannot be interpreted if 6 or more items are scored as "?"

Number of Missing Items					
Raw Score	1	2	3	4	5
0	0	0	0	0	0
1	1	1	1	1	2
2	2	2	3	3	3
3	3	4	4	4	5
4	4	5	5	6	7+
5	5	6	7+	7+	7+
6	7+	7+	7+	7+	7+

*Note:* If Raw Score is 7 or above, do not use the Prorating Table, and count the Raw Score as the Final Score.

**ACTUARIAL TABLE**

Final Score	Percent Who score in this range	Percent scoring lower	Percent scoring higher	Percent who recidivate
0	9	0	91	7
1	17	9	74	17
2	21	26	53	22
3	20	47	33	34
4	13	67	20	39
5-6	14	80	6	53
7-13	6	94	0	74

**EXAMPLE FOR REPORTING ODARA SCORES:** Defendant scored a 5 on the ODARA. As indicated in the ODARA norms, only 6% of men with a police report of domestic assault obtained higher scores. Over 53% of men in this group committed a new assault against a female Partner within an average of 5 years.

Annex A is a reproduction of the ODARA scoring form utilized in New Jersey (<https://www.nj.gov/lps/dcj/agguide/directives/ODARA-Scoring-Form.pdf>) based upon the ODARA manual found in Hilton, N.Z., Harris, G.T., & Rice, M.E. (2010). *Risk assessment for domestically violent men: Tools for criminal justice, offender intervention, and victim services*. Washington, DC: American Psychological Association.

[Pa.B. Doc. No. 20-60. Filed for public inspection January 17, 2020, 9:00 a.m.]

## THE GENERAL ASSEMBLY

### Recent Actions during the 2019 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during the 2019 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>2019 General Acts of Regular Session Enacted—Act 114 through 118</b>					
114	Dec 18	S0500	PN1433	60 days	Pennsylvania Commission on Crime and Delinquency Law—omnibus amendments
115	Dec 18	S0501	PN1434	Immediately*	Judicial Code (42 Pa.C.S.) and Prisons and Parole (61 Pa.C.S.)—omnibus amendments
116	Dec 27	H1542	PN2889	60 days	Liquor Code—special occasion permits and wine and spirits auction permits
117	Dec 27	S0316	PN0295	60 days	Second Class Township Code—duties of supervisors
118	Dec 27	S0750	PN1188	30 days	Administrative Code of 1929—grounds, buildings and monuments in general and transfer the authority of Lieutenant Governor's Mansion

\* 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. 20-61. Filed for public inspection January 17, 2020, 9:00 a.m.]

# THE COURTS

## Title 210—APPELLATE PROCEDURE

### PART I. RULES OF APPELLATE PROCEDURE

#### [ 210 PA. CODE CH. 3 ]

#### Proposed Amendment of Pa.R.A.P. 302

The Appellate Court Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the amendment of the Official Note to Pa.R.A.P. 302 for the reasons set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. No. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

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

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

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

Karla M. Shultz, Counsel  
Appellate Court Procedural Rules Committee  
Supreme Court of Pennsylvania  
Pennsylvania Judicial Center  
PO Box 62635  
Harrisburg, PA 17106-2635  
FAX: 717-231-9551  
appellaterules@pacourts.us

All communications in reference to the proposal should be received by February 18, 2020. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

*By the Appellate Court  
Procedural Rules Committee*

PATRICIA A. McCULLOUGH,  
*Chair*

#### Annex A

#### TITLE 210. APPELLATE PROCEDURE

#### PART I. RULES OF APPELLATE PROCEDURE

#### ARTICLE I. PRELIMINARY PROVISIONS

#### CHAPTER 3. ORDERS FROM WHICH APPEALS MAY BE TAKEN

#### IN GENERAL

#### Rule 302. Requisites for Reviewable Issue.

(a) *General rule.*—Issues not raised in the [ **lower** ] **trial** court are waived and cannot be raised for the first time on appeal.

(b) *Charge to jury.*—A general exception to the charge to the jury will not preserve an issue for appeal. Specific exception shall be taken to the language or omission complained of.

*Official Note:* [ This rule sets forth a frequently overlooked requirement. See, e.g. *Commonwealth v. Piper*, 458 Pa. 307, 328 A.2d 845 (1974), as to Subdivision (a). See, e.g. *Dilliaine v. Lehigh Valley Trust Co.*, 457 Pa. 255, 322 A.2d 114 (1974); *Commonwealth v. Light*, 458 Pa. 328, 326 A.2d 288 (1974) as to Subdivision (b). Rule 2117(c) (statement of place of raising or preservation of issues) and Rule 2119(e) (statement of place of raising or preservation of issues) require that the brief expressly set forth in both the statement of the case and in the argument reference to the place in the record where the issue presented for decision on appeal has been raised or preserved below.

See Rule 1551 (Scope of Review) as to requisites for reviewable issue on petition for review. ]

*Paragraph (a)*—See *Commonwealth v. Piper*, 328 A.2d 845, 847 (Pa. 1974) (“[I]ssues not raised in the court below are waived and cannot be raised for the first time on appeal. . .”).

*Paragraph (b)*—In *Jones v. Ott*, 191 A.3d 782, 791 n.13 (Pa. 2018), the Supreme Court held that “in order to preserve a jury-charge challenge under Pa.R.C.P. 227.1 by filing proposed points for charge with the prothonotary, a party must make requested points for charge part of the record pursuant to Pa.R.C.P. 226(a), obtain an explicit trial court ruling upon the challenged instruction, and raise the issue in a post-trial motion. See Pa.R.A.P. 302(a); Pa.R.C.P. 226(a), 227, 227.1.” See also, e.g., *Commonwealth v. Light*, 326 A.2d 288 (Pa. 1974) (failure to take a specific exception to the language complained of in a jury charge forecloses review by the appellate court); *Dilliaine v. Lehigh Valley Trust Co.*, 322 A.2d 114 (Pa. 1974) (specific exception to trial court’s jury instruction must be made in order to preserve a point for appellate review). Failure to follow this procedure may result in waiver of this issue.

*Cross references*—Pa.R.A.P. 2117(c) (statement of place of raising or preservation of issues) and Pa.R.A.P. 2119(e) (statement of place of raising or preservation of issues) require that the brief, in both the statement of the case and in the argument, expressly refer to the place in the record where the issue presented for decision on appeal has been raised or preserved below. See Pa.R.A.P. 1551 (scope of review) as to requisites for reviewable issues on petition for review.

#### EXPLANATORY COMMENT

In *Jones v. Ott*, 191 A.3d 782 (Pa. 2018), the Court considered the method of preserving a challenge to a jury instruction. A majority of the Court determined that:

in order to preserve a jury-charge challenge under Pa.R.C.P. 227.1 by filing proposed points for charge with the prothonotary, a party must make requested points for charge part of the record pursuant to Pa.R.C.P. 226(a), obtain an explicit trial court ruling upon the challenged instruction, and raise the issue in a post-trial motion. See Pa.R.A.P. 302(a); Pa.R.C.P. 226(a), 227, 227.1.

*Id.* at 791 n.13.

Pa.R.A.P. 302(b) presently requires a specific exception to be taken to the jury charge in order to preserve an

issue for appeal. *Jones* sets forth the manner in which the exception is perfected. Therefore, to inform readers of the method of preserving an objection to a jury charge for purposes of appeal, the Appellate Court Procedural Rules Committee proposes amendment of the Official Note to Pa.R.A.P. 302 to include a citation to *Jones* and set forth how to take specific exception. It should be noted that “jury charge” and a “jury instruction” are synonymous.

All comments, concerns, and suggestions concerning this proposal are welcome.

[Pa.B. Doc. No. 20-62. Filed for public inspection January 17, 2020, 9:00 a.m.]

**Title 210—APPELLATE  
PROCEDURE**

**PART I. RULES OF APPELLATE PROCEDURE**

**[ 210 PA. CODE CH. 19 ]**

**Proposed Amendment of Pa.R.A.P. 1925**

The Appellate Court Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the amendment of Pa.R.A.P. 1925 for the reasons set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. No. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

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

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

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

Karla M. Shultz, Counsel  
Appellate Court Procedural Rules Committee  
Supreme Court of Pennsylvania  
Pennsylvania Judicial Center  
PO Box 62635  
Harrisburg, PA 17106-2635  
FAX: 717-231-9551  
appellaterules@pacourts.us

All communications in reference to the proposal should be received by February 18, 2020. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

*By the Appellate Court  
Procedural Rules Committee*

PATRICIA A. McCULLOUGH,  
*Chair*

**Annex A**

**TITLE 210. APPELLATE PROCEDURE  
PART I. RULES OF APPELLATE PROCEDURE**

**ARTICLE II. APPELLATE PROCEDURE**

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

**RECORD ON APPEAL FROM LOWER COURT**

**Rule 1925. Opinion in Support of Order.**

\* \* \* \* \*

(c) *Remand.*

(1) An appellate court may remand in either a civil or criminal case for a determination as to whether a Statement had been filed and/or served or timely filed and/or served.

(2) Upon application of the appellant and for good cause shown, an appellate court may remand in a civil case for the filing *nunc pro tunc* of a Statement or for amendment or supplementation of a timely filed and served Statement and for a concurrent supplemental opinion. If an appellant has a statutory or rule-based right to counsel, good cause shown includes a failure by counsel to file a Statement timely or at all.

(3) If an appellant represented by counsel in a criminal case was ordered to file a Statement and failed to do so or filed an untimely Statement, such that the appellate court is convinced that counsel has been *per se* ineffective, and the trial court did not file an opinion, the appellate court may remand for appointment of new counsel, the filing of a Statement *nunc pro tunc*, and the preparation and filing of an opinion by the judge.

(4) **[ In a criminal case, counsel may file of record and serve on the judge a statement of intent to file an *Anders/Santiago* brief in lieu of filing a Statement. If, upon review of the *Anders/Santiago* brief, the appellate court believes that there are arguably meritorious issues for review, those issues will not be waived; instead, the appellate court may remand for the filing of a Statement, a supplemental opinion pursuant to Pa.R.A.P. 1925(a), or both. Upon remand, the trial court may, but is not required to, replace appellant’s counsel. ]**

**If an appellant has a right to counsel and counsel intends to seek to withdraw, counsel shall file of record and serve on the judge a statement of intent to withdraw in lieu of filing a Statement. If the appellate court believes there are arguably meritorious issues for review, those issues will not be waived; instead, the appellate court shall remand for the filing of a Statement, a supplemental opinion pursuant to Pa.R.A.P. 1925(a), or both. Upon remand, the trial court may, but is not required to, replace an appellant’s counsel.**

\* \* \* \* \*

**Official Note:**

\* \* \* \* \*

Subparagraph (c)(1): This subparagraph applies to both civil and criminal cases and allows an appellate court to seek additional information—whether by supplementation of the record or additional briefing—if it is not apparent whether an initial or supplemental Statement was filed and/or served or timely filed and/or served.



Subparagraph (c)(2): This subparagraph allows an appellate court to remand a civil case to allow an initial, amended, or supplemental Statement and/or a supplemental opinion. *See also* 42 Pa.C.S. § 706. In 2019, the rule was amended to clarify that for those civil appellants who have a statutory or [ **rules-based** ] **rule-based** right to counsel (such as appellants in post-conviction relief, juvenile, parental termination, or civil commitment proceedings) good cause includes a failure of counsel to file a Statement or a timely Statement.

Subparagraph (c)(3): This subparagraph allows an appellate court to remand in criminal cases only when an appellant, who is represented by counsel, has completely failed to respond to an order to file a Statement or has failed to do so timely. It is thus narrower than subparagraph (c)(2). *See, e.g., Commonwealth v. Burton*, 973 A.2d 428, 431 (Pa. Super. 2009); *Commonwealth v. Halley*, 870 A.2d 795, 801 (Pa. 2005); *Commonwealth v. West*, 883 A.2d 654, 657 (Pa. Super. 2005). *Per se* ineffectiveness applies in all circumstances in which an appeal is completely foreclosed by counsel's actions, but not in circumstances in which the actions narrow or serve to foreclose the appeal in part. *Commonwealth v. Rosado*, 150 A.3d 425, 433-35 (Pa. 2016). *Pro se* appellants are excluded from this exception to the waiver doctrine as set forth in *Commonwealth v. Lord*, 719 A.2d 306 (Pa. 1998).

Direct appeal rights have typically been restored through a post-conviction relief process, but when the ineffectiveness is apparent and *per se*, the court in *West* recognized that the more effective way to resolve such *per se* ineffectiveness is to remand for the filing of a Statement and opinion. *See West*, 883 A.2d at 657; *see also Burton* (late filing of Statement is *per se* ineffective assistance of counsel). The procedure set forth in *West* is codified in subparagraph (c)(3). As the *West* court recognized, this rationale does not apply when waiver occurs due to the improper filing of a Statement. In such circumstances, relief may occur only through the post-conviction relief process and only upon demonstration by the appellant that, but for the deficiency of counsel, it was reasonably probable that the appeal would have been successful. An appellant must be able to identify *per se* ineffectiveness to secure a remand under this section, and any appellant who is able to demonstrate *per se* ineffectiveness is entitled to a remand. Accordingly, this subparagraph does not raise the concerns addressed in *Johnson v. Mississippi*, 486 U.S. 578, 588-89 (1988) (observing that where a rule has not been consistently or regularly applied, it is not—under federal law—an adequate and independent state ground for affirming petitioner's conviction.)

Subparagraph (c)(4): [ **This subparagraph clarifies the special expectations and duties of a criminal lawyer. Even lawyers seeking to withdraw pursuant to the procedures set forth in *Anders v. California*, 386 U.S. 738 (1967) and *Commonwealth v. Santiago*, 978 A.2d 349 (Pa. 2009) are obligated to comply with all rules. However, because a lawyer will not file an *Anders/Santiago* brief without concluding that there are no non-frivolous issues to raise on appeal, this amendment allows a lawyer to file, in lieu of a Statement, a representation that no errors are asserted because the lawyer is (or intends to be) seeking to withdraw under *Anders/Santiago*. At that point, the appellate court will reverse or remand for a supplemental Statement and/or opinion if it finds potentially non-frivolous issues during its constitutionally required review of the record. ] **In****

**2020, subparagraph (c)(4) was amended to remove the limitation on the application of *Anders* to only criminal cases on appeal. Further, the commentary to subparagraph (c)(4) was revised to provide guidance through case citation for withdrawal procedures when an appellant has a right to counsel.**

**An appellant with a constitutional right to counsel should proceed in accordance with the procedures set forth in *Anders v. California*, 386 U.S. 738 (1967) and *Commonwealth v. Santiago*, 978 A.2d 349 (Pa. 2009). An appellant with a statutory or rule-based right to counsel should proceed in accordance with the procedures set forth in *Commonwealth v. Turner*, 544 A.2d 927 (Pa. 1988) and *Commonwealth v. Finley*, 550 A.2d 213 (Pa. Super. 1988). The *Anders* paradigm may be applicable to non-criminal appeals in which an appellant has a statutory or rule-based right to counsel. *See, e.g., In re D.J.H.*, 171 A.3d 903 (Pa. Super. 2017) (holding *Anders* procedure applies to appeals from goal change order in child dependency cases, even in the absence of an involuntary termination decree); *In re A.G.C.*, 142 A.3d 102, 105 n.2 (Pa. Super. 2016) (noting directive to counsel to file a proper *Anders* brief and petition to withdraw or an advocate's brief in appeal from dispositional order following the adjudication of delinquency); *In re V.E.*, 611 A.2d 1267, 1274-75 (Pa. Super. 1992) (extending *Anders* principles to appeals involving the termination of parental rights). These procedures do not relieve counsel of the obligation to comply with all other rules.**

#### EXPLANATORY COMMENT

Pa.R.A.P. 1925(c)(4) currently sets forth the procedure when counsel seeks to withdraw from representation in a criminal case on appeal, *i.e.*, counsel is required to “file of record and serve on the judge a statement of intent to file an *Anders/Santiago* brief in lieu of filing a Statement.” The *Anders* paradigm, however, may be applicable to non-criminal appeals in which an appellant has a statutory or rule-based right to counsel. *See, e.g., In re D.J.H.*, 171 A.3d 903 (Pa. Super. 2017) (holding *Anders* procedure applies to appeals from goal change order in child dependency cases, even in the absence of an involuntary termination decree); *In re A.G.C.*, 142 A.3d 102, 105 n.2 (Pa. Super. 2016) (noting directive to counsel to file a proper *Anders* brief and petition to withdraw or an advocate's brief in appeal from dispositional order following the adjudication of delinquency); *In re V.E.*, 611 A.2d 1267, 1274-75 (Pa. Super. 1992) (extending *Anders* principles to appeals involving the termination of parental rights).

As a result, the proposed amendment of subparagraph (c)(4) is intended to remove the limitation on the application of *Anders* to only criminal cases on appeal. Further, the commentary to subparagraph (c)(4) was revised to provide guidance through case citation for withdrawal procedures when an appellant has a right to counsel.

All comments, concerns, and suggestions concerning this proposal are welcome.

[Pa.B. Doc. No. 20-63. Filed for public inspection January 17, 2020, 9:00 a.m.]

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

[ 231 PA. CODE CH. 200 ]

#### Damages for Delay

##### Annex A

#### TITLE 231. RULES OF CIVIL PROCEDURE

##### PART I. GENERAL

##### CHAPTER 200. BUSINESS OF COURTS

#### Rule 238. Damages for Delay in an Action for Bodily Injury, Death or Property Damage.

\* \* \* \* \*

#### Addendum to Explanatory Comment (2020)

The prime rate as set forth in the first edition of the *Wall Street Journal* for a particular year is the basis for calculating damages for delay under Pa.R.C.P. No. 238 as revised November 7, 1988. The prime rate published in the first edition of the *Wall Street Journal* for each of the years specified is as follows:

<i>Date of Publication</i>	<i>Prime Rate Percentage</i>
January 2, 2020	4 3/4
January 2, 2019	5 1/2
January 2, 2018	4 1/2
January 3, 2017	3 3/4
January 4, 2016	3 1/2
January 2, 2015	3 1/4
January 2, 2014	3 1/4
January 2, 2013	3 1/4
January 3, 2012	3 1/4
January 3, 2011	3 1/4
January 4, 2010	3 1/4
January 2, 2009	3 1/4
January 2, 2008	7 1/4
January 2, 2007	8 1/4
January 3, 2006	7 1/4
January 3, 2005	5 1/4
January 2, 2004	4
January 2, 2003	4 1/4
January 2, 2002	4 3/4
January 2, 2001	9 1/2
January 3, 2000	8 1/2
January 4, 1999	7 3/4
January 2, 1998	8 1/2

**Official Note:** The prime rate for the years 1980 through 1997 may be found in the Addendum to the Explanatory Comment published in the *Pennsylvania Bulletin*, 33 Pa.B. 634 (February 1, 2003), and on the web site of the Civil Procedural Rules Committee at <http://www.pacourts.us>.

By the Civil Procedural Rules Committee

JOHN J. HARE,  
Chair

[Pa.B. Doc. No. 20-64. Filed for public inspection January 17, 2020, 9:00 a.m.]

## Title 231—RULES OF CIVIL PROCEDURE

### PART II. ORPHANS' COURT RULES

[ 231 PA. CODE PART II ]

#### Order Adopting Rule 1.40 and Amending the Note to Rule 14.8 of the Pennsylvania Orphans' Court Rules; No. 820 Supreme Court Rules Doc.

##### Order

*Per Curiam*

And Now, this 2nd day of January, 2020, upon the recommendation of the Orphans' Court Procedural Rules Committee; the proposal having been submitted without publication pursuant to Pa.R.J.A. No. 103(a)(3):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 1.40 of the Pennsylvania Orphans' Court Rules is adopted in the following form and that the Note to Rule 14.8 of the Pennsylvania Orphans' Court Rules is amended in the following form.

This Order shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective on April 1, 2020.

##### Annex A

#### TITLE 231. RULES OF CIVIL PROCEDURE

##### PART II. ORPHANS' COURT RULES

##### CHAPTER I. PRELIMINARY RULES

(*Editor's Note:* The following rule is new and printed in regular type to enhance readability.)

#### Rule 1.40. *In Forma Pauperis.*

Pa.R.C.P. No. 240 shall apply in every action or proceeding before a court covered by these Rules.

**Explanatory Comment:** Under Pa.R.C.P. No. 240, a party who is found by the court to be without financial resources to pay the costs of filing a legal paper or other costs of an action or proceeding before the court shall have such costs waived. This Rule does not apply in matters before a Register of Wills.

##### CHAPTER XIV. GUARDIANSHIPS OF INCAPACITATED PERSONS

#### Rule 14.8. Guardianship Reporting, Monitoring, Review, and Compliance.

(a) *Reporting.* A guardian shall file the following reports with the clerk:

(1) An inventory by the guardian of the estate within 90 days of such guardian's appointment;

(2) An annual report by the guardian of the estate of an incapacitated person one year after appointment and annually thereafter;

(3) An annual report by the guardian of the person one year after appointment and annually thereafter;

(4) A final report by the guardian of the person and the guardian of the estate within 60 days of the death of the incapacitated person, an adjudication of capacity, a change of guardian, or the expiration of an order of limited duration; and

(5) A final report from the guardian of the person and the guardian of the estate upon receipt of the provisional order from another state's court accepting transfer of a guardianship.



**Note: See Pa.R.J.A. No. 510 governing the filing of inventories and annual reports online using the Guardianship Tracking System.**

(b) *Notice of Filing.* If, pursuant to Rule 14.7(a)(1)(iv), the order appointing the guardian identifies the person or persons entitled to receive notice of the filing of any report set forth in paragraph (a), the guardian shall serve a notice of filing within ten days after filing a report using the form provided in the Appendix to these Rules. Service shall be in accordance with Rule 4.3.

\* \* \* \* \*

**ORPHANS' COURT PROCEDURAL RULES  
COMMITTEE REPORT**

**Adoption of Pa. O.C. Rule 1.40 and Amendment of  
Pa. O.C. Rule 14.8**

The Orphans' Court Procedural Rules Committee ("Committee") recommended to the Supreme Court the adoption of new Rule 1.40 and the amendment of Rule 14.8 of the Pennsylvania Orphans' Court Rules ("Rules"). The Committee made this recommendation to the Court pursuant to Pa.R.J.A. 103(a)(3) without prior publication because the proposed changes are of a perfunctory nature or required in the interests of justice and efficient administration.

*New Rule 1.40:* This new Rule applies Pa.R.C.P. No. 240, governing requests to proceed *in forma pauperis*, to every action or proceeding before a court covered by the Rules. Prior to the substantial rewrite of the Rules that took effect on September 1, 2016,<sup>1</sup> former Rule 3.1 required conformity with the Rules of Civil Procedure when the Orphans' Court Rules did not provide guidance on a particular matter. Because the former Rules did not include a procedure for a person without the financial resources to pay the costs of litigation to proceed *in forma pauperis*, such matters were governed by Pa.R.C.P. No. 240 prior to the effective date of the Rules rewrite, September 1, 2016. Former Rule 3.1 was rescinded and was not replaced in the rewrite. The new Rules that took effect in 2016 did not address *in forma pauperis* proceedings. Thus, there was no longer a rule that a person without financial resources to pay the cost of litigation could rely upon to obtain *in forma pauperis* status. New Rule 1.40 restores the pre-2016 reliance on Pa.R.C.P. No. 240.

*Rule 14.8:* This Rule provides for the requirement and timing of guardian reports and inventories required by statute and took effect on June 1, 2019.<sup>2</sup> See Rule 14.8.

The Administrative Office of Pennsylvania Courts developed an electronic filing system for filing reports and inventories by guardians, the Guardianship Tracking System ("GTS"). The Court adopted a Rule of Judicial Administration establishing the GTS as the exclusive method for electronically filing required guardianship reports and inventories and for tracking data related to statewide guardianship cases of adult incapacitated persons.<sup>3</sup> See Pa.R.J.A. No. 510(b). That Rule includes instructions on establishing a UJS portal account, making electronic filings via the GTS, handling of paper records, and the use of electronic signatures. *Id.* (b)—(d).

<sup>1</sup> See Order of December 1, 2015, No. 682, Supreme Court Rules Docket.

<sup>2</sup> See Order of June 1, 2018, No. 770, Supreme Court Rules Docket.

<sup>3</sup> See Order of August 31, 2018, No. 501, Judicial Administration Docket.

With statewide implementation of the GTS completed and the new Guardianship Rules in full effect, the Court added a note to Rule 14.8(a) cross-referencing Pa.R.J.A. No. 510 to ensure awareness of the administrative requirements of the GTS by guardians.

[Pa.B. Doc. No. 20-65. Filed for public inspection January 17, 2020, 9:00 a.m.]

**Title 252—ALLEGHENY  
COUNTY RULES**

**ALLEGHENY COUNTY**

**Civil Division Local Rules of the Court of Common  
Pleas; No. AD-2019-486-PJ Rules Doc.**

**Order of Court**

*And Now*, this 27th day of December, 2019, it is hereby *Ordered* that the following local rules of the Court of Common Pleas of Allegheny County, Pennsylvania, Civil Division, adopted by the Board of Judges, shall be effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

*By the Court*

KIM BERKELEY CLARK,  
*President Judge*

**ALLEGHENY COUNTY**

**CIVIL AND FAMILY COURT RULES**

**COURT OF COMMON PLEAS**

**Local Rule 76. Definitions.**

"Board of Judges" shall mean all members of the Court, excluding Senior Judges.

"Court" shall mean all divisions of the Court of Common Pleas of Allegheny County.

"Local Rule" shall mean any rule regulating practice or procedure promulgated by the Court of Common Pleas of Allegheny County pursuant to Section 323 of the Judicial Code (42 Pa.C.S. § 323).

**"Housing Court" shall mean the special court within the Civil Division, [ See 42 Pa.C.S. § 917 ] which shall hear all matters involving residential landlord tenant disputes (which include the rental of property involving a mobile home), statutory appeals from public housing, federal Section 8 grievance hearings, and all summary appeals relating to code enforcement matters involving properties leased or rented to residential tenants.**

**Rule 205.2(a). Requirements Governing the Physical Characteristics of Pleadings, Petitions, Motions, and Other Legal Papers. Cover Sheets.**

(1) *Basic Requirements.*

(a) Footnotes shall be single-spaced.

*Note:* See Pa.R.C.P. 204.1 for other requirements.

(b) All attachments, supporting documents, and exhibits shall be on eight and one-half inches by eleven inches paper at the time of filing with the [ **Prothonotary** ] **Department of Court Records.**

(i) A smaller document shall be reproduced, if possible, on eight and one-half inches by eleven inches paper.

(ii) A larger document shall be reduced and reproduced to eight and one-half inches by eleven inches size, provided it will still be legible.

(iii) If it is not possible to obtain a legible photocopy of the document or exhibit because of unique characteristics or inherent limitations, e.g., maps, surveys, computer printouts, data processing cards, drafter's plans, tracing paper, red pencil marks, colored paper, tape recordings, cassettes, movies, etc., the filing party shall present the document or material to the [ **Prothonotary** ] **Department of Court Records** to be stamped, docketed, and filed. Each such special filing shall be accompanied by one (1) cover sheet.

(c) In any case where a reproduced document under subdivision (b) above has been included in the pleadings or where a filing has been made under subdivision (b), and such reproduced document is not legible, an exact recitation of the contents of the document or evidence or, by agreement of the parties, the material sections of the same, shall be typed on white paper, eight and one-half inches by eleven inches in size, in twelve point type with double-spacing and margins of one inch on each side and the top and bottom of the page. This retyped document shall bear a certification of accuracy by counsel for the filing party.

*Note:* Local Rule 205.2(a) does not affect the provisions of Pa.R.C.P. 1019(i), requiring that copies of certain writings be attached to pleadings.

(2) *Proposed Orders of Court.*

Every preliminary objection, petition and motion shall include a proposed order of court which shall be the last page of the preliminary objection, petition or motion.

(3) *Other Filing Requirements.*

(a) Every document shall be attached only at the top left corner of the pages with one staple or, if the document is too thick for a staple, then at the top of the pages with a metal fastener (not a binder clip).

(b) Cloth tape is prohibited and shall not be used to cover the staple or metal fastener.

(c) "Bluebacks" shall not be used.

*Note:* It is recommended that the case number be entered at the top or bottom right corner on every page of every filing because of the possibility that pages of a filing may come apart.

*Editor's Note:* Adopted October 4, 2006, effective December 4, 2006.

**Rule 205.2(b). Cover Sheet.**

(1)(a) The first page of any pleading, petition, motion or other legal paper shall be a cover sheet setting forth the items of information specified below, according to the format presented in Form of Cover Sheet (FORM 205.2(b)) (see subsection (3) below). If needed, a second page may be attached and numbered "Cover Sheet 2" at the bottom of the page.

(b) The lettering shall be in a font of no smaller than twelve point size or an equivalent, and shall substantially follow the format in Form of Cover Sheet (FORM 205.2(b)) (see subsection (3) below).

[ (c) **The cover sheet on the document commencing the action (Praecipe or Complaint), shall have a margin at the top of three (3) inches, for the Department of Court Records' stamp.** ]

(2) The information required includes:

(a) (In capital letters from left to right margins)

"IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA"

(b) (In capital letters on left side of center) the complete names of all parties; if the party filing the attached pleading has made a previous filing, an appropriate and obvious shortened caption may be used.

(c) (In appropriate upper and lower case, except where otherwise indicated, on the right side of center on separate lines):

(i) The specific DIVISION, i.e., CIVIL, FAMILY, CRIMINAL, or ORPHANS' COURT;

(ii) The docket number;

(iii) The issue number, if assigned and the date the case is listed for trial, if assigned;

(iv) The name of the pleading, in bold face and all capital letters;

(v) For Civil Division cases, the docket code which most accurately characterizes the primary cause of action (see Local Rule 205.2(b)(4) below);

(vi) If the action is filed as a class action, then "CLASS ACTION" shall be set forth on the line following the Civil Division docket code;

(vii) If the action involves real estate, then the address, municipality, ward if applicable, lot and block number shall be set forth;

(viii) The completed statement: "Filed on behalf of \_\_\_\_\_ (party's name, party's relationship to case)";

(ix) The completed statement: "Counsel of Record: \_\_\_\_\_ (attorney's name and Pennsylvania Identification Number, firm name, [ **firm number per the list in the Allegheny County Department of Court Records,** ] address and telephone number)"; and

(x) In cases in which a party is represented only by out-of-county counsel, the following notice shall appear; "Party Represented by Out-of-County Counsel Only."

*Note:* This notice is required to alert court personnel to the need to mail a notice of earliest trial date, pursuant to Local Rule 212.1(3). See also FORM 214, Praecipe to Place Case at Issue, paragraph 6, Local Rule 214(1)(b).

(xi) Every pleading, petition and motion must include a Certificate of Service which sets forth the manner of service upon each party including the name of an attorney of record for each party that is represented and the address at which service was made.

(3) Form 205.2(b) Cover Sheet.

**IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA**

JOHN DOE, CIVIL DIVISION

Plaintiff, GD No. \_\_\_\_\_

(Use AR or LT No. for Arbitration Cases and BV No. for Assessment Appeals.)

vs. TITLE OF DOCUMENT

BIG CORPORATION, INC., [ **Code: (See Local Rule 205.2(b)(4).)** ]

and JANE DOE,

CLASS ACTION (If applicable.)

Defendants.

Real Estate Involved:

600 Grant Street, Pittsburgh, PA 15219 (Address, municipality, ward if applicable, lot and block number required in all cases involving real estate.)

Issue No. \_\_\_\_\_ (If assigned.) (Required after case is placed at issue. See Local Rule 214(1).)

Date on GD Trial List \_\_\_\_\_ (Required after case appears on a published trial list for GD cases.)

Filed on behalf of Plaintiff, JOHN DOE

Counsel of Record for this Party:

Henry Smith, Esquire

Pennsylvania I.D. # 12345

Smith & Jones

[ **Firm I.D. # 5678** ]

667 Fort Pitt Boulevard, Suite 121

Pittsburgh, Pennsylvania 15219-3456

412-281-1234

412-281-5678 (fax) (Optional. See Pa.R.C.P. 440(a)(1)(ii).)

smtt@acba.org (Optional. See Pa.R.C.P. 205.4(g)(2).)

JURY TRIAL DEMANDED (Optional. See Pa.R.C.P. 1007.1.)

#### CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing [Title of Document] has been served upon all other parties at the address(es) below via \_\_\_\_\_, this \_\_\_ day of \_\_\_\_\_, 20\_\_.

[Name and address of counsel]

[signature] \_\_\_\_\_

#### [ (4) Civil Division Docket Codes.

**Code 001—Trespass—Motor Vehicle**

**Code 002—Trespass—Other Traffic**

**Code 003—Trespass—Against Property Owner**

**Code 004—Trespass—Products Liability**

**Code 005—Trespass—F.E.L.A.**

**Code 006—Trespass—Assault and Battery**

**Code 007—Trespass—Medical/Hospital Negligence**

**Code 008—Trespass—Defamation**

**Code 009—Trespass—Other**

**Code 010—Assumpsit**

**Code 011—Assumpsit/Trespass**

**Code 020—Equity**

**Code 030—Appeal from Award of Viewers**

**Code 040—Complaint in Ejectment**

**Code 060—Mechanics Lien Complaint**

**Code 070—Mandamus**

**Code 080—Quiet Title**

**Code 090—Quo Warranto**

**Code 100—Replevin**

**Code 120—Tax Assessment Appeal**

**Code 140—Mortgage Foreclosure**

**Code 180—Declaratory Judgment Petition**

**Code 200—Execution (at issue only)**

*Note:* If there is no code listing for a case or action, insert: "Code \_\_\_". ]

[Adopted Apr. 15, 2004, effective Aug. 3, 2004. Amended Oct. 4, 2006, effective Jan. 8, 2007; Oct. 9, 2014, effective upon publication on the UJS Portal.]

#### **Rule 205.4. Electronic Filing of Legal Papers in Allegheny County.**

*Note:* This Local Rule has been promulgated in compliance with Pa.R.Civ.P. 239.9(a) which provides, "If a court permits or requires the electronic filing of legal papers with the [ **Prothonotary** ] **Department of Court Records**, the court must promulgate a local rule designated Local Rule 205.4 which sets forth in detail the practice and procedure to file a legal paper electronically and includes the matters set forth in this rule."

(a)(1) Except as noted in the subsections below, use of the Allegheny County Department of Court Records Civil/Family Division (hereinafter "DCR") electronic filing system is permissive for the filing of all legal papers, including original process, in all actions and proceedings brought in or appealed to the court.

*Note:* A "legal paper" is defined in Pa.R.C.P. 205.4(2) as "a pleading or other paper filed in an action, including exhibits and attachments."

A. Use of the DCR's electronic filing system is mandatory for all actions and proceedings involving personal injury or death allegedly caused by asbestos.

B. Use of the DCR's electronic filing system is not permitted for the following Civil Division Filings:

1. Initial filings in Petitions for Name Change;

*Note:* Secondary filings in Petitions for Name Change may be filed electronically.

2. Initial filings for Exemplification of Records;

*Note:* Secondary filings involving Exemplification of Records may be filed electronically.

[ **3. The following secondary filings in General Docket Cases: (i) preliminary objections, (ii) motions for judgment on the pleadings, or (iii) motions for summary judgment.**

*Note:* The matters described in subsection (a)(1)(B)(3) are excluded from electronic filing because of the existing procedure under which these matters are presented to the Chief Motions Clerk or Calendar Control for scheduling prior to filing in the Office of the DCR.

4. The following secondary filings in compulsory arbitration cases: (i) preliminary objections, (ii) petitions, or (iii) motions.

*Note:* The matters described in subsection (a)(1)(B)(4) are excluded from electronic filing because of the practice of furnishing an argument date to the party filing the matter at the time of filing.

5. Filings ] 3. Cases or filings under seal.

[ **6. Praecipes for writ of execution in a mortgage foreclosure proceeding.** ]

**C. The following filings are permitted to be filed through the DCR electronic filing system but will not be scheduled for argument unless a party obtains a hearing date as indicated below:**

**1. The following secondary filings in General Docket Cases: (i) preliminary objections, (ii) motions for judgment on the pleadings, or (iii) motions**



**for summary judgment. For scheduling oral argument, a copy of these filings must be presented to the: (i) Chief Motions Clerk for preliminary objections and (ii) Calendar Control Clerk for motions for summary judgment and motions for judgment on the pleadings.**

**2. The following secondary filings in compulsory arbitration cases: (i) preliminary objections, (ii) petitions, or (iii) motions. For scheduling oral argument, a copy of these filings must be presented to the Arbitration Clerk in Room 702, City County Building to obtain an argument date.**

**3. The following secondary filings in Housing Court cases: (i) preliminary objections, (ii) petitions, or (iii) motions. For scheduling oral argument, a copy of these filings must be presented to the Housing Court Clerk (Housing Court Help desk, Department of Court Records, City County Building) to obtain an argument date.**

[ C. ] **D.** Use of the DCR's electronic filing system is not permitted for the following Family Division Filings:

1. Legal papers relating to Protection From Abuse matters which must be processed with the PFA Office in Family Division before they can be filed.

2. Legal papers relating to custody, partial custody or visitation matters which must be processed through the Generations office before they can be filed.

3. Legal papers relating to spousal or child support must be processed through Family Division before they can be filed.

4. Legal papers relating to divorce which contain or address counts or counterclaims for support, alimony pendente lite, alimony or custody, partial custody and visitation, must be processed through the offices to which reference is made in (C)(1), (2) or (3) of this subsection.

*Note:* Divorce pleadings which do not include or address any of the counts enumerated above may be filed electronically, including but not limited to, § 3301(c) or § 3301(d) affidavits of consent, counter-affidavits, waiver of notice of intention to request entry of a decree, notice of intention to request a divorce decree, and praecipe to transmit the record.

5. Any and all legal papers which must be presented to a Family Division Judge in motions before filing with the Office of the DCR.

(b)(1) Legal papers may be filed using the DCR's electronic filing system in the following file formats only: Portable Document Format (.pdf), Microsoft Word (.doc or .docx), WordPerfect for Windows, version 6.0 or higher (.wpd), TIF (.tif), GIF (.gif), JPEG (.jpg), or PCX (.pcx).

(c)(1) [RESERVED]

(c)(2) The DCR's electronic filing website is [dcr.alleghenycounty.us](http://dcr.alleghenycounty.us) ("www" does not appear before and ".com" does not appear after this web address). Persons may access the DCR's electronic filing system by first registering and establishing a User ID and password using the "Register" link at the DCR's electronic filing website. The User ID for Pennsylvania licensed attorneys is their Supreme Court of Pennsylvania identification number issued by the Court. Non-attorney users may, at the time of registration, designate any combination of letters or numbers they may wish to use as a User ID.

(d)(1) The following credit and debit cards may be used on the DCR's electronic filing website to pay filing-related

fees: Visa, MasterCard, Discover, and American Express. Such fees may also be paid by depositing in advance sufficient funds with the DCR. The DCR may also accept payments by electronic checking/ACH (Automatic Clearing House). See the DCR website for additional information.

(d)(2) [RESERVED]

(d)(3) [Intentionally omitted as Allegheny County has not designated a third party to operate the electronic filing system.]

(e) [RESERVED]

(f)(1) When a legal paper has been successfully transmitted electronically, the DCR's electronic filing website shall generate a printable acknowledgement page and shall transmit to the filer an initial e-mail confirming the electronic receipt of the legal paper and the date and time thereof. Subsequently, after the DCR has processed the electronic filing, the DCR shall transmit, to the filer, an e-mail stating the date and time of acceptance of the filing or stating that the filing has not been accepted and the reasons for non-acceptance. A legal paper will not be considered filed if the DCR responds to the filing by notifying the filer that the filer has not (i) maintained with the DCR sufficient funds to pay the fees and costs of the filing or (ii) authorized payment by credit or debit card of such fees and costs.

(f)(2) The DCR shall maintain an electronic [ **and a hard copy** ] file for the legal papers, including original process, in any civil action or proceeding at law or in equity brought in or appealed to the court, including any action pursuant to the Eminent Domain Code of 1964 or the Municipal Claims Act of 1923. [ **The DCR is not required to maintain a hard copy file for the following legal papers when filed electronically:**

**Allegheny County Bar Association Fee Dispute Judgment Annual Audit Assurance of Voluntary Compliance Bond of Tax Collector Cemetery Report Commercial Broker Lien Commonwealth Tax Lien Condominium Lien Declaration of Covenant Lien Environmental Resources Lien Federal Judgment Lien Foreign Execution Foreign Judgment Foreign Judgment/Execution Foreign State Tax Lien Health Department Judgment Housing Court Judgment Judgment Roll Liens/Scire Facias Mechanics' Lien Municipal Lien No Lien Agreement Oath of Office Orphans' Court Judgment Pennsylvania Agency Judgment Pension Benefit Lien PHEAA Judgment Planned Community Lien Scire Facias sur Municipal Lien Scire Facias sur Tax Lien Tax Collector Report Unemployment Compensation Lien Workers' Compensation Judgment ]**

(f)(3) [RESERVED]

(f)(4) The procedures for payment of the fees and costs of the DCR shall be set forth on the DCR website: [dcr.alleghenycounty.us](http://dcr.alleghenycounty.us) ("www." does not appear before and ".com" does not appear after this web address).

(f)(5) [RESERVED]

**Local Rule 206.4(c). Procedures for the Disposition of Petitions.**

(1) *Scope.*

This local rule describes the procedures for an application to open a default judgment or a judgment of non pros governed by Pa.R.C.P. 206.1 et seq.

*Note:* This court has not promulgated a local rule, numbered Local Rule 206.1(a)(2), which provides for any other application to be governed by Rule 206.1 et seq.

(2) *General Docket Cases—Opening a Default Judgment.*

(a) A petition to open a default judgment shall be presented to the Motions Judge. It may be presented only after service of a copy of the petition and notice of the date of presentation on all other parties. Except in cases of emergency or with the consent of all other parties, the date of presentation shall be at least ten (10) days after service of a copy of the petition and notice of the date of presentation.

*Note:* The court does not schedule the date and time of presentation. The petitioner selects a date and time at which the Motions Judge is hearing motions and petitions. See Civil Division link on the Website of the Common Pleas Court of Allegheny County ([www.allegheycourts.us](http://www.allegheycourts.us)) for the name and courtroom of the judge who is sitting as the Motions Judge and the times that matters which have not been scheduled with the court may be presented. Ordinarily, unscheduled matters may be presented each day at 9:30 A.M. and 1:30 P.M.

If the case is on the trial list, the petition shall be presented to the Calendar Control Judge. See Local Rule 208.3(a)(3).

(b) If, upon presentation of the petition, a rule to show cause is entered, the court order issuing the rule shall set the time within which the answer to the petition shall be filed and the time within which depositions shall be completed. If the court order does not set an argument date, at any time after the date by which the depositions were to be completed, any party may order the cause for argument before the Motions Judge by delivering to the Chief Motions Clerk a praecipe to set a date and time for the final argument. The party obtaining the time and date for the final argument shall promptly serve written notice thereof upon all other parties to the proceedings.

*Note:* The Chief Motions Clerk will be in the Courtroom of the Motions Judge.

(c) Depositions and other evidence that a court may consider shall be filed at least fourteen (14) days before the argument date.

(d) Briefs are required. The brief of the moving party shall be filed with the [ **Prothonotary** ] **Department of Court Records** and served on all other parties at least fourteen (14) days prior to the argument. The brief of the party opposing the petition shall be filed at least seven (7) days prior to the argument.

(3) *General Docket Cases—Opening a Judgment of Non Pros.*

(a) A petition to open a judgment of non pros shall be presented to the Special Motions Judge. It may be presented only after service of a copy of the petition and notice of the date of presentation on all other parties. Except in cases of emergency or with the consent of all other parties, the date of presentation shall be at least ten (10) days after service of a copy of the petition and notice of the date of presentation.

*Note:* See “Civil Division” on the Website of the Common Pleas Court of Allegheny County ([www.allegheycourts.us](http://www.allegheycourts.us)) for the name of the judge who is sitting as the Special Motions Judge and the times matters may be presented. Ordinarily, the Special Motions Judge will be available on Fridays.

The moving party may obtain an argument date and time for the presentation by contacting the Assignment Room (Room 700 of the City-County Building, 412-350-5463) on Mondays through Fridays between 1:30 P.M. and 4:30 P.M. Or the moving party may, after giving appropriate notice to all parties, place the matter on the 2:00 P.M. Add-On List, located in the Courtroom of the Special Motions Judge, at any time after 8:30 A.M. on the Friday on which it will be presented.

If the case is on the trial list, the petition shall be presented to the Calendar Control Judge. See Local Rule 208.3(a)(3).

(b) If, upon presentation of the petition, a rule is issued, the court order issuing the rule shall set forth the time within which the answer to the petition shall be filed and within which depositions shall be completed, and the date of the final argument before the Special Motions Judge.

(c) Briefs are not required unless the court order issuing the rule provides for the filing of briefs.

(4) *Arbitration Cases—Opening Default Judgments and Judgments of Non Pros.*

(a) The original and a copy of the petition to open a default judgment or a judgment of non pros shall be taken to an Arbitration Department Clerk (Room 536, Allegheny County Courthouse). The clerk will place on the original and the copy of the petition a date and time (usually on a Friday at 10:00 A.M.) for an argument before the Special Motions Judge. The clerk will file the original with the [ **Prothonotary** ] **Department of Court Records** and return the copy to the party filing the petition. This party shall promptly serve copies of the petition on all other parties with notice of the date and time of the argument.

(b) The petitioner shall notify an Arbitration Department Clerk (412-350-5625) if the petition scheduled for argument becomes moot. Otherwise, if the petitioner does not appear on the date of the argument, the court will enter an order dismissing the petition for failure of the moving party to appear.

(5) *Housing Court Cases—Opening Default Judgments and Judgments of Non Pros.*

**(a) The original and a copy of the petition to open a default judgment or a judgment of non pros (or a copy if filed electronically) shall be taken to the Housing Court Clerk (Housing Court Help Desk: First Floor City County Building). The clerk will place, on the original and the copy of the petition, a date and time for an argument before the Housing Court Judge. The clerk will file the original with the Department of Court Records and return the copy to the party filing the petition. This party shall promptly serve copies of the petition on all other parties with notice of the date and time of the argument.**

**(b) The petitioner shall notify a Housing Court Clerk (412-350-4462) if the petition scheduled for argument becomes moot. Otherwise, if the petitioner does not appear on the date of the argument, the court will enter an order dismissing the petition for failure of the moving party to appear.**

**Note: A form for filing a petition to open a default judgment for pro se petitioner is available at the Housing Court Help Desk.**

### Local Rule 208.3(a). Procedures for the Disposition of Motions.

#### (1) Scope.

(a)(i) As used in this rule, “motion” means any application to the court made in any civil action or proceeding except as provided by subdivisions (b)(1) and (2) of Pa.R.C.P. 208.1.

*Note:* The term “motion” as used in Pa.R.C.P. 208.1 and in this local rule does not include preliminary objections (governed by Local Rule 1028(c)), motions for judgment on the pleadings (governed by Local Rule 1034(a)), motions for summary judgment (governed by Local Rule 1035.2(a)), or petitions to open a default judgment or a judgment of non pros (governed by Local Rule 206.4(c)).

(ii) This court has not promulgated a local rule, numbered Local Rule 208.3(b), because this court has not imposed requirements for the filing of a response or a brief with respect to any motions.

(iii) This local rule does not govern motions filed in eminent domain proceedings, asbestos litigation and cases otherwise designated by the Court for special management (Pa.R.C.P. 1041.1 and 1041.2), class actions, cases designated as complex **[ assigned ], name changes matters that are assigned to the Special Name Change Judge (see Local Rule 505 for name changes) rather than the General Motions Judge,** and any other cases specially assigned by an order of court to a single judge.

#### (2) General Docket Cases—General Provisions.

(a) Motions described in Local Rule 208.3(a)(3) shall be presented to the Calendar Control Judge, motions described in Local Rule 208.3(a)(4) shall be presented to the Motions Judge, and motions described in Local Rule 208.3(a)(5) shall be presented to the Special Motions Judge. Litigants may contact the Chief Motions Clerk (412-350-5644) if they are uncertain as to which of the judges should hear a particular motion.

(b) A motion may be presented only after service of the copy of the motion and notice of the date of presentation on all other parties. Except in cases of emergency or with the consent of all other parties, the date of presentation shall be at least ten (10) days after service of a copy of the motion and the notice of the date of presentation.

*Note:* The court does not schedule the date and time of presentation. The petitioner selects a date and time at which the appropriate judge is scheduled to hear motions. See “Civil Division” on the Website of the Common Pleas Court of Allegheny County ([www.alleghenycourts.us](http://www.alleghenycourts.us)) for the name and courtroom of the judge who is sitting as the Calendar Control Judge, Motions Judge, or Special Motions Judge and the times at which unscheduled matters may be presented. Ordinarily, motions may be presented each day to the Motions Judge at 9:30 A.M. and 1:30 P.M. **in Courtroom 703;** motions may be presented to the Calendar Control Judge **[ at 1:30 P.M. ], typically at 8:30 A.M.** on days on which there is a call of the list and at **[ 9:30 ] 9:00** A.M. on other days on which motions are being heard; and motions may be presented to the Special Motions Judge only on a Friday (see subsections (5)(c) and (6)(b) below).

(c) There is no requirement for the filing of a response or the filing of briefs prior to presentation. However, the parties are encouraged to submit briefs when it is anticipated that the court will wish to consider briefs before deciding the issue.

#### (3) Calendar Control Judge.

(a) Motions in any case that has been listed for trial on a published trial list shall be presented to the Calendar Control Judge. This includes all motions that would otherwise have been heard by the Motions Judge or the Special Motions Judge.

*Note:* The docket will show if a case has been listed for trial on a published trial list. For docket entries, go to <https://dcr.alleghenycounty.us/> and click on Civil/Family Division, then “Search” and enter the docket number.

(b) In any case, including a case that is not on a published trial list, all motions relating to the following matters shall be presented to the Calendar Control Judge:

(i) the compromise, settlement, and discontinuance of an action to which a minor is a party; and

*Note:* See Local Rule 2039 for the procedures governing a petition presented pursuant to Pa.R.C.P. 2039.

(ii) the compromise, settlement, and discontinuance of an action to which an incapacitated person is a party.

*Note:* See Local Rule 2064 for the procedures governing a petition presented pursuant to Pa.R.C.P. 2064.

#### (4) Motions Judge.

(a) For any General Docket case that is not on a published trial list, motions and petitions relating to the following matters shall be presented to the Motions Judge:

(i) opening or striking default and confessed judgments;

(ii) requests for preliminary or special injunctive relief;

*Note:* Enforcement of a court order providing preliminary or special injunctive relief shall be presented to the judge who issued the court order.

(iii) relief provided for in replevin actions under Pa.R.C.P. 1075.1 to 1086;

(iv) relief provided for in the Rules of Civil Procedure governing enforcement of money judgments (Pa.R.C.P. 3101 to 3291) except for discovery in aid of execution which is presented to the Special Motions Judge;

*Note:* These matters are presented to the Motions Judge for all General Docket cases, including cases that have appeared on a published trial list.

(v) requests to proceed in forma pauperis in General Docket and Arbitration proceedings **(in Housing Court proceedings, requests to proceed in forma pauperis are heard by the Housing Court Judge, see Rule 208.3(a)(7));** and

(vi) continuances of any arguments on the General Argument List.

(b) In any General Docket case that is not on a published trial list, any motions that are not required to be presented to the Special Motions Judge (see subdivision (5)(a) of this Local Rule) or to the Motions Judge (see subdivision (4)(a) of this Local Rule) may be presented to either the Motions Judge or the Special Motions Judge.

#### (5) Special Motions Judge.

(a) For any General Docket case that is not on a published trial list, motions relating to the following matters shall be presented to the Special Motions Judge:



- (i) discovery;
- (ii) pleadings (other than preliminary objections) including amendments, joinder of parties, late joinder of additional defendants;
- (iii) preliminary objections filed by an additional defendant if the Special Motions Judge entered an order permitting the late joinder;
- (iv) withdrawal and disqualification of counsel;
- (v) discontinuances, consolidation, severance, coordination of actions in different counties (Pa.R.C.P. 213.1), placing/striking cases at issue;
- (vi) entry and opening of judgments of non pros;
- (vii) transfers between Arbitration and General Docket;
- (viii) certificates of merit (Pa.R.C.P. 1042.1 et seq.); and
- (ix) dismissal upon affidavit of noninvolvement (Pa.R.C.P. 1036).

(b) In any General Docket case that is not on a published trial list, any motions that are not required to be presented to the Motions Judge (see subdivision (4)(a) of this Local Rule) or to the Special Motions Judge (see subdivision (5)(a) of this Local Rule) may be presented to either the Motions Judge or the Special Motions Judge.

(c) All uncontested matters may be presented to the Special Motions Judge on Fridays at 10:00 A.M., 12:00 Noon, and 2:00 P.M. For contested motions, the moving party may obtain a Friday argument date and time, in person or by telephone, from the Assignment Room (700 City-County Building, 412-350-5463) between 1:30 P.M. and 4:30 P.M.; or the moving party may place the matter on a 2:00 P.M. Add-On List any time after 8:30 A.M. on the Friday on which it will be argued. The Add-On List is located in the Courtroom of the Special Motions Judge.

*Note:* There is no limit on the number of cases that can be placed on the Add-On List. Consequently, a party may schedule an argument by giving at least ten (10) days notice to the other parties that a matter will be placed on the Add-On List.

(6) *Arbitration Cases.*

(a)(i) Except as provided in the following subdivisions (a)(ii), (a)(iii), and (a)(iv), all motions involving arbitration cases, **including uncontested motions**, shall be heard by the Special Motions Judge.

(ii) In forma pauperis petitions will be presented to the Motions Judge.

(iii) **Contested requests** for the continuance of an arbitration [ case ] hearing will be presented to the Calendar Control Judge. The party seeking a continuance will present to the Calendar Control Judge an Adjournment of Hearing Form (“Green Sheet”), which [ may be obtained from an Arbitration Clerk in the Arbitration Assembly Room, Courtroom Two, Seventh Floor, City-County Building, 414 Grant Street, Pittsburgh, Pennsylvania 15219. ] is (FORM 208.3(a)) (see subsection (6)(c) below). **The Chief Arbitration Clerk has the authority to sign Adjournment of Arbitration Hearing “Green Sheet” Requests for the continuance of an arbitration hearing that are agreed upon by all parties.**

[ *Note:* If all parties agree to the continuance, the Chief Arbitration Clerk has the authority to sign

**the Adjournment of Hearing “Green Sheet” continuing the case (FORM 208.3(a)) (see subsection (6)(c) below). ]**

(iv) Motions filed after an arbitration award has been appealed shall be presented to the Special Motions Judge unless they affect the timing of the trial of the case, in which event they shall be presented to the Calendar Control Judge.

(b) The original and a copy of any motion shall be taken **for filing** to an Arbitration [ Department ] Clerk [ (room 536, Allegheny County Courthouse) ] (Room 702, City County Building) or, **if filed electronically, a copy of the filed motion shall be presented to the Arbitration Clerk for scheduling oral argument.** The clerk will place on the original and the copy of the motion (or upon the copy if filed electronically) a time and date (usually on a Friday at 10:00 A.M.) for an argument before the Special Motions Judge. The clerk will file the original with the [ Prothonotary ] Department of Court Records (unless filed electronically) and return the copy to the party filing the motion. This party shall immediately serve copies of the motion on all other parties with notice of the date and time of the argument.

*Note:* The Arbitration Office’s scheduling a motion for an argument on a date after the date of the arbitration hearing does not continue the arbitration hearing unless the moving party obtains a continuance pursuant to paragraph (6)(a)(iii) of this Local Rule.

(c) FORM 208.3(a) Adjournment of Hearing “Green Sheet”

**IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA**  
ARBITRATION SECTION

\_\_\_\_\_ No. \_\_\_\_\_, 20\_\_

vs.

\_\_\_\_\_ Presently listed \_\_\_\_\_

No. of Times Continued \_\_\_\_\_

Landlord/Tenant Action \_\_\_\_\_

ADJOURNMENT OF HEARING

On, \_\_\_\_\_, 20\_\_, on order of court, the date of hearing herein is adjourned to \_\_\_\_\_, \_\_.

Stipulation

\_\_\_\_\_ BY THE COURT

**A false certification of consent of all parties is subject to the provisions of 18 Pa.C.S.A. § 4904(a) pertaining to unsworn falsification to authorities and is sanctionable under 42 Pa.C.S.A. § 2503.**

REASON FOR CONTINUANCE:

(7) *Housing Court Cases.*

**(a) All motions involving Housing Court cases shall be heard by the Housing Court Judge. This includes all motions heard both before and after the appeal of an award from arbitration.**

**(b) If not filed electronically, the original and a copy of any motion shall be taken to the Housing Court Clerk (Housing Court Clerk at the Housing Court Help Desk: First Floor City County Building).**

The clerk will place, on the original and the copy of the motion, a time and date for an argument before the Housing Court Judge. If not filed electronically, the clerk will file the original with the Department of Court Records and return the copy to the party filing the motion. This party shall immediately serve copies of the motion on all other parties with notice of the date and time of the argument. If the motion is filed electronically, the filing party shall take a copy of the motion to the Housing Court Clerk for scheduling argument before the Housing Court Judge. Where the motion is filed electronically, no argument will be scheduled without the filing party bringing a copy of the motion to the Housing Court Clerk for the purposes of scheduling the argument. This party shall immediately serve copies of the motion on all other parties with notice of the date and time of the argument.

*Note:* The Housing Court Clerk's scheduling of a motion for an argument on a date after the date of the arbitration hearing does not continue the arbitration hearing unless the moving party obtains a continuance pursuant to paragraph (7)(c) of this Local Rule.

(c) Requests for the continuance of an arbitration hearing will be presented to the Housing Court Judge. The party seeking a continuance will present to the Housing Court Judge an Adjournment of Hearing Form (FORM 208.3(a))(see subsection (6)(c) above), which may be obtained from the Housing Court Clerk at the Housing Court Help Desk: First Floor City County Building.

*Note:* If all parties agree to the continuance, the Housing Court Clerk has the authority to sign the Adjournment of Hearing "Green Sheet" continuing the case (FORM 208.3(a))(see subsection (6)(c) above).

(d) Motion for Late Appeal of Judgment from a Magisterial District Judge in a Landlord Tenant Proceeding.

(i) Motions for Late Appeal shall be filed with the Department of Court Records and a copy immediately provided to the Housing Court Clerk (See Housing Court Help Desk: First Floor City County Building, for Forms relating to Motions for Late Appeal).

(ii) The Housing Court Clerk will schedule the motion with the Housing Court Judge. The filing party is still expected to provide the other party with ten (10) days notice of the scheduled argument date. However, if an eviction is scheduled, the Housing Court Clerk will make every effort to schedule argument on the Motion for Late Appeal before the scheduled eviction, although the Court may not be able to schedule a hearing before the eviction date. The filing party is responsible for informing the Housing Court Clerk of the date of any scheduled eviction.

**Rule 212.1. Pre-Trial Procedure for All Actions in the Civil Division of the Court of Common Pleas of Allegheny County. Notice of Earliest Trial Date. Time for Completing Discovery and Filing Pre-Trial Statement.**

(1) Pa.R.C.P. 212.1 through 212.3 and Local Rules 212.1 through 212.3 apply to all civil actions, both jury and non-jury, to be tried in the Civil Division[ , with the

**exception of appeals from Compulsory Arbitration.]; appeals from Compulsory Arbitration shall be exempt unless such cases include a demand for a jury trial, and under such circumstances parties involved in such a case must comply with Local Rules 212.1 through 212.3.**

(2) *Definitions.* In these rules, the following words shall have the following meanings:

(a) "*pre-trial conference*"—a conference scheduled by the Court in accordance with Pa.R.C.P. 212.3 in which, in addition to matters set forth in Pa.R.C.P. 212.3, the Court shall:

(i) determine whether the parties have complied with this local rule; and

(ii) attempt an amicable settlement of the case.

(b) "*Conciliating Judge*"—the Judge assigned to conduct the pre-trial conference.

(3) *Notice of Earliest Trial Date. Time for Completing Discovery and Filing Pre-Trial Statement.* Notices required by Pa.R.C.P. 212.1 shall be given by publication in the *Pittsburgh Legal Journal*, and notice shall be provided to unrepresented parties and to those out-of-county counsel identified in paragraph 6 of the Praecipe to Place the Case at Issue (see FORM 214w).

*Note:* As soon as there is a published trial list, trial dates appear as docket entries in each individual case on the trial list. Docket entries are available online at: <https://dcr.alleghenycounty.us/> and click on Civil/Family Division, then "Case Search" (in upper right corner) and enter the docket number. Additionally, published trial lists are also available on the Civil Division's website at: [www.alleghenycourts.us](http://www.alleghenycourts.us).

**Rule 212.2. Pre-Trial Statement.**

(a) Each party shall file and serve upon all other parties a written pre-trial statement in conformity with the requirements of Pa.R.C.P. 212.2, except as set forth in (b) below.

(b) For cases which will be tried by the jury, each party or group of parties with joint representation by one counsel shall be entitled to make a voir dire statement and to propose no more than five additional voir dire questions which are not duplicative of the voir dire already covered in Local Rule 220.1 and the Juror Questionnaire. If the party or group of parties wishes to avail itself of this opportunity, the following shall be included in the pre-trial statement:

(i) Verbatim text of the voir dire statement of 200 words or fewer, which will be given by counsel at the outset of voir dire; and

(ii) Not more than five proposed additional voir dire questions, which shall be handled in accordance with Local Rule 220.1(c).

(c) Disputes as to the propriety of any party's proposed voir dire statement or proposed voir dire questions shall be raised with the Calendar Control Judge during the conciliation which is scheduled immediately after the Call of the List. Each party shall bring to the conciliation an extra set of copies of their proposed voir dire statement and proposed additional voir dire questions.

**(d) Should a party, parties, or the Calendar Control Judge request that a Judge preside over voir dire and jury selection, the Judge presiding over the voir dire and jury selection shall have complete**

**discretion over the voir dire and jury selection process, notwithstanding the preceding subsections of this local rule.**

*Note:* The deadline for each party to file and serve its pre-trial statement is published with the trial list in the *Pittsburgh Legal Journal*. Generally, Plaintiffs are required to fulfill the requirements of Pa.R.C.P. 212.2 forty-five (45) days prior to the commencement of the trial term in which the case is listed, and all other parties are required to fulfill the requirements of Pa.R.C.P. 212.2 thirty (30) days prior to the commencement of the trial term in which the case is listed.

**Local Rule 212.3. Conduct of Pre-Trial Conference.**

(1) The conduct of the pre-trial conference shall be in conformity with Pa.R.C.P. 212.3.

(2) Notice of the time, date and Conciliating Judge for the pre-trial conference shall be provided by publication in the *Pittsburgh Legal Journal*, and notice shall be provided to unrepresented parties and to those out-of-county counsel who submitted notice of their address to the Calendar Control section of the Civil Division at the time the case was placed at issue.

*Note:* The dates and times of pre-trial conciliations are also available on the Civil Division's website at: [www.alleghenycourts.us](http://www.alleghenycourts.us).

(3) Any application for rescheduling a pre-trial conference shall be addressed to the Conciliating Judge before whom the pre-trial conference is scheduled.

*Note:* See Local Rule 214(5)(f) regarding petitions to continue the trial of cases on the General Docket.

(4) Unless excused by the Conciliating Judge, each party with a financial interest and each non-party with a financial interest (such as insurers) shall be present with full authority to settle the case. However, parties without a financial interest need not attend.

(5) The Judge presiding at the pre-trial conference may impose such sanctions as are deemed appropriate against counsel and/or the party(ies) for failure to comply with this rule.

**[ (7) ] (6) Housing Court Judge. Actions involving residential landlord tenant disputes (which include the rental of property involving a mobile home), statutory appeals from public housing and federal Section 8 grievance hearings, and all code enforcement matters involving properties leased or rented to residential tenants shall be assigned to the Housing Court and heard by the Housing Court Judge.**

*Note:* Pre-trial conferences and other pre-trial procedures in cases assigned for trial to a particular Judge may be conducted according to the procedures directed by that Judge.

*Editor's Note:* Adopted October 4, 2006, effective December 4, 2006.

**Rule 227.1. Post-Trial Motions. Filing of Appeals. Request for Transcript, Certification and Waiver Forms.**

(1) *Post-Trial Motions.*

(a) Post-Trial Motions shall be filed in the Office of the Department of Court Records and a copy shall be delivered to the Trial Judge. Argument shall be scheduled by the Trial Judge without praecipe.

(b) On all Motions for Post-Trial Relief, only those portions of the testimony relating to the questions raised need be transcribed. If counsel cannot agree on the evidence to be transcribed, the matter may be submitted to the Trial Judge. The reporter shall arrange the transcript so that omitted portions may be inserted in the event this becomes necessary. A moving party desiring to rely wholly or in part on a transcript of the testimony or on the charge of the Court shall file in the Office of the Department of Court Records a certificate from the court reporter, stating that the testimony relied upon or the charge has been ordered and is being transcribed. Such certificate shall be filed within a period of ten days from the filing of the Motion for Post-Trial Relief. Upon failure to file such certificate within the time prescribed, it shall be conclusively presumed a transcript of said testimony is not necessary and is waived. When a Motion for Post-Trial Relief is abandoned at or before argument before the Court, or when it is found by the Court to have no merit or is denied, the cost of the transcript may be assessed against the party filing the Motion.

(c) Unless accompanied by an affidavit stating the names of all witnesses expected to testify, and the substance of the testimony they are expected to offer, no Motion for a New Trial will be entertained on the grounds of after-discovered evidence.

(d) Upon the filing of any Motion for Post-Trial Relief, the Court may, on its own motion or on the motion of any interested party, hold a post-trial hearing and/or conciliation.

*Note:* See Pa.R.C.P. 106 regarding computation of time **[ and Local Rule 252 regarding videotape records ]**.

(2) *Appeals.* When filing documents necessary to effectuate an appeal of a Civil Division matter in accordance with the Pennsylvania Rules of Appellate Procedure and specifically Pa.R.A.P. 905 and 906, filings with this Court are made in the appropriate division of the Department of Court Records identified in Rule 1(3) of these Rules.

(a) *Filing and Request for Transcript, Certification and Waiver Form.*

(i) At the time of filing a Notice of Appeal in the Court of Common Pleas, and pursuant to Pa.R.A.P. 906, whether or not a transcript or waiver has already been filed, the appellant shall attach to all copies of the Notice of Appeal a copy of the completed and acknowledged Request for Transcript, Certification and Waiver, FORM 227.1A [ (see subsection (d)(i) below) (which is available at the office of the Manager of Court Reporters) ]. FORM 227.1A can be obtained from the Allegheny County Office of Court Reporters or from the Fifth Judicial District of Pennsylvania's website under the Administration tab.

(ii) The Request for Transcript, Certification and Waiver must be completed by the party placing the order, signed by a Judge, if required by Pa.R.A.P. 1922(b), and delivered to the Manager of the Court Reporters to place an order for a transcript for any purpose.

(iii) FORM 227.1A also shall be prepared and filed to demonstrate waiver of a transcript or portion thereof in connection with an appeal.

(iv) The Manager of Court Reporters shall insert the date the Request form is received and shall acknowledge said receipt by signature.

(v) A copy of the form, as acknowledged by the Manager of Court Reporters, shall be satisfactory proof of a transcript order or waiver.



(vi) When a transcript is ordered, the Manager of Court Reporters shall obtain the signature of the court reporter and insert the estimated number of pages and the estimated completion date in the appropriate place on the form.

(vii) The copies of the Request form then shall be distributed to the designated persons by the Manager of the Court Reporters.

(b) *Notice of Proof of Filing or Delivery of the Transcript.*

(i) The Notice of Proof of Filing or Delivery of the Transcript (FORM 227.1B) (see subsection [ (d)(ii) ] (d)(i) below) shall be filed with the Department of Court Records and distributed to the designated persons by the Manager of the Court Reporters.

(ii) If a requisite transcript or portion thereof has already been filed with the Department of Court Records, a photocopy of the Request for Transcript, Certification and Waiver (FORM 227.1A) and the Notice of Proof of Filing or Delivery of the Transcript (FORM 227.1B) may be attached to the Notice of Appeal.

- (c) Transcripts of testimony may not be photocopied.
(d) Forms.

[ (i) FORM 227.1A Request for Transcript, Certification and Waiver.

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

Civil Division
Case No.:
Request for Transcript, Certification and Waiver

Plaintiff Nature of Proceeding:

v. Date:

Court Reporter:

Judge:

Order

Waive

Complete Proceeding

Defendant

Plaintiff's Case

Defendant's Case

Charge

Requested by: Closing Argument

Telephone:

Signature of Judge if less than entire transcript is ordered Pa.R.A.P. 1922(b)

Copies: Judge/Department of Court Records/ Manager of Court Reporters/Attorney/Other

DEPOSIT RECEIVED

CASH CHECK # AMOUNT

(ii) ] FORM 227.1B Notice of Proof of Filing or Delivery of the Transcript

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

Civil Division

Case No.:

NOTICE OF PROOF OF FILING OR DELIVERY OF THE TRANSCRIPT

Proceeding: Complete Case

Plaintiff's Case

Date: Defendant's Case

Charge

Judge: Closing Argument

Other

I hereby certify that I have filed and/or delivered the above-described transcript with/to the following:

Date Signature

Department of Court Records

Attorney

Court Reporter

If no objections are made to the text of the transcript within five (5) days after such notice, the transcript will become part of the record.

Copies: Judge/Department of Court Records/Manager of Court Reporters/Attorney/Other

[ Note: See Local Rule 252 regarding videotape records. ]

Rule 234.1. Subpoena.

(1) The copy of any subpoena (the original of which issued from this Court) left with a witness who has been subpoenaed shall have endorsed on said copy the caption, the number and term of the case, and the name, office address and telephone number of the attorney causing the subpoena to be issued and served.

(2) [ The ] A copy of the original subpoena with a completed return of service shall be filed [ in ] with the Department of Court [ Records's office with return of service ] Records.

(3) Subpoenas duces tecum for production of hospital records shall be served between the hours of 9:00 a.m. and 5:00 p.m. and at least two days before the time stated in the subpoena for appearance. A one-day witness fee and round-trip mileage shall be tendered at the time the subpoena is served.

(4) Subpoenas requiring production of hospital records shall not be deemed to apply to x-rays or other data not strictly a part of a hospital record unless they are specifically requested in the subpoena.

Rule 239. Local Rules.

(1) Adoption of Local Rules.

(a) In the absence of special circumstances, the Administrative Judge of the Civil Division shall notify the Allegheny County Bar Association Court Rules Committee of any proposed local rule change, to solicit comments and input regarding the proposed local rule change.

(b) No local rule shall be adopted, amended or repealed except by a majority vote of the members of the Court

present at a regular or special meeting of the Board of Judges. Action on proposed local rule changes may be taken by the Board of Judges only if the members of the Board of Judges have received at least seventy-two hours' notice of the proposed rule change.

(c) Every local rule shall be promulgated in accordance with these procedures.

(2) *Construction of Local Rules.* All rules of construction adopted by the Supreme Court of Pennsylvania shall apply to local rules adopted by the Court of Common Pleas of Allegheny County, Pennsylvania. Without limiting the generality of the foregoing, definitions contained in Pa.R.C.P. 76 shall apply to all local rules heretofore and hereafter adopted which govern procedure in the Civil Division and in the Family Division.

(3) *Citation to Local Rules.* These Rules may be known as the "Allegheny County Local Rules." Citations to these rules shall be: [ "Allegheny County Local Rule \_\_\_." ] "Allegh. L. R. No. \_\_\_."

[ **Rule 252. Rule Authorizing and Providing for the Use of Video Records**

(1) *Use by Court.*

(a) *Authorization.* The Judges of the Court of Common Pleas shall be authorized to use a Videotape Recording System to provide for the preservation of the official proceedings.

(b) *Responsibilities.* Any Judge using a Videotape Recording System shall designate operational and functional responsibilities of the system to members of that Judge's staff. Policies and procedures for using the system shall be developed and adopted by the Court and shall provide for the integrity of the videotape record.

(c) *Parties.* Parties taking part in proceedings where a Videotape Recording System is being used shall adhere to the policies and procedures authorized in section (1)(b) of this local rule and adopted by the Court.

(2) *Videotape Records.*

(a) *Scope.* The provisions of this local rule shall apply to any proceedings presided over by a Court of Common Pleas Judge in which the official record is the videotape of the proceedings. The official videotape shall be produced, retained and distributed pursuant to the following sections:

(i) *Videotape Recordings.* Two videotape recordings shall be made of each Court proceedings unless otherwise directed by the Court. The records shall be made simultaneously, and the videotapes resulting from the records shall serve as the official record of the Court proceedings. These tapes shall be labeled and hereinafter referred to as the "A" and "B" recordings.

(ii) *Custody of Videotapes.* Both the "A" and "B" recordings shall be deemed the property of the Court and shall be retained in accordance with adopted storage guidelines. The "A" recording shall be filed with the Department of Court Records of the Court of Common Pleas and maintained as the official record. The "B" recording shall be retained by Court staff designated with such responsibility and shall be used in the production of transcripts as set forth in "Transcription of the Videotape Record" section below.

(iii) *Identification.* For identification purposes, personnel assigned videotape responsibilities within the courtroom shall designate on each of the two videotape recordings the Judicial District, Judge's name, the case file number and caption, the date of the recording, a number that uniquely identifies the recording and either the letter "A" if the videotape is recorded from the first video recording deck or the letter "B" if recorded from the second video deck.

In the event several short matters related to different cases are recorded on one videotape, Court personnel may modify this requirement according to procedures developed in consultation with the Department of Court Records. A label designed and printed by the Administrative Office of the Allegheny County Courts for use with videotapes shall be used for tape identification purposes.

The tape recorded in the "A" recording deck shall be the tape on file with the Department of Court Records. The tape recorded in the "B" recording deck shall be maintained by the Court.

(iv) *Additional Original Recordings.* Two additional videotapes, designated "C" and "D," shall be made at the time the official recordings of all evidentiary proceedings are made, labeled as copies and certified by the operator to be true and complete copies of the official record. These tapes shall be available for purchase by parties to the case. Requesting parties shall be charged a fee to be established by Court policy for each tape purchased, except in cases where the requesting party has been declared indigent. All payments for certified copies of videotaped records must be made prior to obtaining the videotapes.

If the "C" and "D" tapes have not been requested within thirty days of the recorded proceeding, the tapes shall be erased by the Court and subsequently used to make original "A" and "B" videotape records. In the event such occurs, parties may still obtain a reproduction of the original. Court personnel will reproduce the requested material using the "A" or "B" copies.

(v) *Official Log.* Court personnel assigned videotape responsibility in the courtroom shall keep a written trial log or assure the videotape system produces an automatic trial log for all proceedings where the videotape is the official record. A manual trial log form shall be developed and authorized by the Court. One copy of the log shall be retained by the Court and one copy shall accompany the videotape filed with the Department of Court Records. A copy of the trial log shall also be provided with each duplicated videotape made for requesting parties.

(vi) *Certification.* As soon as practicable after the close of each day's Court proceedings, the Court shall certify that each "A" and "B" recording is the official record of the Court proceedings. Original recordings labeled "C" and "D" shall also be certified as true copies of the original record, or portions thereof.

(b) *Transcription of the Video Record.* The following provisions govern the production and use of typewritten transcripts made from videos of Court proceedings:

(i) **Tape Reference.** All transcripts produced from a video shall include, at the top or bottom of each typewritten page, a tape reference which includes a tape identification number, date, and hour, minute and second corresponding to the beginning or end of each page. For example, TAPE NO. 001; 1/2/94; 10:15:45.

(ii) **Requests for Transcripts.** Parties requesting transcripts of proceedings where video recording is the official record shall complete a Transcript Request Form as developed and authorized by the Court and forward it to the Court's designee. Upon receipt of the transcript request, an estimated cost of transcription shall be determined and provided to the requesting party. All costs must be paid prior to the transcription of the record.

(iii) **Authorized Transcription Services.** The Court shall establish an authorized transcription agency to provide the official transcripts of video proceedings, and upon completion of same, shall certify the transcript as a true and correct copy of the video record. Agencies must have and maintain the necessary equipment consistent with the Court's video system to produce transcripts upon demand. Parties choosing to produce the transcript without using the Court's authorized agency will not have the transcript certified.

**Note:** Local Rule 252 is intended to prescribe the general practice for requesting and securing the transcripts from the Video Record. The designated transcription service must have and maintain the proper transcription equipment compatible with the Court's system to produce daily, expedited, ordinary and hourly copies upon demand.

(3) **Post-Trial Relief.** Transcript of Testimony. Parties filing Post-Trial Motions shall complete a Transcript Request Form setting forth the relevant portions of the record. If no portion is indicated, transcription of the record shall be deemed unnecessary to the disposition of the record.

**(4) Transcription of the Record on Appeal.**

(a) **Record on Appeal.** Transcripts of proceedings in which the Video Recording System is used as the official record shall be filed and served in the same manner as other transcripts as required by the Pennsylvania Rules of Appellate Procedure relating to the provisions of the record.

(b) **Transcripts.** All transcripts required to be part of the record on appeal where a video recording is the official record shall be provided pursuant to Local Rule 252(2)(b). ]

**Rule 505. Change of Name of a Natural Person.**

(1) All proceedings for a change of name pursuant to 54 Pa.C.S. §§ 701—705 shall be brought in the Civil Division, except where an adoption proceeding is commenced in the Orphans' Court Division, in which case the Orphans' Court Division shall adjudicate any change of name ancillary to that proceeding. In cases where an adoption has been concluded in any other court and the only judicial relief sought in Allegheny County is a change of name, the Petition shall be filed in the Civil Division.

**Note:** See 23 Pa.C.S. § 2904. See also Supreme Court Orphans' Court Rule 15.5(e) where the adopted person has attained majority.

(2) All Petitions (FORM 505A) (see subsection (3)(a) below) shall be filed on the General Docket (GD).

(3) **Requirements for Filing a Petition.**

(a) The Petition shall contain two proposed Orders designated as follows:

(i) Either

(A) Order Scheduling Hearing on Name Change (used if Petition is brought by a person(s) of full legal age) (FORM 505B(i)) (see subsection (3)(b)(i) below), or

(B) Order Scheduling Hearing of Name Change (used if Petition is brought on behalf of a minor) (FORM 505B(ii)) (see subsection (3)(b)(ii) below); and

(ii) Decree for Change of Name (FORM 505C) (see subsection (3)(c) below).

(b) The following is required by the [ **Prothonotary** ] **Department of Court Records:**

(i) Petition and one (1) extra copy. [ **If Petitioner's safety would be in jeopardy by reason of the publication of the name change, Petitioner may describe why under paragraph 6, reason for name change.** ]

**(A) If Petitioner's safety would be in jeopardy by reason of the publication of the name change, Petitioner may:**

**(1) Describe why, under paragraph 6, publication would present a risk; or**

**(2) Seek to waive publication and/or have the record sealed by presenting a Motion, Affidavit, and Proposed Order to the Special Name Change Judge prior to filing the Petition with the Department of Court Records.**

(ii) A completed fingerprint card (if applicable—children 12 or under are not required to have fingerprints taken) (obtained from either a state or local police department). "Name Change" should be written in red across the top of the completed card.

(iii) A stamped 8-1/2" × 11" envelope addressed to:

PA State Police  
Central Repository  
1800 Elmerton Avenue  
Harrisburg, PA 17110

(iv) A stamped letter size envelope addressed to:

[ **Prothonotary** ] **Department of Court Records** of Allegheny County

First Floor City-County Building  
414 Grant Street  
Pittsburgh, PA 15219  
ATTENTION: Second Deputy

(v) A stamped letter size envelope to the attorney for the filing party, or the pro se party.

(vi) The filing fee applicable to a Petition for a name change.

**Note:** A current listing of the fees charged by the [ **Prothonotary** ] **Department of Court Records** can be found on the [ **Prothonotary's** ] **Department of Court Records's** web site: [ <https://dcr.alleghenycounty.us/prothonotary.county.allegheny.pa.us> ] <https://dcr.alleghenycounty.us/> (no www and no com).

(c) After Petitioner has been notified that the fingerprinting process has been completed, the petitioner shall take the Petition in the [ **Prothonotary's** ] **Department**



**of Court Records's file to the Chief Motions Clerk, located in Courtroom 703, City-County Building. If the record has been sealed or publication waived, the Petitioner may take the file to the Special Name Change Judge's chambers instead of the Chief Motions Clerk.**

**[ Note: The Chief Motions Clerk will be in the Courtroom of the Motions Judge. See "Civil Division" on the Website of the Common Pleas Court of Allegheny County (www.alleghenycourts.us) for the name and Courtroom of the judge who is sitting as the Motions Judge. ]**

**(d) [ The ] If the Petition is taken to the Chief Motions Clerk, the Motions Judge shall schedule the time and date for a hearing. If the Petition is taken to the Special Name Change Judge's chambers, the Special Name Change Judge will set the time and date for a hearing.**

(e) Where the Petitioner has a prior conviction of a felony but is not barred by 54 Pa.C.S. § 702(c) from obtaining a judicial change of name, the Petitioner shall provide the Court with an envelopes affixed with suffi-

cient postage and pre-addressed to the following so that copies of the Order Scheduling Hearing on Name Change may be sent:

(i) The District Attorney of Allegheny County  
Allegheny County Courthouse  
436 Grant Street  
Pittsburgh, PA 15219

(ii) to any other District Attorney of any county in which Petitioner was convicted of a felony.

(iii) Office of the Attorney General  
Commonwealth of Pennsylvania  
1600 Strawberry Square  
Harrisburg, PA 17120

(f) In those cases where the Petitioner is seeking to change the name of a minor and a parent files an objection to the Petition or appears to oppose the Petition, the case shall immediately be transferred to the Family Division using FORM 505D (see subsection (3)(d) below) for all further proceedings with respect to the minor's Petition.

(3) FORMS:  
(a)

FORM 505A Petition for a Name Change

**IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA  
CIVIL DIVISION**

In Re the Petition of: \_\_\_\_\_ DOCKET No. GD \_\_\_\_\_  
\_\_\_\_\_  
(Print Your Current Name)

For a Name Change to: \_\_\_\_\_  
\_\_\_\_\_  
(Print Your New Name)

VERIFIED PETITION FOR A NAME CHANGE

And now comes Petitioner(s), \_\_\_\_\_

by \_\_\_\_\_  
this Petition, and upon being duly sworn, respectfully represents and shows this Court:

1. That the Petitioner(s) is of full legal age and is a bona fide resident of the County of Allegheny, Commonwealth of Pennsylvania, whose residence address is \_\_\_\_\_  
\_\_\_\_\_ .

Petitioner(s) has been a bona fide resident of Allegheny County, Commonwealth of Pennsylvania for \_\_\_\_\_ year(s) immediately prior to filing this Petition. Petitioner(s) was born on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ in the County of \_\_\_\_\_, State of \_\_\_\_\_, and Country of \_\_\_\_\_ .

2. Petitioner's(s)' present name is \_\_\_\_\_ .

3. Petitioner(s)  is not married or  is married to \_\_\_\_\_ .

4. Petitioner(s) is the  Father and/or  Mother of the following minor children:

None

Name	Date of Birth	Age
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

5. Petitioner(s) has resided at the following address(es) over the last five (5) years:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. Petitioner(s) requests the change of name for the following reasons (describe in detail):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. The proposed change in the Petitioner(s) name, if granted, will not be detrimental to the interests of any other person and is not against the public interest.

8. This Petition is not filed to defraud creditors.

Wherefore, the Petitioner(s), intending to change his/her name, requests that by an Order of this Court, made and entered herein, the Petitioner's(s') name be changed to and decreed to be:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Respectfully submitted,

\_\_\_\_\_  
(Sign Your Current Name)

Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Telephone: \_\_\_\_\_

[New Page] VERIFICATION

I, ( \_\_\_\_\_ ), verify that the statements made  
(Print Your Current Name)  
in the foregoing Petition are true and correct to the best of my knowledge or information and belief.

I understand that this verification is made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn fabrication to authorities, which provides that if I knowingly make false averments, I may be subject to criminal penalties.

Date: \_\_\_\_\_  
(Sign Your Current Name)

(b) (i)

FORM 505B(i) Order Scheduling Hearing on Name Change  
(used if Petition is brought by a person(s) of full legal age)

**IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA**

In Re: Petition of \_\_\_\_\_ CIVIL DIVISION  
\_\_\_\_\_ GD No. \_\_\_\_\_  
\_\_\_\_\_

Petitioner(s).

ORDER SCHEDULING HEARING ON NAME CHANGE

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, upon hearing of the within motion of \_\_\_\_\_ Esquire/  
pro se, attorney for the Petitioner(s) above named, it is ORDERED and DECREED that the within Petition be heard on  
the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ before the Motions Judge. Petitioner(s) shall obtain a  
judgment search from all counties in which he/she has resided during the last five (5) years. It is further Ordered, that  
the Petitioner(s) shall advertise once in the Pittsburgh Legal Journal, and once in a newspaper of general circulation in  
Allegheny County.

BY THE COURT,  
\_\_\_\_\_, J.

(b) (ii)

FORM 505B(ii) Order Scheduling Hearing on Name Change
(used if Petition is brought on behalf of a Minor(s))

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

In Re: Petition of

CIVIL DIVISION

GD No. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Petitioner(s).

ORDER SCHEDULING HEARING ON NAME CHANGE

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, upon hearing of the within motion of \_\_\_\_\_, Esquire/pro se, attorney for the Petitioner(s) above named, it is ORDERED and DECREED that the within Petition be heard on the day of \_\_\_\_\_, 20\_\_ at \_\_\_\_\_ before the Motions Judge. Petitioner(s) shall obtain a judgment search from all counties in which he/she has resided during the last five (5) years.

IT IS FURTHER ORDERED, that Petitioner(s) shall obtain an affidavit of consent from the non-petitioning parent and/or serve a copy of this scheduling order by certified and regular mail forthwith.

IT IS FURTHER ORDERED, that the Petitioner(s) shall advertise once in the Pittsburgh Legal Journal, and once in a newspaper of general circulation in Allegheny County.

BY THE COURT,

\_\_\_\_\_, J.

(c)

FORM 505C Decree for Change of Name

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

In Re: Petition of

CIVIL DIVISION

GD No. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Petitioner(s).

DECREE FOR CHANGE OF NAME

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, upon hearing on the within Petition and upon motion of \_\_\_\_\_, Esquire/pro se, attorney for Petitioner(s), with proof of publication and proof that there are no judgments or decrees of record or any other matter of like effect against Petitioner(s), and it appearing that there are no legal objections to the granting of the prayer of the Petition, it is ORDERED and DECREED that the name(s) of the Petitioner(s) be and are, from and after this date changed to \_\_\_\_\_

BY THE COURT,

\_\_\_\_\_, J.

(d)

FORM 505D Case Transfer Order

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

CIVIL DIVISION

In Re: Petition for Change of Name of:

GD No. \_\_\_\_\_

FD No. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(a) minor(s)

Petitioner(s): \_\_\_\_\_

CASE TRANSFER ORDER

AND NOW, the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, the Court makes the following findings:

1. The subject of the Petition for a Change of Name is \_\_\_\_\_

\_\_\_\_\_ who (is a) (are) minors.

2. The non-petitioning parent has filed an objection to the proposed Petition for Change of Name or has appeared before the Court and opposes the Petition.

It is therefore ORDERED, ADJUDGED and DECREED as follows:

1. Pursuant to Local Rule 505(3)(f) this matter is hereby transferred to the Family Division for all further proceedings with respect to the Petition for Change of Name.

2. The [ **Prothonotary** ] **Department of Court Records** shall conduct a search of its records to determine if the family involved in this contested name change has an existing Family Division docket number. If there is an existing Family Division docket number, this Petition shall be matched to the existing file and transferred to the Family Division. If there is no existing Family Division docket number, the [ **Prothonotary** ] **Department of Court Records** shall assign a Family Division docket number and open a case file. In either event, the above-referenced General Division docket number shall be cross-referenced with the Family Division docket number.

3. The party who filed the Petition for Change in Name shall be responsible for serving the Family Division scheduling order on the opposing party in a manner consistent with the Rules of Civil Procedure.

4. The party who filed the Petition for Change of Name shall provide the following information:

A. Name(s), Address(es) and Date(s) of Birth of the minor(s) involved:

Name	Address	Date of Birth
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

B. Name of the father of the minor child(ren) \_\_\_\_\_

Address and telephone number of the father \_\_\_\_\_

Date of Birth of the father \_\_\_\_\_

C. Name of the mother of the minor child(ren) \_\_\_\_\_

Address and telephone number of the mother \_\_\_\_\_

Date of Birth of the mother \_\_\_\_\_

D. List any prior Family Court involvement and case numbers: (Examples of these cases include: Protection from Abuse, Child Support, Child Custody, and Divorce.) \_\_\_\_\_

BY THE COURT:

\_\_\_\_\_, J.

**Local Rule 1018.1. Notice to Defend Form.**

(1) The agency to be named in the notice to defend accompanying complaints filed in the Court of Common Pleas of Allegheny County, Pennsylvania shall be:

Lawyer Referral Service

Allegheny County Bar Association  
**[ 11th Floor ] 400** Koppers Building  
 436 Seventh Avenue  
 Pittsburgh, PA 15219  
 Telephone: (412) 261-5555

<https://www.getapittsburghlawyer.com/>

(2) The agency to be named in the notices required by Pa.R.C.P. 237.1, 237.4, 237.5, 430, 1910.25, 1910.27, 1915.12, 1915.15, 1915.16, 1920.71, 1920.73, 3146 and 3252 shall be:

Lawyer Referral Service  
 Allegheny County Bar Association  
**[ 11th Floor ] 400** Koppers Building  
 436 Seventh Avenue  
 Pittsburgh, PA 15219  
 Telephone: (412) 261-5555

<https://www.getapittsburghlawyer.com/>

*Editor's Note:* Adopted October 4, 2006, effective December 4, 2006.

**Rule 1028(c). Procedures for the Disposition of Preliminary Objections.**

(1) *General Docket Cases.*

(a)(i) **[ Preliminary ] If not filed electronically, preliminary objections shall be [ taken to ] filed with the Chief Motions Clerk. If filed electronically, a copy of the preliminary objections shall be taken to the Chief Motions Clerk.**

*Note:* The Chief Motions Clerk (telephone number 412-350-5644) will be in the Courtroom [ **of the Motions**



**Judge. See “Civil Division” on the Website of the Common Pleas Court of Allegheny County ([www.allegheycourts.us](http://www.allegheycourts.us)) for the name and Courtroom of the Judge who is sitting as the Motions Judge ] 703, City-County Building.**

(ii) [ **Except for preliminary objections raising a question of venue, which is governed by subdivision (d) of this Local Rule, the ] The Chief Motions Clerk shall schedule the time and date for an argument [ before the Motions Judge ].**

*Note:* If preliminary objections are filed to preliminary objections, these preliminary objections will be scheduled for argument at the same time as the argument for the preliminary objections which are the subject of the preliminary objections.

In cases of multiple defendants, if any other defendants have not filed responsive pleadings at the time another defendant files preliminary objections, the Chief Motions Clerk will not schedule an argument on these preliminary objections sooner than sixty (60) days after filing.

(iii) [ **The ] Unless filed electronically, the Chief Motions Clerk will file the preliminary objections with the Department of Court Records.**

(iv) The party filing the preliminary objections shall promptly serve copies of these preliminary objections on all other parties with notice of the date and time of the argument, if such has been set.

(b)(i) Except for preliminary objections raising issues of fact, which are governed by subdivision (c), [ **and preliminary objections raising a question of venue, which are governed by subdivision (d), ] a brief and proposed order of court, each separately tabbed under the same cover sheet, shall be attached to all preliminary objections. No preliminary objections will be accepted by the Chief Motions Clerk until a brief is attached. Failure to attach a brief shall be cause for denial of the preliminary objections.**

(ii) Any party opposing preliminary objections shall file a brief in opposition to the preliminary objections at least seven (7) days prior to the argument.

(iii) A brief shall not exceed ten (10) doubled-spaced pages except in cases designated complex or where permitted by order of court entered pursuant to a motion presented to the Motions Judge.

(c)(i) Where preliminary objections contain grounds raising issues of fact under Pa.R.C.P. 1028(a)(1), (5), or (6), they: shall be titled on the cover sheet “Preliminary Objections Raising Questions of Fact”; shall be endorsed with a notice to plead; shall not have a brief attached; and will be scheduled for argument not sooner than ninety (90) days after filing.

(ii) All evidence that the parties wish the court to consider shall be filed with the Department of Court Records at least twenty (20) days prior to the argument.

(iii) The party which filed the preliminary objections shall file its brief at least fourteen (14) days prior to the argument; the parties opposing the preliminary objections shall file their briefs at least seven (7) days prior to argument.

(d)(i) If the preliminary objections include the ground of improper venue, they: shall be titled on the cover sheet “Preliminary Objections Raising Questions of Venue”; shall be endorsed with a notice to plead; shall be

accompanied by a brief and proposed order of court, as provided for in paragraph (1)(b) of this Local Rule; and shall include all preliminary objections as required under Pa.R.C.P. 1028(b).

**(e) If the moving party fails to schedule argument on preliminary objections, any other party is permitted to schedule argument by presenting a copy of the preliminary objections to the Chief Motions Clerk as provided elsewhere in these Rules.**

[ *Note:* If the preliminary objections raise only improper venue, a brief is not required.

(ii) Preliminary objections raising questions of venue will be decided by the Calendar Control Judge. The Chief Motions Clerk shall notify the Calendar Control Judge of the filing of the preliminary objections raising a question of venue and the Calendar Control Judge shall instruct the parties as to how these preliminary objections will be resolved.

(iii) The Calendar Control Judge will rule only on the venue preliminary objections. If they are overruled, the Calendar Control Judge will issue a court order which directs the parties to obtain an argument date before the Motions Judge on the remaining preliminary objections. ]

(2) *Arbitration Proceedings.*

(a) The original and a copy of the preliminary objections shall be taken **for filing** to an Arbitration [ **Department** ] Clerk, [ **Courtroom Two, Seventh Floor, Room 702** City-County Building, [ **414 Grant Street, Pittsburgh, Pennsylvania 15219** ] **or, if filed electronically, a copy of the filed preliminary objections shall be taken to the Arbitration Clerk for scheduling of argument.** The clerk will place on the original and the copy (**or upon the copy if filed electronically**) of the preliminary objections a time and date **at least 20 days from the date of filing of the preliminary objections** (usually a Friday at 10:00 A.M.) for an argument before the Special Motions Judge. The clerk will file the original with the Department of Court Records (**unless filed electronically**), and return the copy to the party filing the preliminary objections. This party shall promptly serve copies of the preliminary objections on all other parties with notice of the date and time of the argument.

*Note:* The filing of preliminary objections or the Arbitration [ **Office’s** ] Clerk’s scheduling of the preliminary objections for an argument on a date after the date of the arbitration hearing does not continue the arbitration hearing unless the moving party obtains a continuance pursuant to Local Rule 208.3(a)(6)(a)(iii).

(b) If the preliminary objections raise issues of fact, at the initial argument the Special Motions Judge shall issue an order describing the manner in which any factual disputes will be resolved.

(c) There are no requirements for the filing of briefs.

(d)(i) The moving party, after contacting all other parties, shall notify an Arbitration Clerk prior to the argument (412-350-5625) if the matters raised in the preliminary objections are resolved. Otherwise, if the moving party does not appear on the date of the argument, the court will enter an order dismissing the preliminary objections for failure of the moving party to appear.

(ii) The moving party, after a discussion with other parties, shall notify an Arbitration Clerk if the preliminary objections are moot because of the filing of an amended pleading.

**[ General Motions ] (iii) If the moving party fails to schedule argument on preliminary objections, any other party is permitted to schedule argument by presenting a copy of the preliminary objections to the Arbitration Clerk as provided elsewhere in these Rules. Such party shall promptly serve all other parties with notice of the date and time of argument.**

**(3) *Housing Court Proceedings.***

**(a) If not filed electronically, the original and a copy of the preliminary objections shall be taken to the Housing Court Clerk (Housing Court Help Desk: First Floor City County Building). The Housing Court Clerk will place, on the original and the copy of the preliminary objections, a time and date for an argument before the Housing Court Judge. The Housing Court Clerk will file the original with the Department of Court Records and return the copy to the party filing the preliminary objections. This party shall promptly serve copies of the preliminary objections on all other parties with notice of the date and time of the argument. If filed electronically, the filing party shall take a copy of the preliminary objections to the Housing Court Clerk, and the Housing Court Clerk will place on the copy of the preliminary objections a time and date for an argument before the Housing Court Judge. This party shall promptly serve copies of the preliminary objections on all other parties with notice of the date and time of the argument.**

**(i) The moving party, after contacting all other parties, shall notify the Housing Court Clerk prior to the argument (412-350-4462) if the matters raised in the preliminary objections are resolved. Otherwise, if the moving party does not appear on the date of the argument, the court will enter an order dismissing the preliminary objections for failure of the moving party to appear.**

**(ii) The moving party, after a discussion with other parties, shall notify the Housing Court Clerk if the preliminary objections are moot because of the filing of an amended pleading.**

**Rule 1034(a). Procedures for the Disposition of a Motion for Judgment on the Pleadings.**

**(1) *General Docket Cases.***

(a)(i) The original and a copy of the motion for a judgment on the pleadings **(or a copy if filed electronically)** shall be taken to the Calendar Control Office (Room 734 of the City-County Building). A member of the staff shall place on the original and a copy of the motion **(or upon the copy if filed electronically)** the date of the argument list on which the motion will be argued.

*Note:* Motions for judgment on the pleadings filed before 2:00 P.M. on the fortieth (40th) day before the next argument list will be placed on that list. Motions filed less than forty (40) days before the date of the next argument list will be placed on the following argument list. No motion for judgment on the pleadings shall be placed on an argument list or otherwise scheduled for argument if the case has appeared on a published trial list prior to the filing of the motion without an order of court entered by the Calendar Control Judge.

**(ii) [ The original copy of the motion shall be returned to the moving party who shall immediately file the motion with the Department of Court Records.**

**(iii) ]** After the motion has been filed with the Department of Court Records, the moving party shall promptly serve copies of the motion for judgment on the pleadings on all other parties with notice of the date of the argument list on which the motion will be argued **and file a certificate of service.**

*Note:* Argument lists are placed under "Civil Division" on the Website of the Common Pleas Court ([www.allegheycourts.us](http://www.allegheycourts.us)) at least thirty (30) days before the date scheduled for argument. The list will identify the judge who will hear the argument.

(iv) If the motion has been resolved, the moving party shall promptly notify the court. Prior to the publication of the argument list, notice shall be given to the Calendar Control Clerk (412-350-5417). After publication of the argument list, notice shall be given to the secretary of the judge to whom the argument has been assigned.

(v) The brief of the moving party and proposed order of court shall be attached to the motion under the same cover and separately tabbed. Any party opposing the motion must file a brief at least seven (7) days prior to the argument and furnish a copy of the brief to the judge to whom the argument is assigned.

(b) This rule does not govern motions for judgment on the pleadings filed in asbestos litigation and cases otherwise designated by the court for special management (Pa.R.C.P. 1041.1 and 1041.2), class actions, cases designated as complex, and other cases specially assigned by an order of court to a single judge.

**(2) *Arbitration Proceedings.***

(a) The original and a copy of the motion for judgment on the pleadings **(or a copy if filed electronically)** shall be taken to **for filing to** an Arbitration Clerk, **[ Courtroom Two, ] Room 702** Seventh Floor, City-County Building[, , 414 Grant Street, Pittsburgh, Pennsylvania 15219, ] **for scheduling of argument.** The clerk will place on the original and the copy of the motion **(or upon the copy if filed electronically)** a time and date (usually on a Friday at 10:00 A.M.) for an argument before the Special Motions Judge. The clerk will file the original **(or the copy if filed electronically)** with the Department of Court Records and return **[ the ]** a copy to the party filing the motion. This party shall promptly serve copies of the motion on all other parties with notice of the date and time of the argument.

*Note:* The Arbitration **[ Office's ] Section's** scheduling a motion for judgment on the pleadings for an argument on a date after the date of the arbitration hearing does not delay the arbitration hearing unless the moving party obtains a continuance pursuant to Local Rule 208.3(a)(6)(a)(iii).

(b) There are no requirements for the filing of briefs. Frequently, the motion refers to the controlling legislation and case law.

(c) The moving party, after contacting the other parties, shall notify an Arbitration **[ Department ]** Clerk (412-350-5625) if the motion is withdrawn. Otherwise, if the moving party does not appear on the date of the argument, the court will enter an order dismissing the motion for failure of the moving party to appear.

**(3) Housing Court Proceedings.**

(a) The original and a copy of the motion for judgment on the pleadings (or a copy if filed electronically) shall be taken to the Housing Court Clerk (Housing Court Help Desk: First Floor City County Building). The Housing Court Clerk will place, on the original and the copy of the motion (or a copy if filed electronically), a time and date for an argument before the Housing Court Judge. The clerk will file the original with the Department of Court Records and return the copy to the party filing the motion. This party shall promptly serve copies of the motion on all other parties with notice of the date and time of the argument.

Note: The Housing Court Clerk scheduling of oral argument on a motion for judgment on the pleadings on a date after the date of the arbitration hearing does not delay the arbitration hearing unless the moving party obtains a continuance pursuant to Local Rule 208.3(a)(6)(a)(iii).

(b) There are no requirements for the filing of briefs. Frequently, the motion refers to the controlling legislation, statute, regulation and case law.

(c) The moving party, after contacting the other parties, shall notify the Housing Court Clerk if the motion is withdrawn. Otherwise, if the moving party does not appear on the date of the argument, the court will enter an order dismissing the motion for failure of the moving party to appear.

**Rule 1038. Trial Without Jury.**

(1) One or more judges, as required, will be assigned to hear non-jury cases during the period scheduled for jury trials.

(2) Parties who elect to have their case tried without a jury after a demand for jury trial has been filed shall enter into and file the following written stipulation:

“The undersigned parties in the above captioned case at law hereby agree that it shall be tried by a Judge without a jury in accordance with Pa.R.C.P. 1038.”

**[ Rule 1042.26(b). Medical Professional Liability Actions. Expert Reports.**

In this county, unless there is a case-specific Order to the contrary or a published trial list with contrary deadlines, the provisions of Pa.R.C.P. 1042.26 through 1042.38 apply to medical professional liability actions.

Note: If deadlines set forth in a published trial list appear to contradict deadlines otherwise calculated in these rules, the earlier deadline will prevail.

Note: See Local Rule 4003.5 regarding expert reports in professional liability and product liability actions. ]

**Rule 1303. Arbitration Hearing. Notice.**

(1) The Department of Court Records shall [ affix ] assign the date, time and place of hearing before a Board of Arbitrators [ by ] as follows:

(i) for complaints filed by presenting to the Department of Court Records, placing said information on the Complaint which is filed and on the copies of the Complaint which are to be served upon all other parties, [ or ] and

(ii) for Complaints filed through the electronic filing system, the Department of Court Records shall give notice to the filing party of the date, time and place of hearing before a Board of Arbitrators through the electronic filing system.

(iii) The filing party shall notify the parties to be served with copies of the Complaint of the date, time and place of hearing before a Board of Arbitrators; which notice shall be served with the copy of the Complaint.

(2) Every Complaint (except for Small Claims—see Local Rule 1320(2)) filed in Compulsory Arbitration, whether filed by a plaintiff against a defendant or by a defendant against an additional defendant, shall contain a Notice of Hearing Date, Notice to Defend and Notice of Duty to Appear at Arbitration Hearing (FORM 1303) (see subsection (4) below). The Notice of Hearing Date and Notice of Duty to Appear shall immediately follow the Notice (to Defend) which is required by Pa.R.C.P. 1018.1(b).

(3) Immediately before the time set for hearing, an Arbitration Clerk shall assign cases to each Board of Arbitrators and shall designate the room in which the cases are to be heard. An Arbitration Clerk shall designate the order in which cases shall be heard from those listed in the published daily Arbitration List, in addition to cases listed specially by a Judge.

**(4) Form 1303 Notice of Hearing Date, Notice to Defend and Notice of Duty to Appear at Arbitration Hearing.**

**IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA CIVIL DIVISION**

\_\_\_\_\_ ARBITRATION DOCKET  
 \_\_\_\_\_ NO . \_\_\_\_\_ — \_\_\_\_\_ — \_\_\_\_\_

PLAINTIFF

VS. HEARING DATE \_\_\_\_\_

NOTICE TO DEFEND

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the attached copy of the suit papers, YOU MUST complete and detach two of the copies of the attached “Notice of Intention To Appear.” One completed copy of the “Notice of Intention to Appear” must be filed or mailed to the Department of Court Records, First Floor, City-County Building, 414 Grant Street, Pittsburgh, PA 15219 and the other completed copy must be mailed to: \_\_\_\_\_ within TWENTY (20) days from the date these papers were mailed. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may [ lost ] lose money or property or other rights important to you. YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

LAWYER REFERRAL SERVICE, The Allegheny County Bar Association, [ 3rd Floor ] 400 Koppers Building, 436 Seventh Avenue Pittsburgh, Pennsylvania



15219 Telephone: (412) 261-5555 [ [www.acbalrs.org](http://www.acbalrs.org) ]  
[www.getapittsburghlawyer.com](http://www.getapittsburghlawyer.com)

**HEARING NOTICE**

YOU HAVE BEEN SUED IN COURT. The above Notice to Defend explains what you must do to dispute the claims made against you. If you file the written response referred to in the Notice to Defend, a hearing before a board of arbitrators will take place in Courtroom Two, Seventh Floor, City-County Building, 414 Grant Street Pittsburgh, Pennsylvania, on \_\_\_\_\_, \_\_\_\_\_ at 9:00 A.M. IF YOU FAIL TO FILE THE RESPONSE DESCRIBED IN THE NOTICE TO DEFEND, A JUDGMENT FOR THE AMOUNT CLAIMED IN THE COMPLAINT MAY BE ENTERED AGAINST YOU BEFORE THE HEARING.

DUTY TO APPEAR AT ARBITRATION HEARING IF one or more of the parties is not present at the hearing, THE MATTER MAY BE HEARD AT THE SAME TIME AND DATE BEFORE A JUDGE OF THE COURT WITHOUT THE ABSENT PARTY OR PARTIES. THERE IS NO RIGHT TO A TRIAL DE NOVO ON APPEAL FROM A DECISION ENTERED BY A JUDGE.

NOTICE: YOU MUST RESPOND TO THIS COMPLAINT WITHIN TWENTY (20) DAYS OR A JUDGMENT FOR THE AMOUNT CLAIMED MAY BE ENTERED AGAINST YOU BEFORE THE HEARING. IF ONE OR MORE OF THE PARTIES IS NOT PRESENT AT THE HEARING, THE MATTER MAY BE HEARD IMMEDIATELY BEFORE A JUDGE WITHOUT THE ABSENT PARTY OR PARTIES. THERE IS NO RIGHT TO A TRIAL DE NOVO ON APPEAL FROM A DECISION ENTERED BY A JUDGE.

**Rule 1304.1. Housing Court Mediation.**

(1) When a Housing Court matter is scheduled for an arbitration hearing, the parties will have the opportunity to participate in mediation prior to the arbitration hearing on the day of the scheduled hearing upon mutual consent of both parties. Mediation is not mandatory.

(2) Upon checking in with the Arbitration Clerk, the parties will advise the Arbitration Clerk of their desire to have the dispute mediated before a landlord tenant arbitrator mediator, and at that time the parties will execute an Agreement to Mediate;

(3) If the mediation is successful, the parties will immediately enter into a Consented to Order of Court outlining the terms of the parties' Settlement;

(4) If the mediation is unsuccessful, the parties will proceed to an arbitration which shall be heard by a panel of arbitrators that does not include the mediator on that same day;

(5) Form 1304.1 Housing Court Agreement to Mediate.

**IN THE COURT OF COMMON PLEAS OF  
 ALLEGHENY COUNTY, PENNSYLVANIA  
 CIVIL DIVISION**

**ARBITRATION DOCKET**

NO . — —

**PLAINTIFF**

**VS. HEARING DATE**

**AGREEMENT TO MEDIATE**

This , day of , 20 , Plaintiff and Defendant identified in the above captioned action, agree to make every effort to in good faith resolve their dispute involving the property located at , through mediation (an effort by an unbiased person to help the parties reach a settlement).

Both Plaintiff and Defendant voluntarily enter into this Agreement to Mediate.

**Rule 1321. Housing Court Procedures.**

The following procedures shall govern all claims filed with or transferred to the Housing Court (see Local Rule 76 for definition of Housing Court), including appeals from Magisterial District Judges involving Landlord and Tenant issues.

(1) Service of Notice of Appeal and Other Papers: see Local Magisterial District Court Rule 1005 regarding service of Notice of Appeal and, if appellant was the tenant before the Magisterial District Judge, of the Complaint.

(2) Complaint: The Complaint may be simplified by filing a "short form" Landlord Tenant Complaint available at the Housing Court Help Desk. All Complaints shall contain a signature of the plaintiff or the plaintiff's counsel (Pa.R.C.P. 1023), an endorsement (Pa.R.C.P. 1025), a Notice of Hearing Date, Notice to Defend, and Notice of Duty to Appear at Arbitration Hearing (Form 1320A) and three copies of a Notice of Intention to Appear (Form 1320B) hereof, and must have the following attached to it:

a. A copy of the written Lease, if any, that exists between the parties and which is the subject of the appeal; and,

b. A copy of the written Notice to Quit or Notice of Lease Termination, if any, that was served upon to the Tenant.

(3) Arbitration: At the time the Complaint is filed, an arbitration hearing date is assigned by the Housing Court Clerk, and the case will be heard before an arbitration panel. See local rules 1301—1308 for arbitration procedures.

(4) Notice of Intention to Appear (Form 1320B): the filed Notice of Intention to Appear shall be a sufficient answer to the Complaint.

(5) A counterclaim may be set forth in either the filed Notice of Intention to Appear or a separate pleading, by a statement indicating concisely the nature and amount of same. No reply to a counterclaim shall be required. If one is filed, it may be limited to a general denial.

(6) For Motion and Petition Practice, including requests for in forma pauperis, related to Housing Court Matters see Local Rules 206.4(c)(5), 208.3(a)(7), 1028(c)(3), and 1034(a)(3).

Note: See Forms 1320A and 1320B.



**Rule 3121. Stay of Execution. Setting Aside Execution.**

(1) *Notice.* Notice shall be given to the party executing the judgment when application will be made for a stay of execution.

(2) *Delivery of Copy of Order Staying Execution to Sheriff.* Orders staying execution, certified to be true and correct by the Department of Court Records, an attorney or a party litigant, shall be provided to the Sheriff.

**Note: [ When ] Except with respect to mortgaged property where no commission is due unless the property is actually sold by the sheriff as provided**

**in 68 Pa.C.S.A. § 2310, when** a writ of execution is stayed after the Sheriff has served or has attempted to serve the writ, **the sheriff's commission referred to as** poundage will be calculated based on the face amount of the writ unless the plaintiff files an affidavit within three business days the actual amount paid or to be paid to the plaintiff in cash or in kind as consideration for staying the writ or satisfying the judgment. If an affidavit is filed, the Sheriff's poundage will be calculated based on the consideration set forth in the affidavit.

[Pa.B. Doc. No. 20-66. Filed for public inspection January 17, 2020, 9:00 a.m.]

# STATEMENTS OF POLICY

## Title 4—ADMINISTRATION

### PART II. EXECUTIVE BOARD

[ 4 PA. CODE CH. 9 ]

#### Reorganization of the Department of General Services

The Executive Board approved a reorganization of the Department of General Services effective December 19, 2019.

The organization chart at 50 Pa.B. 329 (January 18, 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. 20-67. Filed for public inspection January 17, 2020, 9:00 a.m.]

## Title 4—ADMINISTRATION

### PART II. EXECUTIVE BOARD

[ 4 PA. CODE CH. 9 ]

#### Reorganization of the Department of Health

The Executive Board approved a reorganization of the Department of Health effective December 16, 2019.

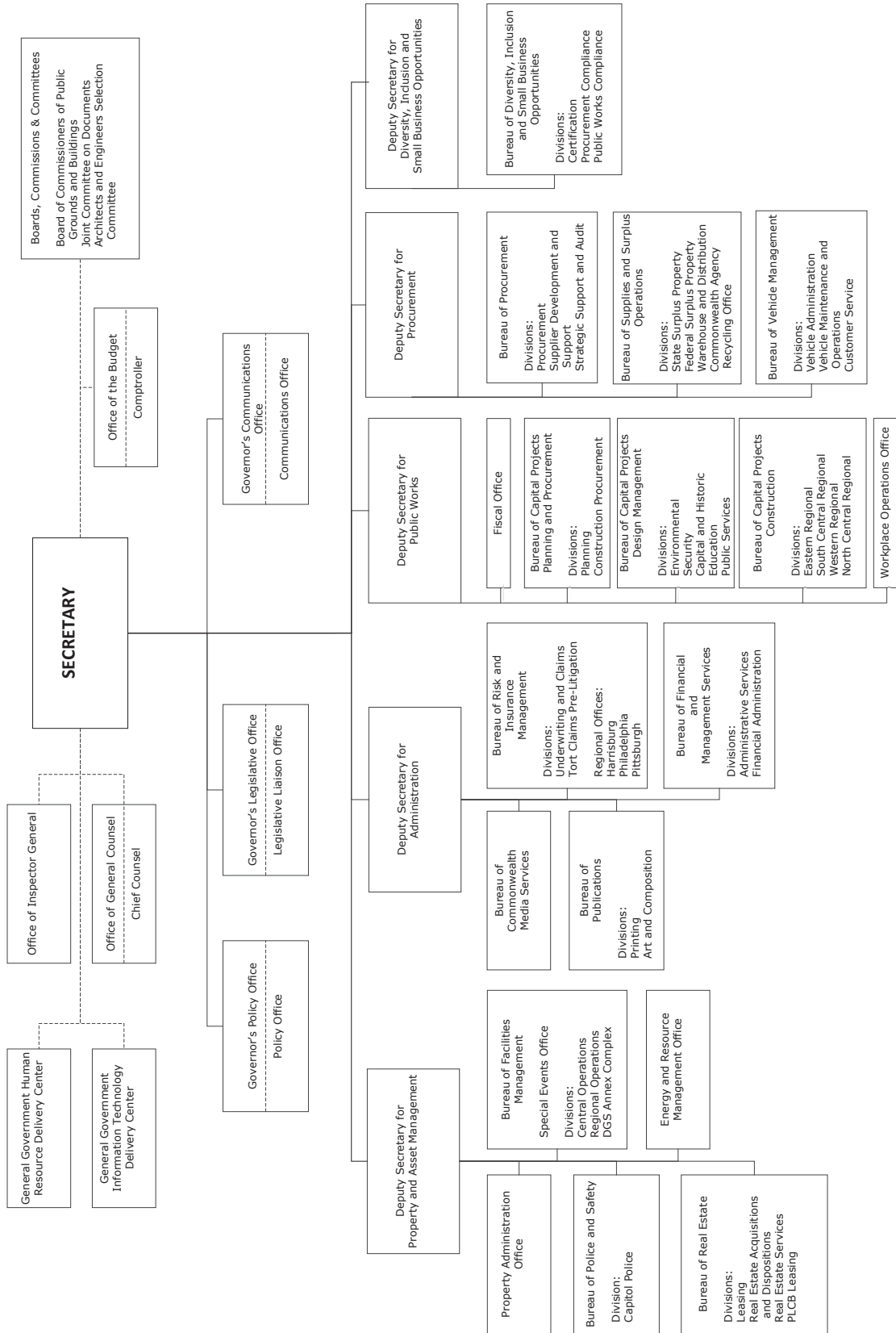
The organization chart at 50 Pa.B. 330 (January 18, 2020) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

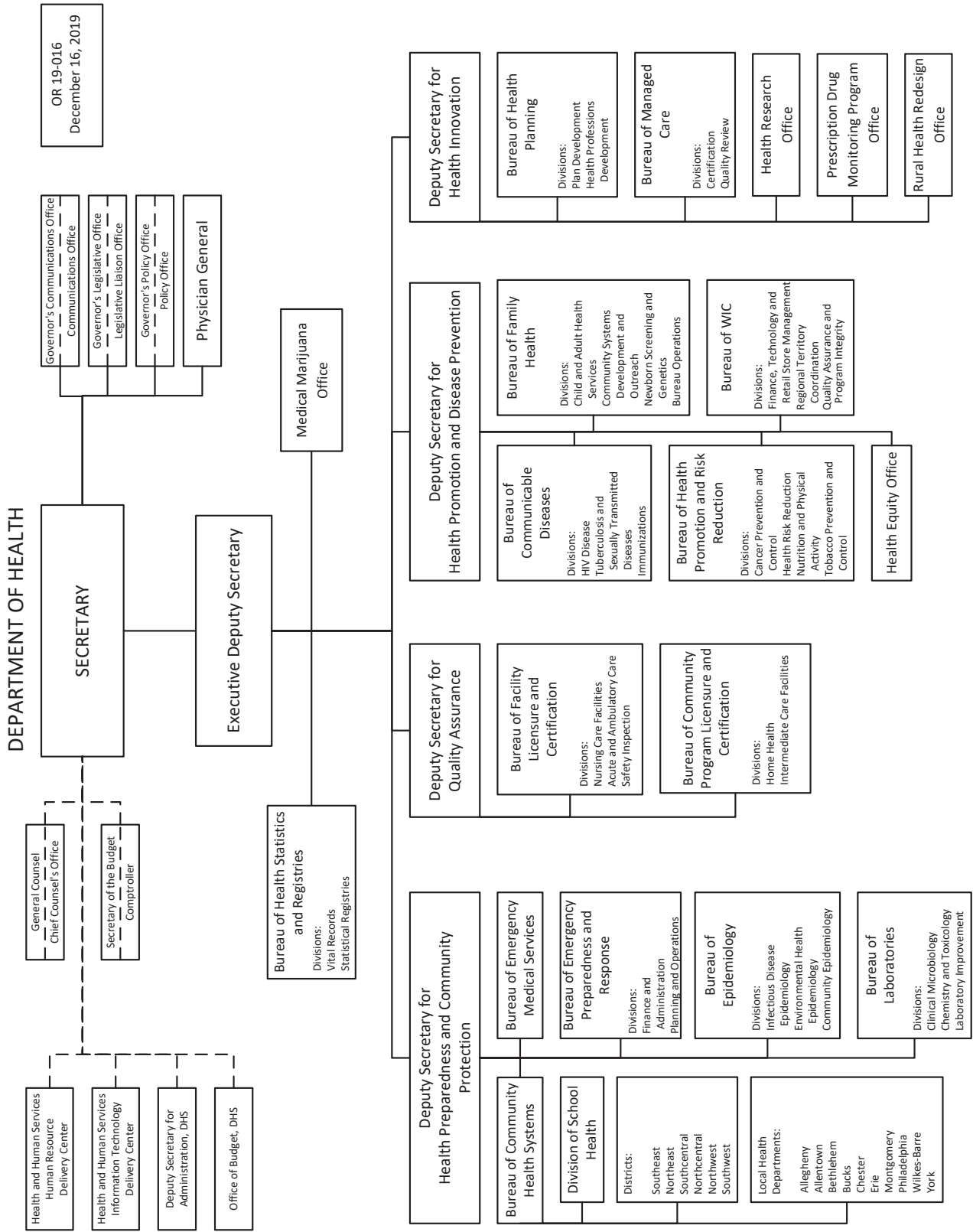
*(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania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

[Pa.B. Doc. No. 20-68. Filed for public inspection January 17, 2020, 9:00 a.m.]

**DEPARTMENT OF GENERAL SERVICES**

OR-19-015  
December 19, 2019







# NOTICES

## DEPARTMENT OF AGRICULTURE

### Controlled Plant and Noxious Weed Committee Meeting

The Department of Agriculture (Department) announces a public meeting of the Controlled Plant and Noxious Weed Committee (Committee), established by 3 Pa.C.S. § 1511 (relating to designation of noxious weeds and controlled plants). The meeting will be held at 1 p.m. on January 23, 2020, in Room 405, Department of Agriculture, 2301 North Cameron Street, Harrisburg, PA 17110.

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

- *Phyllostachys aurea* (Golden bamboo)
- *Phyllostachys aureosulcata* (Yellow groove bamboo)
- *Phyllostachys bambusoides* (Giant timber bamboo)
- *Reynoutria japonica* (Japanese knotweed)

- *Reynoutria sachalinensis* (Giant knotweed)
- *Reynoutria x bohemica* (Bohemian knotweed)

Public comment will be accepted either in person at the meeting or in writing prior to the meeting. Written comments may be sent to RA-plant@pa.gov or the Department of Agriculture, Bureau of Plant Industry Noxious Weed Program, 2301 North Cameron Street, Harrisburg, PA 17110. Written comments must be received by January 22, 2020. Written comments will become a part of the record, with the same force as if presented during the meeting.

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

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

RUSSELL C. REDDING,  
Secretary

[Pa.B. Doc. No. 20-69. Filed for public inspection January 17, 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 January 7, 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>
01-07-2020	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.	Filed

#### Branch Applications

##### De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
12-26-2019	Jersey Shore State Bank Jersey Shore Lycoming County	501-503 East Plank Road Altoona Blair County	Filed
01-07-2020	Community State Bank of Orbisonia Orbisonia Huntingdon County	6962 Lincoln Way West St. Thomas Franklin County	Filed

**CREDIT UNIONS**

No activity.

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

ROBIN L. WIESSMANN,  
*Secretary*

[Pa.B. Doc. No. 20-70. Filed for public inspection January 17, 2020, 9:00 a.m.]

## DEPARTMENT OF BANKING AND SECURITIES

### Maximum Lawful Rate of Interest for Residential Mortgages for the Month of February 2020

The Department of Banking and Securities (Department), under the authority contained in section 301 of the act of January 30, 1974 (P.L. 13, No. 6) (41 P.S. § 301), determines that the maximum lawful rate of interest for residential mortgages for the month of February 2020, is 4 1/2%.

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

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board or the United States Treasury, or both. The latest yield rate on long-term government securities is 2.11 to which was added 2.50 percentage points for a total of 4.61 that by law is rounded off to the nearest quarter at 4 1/2%.

ROBIN L. WIESSMANN,  
*Secretary*

[Pa.B. Doc. No. 20-71. Filed for public inspection January 17, 2020, 9:00 a.m.]

## 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, January 22, 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. 20-72. Filed for public inspection January 17, 2020, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

#### APPLICATIONS

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

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

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

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

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

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

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

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

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

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

*Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

<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>
PA0044920 (Industrial)	Lehighon Electronics 15 Blakeslee Boulevard (Route 443) Lehighon, PA 18235	Carbon County Mahoning Township	Mahoning Creek (CWF, MF) (2-B)	Yes
PA0060429 (Sewage)	Camp Speers WWTP 143 Nichecronk Road Dingmans Ferry, PA 18328-3407	Pike County Delaware Township	Unnamed Tributary to Dingmans Creek (HQ-CWF/MF) (1-D)	Yes
PA0062596 (Sewage)	Laceyville Borough Joint Municipal Authority Wastewater Treatment Plant Tannery Street Laceyville, PA 18623	Wyoming County Laceyville Borough	Little Tuscarora Creek (CWF) (4-D)	Yes
PA0060658 (Sewage)	Aqua Pennsylvania Wastewater, Inc. Washington Park WWTP Debbie Drive Tunkhannock, PA 18657	Wyoming County Washington Township	Unnamed Tributary to Susquehanna River (CWF, MF) (4-G)	Yes
PA0063959 (Sewage)	Feldman Single Residence Sewage Treatment Plant (SRSTP) P.O. Box 377 Blakeslee, PA 18610-0377	Monroe County Tobyhanna Township	Deep Run (HQ-CWF, MF) (2-A)	Yes

<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>
PA0065501 (Sewage)	Janet Kudla SRSTP 4539 Vera Cruz Road Center Valley, PA 18034	Lehigh County Upper Saucon Township	Unnamed Tributary to Saucon Creek (CWF/MF) (2-C)	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 #)</i>	<i>EPA Waived Y/N?</i>
PAS8035501 Stormwater	Susquehanna Regional Airport Authority—HIA One Terminal Drive Suite 300 Middletown, PA 17057	Dauphin County/ Lower Swatara Township	UNT Susquehanna River/7C	Y
PA0262197 Stormwater	Hollenbaugh Trash & Recycling, LLC 85 Industrial Park Road Lewistown, PA 17044	Mifflin County/ Granville Township	UNT to Juniata River/ HQ-CWF/12A	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0024104 (Sewage)	Spring Township MA P.O. Box 133 Beaver Springs, PA 17812-0133	Snyder County Spring Township	Beaver Creek (CWF) (6-A)	Yes
PA0113719 (Sewage)	Mt. Pleasant Mills Wastewater Treatment Plant P.O. Box 27 Mt. Pleasant Mills, PA 17853-0027	Snyder County Perry Township	North Branch Mahantango Creek (TSF) (6-C)	Yes
PA0112305 (Sewage)	Wyalusing Municipal Authority P.O. Box 131 50 Senate Street Wyalusing, PA 18853-0131	Bradford County Wyalusing Borough	Susquehanna River (WWF) (4-D)	Yes
PA0113743 (Sewage)	Grove Township Crestline WWTP 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, Phone: 412.442.4000.*

<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>
PA0219266 (Sewage)	Grindstone STP P.O. Box 753 Republic, PA 15475-0753	Fayette County Jefferson Township	Redstone Creek (WWF) (19-C)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0101800 (Industrial)	Lord Saegertown P.O. Box 1050 601 South Street Saegertown, PA 16433	Crawford County Saegertown Borough	Woodcock Creek (CWF) and French Creek (WWF) (16-A)	Yes
PA0032531 (Sewage)	Moraine State Park 225 Pleasant Valley Road Portersville, PA 16051-9650	Butler County Muddycreek Township	Muddy Creek (WWF) (20-C)	Yes
PA0273007 (Sewage)	Robert Bullock SRSTP 1347 Valentine Run Road Russell, PA 16345	Warren County Pine Grove Township	Rhine Run (CWF) (16-B)	Yes



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

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

**PA0040321**, Industrial, SIC Code 3625, **ABB Installation Products, Inc.**, 131 Phoenix Crossing, Bloomfield, CT 06002. Facility Name: ABB Installation Products—Perkasie Plant. This existing facility is located in East Rockhill Township, **Bucks County**.

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

The receiving stream(s), Unnamed Tributary to East Branch Perkiomen Creek (TSF, MF), is located in State Water Plan watershed 3-E and is classified for Migratory Fishes and Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .043 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Flow (GPD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
			Inst Min			
Trichloroethylene	XXX	XXX	XXX	0.003	XXX	0.036

The proposed effluent limits for Outfall 001 are based on a design flow of .043 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Average Monthly	Maximum	
1,1,1-Trichloroethane Industrial Influent	XXX	XXX	XXX	XXX	XXX	Report
1,1,1-Trichloroethane	XXX	XXX	XXX	XXX	XXX	Report
Tetrachloroethylene	XXX	XXX	XXX	XXX	XXX	Report
Tetrachloroethylene Industrial Influent	XXX	XXX	XXX	XXX	XXX	Report
Trichloroethylene Industrial Influent	XXX	XXX	XXX	XXX	XXX	Report

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

- Groundwater Monitoring Reports
- No discharge of stripper tower cleaning wastewater to waters of Commonwealth
- Acquiring necessary property rights by easement

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.

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

**Application No. PA0263591**, Concentrated Animal Feeding Operation (CAFO), **Apple Shamrock Dairy Farms LLC (Apple Shamrock Dairy)**, 32821 Guys Mills Road, Townville, PA 16360-3009.

Apple Shamrock Dairy Farms LLC has submitted an application for an Individual NPDES permit for a renewal of an CAFO known as Apple Shamrock Dairy, located in Steuben Township, **Crawford County**.

The CAFO is situated near Unnamed Tributary to Muddy Creek (HQ-CWF) and Unnamed Tributary of Muddy Creek (HQ-CWF) in Watershed 16-A, which is classified for High Quality Waters—Cold Water Fishes. The CAFO is designed to maintain an animal population of approximately 2,612.25 animal equivalent units (AEUs) consisting of 1,170 mature Holstein cows, 330 Holstein heifers, and 330 Holstein calves. Manure is stored in a 2-stage earthen lagoon with a capacity of 1.2 million gallons and a 2-stage HDPE-lined lagoon with a capacity of 7.4 million gallons. A release or discharge to waters of the Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 25-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 814-332-6340.

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

**PA0261254**, Sewage, SIC Code 6514, **Timothy F. Logue**, 3256 Beans Cove Road, Clearville, PA 15535-8302. Facility Name: Logue Res STP. This existing facility is located in Southampton Township, **Bedford County**.

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

The receiving stream(s), Wildcat Run (HQ-CWF), is located in State Water Plan watershed 13-A and is classified for High Quality Waters—Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

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

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

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Annual Average	Maximum	
Flow (MGD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	1,000
Ammonia-Nitrogen						
Nov 1 - Apr 30	XXX	XXX	XXX	15.0	XXX	30
May 1 - Oct 31	XXX	XXX	XXX	5.0	XXX	10

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

**PA0262005**, Sewage, SIC Code 8811, **John & Linda Leffel**, 391 Franklin Road, Bechtelsville, PA 19505-9241. Facility Name: John & Linda Leffel Res. This existing facility is located in Colebrookdale Township, **Berks County**.

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

The receiving stream(s), Unnamed Tributary to Ironstone Creek (CWF (existing use)), is located in State Water Plan watershed 3-D 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 .0004 MGD.—Limits.

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

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

**PA0261858**, Sewage, SIC Code 4952, **Anna Shaner & Scott P. Shaner**, 54 Locust Road, Boyertown, PA 19512-7676. Facility Name: Shaner Res. This existing facility is located in Douglass Township, **Berks County**.

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

The receiving stream(s), Ironstone Creek (TSF, MF), is located in State Water Plan watershed 3-D 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 .0004 MGD.—Limits.

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

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

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

**PA0262102**, Sewage, SIC Code 4952, **Larkin Jack A.**, 275 Pilgert Street, Alburts, PA 18011-2435. Facility Name: Larkin Res. This existing facility is located in Longswamp Township, **Berks County**.

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

The receiving stream(s), Unnamed Tributary to Little Lehigh Creek (HQ-CWF, MF), is located in State Water Plan watershed 2-C and is classified for High Quality—Cold Water and Migratory Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 002 are based on a design flow of .0004 MGD.—Limits.

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

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

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

**PA0288012**, Sewage, SIC Code 8800, **Jason Wolf**, 183 Schnur Road, Butler, PA 16002. Facility Name: Jason Wolf SRSTP. This proposed facility is located in Summit Township, **Butler County**.

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

The receiving stream(s), Unnamed tributary to Rough Run (HQ-TSF), is located in State Water Plan watershed 18-F and is classified for High Quality Waters—Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .0005 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	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.

**PA0287971**, Sewage, SIC Code 8800, **Stephen & Stephanie Horvath**, 10245 Whittaker Road, Albion, PA 16401. Facility Name: Stephen & Stephanie Horvath SRSTP. This proposed facility is located in Elk Creek Township, **Erie County**.

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

The receiving stream(s), Unnamed Tributary to East Branch Conneaut Creek, is located in State Water Plan watershed 15-A and is classified for aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies. The proposed effluent limits for Outfall 001 are based on a design flow of .0004 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Minimum</i>	<i>Annual Average</i>	<i>Maximum</i>	
Flow (GPD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

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

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

The EPA Waiver is in effect.

**PA0287946**, Sewage, SIC Code 8800, **Kenneth McChesney**, 636 Reed Road, Corry, PA 16407. Facility Name: Kenneth McChesney SRSTP. This proposed facility is located in Spring Creek Township, **Warren County**.

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

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

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Minimum</i>	<i>Annual Average</i>	<i>Maximum</i>	
Flow (GPD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report	XXX	XXX
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.

**PA0287954**, Sewage, SIC Code 8800, **John Zaboroski**, 1370 New Bedford Sharon Road, West Middlesex, PA 16159-4728. Facility Name: John Zaboroski SRSTP. This proposed facility is located in Pulaski Township, **Lawrence County**.

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

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

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Minimum</i>	<i>Annual Average</i>	<i>Maximum</i>	
Flow (GPD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	10.0	XXX	20



Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Annual Average	Maximum	
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.

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### III. WQM Industrial Waste and Sewerage Applications under The Clean Streams Law (35 P.S. §§ 691.1—691.1001).

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*Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**WQM Permit No. 3519403**, Sewage, **Jessup**, 395 Lane Street, Jessup, PA 18434.

This proposed facility is located in Jessup Borough, **Lackawanna County**.

Description of Proposed Action/Activity: Replacement of cracked and misaligned terra cotta sanitary lines along Church Street and Front Street with new SDR-35 lines that match the downstream pipe sizes. Old brick manholes will also be replaced with new concrete manholes.

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

**WQM Permit No. 6706411**, Amendment No. 1, Sewerage, SIC Code 4952, **The York Water Company**, 130 East Market Street, York, PA 17401.

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

Description of Proposed Action/Activity: Seeking permit approval for the construction/operation of modifications to permitted Lower Windsor (East Prospect) WWTP Expansion including updated chem feed, sludge holding, UV and blower piping.

**WQM Permit No. 3811404, A2**, Sewerage, SIC Code 4952, **Fredericksburg Sewer & Water Authority**, 113 E. Main St., Fredericksburg, PA 17026.

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

Description of Proposed Action/Activity: Seeking permit approval for the construction/operation of modifications/expansion to the Little Swatara Creek WWP. Expansion of existing WWTP capacity from 0.433 MGD to 0.650 MGD by addition of third basin and other additional upgrades.

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

**WQM Permit No. 6319412**, Sewage, **CM Holding Co. Inc.**, 2067 Henderson Avenue, Washington, PA 15301.

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

Description of Proposed Action/Activity: Proposed installation of a SRSTP.

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

**WQM Permit No. 3284410 A-1**, Sewage, **Tri-Community Sewer Authority**, P.O. Box 86, Bolivar, PA 15923-0086.

This existing facility is located in West Wheatfield Township, **Indiana County**.

Description of Proposed Action/Activity: Amendment to include use of sodium thiosulfate and associated feed equipment.

**WQM Permit No. 3719403**, Sewage, **Samuel Marcotullio**, 904 E Fairfield Avenue, New Castle, PA 16105-2318.

This proposed facility is located in Neshannock Township, **Lawrence County**.

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

**WQM Permit No. 1019408**, Sewage, **Evelyn Gallagher**, 693 Mushrush Road, Butler, PA 16002.

This proposed facility is located in Jefferson Township, **Butler County**.

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

**WQM Permit No. 1019409**, Sewage, **Jason Wolf**, 183 Schnur Road, Butler, PA 16002.

This proposed facility is located in Summit Township, **Butler County**.

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

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


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

**PAI130044, MS4, Hilltown Township, Bucks County**, 13 W Creamery Road, Hilltown, PA 18927. 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 Hilltown Township, Bucks County. The receiving stream(s), Mill Creek (TSF, MF) and Unnamed Tributary to Reading Creek (WWF, MF), is located in State Water Plan watershed 3-E and 2-F and is classified for Migratory Fishes, Warm Water Fishes, and Trout Stocking, aquatic life, water supply and recreation. The applicant is classified as a small MS4.

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

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

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

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

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


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*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.*

*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>
PAD390045	Jaindl Land Co 3150 Coffeetown Rd Orefield, PA 18069	Lehigh	Upper Macungie Twp	Hassen Creek (HQ-CWF, MF) UNT to Hassen Creek (HQ-CWF, MF) IRON RUN (HQ-CWF, MF)
PAD390146	JW Development Partners II LLC 3150 Coffeetown Rd Orefield, PA 18069	Lehigh	Upper Macungie Twp	Iron Run (HQ-CWF, MF)

*Monroe County Conservation District, 8050 Running Valley Road, Stroudsburg, PA 18347, 570-629-3060.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD450100	Robert Latzanich P.O. Box 759 Mt Pocono, PA 18344	Monroe	Coolbaugh Twp	Red Run (HQ-CWF, MF) EV Wetlands

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


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PAG-12	CAFOs
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

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**MS4 PAG-13 Notices of Intent Received.**


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*Southwest Region: Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Waiver Application Submitted (Y/N)</i>	<i>Pollutant Reduction Plan Submitted (Y/N)</i>
PAG136136	South Versailles Township P.O. Box 66 Coulters, PA 15028-0066	South Versailles Township, Allegheny County	Y	N

**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>AEU's</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/ New</i>
Mailing address: Wetzel Poultry Farm P.O. Box 55 Aspers, PA 17304	Adams	115	430.31	Poultry— Turkeys	NA	Renewal
Operation address: 2450 Mummasburg Road Gettysburg, PA 17325						

**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).**

*Southeast Region: Water Supply Management Program Manager, 2 East Main Street, Norristown, PA 19401, Telephone 484.250.5980.*

*Contact: Kimberleigh Rivers, Clerk Typist 2, 484.250.5887.*

**Permit No. 0919535**, Public Water Supply.

Applicant	<b>Thomas Jefferson University Hospitals, Inc.</b> 111 S. 11th Street 2nd Floor Philadelphia, PA 19107
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Township Langhorne  
 County **Bucks**  
 Responsible Official Edward W. Sampey  
 Vice President of Facilities  
 111 S. 11th Street  
 2nd Floor  
 Philadelphia, PA 19107

Type of Facility PWS  
 Consulting Engineer EBL Engineers, Inc.  
 8005 Harford Road  
 Parkville, MD 21234

Application Received Date December 24, 2019  
 Description of Action Addition of chlorination at  
 Thomas Jefferson University  
 Hospital Bucks Campus.

**Permit No. 0919539**, Public Water Supply.  
 Applicant **Kinder Works-Doylestown**  
 1090 Pebble Hill Road  
 Doylestown, PA 18901

Township Doylestown  
 County **Bucks**  
 Responsible Official April Bass  
 1090 Pebble Hill Road  
 Doylestown, PA 18901

Type of Facility PWS  
 Consulting Engineer J.S. Madaras Consulting, LLC  
 250 Indian Lane  
 Boyertown, PA 19512

Application Received Date December 19, 2019  
 Description of Action Permit application received for  
 the installation of arsenic  
 removal system and UV  
 disinfection.

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

**Permit No. 0719506**, Public Water Supply.  
 Applicant **Bellwood Borough Authority**  
 Municipality Antis Township  
 County **Blair**  
 Responsible Official Joseph W. Whiteford  
 Authority Chairman  
 516 Main Street  
 P.O. Box 96  
 Bellwood, PA 16617

Type of Facility Public Water Supply  
 Consulting Engineer William P. Utzman, P.E.  
 Morris Knowles and Associates  
 Inc.  
 443 Athena Drive  
 Delmont, PA 15626

Application Received: November 20, 2019  
 Description of Action The permitting of an existing  
 Water Storage Tank, originally  
 constructed in 1993, and  
 upgrades to an existing booster  
 chlorination station.

**Permit No. 0119506**, Public Water Supply.  
 Applicant **Woodland Camp**  
 Municipality Huntingdon Township  
 County **Adams**  
 Responsible Official Ethan D. Peters  
 Secretary  
 10540 Carlisle Pike  
 Gardners, PA 17324

Type of Facility Public Water Supply  
 Consulting Engineer Michael Gennone, P.E.  
 Glace Associates Inc  
 3705 Trindle Road  
 Camp Hill, PA 17011

Application Received: December 19, 2019  
 Description of Action GWR 4-log with the installation  
 of sodium hypochlorite  
 disinfection and contact tanks.

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

**Application No. 5920501—Construction—Public  
 Water Supply.**  
 Applicant **Upper Tioga Regional  
 Authority**  
 Township/Borough Covington Township  
 County **Tioga County**  
 Responsible Official Mr. George D Lloyd  
 245 Main Street  
 Blossburg, PA 16901

Type of Facility Public Water Supply—  
 Construction  
 Consulting Engineer Mr. Timothy Tritch  
 Larson Design Group  
 1000 Commerce Park Drive  
 Suite 201  
 Williamsport, PA 17701

Application Received December 30, 2010  
 Description of Action Authorizes the construction of a  
 new water-distribution system,  
 including 10 miles of water main  
 and a 40,000-gallon storage tank.  
 (A permit amendment to permit  
 # 5916502.)

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

**Permit No. 0319501**, Public Water Supply.  
 Applicant **PA American Water Company**  
 Township or Borough Kittanning Borough  
 County **Armstrong County**  
 Responsible Official Bruce Aiton  
 Type of Facility Public Water Supply  
 Consulting Engineer Peter Keenan  
 American Water Service  
 Company  
 1 Water Street  
 Camden, NJ 08102

Application Received Date December 23, 2019  
 Description of Action Disinfection Improvements



## 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. 0409512GWR-T1**, Minor Amendment.

Applicant **Jones Estates PA, LLC**  
2310 S Miami Boulevard  
Suite 238  
Durham, NC 27703

Township or Borough New Sewickley Township

County **Beaver**

Responsible Official Jason Freed  
Jones Estates PA, LLC  
2310 S Miami Boulevard  
Suite 238  
Durham, NC 27703

Type of Facility Water system

Consulting Engineer N/A

Application Received Date December 12, 2019

Description of Action Transfer of the Skyview Terrace MHP from S-2 Properties, Inc. to Jones Estates PA, LLC.

**Application No. 0409513GWR-T1**, Minor Amendment.

Applicant **Jones Estates PA, LLC**  
2310 S Miami Boulevard  
Suite 238  
Durham, NC 27703

Township or Borough Hanover Township

County **Beaver**

Responsible Official Jason Freed  
Jones Estates PA, LLC  
2310 S Miami Boulevard  
Suite 238  
Durham, NC 27703

Type of Facility Water system

Consulting Engineer N/A

Application Received Date December 12, 2019

Description of Action Transfer of the Harshbarger MHP from S-2 Properties, Inc. to Jones Estates PA, LLC.

**Application No. 0487502-T1**, Minor Amendment.

Applicant **Jones Estates PA, LLC**  
2310 S Miami Boulevard  
Suite 238  
Durham, NC 27703

Township or Borough New Sewickley Township

County **Beaver**

Responsible Official Jason Freed  
Jones Estates PA, LLC  
2310 S Miami Boulevard  
Suite 238  
Durham, NC 27703

Type of Facility Water system

Consulting Engineer N/A

Application Received Date December 12, 2019

Description of Action Transfer of the Colonial Glen Estates MHP from S-2 Properties, Inc. to Jones Estates PA, LLC.

**Application No. 0219551MA**, Minor Amendment.

Applicant **Pennsylvania American Water Company**  
852 Wesley Drive  
Mechanicsburg, PA 17055

Township or Borough Union Township and City of Pittsburgh

County **Washington and Allegheny**

Responsible Official Bruce Aiton, Vice President—Engineering  
Pennsylvania American Water Company  
852 Wesley Drive  
Mechanicsburg, PA 17055

Type of Facility Water system

Consulting Engineer Pennsylvania American Water Company  
500 Noblestown Road  
Carnegie, PA 15106

Application Received Date December 19, 2019

Description of Action Painting and rehabilitation of the Shire Oaks # 1 water storage tank and the Hays Mine Washwater Tank # 2.

**Application No. 2619516MA**, Minor Amendment.

Applicant **Pennsylvania American Water Company**  
852 Wesley Drive  
Mechanicsburg, PA 17055

Township or Borough Menallen and North Union Townships

County **Fayette**

Responsible Official Bruce Aiton,  
Vice President—Engineering  
Pennsylvania American Water Company  
852 Wesley Drive  
Mechanicsburg, PA 17055

Type of Facility Water system

Consulting Engineer Pennsylvania American Water Company  
500 Noblestown Road  
Carnegie, PA 15106

Application Received Date December 19, 2019

Description of Action Painting and rehabilitation of the Menallen Township water storage tank and the North Union Tank # 1.

**Application No. 0219547MA**, Minor Amendment.

Applicant **Pennsylvania American Water Company**  
852 Wesley Drive  
Mechanicsburg, PA 17055

Township or Borough City of Pittsburgh

County **Allegheny**

Responsible Official Bruce Aiton,  
Vice President—Engineering  
Pennsylvania American Water Company  
852 Wesley Drive  
Mechanicsburg, PA 17055

Type of Facility Water system

Consulting Engineer Pennsylvania American Water Company  
352 Industrial Park Drive  
Wampum, PA 16157

Application Received Date December 27, 2019

Description of Action Replacement of the media in the Hays Mine Filters # 21 and # 22.

**Application No. 5619510MA**, Minor Amendment.

Applicant **Windber Area Authority**  
1700 Stockholm Avenue  
Windber, PA 15963

Township or Borough Ogle Township

County **Somerset**

Responsible Official Barry D. Jerley  
Chairman of Windber Area Authority  
1700 Stockholm Avenue  
Windber, PA 15963

Type of Facility Water system

Consulting Engineer The EADS Group, Inc.  
450 Aberdeen Drive  
Somerset, PA 15501

Application Received Date January 3, 2020

Description of Action Construction of a 500,00 gallon water storage tank (Clear Shade Tank # 2) and the interior rehabilitation of the Clear Shade Tank # 1.

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

**Application No. 2414501-MA1**, Minor Amendment.

Applicant **Jay Township Water Authority**

Township or Borough Jay Township

County **Elk County**

Responsible Official Sharon Brem

Type of Facility Public Water Supply

Consulting Engineer Brian Bloom  
The EADS Group Inc.  
227 Franklin Street  
Johnstown, PA 15901

Application Received Date December 23, 2019

Description of Action Switching phosphate from smartphos 510 to seaquest.

**WATER ALLOCATIONS****Applications received under the Act of June 24, 1939 (P.L. 842, No. 365) (35 P.S. §§ 631—641) relating to the Acquisition of Rights to Divert Waters of the Commonwealth.**

*Southeast Region: Water Supply Management Program Manager, 2 East Main Street, Norristown, PA 19401, 484.250.5980.*

*Contact: Kimberleigh Rivers, Clerk Typist 2, 484.250.5887.*

**WA-09-936-A, Water Allocations, Hulmeville Municipal Authority**, 321 Main Street, Hulmeville, PA 19047, Hulmeville Borough, **Bucks County**. Subsidiary Water Allocation renewal for purchase of water from Bucks County Water and Sewer Authority.

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

**WA24-568, Water Allocations. Highland Township Municipal Authority**, P.O. Box 143, James City, PA 16734, Highland Township, **Elk County**. Water Allocation Permit application requesting the right to withdraw 50,000 gallons per day, peak day, from Crystal Spring # 1.

**WA03-491B, Water Allocations. Parker Area Water Authority**, P.O. Box 342, Parker, PA 16049, Parker City, **Armstrong County**. Water Allocation Permit application requesting the right to 350,000 gallons per day, peak day from the Allegheny River.

**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, 303, 304 and 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, State-wide 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.*

**9800 Bustleton Avenue**, 9800 Bustleton Avenue, City of Philadelphia, **Philadelphia County**. Thomas A. Petrecz, Penn E&R, Inc., 2755 Bergey Road, Hatfield, PA 19440 on behalf of Pascal Meyer, Bemis Healthcare Packaging, Inc., 2200 Badger Avenue, Oshkosh, WI 54904 submitted a Notice of Intent to Remediate. Site soil and groundwater have been found to be impacted with VOCs and metals. The proposed future use of the property will be residential as an indoor entertainment facility. The Notice of Intent to Remediate was published in the *Philadelphia Daily News* on November 29, 2019.

**725-729 South Broad Street**, 725-729 South Broad Street, City of Philadelphia, **Philadelphia County**. Andrew D. Miller, Alley Services Company, 1441 Anderson Avenue, Unit B., Oreland, PA 19075 submitted a Notice of Intent to Remediate. Soil was impacted with the release of petroleum hydrocarbons. The proposed future use of the property will be commercial and/or residential mixed-use. The Notice of Intent to Remediate was published in the *Public Record* on June 21, 2019.

**Residential Property**, 98 Flame Hill Road, Middletown Township, **Bucks County**. Thomas Hippensteal, PG, Envirosearch Consultants, Inc., P.O. Box 940, Springhouse, PA 19477 on behalf of Federal Mortgage National Association, 14221 Dallas Parkway # 1000, Dallas, TX 75265 submitted a Notice of Intent to Remediate. Soil on the site has been found to be contaminated with No. 2 fuel oil. The proposed future use of the property will be residential. The Notice of Intent to Remediate was published in the *Digital First Media* on November 14, 2019.

**Trinity Church**, 1212 Easton Road, Abington Township, **Montgomery County**. Jeremy Bolyn, Environmental Maintenance, 1420 East Mermaid Lane, Glenside, PA 19038 on behalf of John Riggs, Trinity Church, 1200 Easton Road, Abington, PA 19001 submitted a Notice of Intent to Remediate. Soil was impacted by the release of petroleum products. The proposed future use of the property is commercial. The Notice of Intent to Remediate was published in the *Times Herald* on November 15, 2019.

**Extra Space Storage**, 4433 Wayne Avenue, City of Philadelphia, **Philadelphia County**. Richard Tobia, The Vertex Companies, Inc., 3322 Route 22 West, Suite 907, Branchburg, NJ 08876 on behalf of David Rasmussen, Extra Space Properties, 51 LLC, Cottonwood Parkway, # 400, Salt Lake City, UT 84121 submitted a Notice of Intent to Remediate. The site groundwater has been found to be contaminated with chlorinated VOCs. The current and proposed future use of the property will be commercial. The Notice of Intent to Remediate was published in the *Metro* on November 25, 2019.

**United States Steel Corporation—Keystone Industrial Post Complex (77-Arce Parcel)**, One Ben Fairless Drive, Falls Township, **Bucks County**. John Garges, GHD Services Inc., 410 Eagleview Boulevard, Suite 110, Exton, PA 19341 on behalf of Michael H. Leon, United States Steel Corporation, 1350 Penn Avenue, Suite 20, Pittsburgh, PA 15222 submitted a Notice of Intent to Remediate. The site soil has been found to be contaminated with VOCs, SVOCs, metals and PCBs. The current and anticipated future use of the site is commercial/industrial. The Notice of Intent to Remediate was published in the *Bucks County Courier Times* on October 13, 2019.

*Northeast Region: Environmental Cleanup & Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.*

**Mirabelli Well Pad**, 43 Rails Road, 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 Notice of Intent to Remediate. Soil was contaminated by a release of flowback/production fluid (brine). Future use of the site will be for natural gas production. The Notice of Intent to Remediate was published in the *Wyoming County Press Examiner* on January 1, 2020.

**J. Foltz 8H Wellsite**, 484 Oakley Road, Brooklyn Township, **Susquehanna County**. Civil & Environmental Consultants, 333 Baldwin Road, Pittsburgh, PA 15205 on behalf of Cabot Oil & Gas Corporation, 2000 Park Lane, Suite 300, Pittsburgh, PA 15275, submitted a Notice of Intent to Remediate. Groundwater was contaminated by a release of base oil during natural gas well drilling operations. Future use of the site will be for natural gas production. The Notice of Intent to Remediate was published in the *Susquehanna County Transcript* on December 18, 2019.

*Southcentral Region: Environmental Cleanup and Brownfields Program Manager, Benjamin Stone-Thonus, 717-705-4705, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Moser Farm Property**, 1320 Montgomery Avenue, Colebrookdale Township, **Berks County**. Liberty Environmental, Inc., 505 Penn Street, Suite 400, Reading, PA 19601, on behalf of Hollenbach Swamp Creek Properties, Inc., P.O. Box 507, Boyertown, PA 19512, submitted a



Notice of Intent to Remediate site soil and groundwater contaminated with No. 2 fuel oil. The site will be remediated to the Residential Statewide Health Standard. Future use of the site is for redevelopment for residential purposes. The Notice of Intent to Remediate was published in the *Reading Eagle* on December 7, 2019.

## 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.**

*Northcentral Regional Office: 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.*

**18-00033B: Renovo Energy Center, LLC** (12011 Sunset Hills Road, Reston, VA 20190). The Department has received the Plan Approval application for the construction and operation of the Renovo Energy Center, LLC 1,240 Megawatt Combined Cycle Electric Generating plant to be located in the Borough of Renovo, **Clinton County**. The received date of the application, as entered into the Department’s eFACTS system, is December 30, 2019.

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

*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.*

**22-05033B: Hempt Bros., Inc.** (205 Creek Road, Camp Hill, PA 17011) for authorization to allow for a VOC limit of 40 ppm at 15% O<sub>2</sub>, measured as propane, for the hot mix asphalt plant with an enforceable reduced operating hour limit of 1,000 hours per running 12-month period at their facility in Steelton Borough, **Dauphin County**. The facility is subject to 40 CFR Part 60, Subpart I—Standards of Performance for Hot Mix Asphalt Facilities. VOC emissions (after control) are not expected to exceed 4.5 tons per year. DEP’s review of the information submitted by the applicant indicates that the air contamination sources as constructed or modified will comply with all regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12. Based on these findings, the Department proposes to issue a plan approval for the proposed modification. If, after the project has been implemented, the Department determines that the source has been modified in compliance with the plan approval conditions and the specifications in the application for plan approval, the requirements established in the plan approval will be incorporated into an Operating Permit pursuant to the administrative amendment provisions of 25 Pa. Code § 127.450.



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

*Contact: David Balog, New Source Review Chief, (814) 332-6940.*

**25-00192: Reed Manufacturing** (1425 W 8th St., Erie, PA 16502). The Department intends to issue the renewal of the State-Only Operating Permit of a facility that manufactures general pipe working tools located in the City of Erie, **Erie County**. Permitted air contamination sources at the facility include a natural gas-fired boiler, heat treat furnaces, a shot blaster, a parts washer, various machining operations, and miscellaneous natural gas usage. In this renewal, a parts washer is incorporated as a permitted source. A fuel restriction is added for the gas-fired boiler to ensure exemption from 40 CFR 63 Subpart JJJJJ. A control device is added for a permitted source. A permitted source is also renamed, and its permit map revised to correctly represent the current set-up. The facility is Natural Minor for permitting purposes.

**62-0320: Ellwood National Forge—Irvine Plant** (One Front Street, Irvine, PA 16329), for the proposed construction of a natural gas fired boiler rated at 11.5 MMBtu/hr; removal of Source 032 (Union Boiler); increase natural gas throughput to Source 033 (Natural Gas Space Heater); and decrease natural gas throughput to Source 112 (ENC Heat Treat). The facility is located in Brokenstraw Township, **Warren County**. This is a Title V facility. The public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450 or § 127.505, be incorporated into the facility operating permit at a later date.

Plan approval No 62-0320 is for the proposed construction of a natural gas fired boiler rated at 11.5 MMBtu/hr; removal of Source 032 (Union Boiler); increase natural gas throughput to Source 033 (Natural Gas Space Heater); and decrease natural gas throughput to Source 112 (ENC Heat Treat). This Plan Approval will contain emission restriction, testing, recordkeeping, work practice standard and additional requirement conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate Best Available Technology (BAT) for the source including, but are not limited to, the following:

- Source 032
  - This source has been permanently removed. The source shall be removed from the facility operating permit.
- Source 033
  - The NO<sub>x</sub> emissions from the space heaters shall not exceed 94 lbs/MMCF and 4.23 TPY (based on a 12-month rolling total). [This condition replaces the following condition from Plan Approval 62-032H: The NO<sub>x</sub> emissions from the space heaters shall not exceed 94 lbs/MMCF and 0.94 TPY (based on a 12-month rolling total).]
  - The CO emissions from the space heaters shall not exceed 40 lbs/MMCF and 1.80 TPY (based on a 12-month rolling total). [This condition replaces the following condition from Plan Approval 62-032H: The CO emissions from the space heaters shall not exceed 40 lbs/MMCF and 0.40 TPY (based on a 12-month rolling total).]
  - The SO<sub>x</sub> emissions from the space heaters shall not exceed 0.6 lb/MMCF and 0.027 TPY (based on a 12-month rolling total). [This condition replaces the following condi-

tion from Plan Approval 62-032H: The SO<sub>x</sub> emissions from the space heaters shall not exceed 0.6 lb/MMCF and 0.01 TPY (based on a 12-month rolling total).]

- The VOC emissions from the space heaters shall not exceed 5.5 lbs/MMCF and 0.248 TPY (based on a 12-month rolling total). [This condition replaces the following condition from Plan Approval 62-032H: The VOC emissions from the space heaters shall not exceed 5.5 lbs/MMCF and 0.06 TPY (based on a 12-month rolling total).]

- The PM<sub>10</sub> emissions from the space heaters shall not exceed 7.6 lbs/MMCF and 0.342 TPY (based on a 12-month rolling total). [This condition replaces the following condition from Plan Approval 62-032H: The PM<sub>10</sub> emissions from the space heaters shall not exceed 7.6 lbs/MMCF and 0.08 TPY (based on a 12-month rolling total).]

- The total natural gas consumption from the space heaters shall not exceed 90,000 MCF of natural gas per year (based on a 12-month rolling total). [This condition replaces the following condition from Plan Approval 62-032H: The total natural gas consumption from the space heaters shall not exceed 20,000 MCF of natural gas per year (based on a 12-month rolling total).]

- All conditions from the latest facility operating permit, currently with a revision date of July 24, 2019, remain in effect unless otherwise modified in this plan approval.

- Source 038

- The permittee shall construct qualifying small gas fired combustion units capable of reducing nitrogen oxides (NO<sub>x</sub>) and carbon monoxide (CO) emissions to or below:

- 30 ppmv NO<sub>x</sub> at 3% O<sub>2</sub>
- 300 ppmv CO at 3% O<sub>2</sub>

- No later than one hundred and eighty (180) days after initial start-up, the permittee shall demonstrate compliance with the emission limitations for NO<sub>x</sub> and CO established in Conditions 17 for each boiler. The demonstration may include either of the following methods:

- Performance stack testing in accordance with applicable provisions of 25 Pa. Code Chapter 139 (relating to sampling and testing).

- Portable analyzers approved by the Department.

- Recent test data approved by the Department for identical boilers.

- The permittee shall comply with applicable monitoring, recordkeeping and reporting requirements set forth in 25 Pa. Code Chapter 139 (relating to sampling and testing), the Air Pollution Control Act, the Clean Air Act, and the applicable regulations under the acts.

- Source 038 & Source 039

- The NO<sub>x</sub> emissions from Source 038 & Source 039 shall not exceed 24 lbs/MMCF and 0.78 TPY (based on a 12-month rolling total).

- The CO emissions from Source 038 & Source 039 shall not exceed 72 lbs/MMCF and 2.34 TPY (based on a 12-month rolling total).

- The SO<sub>x</sub> emissions from Source 038 & Source 039 shall not exceed 5.4 lbs/MMCF and 0.176 TPY (based on a 12-month rolling total).

- The VOC emissions from Source 038 & Source 039 shall not exceed 5.3 lbs/MMCF and 0.172 TPY (based on a 12-month rolling total).

- The PM<sub>10</sub> emissions from Source 038 & Source 039 shall not exceed 7.3 lbs/MMCF and 0.237 TPY (based on a 12-month rolling total).

- Subject to 40 CFR 60 Subpart Dc.

- The combustion unit(s) shall be fired only on natural gas.

- The natural gas consumption shall not exceed 65 MMCF of natural gas per year (calculated as a 12-month rolling total) for Source 038 & Source 039 combined.

- These combustion units shall comply with the emission limitations of the New Source Performance Standards prescribed in 40 CFR Part 60, Subpart Dc and the following.

- The permittee shall install and maintain the necessary meter(s) to determine and to record amount of fuel usage.

- The permittee shall comply with the recordkeeping and certification requirements in accordance with 40 CFR 60.46c(e), 60.42c(h) and 60.48c(f)(1). Reports shall be submitted on a semi-annual basis unless no excess emissions occurred.

- The permittee shall maintain daily fuel consumption records in accordance with 40 CFR 60.48c(g).

- Semi-annual reports shall be submitted by the permittee in accordance with 40 CFR 60.48c(d), 60.48c(e)(11) and 60.48c(j). The initial semi-annual report shall be postmarked by the 30th day of the sixth month following the completion of the initial performance test.

- Pursuant to 40 CFR 60.4, the permittee shall submit copies of all requests, reports, applications, submittals, and other communications to both EPA and the appropriate Regional Office of the Department.

- The permittee shall notify the Department in writing, within 24 hours of the discovery during a business day or by 5:00 pm on the first business day after a weekend or holiday, of any malfunction of the combustion unit which results in, or may result in, the emission of air contaminants in excess of the limitations specified in, or established pursuant to, any applicable rule or regulation contained in 25 Pa. Code Subpart C, Article III (relating to air resources).

- The combustion unit and any associated air cleaning devices shall be:

- Operated in such a manner as not to cause air pollution.

- Operated and maintained in a manner consistent with good operating and maintenance practices.

- Operated and maintained in accordance with the manufacturer's specifications.

- The permittee shall, upon the request of the Department, provide fuel analyses, or fuel samples of the fuel used in any combustion unit.

- Source 039

- Stack test within 180 days after initial start-up for NO<sub>x</sub> and CO.

- Source 112

- The NO<sub>x</sub> emissions from the ENC heat treat furnaces shall not exceed 140 lbs/MMCF and 16.10 TPY (based on a 12-month rolling total). [This condition

replaces the following condition: The NO<sub>x</sub> emissions from the ENC heat treat furnaces shall not exceed 140 lbs/MMCF and 19.25 TPY (based on a 12-month rolling total).]

- The CO emissions from the ENC heat treat furnaces shall not exceed 84 lbs/MMCF and 9.66 TPY (based on a 12-month rolling total). [This condition replaces the following condition: The CO emissions from the ENC heat treat furnaces shall not exceed 84 lbs/MMCF and 11.55 TPY (based on a 12-month rolling total).]

- The SO<sub>x</sub> emissions from the ENC heat treat furnaces shall not exceed 0.6 lb/MMCF and 0.069 TPY (based on a 12-month rolling total). [This condition replaces the following condition: The SO<sub>x</sub> emissions from the ENC heat treat furnaces shall not exceed 0.6 lb/MMCF and 0.08 TPY (based on a 12-month rolling total).]

- The VOC emissions from the ENC heat treat furnaces shall not exceed 5.5 lbs/MMCF and 0.633 TPY (based on a 12-month rolling total). [This condition replaces the following condition: The VOC emissions from the ENC heat treat furnaces shall not exceed 5.5 lbs/MMCF and 0.76 TPY (based on a 12-month rolling total).]

- The PM<sub>10</sub> emissions from the ENC heat treat furnaces shall not exceed 7.6 lbs/MMCF and 0.874 TPY (based on a 12-month rolling total). [This condition replaces the following condition: The PM<sub>10</sub> emissions from the ENC heat treat furnaces shall not exceed 7.6 lbs/MMCF and 1.05 TPY (based on a 12-month rolling total).]

- The natural gas consumption from the ENC heat treat furnaces shall not exceed 230,000 MCF of natural gas per year (based on a 12-month rolling total). [This condition replaces the following condition: The natural gas consumption from the ENC heat treat furnaces shall not exceed 275,000 MCF of natural gas per year (based on a 12-month rolling total).]

- All conditions from the latest facility operating permit, currently with a revision date of July 24, 2019, remain in effect unless otherwise modified in this plan approval.

In accordance with 25 Pa. Code § 127.44(f)(1), all the pertinent documents regarding this application (applications, review memos, and draft approvals) are also available for review from 8:00 a.m. to 4:00 p.m. at the Meadville Regional DEP Office (Air Quality). Appointments for scheduling a review must be made by calling the DEP at (814) 332-6340.

In accordance with 25 Pa. Code § 127.44(f)(2), a 30-day comment period, from the date of publication, will exist for the submission of comments. Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to Regional Air Quality Program Manager, Pennsylvania Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335-3494 and must contain the name, address and telephone number of the person submitting the comments, identification of the proposed plan approval [62-0320] and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing

by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Regional Air Quality Program Manager, Pennsylvania Department of Environmental Protection, 230 Chestnut St., Meadville, PA 16335; Phone (814) 332-6940.

In accordance with 25 Pa. Code § 127.45, a person may oppose the proposed plan approval by filing a written protest with the Department's Northwest Region Air Quality Program Manager.

If a plan approval has not undergone the previously listed public notice process, the change to an operating permit must be treated as a significant modification. In these situations, the Department should follow the procedures described in §§ 127.421–127.431 for State Only Operating Permits or §§ 127.521–127.524 for Title V operating permits.

### OPERATING PERMITS

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

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

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

**67-05005: Brunner Island, LLC** (P.O. Box 221, York Haven, PA 17370), for the Brunner Island electric power generating facility located in East Manchester Township, **York County**. The Title V Operating Permit is undergoing a renewal, combined with the approval of a Reasonably Available Control Technology II (RACT II) system-wide NO<sub>x</sub> emission averaging plan.

Air emissions reported by the facility in calendar year 2018 were, in tons per year:

NO <sub>x</sub>	2,230.9
SO <sub>x</sub>	1,887.9
CO	224.4
PM <sub>10</sub>	37.8
PM <sub>2.5</sub>	33.2
VOC	3.4
HCl	1.7
HF	2.1
Hexane	0.3
Lead	0.0
Selenium	0.2
Nickel	0.1
Formaldehyde	0.1
Manganese	0.1
Chromium	0.0
Toluene	0.1
Arsenic	0.0
Mercury	0.0
Total HAPs	4.6
H <sub>2</sub> SO <sub>4</sub> Mist	14.3

In accordance with 25 Pa. Code §§ 129.91–129.100, the Department has made a preliminary determination to approve a RACT II system-wide NO<sub>x</sub> emission averaging plan to be submitted as part of the PA State Implementation Plan (SIP) for the Brunner Island facility.

The proposed RACT II SIP revision does not adopt any new regulations. It incorporates the provisions and requirements contained in the RACT II system-wide NO<sub>x</sub> emission averaging plan approval for the facility, which are intended to satisfy the requirements for the 1997, 2008 and 2015 National Ambient Air Quality Standards (NAAQS) for ozone.

The proposed RACT II plan, if approved by DEP, will be issued as part of the renewal of the facility's Title V operating permit (67-05005). The relevant RACT II requirements will also be submitted to the U.S. Environmental Protection Agency (EPA) for approval and incorporation into Pennsylvania's State Implementation Plan. Requirements that are not part of the RACT II approval will be excluded from the SIP submittal.

The proposed RACT II requirements for this facility that are proposed to be submitted to the EPA as part of the SIP, are found in Group 012 of the draft permit which, along with relevant application materials and DEP review materials, have been posted by DEP on the internet, and which can be accessed by navigating to DEP's website at [www.dep.pa.gov](http://www.dep.pa.gov), and clicking the following links: Regional Resources, Southcentral Regional Office, Community Information, Brunner Island. If any logistical or technical problems are encountered with accessing the materials at DEP's website, assistance can be requested, or the materials can be obtained in other formats, potentially subject to applicable fees, by contacting Dawne Wilkes of DEP at 717.705.4702.

#### Public Comment Details:

Persons wishing to file a written protest or provide comments or additional information, which they believe should be considered prior to the issuance of a permit, may submit the information to Thomas Bianca, P.E., West Permit Section Chief, Air Quality Program, DEP Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110. A 30-day comment period from the date of publication of this notice will exist for the submission of comments, protests and information. Each submission must contain the name, address and telephone number of the person submitting the comments, identification of the proposed RACT II Operating Permit including the permit number and a concise statement regarding the relevancy of the information or objections to issuance of the proposed RACT II Plan.

**Public Hearing:** A public hearing will be held on March 4, 2020, at 10:00 a.m. at the DEP Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110, to accept oral comments on the proposed permit action and the proposed SIP revision. To register to speak at the hearing, please contact Thomas Bianca at 717.705.4863. Speakers must pre-register in order to testify at the hearing. The last day to pre-register to speak at the hearing will be February 26, 2020.

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



All pertinent documents are available for public review between 8 a.m. and 4 p.m. at the DEP Southcentral Regional Office at 909 Elmerton Avenue, Harrisburg, PA 17110. Appointments for scheduling a review may be made by calling Thomas Bianca at 717.705.4863.

Individuals who are in need of an accommodation for the hearing as provided for in the Americans with Disabilities Act should contact Thomas Bianca at 717.705.4863 or make accommodations through the Pennsylvania AT&T Relay Service at 1.800.654.5984 (TDD).

**36-05053: Buck Co., Inc.** (897 Lancaster Pike, Quarryville, PA 17566-9738), for the ferrous and non-ferrous foundry in Providence Township, **Lancaster County**. The Title V Operating Permit is undergoing renewal combined with approval of a Reasonably Available Control Technology II (RACT II) plan.

The facility 2018 actual air emissions were 0.4 ton of CO, 3.4 tons of NO<sub>x</sub>, 37.5 tons of PM<sub>10</sub>, 12.6 tons of PM<sub>2.5</sub>, 0.3 ton of SO<sub>x</sub>, 89.3 tons of VOC, and 0.4 ton of total HAPs. The Title V 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 requirements in the permit, certain sources at the facility are subject to the requirements of 40 CFR Part 64, Compliance Assurance Monitoring; 40 CFR Part 63, Subpart ZZZZZ—National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries Area Sources; 40 CFR 63, Subpart ZZZZZ—National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Aluminum, Copper, and Other Nonferrous Foundries; and 40 CFR 63, Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.

Also, in accordance with 25 Pa. Code §§ 129.91—129.100, the Department has made a preliminary determination to approve a RACT II plan to be submitted as part of the PA State Implementation Plan (SIP) for the Buck facility.

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

The proposed RACT II plan, if approved by DEP, will be issued as part of the renewal of the facility's Title V operating permit (36-05053). The relevant RACT II requirements will also be submitted to the U.S. Environmental Protection Agency (EPA) for approval and incorporation into Pennsylvania's State Implementation Plan. Requirements that are not part of the RACT II approval will be excluded from the SIP submittal.

The proposed RACT II requirements for this facility that are proposed to be submitted to the EPA as part of the SIP, are that Sources 103A Non-Ferrous Foundry Shakeout, 106 Ferrous Foundry Pouring/Casting, 107 Ferrous Foundry Shakeout, and 114 Annealing shall comply with the following:

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

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

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

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

*Public Comment Details:*

Persons wishing to file a written protest or provide comments or additional information, which they believe should be considered prior to the issuance of a permit, may submit the information to Thomas Hanlon, East Permit Section Chief, Air Quality Program, DEP Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110. A 30-day comment period from the date of publication of this notice will exist for the submission of comments, protests and information. Each submission must contain the name, address and telephone number of the person submitting the comments, identification of the proposed RACT II Operating Permit including the permit number and a concise statement regarding the relevancy of the information or objections to issuance of the proposed RACT II Plan.

**Public Hearing:** A public hearing will be held on February 26, 2020, at 10:00 a.m. at the DEP Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110, to accept oral comments on the proposed permit action and the proposed SIP revision. To register to speak at the hearing, please contact Thomas Hanlon at 717.705.4862. Speakers must pre-register in order to testify at the hearing. The last day to pre-register to speak at the hearing will be February 19, 2020.

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

All pertinent documents are available for public review between 8 a.m. and 4 p.m. at the DEP Southcentral Regional Office at 909 Elmerton Avenue, Harrisburg, PA 17110. Appointments for scheduling a review may be made by calling Thomas Hanlon at 717.705.4862.

Individuals who are in need of an accommodation for the hearing as provided for in the Americans with Disabilities Act should contact Thomas Hanlon at 717.705.4862 or make accommodations through the Pennsylvania AT&T Relay Service at 1-800-654-5984 (TDD).

*Northcentral Regional Office: 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.*

**18-00001: Columbia Gas Transmission, LLC** (455 Racetrack Rd., Washington, PA 15301) a Title V operating permit renewal for the Renovo Compressor Station located in Chapman Township, **Clinton County**. In accordance with 25 Pa. Code § 127.521, the Department of Environmental Protection (DEP) has received an application and intends to issue a renewal of an Air Quality Operating Permit for the previously-mentioned facility. The subject facility has the following potential emissions: 133.43 TPY of CO; 91.93 TPY of NO<sub>x</sub>; 0.03 TPY of SO<sub>x</sub>; 1.11 TPY of PM/PM<sub>10</sub>; 3.72 TPY of VOCs; 3.44 TPY of total HAPs; and 10,371 TPY of CO<sub>2e</sub>. The facility's



sources include five (5) natural gas-fired compressor engines, one (1) natural gas-fired emergency generator engine, ten (10) storage tanks, various natural gas-fired combustion units (boilers, heater and line heaters) and various fugitive emissions from station valves, fittings, pneumatic actuators and blowdowns, which have the potential to emit major quantities of carbon monoxide (CO) emissions. The facility has the potential to emit sulfur oxides (SO<sub>x</sub>), particulate matter (PM/PM<sub>10</sub>), volatile organic compounds (VOCs), nitrogen oxides (NO<sub>x</sub>) and hazardous air pollutants (HAPs) below the major emission thresholds. The emission limits and work practice standards along with testing, monitoring, recordkeeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 40 CFR Parts 52, 60, 63, 64, 68, 72, 73, 74, 75, 76, 96, 97, 98 and 25 Pa. Code Article III, Chapters 121—145. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

**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 Regional Office: 2 East Main Street, Norristown, PA 19401.*

**09-00127: Bracalente Manufacturing** (20 W Creamery Rd, Trumbauersville, PA 18970) for operation of a machine shop that performs turning, milling, assembly, and surface treatment for various of industries, located in Trumbauersville Borough, **Bucks County**. The permit is for a non-Title V (State Only) facility. The major sources of air emissions are: eight (8) cold cleaning machine used to remove the machining oils and grease. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

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

**21-05021: Mechanicsburg Terminal DE LLC** (127 Texaco Road, Mechanicsburg, PA 17055) for the operation of a bulk gasoline terminal in Silver Spring Township, **Cumberland County**. This is for renewal of the existing State-Only Permit. The actual emissions in 2018 from the facility are estimated at less than 1 tpy PM<sub>10</sub>, 7.21 tpy NO<sub>x</sub>, 16.4 tpy CO, 33.1 tpy VOC, 1.14 tpy SO<sub>2</sub> and 2.01 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.

**67-05112: Kinsley Construction, Inc.** (3900 East Market Street, York, PA 17402) for the operation of a steel products manufacturing facility in Springettsbury Township, **York County**. This is for renewal of the existing State-Only Permit. Actual 2017 air emissions from the facility are estimated at 7.24 tpy VOC, 1.78 tpy

HAPs and less than 1 tpy of NO<sub>x</sub>, CO, PM, and 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.

**41-00071: Williamsport Steel Container, Co., Inc.** (360 Arch St., Williamsport, PA 17701) to issue a renewal State Only Operating Permit for their Arch Street Plant facility located in the City of Williamsport, **Lycoming County**. The facility is currently operating under State Only Operating Permit 41-00071. The facility's main sources include four (4) paint booths and six (6) natural-gas fired ovens with a total combined maximum rated heat input of 10.27 MMBtu/hr. The all sources at the facility has potential annual emissions of 3.60 tons of carbon monoxide, 4.28 tons of nitrogen oxides, 0.03 ton of sulfur oxides, 0.27 ton of particulate matter (including particulate matter less than 10 microns in size), 21.38 tons of volatile organic compounds, 2.64 tons of hazardous air pollutants, and 5,259 tons of carbon dioxide equivalent. The emission limits, throughput limitations and work practice standards along with testing, monitoring, recordkeeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 25 Pa. Code Chapters 121—145. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550. Persons with a disability who wish to comment and require an auxiliary aid, service, or other accommodation to participate should contact the Northcentral Regional Office at 570-327-0550. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 800-654-5984.

**41-00062: Wheeland Lumber Company, Inc.** (RR # 1, Box 220B, Liberty, PA 16930) for their lumber mill facility located in Jackson Township, **Lycoming County**. The facility is currently operating under State Only Operating Permit NMOP 41-00062. The facilities main source includes two (2) stoker wood-fired boilers for producing steam for eight (8) lumber-drying kilns. Other sources at the facility include a dimensional lumber processing area, two (2) emergency generators, one (1) parts cleaning station and one (1) oil-fired office furnace. In accordance with 25 Pa. Code §§ 127.424 and 127.425, the Department of Environmental Protection (DEP) has received an application and intends to issue a renewal of an Air Quality Operating Permit for the previously-mentioned facility. The subject facility has the following potential emissions: 36.01 tons of carbon monoxide; 25.41 tons of nitrogen oxides; 2.27 tons of sulfur oxides; 25.34 tons of particulate matter; 3.21 tons of volatile organic compounds and 17,175 tons of greenhouse gases. The Department has determined that the sources at the facility satisfy best available technology (BAT) requirements, pursuant to 25 Pa. Code §§ 127.1 and 127.12. The emission limits, throughput limitations and work practice standards along with testing, monitoring, recordkeeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 25 Pa. Code Chapters 121—145. All pertinent documents used in the evaluation

of the application are available for public review during normal business hours at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550. Persons with a disability who wish to comment and require an auxiliary aid, service, or other accommodation to participate should contact the Northcentral Regional Office at 570-327-0550. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 800-654-5984.

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

*Contact: Matthew Williams, Facilities Permitting Chief, (814) 332-6940.*

**10-00359: Markwest Liberty Bluestone Sarsen Plant** (1515 Arapahoe Street, Tower 1, Suite 1600, Denver, CO 80202-2137). The Department intends to issue 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.

**25-00192: Reed Manufacturing** (1425 W 8th St., Erie, PA 16502). The Department intends to issue the renewal of the State-Only Operating Permit of a facility that manufactures general pipe working tools located in the City of Erie, **Erie County**. Permitted air contamination sources at the facility include a natural gas-fired boiler, heat treat furnaces, a shot blaster, a parts washer, various machining operations, and miscellaneous natural gas usage. In this renewal, a parts washer is incorporated as a permitted source. A fuel restriction is added for the gas-fired boiler to ensure exemption from 40 CFR 63 Subpart JJJJJ. A control device is added for a permitted source. A permitted source is also renamed, and its permit map revised to correctly represent the current set-up. The facility is Natural Minor for permitting purposes.

**25-01007: Formtech Enterprises, Inc.** (7301 Klier Drive, Fairview, PA 16415). The Department intends to issue the renewal of the State-Only Operating Permit of a plastic extrusion production facility located in Fairview Township, **Erie County**. Permitted air contamination sources at the facility are a burn-off oven, plastic extrusion lines, plastic grinding operations, a parts washer, & miscellaneous natural gas combustion. The burn-off oven was previously authorized through PA 25-1007A. In this renewal, no significant changes in permit requirements are made. The facility is Natural Minor for permitting purposes.

**32-00433: Sunoco Pipeline L.P. Blairsville Station** (1912 Route 22 Highway West, Blairsville, PA 15717). The Department intends to issue a renewal of the State Only Operating Permit for operating to transport liquid butane, propane, and ethane are part of the Mariner East Pipeline located in Burrell Township, **Indiana County**. The subject facility consists of an electric pump and enclosed flare. Emissions from the facility are based on the operation of the flare, fugitive emissions from leaks, and maintenance operations. The facility has the potential to emit 0.74 tpy VOC, 0.24 tpy CO, 0.06 tpy NO<sub>x</sub>, 107.60 tpy CO<sub>2</sub> and less than 0.01 tpy for all other criteria pollutants. The facility is a natural minor and is

subject to State Regulations. The renewal permit includes operation requirements, monitoring requirements, and recordkeeping requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

**32-00434: Sunoco Pipeline L.P. Cramer Station** (2207 Grange Hall Road, Seward, PA 15954). The Department intends to issue a renewal of the State Only Operating Permit for operating to transport liquid butane, propane, and ethane are part of the Mariner East Pipeline located in East Wheatfield Township, **Indiana County**. The subject facility consists of an electric pump and enclosed flare. Emissions from the facility are based on the operation of the flare, fugitive emissions from leaks, and maintenance operations. The facility has the potential to emit 0.74 tpy VOC, 0.24 tpy CO, 0.06 tpy NO<sub>x</sub>, 107.60 tpy CO<sub>2</sub>e and less than 0.01 tpy for all other criteria pollutants. The facility is a natural minor and is subject to State Regulations. The renewal permit includes operation requirements, monitoring requirements, and recordkeeping requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

## 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 applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department 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 in-

formal 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:

Parameter	30-Day Average	Daily Maximum	Instantaneous Maximum
Iron (total)	1.5 to 3.0 mg/l	3.0 to 6.0 mg/l	3.5 to 7.0 mg/l
Manganese (total)	1.0 to 2.0 mg/l	2.0 to 4.0 mg/l	2.5 to 5.0 mg/l
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Aluminum (Total)	0.75 to 2.0 mg/l	1.5 to 4.0 mg/l	2.0 to 5.0 mg/l
pH <sup>1</sup>		greater than 6.0; less than 9.0	
Alkalinity greater than acidity <sup>1</sup>			

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

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; and mined areas backfilled and revegetated; and drainage (resulting from a precipitation event of less than or equal to a 1-year 24-hour event) from coal refuse disposal piles.

*California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100, (Contact: Bonnie Herbert).*

**30831303 and NPDES Permit No. PA0013511. Cumberland Contura, LLC**, 158 Portal Road, P.O. Box 1020, Waynesburg, PA 15370, to revise the permit and related NPDES permit for the Cumberland Mine in Center, Wayne, and Jackson Townships, **Greene County**, affecting 3,726 proposed underground acres and 3,726 proposed subsidence control plan acres. No additional discharges. The application was considered administratively complete on December 20, 2019. Application received: November 4, 2019.

**63091301 and NPDES Permit No. PA0236004. Tunnel Ridge, LLC**, 2596 Battle Run Road, Triadelphia, WV 26059, to revise the permit and related NPDES permit to change 836.96 acres of previously permitted underground and subsidence control plan boundaries from development mining only to longwall mining for the Tunnel Ridge Mine in Donegal and West Finley Townships, **Washington County**. No additional discharges. The application was considered administratively complete on December 24, 2019. Application received: November 27, 2019.

**11141301 and NPDES Permit No. PA0235601. ArcelorMittal Pristine Resources, LLC**, P.O. Box 36, 129 Bethlehem Road, Revloc, PA 15948, to renew the permit and related NPDES permit for Mine 31 AMD Plant in Jackson Township, **Cambria County**. No additional discharges. The application was considered administratively complete on December 27, 2019. Application received: November 7, 2019.

**30121301 and NPDES Permit No. PA0236195. Consol Pennsylvania Coal Company LLC**, 1000 Consol Energy Drive, Suite 100, Canonsburg, PA 15317, to revise the permit and related NPDES permit for development mining for the Harvey Mine in Center, Richhill, and Morris Townships, **Greene County**, affecting 3,297 proposed underground acres and 3,297 proposed subsidence control plan acres. No additional discharges. The application was considered administratively complete on December 30, 2019. Application received: November 8, 2019.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900, (Contact: Holly Calvetti).*

**Permit 40A77SM12 and NPDES No. PA0249815. PBS Coals, Inc.**, 1576 Stoystown Road, P.O. Box 260, Friedens, PA 15541, permit renewal for reclamation only of a bituminous surface mine in Brothersvalley Township, **Somerset County**, affecting 1,128 acres. Receiving stream(s): Pine Run classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: December 30, 2019.

**Permit 56663135 and NPDES No. PA0605921. PBS Coals, Inc.**, 1576 Stoystown Road, P.O. Box 260, Friedens, PA 15541, permit renewal for reclamation only of a bituminous surface & auger mine in Brothersvalley Township, **Somerset County**, affecting 27.5 acres. Receiving stream(s): Schrock Run classified for the following use(s): CWF. The first downstream potable water supply intake from the point of discharge is Hooversville Borough Municipal Authority Stonycreek SWI. Application received: December 30, 2019.

*New Stanton District Office: P.O. Box 133, 131 Broadview Road, New Stanton, PA 15672, 724-925-5500. (Contact: Tracy Norbert).*

**30080201 and NPDES Permit No. PA0251470. Shannopin Materials, LLC**, 966 Crafts Run Road, Maidsville, WV 26541, revision application to add an NPDES point for Sub-Chapter F treatment in Monongahela Township, **Greene County**, affecting 19.6 acres. Receiving stream(s): Monongahela River classified for the following use(s): WWF. Application received: December 24, 2019.



*Noncoal Applications Received*

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

Table 2

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

\* The parameter is applicable at all times.

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

*New Stanton District Office: P.O. Box 133, 131 Broadview Road, New Stanton, PA 15672, 724-925-5500. (Contact: Tracy Norbert).*

**63100401. Neiswonger Construction, Inc.**, 17592 Route 322, Strattanville, PA 16258, revision application to add an additional 4.5 acres to an existing large noncoal surface mine in Deemston Borough, **Washington County**, affecting 74.2 acres. Receiving stream(s): unnamed tributaries to Ten Mile Creek and Ten Mile Creek classified for the following use(s): TSF. The first downstream potable water supply intake from the point of discharge is Tri-County Joint Municipal Authority. Application received: December 20, 2019.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118, (Contact: Theresa Reilly-Flannery).*

**Permit No. 40040802. Bernard Golomb** (1 McCullough Road, Plains, PA 18702), Stage 1 & II bond release of a quarry operation in Plains Township, **Luzerne County** affecting 1.0 acre on property owned by Bernard Golomb. Application received: December 9, 2019.

**Permit No. 8274SM5C9 and NPDES No. PA0123480. Allan Myers Materials PA, Inc.** (638 Lancaster Avenue, Malvern, PA 19355), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Fulton Township, **Lancaster County** affecting 321.82 acres, receiving stream: Octoraro Creek, classified for the following uses: warm water and migratory fishes. Application received: December 12, 2019.

**Permit No. 8274SM4A2C16 and NPDES No. PA0010111. Rohrer's Quarry, Inc.** (P.O. Box 365, Lititz, PA 17543), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Penn and Warwick Townships, **Lancaster County** affecting 191.3 acres, receiving stream: unnamed tributary to Little Conestoga Creek, classified for the following uses: trout stocking and migratory fishes. Application received: December 16, 2019.

*Coal NPDES Draft Permits*

*California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100, (Contact: Bonnie Herbert).*

**NPDES No. PA0001767 (Mining Permit No. 32140701), Pennzoil Quaker State Company dba SOPUS Products**, 128 East Center Street, Nazareth, PA 18064-2145, a revision to the NPDES and mining activity permit for Helen Mine Acid Mine Drainage Treatment Plant in Blacklick and Center Townships, **Indiana County**, affecting 166.4 surface acres. The compliance schedule for iron, aluminum, and manganese is being extended by 12 months. Receiving stream(s): Unnamed Tributary 44076 of Two Lick Creek classified for the following use(s): CWF. Kiski-Conemaugh Watershed TMDL. The application was considered administratively complete on December 30, 2019. Application received: December 30, 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.

*Outfall 001* discharges to: Unnamed Tributary of Two Lick Creek

The proposed effluent limits for *Outfall 001* (Lat: 40° 30' 25.6" Long: -79° 11' 54.8") are:

Parameter		Minimum	30-Day Average	Daily Maximum	Instant. Maximum
Flow	(mgd)	-	-	-	Report
Iron	(mg/l)	-	3.0	6.0	7.0
Suspended Solids	(mg/l)	-	35	70	90
Manganese	(mg/l)	-	2.0	4.0	5.0
Aluminum	(mg/l)	-	-	-	Report
Sulfate	(mg/l)	-	-	-	Report
Total Dissolved Solids	(mg/l)	-	-	-	Report
Chloride	(mg/l)	-	-	-	Report
Bromide	(mg/l)	-	-	-	Report
pH	(s.u.)	6.0	-	-	9.0



<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Alkalinity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	Report
Acidity, Total as CaCO <sub>3</sub>	(mg/l)	-	-	-	Report
Alkalinity, Net	(mg/l)	0.0	-	-	-
Osmotic Pressure	(mOs/kg)	-	50	50	50

EPA waiver is not in effect.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200, (Contact: Janet Turner).*

**NPDES No. PA0238074 (Mining Permit No. 17980115), Junior Coal Contracting, Inc.**, 2330 Six Mile Road, Philipsburg, PA 16866, renewal of an NPDES permit for bituminous coal surface mining in Decatur Township, **Clearfield County** affecting 60.5 acres. Receiving stream(s): Unnamed Tributary to Beaver Run, classified for the following use(s): CWF. This receiving stream is included in the Moshannon Creek TMDL. Application received: June 19, 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 an Unnamed Tributary to Beaver Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
001 (SPA)	Y	SWO
002 (TF1)	Y	TFO

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

<i>Outfalls: 002 (TF1) (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)	1.5	3.0	3.7
Total Suspended Solids (mg/l)	35.0	70.0	90.0
Sulfate (mg/L)		Monitor & Report	
Flow (gpm)		Monitor & Report	
Temperature (°C)		Monitor & Report	
Specific Conductivity (µmhos/cm)		Monitor & Report	

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

<i>Outfalls: 001 (SPA) (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)		Monitor & Report	
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. PA0252344 (Mining Permit No. 26130102), Valhalla Mining Co., LLC** (170 Yasenosky Road, Smithfield, PA 15478). Renewal NPDES permit for a bituminous surface mine in Dunbar Township, **Fayette County**, affecting 61.6 acres. Receiving streams: Unnamed Tributaries to Gist Run, classified for the following use(s): TSF. Application received: November 5, 2019.

The following outfalls discharge to Unnamed Tributaries to Gist Run and Gist Run:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
001	N	SWO
002	N	SWO
003	N	TFO
004	N	TFO
005	N	TFO

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

Parameter	30-Day Average	Daily Maximum	Instant. Maximum
Iron (mg/l)	1.50	3.00	3.70
Manganese (mg/l)	2.00	4.00	5.00
Aluminum (mg/l)	0.75	0.75	0.75
Total Suspended Solids (mg/l)	35	70	90
Total Cadmium (mg/l)			Monitor and Report
Total Phenols (mg/l)			Monitor and Report
Sulfate (mg/L)			Monitor and Report
Flow (gpm)			Monitor and Report
Temperature (°C)			Monitor and Report
Specific Conductivity (µmhos/cm)			Monitor and Report

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

## FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department 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 §§ 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. EA09-014, Carversville Farm Foundation, P.O. Box 204, Carversville, PA 18913-0204, Solebury Township, Bucks County, ACOE Philadelphia District.**

To restore and maintain approximately 0.74 acre of stream and to enhance the floodplain grading/bench, and streambank stabilization along UNT to Paunacussing Creek (HQ-CWF-MF) associated with the Carversville Farm Foundation Stream and Floodplain Restoration Project.

The site is located approximately 700 feet northwest of the intersection of Mechanicsville Road and Sheffield Drive (Buckingham, PA USGS Quadrangle Latitude 40.369762; Longitude -75.051394).

*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.*

**E1302219-004. Pennsylvania Turnpike Commission, 700 S. Eisenhower Blvd, Middletown, PA 17057, in Kidder and Penn Forest Townships, Carbon County, U.S. Army Corps of Engineers, Philadelphia District.**

To authorize the following activities associated with the PA Turnpike I-476 Hawk Run Bridge (NB-610) Replacement Project:

1. To remove the existing bridge, and to construct and maintain a 107-foot wide single span steel multi-girder arch bridge, having a 465-foot span and a 61-foot underclearance, across Mud Run (HQ-CWF) and 0.023 acre of PEM wetlands (EV). (Latitude: 41° 00' 18.08"; Longitude: -75° 38' 6.94").

2. To construct and maintain a stormwater outfall in the floodway of a tributary to Mud Run (HQ-CWF). (Latitude: 41° 00' 14.51"; Longitude: -75° 38' 6.56").

3. To remove the existing stream enclosure and construct and maintain a 215-foot long stream enclosure in a tributary to Panther Creek (HQ-CWF) consisting of a 48-inch RCP, two concrete inlets, concrete headwalls and a rock apron. (Latitude: 41° 00' 0.83"; Longitude: -75° 38' 0.59").

4. To construct and maintain a stormwater basin in the floodway a tributary to Panther Creek (HQ-CWF) with work consisting of the placement of fill, the construction

of an 18-inch diameter stormwater outfall with a concrete headwall and rock apron, and the construction of a rock apron for the emergency spillway. (Latitude: 41° 00' 0.39"; Longitude: -75° 37' 59.18").

5. To place and maintain fill in 0.16 acre of PEM/PFO wetland (EV) and 58 feet of a tributary to Hawk Run (HQ-CWF). (Latitude: 41° 00' 35.56"; Longitude: -75° 38' 10.40").

In total the project will result in 0.137 acre of permanent stream impact, 0.484 acre of permanent floodway impact, and 0.183 acre of permanent wetland impact.

This project is located along the Northeast Extension of the Pennsylvania Turnpike at milepost A88.59 (Christmans/Hickory Run, PA Quadrangle, Latitude: 41° 00' 18.08"; Longitude: -75° 38' 6.94") in Penn Forest and Kidder Townships, Carbon County.

**E4002219-014, Luzerne County**, 200 North River Street, Wilkes-Barre, PA 18711, in Butler Township, **Luzerne County**, U.S. Army Corps of Engineers, Baltimore District.

To remove an existing bridge crossing of Nescopeck Creek (TSF, MF) and to construct and maintain a 32.5-ft wide, 60-ft span concrete box beam bridge with concrete decking, concrete abutments, concrete wingwalls, a 7.2-ft underclearance, and R-7 riprap blended with natural streambed material. The project is located on Mill Mountain Road (T-356), approximately 0.2 mile east of the intersection of I-81 and St. Johns Road (T-427) (Sybertsville, PA Quadrangle Latitude: 41° 1' 37" Longitude: -76° 0' 22") in Butler Township, Luzerne County.

*Southwest Region: Dana Drake, Waterways and Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222.*

**E02052-1832, Pennsylvania Department of Conservation and Natural Resources**, 400 Market Street, Harrisburg, PA 17105, **Dauphin County**; Pittsburgh ACOE District.

The applicant proposes to:

1. Remove various portions of existing sidewalk, retaining walls, and bank revetment structures.

2. Construct and maintain a 8.5' to 10' wide by 900' long, concrete, ADA compliant, trail in the floodway of the Monongahela River (WWF).

For the purpose of providing safer pedestrian/bike access from Point State Park to the Mon Wharf parking lot and a connection to the Greater Allegheny Passage and associated trail network. Project impacts are in the floodway of the Monongahela River and include 1,444' by 165' feet of temporary impacts in the form of excavation of existing structures and 900' by 83' feet of permanent impact in the form of fill or construction of the new trail.

The project starts in Point State Park and extends along near the Monongahela River and ends at the Mon Wharf parking lot (Pittsburgh West, PA USGS topographic quadrangle; N: 46°, 46', 21"; W: -80°, 0', 33"; Sub-basin 19A; USACE Pittsburgh District), in the City of Pittsburgh, Allegheny County.

**E02051-1834, PennDOT District 11-0**, 45 Thoms Run Road, Bridgeville, PA 15017, Penn Hills Township, **Allegheny County**; Pittsburgh ACOE District.

The applicant proposes to:

Construct and maintain a 10' high by 5' wide modular retaining wall along perennial Sandy Creek (WWF), having a total permanent impact of 56 LF and temporary impact of 66 LF.

Construct and maintain a 10' high by 5' wide modular retaining wall along Sandy Creek, having a permanent impact of 38 LF and temporary impact of 48 LF.

Construct and maintain a 10' high by 5' wide modular retaining wall along Sandy Creek, having a permanent impact of 43 LF and temporary impact of 53 LF.

Construct and maintain an 8' high by 5' wide modular retaining wall along Sandy Creek, having a permanent impact of 128 LF and temporary impact of 138 LF.

Construct and maintain a 4' high by 5' wide modular retaining wall along Sandy Creek, having a permanent impact of 192 LF and temporary impact of 202 LF.

Construct and maintain an 8' high by 5' wide modular retaining wall along Sandy Creek, having a permanent impact of 12 LF and temporary impact of 22 LF.

Construct and maintain an 8' high by 5' wide modular retaining wall along Sandy Creek, having a permanent impact of 38 LF and temporary impact of 48 LF.

Construct and maintain a 10' high by 5' wide rock slope (R-6 rock at a 1.5:1 slope) along Sandy Creek, having a permanent impact of 25 LF and temporary impact of 35 LF.

Construct and maintain a 10' high by 5' wide rock slope (R-6 rock at a 1.5:1 slope) along Sandy Creek, having a permanent impact of 12 LF and temporary impact of 22 LF.

Construct and maintain a 10' high by 5' wide rock slope (R-6 rock at a 1.5:1 slope) along Sandy Creek, having a permanent impact of 65 LF and temporary impact of 75 LF.

Construct and maintain a 10' high by 5' wide rock slope (R-6 rock at a 1.5:1 slope) along Sandy Creek, having a permanent impact of 50 LF and temporary impact of 60 LF.

For the purpose of repairing numerous slides along SR 2058 Section A14, in Penn Hills Township, Allegheny County.

The total permanent impacts for this project are 659 LF and the total temporary impacts are 769 LF.

The project site is located along SR 2058 aka Verona Road (Braddock, PA USGS topographic quadrangle; 40° 28' 25.5401" N, -79° 51' 21.9013" W; Sub-basin 18A; USACE Pittsburgh District), in Penn Hills Township, Allegheny County.

**E30052-268, Texas Eastern Transmission, LP**, 2601 Market Place, Suite 400, Harrisburg, PA 17110, Jefferson Twp., **Greene County**; Pittsburgh ACOE District.

The applicant proposes to:

Construct, operate and maintain seepage collection drains within 0.06 acre of PEM/PSS wetland, and over top of existing high-pressure natural gas pipelines (30-inch Line 10, 30-inch Line 15 and 36-inch Line 30) in association with installing a permanent repair to a landslide that developed within the existing pipeline ROW. The project will also temporarily impact 0.176 acre of the floodway of an unnamed tributary (UNT) to South Fork Tenmile Creek (WWF).

To provide compensatory mitigation for the project's impacts to wetlands, 0.06 wetland credits will be purchased from Robinson Fork Mitigation Bank, located in a secondary service area in Sub-basin 20.

The project site is located 0.1 mile southeast of the intersection of Crayne School Road and Ankrom Road



(Mather, PA USGS topographic quadrangle; N: 39°, 54' 19.80"; W: -80°, 5', 8.66"; Sub-basin 19G; USACE Pittsburgh District), in Jefferson Township, Greene County.

**E65051-1003, PennDOT District 12-0**, 825 North Gallatin Avenue Extension, Uniontown, PA 15401, Allegheny Township, **Westmoreland County**; Pittsburgh ACOE District.

The applicant proposes to:

Remove the existing 6' wide, 3.5' high, 70' long concrete arch culvert and construct and maintain 12' wide, 5.5' high, 112' long concrete arch culvert, having a permanent impact of 112 LF to perennial STR-1 (WWF) (287.85 acres drainage area).

Construct and maintain an 18" pipe outfall having 24 LF of impact to STR-1.

Remove the existing headwall and construct and maintain a replacement, having approximately 1 LF of impact to intermittent STR-2 (WWF) (23.587 acres drainage area).

Construct and maintain an outlet, having an impact of 10 LF of perennial STR-1, and 33 LF of intermittent STR-8 (WWF).

Remove the existing 10' wide, 9.5' high, 78' long concrete arch culvert, and construct and maintain a replacement 10' wide, 11.5' high, 98' box culvert, having a total impact of 134 LF to perennial stream STR-3 (WWF) (584.04 acres drainage area).

Construct and maintain an outfall having a permanent impact of 17 LF to STR-3.

Remove the existing headwall and construct and maintain a replacement having approximately 1 LF of impact to perennial STR-4 (WWF) (21.965 acres drainage area).

Construct and maintain an outfall, headwall, and outfall protection having an impact of 35 LF to STR-4.

Construct and maintain a 30' long pipe extension, to the existing 101 long steel pipe, having a permanent impact of 48 LF on intermittent STR-5 (WWF) (12.110

acres drainage area). This activity will also have 0.017 acre of impact to Wetland 4 (POW).

Remove the existing 12' wide, 7' high, 62' long Garvers Ferry Road concrete arch culvert, and construct and maintain a replacement 12' wide, 10' high, 54' long concrete box culvert, having a permanent impact of 54 LF to perennial STR-6 (WWF) (460.68 acres drainage area). The culvert replacement will also require a 66 LF relocation of STR-6 channel upstream, and a 132 LF relocation downstream of the proposed culvert.

Remove the existing 11' wide, 9' high, 46' long slab bridge, and construct and maintain a replacement 20' wide, 8.5' high, 85' long concrete box culvert, having a permanent impact of 155 LF to STR-6.

Construct and maintain three channel outfalls having permanent impacts of 15 LF, 23 LF, and 16 LF of STR-6.

Remove the existing headwall and construct and maintain a replacement having a permanent impact of 1 LF to perennial STR-7 (86.653 acres drainage area).

The SR 356 Corridor Safety Improvement Project will have 782 LF of permanent impacts and 1,038 LF of temporary impacts to perennial streams. The project will have 81 LF of permanent impacts and 35 LF of temporary impacts to intermittent streams. The project will also involve 817 LF of permanent impacts to seven ephemeral channels within the project area. Impacts for the SR 356 Corridor Safety Improvement Project include 70 feet of perennial stream loss, 48 feet of intermittent stream loss, and 145 feet of ephemeral channel loss. Total wetland impacts for the project are de minimis (0.017 acre). Stream mitigation for the project will improve 246 feet of stream bank and floodplain along perennial stream STR-3 below the culvert replacement.

The project site is located on SR 0356 between White Cloud Road and SR 0056 (Leechburg Road), (Freeport and New Kensington East, PA USGS topographic quadrangle; N: 40°, 38', 7.7784"; W: -79°, 39', 11.7955"; Sub-basin 18B; USACE Pittsburgh District), in Allegheny Township, Westmoreland County.

## ACTIONS

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

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

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

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

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



requirements, operational standards, general requirements, management practices and other conditions in the respective permit. The permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

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

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

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

### I. NPDES Renewal Permit Actions.

*Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

<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>
PA0070084 (Industrial)	Buckeye Macungie Terminal 5198 Buckeye Road Emmaus, PA 18049	Lehigh County Lower Macungie Township	Unnamed Tributary to Swabia Creek (HQ-CWF, MF) (2-C)	Yes
PA0043915 (Sewage)	River Road Utilities STP 3300 River Road Mount Bethel, PA 18343-6122	Northampton County Upper Mount Bethel Township	Delaware River (WWF, MF) (1-F)	Yes
PA0062154 (Sewage)	Mountain View School District WWTP 11748 State Route 106 Kingsley, PA 18826	Susquehanna County Harford Township	Millard Creek (CWF/MF) (4-F)	Yes
PA0024015 (Sewage)	Cressona Borough Sewer Treatment Plant 58 South Sillyman Street Cressona, PA 17929-1117	Schuylkill County Cressona Borough	West Branch Schuylkill River (CWF, MF) (3-A)	Yes
PA0060925 (Sewage)	Camp Archbald WWTP 100 Camp Archbald Road Kingsley, PA 18826	Susquehanna County Brooklyn Township	Unnamed Tributary to Hop Bottom Creek (CWF) (04F)	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>
PA0039551 (Sewage)	Lebanon Valley MHC 320 Parker Street Carlisle, PA 17013-3621	Lebanon County Bethel Township	Unnamed Tributary to Little Swatara Creek (WWF) (7-D)	Yes
PA0087572 (Industrial)	Williamstown Borough Water System P.O. Box 32 Williamstown, PA 17098-0032	Dauphin County Williams Township	Unnamed Tributary to Wiconisco Creek (CWF, MF) (6-C)	Yes
PA0248185 (Sewage)	Jackson Township STP 60 N Ramona Road Myerstown, PA 17067-2149	Lebanon County Jackson Township	Unnamed Tributary to Tulpehocken Creek (CWF) (3-C)	Yes
PA0262129 (Sewage)	Mishler SFTF 1040 Manada Bottom Road Harrisburg, PA 17112-8824	Dauphin County East Hanover Township	Manada Creek (CWF, MF) (7-D)	Yes
PA0246867 (Sewage)	Riverside Apartments 5609 Pinehurst Way Mechanicsburg, PA 17050-8524	Dauphin County Reed Township	Susquehanna River (WWF) (6-C)	Yes

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N</i>
PA0247855 (Sewage)	Belfast Township Fulton County 121 Homestead Lane Needmore, PA 17238-9425	Fulton County Belfast Township	Tonoloway Creek (WWF) in Watershed(s) 13-B	Yes
PA0034363 (Sewage)	Pine View Acres MHP 116b Blantz Road Lititz, PA 17543-9573	Lancaster County Penn Township	Unnamed Tributary to Chiques Creek (WWF) (7-G)	No
PA0261050 (Sewage)	Quail Creek Homeowners Association 602 Quail Creek Manheim, PA 17545	Lancaster County Rapho Township	Unnamed Tributary to Chiques Creek (WWF) in Watershed(s) 7-G	No
PA0031135 (Sewage)	Kutztown Borough Berks County 45 Railroad Street Kutztown, PA 19530-1112	Berks County Maxatawny Township	Sacony Creek (CWF (existing use) in Watershed(s) 3-B)	No
PA0083046 (Industrial— GWCU)	Cenveo Worldwide Ltd dba Cenveo Publishing Services (former Easco Hand Tools Site) 3575 Hempland Road Lancaster, PA 17601-6912	Lancaster County West Hempfield Township	Unnamed Tributary to West Branch Little Conestoga Creek (TSF, MF) (7-J)	Yes
PA0087076 (Industrial— GWCU)	Former Hershey Entertainment & Resorts Company (HE&R) Laundry Facility GWCU North 1st Street Hershey, PA 17033	Dauphin County Derry Township	Spring Creek (WWF, MF) (7-D)	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>
PA0232441 (Industrial)	Cedar Springs Trout Hatchery 207 Trout Lane Mill Hall, PA 17751-8940	Clinton County Porter Township	Unnamed Tributary to Cedar Run (HQ-CWF, MF) and Cedar Run (HQ-CWF, MF) (9-C)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed # )</i>	<i>EPA Waived Y/N?</i>
PA0002534 (Industrial)	Morgan AM&T 441 Hall Avenue Saint Marys, PA 15857	Elk County Saint Marys City	Unnamed Tributary to the Elk Creek (CWF) (17-A)	No
PA0222763 (Industrial)	Charter Plastics P.O. Box 770 221 S Perry Street Titusville, PA 16354-0770	Crawford County Titusville City	Oil Creek (CWF) (16-E)	Yes

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

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

**NPDES Permit No. PA0272108**, Storm Water, SIC Code 2421, **Brownlee Lumber Inc.**, 2652 Hazen Richardsville Road, Brookville, PA 15825-7616.

This proposed facility is located in Warsaw Township, **Jefferson County**.

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

**NPDES Permit No. PA0287865**, Sewage, SIC Code 8800, **J David Byler**, 1668 Route 410, Punxsutawney, PA 15767-8726.

This proposed facility is located in Henderson Township, **Jefferson County**.

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

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

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*Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**WQM Permit No. 4819401**, Sewage, SIC Code 4952, **Stockertown Borough Northampton County**, 209 Main Street, Stockertown, PA 18083-4000.

This proposed facility is located in Stockertown & Tatamy Boroughs, **Northampton County**.

Description of Proposed Action/Activity: Stockertown Interceptor construction and operation; Stockertown Wastewater Treatment Plant Decommissioning/Closure after Interceptor construction completion/start-up.

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

**WQM Permit No.0619406**, Sewerage, **Fleetwood Borough Authority**, Berks County, 110 West Arch Street, Suite 104, Fleetwood, PA 19522-1321

This proposed facility is located in Richmond Township, **Berks County**.

Description of Proposed Action/Activity: This General Permit approves construction/modification/operation of sewage facilities consisting of:

- Two new submersible pumps at 450 gpm each, with variable frequency drives;
- 6" replacement piping between wet well and valve pit (connects to 6" force main); and
- new emergency generator able to operate larger pump capacity.

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

**WQM Permit No. 5510402 A-1**, Sewage, SIC Code 4952, **Middleburg Municipal Authority**, 13 N Main Street, Middleburg, PA 17842-1082.

This existing facility is located in Middleburg Borough, **Snyder County**.

Description of Proposed Action/Activity: Installation of a Muffin Monster electric grinder.

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

**WQM Permit No. 0277205 A-3**, Industrial, SIC Code 3312, **US Steel Corp**, P.O. Box 878, Dravosburg, PA 15034-0878.

This existing facility is located in West Mifflin Borough, **Allegheny County**.

Description of Proposed Action/Activity: An application for amendment to replace vacuum filters with a centrifuge as the sludge dewatering system.

**WQM Permit No. 0219201**, Industrial, SIC Code 4491 (Marine Cargo Handling), **River Materials Inc.**, 103 Yost Boulevard, Pittsburgh, PA 15221.

This proposed facility is located in McKeesport City, **Allegheny County**.

Description of Proposed Action/Activity: Construction and operation of a stormwater settling pond with flocculant addition as needed.

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

**WQM Permit No. WQG02101903**, Sewage, **Western Butler County Authority**, 607 Market Street, Zelienople, PA 16063-1830.

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

Description of Proposed Action/Activity: Pump station to serve Foxwood Trails residential development.

**WQM Permit No. 3319401**, Sewage, SIC Code 8800, **J David Byler**, 1668 Route 410, Punxsutawney, PA 15767-8726.

This proposed facility is located in Henderson Township, **Jefferson County**.

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

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**IV. NPDES Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4) Individual Permits Issued.**


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

<i>NPDES Permit No.</i>	<i>Applicant 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>
PAI136130	Allegheny County 501 County Office Building Pittsburgh, PA 15219	City of Pittsburgh Allegheny	Monongahela River (WWF), Pine Creek (TSF), Turtle Creek (WWF), Ohio River (WWF), Squaw Run (HQ-WWF), Unnamed Tributaries to other streams (HQ-WWF, WWF, TSF), and Montour Run (TSF)	N	N

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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.

*Southwest Region: Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

<i>NPDES Waiver No.</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Receiving Water(s)/Use(s)</i>
PAG136376	Belle Vernon Borough 10 Main Street Belle Vernon, PA 15012	Belle Vernon Borough Fayette	Monongahela River (WWF)

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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>
PAD150116	Southdown Homes, LP 120 Pennsylvania Avenue Malvern, PA 1 9355-2418	Chester	West Nantmeal Township	French Creek EV
PAD090009	MLH Explorations, LLC 308 Lancaster Avenue Suite 300 Wynnewood, PA 19096-2145	Bucks	Falls Township	Unnamed Tributary to Delaware River WWF
PAD150130	GMH East Whiteland Holdings, LLC 10 Campus Boulevard Newtown Square, PA 19073	Chester	East Whiteland Township	Unnamed Tributary to Valley Creek EV-MF
PAD090009	MLH Explorations, LLC 308 Lancaster Avenue Suite 300 Wynnewood, PA 19096-2145	Bucks	Falls Township	Unnamed Tributary to Delaware River WWF
PAD150152	Longview Management 1055 Westlakes Drive Suite 170 Berwyn, PA 19312	Chester	East Fallowfield Township	Unnamed Tributary to Brandywine Creek West Branch EV



<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD460033	Pennsylvania Department of Transportation 7000 Geerdes Boulevard King of Prussia, PA 19046-1525	Montgomery	Montgomery Township	Neshaminy Creek and Little Neshaminy Creek WWF-MF Wissahickon Creek TSF-MF

*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>
PAD390131	William & Ashley Bender 4821 Shankweiler Rd. Orefield, PA 18069	Lehigh	North Whitehall Township	UNT of the Jordan Creek (HQ-CWF, MF)

*Monroe County Conservation District, 8050 Running Valley Road, Stroudsburg, PA 18347, 570-629-3060.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD450083	Middle Smithfield Materials P.O. Box 674 Bushkill, PA 18324	Monroe	Middle Smithfield Township	UNT Bushkill Creek, HQ-CWF
PAD450086	Sanofi Pasteur, Inc. Discovery Drive Swiftwater, PA 18370	Monroe	Pocono Township	Swiftwater Creek, HQ-CWF, MF
PAD450093	Brodhead Creek Regional Authority 410 Mill Creek Road East Stroudsburg, PA 18301	Monroe	Pocono Township	UNT to Pocono 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>
PAD480114	JW Development Partners III LLC c/o Luke Jandl 3150 Coffeetown Road Orefield, PA 18069-2511	Northampton	Lower Nazareth Township	UNT to Schoeneck Creek (WWF, MF), EV Wetlands

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110.*

*Contact: Nathan Phillips, Section Chief, 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>
PAD210039 Issued	Lexington Land Developers 336 West King Street Lancaster, PA 17603	Cumberland	South Middleton Township	Letort Spring Run (EV)

*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>
PAD020021-A1	Giant Eagle, Inc. 261 Kappa Drive Pittsburgh, PA 15238	Allegheny County	North Versailles Township	Jacks Run (HQ-TSF)

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

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

**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*

Contact Aaron Redmond, Management Technician, 484.250.5821.

<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>
PAC090260	Hilltown Township New Britain Township Bucks County	Hallmark Building Group, Inc. 865 Easton Road Suite 320 Warrington, PA 18976-1838	North Branch Neshaminy Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC090246	Warwick Township Bucks County	York Road—BLADCO, LP 925 W Lancaster Avenue Suite 200 Bryn Mawr, PA 19010-3050	Unnamed Tributary to Neshaminy Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC090228	New Britain Township Bucks County	78 Industrial Drive, LLC 515 Bethlehem Pike Suite 103 Colmar, PA 18915-9611	West Branch Neshaminy Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC090312	Bensalem Township Bucks County	AQ Saint Katherine Drexel, L.P. 861 Village Lane Bensalem, PA 19020-7125	Delaware River WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC090319	Warminster Township Bucks County	Christ's Home 800 York Road Warminster, PA 18974-2260	Unnamed Tributary to Little Neshaminy Creek WWF-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>
PAC090324	West Rockhill Township Bucks County	West Rockhill Township 1028 Ridge Road Sellersville, PA 18960	Unnamed Tributary to East Branch Perkiomen Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC090291	Chalfont Borough Bucks County	ELU Deluca Chalfont LLC 485 Devon Park Drive Suite 106 Wayne, PA 19087-1840	Pine Run TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC090329	Bensalem Township Bucks County	Sperduto Investments, LLC 967 Roberts Road Bensalem, PA 19020	Poquessing Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC090288	Middletown Township Bucks County	Bucks County Conservation District 1456 Ferry Road Suite 704 Doylestown, PA 18901-5550	Core Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC150179	West Goshen Township Chester County	Blue Mountain Construction 21 Crozerville Road Aston, PA 19014	Unnamed Tributary to Taylor Run TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC150172	Tredyffrin Township Chester County	MAZ Construction P.O. Box 1843 West Chester, PA 19380	Crow Creek Schuylkill River WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC230127	Radnor Township Delaware County	ESIII L.P. 107 Twaddell Mill Road Wilmington, DE 19807	Camp Run to Darby Creek CWF-MF Wig Wam Run to Darby Creek CWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC230115	Radnor Township Delaware County	Radnor Township 301 Iven Avenue Wayne, PA 19087-5297	Hardings Run Browns Run Unnamed Tributary to Brown Run Ithan Creek Kirks Run CWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC510144	City of Philadelphia Philadelphia County	Rose Norris Homes, LLC 551 5th Avenue 23rd Floor New York, NY 10176-2604	Lower Delaware River	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC510142	City of Philadelphia Philadelphia County	SMH Holdings, LP 2901 Grant Avenue Philadelphia, PA 19144	Pennypack Watershed TSF-MF-WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC510113	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

<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>
PAC510124 Phase 2	City of Philadelphia Philadelphia County	PECO Energy Company 2301 Market Street, S7-2 Philadelphia, PA 19103	Delaware River	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>
PAC400148 Authorization/ Issuance	Dupont Boro Luzerne County	Dupont Housing for The Elderly LP Michael Molitoris 250 1st Ave Kingston, PA 18704  Trade Eastern Inc. Douglas Trumbower 53 Gravel St Wilkes-Barre, PA 18705	Collins Creek (CWF, MF)	Luzerne Conservation District 325 Smiths Pond Road Shavertown, PA 18708 570-674-7991
PAC400144 Authorization/ Issuance	Hazle Twp Luzerne County	JLM Real Estate Investments LLC Kevin Melocheck 950 E Main Street Schuylkill Haven, PA 17972	Tomhicken Creek (CWF, MF)	Luzerne Conservation District 325 Smiths Pond Road Shavertown, PA 18708 570-674-7991
PAC400138 Authorization/ Issuance	Jenkins Twp Luzerne County	Mericle Armstrong Rd LLC Robert Mericle 100 Baltimore Dr Wilkes-Barre, PA 18702	UNT to Gardner Creek (CWF, MF)	Luzerne Conservation District 325 Smiths Pond Road Shavertown, PA 18708 570-674-7991
ESG004519001	Tobyhanna Twp Tunkhannock Twp Monroe County	Transcontinental Gas Pipe Line Co LLC 2800 Post Oak Blvd, Lvl 17 Houston, TX 77056	Tunkhannock Creek (EV) UNT to Tobyhanna Creek (HQ-CWF, MF) Tobyhanna Creek (HQ-CWF, MF) UNT to Two Mile Run (HQ-CWF, MF)	Monroe County Conservation District 8050 Running Valley Road Stroudsburg, PA 18347 570-629-3060

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110.*

*Contact: Nathan Phillips, Section Chief, 717.705.4802.*

<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>
PAC010120 Issued	Conewago Township Adams County	Partner NIG, LP 160 Ram Drive Hanover, PA 17331	UNT Plum Creek (WWF)	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325-3404 717.334.0636



<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>
PAC010133 Issued	Berwick Township Adams County	Bridgeview, LLC 40 York Street Hanover, PA 17331	Pine Run (WWF)	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325-3404 717.334.0636
PAC010076 Issued	Oxford Township Adams County	J. A. Myers Homes 160 Ram Drive Hanover, PA 17331	UNT Plum Creek (WWF, MF)	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325-3404 717.334.0636
PAC050040 Issued	Bedford Township Bedford County	Bedford Township Municipal Authority 1007 Shed Road Bedford, PA 15522	Dunning Creek (WWF, MF) UNT Dunning Creek (WWF, MF) Raystown Branch Juniata River (TSF, MF)	Bedford County Conservation District 702 West Pitt Street Suite 4 Bedford, PA 15522 814.623.7900, ext. 4
PAC060221 Issued	Bern Township Berks County	UGI Utilities, Inc. 1 UGI Drive Denver, PA 17517	Schuylkill River (WWF, MF) UNT Schuylkill River (WWF, MF)	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 610.372.4657
PAC060230 Issued	Muhlenberg Township Ontelaunee Township Berks County	Pohl Railroad Materials P.O. Box 13038 Reading, PA 19612	Schuylkill River (WWF, MF)	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 610.372.4657
PAC060234 Issued	Lower Heidelberg Township Berks County	Grande Land, LP 2213 Quarry Road Reading, PA 19609	Little Cacoosing Creek (WWF, MF)	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 610.372.4657
PAC060237 Issued	Sinking Spring Borough Berks County	Sinking Spring Borough 3940 Penn Avenue Sinking Spring, PA 19608	Cacoosing Creek (CWF, MF)	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 610.372.4657
PAC060239 Issued	Amity Township Berks County	The William Eaton Group, LLC 133 Bucks Road Perkasie, PA 18944	UNT Schuylkill River (WWF, MF)	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 610.372.4657

<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>
PAC210167 Issued	Silver Spring Township Cumberland County	American Islamic Cultural Center 8 Bella Vista Drive Mechanicsburg, PA 17050	UNT Conodoguinet Creek (WWF)	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013-9101 717.240.7812
PAC210182 Issued	West Pennsboro Township Cumberland County	Florance Family Investment 1, LLC 9 Beverly Court Carlisle, PA 17015-7937	Alexander Spring Creek (CWF)	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013-9101 717.240.7812
PAC670306 Issued	West Manchester Township York County	3625 Mia Brae, LP P.O. Box 1627 York, PA 17405	Codorus Creek (WWF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717.840.7430
PAC670330 Issued	Peach Bottom Township York County	Bob Ward Companies 2700 Philadelphia Road Edgewood, MD 21040	Scott Creek (CWF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717.840.7430
PAC670331 Issued	Windsor Township York County	York Excavating Company, LLC 3180 East Prospect Road York, PA 17402	Kreutz Creek (WWF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717.840.7430

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

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Phone No.</i>
Potter Township Beaver County	PAC040067	Duquesne Light Company 2841 New Beaver Avenue Pittsburgh, PA 15233	Raccoon Creek (WWF); Poorhouse Run (WWF)	Beaver County Conservation District 156 Cowpath Road Aliquippa, PA 15001 (724) 378-1701

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

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Adams Township Butler County	PAC100160	Gabriel's Crest Development LLC Mr. Chris Kaclik 1272 Mars-Evans City Road Suite 101 Evans City, PA 16033	UNT to Kaufman Run WWF	Butler County Conservation District 120 Hollywood Drive Suite 201 Butler, PA 16001 724-548-3425
Adams Township Butler County	PAC100151A1	Breakneck Creek Regional Authority 1166 Mars-Evans City Road Mars, PA 16046	Breakneck Creek WWF	Butler County Conservation District 120 Hollywood Drive Suite 201 Butler, PA 16001 724-548-3425

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Butler Township Butler County	PAC100158	Eat N Park 245 E Waterfront Drive Homestead, PA 15120	UNT to Connoquenessing Creek WWF	Butler County Conservation District 120 Hollywood Drive Suite 201 Butler, PA 16001 724-548-3425
Seven Fields Borough Butler County	PAC100147	Group 7 Development LLC 1272 Mars-Evans City Road Evans City, PA 16033	UNT to Kaufman Run WWF	Butler County Conservation District 120 Hollywood Drive Suite 201 Butler, PA 16001 724-548-3425
Lancaster Township Butler County	PAC100074A1	Scenic Ridge Partners LP P.O. Box 449 Mars, PA 16046	Yellow Creek CWF, Scholars Run WWF	Butler County Conservation District 120 Hollywood Drive Suite 201 Butler, PA 16001 724-548-3425
Cranberry Township Butler County	PAC100094R1	Cranberry Township 2525 Rochester Road Suite 400 Cranberry Township, PA 16066	Tributary to Wolfe Run WWF, Tributaries to Brush Creek WWF	Butler County Conservation District 120 Hollywood Drive Suite 201 Butler, PA 16001 724-548-3425
Butler Township Butler County	PAC100171	Butler County Community College 107 College Drive Butler, PA 16001	Connoquenessing Creek WWF	Butler County Conservation District 120 Hollywood Drive Suite 201 Butler, PA 16001 724-548-3425
Brookville Borough Jefferson County	PAC330008A2	Cottage Real Estate LLC 178 Lewis Drive Somerset, PA 15501	UNT to Clement Run CWF, Clement Run CWF	Jefferson County Conservation District 1514 Route 28 Brookville, PA 15825 814-849-7463

*General Permit Type—PAG-03*

<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>
PAG032264	Tunkhannock Township Wyoming County	Ace Robbins Inc. 4022 S.R. 6 Tunkhannock, PA 18657-7840	Tunkhannock Creek (TSF, MF)—4-F	DEP Northeast Regional Office Clean Water Program 2 Public Square Wilkes-Barre, PA 18701-1915 570.826.2511

*General Permit Type—PAG-8 (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>
PAG083612	Jackson Township York County	Jackson Township Sewer Authority 439 Roths Church Rd Spring Grove PA	N/A	DEP—SCRO 909 Elmerton Ave. Harrisburg, PA 17110 717-705-4707

*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>
Borough of Fairchance Fayette County	PAG136358	Borough of Fairchance 125 West Church Street Fairchance, PA 15436-1136	Georges Creek (WWF) and Muddy Run (WWF) 19-G	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000

**PUBLIC WATER SUPPLY PERMITS**

The Department has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

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

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

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

**SAFE DRINKING WATER**

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

*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.*

<b>Permit No. 5119501</b> , Public Water Supply.
Applicant <b>Philadelphia Water Department</b> 1101 Market Street 2nd Floor Philadelphia, PA 19107-29994
Township City of Philadelphia

County	<b>Philadelphia</b>
Type of Facility	PWS
Consulting Engineer	CDM Smith, Inc. 3605 Vartan Way Suite 202 Harrisburg, PA 17110
Permit to Construct Issued	December 24, 2019
<b>Permit No. 4619530</b> , Public Water Supply.	
Applicant <b>Red Hill Authority</b> 433 Main Street Red Hill, PA 18076	
Township Upper Milford	
County <b>Montgomery</b>	
Type of Facility	PWS
Consulting Engineer	Cedarville Engineering, LLC 159 E. High Street Pottstown, PA 19464
Permit to Construct Issued	December 24, 2019
<b>Permit No. 0919508</b> , Public Water Supply.	
Applicant <b>New Britain Inn</b> 376 Butler Avenue New Britain, PA 18901	
Township New Britain	
County <b>Montgomery</b>	
Type of Facility	PWS
Consulting Engineer	Lenape Valley Engineer P.O. Box 74 Chalfont, PA 18914
Permit to Construct Issued	December 24, 2019

**Operation Permit No. 0919537**, issued: to: **USS Real Estate**, One Ben Fairless Drive, Fairless Hills, PA 19030, **PWS ID # 1090775**, Falls Township, **Bucks County**, on December 24, 2019, for the operation facilities uses of flow weighted average individual filter effluent turbidity for reporting of combined filter effluent turbidity facilities approved under construction permit # 0919537.

**Operations Permit No. 2314510**, issued to: **Chester Water Authority**, P.O. Box 467, Chester, PA 19016-0467, **PWS ID # 1230004**, Lower Oxford Township, **Chester County** on December 24, 2019, for the operation of Village Green Tank No. 9 following repainting facilities approved under construction permit # 2314510.

**Operations Permit No. 1517521** issued to: **Aqua Pennsylvania, Inc.**, 762 West Lancaster Avenue, Bryn



Mawr, PA 19010, **PWS ID # 1460073**, Charlestown Township, **Chester County** on December 24, 2019, for the operation of GridBee Mixer and THM removal System at Sidley Tank facilities approved under construction permit # 1517521.

**Operations Permit No. 0919534** issued to: **Morrisville Municipal Authority**, 35 Union Street, Morrisville, PA 19067, **PWS ID # 1090037**, Lower Makefield Township, **Bucks County** on December 12, 2019, for the operation use of flow weighted average individual filter effluent turbidity for reporting of combined filter effluent turbidity facilities approved under construction permit # 0919534.

**Operations Permit No. 1519526** issued to: **CCR Management, Inc.**, 427 Exton Commons, Exton, PA 19341, **PWS ID # 1150209**, West Vincent Township, **Chester County** on December 24, 2019, for the operation pH adjustment using sodium hydroxide facilities approved under construction permit # 1519526.

**Operations Permit No. 1519537**, issued to: **Nottingham Inn**, 190 Baltimore Pike, Nottingham, PA 17601, **PWS ID # 1150427**, West Nottingham Township, **Chester County** on December 24, 2019, for the operation of public water supply system, Wells 1, 2, 3 and 4, nitrate treatment and UV disinfection at Well 2, rescission of permit facilities approved under construction permit # 1519537.

**Operations Permit No. 1519539** issued to: **CASD Kings Highway**, 841 West Kings Highway, Coatesville, PA 19512, **PWS ID # 1150838**, West Caln Township, **Chester County** on December 31, 2019, for the operation of pH adjustment using sodium hydroxide and installation of a continuous pH monitor facilities approved under construction permit # 1519539.

**Operations Permit No. 4619532** issued to: **Pottstown Hospital Tower Health**, 1600 East High Street, Pottstown, PA 19464, **PWS ID # 1460500**, Pottstown Borough, **Montgomery County** on December 24, 2019, for the operation of emergency use of chlorine dioxide and point-of-use legionella treatment on the hot water system facilities approved under construction permit # 1460500.

*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. 4519507**, Public Water Supply.

Applicant	<b>Exeter Blakeslee Lot 110 Land, LLC</b> 101 West Elm Street Suite 600 Conshohocken, PA 19428
Borough or Township	Tobyhanna Township
County	<b>Monroe</b>
Type of Facility	PWS
Consulting Engineer	Mr. Christopher McDermott, P.E. Project Manager Reilly Associates P.O. Box 667 411 Main Street Suite 102d Stroudsburg, PA 18360
Permit to Construct Issued	December 29, 2019

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

**Permit No. 0619516 MA, Minor Amendment**, Public Water Supply.

Applicant	<b>Berks Properties Inc</b>
Municipality	Longswamp Township
County	<b>Berks</b>
Responsible Official	David Rittenhouse, President 2620 Egypt Road Norristown, PA 19403
Type of Facility	Pump replacement and installation of a pitless adapter for Well No. 1.
Consulting Engineer	John D. Brady, P.E. Entech Engineering Inc. 201 Penn Street Reading, PA 19601
Permit to Construct Issued	December 31, 2019

**Operation Permit No. 0616509 MA** issued to: **Borough of Boyertown** (**PWS ID No. 3060081**), Colebrookdale Township, **Berks County** on December 24, 2019 for facilities approved under Construction Permit No. 0616509 MA.

**Operation Permit No. 3618515** issued to: **National Water Services Inc** (**PWS ID No. 7366613**), Lancaster, **Lancaster County** on December 31, 2019 for facilities approved under Construction Permit No. 3618515.

**Operation Permit No. 3619526 MA** issued to: **Ephrata Area Joint Authority** (**PWS ID No. 7360045**), Ephrata Borough, **Lancaster County** on December 13, 2019 for facilities approved under Construction Permit No. 3619526 MA.

**Transferred Comprehensive Operation Permit No. 7280047** issued to: **T & J Valley View MHP, LLC** (**PWS ID No. 7280047**), Antrim Township, **Franklin County** on December 19, 2019. Action is for a Change in Ownership for Valley View Mobile Home Park, Franklin County for the operation of facilities previously issued to Thomas & Donna Grosh.

**Comprehensive Operation Permit No. 7360561** issued to: **Faith Mennonite High School** (**PWS ID No. 7360561**), Salisbury Township, **Lancaster County** on December 31, 2019 for the operation of facilities submitted under Application No. 7360561.

**Comprehensive Operation Permit No. 3060031** issued to: **Laurel Health Resources** (**PWS ID No. 3060031**), Tilden Township, **Berks County** on December 31, 2019 for the operation of facilities at Laurel Center approved under Construction Permit No. 0619506 MA.

**Operation Permit No. 5019505** issued to: **Miller Group Holdings LP** (**PWS ID No. 7500875**), Penn Township, **Perry County** on December 20, 2019 for facilities approved under Construction Permit No. 5019505.

**Operation Permit No. 3619512 MA** issued to: **Solanco School District** (**PWS ID No. 7360521**), Fulton Township, **Lancaster County** on December 31, 2019 for facilities at Swift Middle School approved under Construction Permit No. 3619512 MA.

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

**Permit No. 5919502MA—Construction—Public Water Supply.**

Applicant	<b>Blossburg Municipal Authority</b>
Township/Borough	Hamilton Township
County	<b>Tioga County</b>
Responsible Official	Mr. Michael R. Stoudt Blossburg Municipal Authority 241 Main Street Blossburg, PA 16912
Type of Facility	Public Water Supply—Construction
Consulting Engineer	Mr. William S. Bray, P.E. 373 W. Branch Road Wellsboro, PA 16901
Permit Issued	December 26, 2019
Description of Action	Authorizes the authority to construct a new water transmission line between the existing line along Ogdensburg Road (S.R. 2017) and the proposed, finished-water tank in Hamilton Township, Tioga County.

**Permit Nos. 0818503MA-T1, 0807502-T1, 0890501-T1 & 0889502-T1—Operation—Public Water Supply.**

Applicant	<b>Stars Hollow MHP, LLC</b>
Township/Borough	Ridgebury Township
County	<b>Bradford County</b>
Responsible Official	Mr. Walter Herman, Owner Stars Hollow MHP, LLC 45 Atwater St. P.O. Box 216 Port Gibson, NY 14537
Type of Facility	Public Water Supply—Operation
Consulting Engineer	N/A
Permit Issued	January 2, 2020
Description of Action	Authorizes the transfer of permits: 0818503MA-T1, 0807502-T1, 0890501-T1 and 0889502-T1 from Mobile Acres MHP to Stars Hollow MHP, LLC.

**Permit Nos. 1479502-T1-A1, 1481501-T1-A1, 1493506-T1-A1—Operation—Public Water Supply.**

Applicant	<b>Pennsylvania American Water</b>
Township/Borough	Rush Township
County	<b>Centre County</b>
Responsible Official	Mr. Sean Graves Sr. Director Operations Pennsylvania American Water 300 Galley Road McMurray, PA 15301
Type of Facility	Public Water Supply—Operation

Consulting Engineer	Mr. Dale E. Warner Pennsylvania American Water 1912 Tyrone Pike P.O. Box 707 Philipsburg, PA 16866
Permit Issued	January 6, 2020
Description of Action	Authorizes reserve designation of Entry Point 103, fed by Sandy Ridge Well Nos. 1 and 2.

*Southwest Region: Safe Drinking Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Permit No. 0218538, Major Amendment. Public Water Supply.**

Applicant	<b>West Penn Allegheny Health System, Inc.</b> 565 Coal Valley Road Jefferson, PA 15065
Borough or Township	Jefferson Hills Township
County	<b>Allegheny</b>
Type of Facility	Ichlor system at Jefferson Hospital
Consulting Engineer	Wayne Jacobs, P.E. 1914 Mt. Royal Boulevard Glenshaw, PA 15110
Permit Issued	December 9, 2019
Description of Action	<b>Permit No. 0218537, Major Amendment. Public Water Supply.</b>

Applicant	<b>West Penn Allegheny Health System, Inc.</b> 100 South Jackson Avenue Pittsburgh, PA 15212
Borough or Township	City of Pittsburgh
County	<b>Allegheny</b>
Type of Facility	Ichlor system at Allegheny General Hospital Suburban
Consulting Engineer	Wayne Jacobs, P.E. 1914 Mt. Royal Boulevard Glenshaw, PA 15110
Permit Issued	December 9, 2019
Description of Action	<b>Permit No. 6318505, Major Amendment. Public Water Supply.</b>

Applicant	<b>West Penn Allegheny Health System, Inc.</b> 565 Coal Valley Road Jefferson, PA 15065
Borough or Township	Jefferson Hills Township
County	<b>Allegheny</b>
Type of Facility	Ichlor system at Jefferson Hospital
Consulting Engineer	Wayne Jacobs, P.E. 1914 Mt. Royal Boulevard Glenshaw, PA 15110
Permit Issued	December 9, 2019
Description of Action	<b>Permit No. 0218531, Minor Amendment. Public Water Supply.</b>

Applicant	<b>Heritage Valley Health System, Inc.</b> 740 Blackburn Road Sewickley, PA 15143
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Borough or Township      Sewickley  
 County                      **Allegheny**  
 Type of Facility            Two chlor system at Heritage  
                                  Valley Health System-Sewickley  
 Consulting Engineer      Wayne Jacobs, P.E.  
                                  1914 Mt. Royal Boulevard  
                                  Glenshaw, PA 15110  
 Permit Issued              December 9, 2019

**Operations Permit** issued to: **Highridge Water Authority**, 17 Maple Avenue, Blairsville, PA 15717, **PWSID No. 5650069**, Burrell Township, **Indiana County** on December 23, 2019 for the operation of facilities approved under construction permit # 6518515 for the new Turner Drive pump station.

**Operations Permit** issued to: **Heritage Valley Health System, Inc.**, 1000 Dutch Ridge Road, Beaver, PA 15009, **PWSID No. 5040437**, City of Beaver, **Beaver County** on December 19, 2019 for the operation of facilities approved under construction permit # 0418513 for the iChlor system at the Heritage Valley Health System—Beaver.

**Operations Permit** issued to: **Creswell Heights Joint Water Authority**, 3961 Jordan Street, P.O. Box 301, South Heights, PA 15081, **PWSID No. 5040063**, South Heights Borough and Crescent Township, **Beaver and Allegheny Counties** on December 23, 2019 for the operation of facilities approved under construction permit # 0418522MA for the addition of DelPAC at the State Route 51 waterline replacement project.

**Operations Permit** issued to: **West Penn Allegheny Health System, Inc.**, 1301 Carlisle Street, Natrona Heights, PA 15065, **PWSID No. 5020958**, Harrison Township, **Allegheny County** on December 19, 2019 for the operation of facilities approved under construction permit # 0218533 for the iChlor system at the Allegheny Valley Hospital.

**Operations Permit** issued to: **Southwestern Pennsylvania Water Authority**, P.O. Box 187, 1442 Jefferson Road, Jefferson, PA 15344, **PWSID No. 5300017**, Cumberland & Monongahela Townships and Greensboro Borough, **Greene County** on December 23, 2019 for the operation of facilities approved under permit # 3019512MA for approximately 31,756 feet of waterline.

**Operations Permit** issued to: **Dunkard Valley Joint Municipal Authority**, 217 Minor Street, P.O. Box 193, Greensboro, PA 15338, **PWSID No. 5300007**, Monongahela Township, **Greene County** on December 20, 2019 for the operation of facilities approved under permit # 3018510MA for the Stoney Hill Waterline Rehabilitation Project.

*Northwest Regional Office: 230 Chestnut Street, Meadville, PA 16335-3481.*

**Operation Permit** issued to **Reynolds Water Company**, **PWSID No. 6430057**, Pymatuning Township, **Merger County**. Permit Number 4378501-RS1 issued January 3, 2020 authorizing reserve designation of the Shenango River.

#### WATER ALLOCATIONS

**Actions taken on applications received under the Act of June 24, 1939 (P.L. 842, No. 365) (35 P.S. §§ 631—641) relating to the Acquisition of Rights to Divert Waters of the Commonwealth.**

*Southeast Region: Water Supply Management Program Manager, 2 East Main Street, Norristown, PA 19401, Telephone 484.250.5980.*

*Contact: Kimberleigh Rivers, Clerk Typist 2, 484.250.5887.*

**WA-09-962A**, Water Allocations, **Township of Falls Authority**, 188 Lincoln Highway, Fairless Hills, PA 19030, Falls Township, **Bucks County**. Granting the right to purchase 900,000 gallons per day of water, based on a 30-day average, from Morrisville Municipal Authority, in Bucks County.

**WA-15-228B**, Water Allocations, **Borough of Phoenixville**, 351 Bridge Street, 2nd Floor, Phoenixville, PA 19460, Borough of Phoenixville, **Chester County**. Granting the right to withdraw 5,881,000 per day of water from the Schuylkill River, in Chester County.

#### 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
East Lampeter Township	2250 Old Philadelphia Pike Lancaster, PA 17602	Lancaster

*Plan Description:* The request for planning exemption for the Hyatt House & Marriott Towneplace Hotels (DEP Code No. A3-36929-430-3E; APS ID No. 1008056) has been disapproved. The proposed development—to be located at 2217 Lincoln Highway East in Lancaster—is proposing the removal of an existing restaurant to be replaced by two hotels. This request for planning exemption has been disapproved because it does not qualify as an exemption from sewage facilities planning for new land development.

### 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 Program Manager, 2 East Main Street, Norristown, PA 19401.*

**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 remediation of site soil and shallow groundwater contaminated with petroleum. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Trinity Church**, 1212 Easton Road, Abington Township, **Montgomery County**. Jeremy W. Boly, Environmental Maintenance, 1420 East Mermaid Lane, Glenside, PA 19038 on behalf of John Riggs, Trinity Church, 1200 Easton Road, Abington, PA 19001 submitted a Final Report concerning remediation of site soil contaminated with petroleum. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Tung Residence**, 2776 Narcissa Road, Plymouth Township, **Montgomery County**. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073 on behalf of Andrea Gluch, State Farm Insurance, P.O. Box 106169, Atlanta, GA 30348-6169 submitted a Final Report concerning remediation of site soil and groundwater contaminated with petroleum. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Warminster Plaza**, 606 York Road, Warminster Township **Bucks County**. Paul Martino, Pennoni Associates, Inc., 1900 Market Street, Suite 300, Philadelphia, PA 19103 on behalf of John Giangli, Liberty Bell Capital III, LP, 401 East City Avenue, Suite 812, Bala Cynwyd, PA 19004 submitted a Risk Assessment Report/Final Report concerning remediation of site soil and groundwater contaminated with PCE. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Brewerytown Mixed Block**, 31st Street and Master Street, City of Philadelphia, **Philadelphia County**. Jennifer Poole, PG, Pennoni, 1900 Market Street, Suite 300, Philadelphia, PA 19103 on behalf of John Herzog, Westrum Development Company, 1300 Virginia Drive,

Suite 215, Fort Washington, PA 19034 submitted a Final Report concerning remediation of site soil contaminated with arsenic and lead. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Nabisco**, 12000 Roosevelt Boulevard, City of Philadelphia, **Philadelphia County**. Richard Lake, Geo-Technology Associated, Inc., 14 World's Fair Drive, Somerset, NJ 08873 on behalf of Michael Cooley, Provco Good MCB Byberry, LP, 795 East Lancaster Avenue, Suite 200, Villanova, PA 19085 submitted a Final Report concerning remediation of site soil and groundwater contaminated with arsenic and PAHs. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**PennDOT Doylestown Maintenance Facility**, 229 North Broad Street, Doylestown Borough, **Bucks County**. Toby Kessler, Gilmore & Associates, Inc., 65 East Butler Avenue, Suite 100, New Britain, PA 18901 on behalf of Phil Ehlinger, Doylestown Borough, 2052 Lucon Road, Skippack, PA 19474 submitted a Remedial Investigation Report/Cleanup Plan concerning remediation of site soil contaminated with cadmium, chromium, arsenic, beryllium and benzo(a)pyrene. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**1797 South Sproul Road**, 1797 South Sproul Road, Marple Township, **Delaware County**. Richard S. Werner, PG, Environmental Consulting, Inc., 2002 Renaissance Boulevard, Suite 110, King of Prussia, PA 19406 on behalf of Peter Miller, Sproul Road Developers, LLC, 100 Front Street, Suite 560, West Conshohocken, PA 19428 submitted a Remedial Investigation Report/Cleanup Plan concerning remediation of site soil and groundwater contaminated with metals. 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.*

**8 Valley View Drive**, 8 Valley View Drive, Sterling Township, **Wayne County**. Crawford Environmental Services, 20 Cardinal Drive, Birdsboro, PA 19508, on behalf of Firmstone Oil Company, 411 High Street, P.O. Box 507, Honesdale, PA 18431, submitted a Final Report concerning remediation of soil contaminated by a release of heating oil from an aboveground storage tank. The report is intended to document remediation of the site to meet Statewide Health Standards.

*Southcentral Region: Environmental Cleanup and Brownfields Program Manager, Benjamin Stone-Thonus, 717-705-4705, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Alumax Mill Products**, 1480 Manheim Pike, Lancaster, PA 17601, Manheim Township, **Lancaster County**. Tetra Tech, 661 Andersen Drive, Pittsburgh, PA 15220-2745, on behalf of Alumax Mill Products, 1480 Manheim Pike, Lancaster, PA 17601, submitted a Final Report concerning remediation of site soils contaminated with Linpar® oil. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Harry and Darvene Daminiski Estate**, 1081 West Philadelphia Avenue, Boyertown, PA 19512, Colebrookdale Township, **Berks County**. Liberty Environmental, Inc., 505 Penn Street, Reading, PA 19601, on behalf of O'Donnell, Weis and Mattei, PC, 41 East High Street, Pottstown, PA 19464, submitted a Remedial Investigation/Cleanup Plan/Final Report concerning remediation of site soil and groundwater contaminated



with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Site-Specific-Standard.

**Speedway # 6719**, 1070 Lincoln Highway, Chambersburg, PA 17201, Chambersburg Borough, **Franklin County**. EMS Environmental, Inc., 4550 Bath Pike, Bethlehem, PA 18014, on behalf of Speedway LLC, 500 Speedway Drive, Enon, OH 45323, submitted a Final Report concerning site soil contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

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

**CORRECTED Former ELG Metals Scrapyard Property**, Intersection of Crestview Drive and 4th Street, Pymatuning Township, **Mercer County**. KU Resources, Inc., 22 South Linden Street, Duquesne, PA 15110, on behalf of Greenville-Redevelopment Corporation, 301 Arlington Drive, Greenville, PA 16125, submitted a Final Report concerning the remediation of site soil contaminated with Antimony, Chromium, Cobalt, Manganese, Molybdenum, Nickel, Selenium, Iron, Lead and site groundwater contaminated with Arsenic, Iron, and Manganese. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Sheetz Store No. 613**, 2 Bolivar Drive, Foster Township, **McKean County**. United Environmental Services, Inc., P.O. Box 701, Schuylkill Haven, PA 17972, on behalf of MBC Properties, LP, 950 East Main Street, Schuylkill Haven, PA 17972, submitted a Final Report concerning the remediation of site soil and site groundwater contaminated with Benzene, Toluene, Ethylbenzene, Cumene, Methyl Tertiary-Butyl Ether, Naphthalene, 1,2,4-Trimethylbenzene, and 1,3,5-Trimethylbenzene. The report is intended to document remediation of the site to meet the Site-Specific Standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 3

**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).**

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes

conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department regional office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Northeast Region: Environmental Cleanup & Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.*

**Laquino Property**, 1001 Upper Seese Hill Road, Barrett Township, **Monroe County**. Labella, 1000 Dunham Drive, Dunmore, PA 18512, on behalf of Santarelli and Sons Oil Company, 443 Main Street, Peckville, PA 18452, submitted a Final Report concerning remediation of soil contaminated by a release of heating oil from an aboveground storage tank. The report documented remediation of the site to meet Statewide Health Standards and was approved by DEP on December 27, 2019.

**Reformed Church of Bushkill**, 5969 Milford Road, Middle Smithfield Township, **Monroe County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of the Reformed Church of Bushkill, 5969 Milford Road, East Stroudsburg, PA 18302, submitted a Final Report concerning remediation of soil contaminated by a release of number 2 fuel oil from an aboveground storage tank. The report documented remediation of the site to meet Statewide Health Standards and was approved by DEP on January 2, 2020.

*Southcentral Region: Environmental Cleanup and Brownfields Program Manager, Benjamin Stone-Thonus, 717-705-4705, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Baughman's U-Pull-It Auto Parts**, 441 Eberts Lane, York, PA 17403, York City, **York County**. Independence Environmental Consulting LLC, 1750 Kaylor Road, Hummelstown, PA 17036, on behalf of 426 Property Management LLC, 3631 Trout Run Road, York, PA 17406, submitted a Final Report concerning remediation of site soil and groundwater contaminated with VOCs, PAHs and Inorganics. The Final Report demonstrated attainment of the Non-Residential Site-Specific Standard and was approved by the Department on December 20, 2019.

**Former Reading Outlet Center Building # 1**, 9th & Douglass Streets, Northeast Corner, Reading, PA 19601, Reading City, **Berks County**. Liberty Environmental, Inc., 505 Penn Street, Suite 400, Reading, PA 19601, on behalf of Shuman Development Group, 645 Penn Street, Reading, PA 19601, submitted a Final Report concerning remediation of site soil contaminated with No. 6 fuel oil from a leaking underground storage tank. The Final Report did not demonstrate attainment of the Residential Statewide Health Standard and was disapproved by the Department on December 20, 2019.

**547 North Prince Street**, Lancaster, PA 17603, City of Lancaster, **Lancaster County**. Liberty Environmental, Inc., 505 Penn Street, Reading, PA 19601, on behalf of Lancaster General Hospital, 555 North Duke Street, Lancaster, PA 17604, submitted a Final Report concerning remediation of site soil contaminated with No. 4 heating oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on December 20, 2019.

**Former Structures Facility**, 471 North Reading Road, Ephrata, PA 17522, Ephrata Township, **Lancaster County**. August Mack Environmental, 941 Wheatland Avenue, Lancaster, PA 17603, on behalf of Charmaine Garman, 529 Stevens Road, Ephrata, PA 17522, submitted a Remedial Investigation Report and Cleanup Plan concerning remediation of site groundwater contaminated with No. 2 fuel oil. The Report/Plan was approved by the Department on January 6, 2020.

**Proposed Lidl Grocery Store Site**, 2001, 2015, 2017 Columbia Avenue, Lancaster, PA 17603, East Hempfield Township, **Lancaster County**. Whitestone Associates, Inc., 1600 Manor Drive, Suite 220, Chalfont, PA 18914, on behalf of Lidl US, LLC, 1035 Virginia Drive, Suite 203, Fort Washington, PA 19034, submitted a Final Report demonstrating attainment of site soil contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Residential Statewide Health Standard and was approved by the Department on November 25, 2019.

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

**Furniture Mart USA**, 50 Hulmeville Avenue, Pennel Borough, **Bucks County**. David Schantz, Aquaterra Technologies, Inc., 122 South Church Street, West Chester, PA 19382 on behalf of Roger Betesh, Furniture Mart USA, 50 Hulmeville Avenue, Pennel, PA 19047 submitted a Remedial Investigation Report/Risk Assessment Report concerning the remediation of site soil and groundwater contaminated with metals. The Report was approved by the Department on December 5, 2019.

**Sloan Property**, 1002 Clemens Court, Bensalem Township, **Bucks County**. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073 on behalf of Andrea Gluch, State Farm Insurance, P.O. Box 106169, Atlanta, GA 30348-6169 submitted a Final Report concerning the remediation of site soil and groundwater contaminated with petroleum. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on December 19, 2019.

**2035 East Lehigh Avenue**, 2035 East Lehigh Avenue, City of Philadelphia, **Philadelphia County**. Shad Manning, REPSG, Inc., 6901 Kingsessing Avenue, Suite 201, Philadelphia, PA 19142 on behalf of Larry McKnight, L&M Fishtown Residence, LLC, 3020 Richmond Street, Philadelphia, PA 19142 submitted a Final Report concerning the remediation of site soil contaminated with metals

and PAHs. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on December 23, 2019.

**144 Maugers Mill Road**, 144 Maugers Mill Road, Upper Pottsgrove Township, **Montgomery County**. Henry G. Bienkowski, PG, Crawford Environmental Services, Inc., 20 Cardinal Drive, Birdsboro, PA 19508 on behalf of Carol Bachman, 4720 Shearwater Lane, Naples, FL 34119 submitted a Final Report concerning the remediation of site soil contaminated with heating oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on December 19, 2019.

**260 South Broad Street**, 260 South Broad Street, City of Philadelphia, **Philadelphia County**. Stephen D. Brower, PG, Environmental Standards Inc., 140 Valley Forge Road, P.O. Box 810, Valley Forge, PA 19482-0810 on behalf of Sarina Rose, Post 260 Property Owner, LLC, P.O. Box 4413, Philadelphia, PA 19482 submitted a Final Report concerning the remediation of site soil and groundwater contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on December 19, 2019.

**Roberto Clemente Middle School**, 3921-3961 North 5th Street, City of Philadelphia, **Philadelphia County**. Natalie Griffith, REPSG, P.O. Box 5377, 6901 Kingsessing Avenue, Suite 201, Philadelphia, PA 19140 on behalf of Walter Toliver, Esperanza, 4261 North 5th Street, Philadelphia, PA 19140 submitted a Final Report concerning the remediation of site soil contaminated with inorganics. The Final Report demonstrated attainment of the site-specific standard and was approved by the Department on December 19, 2019.

**Sun Pipeline Lima Release Site**, Route 452 and Route 1, Middletown Township, **Delaware County**. Stephanie Grillo, Groundwater & Environmental Service, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341 on behalf of Bradford L. Fish, PG, Sunoco Pipeline, LP, 100 Green Street, Marcus Hook, PA 19061 submitted a Final Report concerning the remediation of site soil and groundwater contaminated with unleaded gasoline. The Final Report demonstrated attainment of the site-specific standard and was approved by the Department on November 6, 2019.

**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 Fredrickson, Safeway, Inc., 250 Parkcenter Boulevard, Boise, ID 83726 submitted a Remedial Investigation Report concerning the remediation of site groundwater contaminated with organics. The Report was reviewed by the Department which issued a technical deficiency letter on December 12, 2019.

**Abington YMCA**, 1073 Old York Road, Abington Township, **Montgomery County**. Richard S. Werner, Environmental Consulting, Inc., 2002 Renaissance Boulevard, Suite 110, King of Prussia, PA 19406 on behalf of Gregory F. Gamble, Jr., Abington Terrace, LLC, 200 Dryden Road, Suite 2000, Dresher, PA 19025 submitted a Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on December 4, 2019.

**Norristown Chrysler Dodge Jeep Ram**, 1416 West Main Street, Norristown Borough, **Montgomery**



**County.** Geoff Kristof, Aquaterra Technologies, Inc., P.O. Box 744, West Chester, PA 19381 on behalf of Joe Orff, JLO, LP, 140 Gatehead Way, Phoenixville, PA 19460 submitted a Final Report concerning the remediation of site soil contaminated with home heating oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on December 4, 2019.

**2801 Fox Street,** 2801 Fox Street, City of Philadelphia, **Philadelphia County.** Craig Herr, PG, RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406 on behalf of Jessica Starkey, CS Hunting Fox General, LLC, Hunting Fox Associates, V, LP, and 2801 Fox Street Associates, 910 Harvest Drive, Suite 105, Blue Bell, PA 19422 submitted a Final Report concerning the remediation of site soil contaminated with lead and arsenic. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on September 4, 2019.

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

**Larimer/East Liberty Phase II Development,** site located at the Intersection of Larimer Ave. & Broad St., City of Pittsburgh, **Allegheny County.** KU Resources on behalf of Larimer/East Liberty Phase II LP submitted a Final Report on August 26, 2019 for a Site-Specific Standard under the land Recycling Program concerning the remediation of site soil and groundwater contaminated with volatile and semi-volatile organic compounds and metals. The Final Report demonstrated attainment of the Site-Specific Standard and was approved by the Department on November 20, 2019.

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

**Marathon New Castle Site (MPC No. 3670),** 718 East Washington Street, City of New Castle, **Lawrence County.** Arcadis U.S., Inc., 6041 Wallace Road Extension, Suite 300, Wexford, PA 15090, on behalf of Marathon Petroleum Company, LP, 539 South Main Street, Findlay, OH 45840, submitted a Final Report concerning the remediation of site soil contaminated with 1,2,4-Trimethylbenzene, 1,2-Dichloroethane, 1,3,5-Trimethylbenzene, 1-Methylnaphthalene, 2-Methylnaphthalene, Acenaphthene, Acenaphthylene, Anthracene, Benzene, Benzo[a]anthracene, Benzo[a]pyrene, Benzo[b]fluoranthene, Benzo[g,h,i]perylene, Benzo[k]fluoranthene, Chrysene, Dibenz[a,h]anthracene, Ethylbenzene, Fluoranthene, Fluorene, Indeno[1,2,3-cd]pyrene, Isopropyl benzene (Cumene), Lead, Methyl tertiary-butyl ether, Naphthalene, Phenanthrene, Pyrene, Toluene, Xylenes (Total) and site groundwater contaminated with 1,2,4-Trimethylbenzene, 1,2-Dibromoethane, 1,2-Dichloroethane, 1,3,5-Trimethylbenzene, 1-Methylnaphthalene, 2-Methylnaphthalene, Acenaphthene, Acenaphthylene, Benzene, Isopropyl benzene (Cumene), Ethylbenzene, Fluoranthene, Fluorene, Lead, Methyl tertiary-butyl ether, Naphthalene, Phenanthrene, Toluene, Xylenes (Total). The Final Report demonstrated attainment of the Site-Specific Standard and was approved by the Department on December 20, 2019.

**Andrew Ohm Property,** 12102 Lois Lane, North Shenango Township, **Crawford County.** Environmental Remediation & Recovery, Inc., 4250 Route 6N, Edinboro,

PA 16412, on behalf of State Farm Insurance, P.O. Box 106110, Atlanta, GA 30348, submitted a Final Report concerning the remediation of site soil contaminated with Benzene, Ethylbenzene, Cumene, MTBE, Naphthalene, Toluene, 1,2,4-Trimethylbenzene, and 1,3,5-Trimethylbenzene. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on December 20, 2019.

#### HAZARDOUS WASTE TRANSPORTER LICENSE

**Actions on applications for Hazardous Waste Transporter License received under the Solid Waste Management Act of July 7, 1980 (P.L. 380, No. 97) (35 P.S. §§ 6018.101–6018.1003) and regulations to transport hazardous waste.**

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P.O. Box 69170, Harrisburg, PA 17106-9170.*

#### Renewal Applications Received

**Berner Trucking, Inc.,** P.O. Box 660, Dover, OH 44622. License No. PA-AH 0382. Effective January 2, 2020.

**WM Curbside, LLC,** 301 Stanhope Street, Pittsburgh, PA 15204. License No. PA-AH 0793. Effective December 30, 2019.

**Manage Direct Systems Environmental, LLC,** P.O. Box 471, Douglassville, PA 19518. License No. PA-AH 0810. Effective January 2, 2020.

**Graf Brothers Leasing, Inc.,** 166 Lafayette Road, Salisbury, MA 01952. License No. PA-AH 0836. Effective January 2, 2020.

**G2G Logistics, Corp.,** 23603 W. Ferhurst Dr., Katy, TX 77494. License No. PA-AH 0862. Effective January 6, 2020.

#### Transporter Licenses Reissued

**Berner Trucking, Inc.,** P.O. Box 660, Dover, OH 44622. License No. PA-AH 0382. Effective January 2, 2020.

**WM Curbside, LLC,** 301 Stanhope Street, Pittsburgh, PA 15204. License No. PA-AH 0793. Effective December 30, 2019.

**Manage Direct Systems Environmental, LLC,** P.O. Box 471, Douglassville, PA 19518. License No. PA-AH 0810. Effective January 2, 2020.

**Graf Brothers Leasing, Inc.,** 166 Lafayette Road, Salisbury, MA 01952. License No. PA-AH 0836. Effective January 2, 2020.

**G2G Logistics, Corp.,** 23603 W. Ferhurst Dr., Katy, TX 77494. License No. PA-AH 0862. Effective January 6, 2020.

#### REGULATED MEDICAL AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSES

**Actions on applications for Regulated Medical and Chemotherapeutic Waste Transporter License received under the Solid Waste Management Act of July 7, 1980 (P.L. 380, No. 97) (35 P.S. §§ 6018.101–6018.1003) and Act 93 of June 28, 1988 (P.L. 525, No. 93) and regulations to transport regulated medical and chemotherapeutic waste.**

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P.O. Box 69170, Harrisburg, PA 17106-9170.*

*Renewal Applications Received*

**JPS Equipment Co.**, P.O. Box 788, Edgemont, PA 19028. License No. PA-HC 0142. Effective January 3, 2020.

*Transporter License Reissued*

**JPS Equipment Co.**, P.O. Box 788, Edgemont, PA 19028. License No. PA-HC 0142. Effective January 3, 2020.

### REGISTRATION FOR RESIDUAL WASTE GENERAL PERMITS

**Registration(s) Received Under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act; and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.**

*Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Telephone 412-442-4000.*

**General Permit Application No. WMGR123SW038. EQT Production Company**, 2400 Ansys Drive, Suite 200, Canonsburg, PA 15317. A request for registration for coverage under General Permit WMGR123 to construct and operate the Christen Aboveground Storage Tank Facility for storage and reuse of oil and gas liquid waste at a facility located in Morgan Township, **Greene County**. The registration was received in the Regional Office on December 2, 2019 accepted as administratively complete on January 7, 2020.

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

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

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

**Permit No. 100346, FR & S, Inc.**, 727 Red Lane Road, Birdsboro, PA 19508, Exeter Township, **Berks County**.

A major permit modification was issued on December 31, 2019, approving the Western Borrow Area at Pioneer Crossing Landfill (FR&S, Inc.) for soil borrowing activities.

Persons interested in reviewing this permit may contact John Oren, Permits Chief, Southcentral Regional Office, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4706. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

### 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.*

**GP3-23-00027: The H&K Group, Inc.** (P.O. Box 196, 2052 Lucon Road, Skippack, PA 19474) on January 6, 2020, for operation of a portable mineral processing plant in Aston Township, **Delaware County**.

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

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

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

*Contact: Roger Fey, Chief—Telephone: 215-823-7584.*

**GP3-08-354D: Robert Johnson Flagstone, Inc.** (3658 Old Stage Coach Road, Wyalusing, PA 18853) on December 19, 2019, authorize the construction and operation of a portable nonmetallic mineral processing plant which includes one (1) 275 ton per hour rated McCloskey model S190 Vibratory Screener, one (1) 300 ton per hour rated McCloskey model R230 screener, one (1) 400 ton per hour rated McCloskey model C44 crusher, one (1) 350 ton per hour rated McCloskey model J50 crusher, one (1) 320 ton per hour rated Sandvik model QE340 vibratory screen and two (2) 400 ton per hour conveyor stackers pursuant to the General Plan Approval and/or General Operating Permit for Portable Nonmetallic Mineral Processing Plants (BAQ-GPA/GP-3) at the Sandt Quarry located in Herrick Township, **Bradford County**.

**GP9-08-354D: Robert Johnson Flagstone, Inc.** (3658 Old Stage Coach Road, Wyalusing, PA 18853) on December 19, 2019, authorize the construction and operation of one (1) Caterpillar model C-9 diesel-fired engine rated at 275 brake horsepower, one (1) Caterpillar model C13 diesel-fired engine rated at 440 brake horsepower, one (1) Caterpillar model C4.4 JKT03401 diesel-fired engine rated at 131 brake horsepower, one (1) Caterpillar model C6.6 diesel-fired engine rated at 230 brake horsepower, one (1) Deutz model TCD2012L04 2V diesel-fired engine rated at 100 brake horsepower and one (1) Cummins model B3.3 diesel-fired engine rated at 85 brake horsepower pursuant to the General Plan Approval and/or General Operating Permit for Diesel or No. 2 Fuel-fired Internal Combustion Engines (BAQ-GPA/GP9) at the Sandt Quarry located in Herrick Township, **Bradford County**.

**Plan Approvals Issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.**

*Northeast Regional Office: 2 Public Square, Wilkes-Barre, PA 18701.*

**64-00020A: Federal Bureau of Prisons—USP Canaan** (P.O. Box 400, Waymart, PA 18472) on January 2, 2020 for the operation of three emergency generators at their facility located in Canaan Twp., **Wayne County**.

**59-00017G: Waupaca Foundry, Inc.** (18986 Route 287, Tioga, PA 16946) on December 20, 2019, to install and operate two replacement fabric collectors at the Lawrenceville Plant in Lawrence Township, **Tioga County**. Each collector is a C&W Manufacturing model



BP7900-NR-SP and will be installed for the control of particulate matter emissions from the facility's two molten steel parts production lines. If the Department determines that the fabric collectors are installed and operated in compliance with the plan approval conditions and the specifications of the application for Plan Approval 59-00017G, the terms and conditions of the plan approval will subsequently be incorporated via administrative amendment into State Only (Synthetic Minor) Operating Permit 59-00017 in accordance with 25 Pa. Code § 127.450.

*Southeast Regional Office: 2 East Main Street, Norristown, PA 19401.*

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

*Contact: Roger Fey, Chief—Telephone: 215-823-7584 or Edward Wiener, Chief, Source Registration at 215-685-9426.*

The City of Philadelphia, Air Management Services (AMS) issued on December 31, 2019 a Plan Approval for installation of air pollution sources at the following facility:

**IP19-000412: Holy Family University** (9801 Holy Family University, Philadelphia, PA 19114) on December 30, 2019, for the operation of equipment at a university in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include two (2) dual-fired boilers rated 3.75 MMBtu/hr burning natural gas and 26 gph burning No. 2 oil, one (1) dual-fired boiler rated 2.7 MMBtu/hr burning natural gas and 18.8 gph burning No. 2 oil, one (1) 0.99 MMBtu/hr natural gas-fired boiler, three (3) 0.8 MMBtu/hr natural gas-fired boilers, two (2) 0.75 MMBtu/hr natural gas-fired boilers, one (1) 0.399 MMBtu/hr natural gas-fired boiler, three (3) 0.5 MMBtu/hr natural gas-fired hot water heaters, one (1) 0.399 MMBtu/hr natural gas-fired hot water heater, one (1) 0.493 MMBtu/hr natural gas-fired air handling unit, three (3) 0.4 MMBtu/hr natural gas-fired air handling units, one (1) 350 kW diesel-fired emergency generator, one (1) 205 kW diesel-fired emergency generator, and one (1) 127 kW diesel-fired emergency generator. The plan approval contains operating, monitoring, and recordkeeping requirements to ensure operation within all applicable requirements.

**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.**

*Northcentral Regional Office: 208 West Main Third Street, Suite 101, Williamsport, PA 17701-6448.*

**08-00010M: Global Tungsten & Powders Corp.** (1 Hawes Street, Towanda, PA 18848) on December 16, 2019, to extend the authorization to operate the sources pursuant to the plan approval for an additional 180 days from January 13, 2020 to July 11, 2020, at their facility located in Towanda Borough, **Bradford County**. The plan approval has been extended.

**47-00014D: United States Gypsum Company** (86 PPL Road, Danville, PA 17821) was issued an extension of the plan approval authorization for an additional 180 days from December 21, 2019 to June 18, 2020, to allow for the evaluation of the board kiln dryer (Source ID P114) for compliance with the applicable regulatory requirements and continued operation pending issuance of

an operating permit. The source is located at their facility in Derry Township, **Montour County**. The plan approval has been extended.

**49-00064A: Milton Sewer Regional Authority** (5585 State Route 405, P.O. Box 433, Milton, PA 17847) on January 2, 2020, to extend the authorization to operate the sources pursuant to the plan approval for an additional 180 days from January 24, 2020, to July 21, 2020, at their facility located in West Chilisquaque Township, **Northumberland County**. The plan approval has been extended.

**08-00016B: Dalrymple Gravel & Contracting Co., Inc.** (2105 South Broadway, Pine City, NY 14871) on January 2, 2020, to extend the authorization to temporarily operate the sources pursuant to the plan approval for an additional 180 days from January 26, 2020, to July 23, 2020, at their facility located in Athens Township, **Bradford County**. The plan approval has been extended.

**08-00016C: Dalrymple Gravel & Contracting Co., Inc.** (2105 South Broadway, Pine City, NY 14871) on January 2, 2020, to extend the authorization to temporarily operate the sources pursuant to the plan approval for an additional 180 days from January 26, 2020, to July 23, 2020, at their facility located in Athens Township, **Bradford County**. The plan approval has been extended.

**41-00089A: James C. Maneval Funeral Home, Ltd.** (1000 Hill Alley, Jersey Shore, PA 17740) on January 2, 2020, to extend the authorization to temporarily operate the source pursuant to the plan approval for an additional 180 days from February 13, 2020, to August 10, at their Tributes of Life human crematory facility located in the Borough of Jersey Shore, **Lycoming County**. The plan approval has been extended.

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

*Contact: David Balog, New Source Review Chief—Telephone: 814-332-6940.*

**24-009H: Domtar Paper Company Johnsonburg Mill** (100 West Center Street, Johnsonburg, PA 15845) on December 27, 2019, effective December 31, 2019, has issued a plan approval extension for inspection of the Boilers 81 and 82 at their facility in Johnsonburg Borough, **Elk County**. This is a Title V facility. This will expire on March 31, 2020.

**37-331B: RWE Holding West Pittsburg Plant** (535 Rundle Road, New Castle, PA 16101) on December 30, 2019, effective December 31, 2019, has issued a plan approval extension for more time to implement steps that will improve the baghouse operations in Taylor Township, **Lawrence County**. This is a State Only facility. This will expire on June 30, 2020.

**42-011C: International Waxes—Farmers Valley Plant** (45 Route 446, Smethport, PA 16749) on December 30, 2019, effective December 31, 2019, has issued a plan approval extension for the continuation of boiler retrofits to natural gas firing in Keating Township, **McKean County**. This is a Title V facility. This will expire on June 30, 2020.

**62-032N: Ellwood National Forge** (1 Front Street, Irvine, PA 16329) on December 30, 2019, effective December 31, 2019, has issued a plan approval extension for ongoing construction of Furnace 388 in Brokenstraw Township, **Warren County**. This is a Title V facility. This will expire on June 30, 2020.

**62-141H: National Fuel Gas Supply Corporation, Roystone Compressor Station** (1878 Route 6, Shef-

field, PA 16347) on December 30, 2019, effective December 31, 2019, has issued a plan approval extension for additional time to allow for the shakedown of the thermal oxidizer in Sheffield Township, **Warren County**. This is a Title V facility. This will expire on June 30, 2020.

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**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.**

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*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*

**67-03170: Countryside Cremation Service, LLC** (205 North Main Street, Spring Grove, PA 17362) on December 24, 2019, for the human crematory unit at the facility located in Spring Grove Borough, **York County**. The State-only permit was renewed.

**67-03126: Yorkshire Animal Hospital** (3434 East Market Street, York, PA 17402-2621) on December 24, 2019, for the animal cremation unit at the facility located in Springettsbury Township, **York County**. The State-only permit was renewed.

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

*Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6940.*

**10-00230: Lindy Paving, Inc.'s Zelenople Plant** (158 Lindsay Rd, Zelenople, PA 16063), on January 2, 2020, the Department issued the renewal of the State-Only Operating Permit of a hot mix asphalt (HMA) plant located in Jackson Township, **Butler County**. Permitted air contamination sources are a counter-flow drum mix asphalt plant, three asphalt cement storage tanks, four asphalt product storage silos, storage bins, material handling, material piles, and roadways. The current HMA plant was initially authorized through GP-13 issued in 2014. In this renewal, the current HMA plant is incorporated into the operating permit along with the GP-13 requirements, replacing the previously permitted HMA plant and all its plan approval-based requirements. The source test submittal procedure of GP-13 is revised in accordance with Source Testing Section's latest instructions. Under the authority of GP-13 Condition # 5, the facility elected to be subject to emission restrictions to limit its emissions below major source thresholds. Facility-wide restrictions of 99 TPY CO, 99 TPY NO<sub>x</sub>, 99 TPY PM<sub>10</sub>, and 49 TPY VOC apply to the facility to maintain its Synthetic Minor status.

**24-00187: AgriPower Manufacturing and Services, Inc.** (230 State Street, St. Marys, PA 15857-1628). The Department of Environmental Protection on December 31, 2019, issued a State Only Operating Permit for a 9.35 MMBtu/hr biomass boiler at their physical research facility located in Saint Marys City, **Elk County**. The biomass boiler generates PM, SO<sub>x</sub>, NO<sub>x</sub>, CO, and VOC emissions. Filterable PM emissions are reduced by cyclonic capture. The facility is a natural minor facility. Potential emissions of PM, PM<sub>10</sub>, SO<sub>x</sub>, NO<sub>x</sub>, CO, CO, and VOC are 9.9 TPY, 9.0 TPY, 1.0 TPY, 12.2 TPY, 24.6 TPY, and 0.7 TPY, respectively. The permit contains emission restrictions, an operational restriction of 1,000 hours in any 12-month consecutive month period, recordkeeping,

reporting, and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

**33-00151: Oak Heritage, Inc.** (124 Industrial Park Dr, Brockway, PA 15824-1242). On January 2, 2020, the Department issued the renewal State Only Natural Minor Operating Permit for the custom, hand-crafted furniture manufacturing facility located in Brockway Borough, **Jefferson County**. The primary sources at the facility are the surface coating operations (spray booths and dip tanks). The potential emissions of the primary pollutants from the facility are as follows: 0.77 TPY (tons per year) NO<sub>x</sub>, 6.97 TPY CO, 20.11 TPY VOC, 4.64 TPY filterable PM<sub>10</sub> and PM<sub>2.5</sub>, and 0.04 TPY SO<sub>x</sub>; thus, the facility is a natural minor. The surface coating operations are subject to 25 Pa. Code § 129.52 for surface coating processes. The renewal permit contains emission restrictions, recordkeeping, work practices, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

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**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

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*Northcentral Regional Office: 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.*

**14-00037: Spectrum Control, Inc.** (1900 West College Avenue, State College, PA 16801) issued a revised operating permit, on December 23, 2019, for their facility located in Ferguson Township, **Centre County**. This revision is to update the name of the responsible official in accordance with the provision of 25 Pa. Code § 127.450. The name of the responsible official has been updated from Mr. Robert Taveres to Mr. Terrence Hahn. The State Only operating permit contains monitoring, recordkeeping and reporting conditions to ensure compliance with applicable regulatory requirements.

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**De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.**

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

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

**67-03162: Church & Dwight Co., Inc.** (5197 Commerce Drive, York, PA 17408). Pursuant to 25 Pa. Code § 127.449(i), this *Pennsylvania Bulletin* Notice is for de minimis emission increases of 0.13 tpy and 0.02 tpy of VOC resulting from the construction of a new packaging line and a raw material storage tank, respectively. The sources will be added to the existing Liquid Laundry Detergent (LLD) production line at the facility located in Jackson Township, **York County**. This is the first de minimis emissions increase at the facility during the term of the current operating permit.

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

*Contact: Edward Orris, New Source Review Chief—Telephone: 412-442-4174.*

**TV-26-00535: Dynegy Fayette, II LLC** (100 Energy Drive, Masontown, PA 15461). Per 25 Pa. Code § 127.449(i), this notice is for the following de minimis



emission increase at the Dynegy Fayette, II LLC located in German Township, **Fayette County**: increase in maximum output of two (2) combustion turbines from 207 MW to 214 MW during ambient temperatures below 0°F. The list of de minimis increases for this facility includes only this project and include the following combined increases of both combustion turbines: 0.01 ton per year (tpy) of carbon monoxide, 0.06 tpy of NO<sub>x</sub>, less than 0.01 tpy of oxides of sulfur, 0.02 tpy of PM<sub>10</sub>, and less than 0.01 tpy of VOCs.

## 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

*California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100, (Contact: Bonnie Herbert).*

**02141301 (formerly 02891701) and NPDES Permit No. PA0215571. Consol Mining Company LLC, CNX Center, 1000 Consol Energy Drive, Canonsburg, PA 15317, to renew the permit and related NPDES Permit for the Harmar Mine located in Harmar and Indiana Townships and Fox Chapel Borough, **Allegheny County**. No additional discharges. The application was considered administratively complete on October 9, 2015. Application received: March 31, 2015. Permit issued: December 24, 2019.**

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900, (Contact: Holly Calvetti).*

**Permit 05130101 and NPDES No. PA0279307. Robindale Energy Services, Inc., 224 Grange Hall Road, P.O. Box 228, Armagh, PA 15920, permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Broad Top Township, **Bedford County**, affecting 271.4 acres. Receiving streams: unnamed tributaries to/and Longs Run, Shreves Run and Six Mile Run classified for the following use: warm water fishes. The first downstream potable water supply intake from the point of discharge is Saxton Municipal Authority. Application received: September 27, 2019. Permit Issued: December 24, 2019.**

**Permit 32820134 and NPDES No. PA0606154, MB Energy, Inc., 175 McKnight Road, Blairsville, PA 15717, permit renewal for the continued operation and restoration of a bituminous surface mine in Grants, Banks, Canoe, & Montgomery Townships, **Indiana County**, af-**

fecting 39.5 acres. Receiving streams: unnamed tributaries to/and Little Mahoning Creek, unnamed tributary to Cush Creek, classified for the following use: high quality—cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: July 11, 2019. Permit Issued: December 24, 2019.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200, (Contact: Janet Turner).*

**17930103. Junior Coal Contracting, Inc., 2330 Six Mile Road, Philipsburg, PA 16866, permit revision to add auger mining and approve variance to approximate original contour backfilling located in Girard Township, **Clearfield County** affecting 309.9 acres. Receiving stream(s): Unnamed Tributaries to Beaver Run and Beaver Run classified for the following use(s): CWF, MF. There are no potable water supply intakes within 10 miles downstream. Application received: April 2, 2018. Permit issued: December 20, 2019.**

**17020112 and NPDES PA0243337. Junior Coal Contracting, Inc., 2330 Six Mile Road, Philipsburg, PA 16866, permit renewal for continued operation and restoration of a bituminous surface coal and auger mine located in Decatur Township, **Clearfield County** affecting 228.0 acres. Receiving stream(s): Big Run, Shimel Run, and Unnamed Tributary to Moshannon Creek classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: December 18, 2018. Permit issued: December 20, 2019.**

**4473SM10 and NPDES PA0119440. Penn Coal Land, Inc., P.O. Box 68, Boswell, PA 15531, permit renewal for continued chemical treatment system, update bonding, and approved pH variance up to 10.5 units for outfalls of a bituminous surface coal mine located in Decatur Township, **Clearfield County** affecting 32.1 acres. Receiving stream(s): Unnamed Tributary to Little Laurel Run and Unnamed Tributary to Coal Run classified for the following use(s): CWF, MF. There are no potable water supply intakes within 10 miles downstream. Application received: June 5, 2019. Permit issued: December 31, 2019.**

*New Stanton District Office: P.O. Box 133, 131 Broadview Road, New Stanton, PA 15672, 724-925-5500. (Contact: Tracy Norbert).*

**03070103 and NPDES Permit No. PA0251160. Rosebud Mining Company, 301 Market St., Kittanning, PA 16201, permit revision to change post-mining land use from forestland to pastureland/land occasionally cut for hay located in Redbank Township, **Armstrong County**, affecting 127.9 acres. Receiving streams: unnamed tributaries to Pine Run and unnamed tributaries to Nye Branch. Application received: October 30, 2019, Permit Issued: January 2, 2020.**

**63110101 and NPDES Permit No. PA0252069. Neiswonger Construction, Inc., 17592 Route 322, Strattanville, PA 16258. Permit renewal for continued mining located Deemston Borough, **Washington County**, affecting 24.4 acres. Receiving stream(s): unnamed tributaries to Ten Mile Creek and Ten Mile Creek. Application received: January 14, 2019. Permit Issued: January 3, 2020.**

**26-17-01 and NPDES Permit No. PA0178271. Amerikohl Mining, Inc., 1384 State Route 711, Stahlstown, PA 15687. Government Financed Construction Contract extension issued for existing Government Financed Construction Contract for reclamation of ap-**

proximately 14.8 acres of abandoned mine lands located in Saltlick Township, **Fayette County**. Contract extended from January 9, 2020 to September 9, 2020. Receiving stream(s): unnamed tributaries to Little Champion Creek and Little Champion Creek. Application received: December 5, 2019. Contract Extension Issued: January 3, 2020.

*Noncoal Permits Issued*

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

**20010801. Jeffrey C. Benlisa** (13011 Shadeland Road, Springboro, PA 16435). Final bond release for a small noncoal mining operation in Cussewago Township, **Crawford County**. Restoration of 1.0 acre completed. Receiving streams: Tributary to French Creek. Application Received: November 11, 2019. Final bond release approved: December 16, 2019.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200, (Contact: Janet Turner).*

**4977SM4. Daggett Sand & Gravel, Inc.**, 8056 Route 549, Millerton, PA 16936, permit revision for change in land use from recreational woodland to commercial and unmanaged natural habitat also update bond on a large noncoal surface mine in Jackson Township, **Tioga County** affecting 12.6 acres. Receiving stream: Seely Creek classified for the following use(s): CWF and MF. There are no potable water supply intakes within 10 miles downstream. Application received: February 21, 2019. Permit issued: December 24, 2019.

**ACTIONS ON BLASTING ACTIVITY APPLICATIONS**

**Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

*Blasting Permits Issued*

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118, (Contact: Theresa Reilly-Flannery).*

**Permit No. 22194111. M & J Explosives, LLC** (P.O. Box 1248, Carlisle, PA 17013), construction blasting for Union Green in Susquehanna Township, **Dauphin County** with an expiration date of December 12, 2020. Permit issued: December 24, 2019.

**Permit No. 09184108. Rock Work, Inc.** (1257 DeKalb Pike, Blue Bell, PA 19422), construction blasting for Emerson Farms in Warrington Township, **Bucks County** with an expiration date of January 1, 2021. Permit issued: December 26, 2019.

**Permit No. 09194109. J Roy's, Inc.** (P.O. Box 125, Bowmansville, PA 17507), construction blasting for Wawa Fuel Tanks Blooming Glen in Bedminster Township, **Bucks County** with an expiration date of December 9, 2020. Permit issued: December 26, 2019.

**Permit No. 46194122. Ed Wean Drilling & Blasting, Inc.** (112 Ravine Road, Stewardsville, NJ 08886), construction blasting for SEI Investments Building 12 Phase 1 in Upper Providence Township, **Montgomery County** with an expiration date of December 23, 2020. Permit issued: December 30, 2019.

**Permit No. 13194103. Silver Valley Consulting** (102 Lamp Post Lane, Stroudsburg, PA 18360), construction blasting for Frable Project in Towamensing Township, **Carbon County** with an expiration date of December 31, 2020. Permit issued: January 3, 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 (35 §§ 691.1—691.702) and Notice of Final Action for Certification under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341).**

*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.*

**E3502219-002. Buckeye Partners, L.P.**, Five TEK Park, 9999 Hamilton Boulevard, Breinigsville, PA 18031.



Moosic Borough, **Lackawanna County**, Army Corps of Engineers Philadelphia District.

To stabilize and maintain a 40-foot reach of Covey Swamp Creek (CWF, MF) for the purpose of protecting an existing exposed 8-inch diameter petroleum pipeline. The watercourse will be stabilized with a boulder grade control structure and rip rap choked with streambed material up to a depth of approximately 1.5-feet. The pipeline will be protected with sand bags, articulating concrete revetment mats and rip rap choked with streambed material. The project is located approximately 0.16 mile northeast of the Interstate-476 and Rocky Glen Road intersection (Avoca, PA Quadrangle Latitude: 41° 21' 2"; Longitude: -75° 42' 30") in Moosic Borough, Lackawanna County.

**E4002219-006. Aqua Pennsylvania Inc.**, 1 Aqua Way, White Haven, PA 18661. Penn Lake Park Borough, **Luzerne County**, Army Corps of Engineers Baltimore District.

To construct and maintain a 6-inch DIP water line crossing of a UNT to Wright Creek (HQ-CWF, MF) and approximately 234 linear feet of adjacent PFO wetland (EV). The project is located approximately 0.1 mile east of the Terrance Road and Lakeview Drive intersection at the base of the Penn Lake dam (White Haven, PA Quadrangle Latitude: 41° 06' 39"; Longitude: -75° 46' 11") in Penn Lake Park Borough, Luzerne County.

*Southwest Region: Dana Drake, Waterways and Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**E03-474, PPG Industries, Inc.**, 449 College Park Drive, Monroeville, PA 15146, North Buffalo Township and Cadogan Township; **Armstrong County**, Pittsburgh ACOE District.

Has been given consent to:

Construct and maintain riprap bank stabilization along approximately 350' of a UNT of Glade Run (CWF, Watercourse S2).

Construct and maintain a 4-inch HDPE pipe outfall structure, along approximately 1' of the Allegheny River (WWF, Watercourse S14), the associated pipeline will also permanently impact a total of 28.5 LF of 2 UNTs to the Allegheny River (WWF, Watercourses S12 and S13).

Temporarily impact approximately 100 LF UNT of Glade Run (CWF, S1) and 1,884 square feet of wetland (W12 and W13) in association with repairing an existing 16-inch steel pipe culvert:

Permanently impact approximately 1,646 square feet of Wetland W7A, to construct and maintain improvements and upgrades to an existing access road.

Construct and maintain a temporary timber mat crossing, which will temporarily impact approximately 358 square feet of Wetland W11.

Construct and maintain a seep collection system that will permanently impact approximately 1,247 square feet of wetlands (W5, W6) and a total of 20.2 LF of 3 UNTs to Glade Run (CWF, S10, W21, W22).

Construct and maintain an interceptor trench to collect groundwater seeps that will permanently impact approximately 21,103 square feet of wetland (W13 and W14) and temporarily impact 2,433 square feet of wetland (W14).

The project will also permanently impact 255 square feet of floodway, temporarily impact 2.67 acres of floodway; and will temporarily impact 547.4' of water-

course (S10, S12, S13, S14, S15, W21, W22) in association with constructing, and maintaining an environmental remediation project, which will include the construction of a collection trench, conveyance and treatment system, to manage ground water seeps and site water from covered, former, waste slurry lagoons. Approximately 1.6 acre of replacement PFO/PSS wetland will be constructed, on-site, to mitigate for the aforementioned wetland impacts. The construction of this replacement wetland will impact 191 square feet of existing wetland (W16). The project site is located near the confluence of Glade Run and the Allegheny River, south of SR-128 (Kittanning, PA USGS topographic quadrangle; N: 40°, 45', 21.18"; W: -79°, 33', 40.01"; USACE Pittsburgh District), in Cadogan and North Buffalo Townships, Armstrong County.

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

**E25-287, Corry Peat Products**, 515 Turnpike Road, Corry, PA 16407. Corry Peat Permit Extension, in Wayne Township and City of Corry, **Erie County**, ACOE Pittsburgh District (Corry, PA Quadrangle N: 41.940015°; W: 79.659346°).

Applicant requested a five-year extension of existing permit E25-287, to extract peat at the Corry Peat property along Turnpike Rd, approximately 0.3 mile NW of the intersection with SR006/West Columbus Avenue. The original permit was issued on July 24, 1986 and was extended on January 2, 1990, January 21, 1992, January 24, 1995, July 13, 1999, October 4, 2004, January 4, 2010, and December 18, 2014. No changes to the area of extraction or permit conditions are proposed.

*Eastern Region: Oil and Gas Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.*

**Permit No. E5829-147, Repsol Oil and Gas USA**, 337 Daniel Zenker Drive, Horseheads, NY 14845, Natural Gas Pipeline. Rush Township, **Susquehanna County**; ACOE Baltimore District.

To construct, operate, and maintain:

1) a 12- inch natural gas pipeline, an 8-inch water pipeline, and a temporary timber mat crossing impacting 18,637 square feet (0.43 acre) of a palustrine emergent (PEM) wetland (Lawton, PA Quadrangle; Latitude: 41° 48' 48", Longitude: -76° 06' 48"),

2) a 12- inch natural gas pipeline, an 8-inch water pipeline, and a temporary timber mat crossing impacting 5,287 square feet (0.12 acre) of a palustrine emergent (PEM) wetland (Lawton, PA Quadrangle; Latitude: 41° 48' 32", Longitude: -76° 06' 50"),

3) a 12-inch natural gas pipeline, an 8-inch water pipeline, and a temporary timber mat crossing impacting 355 square feet (0.01 acre) of a palustrine emergent (PEM) wetland (Lawton, PA Quadrangle; Latitude: 41° 48' 31", Longitude: -76° 06' 50"),

4) a 12-inch natural gas pipeline, an 8-inch water pipeline, and a temporary timber mat crossing impacting 6,202 square feet (0.14 acre) of a palustrine emergent (PEM) wetland (Lawton, PA Quadrangle; Latitude: 41° 48' 30", Longitude: -76° 06' 51"),

5) a 12-inch natural gas pipeline, an 8-inch water pipeline, and a temporary timber mat crossing impacting 13,015 square feet (0.30 acre) of a palustrine emergent (PEM) wetland (Lawton, PA Quadrangle; Latitude: 41° 48' 27", Longitude: -76° 06' 54"),

6) a 12-inch natural gas pipeline, an 8-inch water pipeline, and a temporary timber mat bridge crossing impacting 70 lineal feet of an unnamed tributary to North Branch Wyalusing Creek (CWF, MF) and its floodway (Lawton, PA Quadrangle; Latitude: 41° 48' 26", Longitude: -76° 06' 55"),

7) a 12-inch natural gas pipeline and an 8-inch water pipeline crossing impacting 1,388 square feet (0.03 acre) of a palustrine emergent (PEM) wetland (Lawton, PA Quadrangle; Latitude: 41° 48' 21", Longitude: -76° 07' 05"),

8) a 12-inch natural gas pipeline, an 8-inch water pipeline, and a temporary timber mat crossing impacting 3,035 square feet (0.07 acre) of a palustrine emergent (PEM) wetland (Lawton, PA Quadrangle; Latitude: 41° 48' 19", Longitude: -76° 07' 20"),

9) a 12-inch natural gas pipeline, an 8-inch water pipeline, and a temporary timber mat crossing impacting 1,937 square feet (0.04 acre) of a palustrine emergent (PEM) wetland (Lawton, PA Quadrangle; Latitude: 41° 48' 18", Longitude: -76° 07' 21"),

10) a 12-inch natural gas pipeline, an 8-inch water pipeline, and a temporary timber mat crossing impacting 314 square feet (0.01 acre) of a palustrine emergent (PEM) wetland (Lawton, PA Quadrangle; Latitude: 41° 48' 13", Longitude: -76° 07' 22"),

11) a 12-inch natural gas pipeline, an 8-inch water pipeline, and a temporary timber mat crossing impacting 8,988 square feet (0.21 acre) of a palustrine forested (PFO) wetland (Lawton, PA Quadrangle; Latitude: 41° 48' 12", Longitude: -76° 07' 21"),

12) a 12-inch natural gas pipeline, an 8-inch water pipeline, and a temporary timber mat bridge crossing impacting 50 lineal feet of an unnamed tributary to Wyalusing Creek (WWF, MF) and its floodway (Lawton, PA Quadrangle; Latitude: 41° 48' 11", Longitude: -76° 07' 21"),

13) a 12-inch natural gas pipeline, an 8-inch water pipeline, and a temporary timber mat crossing impacting 1,894 square feet (0.04 acre) of a palustrine emergent (PEM) wetland (Lawton, PA Quadrangle; Latitude: 41° 48' 11", Longitude: -76° 07' 21"),

14) a 12-inch natural gas pipeline, an 8-inch water pipeline, and a temporary timber mat crossing impacting 1,215 square feet (0.03 acre) of a palustrine emergent (PEM) wetland (Lawton, PA Quadrangle; Latitude: 41° 48' 04", Longitude: -76° 07' 26"),

15) a 12-inch natural gas pipeline, an 8-inch water pipeline, and a temporary timber mat crossing impacting 931 square feet (0.02 acre) of a palustrine emergent (PEM) wetland (Lawton, PA Quadrangle; Latitude: 41° 48' 03", Longitude: -76° 07' 26"),

16) a 12-inch natural gas pipeline, an 8-inch water pipeline, and a temporary timber mat bridge crossing impacting 70 lineal feet of an unnamed tributary to Wyalusing Creek (WWF, MF) and its floodway (Lawton, PA Quadrangle; Latitude: 41° 47' 59", Longitude: -76° 07' 29"),

17) a 12-inch natural gas pipeline, an 8-inch water pipeline, and a temporary timber mat bridge crossing impacting 70 lineal feet of an unnamed tributary to Wyalusing Creek (WWF, MF) and its floodway (Lawton, PA Quadrangle; Latitude: 41° 47' 59", Longitude: -76° 07' 29"),

18) a 12-inch natural gas pipeline, an 8-inch water pipeline, and a temporary timber mat crossing impacting 19,582 square feet (0.45 acre) of a palustrine emergent (PEM) wetland (Lawton, PA Quadrangle; Latitude: 41° 47' 58", Longitude: -76° 07' 31"),

19) a 12-inch natural gas pipeline, an 8-inch water pipeline, and a temporary timber mat bridge crossing impacting 90 lineal feet of an unnamed tributary to Wyalusing Creek (WWF, MF) and its floodway (Lawton, PA Quadrangle; Latitude: 41° 47' 57", Longitude: -76° 07' 33").

The Warner to Bennett Pipeline project consists of constructing approximately 1.39 mile of 12-inch steel natural gas pipeline and an 8-inch water line located in Rush Township, Susquehanna County. The project will result in 350 lineal feet of stream impacts, 73,791 square feet (1.69 acre) of temporary palustrine emergent (PEM) wetlands, and 9,720 square feet (0.22 acre) of permanent palustrine forested (PFO) wetlands to provide safe reliable conveyance of Marcellus Shale natural gas to market.

#### ENVIRONMENTAL ASSESSMENTS

*Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 2, 400 Market Street, Harrisburg, PA 17101, 717-787-3411.*

**E22-653. Hawthorne SPE, LLC**, 3605 Vartan Way, Suite 301, Harrisburg, PA 17110, Susquehanna Township, **Dauphin County**, USACOE Baltimore District.

Project proposes to construct a 12' x 4' arch culvert across Black Run (WWF) that will provide vehicular access to the Susquehanna Union Green land development project. The crossing will convey traffic between the proposed residential development south of Black Run and a combination of residential and commercial/retail development north of Black Run. The impacts of the proposed culvert include 267 square feet of permanent impacts to Black Run and 753 square feet of permanent impacts to the floodway of Black Run. The applicant also proposes to construct a timber pile supported pedestrian bridge across Black Run that will provide walking access between both north and south sides of the land development project. The pedestrian bridge will have 55 square feet of permanent impacts to Black Run and 216 square feet of permanent impacts on the floodway of Black Run. The project is located upstream of North Progress Avenue in Susquehanna Township, Dauphin County (USGS Quadrangle: Harrisburg East, PA; Latitude: 40° 19' 33"; Longitude: -76° 51' 19").

#### EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30-days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and

procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

*Southwest District: Oil & Gas Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222.*

ESCGP-3 # ESX12-125-0125 Major Modification  
Applicant Name Range Resources Appalachia, LLC  
Contact Person Karl Matz  
Address 3000 Town Center Blvd  
City, State, Zip Canonsburg, PA 15317  
County Washington  
Township(s) Buffalo Township  
Receiving Stream(s) and Classification(s) UNTs to Buffalo Creek (HQ-WWF), Buffalo Creek

ESCGP-3 # ESG073019017-00  
Applicant Name CNX Gas Company, LLC  
Contact Person Adam White  
Address 1000 Consol Energy Drive  
City, State, Zip Canonsburg, PA 15317  
County Greene County  
Township(s) Richhill Township  
Receiving Stream(s) and Classification(s) UNTs to Crabapple Creek (WWF); Crabapple Creek (WWF)  
Secondary Receiving Water—Dunkard Creek (WWF)

*Eastern Region: Oil and Gas Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.*

ESCGP-3 # ESG291219003-00  
Applicant Name Seneca Resources Co LLC  
Contact Person Cindy Jones  
Address 51 Zents Blvd  
City, State, Zip Brookville, PA 15825-2701  
County Cameron  
Township(s) Shippen Twp  
Receiving Stream(s) and Classification(s) UNT to Elk Fork (EV-MF), Eighteen Hollow (EV, MF), Brewer Fork (EV, MF)  
Secondary: Elk Fork (EV-MF), Left Branch Cooks Run (EV, MF), Elk Fork (EV, MF)

## CORRECTIVE ACTION UNDER ACT 32, 1989

### PREAMBLE 2

**The following plans and reports were submitted under the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104).**

Provisions of 25 Pa. Code Chapter 245 Subchapter D, Administration of the Storage Tank and Spill Prevention Program, require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A remedial action plan is submitted to summarize the site characterization, document the design and construction details for the remedial action, and describe how the remedial action will attain the selected remediation standard. The reme-

dial 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 40195**, 51-30651, 2300 Fairmount Ave. # 16, **City of Philadelphia**. Groundwater & Environmental Services, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341, 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 nonresidential Statewide Health Standards.

**Cumberland Gulf 160755 L**, 51-09165, 9699 Ashton Rd., **City of Philadelphia**. Arcadis U.S., Inc., 6041 Wallace Road Ext., Suite 300, Wexford, PA 15090, on behalf of Chevron Environmental Management Company, 4800 Fournace Place, Bellaire, TX 77401, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum products. The report is intended to document remediation of the site to meet site specific standards.

**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 is intended to document remediation of the site to meet residential Statewide Health Standards.

**Fire Site 134**, 51-20142, Kensington & Castor, **City of Philadelphia**. Oxford Engineering Company, 336 Point Street, Camden, NJ 08102, on behalf of City of Philadelphia—Office of Fleet Management, 100 South Broad St., 3rd Floor, Philadelphia, PA 19110 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum products.



The report is intended to document remediation of the site to meet site-specific standards.

**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 report is intended to document remediation of the site to meet residential Statewide Health Standards.

**Getty 67428**, 23-23957, 143-151 State Rd., Upper Darby Township, **Delaware County**. Antea USA, Inc., 535 Route 38, Suite 203, Cherry Hill, NJ 08002, on behalf of Getty Properties Corp., Two Jericho Plaza, Suite 110, Wing C, Jericho, NY 11753 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet residential site-specific standards.

**Lukoil 69200**, 46-41275, 1900 N. Broad St., Hatfield Township, **Montgomery County**. Penn's Trail Environmental, LLC, 21 East Lincoln Avenue, Suite 160, Hatfield, PA 19440, on behalf of Lukoil North America LLC, 302 Harper Drive, Suite 303, Moorestown, NJ 08057, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum products. The report is intended to document remediation of the site to meet residential Statewide health and site-specific standards.

**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 report is intended to document remediation of the site to meet residential Statewide Health Standards.

**Sunoco 0363 5430**, 09-30778, 610 York Rd., Warminster Township, **Bucks County**. RT Environmental Services Inc., 215 West Church Road, King of Prussia, PA 19046, on behalf of Finch Petro, 610 York Rd., Warminster, PA 18974 submitted a Site Characterization Report 310(b) concerning remediation of soil contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet residential Statewide Health Standards.

**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 is intended to document remediation of the site to meet residential Statewide Health Standards.

*Northeast Region: Environmental Cleanup & Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.*

**Fowler Oil Company Texaco G**, Storage Tank ID # 64-08951, 300 Willow Avenue, Honesdale Borough, **Wayne County**. B&B Diversified Enterprises, P.O. Box 70, Barto, PA 19504, on behalf of Fowler Oil Company, 831 Fair Avenue, Honesdale, PA 18431, submitted a Remedial Action Plan concerning remediation of soil and

groundwater contaminated with gasoline. The report is intended to document the remedial actions for meeting Statewide Health Standards.

**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 report is intended to document remediation of the site to meet Statewide Health Standards.

**Former Heston S. Swartley Transportation Company**, Storage Tank ID # 39-22155, 1521 South Fourth Street, Allentown City, **Lehigh County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Eddie and Dima Shetayh, 2151 Patoka Drive, Coplay, PA 18037, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum. The report is intended to document remediation of the site to meet Statewide Health Standards.

**North Memorial Highway Retail Associates**, Storage Tank ID # 40-18179, 155 North Memorial Highway, Kingston Township, **Luzerne County**, MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of North Memorial Highway Retail Associates LLC, 155 North Memorial Highway, Shavertown, PA 18708, submitted a combined Site Characterization Report and Remedial Action Plan concerning remediation of soil and 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.*

**Sunoco 0364 000**, Storage Tank Facility ID # 36-24119, 1204 Lititz Pike, Lancaster, PA 17601, Lancaster City, **Lancaster County**. EnviroTrac, Ltd., 176 Thorn Hill Road, Warrendale, PA 16365 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 petroleum constituents. The plan is intended to document remediation of the site to meet the Site-Specific Standard and the Statewide Health Standard.

**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, 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.

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

**Former Gulf Service Station # 143399/Tyke's Citgo**, Storage Tank, Primary Facility ID # 02-37141 (also 02-09226), 4020 William Penn Highway,



Monroeville, PA 15146, Municipality of Monroeville, **Allegheny County**. American Geosciences, Inc., 3925 Reed Boulevard, Suite 400, Murrysville, PA 15668-1848, on behalf of Key Development Partners, LLC, Chicago, IL, submitted a Revised Remedial Action Plan and Revised Remedial Action Completion Report concerning the remediation of soil and groundwater contaminated with petroleum products. The report is intended to document remediation of the site to meet the Statewide Health Standard for groundwater and the Site-Specific Standard for soil.

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

**Brockway Card Lock**, Storage Tank Facility ID # 33-90932, 2548 Route 219, Brockway, **Jefferson County**. Letterle & Associates, Inc., 2022 Axemann Road, Suite 201, Bellefonte, PA 16823 on behalf of Tanks Pumps & Accessories, Inc., 12475 Route 19 Highway North, Rochester Mills, PA 15771, submitted a Remedial Action Plan concerning remediation of groundwater contaminated with 1,2,4 trimethylbenzene. The plan is intended to document the remedial actions for meeting the Statewide Health Standard in groundwater.

## 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.*

**Richards II Auto**, 46-41885, 100 Forrest Ave., Narberth Borough, **Montgomery County**. Marathon Engineering & Environmental Services, Inc., 553 Beckett Rd, Ste 608, Swedesboro, NJ 08085, on behalf of RIR Management Services, LLC, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum products. The Remedial Action Plan was acceptable to meet site-specific standard and was approved by the DEP on December 6, 2019.

**Lukoil 69254**, 09-41455, 501 S. Oxford Valley Rd., Falls Township, **Bucks County**. Envirotrac Ltd., 3070 Bristol Pike, Building 1, Suite 221, Bensalem, PA 19020, on behalf of Lukoil North America LLC, 302 Harper Drive, Suite 303, Moorestown, NJ 08057 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum products. The Remedial Action Plan was acceptable to meet site-specific standard and was approved by the DEP on December 9, 2019.

**710 S Gulph Rd**, 46-069378, 710 S. Gulph Rd., Upper Merion Township, **Montgomery County**. Synergy Environmental, Inc., 155 Rail Road Plaza, First Floor, Royersford, PA 19468, on behalf of PALG UST II LLC, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with unleaded gasoline. The Remedial Action Plan was acceptable to meet residential Statewide Health Standard and was approved by the DEP on December 6, 2019.

**Sinkler**, 09-09477, 650 Knowles Ave., Upper Southampton Township, **Bucks County**. Patriot Environmental Management, LLC, 2404 Brown Street, Pottstown, PA 19464, on behalf of ORTEP of PA, 650 Knowles Avenue, Southampton, PA 18966, submitted a Site Characterization Report 310(b) concerning remediation of soil contaminated with # 2 fuel oil. The Site Characterization Report 310(b) demonstrated attainment of the non-residential, Statewide Health Standards and was approved by the Department on December 19, 2019.

**Glenolden Exxon PA0197**, 23-45011, 330 N. Chester Pike, Glenolden Borough, **Delaware County**. Synergy Environmental, Inc., 155 Rail Road Plaza, First Floor, Royersford, PA 19468, on behalf of Cross America Partners, 600 Hamilton Street, Suite 500, Allentown, PA 18101-1537, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with unleaded gasoline. The Remedial Action Plan was acceptable to meet Standard(s) and was approved by the DEP on December 23, 2019.

**Lukoil 69259**, 51-41454, 12001 Roosevelt Blvd., **City of Philadelphia**. Envirotrac Ltd., 3070 Bristol Pike, Building 1, Suite 221, Bensalem, PA 19020, on behalf of Lukoil North America LLC, 302 Harper Drive, Suite 303, Moorestown, NJ 08057 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum products. The Remedial Action Plan was acceptable to meet Statewide Health Standard and Site Specific Standard for soil and groundwater and was approved by the DEP on December 16, 2019.

**Speedway 6729**, 09-23150, 2919 Route 413, Bristol Township, **Bucks County**. EMS Environmental, Inc.,

4550 Bath Pike, Bethlehem, PA 18017, on behalf of Speedway LLC, 500 Speedway Drive, Enon, OH 45323, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum products. The RACR demonstrated attainment of site-specific standards and was approved by DEP on December 19, 2019.

**Sunnyside Svc Ctr**, 46-46578, 2901 Ridge Pike, Lower Providence Township, **Montgomery County**. Earth Data Northeast, Inc., Whiteland Technology Center, 924 Springdale Drive, Exton, PA 19341, on behalf of Amelia Peronne, 19 Ivy Circle, Norristown, PA 19403 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with leaded and unleaded gasoline. The RACR demonstrated attainment of site-specific standards and was approved by DEP on December 19, 2019.

**Texaco 100301**, 46-32345, 800 Old York Rd., Abington Township, **Montgomery County**. Sovereign Consulting, Inc., 359 Northgate Drive, Suite 400, Warrendale, PA 15086, on behalf of Equilon Enterprises LLC d/b/a Shell Oil Products US, 20945 S. Wilmington Avenue, Carson, CA 90810 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum products. The RACR did not demonstrate attainment of site-specific standards and was disapproved by DEP on December 23, 2019.

**7 Eleven 32661**, 51-37820, 9001 Frankford Ave., **City of Philadelphia**. AECOM, 510 Carnegie Center, Princeton, NJ 08540, on behalf of 7-Eleven, Inc., P.O. Box 711, Dallas, TX 75221-0711, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with unleaded gasoline, fuel oil, and used motor oil. The Remedial Action Plan was acceptable to meet non-residential Statewide health and site-specific standards for soil and groundwater and was approved by the DEP on December 19, 2019.

**Gas Auto Repair and Minimart**, 51-42774, 4548 Baltimore Ave., **City of Philadelphia**. Center Point Tank Services, Inc., 563 E. Benjamin Franklin Highway, Douglasville, PA 19518, on behalf of Ezra Reuvan, Inc., 301 S. 48th St., Philadelphia, PA 19143-1701 submitted a Site Characterization Report 310(b) concerning remediation of soil contaminated with used motor oil. The report is intended to document remediation of the site to meet residential Statewide Health Standards. The Site Characterization Report 310(b) did not demonstrate attainment of the residential Statewide Health Standards and was disapproved by the DEP on December 31, 2019.

**Lubrano Automotive**, 15-41922, 1086 Gap Newport Pike, Cochranville, **Chester County**. Brownfield Science & Technologies, 3157 Limestone Road, Cochranville, PA 19330, on behalf of Lubrano Automotive, 1086 Gap Newport Pike, Cochranville, PA 19330, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum products. The Remedial Action Completion Report did not demonstrate attainment of site-specific standard and the nonresidential Statewide Health Standard and was disapproved by the DEP on December 24, 2019.

*Northeast Region: Environmental Cleanup & Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.*

**Lehighon Fuel & Fill**, Storage Tank ID # 13-50392, 7435 Interchange Road, Towamensing Township, **Carbon County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Lehighon Fuel & Fill LLC, 7435

Interchange Road, Lehighon, PA 18235, submitted a Remedial Action Plan concerning remediation of groundwater contaminated with gasoline. The report was acceptable to meet Statewide Health Standards and was approved by DEP on January 3, 2020.

**Joe's Kwik Mart # 250**, Storage Tank ID # 35-01909, 1172 East Drinker Street, Dunmore Borough, **Lackawanna County**. Synergy Environmental, 155 Railroad Plaza, First Floor, Royersford, PA 19468 on behalf of Dunmore Oil Company, 1031B Reeves Street, Dunmore, PA 18512, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum. The Remedial Action Completion Report demonstrated attainment of Site-Specific Standards and was approved by DEP on January 3, 2020.

*Southcentral Regional Office: Environmental Cleanup & Brownfields Program, 909 Elmerton Avenue, Harrisburg, PA 17110, 717-705-4705.*

*Contact: Cynthia Stine, Licensed Professional Geologist.*

**Etter's Roxbury Store**, Storage Tank Facility ID Number 28-01621, 11195 Forge Hill Road, Roxbury, PA 17251, Lurgan Township, **Franklin County**. Converse Consultants, 2738 West College Avenue, State College, PA 16801 on behalf of Garnet Etter, P.O. Box 73, Rosbury, PA 17251 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum constituents. The report is intended to document remediation of the site to meet the Site-Specific Standard. The Remedial Action Plan was acceptable to meet the Site-Specific Standard and was approved by the Pennsylvania Department of Environmental Protection on December 20, 2019.

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

**Alcosan Wastewater Treatment Plant**, Storage Tank Facility # 02-16364, 3300 Preble Avenue, Pittsburgh, PA 15233. City of Pittsburgh, **Allegheny County**. Compliance Management International, 1720 Washington Road, Suite 140, Washington, PA 15301, on behalf of Allegheny County Sanitary Authority, 3300 Preble Avenue, Pittsburgh, PA 15233, submitted a Remedial Action Plan concerning the remediation of soil and groundwater contaminated with petroleum products. The Remedial Action Plan was acceptable to meet the Statewide Health Standard and was approved on December 20, 2019.

**Former Meerdo's Service Station**, Storage Tank Primary Facility ID # 63-02375, 1005 Grant Street, Bulger, PA 15019 Smith Township, **Washington County**. Groundwater and Environmental Services, Inc., 301 Commerce Park Drive, Cranberry Township, PA 16066, on behalf of the Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222, submitted a Remedial Action Completion Report concerning the remediation of soil and groundwater contaminated with petroleum products. The Remedial Action Completion Report was acceptable to meet the site-specific standard and was approved on December 31, 2019.

**Former 7-Eleven Store No. 36156**, Storage Tank Facility ID # 63-31401, 444 State Route 519, Eighty-Four, PA 15330, Elco Borough, **Washington County**. AECOM, 625 West Ridge Pike, Suite E-100, Conshohocken, PA 19428, on behalf of 7-Eleven, Inc., 3200 Hackberry Road, P.O. Box 711 (0148), Dallas, TX 75221, submitted a Remedial Action Completion Report concerning the remediation of soil and groundwater contaminated with



petroleum products. The Remedial Action Completion Report was acceptable to meet the non-residential Statewide Health Standard and was approved on December 31, 2019.

**JBS Gas and Snacks IV**, Storage Tank Facility ID # 56-80112, 4077 Glades Pike Road, Somerset, PA 15501, Somerset Township, **Somerset County**. Letterle and Associates, Inc., 2022 Axemann Road, Suite 201, Bellefonte, PA 16823, on behalf of Mr. James Barron, 848 Husband Road, Somerset, PA 15501, submitted a Remedial Action Plan concerning the remediation of soil and groundwater contaminated with petroleum products. The Remedial Action Plan was acceptable to meet the residential site-specific standard and was approved on December 31, 2019.

**Catanese Brothers Service Station**, Storage Tank Facility ID # 02-25149, 663 Little Deer Creek Road, Russellton, PA 15076, West Deer Township, **Allegheny County**. Letterle and Associates, Inc., 191 Howard Street, Suite 108, Franklin, PA 16323, on behalf of Mr. Harry Klodowski, Jr., 6400 Brooktree Court, Suite 250, Wexford, PA 15090 submitted a Remedial Action Plan concerning the remediation of soil and groundwater contaminated with petroleum products. The Remedial Action Plan was acceptable to meet the non-residential Statewide Health Standard and was approved on January 2, 2020.

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

**Prima Store 5175**, Storage Tank Facility ID # 32-20079, 401 Philadelphia Street, Indiana, **Indiana County**. CORE Environmental Services, Inc., 3960 William Flinn Highway, Suite 100, Allison Park, PA 15101-3603, on behalf of Prima Marketing, LLC, c/o Paragon Consulting Group, LLC, 1103 Oak Park Drive, Suite 110, Fort Collins, CO 80525, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with benzene, ethylbenzene, toluene, xylenes, isopropyl benzene, naphthalene, MTBE, 1,2,4 trimethylbenzene, 1,3,5 trimethylbenzene. The Remedial Action Plan was acceptable to meet the Statewide Health Standard in soil and Site-Specific Standard in groundwater and was approved by DEP on December 27, 2019.

**Kwik Fill M 176**, Storage Tank Facility ID # 25-14853, 231 West Main Street, Girard, **Erie County**. ATC Group Services LLC, 270 William Pitt Way, Pittsburgh, PA 15238, on behalf of United Refining Company of PA, P.O. Box 688, Warren, PA 16365, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with benzene, toluene, ethylbenzene, cumene, naphthalene, methyl tert-butyl ether, 1,2,4-trimethylbenzene, and 1,3,5-trimethylbenzene. The Remedial Action Completion Report demonstrated attainment of the Statewide Health Standard and was approved by DEP on December 27, 2019.

**Country Fair 49**, Storage Tank Facility ID # 25-90133, 5008 Peach Street, Millcreek Township, **Erie County**. Compliance Environmental Services, P.O. Box 186, West Middlesex, PA 16159, on behalf of United Refining Company of PA, 15 Bradley Street, Warren, PA 16365, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with benzene, ethylbenzene, toluene, xylenes, isopropyl benzene, naphthalene, and MTBE. The Remedial Action Plan was acceptable to meet the Statewide Health Standard and was approved by DEP on December 30, 2019.

**Gulf Express**, Storage Tank Facility ID # 25-30658, 3804 Liberty Street, City of Erie, **Erie County**. Ground-

water and Environmental Services, Inc., 301 Commerce Park Drive, Cranberry Township, PA 16066, 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 benzene, ethylbenzene, toluene, xylenes, isopropyl benzene, naphthalene, and MTBE. The Remedial Action Completion Report demonstrated attainment of the Statewide Health Standard and was approved by DEP on December 30, 2019.

**Russell Standard Mercer**, Storage Tank Facility ID # 43-90281, 1210 Perry Highway, Springfield Township, **Mercer County**. Letterle & Associates, Inc., Suite 108, 191 Howard Street, Franklin, PA 16323, on behalf of Russell Standard Corporation, Suite 300, 285 Kappa Drive, Pittsburgh, PA 15238, submitted a Remedial Action Plan/Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with naphthalene, phenanthrene, pyrene, chrysene. The Remedial Action Plan was not acceptable to meet the Statewide Health Standard and was disapproved by DEP on December 31, 2019. The Remedial Action Completion Report did not demonstrate attainment of the Statewide Health Standard and was disapproved by DEP on December 31, 2019.

**Sheetz 58**, Storage Tank Primary Facility ID # 16-29460, 1281 E Main Street, Clarion Borough, **Clarion County**. Mountain Research LLC, 825 25th Street, Altoona, PA 16601-1901 on behalf of Sheetz, Inc., 5700 6th Avenue, Altoona, PA 16602-1111, submitted a Remedial Action Plan concerning remediation of groundwater contaminated with benzene, trimethyl benzene, and MTBE. The Remedial Action Plan was acceptable to meet the Statewide Health Standard and was approved by DEP on December 31, 2019.

**Fueland 209**, Storage Tank Facility ID # 32-19060, 102 East Washington Street, Saltsburg Borough, **Indiana County**. Letterle and Associates, Inc., 191 Howard Street, Franklin, PA 16323, on behalf of Superior Petroleum Company, 8199 McKnight Road, Pittsburgh, PA 15237 submitted a Remedial Action Plan concerning remediation of groundwater contaminated with benzene, toluene, ethylbenzene, xylenes, methyl tert-butyl ether, cumene, naphthalene, 1,2,4 trimethyl benzene and 1,3,5 trimethyl benzene. The Remedial Action Plan was not acceptable to meet the Statewide Health Standard and was disapproved by DEP on January 7, 2020.

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## SPECIAL NOTICES

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**Notice of Proposed Revision to the State Implementation Plan for Oxides of Nitrogen, Volatile Organic Compounds, Notice of Public Hearing, and Notice of Intent to Issue the following RACT II Plan Approval Permits.**

*Southeast Regional Office: 2 East Main Street, Norristown, PA 19401.*

*Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104, Contact: Edward Wiener, Chief, (215) 685-9426.*

### **RACT II Plan Approval No. IP16-000249**

Approval of a Reasonably Available Control Technology (RACT II) Plan for **Veolia Energy Philadelphia—Schuylkill Station**. The facility is located at 2600 Christian Street in Philadelphia, PA 19146, **Philadelphia County**.

**RACT II Plan Approval Permit Nos. IP16-000250**

Approval of a Reasonably Available Control Technology (RACT II) Plan for **Grays Ferry Cogeneration Partnership (GFCP)—Schuylkill Station** located in Philadelphia, **Philadelphia County**. The facility is located at 2600 Christian Street in Philadelphia, PA 19146, Philadelphia County.

Operations at Veolia Energy Schuylkill Station and Grays Ferry Cogeneration Partnership are considered a single source.

In accordance with 25 Pa. Code §§ 129.96—129.100, the Pennsylvania Department of Environmental Protection has made a preliminary determination to approve a RACT II Plan Approval and an amendment to the State Implementation Plan (SIP) for the Veolia Schuylkill owned and operated by Veolia Schuylkill in Philadelphia, Philadelphia County.

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

The proposed amendments to the RACT II determination, if finally approved, will be incorporated into RACT II Plan Approval No. IP16-000249 for Veolia Energy Schuylkill and RACT II Plan Approval No. IP16-000250 for the GFCP. The proposed amendments to the RACT II determination, if finally approved, will also be incorporated into a revised operating permit for the facility. Therefore, this notice serves as the public's only opportunity under Title V to provide comments on record for this proposed permit action. The relevant RACT II Plan Approval requirements will be submitted to the U.S. Environmental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan and will remain in effect until replaced pursuant to 40 CFR 51 and approval by the EPA. Requirements that are not part of the RACT II determination will be excluded from the SIP submittal.

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

Sources from both facilities will be limited to NO<sub>x</sub> individual limits and a Veolia Facility Wide NO<sub>x</sub> Averaging Plan (VFWNO<sub>x</sub>EAP).

<i>Facility/ RACT Permit</i>	<i>Source/ Control Device</i>	<i>RACT II Requirement</i>
Veolia Energy, Schuylkill Station. (PA 4942, IP16-000249)	Boiler 23: 795 Million British Thermal Units per hour (MMBTU/hr). Burns No. 6 oil as its primary fuel and No. 2 oil as an ignition fuel.	The annual capacity factor of Boiler 23 shall be less than 5%. For a combustion unit, the annual capacity factor (ACF) is the ratio of the unit's heat input (in MMBtu/hr or equivalent units of measure) to the unit's maximum rated hourly heat input rate multiplied by 8,760 hours during a period of 12 consecutive calendar months. NO <sub>x</sub> emissions from Boiler 23 shall not exceed any of the following: (1) 0.34 lb/MMBtu on an hourly basis; (2) 270.30 lbs/hr on an hourly basis; and (3) 59.2 tons per rolling 12-month period.
Veolia Energy, Schuylkill Station (PA 4942, IP16-000249)	Boiler 26: 761 MMBtu/hr equipped with low NO <sub>x</sub> burners. Burns No. 6 oil or natural gas.	NO <sub>x</sub> emissions from Boiler 26 shall not exceed any of the following: (1) 0.36 lb/MMBtu on a 30-day rolling average when firing No. 6 fuel oil; (2) 0.41 lb/MMBtu on an hourly basis when firing No. 6 fuel oil; (3) 312.01 lbs/hr on an hourly basis when firing No. 6 fuel oil; (4) 0.10 lb/MMBtu when firing natural gas on a 30 operating day rolling average per Veolia Facility Wide NO <sub>x</sub> Emission Averaging Plan (VFWNO <sub>x</sub> EAP); and (5) 0.20 lb/MMBTU/hr when firing No. 6 oil on a 30 operating day rolling average per VFWNO <sub>x</sub> EAP.



<i>Facility/ RACT Permit</i>	<i>Source/ Control Device</i>	<i>RACT II Requirement</i>
Grays Ferry Cogeneration Partnership (PA 04944, IP16-000250)	Boiler 25: 1,119 MMBtu/hr. Burns natural gas and No. 2 oil. With Low NO <sub>x</sub> Burners and FGR.	NO <sub>x</sub> Emissions from Boiler # 25 shall not exceed any of the following: (1) 0.10 lb/MMBtu when firing natural gas (2) 0.15 lb/MMBtu when firing No. 2 oil. (3) 0.10 lb/MMBtu when firing natural gas on a 30 operating day rolling average per VFWNO <sub>x</sub> EAP. (4) 0.12 lb/MMBtu when firing No. 2 oil on a 30 operating day rolling average per VFWNO <sub>x</sub> EAP.
Grays Ferry Cogeneration Partnership (PA 04944, IP16-000250)	Combustion Turbine (CT) with & without Heat Recovery Steam Generating Unit (HRSG): 1,515 MMBtu/hr (135 MW). Burns natural gas (with DLN) and No. 2 oil (with WI).	NO <sub>x</sub> emissions from the CT shall not exceed any of the following: (1) 255 lbs/hr without HRSG. (2) 298.9 lbs/hr for the CT with HRSG. (3) 0.0344 lb/MMBtu when firing natural gas. (4) 0.1683 lb/MMBtu when firing No. 2 oil.

The plan approval also contains monitoring and recordkeeping requirements to ensure operation within all applicable requirements.

Copies of the application, AMS 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 Spelman Building, 321 University Avenue, 2nd Floor, Philadelphia, PA 19104. 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 Chief of Source Registration, 321 University Avenue, 2nd Floor, Philadelphia, PA 19104. A 30-day comment period from the date of publication of this notice will exist for the submission of comments, protests and information. Each submission must contain the name, address and telephone number of the person submitting the comments, identification of the proposed RACT II Operating Permit including the permit number and a concise statement regarding the relevancy of the information or objections to issuance of the proposed RACT II Plan.

*Public hearing.* A public hearing will be held if requested by February 17, 2020 to accept oral comments on the proposed operating permit revision and the proposed SIP revision. The hearing will be held, if requested, on March 4, 2020 at 6:30 PM at the Spelman Building, 321 University Avenue, 1st Floor Conference Room, Philadelphia, PA 19104. To request a hearing, to register to speak at a hearing, or to inquire if a hearing will be held, please provide a written request to “Chief of Source Registration” to the above address the within 30 days from this publication date.

Please note that any updates made to any aspect of the hearing, including whether or not a hearing will be held, will be posted online at <https://www.phila.gov/departments/air-pollution-control-board/air-management-notices/>.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should contact Henry Kim at (215) 685-9439 to discuss how AMS may accommodate your needs.

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**Notice of Proposed Revision to the State Implementation Plan for Oxides of Nitrogen, Volatile Organic Compounds, Notice of Public Hearing, and Notice of Intent to Issue Revised Air Quality Operating Permit IP16-000235.**

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Approval of a Reasonably Available Control Technology (RACT II) plan for **Naval Surface Warfare Center—Philadelphia Division** located in Philadelphia, **Philadelphia County**.

In accordance with 25 Pa. Code §§ 129.96—129.100, the Pennsylvania Department of Environmental Protection has made a preliminary determination to approve a RACT II plan and an amendment to the State Implementation Plan (SIP) for the Naval Surface Warfare Center—Philadelphia Division facility owned and operated by NS WCPD in Philadelphia, Philadelphia County.

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

The proposed amendments to the RACT II determination, if finally approved, will be incorporated into the RACT II Plan Approval IP16-000235 for the facility. The proposed amendments to the RACT II determination, if finally approved, will also be incorporated into a revised operating permit for the facility. Therefore, this notice serves as the public’s only opportunity under Title V to provide comments on record for this proposed permit action. The relevant RACT II requirements will be submitted to the U.S. Environmental Protection Agency (EPA) as a revision to Pennsylvania’s State Implementation Plan and will remain in effect until replaced pursuant to 40 CFR 51 and approval by the EPA. Requirements that are not part of the RACT II determination will be excluded from the SIP submittal.

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

Source	RACT II Requirement
Seven (7) testing engines and turbines listed below:	1. The testing engines and gas turbines will continue to adhere to the standard Navy Planned Maintenance program as defined for shipboard use. 2. The following testing engines and gas turbines will continue to adhere to the following NO <sub>x</sub> emission limits as listed below:
226.9 MMBtu/hr Engine Testing Gas Turbine (CU-M111)	244 lbs/hr NO <sub>x</sub> The unit shall be tested to demonstrate compliance with its respective NO <sub>x</sub> emission limit one time in each 5-year calendar period.
226.9 MMBtu/hr Engine Testing Gas Turbine (CU-M112)	263 lbs/hr NO <sub>x</sub> The unit shall be tested to demonstrate compliance with its respective NO <sub>x</sub> emission limit one time in each 5-year calendar period.
40.6 MMBtu/hr Engine Testing Gas Turbine (CU-M113)	24.8 lbs/hr NO <sub>x</sub> The unit shall be tested to demonstrate compliance with its respective NO <sub>x</sub> emission limit one time in each 5-year calendar period.
37.4 MMBtu/hr Engine Testing Gas Turbine (CU-M114)	30.3 lbs/hr NO <sub>x</sub> The unit shall be tested to demonstrate compliance with its respective NO <sub>x</sub> emission limit one time in each 5-year calendar period.
≤42.1 MMBtu/hr Engine Testing Gas Turbine (CU-M119)	9.1 tons NO <sub>x</sub> in any rolling 12-month period. NSWCPD shall conduct a source test on the marine gas turbine ETF-40B (CU-M119) to establish nitrogen oxide (NO <sub>x</sub> ), carbon monoxide (CO), and particulate matter-10 (PM <sub>10</sub> ) emission factors no later than 90 days after attaining full power of operation. CU-M119 shall be tested to demonstrate compliance with the NO <sub>x</sub> emission limit one time in each 5-year calendar period thereafter.
37.4 MMBtu/hr Engine Testing Gas Turbine (CU-M139)	29.1 lbs/hr NO <sub>x</sub> The unit shall be tested to demonstrate compliance with its respective NO <sub>x</sub> emission limit one time in each 5-year calendar period.

Source	RACT II Requirement
51.4 MMBtu/hr Engine Testing Gas Turbine (CU-M151)	514.60 lbs/hr NO <sub>x</sub> for the entire DDX Test Cell* CU-M151 shall be tested to demonstrate compliance with the NO <sub>x</sub> emission limit within 60 days of achieving full capacity—but not later than 180 days after initial start-up—and one time in each 5-year calendar period thereafter.

\* The short term emission limit given for CU-M151 is the emission limit for the entire DDX Test Cell, which can contain up to three turbines whose combined emission rate cannot exceed 514.60 lbs/hr of NO<sub>x</sub>.

The plan approval also contains monitoring and recordkeeping requirements to ensure operation within all applicable requirements.

Copies of the application, AMS 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 Spelman Building, 321 University Avenue, 2nd Floor, Philadelphia, PA 19104. 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 Chief of Source Registration, 321 University Avenue, 2nd Floor, Philadelphia, PA 19104. A 30-day comment period from January 18, 2020 will exist for the submission of comments, protests and information. Each submission must contain the name, address and telephone number of the person submitting the comments, identification of the proposed RACT II Operating Permit including the permit number and a concise statement regarding the relevancy of the information or objections to issuance of the proposed RACT II Plan.

**Public hearing.** A public hearing will be held if requested by February 17, 2020 to accept oral comments on the proposed operating permit revision and the proposed SIP revision. The hearing will be held, if requested, on March 4, 2020, at 6:30 PM at the Spelman Building, 321 University Avenue, 1st Floor Conference Room, Philadelphia, PA 19104. To request a hearing, to register to speak at a hearing, or to inquire if a hearing will be held, please provide a written request to "Chief of Source Registration" to the above address the within 30 days from this publication date.

Please note that any updates made to any aspect of the hearing, including whether or not a hearing will be held, will be posted online at <https://www.phila.gov/departments/air-pollution-control-board/air-management-notices/>.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should contact Henry Kim at (215) 685-9439 to discuss how AMS may accommodate your needs.

**Notice of Proposed Revision to the State Implementation Plan for Oxides of Nitrogen, Volatile Organic Compounds, Notice of Public Hearing, and Notice of Intent to Issue RACT II Plan Approval Permit IP16-000276.**

Approval of a Reasonably Available Control Technology (RACT II) Plan for **AdvanSix Resins & Chemicals LLC—Frankford Plant**, located in Philadelphia, Philadelphia County.

In accordance with 25 Pa. Code §§ 129.96—129.100, the Air Management Service (AMS) has made a preliminary determination to approve a RACT II Plan Approval and an amendment to the State Implementation Plan (SIP) for the AdvanSix Resins & Chemicals LLC—Frankford Plant owned and operated by AdvanSix Resins & Chemicals LLC in Philadelphia, Philadelphia County.

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

The proposed amendments to the RACT II determination, if finally approved, will be incorporated into RACT II Plan Approval No. IP16-000276 for the facility. The proposed amendments to the RACT II determination, if finally approved, will also be incorporated into a revised operating permit (OP16-00032) for the facility. Therefore, this notice serves as the public's only opportunity under Title V to provide comments on record for this proposed permit action. The relevant RACT II Plan Approval requirements will be submitted to the U.S. Environmental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan and will remain in effect until replaced pursuant to 40 CFR 51 and approval by the EPA. Requirements that are not part of the RACT II determination will be excluded from the SIP submittal.

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

#### **NO<sub>x</sub> RACT II**

*Boilers # 1 and # 2 (each 260 MMBtu/hr):*

- Boiler # 1 and Boiler # 2 shall only burn natural gas and waste phenol residue except if there is a natural gas curtailment, other loss of supply (e.g. PGW supply line failure or maintenance activity) or during stack testing programs (e.g. annual CEM RATA testing, annual combustion tuning, and combustion performance testing, as required). During such events No. 6 fuel oil may be used.

- AdvanSix shall perform, at a minimum, the annual combustion tuning specifications as cited in 25 Pa. Code § 129.93(b)(2)—(5) for Boilers # 1, # 2, and # 3.

- The emission rates for Boiler # 1 & # 2:

- (1) Shall not exceed 0.28 pound of NO<sub>x</sub> per MMBtu each, on a rolling 30-day average, while burning natural gas, waste phenol residue, or a combination of these fuels;

- (2) Shall not exceed and 0.35 pound of NO<sub>x</sub> per MMBtu each while burning No. 6 oil;

- (3) The combined NO<sub>x</sub> emissions for Boiler # 1 and Boiler # 2 shall not exceed 272 tons per year.

*Boiler # 3 (381 MMBtu/hr)*

- Boiler # 3 No. 6 oil usage shall be less than 1% of the unit's annual fuel consumption on a heat input basis based on a 12-month rolling average.

- The emission rate of Boiler # 3 shall not exceed 0.10 pound of NO<sub>x</sub> per MMBtu heat input based on a rolling 30-operating day average while burning natural gas or 0.3 pound of NO<sub>x</sub> per MMBtu while burning No. 6 oil.

AdvanSix shall perform, at a minimum, the annual combustion tuning specifications as cited in 25 Pa. Code § 129.93(b)(2)—(5) for Boilers # 1, # 2, and # 3.

#### **VOC RACT II**

*Boilers # 1, # 2, and # 3*

The annual combustion tuning also proposed as VOC RACT II for these boilers.

*Phenol Tank Car Loading*

Phenol Tank Car Loading shall be operated with good operating practices. During the loading process, if any issues occur, including spills, which could potentially cause excess VOC emissions, the process shall be stopped immediately by hitting the emergency stop mechanism. VOC emissions from Phenol Tank Car Loading shall not exceed 7.93 tons per rolling 12-month period.

The plan approval also contains monitoring and recordkeeping requirements to ensure operation within all applicable requirements.

Copies of the application, AMS analysis, all pertinent documents used in the evaluation of the application, and subsequently prepared proposed RACT II Plan Approval/SIP are available for public review during normal business hours at 321 University Avenue, 2nd Floor, Philadelphia, PA 19104. Persons wishing to review these documents should contact Debra Williams (215-685-7572) at the above address.

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 RACT II Plan Approval, may submit the information to the Chief of Source Registration, 321 University Avenue, Philadelphia, PA 19104. A 30-day comment period from the Date of Publication in the *Pennsylvania Bulletin* will exist for the submission of comments, protests and information. Each submission must contain the name, address and telephone number of the person submitting the comments, identification of the proposed RACT II Plan Approval including the permit number and a concise statement regarding the relevancy of the information or objections to issuance of the proposed RACT II Plan Approval.

Persons wishing to request for a public hearing must provide a written request to "Chief of Source Registration" to the above address the within 30 days from this publication date. If requested by the public, AMS will hold a public hearing to accept comments on the proposed RACT II Plan Approval revision and the proposed SIP revision. The hearing will be held, if requested, on March 5, 2020, at 6:30 PM at the Spelman Building, 321 University Avenue, 1st Floor Conference Room, Philadelphia, PA 19104. Persons with a disability who desire to attend the meeting and require an auxiliary aid, service, or other accommodation to participate in the proceedings should contact Henry Kim at (215) 685-9439 to discuss how AMS may accommodate their needs.

Please note that any updates made to any aspect of the hearing, including whether or not a hearing will be held, will be posted online at <https://www.phila.gov/departments/air-pollution-control-board/air-management-notices/>.



## AIR QUALITY

Northwest Region: 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945.

### Notice of Proposed Revision to the State Implementation Plan for Volatile Organic Compounds, Issuance of the Title V Operating Permit, and Notice of Public Hearing for the Air Quality Operating Permit 10-00368

**10-00368:** Approval of a Reasonably Available Control Technology (RACT II) plan for **MarkWest Liberty Bluestone Plant** located in Jackson Township, **Butler County**.

In accordance with 25 Pa. Code §§ 129.96–129.100, the Pennsylvania Department of Environmental Protection (the Department) has made a preliminary determination to approve an alternate Reasonably Available Control Technology (RACT II) plan and seeks approval of an amendment to the State Implementation Plan (SIP) for the MarkWest Liberty Bluestone Plant in Jackson Township, Butler County. And in accordance with 25 Pa. Code § 127.521, the Department intends to issue a Title V Operating Permit for the facility. The facility is located at 440 Hartmann Rd, Evans City, PA 16033. The facility's representative to contact concerning this application is Mr. Nathan Weldon, Senior Environmental Engineer. His phone number is 303-542-0686.

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

The proposed amendments to the RACT II determination, if finally approved, will be incorporated into the new operating permit (10-00368) for the facility. The relevant RACT II requirements will be submitted to the U.S. Environmental Protection Agency (EPA) as a revision to Pennsylvania's 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 the facility.

The facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments due to its potential to emit VOC and CO. The facility is therefore subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapter G.

Permitted sources at the facility include: two (2) natural gas-fired refrigerant compressor engines; four (4) natural gas-fired residue compressor engines; electrically-driven inlet and residue compressor engines; three (3) gas processing plants, each may consist of cryogenic gas processing plant, a deethanizer, a fractionator, and/or a depropanizer; twelve (12) process heaters; truck and railyard loading; a natural gas storage tank; a natural gas-fired emergency generator; and fugitive emissions that include maintenance blowdowns, pigging operations, compressor rod packing emissions, and crankcase blow emissions. Pursuant to previous plan approvals, general permit, and state-only operating permit, the natural gas-fired compressor engines are subject to 40 CFR 60 Subpart JJJJ pertaining to NSPS for spark ignition internal combustion engines. The natural gasoline tank is subject to 40 CFR 60 Subpart Kb pertaining to NSPS for

volatile organic liquid storage vessels. The 40 CFR 60 Subparts OOOO, OOOOa, and VVa, which are three NSPS regulating emissions leaks, apply to several sources that include the gas processing plants and the electrically-driven compressor engines. In the new Title V operating permit, conditions of the Consent Decree Case 3:18-cv-02526-JGC dated January 8, 2019 are incorporated. Pursuant to the Consent Decree, three NSPS are also added namely 40 CFR 60 Subparts Db and Dc, which apply to process heaters, and Subpart NNN, which apply to the gas processing plants and associated control devices/flares. RACT II presumptive and alternative VOC requirements are incorporated. In absence of corresponding limit, VOC emission is removed from the required stack tests for four process heaters. A temporary mobile flare approved through a RFD is added as a permitted control device. Several fugitive emissions are identified as a permitted source. As Title V, weekly monitoring for fugitive emissions and visible emissions are added.

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

Source	RACT II Requirement
Fugitive emissions sources from connectors, flanges, pressure safety valves, and valves at the gas processing plants, Source 110	Comply with 40 CFR 60 Subpart OOOO

*Public hearing.* A public hearing will be held if requested by February 17, 2020 to accept oral comments on the proposed operating permit revision and the proposed SIP revision. The hearing will be held, if requested, on February 26, 2020 at 10 a.m. at the DEP Northwest Regional Office, 230 Chestnut St., Meadville, PA 16335. To request a hearing, to register to speak at a hearing, or to inquire if a hearing will be held, please contact Tom Decker, Community Relations Coordinator, at 814-332-6615. The last day to pre-register to speak at a hearing, if one is held, will be February 17, 2020. If the Department does not receive any pre-registered speakers by this date, the hearing will be cancelled.

Please note that any updates made to any aspect of the hearing, including whether or not a hearing will be held, will be posted online at <http://www.dep.pa.gov/About/Regional/NorthwestRegion/Community-Information/Pages/RACT-II.aspx>. Contact Tom Decker at 814-332-6615 or monitor the Department's web site to determine if a hearing will be held.

Persons wishing to present testimony at the hearing should contact Tom Decker at 814-332-6615 at least one week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to a maximum of 10 minutes per individual and two written copies of the oral testimony are requested. Each organization is requested to designate one witness to present testimony on its behalf. Persons unable to attend the hearing, if it is held, may submit three (3) copies of a written statement and exhibits within 10 days thereafter to Eric A. Gustafson, Environmental Program Manager, DEP Northwest Regional Office, 230 Chestnut St., Meadville, PA 16335.

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 Eric A. Gustafson, Environmental Program Manager, DEP Northwest Regional



Office, 230 Chestnut St., Meadville, PA 16335. A 30-day comment period from January 18, 2020 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 permit 10-00368 and a concise statement regarding the relevancy of the information or objections to issuance of the permit or the proposed RACT II Plan.

All pertinent documents are available for public review between 8 a.m. and 4 p.m. at the DEP Northwest Regional Office, 230 Chestnut St., Meadville, PA 16335. Appointments for scheduling a review may be made by calling the Department at 814-332-6078.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should contact Tom Decker at 814-332-6615 or the Pennsylvania AT&T Relay Service at 1-800-654-5984 (TDD) to discuss how the Department may accommodate your needs.

**Notice of Proposed Revision to the State Implementation Plan for Volatile Organic Compounds, Notice of Public Hearing, and Notice of Intent to Issue Revised Air Quality Operating Permit # 16-00133.**

**16-00133:** In accordance with 25 Pa. Code §§ 129.96—129.100, the Pennsylvania Department of Environmental Protection (the Department) has made a preliminary determination to approve an alternate Reasonably Available Control Technology (RACT II) plan and seeks approval of an amendment to the State Implementation Plan (SIP) for **Clarion Bathware** for the facility in Elk Township, **Clarion County**. And in accordance with 25 Pa. Code § 127.521, the Department of Environmental Protection intends to modify the Title V Operating Permit for the facility. The facility is located at 16273 Rte. 208, Marble, PA 16334-1515. The facility’s representative to contact concerning this application is Mr. Todd Beichner, Plant Manager. His phone number is 814-226-5374.

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

The proposed amendments to the RACT II determination, if finally approved, will be incorporated into the revised operating permit (16-00133) for the facility. The relevant RACT II requirements will be submitted to the U.S. Environmental Protection Agency (EPA) as a revision to Pennsylvania’s 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.

The facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments due to its potential to emit VOCs and HAPs. The facility is therefore subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapter G.

The Marble facility manufactures composite fiberglass resin bathware that includes the operation of surface

coating processes (resin and gelcoat booths) and custom, auxiliary, and mold shops. The open molding processes are subject to 40 CFR 63 Subpart WWWW NESHAP for Reinforced Plastic Composites Production.

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

<i>Source</i>	<i>RACT II Requirement</i>
Entire Site	<p><b>EMISSION RESTRICTION(S)</b>                      Facility VOC emissions shall not exceed 150 tons per year, to be defined as any 12-month rolling period.</p> <p><b>RECORDKEEPING REQUIREMENTS</b>                      1) Compliance with the 150 TPY facility VOC emission limit shall be determined on a monthly basis as follows:                      a) Tons of production resin usage at weight percent styrene content multiplied by applicable emission factor, added to                      b) Tons of gelcoat usage at weight percent styrene content multiplied by applicable factor, added to                      c) Tons of custom, acrylic, and mold resin usage at weight percent styrene content multiplied by applicable emission factor, added to                      d) Other facility VOC containing material usage on a monthly basis, including, but not limited to, painting, gun-cleaning and other clean up solvent use, and natural gas combustion at applicable AP-42 emission factor.                      e) VOC emission factors used shall be the most current EPA approved factors. In the event that EPA approved VOC emission factors for fiber reinforced plastic (FRP) processes are not available, the most representative factors shall be used.                      f) The facility shall maintain a record of calculations demonstrating monthly VOC emissions onsite. Records shall be maintained onsite for a minimum of 5 years, and Shall be made available to the Department upon request.</p>

Source	RACT II Requirement
	2) The facility shall maintain, at a minimum, daily VOC containing material usage records. Records shall be maintained onsite for a minimum of 5 years, and shall be made available to the Department upon request.
102, Surface Coating Process (Resin Booth) 103, Surface Coating Process (Gelcoat Booth) 105, Custom, Auxiliary & Mold Shops	<p><b>WORK PRACTICE REQUIREMENTS</b></p> <p>As specified in § 63.5805, you must meet the work practice standards in the following table that apply to you:</p> <p>2. For a new or existing cleaning operation, you must not use cleaning solvents that contain HAP, except that styrene may be used as a cleaner in closed systems, and organic HAP containing cleaners may be used to clean cured resin from application equipment. Application equipment includes any equipment that directly contacts resin.</p> <p>3. For a new or existing materials HAP-containing materials storage operation, you must keep containers that store HAP-containing materials closed or covered except during the addition or removal of materials. Bulk HAP-containing materials storage tanks may be vented as necessary for safety.</p>

*Public hearing.* If requested, a public hearing will be held at 1 p.m. on February 25, 2020, to accept oral comments on the proposed operating permit revision and the proposed SIP revision. The hearing will be held, if requested, at the DEP Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335. To request a hearing, to register to speak at a hearing, or to inquire if a hearing will be held, please contact Tom Decker at 814-332-6615. The last day to pre-register to speak at a hearing, if one is held, will be February 18, 2020. If we do not receive any pre-registered speakers by this date, the hearing will be cancelled.

Please note that any updates made to any aspect of the hearing, including whether or not a hearing will be held, will be posted online at: <http://www.dep.pa.gov/About/Regional/NorthwestRegion/Community-Information/Pages/RACT-II.aspx>.

We ask that you contact Tom Decker, Environmental Community Relations Specialist at 814-332-6615 or monitor our Web site to determine if a hearing will be held.

Persons wishing to present testimony at the hearing should contact Tom Decker at least one week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to a maximum of 10 minutes per individual and 2 written copies of the oral testimony are requested. Each organization is requested to designate one witness to present testimony on its behalf. Persons unable to attend the hearing, if it is held, may submit 3 copies of a written statement and exhibits within 10 days thereafter to Eric A. Gustafson, Environmental Program Manager, Pennsylvania Department of Environmental Protection, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335.

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 Eric A. Gustafson, Environmental Program Manager, Pennsylvania Department of Environmental Protection, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335. A 30-day comment period from January 18, 2020, will exist for the submission of comments, protests and information. Each submission must contain the following information: name, address and telephone number of the person submitting the comments; identification of the proposed permit number 16-00133; and concise statements regarding the relevancy of the information or objections to issuance of the permit or the proposed RACT II Plan.

All pertinent documents are available for public review between 8 a.m. and 4 p.m. at the DEP 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.

Persons with a disability who wish to comment and require an auxiliary aid, service, or other accommodations to do so should contact Virginia Cain, Environmental Community Relations Specialist, at 484-250-5808 or the Pennsylvania AT&T Relay Service at 1-800-654-5984 (TDD) to discuss how the Department may accommodate your needs.

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**Notice of Proposed Revision to the State Implementation Plan for Oxides of Nitrogen and Volatile Organic Compounds, Notice of Public Hearing, and Notice of Intent to issue Revised Air Quality Operating Permit 24-00009.**

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**24-00009:** In accordance with 25 Pa. Code §§ 129.96—129.100, the Pennsylvania Department of Environmental Protection (the Department) has made a preliminary determination to approve an alternate Reasonably Available Control Technology (RACT II) plan and seeks approval of an amendment to the State Implementation Plan (SIP) for **Domtar Paper Company, LLC**, in the Borough of Johnsonburg, **Elk County**. And in accordance with 25 Pa. Code § 127.521, the Department of Environmental Protection intends to revise a Title V Operating Permit for the facility. The facility is located at 100 West Center Street. The facility's representative to contact concerning this application is Mr. Tony Casilio, Environmental Manager. His phone number is 814-965-6309.

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

The proposed amendments to the RACT II determination, if finally approved, will be incorporated into the revised operating permit (24-00009) for the facility. The relevant RACT II requirements will be submitted to the U.S. Environmental Protection Agency (EPA) as a revision to Pennsylvania's 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.

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

Source	RACT II Requirement
037A, Chemical Recovery Furnace	• Staged combustion air and good combustion practices shall be used.
001, Kraft Mill LVHC/HVLC Venting	• Good operating practices shall be used consisting of continuously monitoring Non-Condensable Gas (NCG) temperature and flow to ensure proper venting to control devices; and continuing to comply with applicable provisions of 40 CFR 63 Subpart S [National Emission Standards for Hazardous Air Pollutants from the Pulp and Paper Industry], which include leak detection and repair provisions to minimize emergency venting.
115, Lime Kiln	• Good combustion practices shall be used.
119, Paper Machines	• Good operating practices shall be used including monitoring and recording paper web moisture content and wet end vacuum pressure to minimize venting of VOC; and continued use of low-VOC additives to the extent practicable.
120, Wastewater Treatment Plant	• Good operating practices shall be used including daily monitoring and recording of influent chemical oxygen demand as an indicator of wastewater VOC content, and corrective actions to be taken upon values out of normal ranges; and continuing to comply with applicable provisions of 40 CFR 63 Subpart S, which includes treatment of high-VOC process condensates to

Source	RACT II Requirement
	remove organic HAP prior to the wastewater treatment plant.
122, Bleach Plant	• Good operating practices shall be used consisting of monitoring & recording scrubber pressure drop, liquid flow rate & pH; and continuing to comply with applicable provisions of 40 CFR 63 Subpart S.
123 & 124, Green Liquor Clarifier, Slaker, Recausticizers, Lime Mud Collection Tank, Lime Mud Storage Tank	• Good operating practices shall be used consisting of operating and maintaining the sources in accordance with manufacturers' specifications and recording of preventative maintenance activities.

*Public hearing.* If requested by February 17, 2020, a public hearing will be held at 10 a.m. on February 25, 2020, to accept oral comments on the proposed operating permit revision and the proposed SIP revision. The hearing will be held, if requested, at the DEP Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335. To request a hearing, to register to speak at a hearing, or to inquire if a hearing will be held, please contact Tom Decker at 814-332-6615. The last day to pre-register to speak at a hearing, if one is held, will be February 17, 2020. If we do not receive any pre-registered speakers by this date, the hearing will be cancelled.

Please note that any updates made to any aspect of the hearing, including whether or not a hearing will be held, will be posted online at: <http://www.dep.pa.gov/About/Regional/NorthwestRegion/Community-Information/Pages/RACT-II.aspx>.

We ask that you contact Tom Decker, Environmental Community Relations Specialist at 814-332-6615 or monitor our website to determine if a hearing will be held.

Persons wishing to present testimony at the hearing should contact Tom Decker at least one week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to a maximum of 10 minutes per individual and 2 written copies of the oral testimony are requested. Each organization is requested to designate one witness to present testimony on its behalf. Persons unable to attend the hearing, if it is held, may submit 3 copies of a written statement and exhibits within 10 days thereafter to Eric A. Gustafson, Environmental Program Manager, Pennsylvania Department of Environmental Protection, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335.

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 Eric A. Gustafson, Environmental Program Manager, Pennsylvania Department of Environmental Protection, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335. A 30-day comment period from January 18, 2020, will exist for the submission of comments, protests and information. Each submission must contain the following information: name, address and telephone number of the person submitting the comments; identification of the proposed permit number 24-00009; and concise statements regarding the rel-



evancy of the information or objections to issuance of the permit or the proposed RACT II Plan.

All pertinent documents are available for public review between 8 a.m. and 4 p.m. at the DEP 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.

Persons with a disability who wish to comment and require an auxiliary aid, service, or other accommodations to do so should contact Tom Decker, Environmental Community Relations Specialist, at 814-332-6615 or the Pennsylvania AT&T Relay Service at 1-800-654-5984 (TDD) to discuss how the Department may accommodate your needs.

**42-00011:** In accordance with 25 Pa. Code §§ 129.96—129.100, the Pennsylvania Department of Environmental Protection has made a preliminary determination to approve a Reasonably Available Control Technology (RACT II) plan and seeks an approval of an amendment to the State Implementation Plan (SIP) for **International Waxes** in Keating Township, **McKean County**. And in accordance with 25 Pa. Code § 127.521, the Department of Environmental Protection intends to modify a Title V Operating Permit for the facility. The facility is located at 45 Route 446, Smethport, PA 16749. The facility’s representative to contact concerning this application is Mr. Daniel Goldsmith, Environmental Manager. His phone number is 814-887-4056. The facility manufactures specialty waxes. The facility’s air emission sources include boilers, process heaters, flares, tanks, waste water treatment, emergency generators/fire pumps, and other ancillary equipment.

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

The proposed amendments to the RACT II determination, if finally approved, will be incorporated into a revised operating permit (42-00011) for the facility. The relevant RACT II requirements will be submitted to the U.S. Environmental Protection Agency (EPA) as a revision to Pennsylvania’s State Implementation Plan and will remain in effect until replaced pursuant to 40 CFR 51 and approval by the EPA. Requirements that are not part of the RACT II determination will be excluded from the SIP submittal; 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:

Source	RACT II Requirement
Source 031A, 032A, 033A (boilers)	(a) Startup, Shakedown and Operation of Boiler # 1 burning natural gas only shall be completed by February 29, 2020. (b) Boiler # 2 shall begin retrofit to natural gas only

Source	RACT II Requirement
	by April 30, 2020. Startup, Shakedown and Operation of Boiler # 2 burning natural gas only shall be completed by November 1, 2020. (c) Boiler # 3 shall be permanently shut down by December 31, 2020. (d) Upon startup after gas conversion, Boilers # 1 and # 2 shall comply with a 0.036 lb. NO <sub>x</sub> /MMBtu limit. (e) In the interim, until the retrofit/shutdown is complete, the 3 boilers will remain subject to the RACT 1 NO <sub>x</sub> limits (boilers # 1 and # 2 are 1.03 lb NO <sub>x</sub> /MMBtu and boiler # 3 is 0.684 lb NO <sub>x</sub> /MMBtu) and conditions identified in the Title V permit.
Source 300—Wastewater Treatment Plant	VOC emissions shall not exceed 49 TPY, calculated as a 12-month rolling total, with compliance demonstrated via throughput and emission factors. Any floating product (i.e. wax) shall be routinely skimmed from the wastewater treatment plant API separators, and the skimmed material shall be returned to the production process.
Source 303—Flue Gas Holder	VOC emissions shall not exceed 14 TPY, calculated as a 12-month rolling total, with compliance demonstrated via throughput and emission factors. The flue gas holder shall be operated in accordance with manufacturer/facility specifications and good engineering practices. A positive pressure nitrogen blanket shall be maintained on the flue gas holder at all times, to minimize volatilization of organic compounds.

*Public hearing.* If requested by February 18, 2020, a public hearing will be held at 10 a.m. on February 25, 2020, to accept oral comments on the proposed operating permit revision and the proposed SIP revision. The hearing will be held, if requested, at the DEP Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335. To request a hearing, to register to speak at a hearing, or to inquire if a hearing will be held, please contact Tom Decker at 814-332-6615. The last day to pre-register to speak at a hearing, if one is held, will be February 18, 2020. If we do not receive any pre-registered speakers by this date, the hearing will be cancelled.



Please note that any updates made to any aspect of the hearing, including whether or not a hearing will be held, will be posted online at: <http://www.dep.pa.gov/About/Regional/NorthwestRegion/Community-Information/Pages/RACT-II.aspx>.

We ask that you contact Tom Decker, Environmental Community Relations Specialist at 814-332-6615 or monitor our website to determine if a hearing will be held.

Persons wishing to present testimony at the hearing should contact Tom Decker at least one week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to a maximum of 10 minutes per individual and 2 written copies of the oral testimony are requested. Each organization is requested to designate one witness to present testimony on its behalf. Persons unable to attend the hearing, if it is held, may submit 3 copies of a written statement and exhibits within 10 days thereafter to Eric A. Gustafson, Environmental Program Manager, Pennsylvania Department of Environmental Protection, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335.

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 Eric A. Gustafson, Environmental Program Manager, Pennsylvania Department of Environmental Protection, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335. A 30-day comment period from January 18, 2020, will exist for the submission of comments, protests and information. Each submission must contain the following information: name, address and telephone number of the person submitting the comments; identification of the proposed permit number 42-00011; and concise statements regarding the relevancy of the information or objections to issuance of the permit or the proposed RACT II Plan.

All pertinent documents are available for public review between 8 a.m. and 4 p.m. at the DEP 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.

Persons with a disability who wish to comment and require an auxiliary aid, service, or other accommodations to do so should contact Tom Decker, Environmental

Community Relations Specialist, at 814-332-6615 or the Pennsylvania AT&T Relay Service at 1-800-654-5984 (TDD) to discuss how the Department may accommodate your needs.

**Revision to the Registered ERCs in the Commonwealth's ERC Registry.**

*Central Office: Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101.*

The Department of Environmental Protection (Department) has approved the following Emission reduction credits (ERCs) and entered into ERC registry system. ERCs are surplus, permanent, quantified and Federally enforceable emission reductions used to offset emission increases of criteria pollutants. The Department maintains an ERC registry in accordance with the requirements of 25 Pa. Code § 127.209. Prior to registration of the credits, ERC Registry Applications are reviewed and approved by the Department to confirm that the ERCs meet the requirements of 25 Pa. Code §§ 127.206—127.208. Registration of the credits in the ERC registry system constitutes certification that the ERCs satisfy applicable requirements.

The certified ERCs shown as follows, in tons per year (tpy), satisfy the applicable ERC requirements contained in 25 Pa. Code §§ 127.206—127.208. ERCs created from the curtailment or shutdown of a source or facility expires for use as offsets 10 years after the emission reduction occurs. ERCs generated by the over control of emissions by an existing facility do not expire for use as offsets. However, credits in the registry that are not used in a plan approval will be discounted if new air quality requirements are adopted by the Department or United States Environmental Protection Agency. For additional information concerning this listing of certified ERCs, contact the Bureau of Air Quality, Division of Permits, Department of Environmental Protection, 12th Floor, Rachel Carson State Office Building, P.O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-4325. This Pennsylvania ERC registry report, ERC Registry application and instructions are located at <http://www.dep.pa.gov/Business/Air/BAQ/Permits/Pages/EmissionCredit.aspx>. Below are the listings of changes compared to the previous quarter.

**Bureau of Air Quality**

**Summary of Revised Certified ERCs**

**[October 1 to December 31]**

**[2019]**

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
Morgan Adhesives Company (MACTac)	VOCs	5.16	10/29/2019	Trading

Source Location: Scranton

County: Lackawanna

Contact Person: Cara Glaser

Telephone Number: (570) 963-5352

[Expired]

## Summary of Revised ERC Transactions

[October 1 to December 31]

[2019]

The following ERC transactions are approved by the Bureau of Air Quality, Department of Environmental Protection, Commonwealth of Pennsylvania. The ERC transaction requirements are specified in 25 Pa. Code § 127.208.

## [No Additions]

## Notice of Certification to Perform Radon-Related Activities in Pennsylvania

In the month of December 2019 Department of Environmental Protection of the Commonwealth of Pennsylvania, under the authority contained in the Radon Certification Act, act of July 9, 1987, P.L. 238, No. 43 (63 P.S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed below to perform radon-related activities in Pennsylvania. The period of certification is two years. (For a complete list of persons currently certified to perform radon-related activities in Pennsylvania and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P.O. Box 8469, Harrisburg, PA 17105-8469, (1-800-23RADON).)

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
A-Z Solutions, Inc.	7681 Tim Avenue, NW North Canton, OH 44720	Testing & Mitigation
Jason Barber	368 Wayne Street Baden, PA 15005	Testing
John Cabibbo	186 Whisper Ridge Drive Port Matilda, PA 16870	Testing
Roger Campbell	351 Campbell Lane Ellwood City, PA 16117	Testing
Ben Chamberlin	3 Stonehedge Way Carlisle, PA 17015	Testing
Michael Conroy	201 Faculty Road Duncannon, PA 17020	Testing
James DeBellis	2700 Cumberland Avenue Reading, PA 19606	Mitigation
Christopher Eslinger	421 Derstine Avenue Lansdale, PA 19446	Testing
Larry Grove Grove Home Inspection Services, Inc.	929 South High Street, Ste. 169 West Chester, PA 19382	Testing
Donald Hart	613 Zimmermans Hollow Road Sunbury, PA 17801	Testing & Mitigation
Healthy Environments, LLC	60 Progress Avenue Cranberry Twp., PA 16066	Mitigation
Michael Imperial	2646 Fallow Hill Lane Jamison, PA 18929	Testing
Richard D. Malin	2075 Haymaker Road Monroeville, PA 15146	Testing
John Mallon, Jr. Radon Detection & Control	P.O. Box 419 South Heights, PA 15081	Testing & Mitigation
Joshua McClain	1921 Round Top Road Montoursville, PA 17754	Testing
Robert Raishart	778 Armel Hollow Road Latrobe, PA 15650	Testing
Mark Schlott	347 Indian Manor Drive Leesport, PA 19533	Testing
Thomas Sebald	4638 Highview Boulevard Erie, PA 16509	Testing

**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.*

**EROSION AND SEDIMENT CONTROL PERMITS**

The following parties have applied for Erosion and Sediment Control Permits for earth disturbance associated with oil and gas exploration, production, processing, or treatment operations or transmission facilities.

Unless otherwise indicated, on the basis of preliminary review and application of lawful standards and regulations, the Department proposes to issue a permit to discharge, subject to certain limitations in the permit conditions. These proposed determinations are tentative. Limitations are provided as erosion and sediment control best management practices which restrict the rate and quantity of sediment discharged.

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

Following the 30-day comment period, the program manager from the appropriate Department office will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to United States Court of Appeals for the 3rd Circuit, 21400 U.S. Courthouse, 601 Market Street, Philadelphia, PA 19106-1790.

The application and related documents, including the erosion and sediment control plan for the earth distur-

bance activity, are on file and may be inspected at the appropriate Department office.

Persons with a disability that require an auxiliary aid, service, or other accommodation to participate during the 30-day public comment period should contact the specified Department office. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 800.654.5984.

**Applications received under sections 5 and 402 of The Clean Streams Law (35 P.S. §§ 691.5 and 691.402).**

*Southeast Regional Office: Waterways and Wetlands Program, 2 East Main Street, Norristown, PA 19401, John Hohenstein, P.E., Program Manager, 484.250.5900.*

**ESG010019001.** The Department of Environmental Protection (Department) provides notice of receipt of an application for a Chapter 102, Erosion and Sediment Control General Permit for Earth Disturbance Associated with Oil and Gas Exploration, Production, Processing, or Treatment Operations or Transmission Facilities. The application is currently under technical review for **Adelphia Gateway Project—Phase 1.**

The Adelphia Gateway Pipeline is an 84-mile pipeline that runs from Martins Creek to Marcus Hook. Facility upgrades will occur to thirteen (13) sites along the pipeline: Quakertown Compressor Station, East Perkiomen Blowdown, Skippack Pike Meter Station, Perkiomen Creek Blowdown, Schuylkill River Blowdown, Cromby Blowdown, French Creek Blowdown, Mainline Valve 2, Paoli Pike Blowdown, Chester Creek Blowdown, Mainline Valve 1, Transco Meter Station, and Marcus Hook Compressor Station.

The subsequent phase is the Tilghman and Parkway lateral pipeline installations. The Tilghman lateral pipeline consists of approximately 4.5 miles of a 16-inch O.D. pipeline through traditional pipeline installation and horizontal directional drill (HDD) installation methods. The project scope for the Parkway Lateral includes the installation of 500 linear feet of natural gas main, new meter pads, gravel paths, and a small compressor building.

This authorization is required for earth disturbance activities associated with oil and gas exploration, production, processing or treatment operations or transmission facilities when earth disturbance is five acres or greater. Review of this application is being coordinated among the Department and the associated county conservation districts.

The application under review is as follows:

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Counties</i>	<i>DEP Office</i>
ESG010019001	Adelphia Gateway, LLC 1415 Wyckoff Road Wall, NJ 07719	Bucks, Chester, Delaware, and Montgomery	Southeast Regional Office

More detailed information regarding the permit applications related to this proposed project is available in the Department's Southeast Regional Office at 2 East Main Street, Norristown, PA 19401 and available online ([dep.pa.gov/pipelines](http://dep.pa.gov/pipelines)). Contact the Department's Southeast Regional Office File Review Coordinator at 484.250.5900 to request a file review.

Comments on the applications can be e-mailed 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-seropa@pa.gov](mailto:ra-epww-seropa@pa.gov).



**PUBLIC NOTICE OF FINAL STATE WATER  
QUALITY CERTIFICATION FOR A FERC  
REGULATED PIPELINE PROJECT**

**State Water Quality Certification Issued by the  
Commonwealth of Pennsylvania, Department of  
Environmental Protection Pursuant to Section  
401 of the Clean Water Act for the West Loop  
Project.**

*Regional Permit Coordination Office: 400 Market Street,  
Harrisburg, PA 17101, Domenic Rocco, PE, Program  
Manager, 717-772-5987.*

**EA00832-002, Dominion Energy Transmission, Inc. (DETI)** (Applicant), 707 East Main Street, Richmond, VA 23219. West Loop Project (Project), in Big Beaver and Homewood Boroughs and Chippewa, South Beaver, North Sewickley, and Darlington Townships, **Beaver County** and North Beaver Township, **Lawrence County**, ACOE Pittsburgh District. The proposed project starts at the proposed Stitt Gate Site interconnect in Beaver County (Latitude: 40.79362°; Longitude: -80.4118°) and ends at the existing Koppel Junction Site in Beaver County (Latitude: 40.834025°; Longitude: -80.3313°). Appurtenant facilities include: the Darlington Pipe Yard (Latitude: 40.8081°; Longitude: -80.4314°); Route 18 Pipe Yard (Latitude: 40.8104°; Longitude: -80.3240°, no resource impacts); and the Beaver Compressor Station (Latitude: 40.8178°; Longitude: -80.3035°, no resource impacts). There will also be control valves installed at the Old Petersburg Regulation Facility in Lawrence County (Latitude: 40.929189°; Longitude: -80.518474°), which has no resource impacts.

On December 18, 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 No. CP19-26-000). The FERC Environmental Assessment for the Project was issued on May 28, 2019. FERC issued the certificate of public convenience and necessity on December 19, 2019. Documents may be viewed on FERC's website at [www.ferc.gov](http://www.ferc.gov) (search eLibrary; Docket Search; CP19-26-000).

On December 19, 2018, Applicant requested a State water quality certification (SWQC) from the Pennsylvania Department of Environmental Protection (PADEP), as required by Section 401 of the Clean Water Act (33 U.S.C.A. § 1341), to ensure that the construction, operation and maintenance of the Project will protect water quality in Pennsylvania consistent with the requirements of State law and the Clean Water Act.

The Project, as proposed, includes an approximately 5.1-mile-long, 36-inch-diameter natural gas pipeline parallel and adjacent to DETI's existing TL-400 Pipeline from the new Stitt Gate site in Beaver County to DETI's existing Koppel Junction site in Beaver County. The Project, as proposed, will require approximately 100.4 acres of earth disturbance, and impacts to 4,058 linear feet of Clarks Run (WWF), tributaries to Clarks Run (WWF), Stockman Run (WWF), tributaries to Stockman Run (WWF), and tributaries to North Fork Little Beaver Creek (HQ-CWF), 1.8 acre of floodway, 0.41 acre of temporary PEM, PSS, and PFO wetland impacts, and 2.12 acres of PEM, PSS, and PFO wetland permanent impacts. No permanent fill is proposed in any wetlands.

PADEP published notice of its proposed SWQC in the *Pennsylvania Bulletin* on June 1, 2019 (49 Pa.B. 2743) and received no comments from the public.

PADEP certifies that the construction, operation and maintenance of the Project complies with the applicable provisions of sections 301–303, 306 and 307 of the Federal Clean Water Act (33 U.S.C.A. §§ 1311–1313, 1316 and 1317). The PADEP further certifies that the construction, operation and maintenance of the Project complies with Pennsylvania water quality standards and that the construction, operation and maintenance of the Project will maintain and protect applicable Commonwealth water quality standards provided that the construction, operation and maintenance of the project complies with the following PADEP water quality permitting programs, criteria and conditions established pursuant to Pennsylvania law:

1. *Discharge Permit*—Applicant shall obtain and comply with a National Pollutant Discharge Elimination System (NPDES) permit(s) for the discharge of water from the hydrostatic testing of the pipeline associated with the Project pursuant to Pennsylvania's Clean Streams Law (35 P.S. §§ 691.1–691.1001), 25 Pa. Code Chapter 92a (relating to NPDES permitting, monitoring and compliance), and all other applicable regulations.

2. *Erosion and Sediment Control 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 Storm Water Management Act (32 P.S. §§ 680.1–680.17), 25 Pa. Code Chapter 102 (relating to erosion and sediment control), and all other applicable regulations.

3. *Water Obstruction and Encroachment Permits*—Applicant shall obtain and comply with a Water Obstruction and Encroachment Permit(s) for the construction, operation and maintenance of all stream and wetland crossings associated with the Project pursuant to Pennsylvania's Clean Streams Law, Dam Safety and Encroachments Act (32 P.S. §§ 693.1–693.27), and Flood Plain Management Act (32 P.S. §§ 679.101–679.601.), 25 Pa. Code Chapter 105 (relating to dam safety and waterway management), 25 Pa. Code Chapter 106 (relating to floodplain management) and all other applicable regulations.

4. *Other Water Quality Requirements*—Applicant shall obtain any other permits, authorizations or approvals required to construct, operate, and maintain the Project from any interstate or international agency as required by an interstate compact or international agreement that has established water quality standards applicable to surface waters of this Commonwealth, including wetlands.

5. *Water Quality Monitoring*—PADEP retains the right to specify additional studies or monitoring to ensure that 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 PADEP 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.

8. *Transfer of Projects*—If Applicant intends to transfer any legal or equitable interest in the Project or any portion(s) thereof, the Applicant shall provide a copy of this SWQC and copies of any permits, authorizations or approvals obtained to comply with the SWQC upon the prospective transferee of the legal and equitable interest at least thirty (30) days prior to the contemplated transfer and shall simultaneously inform the appropriate PADEP Office of such intent. Notice to PADEP shall include a transfer agreement signed by the existing and new owners containing a specific date for transfer of responsibility, coverage, and liability under the SWQC and any permits, authorizations and approvals obtained to comply with the SWQC. The new owner shall submit to PADEP a new application form for the SWQC and any permits, authorizations and approvals required to comply with the SWQC signed by the new owner.

9. *Correspondence*—All correspondence with and submittals to PADEP concerning this SWQC shall be addressed to the Department of Environmental Protection, Regional Permit Coordination Office, Domenic Rocco, PE, Program Manager, 400 Market Street, Harrisburg, PA 17101.

10. *Reservation of Rights*—PADEP may modify, suspend, or revoke this SWQC if (i) PADEP becomes aware of new facts about the Project that warrant such action; or (ii) PADEP determines that the Applicant has not complied with the terms and conditions of this certification. PADEP may require additional measures to achieve compliance with any applicable law or regulation.

11. *Other Laws*—Nothing in this SWQC shall be construed to preclude the institution of any legal action or to relieve Applicant from any responsibilities, liabilities, or penalties established pursuant to any applicable law or regulation.

12. *Severability*—The provisions of this SWQC are severable and should any provision of this SWQC be declared invalid or unenforceable, the remainder of this SWQC shall not be affected thereby.

Any person aggrieved by this action may file a petition for review pursuant to Section 19(d) of the Federal 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 as provided by law. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law. Important legal rights are at stake, so you should show this document to a lawyer promptly.

**PUBLIC NOTICE OF FINAL STATE WATER  
QUALITY CERTIFICATION FOR FERC  
REGULATED PIPELINE PROJECT**

**Final State Water Quality Certification Required by  
Section 401 of the Clean Water Act for the JP-40  
Pipeline Replacement.**

*Southwest Region: Waterways & Wetlands Program, 400  
Waterfront Drive, Pittsburgh, PA 15222, Dana Drake, P.E.,  
Program Manager 412.442.4149.*

**WQ65052-003, Dominion Energy Transmission, Inc.** (Applicant), 5000 Dominion Boulevard, Glen Allen, VA 23060. JP-40 Pipeline Replacement (Project), in Salem, Hempfield, and Penn Townships, **Westmoreland County**, in the Army Corps of Engineers Pittsburgh District. The proposed project starts at State Route 22 (Slickville, PA Quadrangle N: 40°, 20', 43.019"; W: -79°, 35', 17.825") and ends at Gas Company Lane (Greensburg, PA Quadrangle N: 40°, 24', 1.835"; W: -79°, 33', 17.716").

The Applicant will report the project to Federal Energy Regulatory Commission (FERC) in its annual blanket activities report as authorized under blanket construction certificate (FERC Docket No. CP82-537-000 dated November 3, 1982.

On June 28, 2019, Applicant requested a State Water Quality Certification (SWQC) from the Pennsylvania Department of Environmental Protection (PADEP), as required by Section 401 of the Clean Water Act (33 U.S.C.A. § 1341), to ensure that the construction, operation and maintenance of the Project will protect water quality in Pennsylvania consistent with the requirements of State law and the Clean Water Act.

The Project, as proposed, includes the removal and replacement of approximately 3.9 miles of the 20-inch JP-40 (three segments) and 6-inch JP-57 pipelines, and two drip locations for the purpose of upgrading existing infrastructure to comply with Federal pipeline safety standards.

The Project, as proposed, will require approximately 46 acres of earth disturbance, and impacts to 777 linear feet of Beaver Run (HQ-CWF), UNTs to Beaver Run (HQ-CWF), and UNTs to Brush Creek (TSF), 2.067 acres of floodway, 0.073 acre of temporary PEM and PUB wetland impacts, and 0.234 acre of permanent PEM wetland impacts. Mitigation will include restoring the disturbed area back to its original condition and elevation and stabilizing the disturbed area.

PADEP published notice of its proposed State Water Quality Certification in the *Pennsylvania Bulletin* on July 13, 2019 (Pa.B., Vol. 49, No. 28) and received no comments from the public.

PADEP certifies that the construction, operation and maintenance of the Project complies with the applicable provisions of sections 301–303, 306 and 307 of the Federal Clean Water Act (33 U.S.C.A. §§ 1311–1313, 1316 and 1317). The PADEP further certifies that the construction, operation and maintenance of the project complies with Pennsylvania water quality standards and that the construction, operation and maintenance of the project does not violate applicable Pennsylvania water quality standards provided that the construction, operation and maintenance of the Project complies with the following PADEP water quality permitting programs, criteria and conditions established pursuant to Pennsylvania law:

1. *Discharge Permit*—The Applicant intends to dispose of waste water generated by hydrostatic testing at an approved waste water treatment facility. If this changes, the Applicant shall obtain and comply with a National Pollutant Discharge Elimination System (NPDES) permit(s) for the discharge of water from the hydrostatic testing of the pipeline associated with the Project pursuant to Pennsylvania's Clean Streams Law (35 P.S. §§ 691.1–691.1001), 25 Pa. Code Chapter 92a (relating to NPDES permitting, monitoring and compliance) and all other applicable regulations.

2. *Erosion and Sediment Control 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 Storm Water Management Act (32 P.S. §§ 680.1—680.17), 25 Pa. Code Chapter 105, and all other applicable implementing 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 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, 25 Pa. Code Chapter 106, and all other applicable regulations.

4. *Water Quality Monitoring*—PADEP retains the right to specify additional studies or monitoring to ensure that the receiving water quality is not adversely impacted by any operational and construction process that may be employed by Applicant.

5. *Operation*—Applicant shall properly operate and maintain at all times all Project facilities and systems of treatment and control (and related appurtenances) which are installed to achieve compliance with the terms and conditions of this State Water Quality Certification and all required permits, authorizations and approvals. Proper operation and maintenance includes adequate laboratory controls, appropriate quality assurance procedures, and the operation of backup or auxiliary facilities or similar systems installed by Applicant.

6. *Inspection*—The Project, including all relevant records, are subject to inspection at reasonable hours and intervals by an authorized representative of PADEP or delegated County Conservation District to determine compliance with this SWQC, including all required permits, authorizations and approvals required by this State Water Quality Certification. The Applicant shall provide a copy of this SWQC to an authorized representative conducting an inspection of the Project.

7. *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 trans-

fer and shall simultaneously inform the appropriate PADEP Office of such intent. Notice to PADEP shall include a transfer agreement signed by the existing and new owners containing a specific date for transfer of responsibility, coverage, and liability under the SWQC and any permits, authorizations and approvals obtained to comply with the SWQC. The new owner shall submit to 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.

8. *Correspondence*—All correspondence with and submittals to PADEP concerning this State Water Quality Certification shall be addressed to the Department of Environmental Protection, Dana Drake, P.E., Program Manager, Waterways and Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222.

9. *Reservation of Rights*—PADEP may modify, suspend or revoke this SWQC if (i) PADEP becomes aware of new facts about the Project that warrant such action; or (ii) PADEP determines that the Applicant has not complied with the terms and conditions of this SWQC. PADEP may require additional measures to achieve compliance with any applicable law or regulation.

10. *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.

11. *Severability*—The provisions of this SWQC are severable and should any provision of this SWQC be declared invalid or unenforceable, the remainder of the SWQC shall not be affected thereby.

12. *Public Water Supply*—Applicant shall contact all active public water supply well owners located within 1/2 mile of the proposed pipeline replacement project.

Any person aggrieved by this action may file a petition for review pursuant to Section 19(d) of the Federal 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 as provided by law. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law. Important legal rights are at stake, so you should show this document to a lawyer promptly.

[Pa.B. Doc. No. 20-73. Filed for public inspection January 17, 2020, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Approved and Required Medications Lists for Emergency Medical Service Agencies and Emergency Medical Service Providers

Under 28 Pa. Code §§ 1027.3(c) and 1027.5(b) (relating to licensure and general operating standards; and medication use, control and security), the Department of Health (Department) has approved the following medications for administration by emergency medical responders (EMR), emergency medical technicians (EMT), advanced emergency medical technicians (AEMT), paramedics (P), prehospital registered nurses (PHRN), prehospital physician extenders (PHPE), and prehospital emergency medical services physicians (PHP) when functioning on behalf of an emergency medical service (EMS) agency. The approvals are based upon the type of EMS service an EMS agency is licensed to provide under 35 Pa.C.S. § 8129 (relating to emergency medical services agencies). This notice also specifies the minimum required medications to be stocked on a specified EMS vehicle based upon the type of EMS service the EMS agency is licensed to provide.

Under 28 Pa. Code § 1027.5(d), EMS providers, other than a PHP, may administer to a patient medications, or assist the patient to administer medications previously prescribed for that patient, as specified in the Statewide EMS protocols or as authorized by a medical command physician. An EMS provider may administer medications contained on this list if

the EMS provider is credentialed to do so and the EMS vehicle on which they are providing EMS is properly licensed to carry the medication.

Unless otherwise stated or restricted to a specific level of provider, listed medications may be given by any acceptable route as listed in protocol or as ordered by a medical command physician.

Medications that are listed as required must be carried on the specified level of EMS vehicle and must be carried in a quantity sufficient to treat at least one adult using the Statewide EMS protocols. If the protocol identifies repeat doses, then additional medication must be carried. When a pediatric dose option is available (for example a pediatric EPINEPHrine autoinjector), then both the adult and pediatric options must be carried.

During interfacility transport, all medications given by continuous infusion (except intravenous electrolyte solutions with potassium concentrations of no more than 20 mEq/L) must be regulated by an electronic infusion pump. For prehospital transport, continuous infusions of crystalloid solutions containing medication (except intravenous electrolyte solutions with potassium concentrations of no more than 20 mEq/L) and all vasoactive medications must be rate controlled by electronic IV pump or a manual flow control device capable of setting specific numeric flow rates. Nitroglycerin infusion must be regulated with an electronic pump.

**Table 1. Medications that may be administered by EMS providers when functioning on behalf of an EMS agency based upon the type of EMS service an EMS agency is licensed to provide.**

<i>Medication</i>	<i>QRS (including providers at or above the level of EMR)</i>	<i>BLS (including providers at or above the level of EMT)</i>	<i>IALS (including providers at or above the level of AEMT)</i>	<i>ALS (including providers above the level of AEMT)</i>	<i>CCT (including providers above the level of AEMT with additional approved training)</i>	<i>Air (including providers above the level of AEMT with additional approved training)</i>
Abciximab	NO	NO	NO	YES <sup>4</sup>	YES <sup>4</sup> or <sup>5</sup>	YES <sup>4</sup> or <sup>5</sup>
Acetaminophen	NO	YES	YES	YES	YES	YES
Acetylcysteine	NO	NO	NO	YES <sup>4</sup>	YES <sup>4</sup>	YES <sup>4</sup>
Activated charcoal	NO	YES	YES	YES	YES	YES
Adenosine	NO	NO	NO	YES	YES	YES
Albumin	NO	NO	NO	NO	YES <sup>4,5</sup>	YES <sup>4,5</sup>
Albuterol (nebulizer solution)	NO	YES	YES	YES	YES	YES
Albuterol with ipratropium bromide (nebulizer solution)	NO	YES	YES	YES	YES	YES
Amiodarone	NO	NO	NO	YES	YES	YES
Anti-coagulants/Platelet Inhibitors: all types (unless otherwise specifically listed)	NO	NO	NO	NO	YES <sup>4,5</sup>	YES <sup>4,5</sup>
Anticonvulsants: all types (unless otherwise specifically listed)	NO	NO	NO	NO	YES <sup>5</sup>	YES <sup>5</sup>
Anti-emetics: all types (not otherwise specifically listed)	NO	NO	NO	NO	YES <sup>4,5</sup>	YES <sup>4,5</sup>
Anti-hypertensives: all types (unless otherwise specifically listed)	NO	NO	NO	NO	YES <sup>5</sup>	YES <sup>5</sup>
Antimicrobials: all types	NO	NO	NO	YES	YES	YES
Antivenom: all types	NO	NO	NO	NO	YES <sup>4,5</sup>	YES <sup>4,5</sup>
Aspirin, oral	NO	YES	YES	YES	YES	YES
Atenolol	NO	NO	NO	NO	YES <sup>4,5</sup>	YES <sup>4,5</sup>
Atropine sulfate	NO	NO	NO	YES	YES	YES
Barbiturates: all types	NO	NO	NO	NO	YES <sup>5</sup>	YES <sup>5</sup>
Benzocaine, topical	NO	NO	NO	YES	YES	YES
Bivalirudin	NO	NO	NO	YES <sup>4</sup>	YES <sup>5</sup>	YES <sup>5</sup>
Blood products: all types	NO	NO	NO	NO	YES <sup>4</sup>	YES <sup>5</sup>
Bronchodilators, short-acting medications listed in Statewide BLS protocol and contained in multidose inhaler (MDI), assist with patient's own prescribed medication	NO	YES	YES	YES	YES	YES
Calcium chloride/calcium gluconate	NO	NO	NO	YES	YES	YES

<i>Medication</i>	<i>QRS (including providers at or above the level of EMR)</i>	<i>BLS (including providers at or above the level of EMT)</i>	<i>IALS (including providers at or above the level of AEMT)</i>	<i>ALS (including providers above the level of AEMT)</i>	<i>CCT (including providers above the level of AEMT with additional approved training)</i>	<i>Air (including providers above the level of AEMT with additional approved training)</i>
Captopril	NO	NO	NO	YES	YES	YES
Clopidogrel	NO	NO	NO	NO	YES <sup>5</sup>	YES <sup>5</sup>
Crystalloid hypertonic solutions	NO	NO	NO	NO	YES <sup>5</sup>	YES <sup>5</sup>
Crystalloid isotonic solutions, including but not limited to: Isolyte, Lactated Ringers, Normosol, saline (NaCl) (unless otherwise specifically listed). <i>Note</i> —Normal Saline Solution and Dextrose listed separately	NO	NO	NO	YES	YES	YES
Crystalloid solution containing potassium, interfacility transport only, potassium concentration may not exceed 20 mEq/kg unless managed by qualified CCT or Air Medical provider	NO	NO	NO	YES <sup>4</sup>	YES <sup>4</sup>	YES <sup>4</sup>
Dexamethasone sodium phosphate	NO	NO	NO	YES	YES	YES
Dextran	NO	NO	NO	NO	YES <sup>4,5</sup>	YES <sup>4,5</sup>
Dextrose (for intravenous bolus in concentrations between 5%—50%)	NO	NO	YES	YES	YES	YES
Diazepam	NO	NO	NO	YES	YES	YES
Digoxin	NO	NO	NO	NO	YES <sup>5</sup>	YES <sup>5</sup>
Diltiazem	NO	NO	NO	YES	YES	YES
DiphenhydrAMINE HCl	NO	NO	YES	YES	YES	YES
DOBUtamine	NO	NO	NO	YES	YES	YES
DOPamine	NO	NO	NO	YES	YES	YES
EMLA cream	NO	NO	NO	YES	YES	YES
Enalapril	NO	NO	NO	YES	YES	YES
EPINEPHrine HCl 1 mg/mL (unless otherwise specifically listed)	NO	NO	YES <sup>2</sup>	YES	YES	YES
EPINEPHrine HCl 0.1 mg/mL solution and diluted concentrations for intravenous infusion	NO	NO	NO	YES	YES	YES
EPINEPHrine HCl 0.1 mg/mL for cardiac arrest	NO	NO	YES	N/A	N/A	N/A
EPINEPHrine HCl autoinjector, assist with patient's own prescribed medication	NO	YES	YES	YES	YES	YES
EPINEPHrine HCl autoinjector (adult and pediatric dose sizes), (unless otherwise specifically listed)	NO	NO	YES	YES	YES	YES
EPINEPHrine HCl autoinjector (adult and pediatric dose sizes), applies only to EMTs in BLS services approved for EMT EPINEPHrine program	NO	YES	N/A	N/A	N/A	N/A
EPINEPHrine HCl, including racemic (by nebulizer)	NO	NO	NO	YES	YES	YES
Eptifibatide	NO	NO	NO	YES <sup>4</sup>	YES <sup>4 or 5</sup>	YES <sup>4 or 5</sup>
Esmolol	NO	NO	NO	NO	YES <sup>5</sup>	YES <sup>5</sup>
Etomidate	NO	NO	NO	YES <sup>3</sup>	YES <sup>3</sup>	YES <sup>3</sup>
FentanNYL	NO	NO	NO	YES	YES	YES



<i>Medication</i>	<i>QRS (including providers at or above the level of EMR)</i>	<i>BLS (including providers at or above the level of EMT)</i>	<i>IALS (including providers at or above the level of AEMT)</i>	<i>ALS (including providers above the level of AEMT)</i>	<i>CCT (including providers above the level of AEMT with additional approved training)</i>	<i>Air (including providers above the level of AEMT with additional approved training)</i>
Fibrinolytics/thrombolytics: all types	NO	NO	NO	NO	YES <sup>5</sup>	YES <sup>5</sup>
Furosemide	NO	NO	NO	YES	YES	YES
Flumazenil	NO	NO	NO	NO	YES <sup>4</sup>	YES <sup>4</sup>
Glucagon	NO	NO	YES	YES	YES	YES
Glucocorticoids/mineralcorticoids (unless otherwise specifically listed)	NO	NO	NO	NO	YES <sup>4,5</sup>	YES <sup>4,5</sup>
Glucose, oral	NO	YES	YES	YES	YES	YES
Heparin (unless otherwise specifically listed)	NO	NO	NO	NO	YES <sup>5</sup>	YES <sup>5</sup>
Heparin (by continuous intravenous infusion)	NO	NO	NO	YES <sup>4</sup>	YES <sup>4 or 5</sup>	YES <sup>4 or 5</sup>
Hespan	NO	NO	NO	NO	YES <sup>4,5</sup>	YES <sup>4,5</sup>
Hydralazine	NO	NO	NO	NO	YES <sup>4,5</sup>	YES <sup>4,5</sup>
Hydrocortisone sodium succinate	NO	NO	NO	YES	YES	YES
HYRDROMorphone	NO	NO	NO	YES <sup>4</sup>	YES <sup>4 or 5</sup>	YES <sup>4 or 5</sup>
Hydroxocobalamin	NO	NO	NO	YES	YES	YES
Ibuprofen	NO	YES	YES	YES	YES	YES
Immunizations	NO	NO	NO	YES <sup>9</sup>	YES <sup>9</sup>	YES <sup>9</sup>
Insulin	NO	NO	NO	NO	YES <sup>5</sup>	YES <sup>5</sup>
Isoproterenol HCl	NO	NO	NO	YES <sup>4</sup>	YES <sup>4</sup>	YES <sup>4</sup>
Ketamine	NO	NO	NO	YES <sup>3</sup>	YES <sup>3,4,5</sup>	YES <sup>3,4,5</sup>
Ketorolac	NO	NO	YES	YES	YES	YES
Labetolol	NO	NO	NO	NO	YES <sup>4,5</sup>	YES <sup>4,5</sup>
Levalbuterol	NO	NO	NO	YES <sup>4</sup>	YES <sup>4</sup>	YES <sup>4</sup>
Levetiracetam	NO	NO	NO	YES <sup>4</sup>	YES <sup>4</sup>	YES <sup>4</sup>
Lidocaine HCl	NO	NO	NO	YES	YES	YES
LORazepam	NO	NO	NO	YES	YES	YES
Magnesium sulfate	NO	NO	NO	YES	YES	YES
Mannitol	NO	NO	NO	NO	YES <sup>5</sup>	YES <sup>5</sup>
Metaproterenol	NO	NO	NO	NO	YES <sup>4,5</sup>	YES <sup>4,5</sup>
MethylPREDNISolone	NO	NO	NO	YES	YES	YES
Metoprolol	NO	NO	NO	NO	YES <sup>4,5</sup>	YES <sup>4,5</sup>
Midazolam	NO	NO	NO	YES	YES	YES
Milrinone	NO	NO	NO	YES <sup>4</sup>	YES <sup>4,5</sup>	YES <sup>4,5</sup>
Morphine sulfate	NO	NO	NO	YES	YES	YES
Naloxone (unless otherwise specifically listed). <i>Note</i> —autoinjector listed separately	NO	NO	YES	YES	YES	YES
Naloxone, intranasal or autoinjector. <i>Note</i> —EMRs and EMTs must complete additional required education with QRS or BLS service participating in naloxone program	YES <sup>1</sup>	YES <sup>1</sup>	YES	YES	YES	YES
Nerve agent antidote kit, autoinjector only (may include atropine, pralidoxime and diazepam)	NO	YES <sup>6,7</sup>	YES <sup>6,7</sup>	YES	YES	YES

	<i>QRS (including providers at or above the level of EMR)</i>	<i>BLS (including providers at or above the level of EMT)</i>	<i>IALS (including providers at or above the level of AEMT)</i>	<i>ALS (including providers above the level of AEMT)</i>	<i>CCT (including providers above the level of AEMT with additional approved training)</i>	<i>Air (including providers above the level of AEMT with additional approved training)</i>
<i>Medication</i>						
Non-depolarizing neuromuscular blocking agents: all types, intravenous bolus during rapid sequence induction, assisting PHRN, PHPE or PHP	NO	NO	NO	NO	YES <sup>5</sup>	YES <sup>5</sup>
Non-depolarizing neuromuscular blocking agents: all types, intravenous infusion during interfacility transport	NO	NO	NO	NO	YES <sup>4</sup>	YES <sup>4</sup>
Nitroglycerin, intravenous and topical	NO	NO	NO	YES	YES	YES
Nitroglycerin, sublingual (unless otherwise specifically listed)	NO	NO	YES	YES	YES	YES
Nitroglycerin, sublingual, assist with patient's own prescribed medication	NO	YES	YES	YES	YES	YES
Nitrous oxide	NO	NO	YES	YES	YES	YES
Norepinephrine	NO	NO	NO	YES <sup>4</sup>	YES <sup>4</sup>	YES <sup>4</sup>
Normal Saline Solution (0.9% NaCl solution for intravenous volume infusion)	NO	NO	YES	YES	YES	YES
Ondansetron	NO	NO	YES	YES	YES	YES
Oxygen, delivered by devices within the published scope of practice for the EMS provider	YES	YES	YES	YES	YES	YES
Oxytocin	NO	NO	NO	YES	YES	YES
Pantoprazole	NO	NO	NO	YES <sup>4</sup>	YES <sup>4,5</sup>	YES <sup>4,5</sup>
Phenylephrine	NO	NO	NO	YES <sup>4</sup>	YES <sup>4</sup>	YES <sup>4</sup>
Potassium Cl (in concentrations above 20 mEq/L)	NO	NO	NO	NO	YES <sup>4,5</sup>	YES <sup>4,5</sup>
Plasmanate	NO	NO	NO	NO	YES <sup>4,5</sup>	YES <sup>4,5</sup>
Pralidoxime	NO	NO	NO	YES	YES	YES
Procainamide	NO	NO	NO	YES	YES	YES
Propofol	NO	NO	NO	NO	YES <sup>4,5</sup>	YES <sup>4,5</sup>
Propranolol	NO	NO	NO	NO	YES <sup>4,5</sup>	YES <sup>4,5</sup>
Prostaglandins: all types	NO	NO	NO	NO	YES <sup>5</sup>	YES <sup>5</sup>
Quinidine sulfate/quinidine gluconate	NO	NO	NO	NO	YES <sup>5</sup>	YES <sup>5</sup>
Sodium bicarbonate	NO	NO	NO	YES	YES	YES
Sodium thiosulfate	NO	NO	NO	YES	YES	YES
Sterile water, for injection	NO	NO	NO	YES	YES	YES
Succinylcholine	NO	NO	NO	NO	YES <sup>5</sup>	YES <sup>5</sup>
Terbutaline	NO	NO	NO	YES	YES	YES
Tetracaine, topical	NO	NO	NO	YES	YES	YES
Theophylline	NO	NO	NO	NO	YES <sup>4,5</sup>	YES <sup>4,5</sup>
Tirofiban	NO	NO	NO	YES <sup>4</sup>	YES <sup>4 or 5</sup>	YES <sup>4 or 5</sup>
Tocolytics: all types (unless otherwise specifically listed)	NO	NO	NO	NO	YES <sup>5</sup>	YES <sup>5</sup>
Total Parenteral Nutrition	NO	NO	NO	YES <sup>4</sup>	YES <sup>4</sup>	YES <sup>4</sup>
Tranexamic Acid	NO	NO	NO	YES <sup>4</sup>	YES <sup>4 or 5</sup>	YES <sup>4 or 5</sup>
Verapamil	NO	NO	NO	YES	YES	YES

<i>Medication</i>	<i>QRS (including providers at or above the level of EMR)</i>	<i>BLS (including providers at or above the level of EMT)</i>	<i>IALS (including providers at or above the level of AEMT)</i>	<i>ALS (including providers above the level of AEMT)</i>	<i>CCT (including providers above the level of AEMT with additional approved training)</i>	<i>Air (including providers above the level of AEMT with additional approved training)</i>
Medications not listed above, but within Department-approved air ambulance service protocol for use by PHRN, PHPE, and PHP.	NO	NO	NO	NO	NO	YES <sup>5</sup>

**Table 2. Medications required to be carried by a specified EMS vehicle based upon the type of EMS service an EMS agency is licensed to provide. (R=Required)**

<i>Medication</i>	<i>QRS</i>	<i>BLS</i>	<i>IALS</i>	<i>ALS</i>	<i>CCT</i>	<i>Air</i>
Adenosine				R	R	R
Aspirin, oral		R	R	R	R	R
Atropine sulfate				R	R	R
Benzodiazepines (diazepam, lorazepam or midazolam)—At least one type must be carried.				R <sup>10,12</sup>	R <sup>10,12</sup>	R <sup>10,12</sup>
Bronchodilators (nebulizer solution), (albuterol or albuterol with ipratropium bromide)—At least one type must be carried.			R <sup>8</sup>	R <sup>8</sup>	R <sup>8</sup>	R <sup>8</sup>
Dextrose (for intravenous bolus in concentration between 10%–50%)			R	R	R	R
DiphenhydrAMINE HCl				R	R	R
EPINEPHrine HCl, 1mg/mL concentration (IALS may meet requirement with EPINEPHrine as autoinjector—both adult and pediatric dose sizes—or as solution in vial/ampoule; ALS, CCT, and Air must carry 1 mg/mL in vial or ampoule)			R	R	R	R
EPINEPHrine HCl, 0.1 mg/mL concentration				R	R	R
EPINEPHrine, autoinjector (adult and pediatric dose sizes)—applies only to BLS services approved for EMT EPINEPHrine program		R <sup>3</sup>				
Etomidate—applies only to ALS services approved by regional etomidate program				R <sup>3</sup>	R <sup>3</sup>	R <sup>3</sup>
Glucagon					R	R
Glucose, oral		R	R	R	R	R
Lidocaine HCl				R	R	R
Naloxone (restrictions on forms for QRS/BLS services listed separately)			R	R	R	R
Naloxone, intranasal kit or intramuscular autoinjector—applies only to QRS/BLS services that meet training requirements	R <sup>3</sup>	R <sup>3</sup>				
Narcotic analgesics (fentaNYL or morphine sulfate)—At least one type must be carried.				R <sup>11,12</sup>	R <sup>11,12</sup>	R <sup>11,12</sup>
Nitroglycerin, sublingual			R	R	R	R
Normal Saline Solution (0.9% NaCl solution for intravenous volume infusion)			R	R	R	R
Oxygen		R	R	R	R	R
Sodium bicarbonate				R	R	R

<i>Medication</i>	<i>QRS</i>	<i>BLS</i>	<i>IALS</i>	<i>ALS</i>	<i>CCT</i>	<i>Air</i>
Medication within Department-approved air ambulance service protocol for use by PHRN, PHPE or PHP on crew						R

QRS—Quick Response Service; BLS—Basic Life Support ambulance service; IALS—Intermediate Advanced Life Support ambulance service; ALS—Advanced Life Support ambulance service; CCT—Critical Care Transport ambulance service; Air—Air ambulance service.

1. EMRs and EMTs are restricted to administering this medication by intranasal and intramuscular autoinjector routes only, consistent with Statewide BLS protocols.

2. AEMTs are restricted to administering this medication by intramuscular route only, consistent with Statewide AEMT protocols. AEMTs may not administer this medication by intravenous or intraosseous route.

3. Permitted for services that meet Department requirements for training, medication stocking, and any agency or quality improvement requirements, as verified by the agency's assigned regional EMS council.

4. During interfacility transport, Ps who are authorized to function for an EMS agency that has been licensed as an ALS, CCT or air ambulance service are restricted to the maintenance and monitoring of medication administration that is initiated at the sending medical facility.

5. If carried on a CCT ambulance, this medication must be secured so that it is only accessible when a PHRN, PHPE or PHP is part of the crew. Ps who are authorized to function for an EMS agency that has been licensed as a CCT or air ambulance service may only administer this medication when in the direct physical presence of, and supervised by, a PHRN, PHPE or PHP.

6. May administer to a patient when assisting an EMS provider above the level of AEMT who has determined the dose for the patient consistent with Statewide ALS protocols.

7. For self or peer rescue only.

8. One listed type of bronchodilator medication must be carried on each licensed vehicle.

9. Appropriate for community or peer programs under the oversight of the EMS Agency Medical Director, but not for responses to 9-1-1 calls.

10. One benzodiazepine class medication must be carried on each licensed vehicle.

11. One opioid class medication must be carried on each licensed vehicle.

12. For additional information relating to security and medication tracking requirements for controlled substances, see 28 Pa. Code § 1027.5.

Persons with a disability who require an alternate format of this notice (for example, large print, audiotape, Braille) should contact Aaron M. Rhone, EMS Program Manager, Department of Health, Bureau of Emergency Medical Services, 1310 Elmerton Avenue, Harrisburg, PA 17110, (717) 787-8740. Speech or hearing impaired persons may call the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

RACHEL L. LEVINE, MD,  
*Secretary*

[Pa.B. Doc. No. 20-74. Filed for public inspection January 17, 2020, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Long-Term Care Nursing Facilities; Requests for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 201.22(e) (relating to prevention, control and surveillance of tuberculosis (TB)):

SpiriTrust Lutheran The Village at Luther Ridge  
2735 Luther Drive  
Chambersburg, PA 17202  
FAC ID # 25750201

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.36(h) (relating to bathing facilities):

The Glen at Willow Valley  
675 Willow Valley Square  
Lancaster, PA 17602  
FAC ID # 077902

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.67(k) (relating to electric requirements for existing and new construction):

Frederick Living—Cedarwood  
2849 Big Road  
P.O. Box 498  
Frederick, PA 19435  
FAC ID # 062002

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed address.

Comments received by the Department within 10 days after the date of publication of this notice will be



reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing-impaired persons, call the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

RACHEL L. LEVINE, MD,  
*Secretary*

[Pa.B. Doc. No. 20-75. Filed for public inspection January 17, 2020, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Organ Donation Advisory Committee Meeting

The Organ Donation Advisory Committee, established under 20 Pa.C.S. § 8622 (relating to The Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund), will hold a public meeting on Thursday, February 6, 2020, from 9:30 a.m. to 3 p.m. The purpose of the meeting is to review progress in the area of organ and tissue donation in this Commonwealth, recommend education and awareness activities, recommend priorities in expenditures from the Organ and Tissue Donation Awareness Fund (Fund) and advise the Secretary of Health on matters relating to the administration of the Fund. The meeting will be held at the Gift of Life Donor Program Office, 800 North 3rd Street, Suite 504, Harrisburg, PA 17102.

For additional information or for persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so contact Amy Flaherty, Director, Division of Nutrition and Physical Activity, Bureau of Health Promotion and Risk Reduction, Room 1000, Health and Welfare Building, Harrisburg, PA, (717) 787-5876, or for speech and/or hearing impaired persons, call the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

This meeting is subject to cancellation without notice.

RACHEL L. LEVINE, MD,  
*Secretary*

[Pa.B. Doc. No. 20-76. Filed for public inspection January 17, 2020, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Renal Disease Advisory Committee Meeting

The Renal Disease Advisory Committee, established by section 4 of the act of June 23, 1970 (P.L. 419, No. 140) (35 P.S. § 6204), will hold its quarterly public meeting on Friday, January 24, 2020, from 10 a.m. to 1 p.m. The purpose of the meeting is to discuss new and ongoing issues relating to treatment of chronic renal disease and the Department of Health's programs related to care and treatment. The meeting will be held in Conference Room 907, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120.

For additional information or for persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so contact Kelly Holland, Director, Division of Child and Adult Health Services, 7th Floor East, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120, (717) 772-2762, or for speech and/or hearing impaired persons, call the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

This meeting is subject to cancellation without notice.

RACHEL L. LEVINE, MD,  
*Secretary*

[Pa.B. Doc. No. 20-77. Filed for public inspection January 17, 2020, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Scope of Practice for Air Ambulance Services

Under 28 Pa. Code § 1027.39(d) (relating to critical care transport ambulance service), the Department of Health (Department) is publishing the expanded scope of practice for authorized paramedics (P), prehospital registered nurses (PHRN), prehospital physician extenders (PHPE) and prehospital emergency medical services physicians (PHP) when functioning for an emergency medical services (EMS) agency that has been licensed as a critical care transport (CCT) ambulance service under 35 Pa.C.S. § 8129 (relating to emergency medical services agencies).

Under § 1027.39(d), expansion of the applicable EMS providers' scopes of practice include EMS skills in addition to those skills included in these EMS providers' general scopes of practice that were published at 50 Pa.B. 415 (January 18, 2020). To perform these expanded skills, EMS providers must receive education to perform these skills by having successfully completed a CCT educational program approved by the Department. Minimum requirements to become an approved CCT educational program, and a list of approved CCT educational programs, will be continuously updated on the Bureau of Emergency Medical Services' web site.

Skills identified may be performed by these EMS providers only if the provider has successfully completed training (cognitive, affective and psychomotor) on the specified skill, which includes training to perform the skill on adults, children and infants, as appropriate. These providers may only perform skills that are indicated through either Statewide or other Department-approved protocols or that are ordered online by a medical command physician.

A PHRN who is appropriately credentialed by the EMS agency medical director may perform other services authorized by The Professional Nursing Law (63 P.S. §§ 211—225.5) when authorized by a medical command physician through either online medical command or through the applicable Statewide or Department-approved EMS protocols.

A PHPE who is appropriately credentialed by the EMS agency medical director may perform services within the scope of practice of a physician assistant under the Medical Practice Act of 1985 (63 P.S. §§ 422.1—422.53) or the Osteopathic Medical Practice Act (63 P.S. §§ 271.1—271.18), whichever applies to the physician assistant, when authorized by a medical command physician.

through either online medical command or through applicable Statewide or Department-approved EMS protocols. When a PHPE functions in this capacity, the physician supervision requirements applicable to a physician assistant under the Medical Practice Act of 1985 or the Osteopathic Medical Practice Act do not apply.

A PHP who is appropriately credentialed by the EMS agency medical director may perform skills within a paramedic's scope of practice and other skills within the practice of medicine or osteopathic medicine, whichever

applies to the physician. A PHP may not perform a skill that the PHP has not been educated and trained to perform.

To administer medications in addition to those permitted by applicable medical treatment protocols, PHRNs, PHPEs and PHPs must also receive approval to do so by the EMS agency medical director of the advanced life support ambulance service under which they are functioning.

	<i>Category</i>	<i>Skill</i>	<i>Critical Care Transport Provider (P, PHRN, PHPE or PHP)</i>
1	Airway/ventilation/oxygenation	Chest tube thoracostomy, monitoring of existing tube in a closed system (for example water seal or suction)	Yes <sup>1</sup>
2	Airway/ventilation/oxygenation	Chest tube thoracostomy, acute insertion	Yes <sup>2</sup>
3	Airway/ventilation/oxygenation	Biphasic positive airway pressure (BiPAP) for patients acutely on BiPAP for <48 hours	Yes <sup>1</sup>
4	Airway/ventilation/oxygenation	Endotracheal Intubation—paralytic assisted, rapid sequence induction (RSI)	Yes <sup>2</sup>
5	Airway/ventilation/oxygenation	Escharotomy	Yes <sup>2</sup>
6	Airway/ventilation/oxygenation	Ventilation—Maintenance of previously initiated neuromuscular blockade	Yes <sup>1</sup>
7	Airway/ventilation/oxygenation	Laryngeal mask airway (LMA)	Yes <sup>1</sup>
8	Airway/ventilation/oxygenation	Ventilators that are portable and capable of being transported with a patient and are multi-modal, with a blender, that are used on patients requiring pressure control, pressure support or other advanced setting, or when there is an anticipated need by a healthcare provider involved with the care of the patient to actively titrate ventilator settings during transport, regardless of ventilation mode.	Yes <sup>1</sup>
9	Airway/ventilation/oxygenation	Ventilators, transport—used in multi-modal settings, blended gas transport ventilator on patients ventilated <48 hours or anticipated need to actively titrate ventilator settings	Yes <sup>2</sup>
10	Cardiovascular/circulation	Transvenous or Epicardial pacing, Management of	Yes <sup>2</sup>
11	Cardiovascular/circulation	Hemodynamic monitoring/assist (pulmonary artery catheter, central venous pressure)	Yes <sup>2</sup>
12	Cardiovascular/circulation	Intra-aortic balloon pump or invasive cardiac assist device or extracorporeal membrane oxygenation—monitoring/assist	Yes <sup>2</sup>
13	Cardiovascular/circulation	Thrombolytic therapy—initiation	Yes <sup>2</sup>
14	Cardiovascular/circulation	Thrombolytic therapy—monitoring	Yes <sup>2</sup>
15	IV Initiation/maintenance/fluids	Sub-cutaneous indwelling catheters—access of existing catheters	Yes <sup>1</sup>
16	IV Initiation/maintenance/fluids	Venous central line (blood sampling)—obtaining	Yes <sup>1</sup>
17	IV Initiation/maintenance/fluids	Arterial line—monitoring	Yes <sup>1</sup>
18	IV Initiation/maintenance/fluids	Blood products—initiation and continued administration	Yes <sup>2</sup>
19	Medication administration routes	Enteral Feeding Devices, Management of	Yes <sup>1</sup>
20	Medications	Medications for Critical Care Transport Providers as published in <i>Pennsylvania Bulletin</i> by the Department	Yes <sup>1</sup>
21	Medications	Over-the-counter (OTC) medications ( <i>Note</i> : aspirin and glucose covered elsewhere)	Yes <sup>1</sup>
22	Patient Assessment/management	Portable blood analysis devices, use of (glucometer covered elsewhere)	Yes <sup>1</sup>

	<i>Category</i>	<i>Skill</i>	<i>Critical Care Transport Provider (P, PHRN, PHPE or PHP)</i>
23	Patient Assessment/management	Intracranial pressure monitoring/assist	Yes <sup>2</sup>
24	Patient Assessment/management	Urinary catheterization	Yes <sup>1</sup>

Yes—The skill is in the scope of practice for Ps, PHRNs, PHPEs and PHPs who are authorized to function for an EMS agency that has been licensed as a CCT ambulance service.

1. Ps, PHRNs, PHPEs and PHPs who are authorized to function for an EMS agency that has been licensed as a CCT ambulance service may only perform or assist with these skills during interfacility transport with a CCT ambulance.

2. Ps who are authorized to function for an EMS agency that has been licensed as a CCT ambulance service may assist a PHRN, PHPE or PHP with this skill only during interfacility transport with a CCT ambulance and when in the direct physical presence of, and supervised by, the higher level provider.

Persons with a disability who require an alternate format of this notice (for example, large print, audiotape, Braille) should contact Aaron M. Rhone, EMS Program Manager, Department of Health, Bureau of Emergency Medical Services, 1310 Elmerton Avenue, Harrisburg, PA 17110, (717) 787-8740. Speech or hearing-impaired persons may call the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

RACHEL L. LEVINE, MD,  
Secretary

[Pa.B. Doc. No. 20-78. Filed for public inspection January 17, 2020, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Scope of Practice for Critical Care Transport Emergency Medical Service Providers

Under 28 Pa. Code § 1027.39(d) (relating to critical care transport ambulance service), the Department of Health (Department) is publishing the expanded scope of practice for authorized paramedics (P), prehospital registered nurses (PHRN), prehospital physician extenders (PHPE) and prehospital emergency medical services physicians (PHP) when functioning for an emergency medical service (EMS) agency that has been licensed as a critical care transport (CCT) ambulance service under 35 Pa.C.S. § 8129 (relating to emergency medical services agencies).

Under § 1027.39(d), expansion of the applicable EMS providers' scopes of practice include EMS skills in addition to those skills included in these EMS providers' general scopes of practice that were published at 50 Pa.B. 415 (January 18, 2020). To perform these expanded skills, EMS providers must receive education to perform these skills by having successfully completed a CCT educational program approved by the Department. Minimum requirements to become an approved CCT educational program, and a list of approved CCT educational programs, will be continuously updated on the Bureau of Emergency Medical Services' web site.

Skills identified may be performed by these EMS providers only if the provider has successfully completed training (cognitive, affective and psychomotor) on the specified skill, which includes training to perform the skill on adults, children and infants, as appropriate. These providers may only perform skills that are indicated through either Statewide or other Department-approved protocols or that are ordered online by a medical command physician.

A PHRN who is appropriately credentialed by the EMS agency medical director may perform other services authorized by The Professional Nursing Law (63 P.S. §§ 211—225.5) when authorized by a medical command

physician through either online medical command or through the applicable Statewide or Department-approved EMS protocols.

A PHPE who is appropriately credentialed by the EMS agency medical director may perform services within the scope of practice of a physician assistant under the Medical Practice Act of 1985 (63 P.S. §§ 422.1—422.53) or the Osteopathic Medical Practice Act (63 P.S. §§ 271.1—271.18), whichever applies to the physician assistant, when authorized by a medical command physician through either online medical command or through the applicable Statewide or Department-approved EMS protocols. When a PHPE functions in this capacity, the physician supervision requirements applicable to a physician assistant under the Medical Practice Act of 1985 or the Osteopathic Medical Practice Act do not apply.

A PHP who is appropriately credentialed by the EMS agency medical director may perform skills within a paramedic's scope of practice and other skills within the practice of medicine or osteopathic medicine, whichever applies to the physician. A PHP may not perform a skill that the PHP has not been educated and trained to perform.

To administer medications in addition to those permitted by applicable medical treatment protocols, PHRNs, PHPEs and PHPs must also receive approval to do so by the EMS agency medical director of the advanced life support ambulance service under which they are functioning.

Under 28 Pa. Code § 1023.1(a)(1)(vi) and (vii) (relating to EMS agency medical director), the EMS agency medical director must make an initial assessment of each EMS provider at or above the advanced emergency medical technician (AEMT) level, and then within 12 months of each prior assessment, to determine whether the EMS provider has the knowledge and skills to competently perform the skills within the EMS provider's scope of practice, and a commitment to adequately perform other functions relevant to the EMS provider providing EMS at that level. EMS providers at or above the AEMT level may only perform skills that the EMS agency medical director has credentialed them to perform.

	<i>Category</i>	<i>Skill</i>	<i>Critical Care Transport Provider (P, PHRN, PHPE or PHP)</i>
1	Airway/ventilation/oxygenation	Chest tube thoracostomy, monitoring of existing tube in a closed system (for example water seal or suction)	Yes <sup>1</sup>
2	Airway/ventilation/oxygenation	Chest tube thoracostomy, acute insertion	Yes <sup>2</sup>
3	Airway/ventilation/oxygenation	Biphasic positive airway pressure (BiPAP) for patients acutely on BiPAP for <48 hours	Yes <sup>1</sup>
4	Airway/ventilation/oxygenation	Endotracheal Intubation—paralytic assisted, rapid sequence induction (RSI)	Yes <sup>2</sup>
5	Airway/ventilation/oxygenation	Escharotomy	Yes <sup>2</sup>
6	Airway/ventilation/oxygenation	Ventilation—Maintenance of previously initiated neuromuscular blockade	Yes <sup>1</sup>
7	Airway/ventilation/oxygenation	Laryngeal mask airway (LMA)	Yes <sup>1</sup>
8	Airway/ventilation/oxygenation	Ventilators that are portable and capable of being transported with a patient and are multi-modal, with a blender, that are used on patients requiring pressure control, pressure support or other advanced setting, or when there is an anticipated need by a healthcare provider involved with the care of the patient to actively titrate ventilator settings during transport, regardless of ventilation mode	Yes <sup>1</sup>
9	Airway/ventilation/oxygenation	Ventilators, transport—used in multi-modal settings, blended gas transport ventilator on patients ventilated <48 hours or anticipated need to actively titrate ventilator settings	Yes <sup>2</sup>
10	Cardiovascular/circulation	Transvenous or Epicardial pacing, Management of	Yes <sup>2</sup>
11	Cardiovascular/circulation	Hemodynamic monitoring/assist (pulmonary artery catheter, central venous pressure)	Yes <sup>2</sup>
12	Cardiovascular/circulation	Intra-aortic balloon pump or invasive cardiac assist device or extracorporeal membrane oxygenation—monitoring/assist	Yes <sup>2</sup>
13	Cardiovascular/circulation	Thrombolytic therapy—initiation	Yes <sup>2</sup>
14	Cardiovascular/circulation	Thrombolytic therapy—monitoring	Yes <sup>2</sup>
15	IV Initiation/maintenance/fluids	Sub-cutaneous indwelling catheters—access of existing catheters	Yes <sup>1</sup>
16	IV Initiation/maintenance/fluids	Venous central line (blood sampling)—obtaining	Yes <sup>1</sup>
17	IV Initiation/maintenance/fluids	Arterial line—monitoring	Yes <sup>1</sup>
18	IV Initiation/maintenance/fluids	Blood products—continued administration of blood products initiated at sending facility	Yes <sup>1</sup>
19	IV Initiation/maintenance/fluids	Blood products—initiation of infusion	Yes <sup>2</sup>
20	Medication administration routes	Enteral Feeding Devices, Management of	Yes <sup>1</sup>
21	Medications	Medications for Critical Care Transport Providers as published in <i>Pennsylvania Bulletin</i> by the Department	Yes <sup>1</sup>
22	Medications	Over-the-counter (OTC) medications ( <i>Note: aspirin and glucose covered elsewhere</i> )	Yes <sup>1</sup>
23	Patient Assessment/management	Portable blood analysis devices, use of (glucometer covered elsewhere)	Yes <sup>1</sup>
24	Patient Assessment/management	Intracranial pressure monitoring/assist	Yes <sup>2</sup>
25	Patient Assessment/management	Urinary catheterization	Yes <sup>1</sup>

Yes—The skill is in the scope of practice for Ps, PHRNs, PHPEs and PHPs who are authorized to function for an EMS agency that has been licensed as a CCT ambulance service.

1. Ps, PHRNs, PHPEs and PHPs who are authorized to function for an EMS agency that has been licensed as a CCT ambulance service may only perform or assist with these skills during interfacility transport with a CCT ambulance.

2. Ps who are authorized to function for an EMS agency that has been licensed as a CCT ambulance service may assist a PHRN, PHPE or PHP with this skill only during interfacility transport with a CCT ambulance and when in the direct physical presence of, and supervised by, the higher level provider.



Persons with a disability who require an alternate format of this notice (for example, large print, audiotope, Braille) should contact Aaron M. Rhone, EMS Program Manager, Department of Health, Bureau of Emergency Medical Services, 1310 Elmerton Avenue, Harrisburg, PA 17110, (717) 787-8740. Speech or hearing-impaired persons may call the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

RACHEL L. LEVINE, MD,  
Secretary

[Pa.B. Doc. No. 20-79. Filed for public inspection January 17, 2020, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Scope of Practice for Emergency Medical Service Providers

Under 35 Pa.C.S. §§ 8101—8157 (relating to the Emergency Medical Services System Act) and the Department of Health’s (Department) regulations in 28 Pa. Code §§ 1023.24(d)(1), 1023.25(d)(1), 1023.26(d)(1), 1023.27(d)(1), 1023.28(d), 1023.29(d) and 1023.30(e), the Department is publishing the scope of practice for emergency medical responders (EMR), emergency medical technicians (EMT), advanced emergency medical technicians (AEMT), paramedics (P), prehospital registered nurses (PHRN), prehospital physician extenders (PHPE) and prehospital physicians (PHP).

Skills identified may be performed by an emergency medical service (EMS) provider at the provider’s level of certification or registration only if the provider has successfully completed the approved education (cognitive, affective and psychomotor) on the specified skill, which includes training to perform the skill on adults, children and infants, as appropriate. EMRs, EMTs, AEMTs and Ps may only perform the skills identified, through either Statewide or other Department-approved protocols, or skills that may be ordered online by a medical command physician.

As the following chart indicates, a PHRN, PHPE and PHP may perform all skills identified as within a paramedic’s scope of practice. Each of these EMS providers may perform additional skills as outlined as follows.

A PHRN who is appropriately credentialed by the EMS agency medical director may perform other services authorized by The Professional Nursing Law (63 P.S. §§ 211—225.5) when authorized by a medical command physician through either online medical command or through the applicable Statewide or Department-approved EMS protocols.

A PHPE who is appropriately credentialed by the EMS agency medical director may perform services within the scope of practice of a physician assistant under the

Medical Practice Act of 1985 (63 P.S. §§ 422.1—422.53) or the Osteopathic Medical Practice Act (63 P.S. §§ 271.1—271.18) when authorized by a medical command physician through either online medical command or through applicable Statewide or Department-approved EMS protocols. When a PHPE functions as an EMS provider, the physician supervision requirements applicable to a physician assistant under the Medical Practice Act of 1985 and the Osteopathic Medical Practice Act do not apply.

A PHP who is appropriately credentialed by the EMS agency medical director may perform skills within a paramedic’s scope of practice and other skills within the practice of medicine or osteopathic medicine. A PHP may not perform a skill that the PHP has not been educated and trained to perform.

Under 28 Pa. Code § 1023.1(a)(1)(vi) and (vii) (relating to EMS agency medical director), the EMS agency medical director must make an initial assessment of each EMS provider at or above the AEMT level, and then within 12 months of each prior assessment, to determine whether the EMS provider has the knowledge and skills to competently perform the skills within the EMS provider’s scope of practice, and a commitment to adequately perform other functions relevant to the EMS provider providing EMS at that level. EMS providers at or above the AEMT level may only perform skills that the EMS agency medical director has credentialed them to perform.

The Department wishes to highlight the following change to the scope of practice for all EMS providers: Effective November 29, 2014, administration of Naloxone in intranasal or auto-injector form is approved for all levels of EMS providers and is listed under the “Medications” category of this notice. This change is under sections 13.7 and 13.8 of The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. §§ 780-113.7 and 780-113.8), which requires the Department, by December 31, 2014, to amend the scope of practice for EMS providers to include the administration of Naloxone. Prior to this change, Naloxone was listed on the approved drug list only for ALS ambulance services and for advanced-level EMS providers See 42 Pa.B. 4229 (July 7, 2012).

	Category	Skill	EMR	EMT	AEMT	P*
1	Airway/Ventilation/Oxygenation	Airway—Nonsurgical Alternative/Rescue Airway—CombiTube™, iGel® Supraglottic, King LT-D Airway™ or King LTS-D Airway™	No	No	Yes	Yes
2	Airway/Ventilation/Oxygenation	Airway—Oropharyngeal (OPA) and Nasopharyngeal (NPA)	Yes	Yes	Yes	Yes
3	Airway/Ventilation/Oxygenation	Airway—Pharyngeal tracheal lumen (PTL)	No	No	No	No
4	Airway/Ventilation/Oxygenation	Bag-valve-ETT/Nonsurgical alternative airway ventilation	Yes <sup>2</sup>	Yes <sup>2</sup>	Yes	Yes

	<i>Category</i>	<i>Skill</i>	<i>EMR</i>	<i>EMT</i>	<i>AEMT</i>	<i>P*</i>
5	Airway/Ventilation/Oxygenation	Bag-valve-ventilation—with in-line small-volume nebulizer	No	Yes <sup>2</sup>	Yes	Yes
6	Airway/Ventilation/Oxygenation	Bag-valve-mask (BVM) ventilation	Yes	Yes	Yes	Yes
7	Airway/Ventilation/Oxygenation	Chest decompression—needle	No	No	No	Yes
8	Airway/Ventilation/Oxygenation	Chest tube thoracostomy, monitoring of existing tube in a closed system (for example water seal or suction)	No	No	No	No
9	Airway/Ventilation/Oxygenation	Chest tube thoracostomy, monitoring of existing tube in a open system (for example vented, Heimlich valve)	No	No	No	Yes
10	Airway/Ventilation/Oxygenation	Chest tube thoracostomy, acute insertion	No	No	No	No
11	Airway/Ventilation/Oxygenation	Continuous positive airway pressure (CPAP)	No	Yes <sup>1</sup>	Yes	Yes
12	Airway/Ventilation/Oxygenation	Biphasic positive airway pressure (BiPAP) for patients chronically on BiPAP for >48 hours	No	No	No	Yes
13	Airway/Ventilation/Oxygenation	Biphasic positive airway pressure (BiPAP) for patients on BiPAP for <48 hours	No	No	No	No
14	Airway/Ventilation/Oxygenation	Cricothyrotomy—needle	No	No	No	Yes
15	Airway/Ventilation/Oxygenation	Cricothyrotomy—open/surgical	No	No	No	Yes
16	Airway/Ventilation/Oxygenation	Cricothyrotomy—overwire (Seldinger) technique	No	No	No	Yes
17	Airway/Ventilation/Oxygenation	End tidal CO <sub>2</sub> monitoring/capnography	No	No	Yes	Yes
18	Airway/Ventilation/Oxygenation	Esophageal obturator airway (EOA)/esophageal gastric tube airway (EGTA)	No	No	No	No
19	Airway/Ventilation/Oxygenation	Extubation—removal of ETT	No	No	No	Yes
20	Airway/Ventilation/Oxygenation	Gastric decompressions—Orogastric or nasogastric tube insertion	No	No	No	Yes
21	Airway/Ventilation/Oxygenation	Gastric decompression by alternative/rescue airway (CombiTube™ or King LTS-D™)	No	No	Yes	Yes
22	Airway/Ventilation/Oxygenation	Head-tilt/chin lift	Yes	Yes	Yes	Yes
23	Airway/Ventilation/Oxygenation	Inspiratory Impedance Threshold Device (ITD)	No	No	Yes <sup>1</sup>	Yes
24	Airway/Ventilation/Oxygenation	Endotracheal Intubation—by direct laryngoscopy (including video intubation devices), nasotracheal, digital and transillumination/lighted stylet techniques	No	No	No	Yes
25	Airway/Ventilation/Oxygenation	Endotracheal Intubation—paralytic assisted, rapid sequence induction (RSI)	No	No	No	No
26	Airway/Ventilation/Oxygenation	Ventilation—maintenance of previously initiated neuromuscular blockade	No	No	No	No
27	Airway/Ventilation/Oxygenation	Endotracheal Intubation—retrograde technique	No	No	No	No
28	Airway/Ventilation/Oxygenation	Laryngeal mask airway (LMA)	No	No	No	No
29	Airway/Ventilation/Oxygenation	Mouth-to-mouth, nose, stoma, barrier and pocket mask	Yes	Yes	Yes	Yes

	<i>Category</i>	<i>Skill</i>	<i>EMR</i>	<i>EMT</i>	<i>AEMT</i>	<i>P*</i>
30	Airway/Ventilation/Oxygenation	Obstruction—direct laryngoscopy (remove with forceps)	No	No	No	Yes
31	Airway/Ventilation/Oxygenation	Obstruction—manual (abdominal thrusts, finger sweep, chest thrusts) upper airway	Yes	Yes	Yes	Yes
32	Airway/Ventilation/Oxygenation	Oxygen therapy—blow-by delivery	Yes	Yes	Yes	Yes
33	Airway/Ventilation/Oxygenation	Oxygen therapy—humidifiers	No	Yes	Yes	Yes
34	Airway/Ventilation/Oxygenation	Oxygen therapy—nasal cannula	Yes	Yes	Yes	Yes
35	Airway/Ventilation/Oxygenation	Oxygen therapy—non-rebreather	Yes	Yes	Yes	Yes
36	Airway/Ventilation/Oxygenation	Oxygen therapy—partial rebreather	No	Yes	Yes	Yes
37	Airway/Ventilation/Oxygenation	Oxygen therapy—regulators	Yes	Yes	Yes	Yes
38	Airway/Ventilation/Oxygenation	Oxygen therapy—simple face mask	No	Yes	Yes	Yes
39	Airway/Ventilation/Oxygenation	Oxygen therapy—Venturi mask	No	Yes	Yes	Yes
40	Airway/Ventilation/Oxygenation	Peak expiratory flow assessment	No	No	Yes	Yes
41	Airway/Ventilation/Oxygenation	Suctioning—meconium aspiration	No	No	No	Yes
42	Airway/Ventilation/Oxygenation	Suctioning—stoma/tracheostomy	Yes	Yes	Yes	Yes
43	Airway/Ventilation/Oxygenation	Suctioning—tracheobronchial by advanced airway	No	Yes <sup>2</sup>	Yes	Yes
44	Airway/Ventilation/Oxygenation	Suctioning—upper airway (nasal)	Yes	Yes	Yes	Yes
45	Airway/Ventilation/Oxygenation	Suctioning—upper airway (oral)	Yes	Yes	Yes	Yes
46	Airway/Ventilation/Oxygenation	Transtacheal jet ventilation	No	No	No	Yes
47	Airway/Ventilation/Oxygenation	Single mode, volume controlled automated ventilator (without blender)	No	No	Yes <sup>1</sup>	Yes <sup>1</sup>
48	Airway/Ventilation/Oxygenation	Ventilator, transport—single or multi-modal, with or without blender, using volume control mode only, on patients >1 year of age with no anticipated need to actively titrate ventilator settings during transport	No	No	No	Yes <sup>1</sup>
49	Airway/Ventilation/Oxygenation	Ventilator, transport of patients with tracheostomy and pressure support ventilation—for patients >1 year of age with tracheostomy who are stable on ventilator setting without acute respiratory issue where crew can replicate ventilator settings without anticipated ventilator setting changes during transport	No	No	No	Yes
50	Airway/Ventilation/Oxygenation	Ventilators that are portable and capable of being transported with a patient and are multi-modal, with a blender, that are used on patients requiring pressure control, pressure support or other advanced setting, or when there is an anticipated need by a healthcare provider involved with the care of the patient to actively titrate ventilator settings during transport, regardless of ventilation mode	No	No	No	No
51	Cardiovascular/Circulation	Blood pressure—auscultation	Yes	Yes	Yes	Yes
52	Cardiovascular/Circulation	Blood pressure—electronic non-invasive	Yes	Yes	Yes	Yes

	<i>Category</i>	<i>Skill</i>	<i>EMR</i>	<i>EMT</i>	<i>AEMT</i>	<i>P*</i>
53	Cardiovascular/Circulation	Blood pressure—palpation	Yes	Yes	Yes	Yes
54	Cardiovascular/Circulation	Electrocardiogram (ECG) monitoring—apply electrodes for single leads	No	Yes <sup>2</sup>	Yes <sup>2</sup>	Yes
55	Cardiovascular/Circulation	Electrocardiogram (ECG) monitoring—obtain and transmit 12-lead ECG	No	Yes	Yes	Yes
56	Cardiovascular/Circulation	Electrocardiogram (ECG) monitoring—12-lead (interpret)	No	No	No	Yes
57	Cardiovascular/Circulation	Cardiac monitoring—single lead (interpret)	No	No	No	Yes
58	Cardiovascular/Circulation	Manual chest compressions—adult, child, infant	Yes	Yes	Yes	Yes
59	Cardiovascular/Circulation	Cardioversion—synchronized	No	No	No	Yes
60	Cardiovascular/Circulation	Defibrillation—counter shock—manual	No	No	No	Yes
61	Cardiovascular/Circulation	Transcutaneous cardiac pacing	No	No	No	Yes
62	Cardiovascular/Circulation	Transvenous or Epicardial pacing, Management of	No	No	No	No
63	Cardiovascular/Circulation	Defibrillation—automated external defibrillator (AED)	Yes	Yes	Yes	Yes
64	Cardiovascular/Circulation	Hemodynamic monitoring/assist (Swan Ganz, central venous pressure)	No	No	No	No
65	Cardiovascular/Circulation	Intra-aortic balloon pump or invasive cardiac assist device monitoring/assist	No	No	No	No
66	Cardiovascular/Circulation	Mechanical chest compression device use	No	Yes <sup>1</sup>	Yes <sup>1</sup>	Yes <sup>1</sup>
67	Cardiovascular/Circulation	Thrombolytic therapy—initiation	No	No	No	No
68	Cardiovascular/Circulation	Thrombolytic therapy—monitoring	No	No	No	No
69	IV Initiation/Maintenance/Fluids	Central venous cannulation/insertion	No	No	No	No
70	IV Initiation/Maintenance/Fluids	Central venous line—access of existing catheters with external ports	No	No	No	Yes
71	IV Initiation/Maintenance/Fluids	External jugular vein cannulation	No	No	No	Yes
72	IV Initiation/Maintenance/Fluids	Saline lock insertions as no-flow IV	No	No	Yes	Yes
73	IV Initiation/Maintenance/Fluids	Intraosseous—needle placement and infusion—tibia, femur and humerus	No	No	Yes	Yes
74	IV Initiation/Maintenance/Fluids	IV insertion, peripheral venous—initiation (cannulation)	No	No	Yes	Yes
75	IV Initiation/Maintenance/Fluids	Sub-cutaneous indwelling catheters—access of existing catheters	No	No	No	No
76	IV Initiation/Maintenance/Fluids	Venous blood sampling, peripheral—for clinical diagnostic purposes only	No	No	Yes	Yes
77	IV Initiation/Maintenance/Fluids	Venous blood sampling, peripheral—for legal purposes only (Applies to Ps only, as defined and permitted by Act 142 of 2016)	No	No	No	Yes
78	IV Initiation/Maintenance/Fluids	Venous central line (blood sampling)—obtaining	No	No	No	No
79	IV Initiation/Maintenance/Fluids	Arterial line—capped—transport	No	Yes	Yes	Yes



	<i>Category</i>	<i>Skill</i>	<i>EMR</i>	<i>EMT</i>	<i>AEMT</i>	<i>P*</i>
80	IV Initiation/Maintenance/Fluids	Arterial line—monitoring/assist	No	No	No	No
81	IV Initiation/Maintenance/Fluids	Blood/Blood-by-products administration (initiation and continuation)	No	No	No	No
82	Lifting and Moving	Patient lifting, moving and transfers	Yes	Yes	Yes	Yes
83	Lifting and Moving	Patient restraints on transport devices	Yes	Yes	Yes	Yes
84	Medication administration routes	Endotracheal (ET)	No	No	No	Yes
85	Medication administration routes	Inhalation (aerosolized/nebulized)	No	Yes	Yes	Yes
86	Medication administration routes	Intramuscular (IM)	No	No	Yes	Yes
87	Medication administration routes	Intranasal (IN)	No	No	Yes	Yes
88	Medication administration routes	Intraosseous (IO)—tibia, humerus or femur	No	No	Yes	Yes
89	Medication administration routes	Intravenous (IV)—fluid bolus	No	No	Yes	Yes
90	Medication administration routes	Intravenous (IV)—monitoring or maintaining existing intravenous infusion (crystalloid fluid as published in the EMS medication list in the <i>Pennsylvania Bulletin</i> ) during interfacility transport	No	No	Yes	Yes
91	Medication administration routes	Intravenous (IV) infusion, with added medication, including by intravenous pump	No	No	No	Yes
92	Medication administration routes	Nasogastric	No	No	No	Yes
93	Medication administration routes	Enteral feeding devices, Management of	No	No	No	No
94	Medication administration routes	Oral—over-the-counter medications for pain, fever and hypoglycemia (as listed in the approved medication list)	No	Yes	Yes	Yes
95	Medication administration routes	Rectal	No	No	No	Yes
96	Medication administration routes	Subcutaneous	No	No	Yes	Yes
97	Medication administration routes	Sublingual ( <i>Note:</i> EMT may only assist patient with his/her prescribed Nitroglycerin (NTG))	No	Yes	Yes	Yes
98	Medication administration routes	Topical	No	No	No	Yes
99	Medications	Auto-injector benzodiazepine for seizure	No	No	No	Yes
100	Medications	Auto-injector epinephrine (assist patient with his/her prescribed medication)	No	Yes	Yes	Yes
101	Medications	Auto-injected epinephrine—primary use—not patient's own prescription	No	Yes <sup>1</sup>	Yes	Yes
102	Medications	Medications as published in <i>Pennsylvania Bulletin</i> by the Department	Yes	Yes	Yes	Yes
103	Medications	Immunizations as published in the <i>Pennsylvania Bulletin</i> by the Department	No	No	No	Yes
104	Medications	Over-the-counter (OTC) medications (except as listed elsewhere for pain, fever and hypoglycemia)	No	No	No	No
105	Medications	Oxygen	Yes <sup>1</sup>	Yes	Yes	Yes

	<i>Category</i>	<i>Skill</i>	<i>EMR</i>	<i>EMT</i>	<i>AEMT</i>	<i>P*</i>
106	Medications	Auto-injector nerve agent antidote—self or peer rescue	Yes	Yes	Yes	Yes
107	Medications	Auto-injector nerve agent antidote—patient treatment	No	Yes <sup>3</sup>	Yes <sup>3</sup>	Yes
108	Medications	Metered-dose inhaler (MDI) bronchodilator ( <i>Note:</i> EMT may only assist patient with his/her own prescribed medication)	No	Yes	Yes	Yes
109	Medications	Naloxone—Intranasal or auto-injector	Yes <sup>1,6</sup>	Yes <sup>1,6</sup>	Yes	Yes
110	Patient assessment/management	Behavioral—Restrain violent patient	Yes <sup>1</sup>	Yes	Yes	Yes
111	Patient assessment/management	Blood glucose assessment	No	Yes <sup>1</sup>	Yes	Yes
112	Patient assessment/management	Portable blood analysis devices, use of (glucometer covered elsewhere)	No	No	No	No
113	Patient assessment/management	Childbirth—umbilical cord cutting	Yes	Yes	Yes	Yes
114	Patient assessment/management	Childbirth (abnormal/ complications)	No	Yes	Yes	Yes
115	Patient assessment/management	Childbirth (normal)—cephalic delivery	Yes	Yes	Yes	Yes
116	Patient assessment/management	Carbon Monoxide CO-oximetry monitoring	No	Yes <sup>1</sup>	Yes <sup>1</sup>	Yes <sup>1</sup>
117	Patient assessment/management	Carbon Monoxide monitoring, with environmental surveillance devices	Yes	Yes	Yes	Yes
118	Patient assessment/management	Hemodynamic monitoring/assist (Swan Ganz, central venous pressure)	No	No	No	No
119	Patient assessment/management	Dislocation reduction	No	No	No	No
120	Patient assessment/management	Eye irrigation ( <i>Note:</i> irrigation through corneal contact device limited to AEMT and P)	Yes	Yes	Yes	Yes
121	Patient assessment/management	Intracranial monitoring/assist	No	No	No	No
122	Patient assessment/management	Patient management per Statewide EMS Protocols and Department approved protocols	Yes	Yes	Yes	Yes
123	Patient assessment/management	Pulse oximetry monitoring	No	Yes	Yes	Yes
124	Patient assessment/management	Splinting, extremity—manual, rigid, soft, vacuum	Yes	Yes	Yes	Yes
125	Patient assessment/management	Splinting, femur—traction	No	Yes	Yes	Yes
126	Patient assessment/management	Urinary catheterization	No	No	No	No
127	Patient assessment/management	Wound care, dressing, bandaging	Yes	Yes	Yes	Yes
128	Patient assessment/management	Wound care, removal of Taser probe/barb	No	No	No	No
129	Patient assessment/management	Wound drainage vacuum devices, monitoring	No	Yes	Yes	Yes
130	Patient assessment/management	Wound care, hemorrhage control—direct pressure, wound packing, tourniquet, bandaging, hemostatic agents	Yes	Yes	Yes	Yes
131	Patient assessment/management	Wound care, irrigation and skin closure with tape or adhesive glue	No	No	No	No
132	Spine Care	Restrict spinal motion—Cervical collar application	Yes	Yes	Yes	Yes
133	Spine Care	Restrict spinal motion—Helmet removal or stabilization	No	Yes	Yes	Yes

	<i>Category</i>	<i>Skill</i>	<i>EMR</i>	<i>EMT</i>	<i>AEMT</i>	<i>P*</i>
134	Spine Care	Restrict spinal motion—manual cervical spine stabilization	Yes	Yes	Yes	Yes
135	Spine Care	Restrict spinal motion—rapid extrication with precautions to restrict spinal movement	No	Yes	Yes	Yes
136	Spine Care	Devices to restrict spinal motion—for example—vacuum mattress, extrication devices, scoop stretcher and spine board	No	Yes	Yes	Yes

EMR—Emergency Medical Responder; EMT—Emergency Medical Technician; AEMT—Advanced Emergency Medical Technician; P\*—Paramedic (\*includes—PHRN/PHPE/PHP)

No—The skill is not in the scope of practice for the level of certification.

Yes—The skill is in the scope of practice for the level of certification.

1. Additional training and authorization by EMS agency medical director is required, and this skill may only be used when functioning with a licensed EMS agency that complies with Department requirements for providing this skill.

2. May assist a P, PHRN, PHPE or PHP with this skill only when in the physical presence of and under the direct supervision of the higher level provider.

3. May perform this skill only in the physical presence of and under the direct supervision of a P, PHRN, PHPE or PHP.

4. After July 1, 2015, Statewide ALS Protocol will include any restrictions placed upon the use of this skill.

5. This skill becomes effective July 1, 2015.

6. Department-approved Act 139 training required and approval of the EMS medical director, and this skill may only be used when functioning with a licensed EMS agency that complies with Department requirements for providing this skill.

Persons with a disability who require an alternate format of this notice (for example, large print, audiotape, Braille) should contact Aaron M. Rhone, EMS Program Manager, Department of Health, Bureau of Emergency Medical Services, 1310 Elmerton Avenue, Harrisburg, PA 17110, (717) 787-8740. Speech or hearing-impaired persons may call the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

RACHEL L. LEVINE, MD,  
*Secretary*

[Pa.B. Doc. No. 20-80. Filed for public inspection January 17, 2020, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P.S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b).

The Commission has issued comments on the following proposed regulation. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
7-545	Environmental Quality Board Water Supply Replacement for Coal Surface Mining 49 Pa.B. 6524 (November 2, 2019)	12/2/19	1/2/20

**Environmental Quality Board Regulation  
# 7-545 (IRRC # 3245)**

**Water Supply Replacement for Coal Surface Mining  
January 2, 2020**

We submit for your consideration the following comments on the proposed rulemaking published in the November 2, 2019 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (Act) (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the Environmental Quality Board (Board) to respond to all comments received from us or any other source.

**1. Section 87.47. Alternative water supply information.**

**Section 88.27. Alternative water supply information.—Implementation procedures; Protection of the public health, safety and welfare.**

Under these sections, the Department of Environmental Protection (Department) is required to “notify the *owner* of any potentially affected supply.” (Emphasis added.) In the Preamble, the Board states that “the Department will give *advance notice* to water supply owners *and water supply users*.” (Emphasis added.) A public commentator states that limiting “notice to owners. . . would severely undercut the stated goal of this amendment” and that advance notice “will help enable residents to know their rights and protect their water.” Why is a timeframe not specified in the regulation for notice, and why are water supply users omitted? We ask the Board to amend the notification requirements to clarify implementation procedures and to ensure protection of the public health, safety and welfare. We also ask the Board to explain in the Preamble to the final-form regulation the implementation procedures for notification and how the procedures adequately protect the public health, safety and welfare. Finally, the Department should review the entire final regulation to ensure that water supply users are included in all relevant provisions.

**2. Section 87.119a. Hydrologic balance: water rights and replacement.**

**Section 88.107a. Hydrologic balance: water rights and replacement.—Fiscal impacts; Implementation procedures; Clarity; Reasonableness; Timetables for compliance.**

This comment relates to the parallel provisions in Sections 87.119a and 88.107a (relating to hydrologic balance: water rights and replacement).

Under Subsection (a) (relating to water supply surveys), Paragraph (1) states that the survey must include certain information to the extent that it can be collected without “excessive inconvenience to the water supply owner or water supply user.” In the Preamble, the Board explains that “[t]hese exceptions address situations such as when an operator or mine owner would have to excavate or remove a structure to gain access to a well or spring, or, for supplies with existing treatment, when there is no reasonable option to collect untreated water without risking contamination of the supply (that is, no port in the piping to obtain the water).” Further, the Board states that the Department will make its determination that a scenario constitutes an excessive inconvenience or that collection is infeasible on a case-by-case basis. Since the term “excessive inconvenience” is not regulatory language and does not set a binding norm that could be predicted by the regulated community, we ask the Board to clarify this term in the final-form regulation.

Also under Subsection (a), Paragraph (1)(vi) requires the survey to include “[s]ufficient sampling and other measurements to document the seasonal variation in hydrologic conditions of the water supply.” Is an operator or mine owner required to survey water during all four seasons before an application can be submitted? We ask the Board to explain in the Preamble to the final-form regulation the timetable for compliance with this requirement.

Regarding Subsection (b) (relating to water supply replacement obligations), the Preamble explains that Sections 87.119a and 88.107a replace Sections 87.119 and 88.107, respectively, which apply to mine operators and persons engaged in government-financed reclamation. However, government-financed reclamation is not addressed in Subsection (b) and the Board does not explain in the Preamble why these persons are no longer obligated to meet the water supply replacement requirements. A public commentator found this omission “problematic because (government-financed construction contracts) often utilize the exact same processes and procedures as surface mining.” We ask the Board to amend the final-form regulation or to explain in the Preamble why it is reasonable for a person engaged in government-financed reclamation not to be required to meet the obligations in this subsection.

Under Subsection (b), Paragraph (1) states that the operator or mine owner “who affects a water supply to any demonstrable extent. . . shall *promptly* restore or replace the affected water supply with a permanent alternate supply. . . .” (Emphasis added.) The term “promptly” is not regulatory language and does not set a binding norm that could be predicted by the regulated community. We ask the Board to clarify this implementation timeframe in the final-form regulation.

Also under Subsection (b), Paragraph (2) states that “for any water supply that will. . . be affected by. . . the proposed mining, the operator or mine owner shall provide a replacement supply *prior to commencing the activity*.” (Emphasis added.) How does this provision work with Subsection (c) (relating to temporary water supplies) that requires the operator or mine owner to provide a temporary water supply within 24 hours if the affected water supply owner or user is without a readily available alternate source of water? We ask the Board to explain in the Preamble to the final-form regulation how an owner or mine operator will be required to implement these regulations.

As noted above, Subsection (c) relates to temporary water supplies. The term “temporary” is not regulatory language and does not set a binding norm that could be predicted by the regulated community. We ask the Board to clarify this timeframe in the final-form regulation.

Further relating to Subsection (c), we note that the requirement for a temporary water supply may be subject to a preliminary determination by the Department. The Board states in the Preamble that “the Department may determine in a preliminary review that the water supply loss is not related to the mining activity in which case the operator or mine owner will not be required to install a temporary supply. This determination may not be possible, however, within a 24-hour [timeframe], but the District Mining Office personnel who investigate water



loss claims stated that they can regularly make this preliminary determination within 48 hours of notification of an impacted supply.” We have several concerns related to this provision and the Board’s explanation. Why is the timeframe for implementation in Subsection (c) 24 hours if the Department needs 48 hours to make a determination? If the provision remains unchanged at final, what is the recourse for an operator or mine owner who has complied by providing a temporary water supply within 24 hours if the Department then determines that the water supply loss is not related to mining activity? Who will reimburse the operator or mine owner? We ask the Board to explain the reasonableness and fiscal impacts of these implementation timeframes in the final-form regulation.

Subsection (j) (relating to presumption of liability) is described in the Preamble as “specify[ing] that the presumptive area includes support areas. . . .” However, this subsection does not explicitly include “support areas.” We ask the Board to add “support areas” or explain in the Preamble to the final-form regulation how support areas are addressed in this subsection.

**3. Regulatory Analysis Form (RAF).—Economic or fiscal impacts.**

Both RAF Question # 9 and the Preamble state: “Section 4.2(f)(4) of PA SMCRA [the Pennsylvania Surface Mining Conservation and Reclamation Act], 52 P.S. § 1396.4b, was not approved [by the United States Department of the Interior’s Office of Surface Mining Reclamation and Enforcement (OSM)] because it allowed for final bond release when there is an outstanding water supply replacement order. See 30 CFR 938.12(c)(1). Sections 87.119(i) and 88.107(i) were not approved for the same reason. See 30 CFR 938.12(c)(7).” The Preamble also states that “[s]tate laws must be consistent with the provisions of Federal SMCRA, see 30 U.S.C.A. § 1255(a). . . .” Has Section 4.2(f)(4) of the Pennsylvania SMCRA been amended to conform to Federal law? If not, how is the Department addressing OSM’s disapproval of this statutory provision?

This proposed regulation adds a requirement for an operator or mine owner to provide a temporary water supply to a water supply owner or user in certain circumstances. The Board provides in response to RAF Questions # 15 and # 17 that district mine offices receive complaints and claims for water supply replacement each year. Further, the Board states in response to RAF Questions # 19 and # 24 that providing a temporary water supply would cost \$1,000—\$2,000 per occurrence. However, the Board does not provide an estimate of costs for the regulated community to implement this regulation in response to RAF Question # 23. Since the Board states that there are costs for temporary water supplies and claims for these supplies, we ask the Board to amend its response to Question # 23 or to explain why it is appropriate to respond “\$0” to this question.

**4. Miscellaneous clarity.**

- As published in the *Pennsylvania Bulletin*, Section 87.119a(d)(1) contains a typographical error in the cross-reference to Section 4.29(f) of the Pennsylvania SMCRA. This cross-reference should be corrected to Section 4.2(f).

- If the Department is required to submit this proposed regulation to OSM for its review and approval, we ask the Board to provide this information in the Preamble to the final-form regulation.

- Paragraph 6 of the draft Model SMCRA Water Supply Settlement Agreement and Release Form limits the “release of the SMCRA water supply restoration/ replacement rights given by the Water Supply Owners in this Agreement [to] a term of no more than thirty-five (35) years.” What is the reason for this time limit?

GEORGE D. BEDWICK,  
*Chairperson*

[Pa.B. Doc. No. 20-81. Filed for public inspection January 17, 2020, 9:00 a.m.]

**INDEPENDENT REGULATORY REVIEW COMMISSION**

**Notice of Filing of Final Rulemakings**

The Independent Regulatory Review Commission (Commission) received the following regulations. They are scheduled to be considered on the date noted. The Commission’s public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA at 10 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or it can be viewed on the Commission’s web site at [www.irrc.state.pa.us](http://www.irrc.state.pa.us).

<i>Final-Form Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
15-460	Department of Revenue iLottery Games	12/30/19	1/31/20
7-532	Environmental Quality Board Federal Office of Surface Mining Reclamation and Enforcement Program Consistency	12/30/19	1/31/20
7-534	Environmental Quality Board Triennial Review of Water Quality Standards	12/30/19	1/31/20

GEORGE D. BEDWICK,  
*Chairperson*

[Pa.B. Doc. No. 20-82. Filed for public inspection January 17, 2020, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Alleged Violation of Insurance Laws; Michael Shattuck V.; Doc. No. SC19-12-019

Notice is hereby given of the Order to Show Cause issued on December 30, 2019, by the Deputy Insurance Commissioner in the previously-referenced matter. Violation of the following is alleged: sections 611-A(20) and 678-A(b)(3) of The Insurance Department Act of 1921 (40 P.S. §§ 310.11(20) and 310.78(b)(3)).

The respondent shall file a written answer to the Order to Show Cause within 30 days of the date of issue. If respondent files a timely answer, a formal administrative hearing shall be held in accordance with 2 Pa.C.S. §§ 501—588 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure) and other relevant procedural provisions of law.

Answers, motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed in writing with the Hearings Administrator, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Harrisburg, PA 17102.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Domenica Dean, Agency ADA Coordinator, (717) 705-4194.

JESSICA K. ALTMAN,  
Insurance Commissioner

[Pa.B. Doc. No. 20-83. Filed for public inspection January 17, 2020, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Continental Casualty Company; Rate Increase Filing for Several Individual LTC Forms (CNAB-132184171)

Continental Casualty Company is requesting approval to increase the premium 75.6% on 4,247 policyholders with the following individual LTC policy form numbers: P1-N0080-A37, P1-N0081-A37, P1-N0085-A37, P1-N0086-A37, P1-N0095-A37, P1-N0096-A37, P1-N0100-A37, P1-N0101-A37, P1-N0075-A37, P1-N0076-A37, P1-N0090-A37 and P1-N0091-A37. The increase will only affect policyholders with automatic inflation riders.

Unless formal administrative action is taken prior to April 2, 2020, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov) (hover the cursor over the "Consumers" tab, then select "Long Term Care Rate Filings").

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, [jlaverty@pa.gov](mailto:jlaverty@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JESSICA K. ALTMAN,  
Insurance Commissioner

[Pa.B. Doc. No. 20-84. Filed for public inspection January 17, 2020, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Eligible Surplus Lines Insurer List

In accordance with section 1605(b) of The Insurance Company Law of 1921 (40 P.S. § 991.1605(b)), the Insurance Department (Department) publishes the most recent Eligible Surplus Lines Insurer List. This list replaces in its entirety the Eligible Surplus Lines Insurer List published at 49 Pa.B. 567 (February 2, 2019).

Persons with questions concerning this notice should contact Cressinda Bybee, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, (717) 787-2735, [cbybee@pa.gov](mailto:cbybee@pa.gov).

Key#	Company Name	Statutory Home Address
10512	ADMIRAL INSURANCE COMPANY	1209 ORANGE STREET WILMINGTON, DE 19801
10513	ADRIATIC INSURANCE COMPANY	314 EAST THAYER AVENUE BISMARCK, ND 58501
39135	AGENT ALLIANCE INSURANCE COMPANY	3800 SOLLIE ROAD MOBILE, AL 36619
10521	AIG SPECIALTY INSURANCE COMPANY	500 WEST MADISON STREET SUITE 3000 CHICAGO, IL 60661
67489	AIX SPECIALTY INSURANCE COMPANY	1209 ORANGE STREET WILMINGTON, DE 19801-1120
48099	ALLIANZ GLOBAL CORPORATE & SPECIALTY SE	KONIGINASTRASSE 28 MUNICH, Germany D80802

<i>Key#</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
10516	ALLIANZ UNDERWRITERS INSURANCE COMPANY	225 W. WASHINGTON STREET SUITE 1800 CHICAGO, IL 60606
10535	ALLIED WORLD ASSURANCE COMPANY (U.S.) INC.	251 LITTLE FALLS DRIVE SUITE 400 WILMINGTON, DE 19808
10600	ALLIED WORLD SURPLUS LINES INSURANCE COMPANY	425 WEST CAPITOL AVENUE SUITE 1800 LITTLE ROCK, AR 72201-3525
106563	ALLY INTERNATIONAL INSURANCE COMPANY LTD	VICTORIA HALL 11 VICTORIA STREET HAMILTON, Bermuda HM11
10519	AMERICAN EMPIRE SURPLUS LINES INSURANCE COMPANY	1209 ORANGE STREET WILMINGTON, DE 19801
10520	AMERICAN EQUITY INSURANCE COMPANY	20860 N TATUM BOULEVARD SUITE 400 PHOENIX, AZ 85050
127915	AMERICAN INTERNATIONAL GROUP UK LIMITED	THE AIG BUILDING 58 FENCHURCH STREET EC3M4AB LONDON, United Kingdom
63828	AMERICAN MODERN SURPLUS LINES INSURANCE COMPANY	7000 MIDLAND BLVD AMELIA, OH 45102-2607
107529	AMERICAN NATIONAL LLOYDS INSURANCE COMPANY	ONE MOODY PLAZA GALVESTON, TX 77550
104146	AMERICAN SAFETY INSURANCE COMPANY	3715 NORTHSIDE PARKWAY ATLANTA, GA 30327-2806
10522	AMERICAN WESTERN HOME INSURANCE COMPANY	600 BANK OF OKLAHOMA PLAZA OKLAHOMA CITY, OK 73102
83774	AMTRUST INTERNATIONAL UNDERWRITERS DAC	40 WESTLAND ROW DUBLIN, Ireland 2
10524	APPALACHIAN INSURANCE COMPANY	270 CENTRAL AVENUE JOHNSTON, RI 02919-4949
97477	ARCH INSURANCE (UK) LIMITED	6TH FLOOR PLANTATION PLACE SOUTH 60 GREAT TOWER STREET LONDON, United Kingdom EC3R 5AZ
10587	ARCH SPECIALTY INSURANCE COMPANY	2345 GRAND BOULEVARD SUITE 900 KANSAS CITY, MO 64108
10588	ARROWOOD SURPLUS LINES INSURANCE COMPANY	2711 CENTERVILLE ROAD SUITE 400 WILMINGTON, DE 19808
128566	ASCOT SPECIALTY INSURANCE COMPANY	10 JEFFERSON BLVD. WARWICK, RI 02888
51442	ASPEN INSURANCE UK LIMITED	30 FENCHURCH STREET LONDON, United Kingdom EC3M 3BD
35611	ASPEN SPECIALTY INSURANCE COMPANY	314 EAST THAYER AVENUE BISMARCK, ND 58501
22348	ASSICURAZIONI GENERALI S.P.A.	PIAZZA DUCA DEGLI ABRUZZI, 2 TRIESTE, Italy 34132
22349	ASSOCIATED ELECTRIC & GAS INSURANCE SERVICES LIMITED	THE MAXWELL ROBERTS BUILDING 4TH FLOOR ONE CHURCH STREET HAMILTON, Bermuda HM11
94396	ASSOCIATED INDUSTRIES INSURANCE COMPANY	903 N W 65TH STREET SUITE 300 BOCA RATON, FL 33487-2864

<i>Key#</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
52712	ATAIN INSURANCE COMPANY	2301 E. LAMAR BOULEVARD 5TH FLOOR ARLINGTON, TX 76006
127831	ATEGRITY SPECIALTY INSURANCE COMPANY	CORPORATION CENTER 1209 ORANGE STREET WILMINGTON, DE 19801
41586	ATLANTIC CASUALTY INSURANCE COMPANY	400 COMMERCE COURT GOLDSBORO, NC 27534
127473	AVIVA INSURANCE LIMITED	PITHEAVLIS PERTH PH2 ONH SCOTLAND, United Kingdom
41562	AXA CORPORATE SOLUTIONS ASSURANCE	4 RUE JULES LEFEBVRE PARIS, France 75009
59554	AXIS SPECIALTY EUROPE SE	MOUNT HERBERT COURT 34 UPPER MOUNT STREET DUBLIN, Ireland 2
10592	AXIS SURPLUS INSURANCE COMPANY	111 SOUTH WACKER DRIVE SUITE 3500 CHICAGO, IL 60606
10584	BERKLEY ASSURANCE COMPANY	11201 DOUGLAS AVENUE URBANDALE, IA 50322
75458	BERKLEY SPECIALTY INSURANCE COMPANY	1209 ORANGE STREET WILMINGTON, DE 19801-1120
63055	BERKSHIRE HATHAWAY INTERNATIONAL INSURANCE LIMITED	33 ST MARY AXE LONDON, United Kingdom EC3A 8LL
79945	BLACKBOARD SPECIALTY INSURANCE COMPANY	1209 ORANGE STREET WILMINGTON, DE 19801
116246	BLUE HILL SPECIALTY INSURANCE COMPANY INC.	C/O CT CORPORATION SYSTEM 208 SOUTH LASALLE STREET SUITE 814 CHICAGO, IL 60604
8689	BURLINGTON INSURANCE COMPANY	238 INTERNATIONAL ROAD BURLINGTON, NC 27215-5129
10528	CANAL INDEMNITY COMPANY	400 EAST STONE AVENUE GREENVILLE, SC 29601
75544	CANOPIUS US INSURANCE, INC	C/O THE CORPORATION TRUST COMPANY 1209 ORANGE STREET WILMINGTON, DE 19801
48319	CAPITOL SPECIALTY INSURANCE CORPORATION	1600 ASPEN COMMONS MIDDLETON, WI 53562
63239	CATLIN SPECIALTY INSURANCE COMPANY	C/O THE CORPORATION TRUST COMPANY 1209 ORANGE STREET WILMINGTON, DE 19801
10529	CENTENNIAL CASUALTY COMPANY	2200 WOODCREST PLACE SUITE 200 BIRMINGHAM, AL 35209
10531	CENTURY SURETY COMPANY	550 POLARIS PARKWAY WESTERVILLE, OH 43082
10532	CHUBB CUSTOM INSURANCE COMPANY	202B HALL'S MILL ROAD WHITEHOUSE STATION, NJ 08889
48123	CHUBB EUROPEAN GROUP SE	LA TOUR CARPE DIEM 31 PLACE DES COROLLES, ESPLÉNADE NORD COURBEVOIE, France 92400
72782	CINCINNATI SPECIALTY UNDERWRITERS INSURANCE COMPANY (THE)	BRANDYWINE VILLAGE 1807 NORTH MARKET STREET WILMINGTON, DE 19802-4810



<i>Key#</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
45736	CLEAR BLUE SPECIALTY INSURANCE COMPANY	6100 FAIRVIEW ROAD UNIT 103 CHARLOTTE, NC 28210
118669	CM VANTAGE SPECIALTY INSURANCE COMPANY	3000 SCHUSTER LANE MERRILL, WI 54452
10533	COLONY INSURANCE COMPANY	8720 STONY POINT PARKWAY SUITE 300 RICHMOND, VA 23235
10534	COLUMBIA CASUALTY COMPANY	151 N. FRANKLIN STREET CHICAGO, IL 60606
86914	CONIFER INSURANCE COMPANY	550 W. MERRILL STREET SUITE 200 BIRMINGHAM, MI 48009
115462	COVERYS SPECIALTY INSURANCE COMPANY	67 EAST PARK PLACE SUITE 703 MORRISTOWN, NJ 07960
96047	COVINGTON SPECIALTY INSURANCE COMPANY	C/O NIXON PEABODY LLP 900 ELM STREET MANCHESTER, NH 03101
37372	CRUM & FORSTER SPECIALTY INSURANCE COMPANY	2999 NORTH 44TH STREET SUITE 250 PHOENIX, AZ 85018
126299	CRYSTAL RIDGE SPECIALTY INSURANCE COMPANY INC.	104 SOUTH MICHIGAN AVENUE SUITE 600 CHICAGO, IL 60603
66658	CUMIS SPECIALTY INSURANCE COMPANY, INC.	2000 HERITAGE WAY WAVERLY, IA 50677
37001	DISCOVER SPECIALTY INSURANCE COMPANY	ONE TOWER SQUARE HARTFORD, CT 06183
125558	DORCHESTER INSURANCE COMPANY, LTD.	6-7 DRONNINGENS GABE SUITE 202 ST. THOMAS, VI 00802-1520
10541	EMPIRE INDEMNITY INSURANCE COMPANY	BROADWAY EXECUTIVE PARK 9 200 NW 66TH STREET SUITE 965 OKLAHOMA CITY, OK 73116
63338	ENDURANCE AMERICAN SPECIALTY INSURANCE COMPANY	1209 ORANGE STREET WILMINGTON, DE 19801
94256	ENDURANCE SPECIALTY INSURANCE LTD	WATERLOO HOUSE 100 PITTS BAY ROAD PEMBROKE, Bermuda HM 08
111852	ENDURANCE WORLDWIDE INSURANCE LIMITED	1ST FLOOR, 2 MINSTER COURT MINCING LANE LONDON, United Kingdom EC3R 788
127083	ENERGY INSURANCE MUTUAL LIMITED	CHANCERY HOUSE HIGH STREET BRIDGETOWN, Barbados
10543	EVANSTON INSURANCE COMPANY	TEN PARKWAY NORTH DEERFIELD, IL 60015
10544	EVEREST INDEMNITY INSURANCE COMPANY	251 LITTLE FALLS DRIVE WILMINGTON, DE 19808
130365	EVEREST INSURANCE (IRELAND), DAC	HUGUENOT HOUSE 35-38 ST. STEPHEN'S GREEN DUBLIN, Ireland
130366	EVEREST INTERNATIONAL ASSURANCE, LTD.	HUGUENOT HOUSE 35-38 ST. STEPHEN'S GREEN DUBLIN, Ireland
10545	EXECUTIVE RISK SPECIALTY INSURANCE COMPANY	202B HALL'S MILL ROAD WHITEHOUSE STATION, NJ 08889

<i>Key#</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
105001	FAIR AMERICAN SELECT INSURANCE COMPANY	80 PINE STREET NEW YORK, NY 10005
126696	FALLS LAKE FIRE AND CASUALTY COMPANY	6131 FALLS OF NEUSE ROAD SUITE 306 RALEIGH, NC 27609
129780	FIDELIS UNDERWRITING LIMITED	THE LEADENHALL BUILDING 34TH FLOOR 122 LEADENHALL STREET LONDON, United Kingdom EC3V 4AB
10549	FIRST MERCURY INSURANCE COMPANY	1209 ORANGE STREET WILMINGTON, DE 19801
10550	FIRST SPECIALTY INSURANCE CORPORATION	237 EAST HIGH STREET JEFFERSON CITY, MO 65101-3206
127476	FITCHBURG MUTUAL INSURANCE COMPANY	222 AMES STREET DEDHAM, MA 02026-1850
18477	GEMINI INSURANCE COMPANY	CORPORATION TRUST CENTER 1209 ORANGE STREET WILMINGTON, DE 19801
10552	GENERAL SECURITY INDEMNITY COMPANY OF ARIZONA	2338 W. ROYAL PALM ROAD SUITE J PHOENIX, AZ 85021
10554	GENERAL STAR INDEMNITY COMPANY	1209 ORANGE STREET WILMINGTON, DE 19801
58119	GEOVERA SPECIALTY INSURANCE COMPANY	251 LITTLE FALLS DRIVE WILMINGTON, DE 19808
73754	GNY CUSTOM INSURANCE COMPANY	200 MADISON AVENUE NEW YORK, NY 10016-3904
123319	GOLDEN BEAR INSURANCE COMPANY	1550 WEST FREMONT STREET 2ND FLOOR STOCKTON, CA 95203
10556	GOTHAM INSURANCE COMPANY	59 MAIDEN LANE 27TH FLOOR NEW YORK, NY 10038
10514	GREAT AMERICAN E & S INSURANCE COMPANY	THE CORPORATION TRUST COMPANY 1209 ORANGE STREET WILMINGTON, DE 19801
10518	GREAT AMERICAN FIDELITY INSURANCE COMPANY	THE CORPORATION TRUST COMPANY 1209 ORANGE STREET WILMINGTON, DE 19801
10540	GREAT AMERICAN PROTECTION INSURANCE COMPANY	301 EAST FOURTH STREET CINCINNATI, OH 45202
22412	GREAT LAKES INSURANCE SE	KONIGINSTR 107 MUNICH, Germany 80802
100854	GUIDEONE NATIONAL INSURANCE COMPANY	1111 ASHWORTH ROAD WEST DES MOINES, IA 50265-3538
36489	GUILFORD INSURANCE COMPANY	C/O HINSHAW & CULBERTSON, LLP 400 SOUTH NINTH STREET SUITE 200 SPRINGFIELD, IL 62701-1822
10557	GULF UNDERWRITERS INSURANCE COMPANY	ONE TOWER SQUARE HARTFORD, CT 06183
103324	HALLMARK SPECIALTY INSURANCE COMPANY	201 ROBERT S. KERR AVENUE SUITE 600 OKLAHOMA CITY, OK 73102
103749	HAMILTON INSURANCE DAC	33 SIR JOHN ROGERSON'S QUAY 2ND FLOOR DUBLIN, Ireland 2

<i>Key#</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
126737	HANOVER ATLANTIC INSURANCE COMPANY, LTD. (THE)	CANONS COURT 22 VICTORIA STREET HAMILTON, Bermuda HM12
28076	HDI GLOBAL SPECIALTY SE	2ND FLOOR, 1 ARLINGTON SQUARE DOWNSHIRE WAY BERKSHIRE, United Kingdom RG12 1WA
123955	HDI SPECIALTY INSURANCE COMPANY	161 N. CLARK STREET 48TH FLOOR CHICAGO, IL 60601
121546	HELVETIA SWISS INSURANCE COMPANY IN LIECHTENSTEIN LTD.	HERRENGASSE 11 9490 VADUZ LIECHTENSTEIN, Lichtenstein
100960	HOMELAND INSURANCE COMPANY OF DELAWARE	1209 ORANGE STREET WILMINGTON, DE 19801
44169	HOMELAND INSURANCE COMPANY OF NEW YORK	1000 WOODBURY ROAD SUITE 403 WOODBURY, NY 11797
128448	HOMESITE INSURANCE COMPANY OF FLORIDA	1 N. OLD STATE CAPITOL PLAZA SUITE 501 SPRINGFIELD, IL 62701-1323
124435	HOUSING SPECIALTY INSURANCE COMPANY, INC.	148 COLLEGE STREET BURLINGTON, VT 05401
10559	HOUSTON CASUALTY COMPANY	13403 NORTHWEST FREEWAY HOUSTON, TX 77040
75182	HOUSTON SPECIALTY INSURANCE COMPANY	800 GESSNER SUITE 600 HOUSTON, TX 77024
102374	HSB SPECIALTY INSURANCE COMPANY	ONE STATE STREET HARTFORD, CT 06102-5024
106322	HUDSON EXCESS INSURANCE COMPANY	1209 ORANGE STREET WILMINGTON, DE 19801
37373	HUDSON SPECIALTY INSURANCE COMPANY	100 WILLIAM STREET 5TH FLR. NEW YORK, NY 10038
10560	ILLINOIS EMCASCO INSURANCE COMPANY	717 MULBERRY STREET DES MOINES, IA 50309-3872
10561	ILLINOIS UNION INSURANCE COMPANY	525 WEST MONROE STREET SUITE 700 CHICAGO, IL 60661
10547	INDEPENDENT SPECIALTY INSURANCE COMPANY	160 GREENTREE DRIVE SUITE 101 DOVER, DE 19904
10562	INDIAN HARBOR INSURANCE COMPANY	C/O THE CORPORATION TRUST CO. 1209 ORANGE STREET WILMINGTON, DE 19801
10564	INTERSTATE FIRE & CASUALTY COMPANY	225 WEST WASHINGTON STREET SUITE 1800 CHICAGO, IL 60606
10596	IRONSHORE SPECIALTY INSURANCE COMPANY	8601 NORTH SCOTTSDALE ROAD SUITE 300 SCOTTSDALE, AZ 85253
119790	ISMIE INDEMNITY COMPANY	20 NORTH MICHIGAN AVENUE SUITE 700 CHICAGO, IL 60602-4811
10546	JAMES RIVER INSURANCE COMPANY	52 EAST GAY STREET COLUMBUS, OH 43215
36855	KINSALE INSURANCE COMPANY	425 W. CAPITOL AVENUE SUITE 1800 LITTLE ROCK, AR 72201

<i>Key#</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
108670	KNIGHT SPECIALTY INSURANCE COMPANY	BRANDYWINE VILLAGE 1807 NORTH MARKET STREET WILMINGTON, DE 19802-4810
130547	KW SPECIALTY INSURANCE COMPANY	501 SILVERSIDE ROAD SUITE 57 WILMINGTON, DE 19809
80046	LANCASHIRE INSURANCE COMPANY (UK) LIMITED	20 FENCHURCH STREET 29TH FLR. LONDON, United Kingdom EC3M 3BY
75297	LANCASHIRE INSURANCE COMPANY LIMITED	POWERHOUSE 7 PAR-LA-VILLE ROAD HAMILTON, Bermuda HM 11
8967	LANDMARK AMERICAN INSURANCE COMPANY	201 ROBERT KERR AVENUE SUITE 600 OKLAHOMA CITY, OK 73102-4267
10569	LEXINGTON INSURANCE COMPANY	2711 CENTERVILLE ROAD SUITE 400 WILMINGTON, DE 19808
22415	LIBERTY MUTUAL INSURANCE EUROPE SE	5-7, RUE LEON LAVAL L-3372 LEUDELANGE, Luxembourg B 232280
70118	LIBERTY SPECIALTY MARKETS BERMUDA LIMITED	141 FRONT STREET HAMILTON, Bermuda HM19
18457	LIBERTY SURPLUS INSURANCE CORPORATION	175 BERKELEY STREET BOSTON, MA 02117
22416	LLOYD'S, LONDON (UNDERWRITERS AT)	ONE LIME STREET LONDON, United Kingdom EC3M7HA
129637	MAPFRE ESPANA, COMPANIA DE SEGUROS Y REASEGUROS, S.A.	CARRETERA DE POZUELO, MAJADAHONDA 52 EDIFICIO M-II MADRID, Spain 28222
22418	MARINE INSURANCE COMPANY LIMITED	ST MARKS COURT. CHART WAY HORSHAM, WEST SUSSEX ENGLAND, Great Britain RH 12 1XL
22455	MARKEL INTERNATIONAL INSURANCE COMPANY LIMITED	THE MARKEL BUILDING 49 LEADENHALL STREET LONDON, United Kingdom EC3A2EA
10527	MAXUM INDEMNITY COMPANY	ONE HARTFORD PLAZA HARTFORD, CT 06155
69016	MEDICAL MUTUAL LIABILITY INSURANCE SOCIETY OF MARYLAND	225 INTERNATIONAL CIRCLE HUNT VALLEY, MD 21030
104147	MEDICAL SECURITY INSURANCE COMPANY	700 SPRING FOREST ROAD SUITE 400 RALEIGH, NC 27609
75542	MERCHANTS NATIONAL INSURANCE COMPANY	5 BEDFORD FARMS SUITE 101 BEDFORD, NH 03110
10553	MESA UNDERWRITERS SPECIALTY INSURANCE COMPANY	40 WANTAGE AVENUE BRANCHVILLE, NJ 07890
96043	MID-CONTINENT EXCESS AND SURPLUS INSURANCE COMPANY	1209 ORANGE STREET WILMINGTON, DE 19801
75518	MITSUI SUMITOMO INSURANCE COMPANY (EUROPE) LIMITED	25 FENCHURCH AVENUE LONDON, United Kingdom EC3M 5AD
129024	MOBILITAS INSURANCE COMPANY	5353 WEST BELL ROAD GLENDALE, AZ 85308
93838	MSIG SPECIALTY INSURANCE USA INC.	560 LEXINGTON AVENUE 20TH FLOOR NEW YORK, NY 10022



<i>Key#</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
10571	MT. HAWLEY INSURANCE COMPANY	9025 N. LINDBERGH DRIVE PEORIA, IL 61615
10572	NAMIC INSURANCE COMPANY, INC.	3601 VINCENNES ROAD INDIANAPOLIS, IN 46268
10573	NATIONAL FIRE & MARINE INSURANCE COMPANY	1314 DOUGLAS STREET SUITE 1400 OMAHA, NE 68102-1944
10574	NAUTILUS INSURANCE COMPANY	7233 E. BUTHERUS DRIVE SCOTTSDALE, AZ 85260
10575	NAVIGATORS SPECIALTY INSURANCE COMPANY	ONE PENN PLAZA 32ND FLOOR NEW YORK, NY 10119-0002
10537	NOETIC SPECIALTY INSURANCE COMPANY	100 EAST STATE STREET MONTPELIER, VT 05602
9009	NORCAL SPECIALTY INSURANCE COMPANY	7600 NORTH CAPTIAL OF TEXAS HIGHWAY BUILDING B SUITE 300 AUSTIN, TX 78731
10576	NORTH AMERICAN CAPACITY INSURANCE COMPANY	650 ELM STREET MANCHESTER, NH 03101-2524
79123	NORTH LIGHT SPECIALTY INSURANCE COMPANY	2775 SANDERS ROAD NORTHBROOK, IL 60062-7127
10577	NORTHFIELD INSURANCE COMPANY	505 5TH AVENUE SUITE 729 DES MOINES, IA 50309
22421	OCEAN MARINE INSURANCE COMPANY LIMITED	ST. HELEN'S 1 UNDERSHAFT LONDON, United Kingdom EC3P3DQ
127475	OKLAHOMA SPECIALTY INSURANCE COMPANY	201 ROBERT S. KERR SUITE 600 OKLAHOMA CITY, OK 73102
10579	OLD REPUBLIC UNION INSURANCE COMPANY	307 NORTH MICHIGAN AVENUE CHICAGO, IL 60601
10566	PACIFIC INSURANCE COMPANY, LIMITED	ONE HARTFORD PLAZA HARTFORD, CT 06155
99478	PARTNERRE IRELAND INSURANCE DAC	5TH FLOOR, BLOCK 1, THE OVAL 160 SHELBOURNE ROAD, BALLSBRIDGE DUBLIN, Ireland 4
10582	PELEUS INSURANCE COMPANY	8720 STONY POINT PARKWAY SUITE 300 RICHMOND, VA 23235
58179	PENN-PATRIOT INSURANCE COMPANY	526 KING STREET ALEXANDRIA, VA 22314
74667	PRIME INSURANCE COMPANY	ONE SOUTH DEARBORN STREET SUITE 800 CHICAGO, IL 60603
23150	PRINCETON EXCESS AND SURPLUS LINES INSURANCE COMPANY	2711 CENTERVILLE ROAD SUITE 400 WILMINGTON, DE 19808
44436	PROASSURANCE SPECIALTY INSURANCE COMPANY, INC.	100 BROOKWOOD PLACE SUITE 500 BIRMINGHAM, AL 35209
117812	PROFESSIONAL SECURITY INSURANCE COMPANY	C/O S. DAVID CHILDERS KUTAK ROCK, LLP 8601 N. SCOTTSDALE ROAD SUITE 300 SCOTTSDALE, AZ 85253-2742

<i>Key#</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
75543	PROTECTIVE SPECIALTY INSURANCE COMPANY	111 CONGRESSIONAL BLVD SUITE 500 CARMEL, IN 46032
47448	QBE SPECIALTY INSURANCE COMPANY	314 EAST THAYER AVENUE BISMARCK, ND 58501
22449	QBE UK LIMITED	PLANTATION PLACE 30 FENCHURCH STREET LONDON, United Kingdom EC3M 3BD
117810	RADNOR SPECIALTY INSURANCE COMPANY	10330 REGENCY PARKWAY DRIVE SUITE 100 OMAHA, NE 68114
70898	REPUBLIC-VANGUARD INSURANCE COMPANY	2390 E. CAMELBACK ROAD PHOENIX, AZ 85016
10603	ROCKHILL INSURANCE COMPANY	8601 N. SCOTTSDALE ROAD SUITE 300 SCOTTSDALE, AZ 85253
122122	ROCKINGHAM INSURANCE COMPANY	633 EAST MARKET STREET HARRISONBURG, VA 22801
10589	SAFECO SURPLUS LINES INSURANCE COMPANY	62 MAPLE AVENUE KEENE, NH 03431
86970	SAFETY SPECIALTY INSURANCE COMPANY	1832 SCHUETZ ROAD ST. LOUIS, MO 63146
94496	SCOR UK COMPANY LIMITED	10 LIME STREET LONDON, United Kingdom EC3M 7AA
10591	SCOTTSDALE INSURANCE COMPANY	ONE NATIONWIDE PLAZA COLUMBUS, OH 43215
107528	SCOTTSDALE SURPLUS LINES INSURANCE COMPANY	8877 N GAINES CENTER DRIVE SCOTTSDALE, AZ 85258-2108
44276	SENECA SPECIALTY INSURANCE COMPANY	2999 NORTH 44TH STREET SUITE 250 PHOENIX, AZ 85018-7256
33514	SIRIUS INTERNATIONAL INSURANCE CORPORATION	BIRGER JARISGATAN 57B STOCKHOLM, Sweden SE 113 96
10593	ST. PAUL SURPLUS LINES INSURANCE COMPANY	251 LITTLE FALLS DRIVE WILMINGTON, DE 19808
79898	STARR SURPLUS LINES INSURANCE COMPANY	8401 NORTH CENTRAL EXPRESSWAYS, # 890 DALLAS, TX 75225
98475	STARSTONE INSURANCE SE	ZOLLSTRASSE 82 9494 SCHAAN LIECHTENSTEIN, Lichtenstein
40659	STARSTONE SPECIALTY INSURANCE COMPANY	1209 ORANGE STREET WILMINGTON, DE 19801-1120
10594	STEADFAST INSURANCE COMPANY	1299 ZURICH WAY SCHAUMBURG, IL 60196
10590	SUPERIOR SPECIALTY INSURANCE COMPANY	160 GREEN TREE DRIVE SUITE 101 DOVER, DE 19904
22453	SWISS RE INTERNATIONAL SE	2A, RUE ALBERT BORSCHETTE KIRCHBERG, Luxembourg L1246
10583	TDC SPECIALTY INSURANCE COMPANY	1050 K STREET SUITE 400 WASHINGTON, DC 20001
123370	THIRD COAST INSURANCE COMPANY	15200 WEST SMALL ROAD NEW BERLIN, WI 53151
22456	THROUGH TRANSPORT MUTUAL INSURANCE ASSOCIATION LIMITED	FIRST FLOOR CHEVRON HOUSE 11 CHURCH STREET HAMILTON, Bermuda HM11

Key#	Company Name	Statutory Home Address
66133	TOKIO MARINE GRV RE, INC.	201 ROBERT S. KERR AVENUE OKLAHOMA, OK 73102-4267
73071	TOKIO MARINE KILN INSURANCE LIMITED	20 FENCHURCH STREET LONDON, United Kingdom EC3M 3BY
8705	TOKIO MARINE SPECIALTY INSURANCE COMPANY	1807 NORTH MARKET STREET WILMINGTON, DE 19802
10597	TRAVELERS EXCESS AND SURPLUS LINES COMPANY	ONE TOWER SQUARE HARTFORD, CT 06183
126596	TRISURA SPECIALTY INSURANCE COMPANY	210 PARK AVENUE SUITE 1400 OKLAHOMA CITY, OK 73102
54486	TT CLUB MUTUAL INSURANCE LIMITED	90 FENCHURCH STREET LONDON, United Kingdom ECM 4ST
10598	TUDOR INSURANCE COMPANY	300 KIMBALL DRIVE SUITE 500 PARSIPPANY, NJ 07054
10599	U.S. UNDERWRITERS INSURANCE COMPANY	316 NORTH FIFTH STREET SIXTH FLOOR BISMARCK, ND 58501
64798	UNITED SPECIALTY INSURANCE COMPANY	160 GREENTREE DRIVE SUITE 101 DOVER, DE 19904
82097	UTICA SPECIALTY RISK INSURANCE COMPANY	2435 N CENTRAL EXPRESSWAY SUITE 400 RICHARDSON, TX 75080
125260	VAULT E&S INSURANCE COMPANY	C/O MITCHELL, WILLIAMS, SELIG, GATES & WOODYARD 425 WEST CAPITOL AVENUE SUITE 1800 LITTLE ROCK, AR 72201-3525
10605	VOYAGER INDEMNITY INSURANCE COMPANY	260 INTERSTATE NORTH CIRCLE SE ATLANTA, GA 30339
117811	WATFORD SPECIALTY INSURANCE COMPANY	445 SOUTH STREET SUITE 15824 P.O. BOX 1988 MORRISTOWN, NJ 07962-1988
10607	WESTCHESTER SURPLUS LINES INSURANCE COMPANY	11575 GREAT OAKS WAY SUITE 200 ALPHARETTA, GA 30022
10610	WESTERN WORLD INSURANCE COMPANY	300 KIMBALL DRIVE SUITE 500 PARSIPPANY, NJ 07054
49219	WILSHIRE INSURANCE COMPANY	702 OBERLIN ROAD RALEIGH, NC 27605-0800
64641	XL CATLIN INSURANCE COMPANY UK LIMITED	20 GRACECHURCH STREET LONDON, United Kingdom 3C3V OBG
10604	XL SELECT INSURANCE COMPANY	1209 ORANGE STREET WILMINGTON, DE 19801

JESSICA K. ALTMAN,  
Insurance Commissioner

[Pa.B. Doc. No. 20-85. Filed for public inspection January 17, 2020, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Qualified Jurisdictions for Certified Reinsurers

Under 31 Pa. Code § 161.3a(a)(1)(i) (relating to requirements for certified reinsurers), the Insurance Commis-

sioner lists those jurisdictions deemed qualified jurisdictions for purposes of certified reinsurer status. The qualified jurisdiction status is as of January 1, 2020.

#### Qualified Jurisdictions

- Bermuda: Bermuda Monetary Authority (BMA)
- Ireland: Central Bank of Ireland (Central Bank)

- Japan: Financial Services Agency (FSA)
- France: Autorité Contrôle Prudentiel et de Résolution (ACPR)
- Germany: Federal Financial Supervisory Authority (BaFin)
- Switzerland: Financial Market Supervisory Authority (FINMA)
- United Kingdom: Prudential Regulation Authority of the Bank of England (PRA)
- All United States jurisdictions that meet the requirement for accreditation under the National Association of Insurance Commissioners (NAIC) financial standards and accreditation program. See the most recent Accredited United States Jurisdictions list maintained by the NAIC.

Questions should be directed to Kimberly A. Rankin, Director, Company Licensing and Financial Analysis Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, (717) 783-6409, [krankin@pa.gov](mailto:krankin@pa.gov).

JESSICA K. ALTMAN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 20-86. Filed for public inspection January 17, 2020, 9:00 a.m.]

## LEGISLATIVE REFERENCE BUREAU

### Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of *Bulletin*). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

#### *Governor's Office*

Manual No. 230.1—Commonwealth Travel Procedures Manual, Amended December 13, 2019.

Management Directive No. 230.10—Commonwealth Travel Policy, Amended December 13, 2019.

Administrative Circular No. 19-11—Availability—Commonwealth Telephone Directory, Dated November 26, 2019.

DUANE M. SEARLE,  
*Director*  
*Pennsylvania Code and Bulletin*

[Pa.B. Doc. No. 20-87. Filed for public inspection January 17, 2020, 9:00 a.m.]

## PATIENT SAFETY AUTHORITY

### Public Meeting

The Patient Safety Authority (Authority), established by section 303 of the Medical Care Availability and Reduction of Error (MCARE) Act (40 P.S. § 1303.303),

announces a meeting of the Authority's Board to be held at the Conference Center, Central Penn College, 600 Valley Road, Summerdale, PA 17093 at 10 a.m. on Monday, January 27, 2020.

Individuals with questions regarding this meeting, which is open to the public, should contact the Authority at (717) 346-0469.

REGINA M. HOFFMAN, MBA, BSN, RN, CPPS,  
*Executive Director*

[Pa.B. Doc. No. 20-88. Filed for public inspection January 17, 2020, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Application of Duquesne Light Company; Prehearing Conference

**A-2020-3015225. Duquesne Light Company.** Application of Duquesne Light Company filed under 52 Pa. Code Chapter 57, Subchapter G (relating to Commission review of siting and construction of electric transmission lines) for approval of the siting and construction of the Mon-Fayette Tower Relocations Project in West Mifflin Borough, Borough of Dravosburg and the City of Duquesne in Allegheny County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before March 4, 2020. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120, with a copy served on the applicant. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's (Commission) web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the applicant's business address.

*Applicant:* Duquesne Light Company

*Through and By Counsel:* Anthony D. Kanagy, Esquire, Post & Schell, PC, 17 North Second Street, 12th Floor, Harrisburg, PA 17101-1601

#### Prehearing Conference

An initial in-person prehearing conference on the previously-captioned case will be held as follows:

<i>Date:</i>	Tuesday, March 10, 2020
<i>Time:</i>	10 a.m.
<i>Location:</i>	2nd Floor Hearing Room Piatt Place Suite 220 301 Fifth Avenue Pittsburgh, PA 15222
<i>Presiding:</i>	Administrative Law Judge Mary D. Long Piatt Place Suite 220 301 5th Avenue Pittsburgh, PA 15222 (412) 565-3550 Fax: (412) 565-5692

For persons with a disability who wish to attend the prehearing conference, the Commission may be able to make arrangements for their special needs. Call the scheduling office at the Commission at least 5 business days prior to the conference.



- Scheduling Office: (717) 787-1399
- Pennsylvania AT&T Relay Service number for persons who are deaf or hearing-impaired: (800) 654-5988

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 20-89. Filed for public inspection January 17, 2020, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Public Forum and Conference Call on the Federal Communications Commission's Rural Development Opportunity Fund Auction; Federal Communications Commission Doc. Nos. 19-126 and 10-90

On January 16, 2020, the Pennsylvania Public Utility Commission (Commission) hosted an open forum and teleconference with the Federal Communications Commission (FCC) on the upcoming auction of Federal universal service support issued by the FCC in their Rural Development Opportunity Fund (RuDOF) Order published on August 2, 2019, in Doc. Nos. 19-126 and 10-90.

The open forum and conference call with the FCC's Rural Development Auctions Task Force was held on Thursday, January 16, 2020, at 3 p.m. in the Executive Chambers at the Commission's Offices, Keystone Building, Third Floor, 300 North Street, Harrisburg, PA. The Commission staff also had a brief presentation on the RuDOF Auction from 2 p.m. to 2:45 p.m. prior to the open forum and conference call for members of the public interested in the RuDOF Auction.

The RuDOF Auction is a Nationwide reverse auction of the support the FCC intends to provide over the next 10 years to successful bidders for the delivery of voice and broadband service in high-cost, primarily rural, areas.

The Commission hosted this open forum and teleconference call with the FCC so that interested members of the public, particularly potential bidders in the upcoming auction, could learn more and participate in the auction.

Questions about the open forum and conference call can be directed to David Screven, Deputy Chief Counsel, Pennsylvania Public Utility Commission Law Bureau, (717) 782-3222 or Joe Witmer, Counsel to Chairperson Gladys Brown Dutrieuille, (717) 787-3663.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 20-90. Filed for public inspection January 17, 2020, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility

Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Protests may only be filed if there is evidence that the applicant lacks fitness. Protests based on endangering or impairing operations of an existing carrier will not be honored. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120, with a copy served on the applicant by February 3, 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.

### Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.

**A-2019-3014469. E D Transportation, LLC** (835 Kerper Street, Philadelphia, Philadelphia County, PA 19111) for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, between points in the City and County of Philadelphia. *Attorney:* Michel Lambert, Esquire, 5724 Rising Sun Avenue, Philadelphia, PA 19120.

**A-2019-3015146. First Executive Limousine, Inc.** (4032 Lasher Road, Drexel Hill, Delaware County, PA 19026) in limousine service, between points in Pennsylvania; excluding points in the Counties of Lehigh and Montgomery, and the City and County of Philadelphia.

**A-2020-3015232. Berroa Logistics, LLC** (824 East 9th Street, Hazleton, Luzerne County, PA 18201) in paratransit service, between points in the Counties of Carbon, Luzerne and Schuylkill.

**A-2020-3015242. Firminc Transit, LLC** (908 South Prospect Street, Nanticoke, Luzerne County, PA 18634) for the right to begin to transport, as a common carrier, by motor vehicles, persons in paratransit service, from points in the County of Luzerne to the City and County of Philadelphia, and return.

**A-2020-3015243. Clarion Medical, LLC** (154 Hansen Access Road, King of Prussia, Montgomery County, PA 19406) for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in the Counties of Bucks, Chester, Delaware and Montgomery, and the City and County of Philadelphia. *Attorney:* Christina M. Mellott, Esquire, Page, Wolfberg & Wirth, LLC, 5010 East Trindle Road, Suite 202, Mechanicsburg, PA 17050.

**A-2020-3015245. All Blue Taxi Service, LLC** (1000 Scenery Drive, Harrisburg, Dauphin County, PA 17109) in call or demand, in the Counties of Adams and York.

**A-2020-3015269. Western Berks Ambulance Association** (2506 Belmont Avenue, West Lawn, Berks County, PA 19609) in paratransit service, from points in the Counties of Berks, Chester, Lancaster, Lebanon, Lehigh, Montgomery and Schuylkill, to points in Pennsylvania, and return. *Attorney:* Christina M. Mellott, 5010 East Trindle Road, Suite 202, Mechanicsburg, PA 17050.

**A-2019-3015403. Joseph M. Lanatovich, t/a Ride-man** (244 Pittsburgh Street, Derry, PA 15627) for the right to begin to transport, as a common carrier, by motor vehicles, persons in paratransit service, from points in the Counties of Allegheny, Indiana and Westmoreland, to points in Pennsylvania, and return.

**Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods by transfer of rights as described under the application.**

**A-2019-3015164. MWAV PH, LLC, t/a Man With A Van** (1516 North 5th Street, Suite 117, Philadelphia, PA 19122) to transport, as a common carrier, by motor vehicle, household goods in use, between points in Pennsylvania, which is to be a transfer of all rights authorized under the certificate issued at A-8917459, at Docket A-2015-2472602, to Service Emporium, Inc., t/a Man With A Van, subject to the same limitations and conditions.

**Application of the following for approval to begin operating as contract carriers for transportation of persons as described under the application.**

**A-2019-3015176. Prudentiacare Home Health Services, LLC** (1 International Plaza Drive, Suite 517, Philadelphia, PA 19113) to transport, as a contract carrier for Access2Care, LLC, Coordinated Transportation Solutions, Inc., LogistiCare Solutions, LLC and Medical Transportation Management, LLC from points in the Counties of Bucks, Delaware, Huntingdon, Lancaster, Montgomery, Philadelphia and York, to points in Pennsylvania, and return.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 20-91. Filed for public inspection January 17, 2020, 9:00 a.m.]

## STATE BOARD OF DENTISTRY

**Commonwealth of Pennsylvania, Bureau of Professional and Occupational Affairs v. Dawn Marie Mita, EFDA, Respondent; File No. 17-46-02614**

*Notice to Dawn Marie Mita, EFDA:*

On October 13, 2017, the Commonwealth of Pennsylvania, Department of State, Bureau of Professional and Occupational Affairs, instituted a formal administrative action against you by filing an Order to Show Cause, before the State Board of Dentistry, alleging that you have violated certain provisions of the Pennsylvania Dental Law, Act of May 1, 1993, P.L. 216, No. 76 (“Act”), 63 P.S. §§ 120—130dd, as amended; the Act of July 2, 1993, P.L. 345, No. 48 (“Act 48”), 63 P.S. §§ 2201—2207, as amended. Pursuant to 1 Pa. Code § 33.31 and Rule 430 of the Pennsylvania Rules of Civil Procedure, 231 Pa. Code Rule 430, providing for service of process upon you by publication.

### Notice

Formal disciplinary action has been filed against you. You may lose your license, certificate, registration or permit to practice your profession or occupation. You may be subject to civil penalties of up to \$10,000 for each violation, and the imposition of costs of investigation.

If you wish to defend against the charges in the attached Order to Show Cause or to present evidence to mitigate any penalty that may be imposed, the procedures for doing so are explained in the Order to Show Cause. You may obtain a copy of the Order to Show Cause from the Prothonotary for the Department of State, 2601

North Third Street, P.O. Box 2649, Harrisburg, PA 17105, telephone number, (717) 772-2686.

You have the right to retain an attorney. Although you may represent yourself without an attorney, you are advised to seek the help of an attorney. You also have the right to have an interpreter provided should you request one.

All proceedings are conducted under the Administrative Agency Law and the General Rules of Administrative Practice and Procedures.

You are directed to respond to the charges by filing a written answer within thirty (30) days of this NOTICE. IF YOU DO NOT FILE AN ANSWER, DISCIPLINARY ACTION MAY BE TAKEN AGAINST YOU WITHOUT A HEARING. To file your answer, you must bring or send an original and three (3) copies of your answer and any pleadings or other documents related to this matter to the following address:

Prothonotary  
Department of State  
2601 North Third Street  
P.O. Box 2649  
Harrisburg, PA 17105

You must also send a separate copy of your answer and any other pleadings or documents related to this case to the prosecuting attorney named in the Order to Show Cause.

JOHN F. ERHARD, III, DDS,  
*Chairperson*

[Pa.B. Doc. No. 20-92. Filed for public inspection January 17, 2020, 9:00 a.m.]

## STATE CONSERVATION COMMISSION

**Access to Odor Management Plans for Concentrated Animal Operations and Concentrated Animal Feeding Operations and Volunteers Complying with the Commonwealth’s Facility Odor Management Program**

This notice is provided to direct the public to the State Conservation Commission’s (Commission) Facility Odor Management Program webpage or to the Commission’s office to obtain information relating to Odor Management Plans submitted for Commission action under 3 Pa.C.S. §§ 501—522 (relating to nutrient management and odor management).

The Commission’s Odor Management Program Public Noticing webpage, accessed through the Commission’s general web site at <https://www.agriculture.pa.gov/Pages/default.aspx> (select “Plants, Land & Water,” then “State Conservation Commission,” then “Odor Management Program Public Notices”), provides the public with the name, address, animal equivalent units, animal type, Odor Site Index score and submission type for the various Odor Management Plans (OMP) under review by the Commission. This listing of plans under review can also be accessed by contacting the Commission’s office in Harrisburg at (717) 787-8821. The Commission will not take an action on a submitted OMP until it has been noticed on this list for a minimum of 21 days.

All Commission actions on submitted OMPs will be published in the *Pennsylvania Bulletin*.

Persons wishing to view or obtain a copy of submitted OMPs are directed to submit a Right-To-Know request to the Department of Agriculture (Department) to arrange access to the plans currently under review.

Persons wishing to comment on an OMP under review by the Commission are invited to submit a written statement outlining their comments on the OMPs to the Commission's Odor Management Program within 21 days from the OMP notice date provided on the Commission's listing of OMPs under review on the Odor Management Program Public Notices webpage. Persons with a question relating to the submission of comments on an OMP under review may contact the Commission office by phone to discuss the process for the submission of comments. Comments should include the name, address and telephone number of the writer, and a concise statement to

inform the Commission of the exact basis of the comments and the relevant facts upon which they are based. Comments may be submitted, in writing, to the State Conservation Commission, Department of Agriculture, ATTN: Odor Management Program Coordinator, 2301 North Cameron Street, Room 311, Harrisburg, PA 17110.

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

RUSSELL C. REDDING,  
*Chairperson*

[Pa.B. Doc. No. 20-93. Filed for public inspection January 17, 2020, 9:00 a.m.]

## STATE CONSERVATION COMMISSION

### Action on Odor Management Plans for Concentrated Animal Operations and Concentrated Animal Feeding Operations and Volunteers Complying with the Commonwealth's Facility Odor Management Program

The State Conservation Commission has taken the following actions on previously received applications for Odor Management Plans under 3 Pa.C.S. §§ 501—522 (relating to nutrient management and odor management).

Persons aggrieved by any action may appeal under 3 Pa.C.S. § 517 (relating to appealable actions), section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

Important legal rights are at stake, so individuals interested in challenging this action should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary of the Board at (717) 787-3483 for more information.

**Odor Management Plan—Public Notice Spreadsheet—Actions**

<i>Ag Operation Name, Address</i>	<i>County/Township</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>New, Amended or Existing</i>	<i>Action Taken</i>
Samuel L. Stoltzfus— Veal Barn & Pole Barn Samuel L. Stoltzfus 166 Brungard Lane Loganton, PA 17747	Clinton County/ Logan Township	89.65	Veal	New	Approved
Derrick Weaver 180 Wissler Road New Holland, PA 17557	Lancaster County/ Earl Township	0	Broilers	New	Approved
Roaring Creek Egg Farms, LLC—Gas Well Road Farm Nathan Richard 54 Gas Well Road Catawissa, PA 17820	Columbia County/ Locust Township	420.66	Layers	New	Approved
Carrie Miller 4401 East Back Mountain Road Belleville, PA 17004	Mifflin County/ Union Township	108.31	Layers	Amended	Approved



<i>Ag Operation Name, Address</i>	<i>County/Township</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>New, Amended or Existing</i>	<i>Action Taken</i>
Dwight Zimmerman 80 South Northkill Road Bernville, PA 19506	Berks County/ Upper Tulpehocken Township	170.58	Broilers	Amended	Approved

RUSSELL C. REDDING,  
*Chairperson*

[Pa.B. Doc. No. 20-94. Filed for public inspection January 17, 2020, 9:00 a.m.]

## STATE ETHICS COMMISSION

### Medical Marijuana List

Under the Medical Marijuana Act (act) (35 P.S. §§ 10231.101—10231.2110), the Pennsylvania State Ethics Commission (Commission) shall biennially publish a list of all State, county, municipal and other government positions that meet the definition of “public official” or “executive-level public employee” as defined under 4 Pa.C.S. § 1512(b) (relating to financial and employment interests) or the definition of “public official” as set forth in the act, or both. See 35 P.S. § 10231.2101.1.

In accordance with the requirements of the act, this list is being published herewith in the *Pennsylvania Bulletin* and upon the web site of the Commission within the e-Library at <http://www.ethics.pa.gov>.

Upon request, each public official shall have a duty to provide the Commission with adequate information to accurately develop and maintain the list. The Commission may impose a civil penalty under 65 Pa.C.S. § 1109(f) (relating to penalties) upon any individual, including any public official or executive-level public employee, who fails to cooperate with the Commission under this subsection. A person that relies in good faith on the list published by the Commission shall not be subject to any penalty for a violation of this section. 35 P.S. § 10231.2101.1.

This list was generated, in part, by information provided to the Commission by the Office of Administration. This and any future lists are subject to change and will be updated as needed on the Commission’s web site. The first publication contains only State agencies. Local government agencies (boroughs, cities, counties, townships, and the like) will be contained in a future publication.

ROBERT P. CARUSO,  
*Executive Director*

#### DEFINITION OF “PUBLIC OFFICIAL” AND “EXECUTIVE-LEVEL PUBLIC EMPLOYEE” AS IT PERTAINS TO THE MEDICAL MARIJUANA ACT

“Public official.” The term shall include the following:

- (1) The Governor, Lieutenant Governor, a member of the Governor’s cabinet, Treasurer, Auditor General and Attorney General of the Commonwealth.
- (2) A member of the Senate or House of Representatives of the Commonwealth.
- (3) An individual elected or appointed to any office of a county or municipality that directly receives a distribution of revenue from the fund.

(4) An individual elected or appointed to a department, agency, board, commission, authority or other governmental body not included in paragraph (1), (2) or (3) that directly receives a distribution of revenue from the fund.

(5) An individual elected or appointed to a department, agency, board, commission, authority, county, municipality or other governmental body not included in paragraph (1), (2) or (3) with discretionary power which may influence or affect the outcome of an action or decision and who is involved in the development of regulation or policy relating to a medical marijuana organization or who is involved in other matters under this act.

The term does not include a member of a school board or an individual who held an uncompensated office with a governmental body prior to January 1, 2017, and who no longer holds the office as of January 1, 2017.

35 P.S. §§ 10231.101 et seq.

Section 2101.1(d)(2) of the Medical Marijuana Act directs that the term “executive-level public employee” be defined as stated within the Pennsylvania Race Horse Development and Gaming Act (4 Pa.C.S. § 1512(b)). The Gaming Act therefore defines “executive-level public employee” as:

“Executive-level public employee.” The term shall include the following:

(1) Deputy Secretaries of the Commonwealth and the Governor’s Office executive staff.

(2) An employee of the executive branch whose duties substantially involve licensing or enforcement under this part, who has discretionary power which may affect or influence the outcome of a Commonwealth agency’s action or decision or who is involved in the development of regulations or policies relating to a licensed entity. The term shall include an employee with law enforcement authority.

(3) An employee of a county or municipality with discretionary powers which may affect or influence the outcome of the county’s or municipality’s action or decision related to this part or who is involved in the development of law, regulation or policy relating to matters regulated under this part. The term shall include an employee with law enforcement authority.

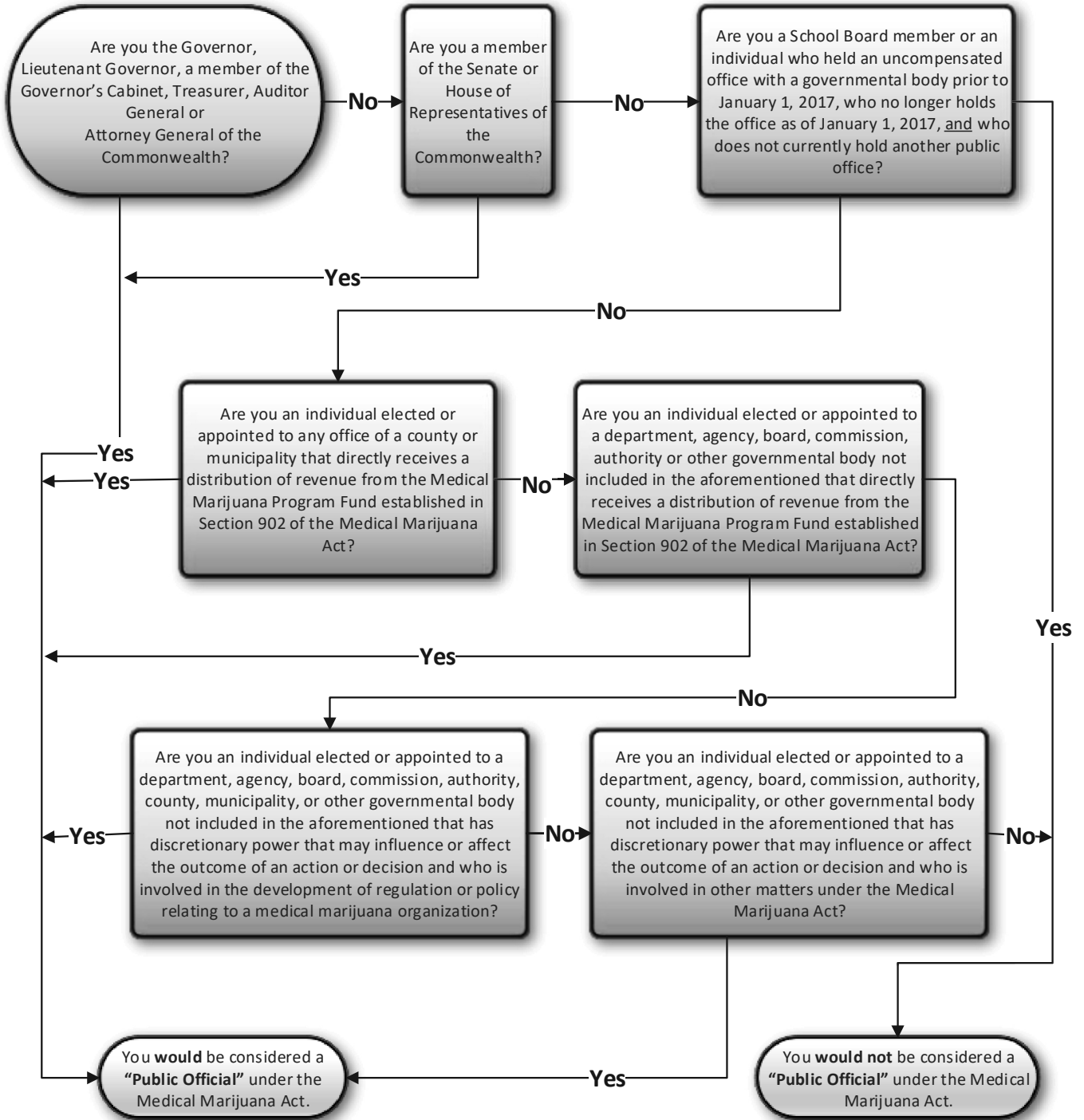
(4) An employee of a department, agency, board, commission, authority or other governmental body not included in paragraph (1), (2), or (3) with discretionary power which may affect or influence the outcome of the governmental body’s action or decision related to this part or who is involved in the development of regulation or policy relating to matters regulated under this part. The term shall include an employee with law enforcement authority.

“Law enforcement authority.” The power to conduct investigations of or to make arrests for criminal offenses.

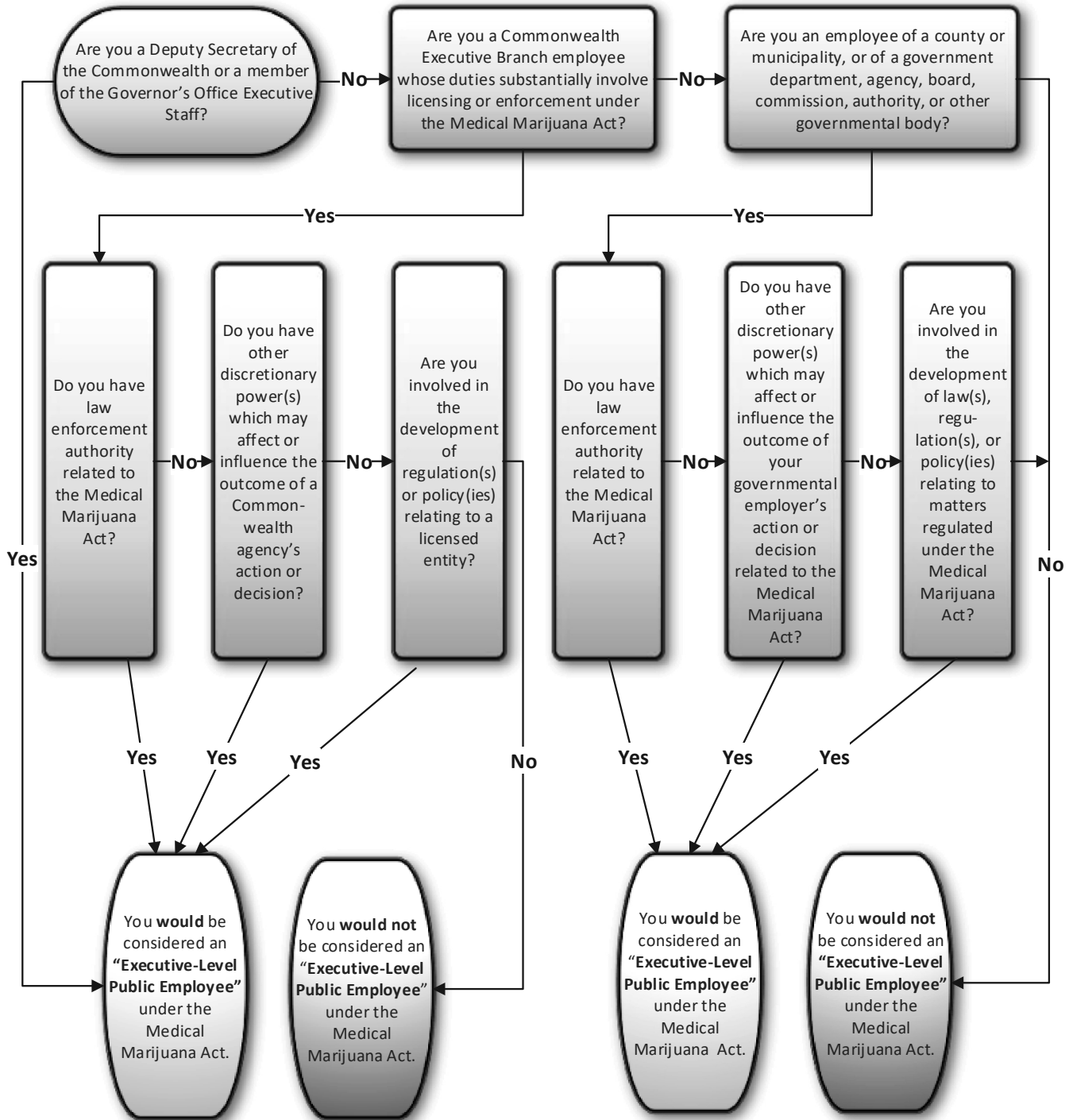
4 Pa.C.S. § 1103.



### MEDICAL MARIJUANA ACT: PUBLIC OFFICIAL FLOWCHART



# MEDICAL MARIJUANA ACT: EXECUTIVE-LEVEL PUBLIC EMPLOYEE FLOWCHART



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**DEPARTMENT OF AGING**

Following please find a list of those positions that are prohibited from being employed by or having an ownership interest in a medical marijuana enterprise:

Public Official:

Secretary of Aging

Executive Level Public Employees:

Position Number	Organizational Unit	JOB ID	Job Code	Position Name
00041649	Aging	00002300	00230	Clerk Typist 3
00216137	Aging	03004300	U0430	Deputy Secretary Aging
00108449	Aging	00411700	41170	Director of Protective Services, Aging
50424470	Aging	00480000	48000	Director, Bureau of Aging Services
00108613	Aging	00411400	41140	Director, Bureau of PACE
00286008	Aging	00411005	41105	Director, Bureau of Quality Assurance, Aging
00043806	Aging	00411500	41150	Executive Director, Pennsylvania Council on Aging
00117151	Aging	00411107	41117	Executive Director, Pennsylvania Long-Term Care Council
50470927	Aging	00168200	16820	Executive Policy Specialist 2
00045311	Aging	00411600	41160	Long Term Care Ombudsman, Aging
50568748	Aging	03089404	U8944	Operations and Management Director, Aging

**DEPARTMENT OF AGRICULTURE**

Following please find a list of those positions that are prohibited from being employed by or having an ownership interest in a medical marijuana enterprise:

Public Official:

Secretary of Agriculture

Executive Level Public Employees:

Position Number	Organizational Unit	JOB ID	Job Code	Position Name
00009838	Agriculture	00515101	51511	Agronomic Products Inspector

<b>Position Number</b>	<b>Organizational Unit</b>	<b>JOB ID</b>	<b>Job Code</b>	<b>Position Name</b>
00015826	Agriculture	00515101	51511	Agronomic Products Inspector
00068290	Agriculture	00515101	51511	Agronomic Products Inspector
00070866	Agriculture	00515101	51511	Agronomic Products Inspector
00105920	Agriculture	00515101	51511	Agronomic Products Inspector
00108123	Agriculture	00515101	51511	Agronomic Products Inspector
00110358	Agriculture	00515101	51511	Agronomic Products Inspector
00130960	Agriculture	00515101	51511	Agronomic Products Inspector
00250930	Agriculture	00515101	51511	Agronomic Products Inspector
00280148	Agriculture	00515101	51511	Agronomic Products Inspector
50267412	Agriculture	00515101	51511	Agronomic Products Inspector
00078662	Agriculture	00515301	51531	Chief, Division of Agronomic and Regional Services
00027234	Agriculture	03007208	U0728	Deputy Secretary for Animal Health and Food Safety
00038605	Agriculture	03007203	U0723	Deputy Secretary for Plant Industry and Consumer Protection
00097930	Agriculture	03007204	U0724	Deputy Secretary for Strategic Initiatives and Market Development
00262553	Agriculture	00522401	52241	Entomology Program Manager
00106754	Agriculture	00515102	51512	Pesticide Specialist
00192815	Agriculture	00515102	51512	Pesticide Specialist
50410458	Agriculture	00515102	51512	Pesticide Specialist
00038807	Agriculture	00564001	56401	Plant Industry Inspection Technician
00041216	Agriculture	00564001	56401	Plant Industry Inspection Technician
50402541	Agriculture	00564001	56401	Plant Industry Inspection Technician
00014812	Agriculture	00564301	56431	Plant Industry Regional Supervisor
00067760	Agriculture	00564301	56431	Plant Industry Regional Supervisor
00093899	Agriculture	00564301	56431	Plant Industry Regional Supervisor
00096522	Agriculture	00564301	56431	Plant Industry Regional Supervisor
00115129	Agriculture	00564301	56431	Plant Industry Regional Supervisor
50413624	Agriculture	00564301	56431	Plant Industry Regional Supervisor
00015355	Agriculture	00564201	56421	Plant Inspector
00041063	Agriculture	00564201	56421	Plant Inspector
00056135	Agriculture	00564201	56421	Plant Inspector
00079242	Agriculture	00564201	56421	Plant Inspector
00091268	Agriculture	00564201	56421	Plant Inspector
00094056	Agriculture	00564201	56421	Plant Inspector
00098748	Agriculture	00564201	56421	Plant Inspector
00108283	Agriculture	00564201	56421	Plant Inspector
00116985	Agriculture	00564201	56421	Plant Inspector
00118895	Agriculture	00564201	56421	Plant Inspector
00130959	Agriculture	00564201	56421	Plant Inspector
00199912	Agriculture	00564201	56421	Plant Inspector
00227105	Agriculture	00564201	56421	Plant Inspector
00236548	Agriculture	00564201	56421	Plant Inspector
00112669	Agriculture	00563005	56305	Plant Pathology Program Manager



<b>OFFICE OF ATTORNEY GENERAL</b>
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Following please find a list of those positions that are prohibited from being employed by or having an ownership interest in a medical marijuana enterprise:

Public Official:

Attorney General

Executive Level Public Employees:

<b>Position Number</b>	<b>Organizational Unit</b>	<b>JOB ID</b>	<b>Job Code</b>	<b>Position Name</b>
50422606	AT Off of Professional Responsibility	00141010	99105	Chief Integrity Officer
50366799	AT Executive Office	00141000	99103	Chief of Staff
00075113	AT Compt	00141300	99230	Comptroller
50523898	AT Executive Office	00141000	99109	Deputy Chief of Staff
50565999	AT Communications Philadelphia	00141311	U9270	Director of Communications
00096609	AT Operations Division	00143000	99056	Director of Finance
00302785	AT Government Affairs	00141200	99011	Director of Government Affairs
50524083	AT Office of Policy and Planning Philadelphia	00141811	99102	Director of Policy and Planning
50281938	AT Office of Public Engagement	00141500	99092	Director, Office of Public Engagement
00001455	AT Civil Law Division	00144000	U9290	Executive Deputy Attorney General
00050939	AT Criminal Law Division	00146000	U9290	Executive Deputy Attorney General
00082814	AT Operations Division	00143000	U9290	Executive Deputy Attorney General
00120674	AT Public Protection Division	00145000	U9290	Executive Deputy Attorney General
50331420	AT Executive Office Philadelphia	00141011	U9290	Executive Deputy Attorney General
00237934	AT Executive Office	00141000	U9260	First Deputy Attorney General
00242342	AT Bureau of Narcotics Investigation and Drug Control	00147300	99531	Narcotics Agent 5
50273550	AT Bureau of Criminal Investigations	00146100	99731	Special Agent 5
50422216	AT Office of Professional Responsibility	00141010	99731	Special Agent 5
50530607	AT Bureau of Criminal Investigations	00146100	99731	Special Agent 5
50308899	AT Criminal Investigations	00146050	99732	Special Agent 6

<b>DEPARTMENT OF THE AUDITOR GENERAL</b>
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Following please find a list of those positions that are prohibited from being employed by or having an ownership interest in a medical marijuana enterprise:

Public Official:

Auditor General

Executive Level Public Employees:

<b>Position Number</b>	<b>Organizational Unit</b>	<b>JOB ID</b>	<b>Job Code</b>	<b>Position Name</b>
50433686	Office of Chief Counsel	01041000	A4111	Chief Counsel
50433680	Office of Chief of Staff	01042000	A4200	Chief of Staff

<b>Position Number</b>	<b>Organizational Unit</b>	<b>JOB ID</b>	<b>Job Code</b>	<b>Position Name</b>
50433710	Office of Communications	01043000	A4300	Communications Director
50433701	Office of the Deputy of Administration	01042100	A4210	Deputy Auditor General for Administration
50433700	Office of the Deputy of Audits	01042200	A4220	Acting Deputy Auditor General for Audits

**DEPARTMENT OF BANKING AND SECURITIES**

Following please find a list of those positions that are prohibited from being employed by or having an ownership interest in a medical marijuana enterprise:

Public Official:

Secretary of Banking and Securities

Executive Level Public Employees:

<b>Position Number</b>	<b>Organizational Unit</b>	<b>JOB ID</b>	<b>Job Code</b>	<b>Position Name</b>
00253895	Banking and Securities	00058200	05820	Deputy Communications Director 1
50262973	Banking and Securities	03006105	U0615	Deputy Secretary for Administration, Banking & Securities
00001333	Banking and Securities	03006200	U0620	Deputy Secretary for Depository Institutions
00048163	Banking and Securities	03006201	U0621	Deputy Secretary for Non Depository Institutions
50418344	Banking and Securities	03006202	U0622	Deputy Secretary for Securities
50259117	Banking and Securities	00058907	05897	Digital Director 1
50278501	Banking and Securities	03004305	U0435	Executive Deputy Secretary Banking
00112732	Banking and Securities	00168300	16830	Executive Policy Manager 1
00025497	Banking and Securities	00168400	16840	Executive Policy Manager 2
00034723	Banking and Securities	00168200	16820	Executive Policy Specialist 2
00036535	Banking and Securities	00168200	16820	Executive Policy Specialist 2

**PENNSYLVANIA COMMISSION ON CRIME AND DELINQUENCY (PCCD)**

Following please find a list of those positions that are prohibited from being employed by or having an ownership interest in a medical marijuana enterprise:

Public Official:

None identified

Executive Level Public Employee:

Executive Director

**COMMONWEALTH JUDICIAL BRANCH**

Following please find a list of those positions that are prohibited from being employed by or having an ownership interest in a medical marijuana enterprise:

Public Official:

None identified

Executive Level Public Employee:

None identified

<b>DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT (DCED)</b>
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Following please find a list of those positions that are prohibited from being employed by or having an ownership interest in a medical marijuana enterprise:

Public Officials:

Chairman, State Tax Equalization Board  
 Members, State Tax Equalization Board  
 Secretary of Community and Economic Development

Executive Level Public Employees:

<b>Position Number</b>	<b>Organizational Unit</b>	<b>JOB ID</b>	<b>Job Code</b>	<b>Position Name</b>
00002478	Community & Economic Development	03008603	U0863	Deputy Secretary Business Financing
00229179	Community & Economic Development	03009300	U0930	Deputy Secretary Community Affairs and Development
00274789	Community & Economic Development	03009100	U0910	Deputy Secretary International Business Development
50473254	Community & Economic Development	03009009	U0909	Deputy Secretary Marketing, Tourism, and Film
50473081	Community & Economic Development	03004905	U0495	Deputy Secretary Technology and Innovation
50470230	Community & Economic Development	03008608	U0868	Director of Strategic Information Services, DCED
00232187	Community & Economic Development	03008605	U0865	Executive Deputy Secretary DCED
50341548	Community & Economic Development	03012400	U1240	Executive Director, Office of Open Records
50588960	Community & Economic Development	03081002	U8102	Executive Director, Governor's Energy Office
00111474	Community & Economic Development	00072402	07242	Legislative Liaison 2
00232228	Community & Economic Development	00072403	07243	Legislative Liaison 3
00122289	Community & Economic Development	03012308	U1238	Small Business Advocate
50480747	Community & Economic Development	03008602	U0862	Special Assistant, Community and Economic Development Projects

<b>DEPARTMENT OF CONSERVATION &amp; NATURAL RESOURCES (DCNR)</b>
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Following please find a list of those positions that are prohibited from being employed by or having an ownership interest in a medical marijuana enterprise:

Public Official:

Secretary of Conservation & Natural Resources

Executive Level Public Employees:

<b>Position Number</b>	<b>Organizational Unit</b>	<b>JOB ID</b>	<b>Job Code</b>	<b>Position Name</b>
00233926	Conservation & Natural Resources	03004408	U0448	Deputy Secretary Administration DCNR
00222477	Conservation & Natural Resources	03004409	U0449	Deputy Secretary for Conservation and Technical Services
00247750	Conservation & Natural Resources	03004407	U0447	Deputy Secretary for Parks and Forestry

<b>DEPARTMENT OF CORRECTIONS</b>
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Following please find a list of those positions that are prohibited from being employed by or having an ownership interest in a medical marijuana enterprise:

Public Official:

Secretary of Corrections

Executive Level Public Employees:

<b>Position Number</b>	<b>Organizational Unit</b>	<b>JOB ID</b>	<b>Job Code</b>	<b>Position Name</b>
00226372	Corrections	03008002	U0802	Deputy Secretary Administrative Services Corrections
00052561	Corrections	03009608	U0968	Executive Deputy Secretary for Community Corrections and Reentry
00151820	Corrections	03009607	U0967	Executive Deputy Secretary for Institutional Operations
00035123	Corrections	03009604	U0964	Regional Deputy Secretary Corrections
00135619	Corrections	03009604	U0964	Regional Deputy Secretary Corrections

<b>DEPARTMENT OF DRUG AND ALCOHOL PROGRAMS (DDAP)</b>
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Following please find a list of those positions that are prohibited from being employed by or having an ownership interest in a medical marijuana enterprise:

Public Official:

Secretary of Drug and Alcohol Programs

Executive Level Public Employees:

<b>Position Number</b>	<b>Organizational Unit</b>	<b>JOB ID</b>	<b>Job Code</b>	<b>Position Name</b>
50406858	Drug and Alcohol Programs	03000400	U0040	Deputy Secretary
50407584	Drug and Alcohol Programs	03003105	U0315	Deputy Secretary Department of Drug and Alcohol Programs
50568808	Drug and Alcohol Programs	00058907	05897	Digital Director 1
50414750	Drug and Alcohol Programs	03080707	U8077	Director of Administration and Program Support, DDAP
50414598	Drug and Alcohol Programs	00381100	38110	Director, Bureau of Quality Assurance for Prevention and Treatment
50414709	Drug and Alcohol Programs	00038100	38100	Director, Bureau of Treatment, Prevention and Intervention
50576660	Drug and Alcohol Programs	03027100	U2710	Engineering Scientific and Technical Intern
50414686	Drug and Alcohol Programs	00082600	08260	Executive Assistant
50459041	Drug and Alcohol Programs	00168300	16830	Executive Policy Manager 1
50414856	Drug and Alcohol Programs	00001500	00150	Executive Secretary 1
50410318	Drug and Alcohol Programs	00001600	00160	Executive Secretary 2
50414747	Drug and Alcohol Programs	00072402	07242	Legislative Liaison 2



<b>DEPARTMENT OF EDUCATION (PDE)</b>
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Following please find a list of those positions that are prohibited from being employed by or having an ownership interest in a medical marijuana enterprise:

Public Official:

Secretary of Education

Executive Level Public Employees:

<b>Position Number</b>	<b>Organizational Unit</b>	<b>JOB ID</b>	<b>Job Code</b>	<b>Position Name</b>
00117467	Education	03005900	U0590	Commissioner for Libraries
00001472	Education	00059200	05920	Communications Director 3
50428352	Education	03006000	U0600	Deputy Secretary Administration Education
00022615	Education	03005800	U0580	Deputy Secretary and Commissioner for Postsecondary and Higher Education
00048588	Education	03005700	U0570	Deputy Secretary Commissioner for Elementary Secondary Education
50312291	Education	03006100	U0610	Executive Deputy Secretary Education
00215671	Education	00168200	16820	Executive Policy Specialist 2
00101964	Education	00072403	07243	Legislative Liaison 3
00070685	Education	00246000	24600	Special Assistant to the Secretary, Education
00218944	Education	00246000	24600	Special Assistant to the Secretary, Education

<b>PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY (PEMA)</b>
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Following please find a list of those positions that are prohibited from being employed by or having an ownership interest in a medical marijuana enterprise:

Public Official:

State Fire Commissioner

Executive Level Public Employees:

<b>Position Number</b>	<b>Organizational Unit</b>	<b>JOB ID</b>	<b>Job Code</b>	<b>Position Name</b>
00239751	Emergency Management Agency	00059100	05910	Communications Director 2
50470725	Emergency Management Agency	00761801	76181	Deputy Director for 9-1-1, PEMA
00100292	Emergency Management Agency	00761802	76182	Deputy Director for Preparedness, PEMA
00297262	Emergency Management Agency	00761808	76188	Deputy Director for Response, PEMA
00116317	Emergency Management Agency	03001200	U0120	Director Emergency Management Agency
50278306	Emergency Management Agency	03084503	U8453	Director of Administration, PEMA
00095754	Emergency Management Agency	03001205	U0125	Executive Deputy Director PEMA
00192969	Emergency Management Agency	00072403	07243	Legislative Liaison 3

<b>ENVIRONMENTAL HEARING BOARD</b>
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Following please find a list of those positions that are prohibited from being employed by or having an ownership interest in a medical marijuana enterprise:

Public Official:

Chairman

Executive Level Public Employees:

None identified

<b>DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP)</b>
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Following please find a list of those positions that are prohibited from being employed by or having an ownership interest in a medical marijuana enterprise:

Public Official:

Secretary of Environmental Protection

Executive Level Public Employees:

<b>Position Number</b>	<b>Organizational Unit</b>	<b>JOB ID</b>	<b>Job Code</b>	<b>Position Name</b>
00041960	Environmental Protection	03000401	U0041	Acting Deputy Secretary
00072855	Environmental Protection	03004405	U0445	Deputy Secretary for Active and Abandoned Mine Operations
00018142	Environmental Protection	03004504	U0454	Deputy Secretary for Oil and Gas Management
00090792	Environmental Protection	03004403	U0443	Deputy Secretary for Water Programs DEP
00221907	Environmental Protection	03004503	U0453	Executive Deputy Secretary for Administration and Management DEP
50533824	Environmental Protection	03004502	U0452	Executive Deputy Secretary for Programs DEP

<b>EXECUTIVE OFFICES</b>
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The Governor's Office of Administration shall assist the State Ethics Commission in the development of a listing of government positions that meet the definitions of "public official" or "executive-level public employee."

Following please find a list of those positions that are prohibited from being employed by or having an ownership interest in a medical marijuana enterprise:

Public Officials:

Secretary of Administration

Inspector General

Executive Level Public Employees:

<b>Position Number</b>	<b>Organizational Unit</b>	<b>JOB ID</b>	<b>Job Code</b>	<b>Position Name</b>
00003716	Executive Offices	00086700	08670	Administrative Officer 5
50542635	Executive Offices	00086700	08670	Administrative Officer 5
00070915	Executive Offices	00718405	71845	Assistant Director, Fraud Prevention and Prosecution
00039397	Executive Offices	00076500	07650	Chief Legislative Analyst
50544634	Executive Offices	03089600	U8960	Chief of Staff to the Secretary of Administration
00115874	Executive Offices	03087000	U8700	Chief, Program Integrity Division
00116922	Executive Offices	00059000	05900	Communications Director 1
50399935	Executive Offices	03087002	U8702	Deputy Inspector General

<b>Position Number</b>	<b>Organizational Unit</b>	<b>JOB ID</b>	<b>Job Code</b>	<b>Position Name</b>
00018946	Executive Offices	03000800	U0080	Deputy Secretary for Human Resources and Management
00038756	Executive Offices	03004900	U0490	Deputy Secretary Information Technology
00094096	Executive Offices	00059901	05991	Director, Bureau of Workforce Support
50533168	Executive Offices	00051201	05121	Director, Employee Relations and Workforce Support Office
00049408	Executive Offices	00078600	07860	Executive Budget Manager
00102704	Executive Offices	00078300	07830	Executive Budget Specialist 2
00037237	Executive Offices	00078400	07840	Executive Budget Specialist 3
00037414	Executive Offices	00078400	07840	Executive Budget Specialist 3
00040024	Executive Offices	00078400	07840	Executive Budget Specialist 3
50256658	Executive Offices	03001005	U0105	Executive Deputy Secretary of the Budget
00124166	Executive Offices	00269100	26910	Executive Director, Council on the Arts
00023548	Executive Offices	00414700	41470	Executive Director, Juvenile Court Judges' Commission
00056897	Executive Offices	00783000	78300	Executive Director, Pennsylvania Commission on Crime and Delinquency
00072176	Executive Offices	00718403	71843	Fraud Prevention Prosecution Director
50236035	Executive Offices	00050510	0505A	Human Resource Analyst 5 (General)
00049356	Executive Offices	00072403	07243	Legislative Liaison 3
00130800	Executive Offices	00702501	70251	Special Investigator-In-Charge, OIG

**DEPARTMENT OF GENERAL SERVICES (DGS)**

Following please find a list of those positions that are prohibited from being employed by or having an ownership interest in a medical marijuana enterprise:

Public Official:

Secretary of General Services

Executive Level Public Employees:

<b>Position Number</b>	<b>Organizational Unit</b>	<b>JOB ID</b>	<b>Job Code</b>	<b>Position Name</b>
00082547	General Services	00086400	08640	Administrative Officer 2
00120758	General Services	00086500	08650	Administrative Officer 3
00120760	General Services	00086500	08650	Administrative Officer 3
50266481	General Services	00086500	08650	Administrative Officer 3
00117667	General Services	00086700	08670	Administrative Officer 5
00035368	General Services	00054208	05428	Business Enterprise Analyst 2
00226521	General Services	00054208	05428	Business Enterprise Analyst 2
00037931	General Services	03008100	U0810	Deputy Secretary for Administration DGS
00088059	General Services	03008800	U0880	Deputy Secretary for Diversity, Inclusion and Small Business
00093904	General Services	03007500	U0750	Deputy Secretary for Property and Asset Management DGS
50285675	General Services	03007300	U0730	Deputy Secretary Procurement General Services
00098195	General Services	03007400	U0740	Deputy Secretary Public Works General Services
00005447	General Services	00072402	07242	Legislative Liaison 2
50533483	General Services	00027500	02750	Procurement Specialist 5
00116047	General Services	00099805	09985	Special Assistant to the Secretary, DGS

<b>GOVERNOR'S OFFICE</b>
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Following please find a list of those positions that are prohibited from being employed by or having an ownership interest in a medical marijuana enterprise:

Public Official:

Governor

Executive Level Public Employees:

<b>Position Number</b>	<b>Organizational Unit</b>	<b>JOB ID</b>	<b>Job Code</b>	<b>Position Name</b>
280423	00011033—GV Policy Office	3001809	U0189	Deputy Secretary of Policy and Planning
296718	00011033—GV Policy Office	3001809	U0189	Deputy Secretary of Policy and Planning
302058	00011000—GV Governor's Office	3012100	U1210	Chief of Staff
215870	00011000—GV Governor's Office	3010800	U1080	Deputy Chief of Staff
254608	00011000—GV Governor's Office	3010800	U1080	Deputy Chief of Staff
292009	00011000—GV Governor's Office	3010800	U1080	Deputy Chief of Staff
50498407	00011000—GV Governor's Office	3012100	U1210	Deputy Chief of Staff
303095	00011010—GV Office Intragovernmental Affairs	3015204	U1524	Deputy Director of Governor's Northeast Office
302167	00011040—GV Cmncs	3011600	U1160	Deputy Press Secretary
303113	00011040—GV Cmncs	3011600	U1160	Deputy Press Secretary
50303800	00011040—GV Cmncs	3011600	U1160	Deputy Press Secretary
279178	00011010—GV Office Intragovernmental Affairs	3012004	U1204	Deputy Secretary of Intergovernmental Affairs
50498408	00011010—GV Office Intragovernmental Affairs	3012004	U1204	Deputy Secretary of Intergovernmental Affairs
302196	00011031—GV Legislative Affairs	3010605	U1065	Deputy Secretary of Legislative Affairs
50417782	00011031—GV Legislative Affairs	3010605	U1065	Deputy Secretary of Legislative Affairs
50425222	00011031—GV Legislative Affairs	3010605	U1065	Deputy Secretary of Legislative Affairs
50261755	00011033—GV Policy Office	3001809	U0189	Deputy Secretary of Policy and Planning
215794	00011024—GV Office Staff Secretary	3016308	U1638	Deputy Staff Secretary
216161	00011040—GV Cmncs	3011400	U1140	Director of Communications
218918	00011010—GV Office Intragovernmental Affairs	3011807	U1187	Director of Governor's Central Region
302582	00011010—GV Office Intragovernmental Affairs	3011805	U1185	Director of Governor's Northeast Office
215873	00011010—GV Office Intragovernmental Affairs	3011804	U1184	Director of Governor's Northwest Office
215831	00011010—GV Office Intragovernmental Affairs	3011802	U1182	Director of Governor's Southeast Office
216339	00011010—GV Office Intragovernmental Affairs	3011803	U1183	Director of Governor's Southwest Office
215814	00011033—GV Policy Office	3001807	U0187	Executive Deputy Secretary of Policy and Planning



<b>Position Number</b>	<b>Organizational Unit</b>	<b>JOB ID</b>	<b>Job Code</b>	<b>Position Name</b>
216363	00011013—GV Office Performance Through Excellence	3015905	U1595	Executive Director of Governor's Center for Performance Excellence
269342	00011031—GV Legal Affairs	3011200	U1120	Legislative Assistant
307476	00011033—GV Policy Office	168001	16801	Policy Aide
302168	00011033—GV Policy Office	86300	8630	Policy Administrative Officer 1
302767	00011033—GV Policy Office	3001904	U0194	Policy Analyst
302494	00011040—GV Cmncs	3011500	U1150	Press Secretary
80722	00011010—GV Office Intragovernmental Affairs	3012006	U1206	Secretary of Intergovernmental Affairs
290240	00011031—GV Legislative Affairs	3010700	U1070	Secretary of Legislative Affairs
302075	00011033—GV Policy Office	3001900	U0190	Secretary of Policy and Planning
292008	00011000—GV Governor's Office	3000105	U0015	Special Assistant to the Governor
77413	00011024—GV Office Staff Secretary	3016400	U1640	Staff Secretary

<b>GOVERNOR'S OFFICE OF THE BUDGET</b>
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Following please find a list of those positions that are prohibited from being employed by or having an ownership interest in a medical marijuana enterprise:

Public Official:

Secretary of the Budget

Executive Level Public Employees:

<b>Position Number</b>	<b>Organizational Unit</b>	<b>JOB ID</b>	<b>Job Code</b>	<b>Position Name</b>
00039397	Executive Office of Legislative Affairs and Communications	00076500	07650	Chief Legislative Analyst
00041932	Executive Bureau of Budget Analysis	00081900	08190	Director, Bureau of Budget Analysis
00049408	Executive Health and Human Services Division	00078600	07860	Executive Budget Manager
00037414	Executive Health and Human Services Division	00078400	07840	Executive Budget Specialist 3
50256658	Executive Deputy Secretary of the Budget	03001005	U0105	Executive Deputy Secretary of the Budget
00002036	Executive Secretary of Budget	03000502	U0052	Special Advisor to the Budget Secretary

<b>DEPARTMENT OF HEALTH (DOH)</b>
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Following please find a list of those positions that are prohibited from being employed by or having an ownership interest in a medical marijuana enterprise:

Public Official:

Secretary of Health

Executive Level Public Employees:

<b>Position Number</b>	<b>Organizational Unit</b>	<b>JOB ID</b>	<b>Job Code</b>	<b>Position Name</b>
50416018	Health	00037100	03710	Audit Specialist 2
00025110	Health	00059200	05920	Communications Director 3
00286541	Health	00058200	05820	Deputy Communications Director 1
00297952	Health	00058200	05820	Deputy Communications Director 1
00086815	Health	00058300	05830	Deputy Communications Director 2
00174149	Health	03003305	U0335	Deputy Secretary for Health Innovation
00100298	Health	03003200	U0320	Deputy Secretary Health Preparedness and Community Protection
00100118	Health	03003000	U0300	Deputy Secretary Health Promotion Dse Prvntn
00112674	Health	03003300	U0330	Deputy Secretary Quality Assurance
00050329	Health	00058908	05898	Digital Director 2
00055658	Health	00321200	32120	Director of Laboratories, Health
00128259	Health	00346900	34690	Director, Bureau of Communicable Diseases
00074041	Health	00308500	30850	Director, Bureau of Community Health Systems
00202059	Health	00347000	34700	Director, Bureau of Community Program Licensure and Certification
00082848	Health	00345100	34510	Director, Bureau of Epidemiology
00060962	Health	00346800	34680	Director, Bureau of Facility Licensure and Certification
00083488	Health	00371001	37101	Director, Bureau of Family Health
00014652	Health	00089401	08941	Director, Bureau of Financial Operations
00185334	Health	00308600	30860	Director, Bureau of Health Planning
00111855	Health	00381700	38170	Director, Bureau of Health Promotion and Risk Reduction
00027360	Health	00055000	05500	Director, Bureau of Health Statistics
00004414	Health	00345800	34580	Director, Bureau of Managed Care
00033410	Health	00371002	37102	Director, Bureau of Women, Infants and Children (WIC)
00119298	Health	00394309	39439	Director, Emergency Medical Services Office
00053831	Health	00340000	34000	Director, Medical Marijuana Office
00053831	Health	00340000	34000	Director, Medical Marijuana Office
50334641	Health	00346405	34645	Director, Office of Health Equity
50498135	Health	00346403	34643	Director, Prescription Drug Monitoring Program Office
00295588	Health	00394305	39435	Director, Public Health Preparedness Office
00054921	Health	03004205	U0425	Executive Deputy Secretary Health
50534233	Health	00168300	16830	Executive Policy Manager 1
00094434	Health	00168400	16840	Executive Policy Manager 2
50514393	Health	00168400	16840	Executive Policy Manager 2
00106916	Health	00168200	16820	Executive Policy Specialist 2

<b>Position Number</b>	<b>Organizational Unit</b>	<b>JOB ID</b>	<b>Job Code</b>	<b>Position Name</b>
50245717	Health	00168200	16820	Executive Policy Specialist 2
50398683	Health	00168200	16820	Executive Policy Specialist 2
50565936	Health	00168200	16820	Executive Policy Specialist 2
50514422	Health	00488105	48815	Human Services Program Specialist
50534304	Health	00168001	16801	Policy Aide
00215571	Health	00058100	05810	Press Assistant
50534234	Health	00058100	05810	Press Assistant
00018545	Health	00058400	05840	Press Secretary
50539390	Health	00346201	34621	Public Health Program Administrator
50521886	Health	00346400	34640	Public Health Program Director
50539050	Health	00710701	71071	Safety Inspection Supervisor
50539051	Health	00710701	71071	Safety Inspection Supervisor
50539052	Health	00710701	71071	Safety Inspection Supervisor
50578133	Health	00710701	71071	Safety Inspection Supervisor
50544967	Health	00710700	71070	Safety Inspector
50544968	Health	00710700	71070	Safety Inspector
50545029	Health	00710700	71070	Safety Inspector
50545030	Health	00710700	71070	Safety Inspector
50545110	Health	00710700	71070	Safety Inspector
50577884	Health	00710700	71070	Safety Inspector
50577885	Health	00710700	71070	Safety Inspector
50577906	Health	00710700	71070	Safety Inspector
50577911	Health	00710700	71070	Safety Inspector
50577912	Health	00710700	71070	Safety Inspector
50577916	Health	00710700	71070	Safety Inspector
50577963	Health	00710700	71070	Safety Inspector
50577964	Health	00710700	71070	Safety Inspector
50578084	Health	00710700	71070	Safety Inspector
50578085	Health	00710700	71070	Safety Inspector
50578086	Health	00710700	71070	Safety Inspector
50578134	Health	00710700	71070	Safety Inspector
50578150	Health	00710700	71070	Safety Inspector
50578301	Health	00710700	71070	Safety Inspector

<b>PENNSYLVANIA HISTORICAL &amp; MUSEUM COMMISSION (PHMC)</b>
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Following please find a list of those positions that are prohibited from being employed by or having an ownership interest in a medical marijuana enterprise:

Public Official:

None identified

Executive Level Public Employees:

<b>Position Number</b>	<b>Organizational Unit</b>	<b>JOB ID</b>	<b>Job Code</b>	<b>Position Name</b>
00001515	Historical & Museum Commission	00267900	26790	Executive Director, Historical and Museum Commission

<b>GENERAL ASSEMBLY—HOUSE</b>
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Following please find a list of those positions that are prohibited from being employed by or having an ownership interest in a medical marijuana enterprise:

Public Officials:

Members of the Pennsylvania House of Representatives

Executive Level Public Employees:

PA House of Representatives:       Executive Director (D), House Health Committee  
   Executive Director (R), House Health Committee  
   Research Analyst (R), House Health Committee

<b>DEPARTMENT OF HUMAN SERVICES (DHS)</b>
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Following please find a list of those positions that are prohibited from being employed by or having an ownership interest in a medical marijuana enterprise:

Public Official:

Secretary of Human Services

Executive Level Public Employees:

<b>Position Number</b>	<b>Organizational Unit</b>	<b>JOB ID</b>	<b>Job Code</b>	<b>Position Name</b>
00092514	Human Services	03000401	U0041	Acting Deputy Secretary
00221979	Human Services	03000401	U0041	Acting Deputy Secretary
00234760	Human Services	03082803	U8283	Agency IT Director 3
00019618	Human Services	00089700	08970	Budget Director, DHS
00118542	Human Services	00488803	48883	Child Support Enforcement Program Director
00213369	Human Services	03008300	U0830	Deputy Secretary Administration DHS
00150357	Human Services	03004005	U0405	Deputy Secretary Child Development and Early Learning
00150357	Human Services	03004005	U0405	Deputy Secretary Child Development and Early Learning
00111269	Human Services	03003800	U0380	Deputy Secretary Developmental Programs
00217540	Human Services	03004202	U0422	Deputy Secretary for Long Term Living
00217278	Human Services	03004000	U0400	Deputy Secretary Income Maintenance
00133965	Human Services	03003900	U0390	Deputy Secretary Medical Assistance Programs
00092853	Human Services	00089600	08960	Director of Financial Operations, DHS
00028614	Human Services	00084605	08465	Director, Bureau of Administrative Services, DHS
00092397	Human Services	00435304	43534	Director, Bureau of Budget and Fiscal Support, OCYF
00223142	Human Services	00413009	41309	Director, Bureau of Certification Services, OCDEL
00048927	Human Services	00435307	43537	Director, Bureau of Children and Family Services, OCYF
00117393	Human Services	00434300	43430	Director, Bureau of Community Services, ODP
00021336	Human Services	00441200	44120	Director, Bureau of Data and Claims Management, OMAP
00219829	Human Services	00413103	41313	Director, Bureau of Early Intervention Services and Family Supports
00098108	Human Services	00413102	41312	Director, Bureau of Early Learning Policy and Professional Development



<b>Position Number</b>	<b>Organizational Unit</b>	<b>JOB ID</b>	<b>Job Code</b>	<b>Position Name</b>
00205322	Human Services	00488604	48864	Director, Bureau of Fee-for-Service Programs, OLTL
00228254	Human Services	00488603	48863	Director, Bureau of Finance, OLTL
00070740	Human Services	00434800	43480	Director, Bureau of Financial Management and Program Support, ODP
00027732	Human Services	00441205	44125	Director, Bureau of Fiscal Management, OMAP
00289930	Human Services	00436901	43691	Director, Bureau of Human Services Licensing
00233967	Human Services	00435305	43535	Director, Bureau of Juvenile Justice Services, OCYF
00031631	Human Services	00434500	43450	Director, Bureau of Policy and Quality Management, ODP
00062454	Human Services	00488701	48871	Director, Bureau of Policy Development and Communications Management
00003487	Human Services	00437900	43790	Director, Bureau of Policy, Planning and Program Development, OMHSAS
00238546	Human Services	00435306	43536	Director, Bureau of Policy, Programs and Operations, OCYF
00007191	Human Services	00089505	08955	Director, Bureau of Procurement and Contract Management
00064541	Human Services	00437500	43750	Director, Bureau of Program Evaluation, OIM
00035001	Human Services	00433500	43350	Director, Bureau of Program Integrity, DHS
00092142	Human Services	00432202	43222	Director, Bureau of Program Support, Office of Income Maintenance
50332480	Human Services	00488602	48862	Director, Bureau of Quality Assurance and Program Analytics, OLTL
00109724	Human Services	00433900	43390	Director, Bureau of Quality Management and Data Review
00010889	Human Services	00434505	43455	Director, Bureau of State Operated Facilities, ODP
00102421	Human Services	00413007	41307	Director, Bureau of Subsidized Child Care Services, OCDEL
00078850	Human Services	00434401	43441	Director, Bureau of Supports for Autism and Special Populations, ODP
50497101	Human Services	00483000	48300	Director, Children's Health Insurance Program
00030523	Human Services	00084805	08485	Director, Financial Management and Planning, OCDEL
00122145	Human Services	00052205	05225	Equal Opportunity Manager 2
50285570	Human Services	03004201	U0421	Executive Deputy Secretary Human Services
00238886	Human Services	00087300	08730	Executive Director, Developmental Disabilities Planning Council
00013260	Human Services	00498905	49895	Executive Director, Governor's Cabinet and Advisory Committee on People
00033375	Human Services	00168300	16830	Executive Policy Manager 1
00080965	Human Services	00168300	16830	Executive Policy Manager 1
00216337	Human Services	00168300	16830	Executive Policy Manager 1
00166954	Human Services	00168500	16850	Executive Policy Manager 3
50326663	Human Services	00168100	16810	Executive Policy Specialist 1
50476279	Human Services	00168100	16810	Executive Policy Specialist 1
00062682	Human Services	00168200	16820	Executive Policy Specialist 2

<b>Position Number</b>	<b>Organizational Unit</b>	<b>JOB ID</b>	<b>Job Code</b>	<b>Position Name</b>
50326385	Human Services	00168200	16820	Executive Policy Specialist 2
50353206	Human Services	00168200	16820	Executive Policy Specialist 2
00062686	Human Services	00810100	81010	Food Service Worker 1
00045525	Human Services	00447200	44720	Income Maintenance Caseworker
00142757	Human Services	00395900	39590	Medical Assistance Fee-for-Service Program Director
00113121	Human Services	00441700	44170	Medical Assistance Managed Care Director
00088617	Human Services	00439400	43940	Medical Assistance Policy, Budget and Planning Director
00025194	Human Services	00437905	43795	Mental Health and Substance Abuse Children's Behavioral Services
00075104	Human Services	00433704	43374	Mental Health and Substance Abuse Financial Management
00045267	Human Services	00437700	43770	Mental Hospital Operations Director, DHS
00166536	Human Services	00432201	43221	OIM Employment and Training Director
00011790	Human Services	00432200	43220	OIM Operations Director
00029487	Human Services	00432400	43240	OIM Policy and Program Management Director
00159848	Human Services	00488600	48860	Welfare Hearings Appeals Director

**INDEPENDENT REGULATORY REVIEW COMMISSION (IRRC)**

Following please find a list of those positions that are prohibited from being employed by or having an ownership interest in a medical marijuana enterprise:

Public Officials:

IRRC Commission Members

Executive Level Public Employees:

Executive Director

Chief Counsel

Director of Regulatory Review

**INSURANCE DEPARTMENT**

Following please find a list of those positions that are prohibited from being employed by or having an ownership interest in a medical marijuana enterprise:

Public Official:

Insurance Commissioner

Executive Level Public Employees:

<b>Position Number</b>	<b>Organizational Unit</b>	<b>JOB ID</b>	<b>Job Code</b>	<b>Position Name</b>
00222226	Insurance	00059100	05910	Communications Director 2
00102793	Insurance	00058300	05830	Deputy Communications Director 2
00045378	Insurance	03006400	U0640	Deputy Insurance Commissioner Corporate and Financial Regulation
00151156	Insurance	03006500	U0650	Deputy Insurance Commissioner for Liquidations, Rehabilitations and Special Funds
00019609	Insurance	03006700	U0670	Deputy Insurance Commissioner Market Regulation
00064774	Insurance	00058907	05897	Digital Director 1
00136883	Insurance	03006905	U0695	Executive Deputy Insurance Commissioner

<b>Position Number</b>	<b>Organizational Unit</b>	<b>JOB ID</b>	<b>Job Code</b>	<b>Position Name</b>
00013212	Insurance	00168300	16830	Executive Policy Manager 1
00257858	Insurance	00072501	07251	Legislative Aide
00003340	Insurance	00072403	07243	Legislative Liaison 3
00082292	Insurance	00072502	07252	Legislative Specialist 1

**DEPARTMENT OF LABOR AND INDUSTRY (L&I)**

Following please find a list of those positions that are prohibited from being employed by or having an ownership interest in a medical marijuana enterprise:

Public Official:

Secretary of Labor and Industry

Executive Level Public Employees:

<b>Position Number</b>	<b>Organizational Unit</b>	<b>JOB ID</b>	<b>Job Code</b>	<b>Position Name</b>
00045842	Labor & Industry	00086300	08630	Administrative Officer 1
00047021	Labor & Industry	00059200	05920	Communications Director 3
00111044	Labor & Industry	00058200	05820	Deputy Communications Director 1
00021654	Labor & Industry	00058300	05830	Deputy Communications Director 2
00087645	Labor & Industry	00058906	05896	Deputy Digital Director
00110848	Labor & Industry	03003409	U0349	Deputy Secretary Compensation & Insurance L&I
00022622	Labor & Industry	03003603	U0363	Deputy Secretary for Safety and Labor Management Relations
00058548	Labor & Industry	03003600	U0360	Deputy Secretary for Workforce Development
00114465	Labor & Industry	03003500	U0350	Deputy Secretary Unemployment Compensation Programs, L&I
00173912	Labor & Industry	00058908	05898	Digital Director 2
00096095	Labor & Industry	03003601	U0361	Executive Deputy Secretary Labor & Industry
00079780	Labor & Industry	00072501	07251	Legislative Aide
00068944	Labor & Industry	00072403	07243	Legislative Liaison 3
00089841	Labor & Industry	00072502	07252	Legislative Specialist 1
00008763	Labor & Industry	00704900	70490	State Workers' Insurance Fund Director
00109782	Labor & Industry	00703906	70396	SWIF Operations Director

**LIEUTENANT GOVERNOR'S OFFICE**

Following please find a list of those positions that are prohibited from being employed by or having an ownership interest in a medical marijuana enterprise:

Public Official:

Lieutenant Governor

Executive Level Public Employees:

<b>Position Number</b>	<b>Organizational Unit</b>	<b>JOB ID</b>	<b>Job Code</b>	<b>Position Name</b>
00033328	Lieutenant Governor's Office	03002609	U0269	Secretary Board of Pardons

**MEDICAL MARIJUANA ADVISORY BOARD**

All members of the Board should be classified as Public Officials under 35 P.S. § 1023.2101(e)(5) because all appointed members have voting rights over the development of regulations.

Public Officials:

Chairman of the State Board of Pharmacy  
 Commissioner for Bureau of Professional and Occupational Affairs (Designee)  
 Commissioner of State Police (Designee)  
 Governor Appointee (2)  
 Majority Leader of the House of Representatives Appointee  
 Minority Leader of the House of Representatives Appointee  
 Majority Leader of the Senate Appointee  
 Minority Leader of the Senate Appointee  
 Physician General (Designee)  
 President of the Chiefs of Police Association  
 President of the Pennsylvania District Attorneys Association  
 Secretary of Health  
 Senate President Pro Tempore Appointee  
 Speaker of the House of Representatives Appointee

Executive Level Public Employees:

None identified

**DEPARTMENT OF MILITARY AND VETERANS AFFAIRS (DMVA)**

Following please find a list of those positions that are prohibited from being employed by or having an ownership interest in a medical marijuana enterprise:

Public Official:

Adjutant General

Executive Level Public Employees:

Position Number	Organizational Unit	JOB ID	Job Code	Position Name
00032490	Department of Military/Veterans Affairs	03005500	U0550	Deputy Adjutant General Air
00026829	Department of Military/Veterans Affairs	03005600	U0560	Deputy Adjutant General Army
00097743	Department of Military/Veterans Affairs	03005605	U0565	Deputy Adjutant General Veterans Affairs
00109904	Department of Military/Veterans Affairs	03005602	U0562	Deputy for Administration DMVA
00034011	Department of Military/Veterans Affairs	03005601	U0561	Deputy for Facilities and Engineering DMVA

**MILK MARKETING BOARD**

Following please find a list of those positions that are prohibited from being employed by or having an ownership interest in a medical marijuana enterprise:

Public Official:

None identified

Executive Level Public Employees:

Position Number	Organizational Unit	JOB ID	Job Code	Position Name
00039535	Milk Marketing Board	00562900	56290	Executive Secretary, Milk Marketing Board



**PENNSYLVANIA HIGHER EDUCATION ASSISTANCE AGENCY (PHEAA)**

Following please find a list of those positions that are prohibited from being employed by or having an ownership interest in a medical marijuana enterprise:

Public Officials:

Members, Board of Directors

Executive Level Public Employees:

<b>Position</b>	<b>Department</b>
Chief Accounting Officer	Financial Management
Chief Risk Officer	Enterprise Risk Management
Director, Program Integrity & Shared Services	State Grant & Special Programs
Director, Program Management and State Grants Special Programs and Client Operations	State Grant & Special Programs
Manager, Higher Education Access Partners	Pennsylvania School Services
President and CEO	Executive
Senior Vice President and Chief Audit Executive	Internal & IT Audit
Senior Vice President and Chief Digital Officer	Digital Technology Solutions
Senior Vice President and Chief Financial Officer	Financial Management
Senior Vice President and Chief Legal Officer and Board Secretary	Legal Services
Senior Vice President and Director of Federal Relations	Executive
Senior Vice President and Loan Asset Management	Loan Asset Management
Senior Vice President Client Relations, Loan Operations and Client Contractual Testing	Client Relations and Loan Operations
Senior Vice President, Human Resources	Human Resources
Senior Vice President, Strategy & Public Affairs	Office of Public Information
Vice President, State Grant and Special Programs	State Grant & Special Programs

**PENNSYLVANIA BOARD OF PROBATION AND PAROLE**

Following please find a list of those positions that are prohibited from being employed by or having an ownership interest in a medical marijuana enterprise:

Public Official:

Board Members

Executive Level Public Employees:

<b>Position Number</b>	<b>Organizational Unit</b>	<b>JOB ID</b>	<b>Job Code</b>	<b>Position Name</b>
00227565	Probation and Parole Board	03009700	U0970	Deputy Secretary for Field Services
00034984	Probation and Parole Board	03009609	U0969	Deputy Secretary for Reentry
00233571	Probation and Parole Board	00470503	47053	Executive Director, Firearm Education and Training Commission
00227030	Probation and Parole Board	00461909	46199	Executive Director, Sexual Offenders Assessment Board
00055334	Probation and Parole Board	00470900	47090	Probation and Parole Board Secretary
00064105	Probation and Parole Board	03017608	U1768	Victim Advocate

<b>DEPARTMENT OF REVENUE</b>
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Following please find a list of those positions that are prohibited from being employed by or having an ownership interest in a medical marijuana enterprise:

Public Official:

Secretary of Revenue

Executive Level Public Employees:

<b>Position Number</b>	<b>Organizational Unit</b>	<b>JOB ID</b>	<b>Job Code</b>	<b>Position Name</b>
00047573	Revenue	00030400	03040	Accountant 3
00082234	Revenue	00086300	08630	Administrative Officer 1
00056703	Revenue	00086400	08640	Administrative Officer 2
00022761	Revenue	00086500	08650	Administrative Officer 3
00121344	Revenue	00086500	08650	Administrative Officer 3
00032066	Revenue	00086600	08660	Administrative Officer 4
00075181	Revenue	00086600	08660	Administrative Officer 4
00203545	Revenue	00086600	08660	Administrative Officer 4
00053960	Revenue	00086700	08670	Administrative Officer 5
00023675	Revenue	00088405	08845	Chief, Imaging Support and Banking Operations, Revenue
00124776	Revenue	00059200	05920	Communications Director 3
00089923	Revenue	00708500	70850	Criminal Tax Investigator 1
50296573	Revenue	00708500	70850	Criminal Tax Investigator 1
00058218	Revenue	00708501	70851	Criminal Tax Investigator 2
00101424	Revenue	00708501	70851	Criminal Tax Investigator 2
00105134	Revenue	00708501	70851	Criminal Tax Investigator 2
00121322	Revenue	00708501	70851	Criminal Tax Investigator 2
00121381	Revenue	00708501	70851	Criminal Tax Investigator 2
00014069	Revenue	00708503	70853	Criminal Tax Investigator Supervisor
00064593	Revenue	00708503	70853	Criminal Tax Investigator Supervisor
00096424	Revenue	00708503	70853	Criminal Tax Investigator Supervisor
00067899	Revenue	00058200	05820	Deputy Communications Director 1
00085343	Revenue	03008400	U0840	Deputy Secretary Administration Revenue
00051402	Revenue	03007800	U0780	Deputy Secretary for Compliance and Collections Revenue
00000789	Revenue	03007900	U0790	Deputy Secretary for Tax Policy Revenue
00129255	Revenue	03007700	U0770	Deputy Secretary Taxation Revenue
00024649	Revenue	00058907	05897	Digital Director 1
00045394	Revenue	00732100	73210	Director of Audits, Revenue
00096214	Revenue	00732200	73220	Director of Business Trust Fund Taxes, Revenue
00073685	Revenue	00733400	73340	Director of Compliance, Revenue
50570681	Revenue	00081805	08185	Director, Bureau of Fiscal Management, Revenue
00062243	Revenue	00732500	73250	Director, Bureau of Imaging and Document Management, Revenue
00108960	Revenue	00013900	01390	Director, Process Reinvention, Innovation, and Strategic Management (PRISM)
00048232	Revenue	03007600	U0760	Executive Deputy Secretary Revenue
00115779	Revenue	00099300	09930	Executive Director of Lottery, Revenue
00070299	Revenue	00168400	16840	Executive Policy Manager 2

<b>Position Number</b>	<b>Organizational Unit</b>	<b>JOB ID</b>	<b>Job Code</b>	<b>Position Name</b>
00006730	Revenue	00072501	07251	Legislative Aide
00275367	Revenue	00072501	07251	Legislative Aide
00011734	Revenue	00072403	07243	Legislative Liaison 3
00275841	Revenue	00072503	07253	Legislative Specialist 2
00021042	Revenue	00039900	03990	Revenue Regional Manager
00044937	Revenue	00039900	03990	Revenue Regional Manager
00056597	Revenue	00039900	03990	Revenue Regional Manager
00061183	Revenue	00039900	03990	Revenue Regional Manager
00067032	Revenue	00039900	03990	Revenue Regional Manager
00089269	Revenue	00039900	03990	Revenue Regional Manager
00105215	Revenue	00039900	03990	Revenue Regional Manager
00083395	Revenue	00014700	01470	Revenue Research Analyst 1
00010729	Revenue	00014800	01480	Revenue Research Analyst 2
00035426	Revenue	00014800	01480	Revenue Research Analyst 2
00074022	Revenue	00014800	01480	Revenue Research Analyst 2
00085823	Revenue	00014900	01490	Revenue Research Analyst 3
00104718	Revenue	00014900	01490	Revenue Research Analyst 3
00060258	Revenue	00015000	01500	Revenue Research Analyst Manager
00036143	Revenue	00039805	03985	Revenue Tax Audit Program Administrator
00082240	Revenue	00039805	03985	Revenue Tax Audit Program Administrator
00060100	Revenue	00039800	03980	Revenue Tax Audit Program Specialist
50296513	Revenue	00039800	03980	Revenue Tax Audit Program Specialist
50467131	Revenue	00708100	70810	Special Investigator 1
50467177	Revenue	00708100	70810	Special Investigator 1
50467178	Revenue	00708100	70810	Special Investigator 1
00047214	Revenue	00708200	70820	Special Investigator 2
00121382	Revenue	00708200	70820	Special Investigator 2
50296562	Revenue	00708200	70820	Special Investigator 2
50296563	Revenue	00708200	70820	Special Investigator 2
50296564	Revenue	00708200	70820	Special Investigator 2
50296567	Revenue	00708200	70820	Special Investigator 2
50296568	Revenue	00708200	70820	Special Investigator 2
50296570	Revenue	00708200	70820	Special Investigator 2
50296571	Revenue	00708200	70820	Special Investigator 2
50296777	Revenue	00708200	70820	Special Investigator 2
50467129	Revenue	00708200	70820	Special Investigator 2
50467130	Revenue	00708200	70820	Special Investigator 2
00072086	Revenue	00708300	70830	Special Investigator 3
50296561	Revenue	00708300	70830	Special Investigator 3
50467127	Revenue	00708300	70830	Special Investigator 3
00077375	Revenue	00037802	03782	Tax Account Collections Supervisor
00107948	Revenue	00037802	03782	Tax Account Collections Supervisor
50464391	Revenue	00037802	03782	Tax Account Collections Supervisor
00269798	Revenue	00037801	03781	Tax Account Collections Technician
50279273	Revenue	00037801	03781	Tax Account Collections Technician
50279325	Revenue	00037801	03781	Tax Account Collections Technician
50279326	Revenue	00037801	03781	Tax Account Collections Technician

<b>Position Number</b>	<b>Organizational Unit</b>	<b>JOB ID</b>	<b>Job Code</b>	<b>Position Name</b>
50287508	Revenue	00037801	03781	Tax Account Collections Technician
50288341	Revenue	00037801	03781	Tax Account Collections Technician
50296407	Revenue	00037801	03781	Tax Account Collections Technician
50296408	Revenue	00037801	03781	Tax Account Collections Technician
50464393	Revenue	00037801	03781	Tax Account Collections Technician
50464394	Revenue	00037801	03781	Tax Account Collections Technician
00075268	Revenue	00075900	07590	Tax Appeals Board Chair
00027362	Revenue	00075800	07580	Tax Appeals Board Member
00059809	Revenue	00075800	07580	Tax Appeals Board Member
00100505	Revenue	00075800	07580	Tax Appeals Board Member
00108235	Revenue	00075800	07580	Tax Appeals Board Member
00050956	Revenue	00036600	03660	Tax Examiner 1
00111782	Revenue	00036700	03670	Tax Examiner 2
00161235	Revenue	00036700	03670	Tax Examiner 2
50499447	Revenue	00036700	03670	Tax Examiner 2
50499446	Revenue	00036800	03680	Tax Examiner Supervisor

**GENERAL ASSEMBLY—SENATE**

Following please find a list of those positions that are prohibited from being employed by or having an ownership interest in a medical marijuana enterprise:

Public Officials:

Members of the Pennsylvania Senate

Executive Level Public Employees:

PA Senate:       Executive Director (Majority) of Senate Community, Senate Health and Human Services Committee  
                       Executive Director (Minority) of Senate Community, Senate Health and Human Services Committee  
                       Counsel (Majority) of Senate Community, Senate Health and Human Services Committee  
                       Counsel (Minority) of Senate Community, Senate Health and Human Services Committee

**DEPARTMENT OF STATE**

Following please find a list of those positions that are prohibited from being employed by or having an ownership interest in a medical marijuana enterprise:

Public Officials:

Secretary of the Department of State

Executive Level Public Employees:

<b>Position Number</b>	<b>Organizational Unit</b>	<b>JOB ID</b>	<b>Job Code</b>	<b>Position Name</b>
00215547	State	03004803	U0483	Acting Commissioner Professional and Occupational Affairs
50508257	State	00086300	08630	Administrative Officer 1
00169894	State	00086600	08660	Administrative Officer 4
00044794	State	00086700	08670	Administrative Officer 5
00089349	State	00086700	08670	Administrative Officer 5
00216467	State	00059100	05910	Communications Director 2
00075638	State	00058200	05820	Deputy Communications Director 1
00080481	State	00058300	05830	Deputy Communications Director 2
00069498	State	03000400	U0040	Deputy Secretary
00253924	State	00058908	05898	Digital Director 2



<b>Position Number</b>	<b>Organizational Unit</b>	<b>JOB ID</b>	<b>Job Code</b>	<b>Position Name</b>
00100459	State	03089702	U8972	Director of Election Security and Technology, State
00083075	State	03089701	U8971	Director of Election Services and Notaries, State
00222834	State	00035400	03540	Director, Bureau of Corporations and Charitable Organizations, State
00149027	State	00703105	70315	Director, Bureau of Enforcement and Investigation
00111692	State	00035600	03560	Executive Director, State Athletic Commission
00271790	State	00168400	16840	Executive Policy Manager 2
00271790	State	00168400	16840	Executive Policy Manager 2
00094659	State	00072502	07252	Legislative Specialist 1
00024284	State	00080400	08040	Management Technician

**PENNSYLVANIA STATE EMPLOYEES' RETIREMENT BOARD**

Following please find a list of those positions that are prohibited from being employed by or having an ownership interest in a medical marijuana enterprise:

Public Officials:

None identified

Executive Level Public Employees:

None identified

**STATE ETHICS COMMISSION**

Following please find a list of those positions that are prohibited from being employed by or having an ownership interest in a medical marijuana enterprise:

Public Officials:

Commission Members

Executive Level Public Employees:

Chief Counsel

Deputy Executive Director/Director of Investigations

Director of Administration

Executive Director

**PENNSYLVANIA STATE POLICE (PSP)**

Following please find a list of those positions that are prohibited from being employed by or having an ownership interest in a medical marijuana enterprise:

Public Official:

State Police Commissioner

Executive Level Public Employees:

<b>Position Number</b>	<b>Organizational Unit</b>	<b>JOB ID</b>	<b>Job Code</b>	<b>Position Name</b>
00158363	State Police	00059100	05910	Communications Director 2
00097290	State Police	00058907	05897	Digital Director 1
50300047	State Police	00058100	05810	Press Assistant
00074642	State Police	00740600	74060	State Police Captain
00069460	State Police	00740200	74020	State Police Corporal
00048527	State Police	00740500	74050	State Police Lieutenant

Position Number	Organizational Unit	JOB ID	Job Code	Position Name
00013110	State Police	00740700	74070	State Police Major
00024235	State Police	00740700	74070	State Police Major
00108407	State Police	00740700	74070	State Police Major
00033026	State Police	00740300	74030	State Police Sergeant

**DEPARTMENT OF TRANSPORTATION (PennDOT)**

Following please find a list of those positions that are prohibited from being employed by or having an ownership interest in a medical marijuana enterprise:

Public Official:

Secretary of Transportation

Executive Level Public Employees:

Position Number	Organizational Unit	JOB ID	Job Code	Position Name
50468505	Transportation	00059200	05920	Communications Director 3
50498407	Transportation	03010800	U1080	Deputy Chief of Staff
00217170	Transportation	03008500	U0850	Deputy Secretary Administration Transportation
00072354	Transportation	03005300	U0530	Deputy Secretary for Driver and Vehicle Services
00301873	Transportation	03005200	U0520	Deputy Secretary for Multimodal Transportation
00060168	Transportation	03005000	U0500	Deputy Secretary Highway Administration
00112069	Transportation	03005100	U0510	Deputy Secretary Transportation Planning
50529228	Transportation	03005305	U0535	Executive Deputy Secretary Transportation
00232154	Transportation	00072402	07242	Legislative Liaison 2
00031453	Transportation	00072403	07243	Legislative Liaison 3

**TREASURY DEPARTMENT**

Following please find a list of those positions that are prohibited from being employed by or having an ownership interest in a medical marijuana enterprise:

Public Officials:

State Treasurer

Executive Level Public Employees:

Chief Counsel

Chief Investment Officer

Chief Information Officer

Chief of Staff

Deputy State Treasurer for Administration

Deputy State Treasurer for Communications

Deputy State Treasurer for Consumer Programs

[Pa.B. Doc. No. 20-95. Filed for public inspection January 17, 2020, 9:00 a.m.]

## SUSQUEHANNA RIVER BASIN COMMISSION

### Grandfathering Registration Notice

The Susquehanna River Basin Commission (Commission) lists the following Grandfathering (GF) Registration for projects under 18 CFR 806, Subpart E (relating to

registration of grandfathered projects) from December 1, 2019, through December 31, 2019.

For further information contact Jason E. Oyler, General Counsel and Secretary, (717) 238-0423, Ext. 1312, fax (717) 238-2436, joyler@srbc.net. Regular mail inquiries may be sent to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

*Supplementary Information*

This notice lists GF Registration for projects, described as follows, under 18 CFR 806, Subpart E for the time period previously specified:

*GF Registration Under 18 CFR Part 806, Subpart E*

1. Carmeuse Lime & Stone, Inc.—Carmeuse Lime, Inc.; GF Certificate No. GF-201912060; North Londonderry and South Annville Townships, Lebanon County, PA; Quarry Reservoir; Issue Date: December 5, 2019.

2. Eagles Mere Country Club; GF Certificate No. GF-201912061; Eagles Mere Borough and Shrewsbury Township, Sullivan County, PA; Eagles Mere Lake; Issue Date: December 5, 2019.

3. High Company, LLC—High Concrete Group, LLC; GF Certificate No. GF-201912062; East Cocalico Township, Lancaster County, PA; Kurtz Quarry; Issue Date: December 5, 2019.

4. Village of Johnson City—Water Department; GF Certificate No. GF-201912063; Town of Union, Broome County, NY; Wells 1—3 and 5—7; Issue Date: December 5, 2019.

5. Town of Owego—Water District # 2; GF Certificate No. GF-201912064; Town of Owego, Tioga County, NY; Wells 1 and 2; Issue Date: December 5, 2019.

6. Port Matilda Borough—Port Matilda Waterworks; GF Certificate No. GF-201912065; Worth Township, Centre County, PA; Wells 3 and 5; Issue Date: December 5, 2019.

7. SUEZ Water Pennsylvania, Inc.—Mechanicsburg Operation; GF Certificate No. GF-201912066; Mechanicsburg Borough, Cumberland County, PA; Market Street Well; Issue Date: December 5, 2019.

8. Bucknell University; GF Certificate No. GF-201912067; East Buffalo Township, Union County, PA; Wells 2 and 3; Issue Date: December 5, 2019.

9. Manada Golf Club, Inc.; GF Certificate No. GF-201912068; East Hanover Township, Dauphin County, PA; Fourth Tee Well, Fifth Tee Well and Barn Well; Issue Date: December 5, 2019.

10. Fish and Boat Commission—Pleasant Gap State Fish Hatchery; GF Certificate No. GF-201912069; Benner Township, Centre County, PA; Blue and East Springs, Hoy and Shugert Springs, and Logan Branch; Issue Date: December 5, 2019.

11. Heidelberg Township—Public Water Supply System; GF Certificate No. GF-201912070; Heidelberg Township, Lebanon County, PA; Well 3; Issue Date: December 19, 2019.

12. Pennsylvania American Water Company—Frickville District; GF Certificate No. GF-201912071; Frackville Borough and West Mahanoy Township, Schuylkill County, PA; Wells 1—3 and the Nice Street Well; Issue Date: December 19, 2019.

13. Moccasin Run Golf Club, Inc.; GF Certificate No. GF-201912072; West Fallowfield Township, Chester County, PA; Irrigation Pond; Issue Date: December 19, 2019.

14. South Middleton Township Municipal Authority—Public Water Supply System; GF Certificate No. GF-201912073; South Middleton Township, Cumberland County, PA; Wells 1 and 2; Issue Date: December 19, 2019.

15. SUEZ Water Pennsylvania, Inc.—Grantham Operation; GF Certificate No. GF-201912074; Upper Allen Township, Cumberland County, PA; Well 1; Issue Date: December 19, 2019.

*Authority:* Pub.L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808

*Dated:* January 6, 2020

ANDREW D. DEHOFF,  
*Executive Director*

[Pa.B. Doc. No. 20-96. Filed for public inspection January 17, 2020, 9:00 a.m.]

## SUSQUEHANNA RIVER BASIN COMMISSION

### Public Hearing

The Susquehanna River Basin Commission (Commission) will hold a public hearing on February 6, 2020, at 2:30 p.m. at the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA. The public hearing will end at 5 p.m. or at the conclusion of public testimony, whichever is sooner. At this public hearing, the Commission will hear testimony on the projects listed in the Supplementary Information section of this notice. The Commission will also hear testimony on a proposed policy—Guidance for the Preparation of a Metering Plan and a Groundwater Elevation Monitoring Plan for Water Withdrawals, Consumptive Uses and Diversions. These projects and proposals are intended to be scheduled for Commission action at its next business meeting, tentatively scheduled for March 13, 2020, which will be noticed separately. The public should take note that this public hearing will be the only opportunity to offer oral comment to the Commission for the listed projects and proposals. The deadline for the submission of written comments is February 17, 2020.

For further information contact Jason Oyler, General Counsel and Secretary, (717) 238-0423, fax (717) 238-2436.

Information concerning the applications for these projects is available at the Commission's Water Application and Approval Viewer at <https://www.srbcc.net/waav>. Additional supporting documents are available to inspect and copy in accordance with the Commission's Access to Records Policy at [www.srbcc.net/regulatory/policies-guidance/docs/access-to-records-policy-2009-02.pdf](http://www.srbcc.net/regulatory/policies-guidance/docs/access-to-records-policy-2009-02.pdf).

#### *Supplementary Information*

The public hearing will cover a proposed policy as posted on the Commission's Public Hearing web page at <https://www.srbcc.net/about/meetings-events/public-hearing.html>. The public hearing will also cover the following projects:

#### *Projects Scheduled for Action*

1. Project Sponsor and Facility: ARD Operating, LLC (Lycoming Creek), Lewis Township, Lycoming County, PA. Application for renewal of surface water withdrawal of up to 1.340 mgd (peak day) (Docket No. 20160301).

2. Project Sponsor and Facility: EQT Production Company (Wilson Creek), Duncan Township, Tioga County, PA. Application for renewal of surface water withdrawal of up to 0.720 mgd (peak day) (Docket No. 20160305).

3. Project Sponsor and Facility: New Holland Borough Authority, New Holland Borough, Lancaster County, PA. Application for groundwater withdrawal of up to 0.860 mgd (30-day average) from Well 5.

4. Project Sponsor and Facility: New Morgan Borough Utilities Authority, New Morgan Borough, Berks County, PA. Modification to remove expired Well PW-3 and to recognize the interconnection with Caernarvon Township Authority. Well PW-3 automatically expired consistent with Condition 25 of the approval due to lack of commencement of withdrawal (Docket No. 20141207).

5. Project Sponsor and Facility: SWN Production Company, LLC (Susquehanna River), Oakland Township, Susquehanna County, PA. Application for renewal of surface water withdrawal of up to 3.000 mgd (peak day) (Docket No. 20160310).

6. Project Sponsor and Facility: SWN Production Company, LLC (Tunkhannock Creek), Lenox Township, Susquehanna County, PA. Application for renewal of surface water withdrawal of up to 1.218 mgd (peak day) (Docket No. 20160311).

7. Project Sponsor and Facility: Towanda Municipal Authority, Albany Township, Bradford County, PA. Application for groundwater withdrawal of up to 0.551 mgd (30-day average) from the Eilenberger Spring.

8. Project Sponsor: York Haven Power Company, LLC. Project Facility: York Haven Hydroelectric Project, Londonderry Township, Dauphin County; Conoy Township, Lancaster County; and York Haven Borough and Newberry Township, York County, PA. Application for approval of an existing hydroelectric facility.

*Project Scheduled for Action Involving a Diversion*

9. Project Sponsor: Gas Field Specialists, Inc. Project Facility: Wayne Gravel Products Quarry, Ceres Township, McKean County, PA. Application for renewal of an into-basin diversion from the Ohio River Basin of up to 1.170 mgd (peak day) (Docket No. 20160312).

*Commission-Initiated Project Approval Modification*

10. Project Sponsor and Facility: Susquehanna Valley Country Club, Monroe Township, Snyder County, PA. Conforming the grandfathering amount with the forthcoming determination for a groundwater withdrawal up to 0.162 mgd (30-day average) from the Front Nine Well (Docket No. 20020814).

*Opportunity to Appear and Comment*

Interested parties may appear at the hearing to offer comments to the Commission on any previously listed business required to be subject of a public hearing. The presiding officer reserves the right to limit oral statements in the interest of time and to otherwise control the course of the hearing. Access to the hearing room will begin at 2 p.m. and Commission staff will be available for questions prior to the commencement of the hearing. Guidelines for the public hearing are posted on the Commission's web site, [www.srbc.net](http://www.srbc.net), prior to the hearing for review. The presiding officer reserves the right to modify or supplement the guidelines at the hearing. Written comments on any previously listed business required to be subject of a public hearing may also be mailed to Jason Oyler, Secretary, Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788, or submitted electronically through <https://www.srbc.net/regulatory/public-comment/>. Comments mailed or electronically submitted must be received by the Commission on or before February 17, 2020, to be considered.

*Authority:* Pub.L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808

*Dated:* January 6, 2020

ANDREW D. DEHOFF,  
*Executive Director*

[Pa.B. Doc. No. 20-97. Filed for public inspection January 17, 2020, 9:00 a.m.]



# PENNSYLVANIA BULLETIN

Volume 50  
Saturday, January 18, 2020 • Harrisburg, PA

Number 3

## Part II

This part contains the  
Pennsylvania Public Utility Commission's  
Assumption of Commission Jurisdiction over  
Pole Attachments from the Federal  
Communications Commission Rulemaking





# RULES AND REGULATIONS

## Title 52—PUBLIC UTILITIES

### PENNSYLVANIA PUBLIC UTILITY COMMISSION

[ 52 PA. CODE CH. 77 ]

[ L-2018-3002672 ]

#### Assumption of Commission Jurisdiction Over Pole Attachments from the Federal Communications Commission

The Pennsylvania Public Utility Commission on August 29, 2019, adopted a final rulemaking to exercise reverse preemption by adopting and enforcing the pole attachment regulations as promulgated by the Federal Communications Commission (FCC) to assist Pennsylvania pole owners and those entities that seek to utilize pole attachments by providing a local forum for dispute resolution.

##### *Executive Summary*

Section 224(c) of the Telecommunications Act of 1996 provides that a state may exercise reverse preemption of Federal Communications Commission (FCC) jurisdiction over pole attachments if a state seeking such jurisdiction can exercise it in accordance with federal law. On September 3, 2019, the Commission entered a Final Rulemaking Order to exercise reverse preemption by adopting and enforcing pole attachment regulations as promulgated by the FCC at the time our regulation becomes effective and as may be amended by the FCC, while also retaining Commission authority to prevent future federal regulatory changes from going into effect for good cause shown.

The assumption of pole attachment jurisdiction will assist Pennsylvania pole owners and those entities that seek to utilize pole attachments by providing a local forum for dispute resolution. The Final Rulemaking, among other things, furthers Pennsylvania's interest in enhanced broadband deployment and establishes a pole attachment Working Group to ensure that the Commission is apprised of industry concerns, that federal amendments are properly vetted before becoming effective, and that dispute resolution processes are working efficiently. The Final Rulemaking also encourages voluntarily negotiated agreements between pole owners and attaching entities.

Public Meeting held  
August 29, 2019

*Commissioners Present:* Gladys Brown Dutrieuille, Chairperson, Statement, Concurring in part and Dissenting in part; David W. Sweet, Vice Chairperson, Statement Dissenting; Norman J. Kennard, Statement; Andrew G. Place, Statement, Concurring in part and Dissenting in part; John F. Coleman, Jr.

#### **Assumption of Commission Jurisdiction Over Pole Attachments from the Federal Communications Commission; L-2018-3002672**

##### **Final Rulemaking Order**

##### *By the Commission:*

By Order entered July 13, 2018, the Pennsylvania Public Utility Commission (Commission) issued a Notice of Proposed Rulemaking (NPRM) to begin the assertion of Commission jurisdiction over pole attachments pursuant

to the Telecommunications Act of 1996 (TA-96).<sup>1</sup> TA-96 provides that the Federal Communications Commission (FCC) regulates pole attachments by default but contains procedures by which states may reverse preempt FCC jurisdiction over pole attachments. As the Commission stated in the opening of its NPRM, recent public demand for ubiquitous access to wireline and wireless data technology has increased the need for more streamlined pole attachment procedures in Pennsylvania.

This Rulemaking addresses network elements upon which all broadband deployment relies—essential physical infrastructure used to deliver these services to end user consumers. Notice of this proposed rulemaking was published in the *Pennsylvania Bulletin* on September 29, 2018, which included a request for comments on the proposed regulations.<sup>2</sup> Stakeholders have been given the opportunity to provide input about how the Commission lends its expertise and adjudicatory resources as these parties seek to address the challenges that accompany broadband deployment in Pennsylvania. The Commission is not required to consider expressly or at length each contention or argument raised by the parties.<sup>3</sup> Comments and Reply Comments to the Commission's NPRM were filed by various interested parties. The Commission has reviewed those comments and issues this Final Rulemaking Order (FRM).

##### *Background*

At its June 14, 2018 Public Meeting, the Commission unanimously approved the Motion of Commissioner Norman J. Kennard to begin a rulemaking to assert Commission jurisdiction over pole attachments pursuant to TA-96.<sup>4</sup> Stakeholders seeking enhanced broadband deployment opportunities have long advocated for pole attachment reform before the FCC. As early as 2005, attaching entities requested that the FCC provide more favorable pole attachment terms. In 2007, the FCC obliged with a forum to consider the requested relief.<sup>5</sup> On March 16, 2010, the FCC released its National Broadband Plan that, in part, recognized that a lack of reliable, timely, and affordable access to utility poles is often a significant barrier to deploying wireline and wireless services.<sup>6</sup> The National Broadband Plan recommended that enhanced pole attachment rights could promote broadband deployment and specifically recommended that:

(1) The FCC establish rental rates for pole attachments that are as low and close to uniform as possible, consistent with Section 224 of the Communications Act of 1934, as amended, to promote broadband deployment;

(2) The FCC implement rules that will lower the cost of the pole attachment “make-ready” process. For example, the FCC should authorize attachers to use space and

<sup>1</sup> The Pole Attachment Act (PAA) section of TA-96 may be found at 47 U.S.C. § 224, and the attendant FCC regulations pertaining to pole attachment complaint procedures may be found at 47 CFR Chapter I, Subchapter A, Part 1, Subpart J (Subpart J).  
<sup>2</sup> 48 Pa.B. 6273.

<sup>3</sup> *Consolidated Rail Corp. v. Pa. Public Utility Commission*, 625 A.2d 741 (Pa. Cmwlth. 1993); see also, generally, *University of Pennsylvania v. Pa. Public Utility Commission*, 485 A.2d 1217 (Pa. Cmwlth. 1984).

<sup>4</sup> The term “pole attachment” in the context of TA-96 is a term of art used to describe the physical facilities employed to support or protect cabling, transponders, or similar facilities used in outside communications plants. Federal law defines a “pole attachment” as any attachment by a cable television system or provider of telecommunications service to a pole, duct, conduit or right-of-way owned or controlled by a utility. 47 U.S.C. § 224(a)(4). The definition extends to utility structures above and below ground and encompasses utility property rights.

<sup>5</sup> In re Implementation of Section 224 of the Act, 22 FCC Red. 20195, 20199 (F.C.C. 2007).

<sup>6</sup> In re Implementation of Section 224 of the Act, 26 FCC Red. 5240, 5241 (F.C.C. Apr. 7, 2011) (April 2011 Order).

cost-saving techniques, such as boxing or extension arms, where practical and in a way that is consistent with pole owners' use of those techniques;

(3) The FCC establish a comprehensive timeline for each step of the Section 224 access process and reform the process used for resolving disputes regarding infrastructure access; and

(4) The FCC improve the collection and availability of information regarding the location and availability of poles, ducts, conduits and rights-of-way.<sup>7</sup>

The FCC later adopted these aspects of pole attachment reform as it worked to enhance access to broadband service throughout the nation.

The Commission's NPRM discussed the development of the FCC's pole attachment regulations at pages two through eight; we will not repeat that discussion here. That chronology illustrates the state and federal desire for enhanced broadband opportunities and the close relationship between pole attachments and broadband deployment. This FRM is a natural outgrowth of the goals of Chapter 30 of the Public Utility Code,<sup>8</sup> which is intended to promote and encourage the provision of advanced telecommunications services and broadband deployment in the Commonwealth.

#### *FCC's 2018 Third Report and Order and Declaratory Ruling*

In the interim, between the Commission's NPRM and interested stakeholders filing Comments, the FCC issued a Third Report and Order and Declaratory Ruling (FCC 2018 Poles Order) that is significant to promoting broadband deployment by speeding the process and reducing the costs of attaching new facilities to utility poles.<sup>9</sup> The requirements in the FCC 2018 Poles Order are applicable in only those states that chose not to regulate pole attachments, but rather defer, under Section 224 of the Pole Attachment Act (PAA), to FCC rules. States, however, can decide to assert jurisdiction to regulate pole attachments under the "reverse preemption" provisions of Section 224.

In the FCC 2018 Poles Order, the FCC most notably shifted the framework for the majority of attachments by adopting a new process that includes "one-touch make-ready" (OTMR) whereby a new attachers (i.e., the party with the strongest incentive to prepare the pole quickly) performs all of the work itself rather than spreading the work across multiple parties.<sup>10</sup> The FCC excluded from OTMR new attachments that are more complicated or above the "communications space" of a pole because safety and reliability risks can be greater.<sup>11</sup>

Additionally, the FCC: (1) codified and refined its existing precedent that requires utilities to allow

<sup>7</sup> In re Implementation of Section 224 of the Act et al., 25 FCC Rcd. 11864, 11868 (F.C.C. 2010).

<sup>8</sup> 66 Pa.C.S. §§ 3001 et seq.

<sup>9</sup> In the Matter of Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment, WC Docket No. 17-84 (FCC, Rel. August 3, 2018); Verizon's Comments also reference another FCC Order, Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment, WT Docket No. 17-79 (FCC, Rel. September 27, 2018), to provide relevant background regarding potential barriers to infrastructure deployment and a framework for state and local laws to avoid being barriers. Verizon Comments at 6-7.

<sup>10</sup> FCC 2018 Poles Order ¶ 2.

<sup>11</sup> Id. However, as a self-help measure, if utilities fail to meet make ready construction deadlines, attachers can hire utility-approved contractors to perform such work, not only in the communications space, but also in the electric space. The self-help remedy in the electric space does not apply to pole replacements. Allowing work above the communications space is a new step taken by the FCC to strengthen the self help remedy. See FCC 2018 Poles Order at ¶¶ 14, 87, 96–103; see also PECO Comments at 7.

"overlashing"<sup>12</sup> that helps maximize the usable space on the pole; (2) clarified that new attachers are not responsible for the costs associated with repairing preexisting violations of safety or other codes or utility construction standards discovered during the attachment process; and (3) eliminated outdated disparities between the pole attachment rates that incumbent local exchange carriers (ILECs) pay compared to other similarly-situated telecommunications attachers.<sup>13</sup> The FCC also addressed two forms of state and local barriers to the deployment of wireline and wireless facilities by making clear that: (1) the FCC would preempt, on a case-by-case basis, state and local laws inhibiting the rebuilding or restoration of broadband infrastructure after a disaster; and (2) state and local moratoria on telecommunications services and facilities deployment are barred by Section 253(a) of TA-96 because such action prohibits the ability of any entity to provide any interstate or intrastate telecommunications service and deprives the public of better services and more broadband options. Id. at ¶ 4.

The FCC amendments to 47 CFR § 1.1411 (Timeline for access to utility poles), § 1.1412 (Contractors for survey and make-ready), and § 1.1415 (Overlashing) became effective on May 20, 2019.

#### *Comments to the Notice of Proposed Rulemaking*

The Commission's NPRM sought informed comments on its proposal to adopt 52 Pa. Code Chapter 77 and to begin regulating pole attachments pursuant to 47 U.S.C. § 224. The Commission recommended that it assert jurisdiction promptly, but cautiously, by adopting the FCC pole attachment regulations at 47 CFR §§ 1.1401–1.1425, as amended from time to time. The Commission proposed this turn-key approach to ensure the timely availability of the Commission's adjudicatory process to stakeholders.<sup>14</sup>

In the time since the Commission issued its NPRM, however, the FCC has released multiple orders, particularly the FCC 2018 Poles Order, materially altering federal pole attachment regulations. In part to accommodate that development, the Commission extended its reply comment deadline to ensure that stakeholders had the opportunity to comment on these recent developments.<sup>15</sup>

Comments to the Commission's NPRM were filed on or before October 29, 2018, by the Broadband Cable Association of Pennsylvania (BCAP), Central Bradford Progress Authority (CBPA), CenturyLink, Communications Workers of America (CWA), Crown Castle Fiber LLC, et al. (Crown Castle), CTIA—The Wireless Association (CTIA), Duquesne Light Company (DQE Communications), Duquesne Light Company (DLC), ExteNet Systems, Inc. (ExteNet), the FirstEnergy Companies, Full Service Network, LP (FSN), MAW Communications, Inc. (MAW), NetSpeed LLC, (NetSpeed), the Office of Consumer Advocate (OCA), PECO Energy Company (PECO), the Pennsylvania Rural Electric Association (PREA), the Pennsylvania Telephone Association (PTA), PPL Electric Utilities Corporation (PPL), Velocity.net Communications, Inc. (VNCI), and the Verizon Companies (Verizon).

<sup>12</sup> "Overlashing" occurs when a service provider physically ties its wiring to other wiring already secured to the pole. PECO's Comments provide that utilities: (1) can require 15-days' advanced notice for overlashing, but are restricted regarding the information they can require; (2) can perform post-overlash inspection and engineering, but must pay for it themselves; and (3) cannot prohibit overlashing when there are existing violations. PECO Comments at 9.

<sup>13</sup> FCC 2018 Poles Order at ¶ 3.

<sup>14</sup> NPRM at 10-11.

<sup>15</sup> Reply Comments were initially due November 13, 2018; however, BCAP submitted a letter petition on November 1, 2018, requesting a seven-day extension. The Commission granted BCAP's request but extended the Reply Comment period to thirty days via Secretarial Letter dated November 7, 2018.



Reply Comments to the NPRM were filed on or before November 28, 2018, by BCAP, CenturyLink, Crown Castle, CTIA, FirstEnergy, MAW, NetSpeed, PECO, PREA, PPL, and Verizon. Also, letters from eight private citizens were received in reply to the Commission's NPRM.<sup>16</sup>

Subsequently, the Independent Regulatory Review Commission (IRRC) filed comments for the Commission's consideration on December 24, 2018.

*A. Section 77.1. Statement of Purpose and Preemption Comments*

The parties supporting the Commission's proposal agree that the Commission should, at least initially, adopt the FCC's regulations in turn-key fashion to quickly bring jurisdiction over pole attachments to the Commission. Only two parties, BCAP<sup>17</sup> and Crown Castle,<sup>18</sup> oppose the Commission's assertion of jurisdiction. Commentators generally fall into two distinct categories with respect to future changes to the federal rules: (1) those supporting the automatic adoption of FCC amendments (which would incorporate changes made via the FCC 2018 Poles Order) and ensuring ongoing uniformity and regulatory certainty; and (2) those opposed to automatically adopting future federal amendments and urging the Commission to utilize Pennsylvania's rulemaking process to promulgate changes. The Commission's disposition of these opposing views regarding automatic adoption of FCC amendments will be discussed below, in Section D of this Order.

While many comments fit into one of these categories, the OCA recommends that once the Commission assumes jurisdiction through an "initial turn-key adoption" of the FCC's regime, it subsequently consider adopting Pennsylvania-specific rates, terms and conditions governing pole attachments to replace the federal framework.<sup>19</sup> FSN's comments focus on enabling the Commission to adjudicate pole attachment issues. VNCI similarly states that Commission jurisdiction over pole attachment disputes is sensible and practical, and will be more cost effective in allowing smaller carriers to pursue formal complaints.<sup>20</sup> PREA believes that if the Commission assumes jurisdiction over pole attachments, then it should proceed within the existing statutory and regulatory framework, which holds that electric cooperatives are expressly exempt from federal pole attachment regulations and from the Public Utility Code.<sup>21</sup>

In its comments, IRRC questions the need for the Commission's rulemaking as the FCC has amended its regulations twice since the Commission began this proceeding. With respect to changes to language, the Commission's proposed Section 77.1 and throughout Chapter 77, IRRC notes the reference to 47 CFR §§ 1.1401—

1.1425 and requests that the final-form rulemaking be clear and reference the correct FCC regulations; the reference has changed to Subpart J. IRRC expresses concern that: (1) the automatic adoption of all future, and consequently unknown, requirements may be an improper delegation of the Commission's statutory authority; and (2) new obligations may be imposed without members of the regulated community and other parties having the opportunity to comment publicly.

As stated in the NPRM, public demand for ubiquitous access to wireline and wireless data technology has increased the desire for more streamlined pole attachment procedures in Pennsylvania to address matters that arise in Pennsylvania more efficiently than the FCC. Comments submitted in response to the NPRM largely demonstrate consensus support of Commission jurisdiction over pole attachments. Numerous comments express the importance of the Commission being able to address Pennsylvania-specific pole attachment issues, using their expertise regarding Pennsylvania electric utilities and safety issues, and providing a local forum to resolve disputes.<sup>22</sup> Stakeholders also commented on how the Commission might use its existing adjudicatory resources, as well as expedited dispute resolution processes, to address the challenges of broadband deployment efficiently.

The reasons for supporting the Commission claiming jurisdiction included, inter alia: (1) the availability of a local forum to resolve pole attachment disputes that is less expensive and faster than pursuing a complaint at the FCC; (2) the prospect of access to the Commission's mediation process or a similar procedure to facilitate dispute resolution in an efficient manner; and (3) the Commission's knowledge and expertise regarding telecommunications and electric distribution systems, which will allow it to balance statewide broadband goals against EDCs' concerns for safety and reliability of electric service and infrastructure.

*Disposition: The Commission Asserts Jurisdiction Over Pole Attachments*

As noted above, the Commission agrees with those comments urging that we assert jurisdiction over pole attachments to provide a local forum in Pennsylvania for the timely resolution of pole attachment disputes. The Commission's assertion of jurisdiction over pole attachments will assist Pennsylvania pole owners and those entities that seek to utilize pole attachments, including those entities seeking to deploy broadband network access elements across the Commonwealth. The Commission also will be able to address Pennsylvania-specific pole attachment issues, using its expertise regarding Pennsylvania telecommunications and electric utilities as well as safety issues. The Commission believes its assertion of jurisdiction over pole attachments will assist in spurring investment in, and access to, physical infrastructure used to deliver essential broadband access service to end-user customers by reducing the time and resources spent on disputes by resolving Pennsylvania-specific disputes in Pennsylvania as compared to the FCC. In addition, the Commission can provide a balanced approach to the competing needs and demands on pole infrastructure between pole owners, pole attachers, and the telecommunications, electric, and cable industries in a predictable manner using federal rules.

Prior to this determination today, the Commission provided an Annex to its NPRM to establish Chapter 77,

<sup>16</sup> Private Citizen Letters were received from the following persons: David B. Hommel, Rosemarie Keen, David J. Kob, Charles Lardner, Carolyn Robbins, John B. Roose, Trevor P. Roy, and John Philip Siegrist.

<sup>17</sup> "[T]he most prudent course at this stage would be for the Commission to postpone any decision concerning reverse preemption until after the dust settles surrounding the recent sweeping amendments to the FCC's pole attachment rules. . . . Postponing a decision on reverse preemption would give the Commission and relevant stakeholders the opportunity to determine whether recent federal reforms adequately advance the goals identified in the Notice for broadband providers and consumers in the Commonwealth." BCAP at 3-4. BCAP also refers to Amendment of Procedural Rules Governing Formal Complaint Proceedings Delegated to the Enforcement Bureau, EB Docket No. 17-245, Report and Order, FCC 18-96 (Rel. July 18, 2018), which established a 60 day accelerated complaint procedures, "shot clocks" governing FCC resolution of pole attachment complaints, and enhanced discovery rights for complainants and respondents. BCAP at 2; see also Crown Castle at 5; PECO at 6-7.

<sup>18</sup> "[T]he FCC has significant institutional expertise on [pole attachment rules and disputes]. . . . has taken steps to expedite its review of pole attachment disputes. . . [and] regulatory certainty and uniformity of pole attachment rules and adjudication is important and useful for supporting deployment of advanced telecommunications." Crown Castle at 3.

<sup>19</sup> OCA at 1, 6-7.

<sup>20</sup> VNCI at 6-7.

<sup>21</sup> PREA at 2.

<sup>22</sup> CBPA at 2; CWA at 2; CTIA at 2; DQE Communications at 3-4; ExteNet at 2; First Energy 5—8, 12; FSN at 3; and MAW at 1.

Pole Attachments, to Title 52 of the *Pennsylvania Code*. In our initial assertion of jurisdiction over pole attachments, the Commission will adopt, in whole, the FCC's regulatory regime for pole attachment complaint procedures at Subpart J as of the effective date of Chapter 77. This will avoid a multi-year delay in claiming jurisdiction and will uphold the status quo, which will avoid regulatory uncertainty and will promote broadband investment across Pennsylvania.

In response to IRRC's suggested language change regarding the reference to the FCC's rules, and for reasons elaborated below, the Commission will amend 52 Pa. Code § 77.1 to reference Subpart J. This will allow the Commission's regulations to exist in parity with the FCC's regulations and will provide greater certainty to the public about the scope and application of the federal rules.

*B. Section 77.2. Defining "Pole Attachment" and the Applicability of the PAA*

*Comments*

The OCA's Comments recommend that the Commission include the federal definition of "pole attachments" set forth in Section 224(c) of the PAA and Section 1.1402 of the FCC's regulations.<sup>23</sup> The term pole attachment, according to those federal provisions, is "any attachment by a cable television system or provider of telecommunications service to a pole, duct, conduit or right-of-way owned or controlled by a utility." As stated in the NPRM, the definition extends to utility structures above and below ground and encompasses utility property rights.<sup>24</sup>

The OCA also suggests that the Commission clarify which federal definition and/or Public Utility Code (Code) definition applies for the term "public utility." While the Commission's Section 102 definition of "public utility" overlaps, in part, with the federal definition of "utility" in 47 CFR § 1.1402(a), the OCA notes that each definition may assist the Commission in exercising its jurisdiction.<sup>25</sup> DLC recommends that the Commission consider how it will address situations where it has jurisdiction over only one party to a pole attachment dispute and whether it will become entangled in contract disputes. DLC suggests that the Commission consider adopting a bright line rule in its regulations regarding adjudications involving entities not regulated by the Commission.<sup>26</sup>

ExteNet comments that Section 102 of the Code grants the Commission authority over municipally-owned facilities, except those owned prior to 1937 and urges the Commission to expressly assert its regulation over pole attachments not only to publicly owned utilities, but also municipally-owned ones. Thus, ExteNet recommends that Section 77.2 be amended to read, "This chapter applies to all persons, entities, poles, ducts, conduits and rights-of-way under this Commission's jurisdiction including those subject to 47 U.S.C. § 224 and 47 CFR §§ 1.1401—1.1425 as those regulations may be amended."<sup>27</sup>

The OCA also suggests that the Commission clarify whether the federal definition and/or Public Utility Code (Code) definition applies for the term "telecommunications carrier." Chapter 30 of the Code defines a telecommunications carrier as "any entity that provides telecommunications service subject to the jurisdiction of the commission." Meanwhile, the federal definition is "any provider of telecommunications services, except that the

term does not include aggregators of telecommunications services (as defined in 47 U.S.C. § 226) or [ILECs] (as defined in 47 U.S.C. § 251(h))."<sup>28</sup>

The OCA notes that the Commission may need to consider how the Pennsylvania Wireless Broadband Collocation Act of 2012 (WBCA) will work with the adoption of the federal regulations since the WBCA designates the Court of Common Pleas as the venue for complaints against municipal governments but the FCC has, since the NPRM was issued, limited how much local authority exists over attachments and sitings.<sup>29</sup>

*Disposition: The Commission Will Add the Federal Definition of "Pole Attachments" to Section 77.2 and Clarify the Scope of where PAA Section 224 Applies*

The Commission agrees with the OCA that the definition of "pole attachments" should be referenced in Chapter 77 and will amend Section 77.2 to include reference to the federal definition at Section 224(a) of the PAA. This will give clearer notice regarding above ground and below ground facilities encompassed therein.

The NPRM spoke to the importance of understanding where pole attachment law applies and where it does not. To aid in this endeavor, we amend Section 77.2 to clarify that Chapter 77 applies to utility poles, etc., as defined by the PAA, and we amend Section 77.2 to include the definition of "utility" at Section 224(a) of the PAA. The PAA expressly exempts cooperative utilities, railroads, and federal or state-owned utilities, including municipal utilities, from the definition of a "utility." The Commission does not intend to disrupt federal exemptions. Thus, even if the Code's definition of "public utility" at Section 102 applies, entities wishing to attach to the infrastructure of entities explicitly exempted by the federal rules must obtain private attachment agreements at negotiated rates and terms. However, absent an express federal exemption, the Commission's assertion of jurisdiction over pole attachments applies to all utilities and facilities regulated by the Code and within the scope of and subject to the PAA. To make this point clear, the Commission amends its proposed Section 77.2 to read as follows:

This chapter applies to *utility* poles, ducts, conduits and rights-of-way *under this Commission's jurisdiction* and subject to 47 U.S.C. § 224 and 47 CFR Chapter I, Subchapter A, Part 1, Subpart J (relating to pole attachment complaint procedures) as those regulations may be amended, *but excluding any person or entity expressly exempted by 47 U.S.C. § 224(a)(1) and 47 CFR 1.1402(a) (relating to definitions).*

(Emphasis added.) Even with the decision to reverse preempt the FCC, by employing the federal definition of "utility" and requiring that the relevant facilities be subject to our jurisdiction, Commission jurisdiction may not reach all facilities subject to attachment in the Commonwealth. With respect to exempted entities, the Commission will not act absent the requisite legal authority.<sup>30</sup>

For purposes of uniformity in our turn-key adoption of the FCC's pole attachment regime and consistency with

<sup>23</sup> OCA at 5.

<sup>24</sup> OCA at 3.

<sup>25</sup> The CBPA submits that the General Assembly is uniquely positioned to provide targeted attention to Pennsylvania-specific concerns involving pole attachments, which statutory authority may include delegation of certain powers to the Commission that may augment the authority to be incorporated by reference to the FCC's regulatory framework. CBPA at 3. By the same token, the FCC also may change its regulatory framework, including for-bearing from or preempting state exemptions for some poles. If that occurs, it may subsequently warrant adjustments to our determination in this Final Rulemaking Order, consistent with applicable Pennsylvania and federal law.

<sup>26</sup> OCA at 2.

<sup>27</sup> NPRM at 8.

<sup>28</sup> OCA at 5.

<sup>29</sup> DLC at 3.

<sup>30</sup> ExteNet at 7.

federal law, the Commission will adopt the federal definition of “telecommunications carrier” for Chapter 77 and will require pole attachments by entities wishing to attach to exempted entities to be obtained via private agreement or in some other fashion beyond invoking the Commission’s authority arising under Section 224 and today’s determination.

The Commission declines to develop a bright line rule prohibiting the handling of disputes when only one party is generally regulated by the Commission. Before the dispute process has been given a chance to be utilized, such a rule may have a chilling effect that runs counter to the intent to provide a local and efficient forum for disputes where parties can avail themselves to the Commission’s complaint processes and mediation.

*C. Section 77.3. Commission oversight*

*Statutory Authority*

The PAA provides that a state may assume responsibility for pole attachments, and concurrently divest the FCC of that responsibility, if the state certifies that it regulates the rates, terms, and conditions of pole attachments and balances the needs of attaching entities, pole owners, and consumers of services provided by the former.<sup>31</sup> To formally divest the FCC of jurisdiction and assume that jurisdiction itself, a state must certify to the FCC that it has established effective rules and regulations over pole attachments and provides for the prompt resolution of pole attachment complaints.<sup>32</sup> That is, a state must certify to the FCC that it will assume responsibility for the enforcement of 47 U.S.C. § 224 in a manner like that of the FCC. The Commission restates these objectives in Section 77.3 of its proposed regulations.

*Comments*

Once again, ExteNet points out the FCC’s jurisdiction under Section 224 of the PAA over pole attachments owned by “any political subdivision, agency, of a State or instrumentality thereof” is limited. Noting the Commission’s authority under Section 102 of the Code, ExteNet recommends that Section 77.3(a) be amended to read as follows:

This chapter establishes the Commission’s regulatory authority over the rates, terms and conditions of access to and use of poles, ducts, conduits and rights-of-way to the full extent of this Commission’s jurisdiction and authority and as provided for in 47 U.S.C. § 224 for pole attachments as of sixty days after the effective date of this Chapter.<sup>33</sup>

PECO, in its comments, states that the Commission’s proposed language is helpful to highlight Pennsylvania’s responsibility both to communications company subscribers and utility ratepayers. However, PECO notes the Commission’s responsibility towards ensuring the safety and reliability of the pole distribution systems operated and maintained by electric utilities and ILECs. Thus, PECO proposes a revision to Section 77.3(b), which would make the language more aligned to the Texas state pole attachment statute and would read as follows:

(b) The Commission has the authority to consider, and will consider, the interests of the subscribers of the services offered via pole attachments, as well as the interests of consumers of the utility services. In addition, in determining whether rates, terms, and conditions are just and reasonable, the Commission

will consider compliance with applicable safety standards and the maintenance and reliability of electric distribution, telecommunications and cable services.<sup>34</sup>

*Disposition: The Commission Clarifies the Scope of Jurisdiction Established by 47 U.S.C. § 224*

After the Commission’s final form regulations asserting jurisdiction over pole attachments are reviewed by the General Assembly, IRRC, and the Pennsylvania Attorney General’s Office, the Commission will follow the course of other states who have adopted pole attachment jurisdiction. A letter will be sent to the FCC certifying that the Commission will regulate pole attachments pursuant to the dictates of 47 U.S.C. § 224(c)(2).

With respect to our proposed Section 77.3, the Commission will amend the language to clarify the scope of our regulatory oversight and authority. The Commission will respect the express federal exemptions regarding which entities come under the federal, and by extension, our pole attachment regulations. Thus, Section 77.3(a) will be changed as follows, which is consistent with the language in Section 77.2:

This chapter establishes the Commission’s regulatory authority over the rates, terms and conditions of access to and use of utility poles, ducts, conduits and rights-of-way to the full extent of this Commission’s jurisdiction and authority and as provided for in 47 U.S.C. § 224 for pole attachments *but excluding any person or entity expressly exempted by 47 U.S.C. § 224(a)(1) and 47 CFR 1.1402(a)(relating to definitions)* as of sixty days after the effective date of this chapter.<sup>35</sup>

While the Commission appreciates PECO’s recognition of our directive to consider safety and service reliability within the context of pole attachments, we find the proposed language redundant. Section 224(c)(2) specifies the certifications that a state seeking to regulate pole attachments must make. Sections 224(c)(2)(A) and (B) require a certification that the state does consider the interests of the subscribers of the services as well as the interests of the consumers of the utility services. Safety considerations are not expressly mandated, even though they are integral to the Commission addressing the interests of the subscribers of the services as well as the interests of the consumers of the utility services. Given these realities and the Commission’s duty under Section 1501 of the Public Utility Code to ensure that public utility service is provided safely, the Commission sees no need to add such an express provision. Rather, safety is already an implicit consideration that operates as part of the certifications a state makes under Sections 224(c)(2)(A) and (B).

Moreover, the Commission considers the public interest in all proceedings before it, and we are keenly aware of our responsibility to ensure that public utility service is provided in a safe, adequate, and reliable manner. Where entities have specific concerns about electric distribution infrastructure, evidence can be submitted into the record of an individual proceeding for the Commission’s consideration. The Commission finds no compelling reason to add this directive explicitly into Section 77.3 because these standards are regularly considered and addressed.

*D. Section 77.4. Adoption of FCC Regulations*

*Comments*

Proposed Section 77.4 to the Commission’s regulations states “This chapter adopts the rates, terms and condi-

<sup>31</sup> 47 U.S.C. § 224(c).

<sup>32</sup> 47 U.S.C. § 224(c).

<sup>33</sup> ExteNet at 7.

<sup>34</sup> PECO at 3-4.

<sup>35</sup> ExteNet at 7 (emphasis added).



tions of access to and use of poles, ducts, conduits and rights-of-way to the full extent provided for in 47 U.S.C. § 224 and 47 CFR §§ 1.1401—1.1425, *inclusive of future changes as those regulations may be amended.*” (Emphasis added.)<sup>36</sup> With respect to the comments the Commission received about asserting jurisdiction over pole attachments, the prospect of automatic adoption of future FCC amendments to its pole attachment regulations is the most divisive topic.

As stated above in this Order, commentators generally fall into two distinct categories with respect to future changes to the federal rules: (1) those supporting the automatic adoption of FCC amendments (which would incorporate changes made via the FCC 2018 Poles Order) and ensuring ongoing uniformity and regulatory certainty;<sup>37</sup> and (2) those opposed to automatically adopting future federal amendments and urging the Commission to utilize Pennsylvania’s rulemaking process to promulgate changes.<sup>38</sup> Some parties from this latter category encourage the Commission to adopt only the FCC’s regulations that were applicable when we issued our NPRM.

Members of the communications industry largely support adopting the FCC rules in their entirety, along with future changes. This is the course the Commission proposed, at least in its initial turn-key adoption of the federal regulations, through Section 77.4 of the Annex to its NPRM. Parties in the communications industry primarily stress the importance of maintaining uniformity and regulatory certainty. CenturyLink notes that the FCC’s regulations have been fully vetted and consider diverse inputs and do not believe that deviating from those rules is advisable or prudent.<sup>39</sup> CTIA prefers this approach because parties are limited to one “bite at the apple” to contest a rule at the FCC, not a second chance at the state level.<sup>40</sup> DQE Communications believes that the changes the FCC made to its regulations in the August 2018 Order will encourage and speed the ability of companies to continue pushing broadband access in a more economical way.<sup>41</sup>

The PTA contends that if the Commission wishes to address recent pole attachment rule changes by the FCC, it should only do so once the industry and regulators have had time to review the success or failure in their implementation.<sup>42</sup> CTIA references 58 P.S. § 801.302(b)(1) (Act 127), which contains an automatic adoption clause similar to the one the Commission proposes, but which provides that any changes in applicable federal regulations shall take effect in Pennsylvania 60 days after the effective date; CTIA believes 60 days to be a reasonable amount of time to provide notice to affected parties.<sup>43</sup> Verizon argues that if the Commission does not or cannot adopt the FCC rules quickly and in total, including automatic updates for future changes, then it should not reverse preempt the FCC.<sup>44</sup> Going further, Verizon states that the Commission should make clear that it will not entertain arguments for different rules.<sup>45</sup>

If the Commission determines that it will assert jurisdiction over pole attachments, BCAP and Crown Castle

also support automatic adoption of future federal amendments.<sup>46</sup> Crown Castle correctly notes that the NPRM does not rule out the possibility of the Commission augmenting the FCC’s rules with new regulations and proffers that, going forward, the Commission may separately and independently interpret, apply and enforce any rules the FCC updates.<sup>47</sup>

Meanwhile, some stakeholders advocate against automatic adoption of FCC amendments. These parties generally contend that such changes should pass through the Commission’s rulemaking procedures.<sup>48</sup> First Energy states that affected parties may not recognize that FCC rulemakings would apply automatically in Pennsylvania following the Commission’s assertion of jurisdiction.<sup>49</sup> MAW contends that the Commission must allow a comment period as part of conducting due diligence prior to adopting FCC amendments.<sup>50</sup> Amongst the myriad of reasons given, these parties contend that the Commission is in a better position to balance stakeholder needs regarding broadband access and the necessary infrastructure than the FCC.<sup>51</sup>

These commentators also contend that the Commission has primary responsibility to ensure the safety and reliability of the pole distribution systems operated and maintained by electric distribution companies (EDCs) and ILECs, which is different than the FCC’s responsibility.<sup>52</sup> The CWA shares the opinion that the FCC’s modified regulations that were effectuated once the Commission’s NPRM was released are not consistent with providing safe facilities to the public or to utility employees.<sup>53</sup> First Energy opposes the FCC’s modification that would allow attachers to hire utility-approved contractors to perform make-ready work in the electric space if an electric utility fails to meet the new make-ready construction deadlines.<sup>54</sup> First Energy is concerned about the FCC’s lack of understanding around risks associated with overloading and urges the Commission to give deference to electric utility construction and engineering standards and practices as they relate to safety, reliability and cost recovery.<sup>55</sup>

IRRC articulates concerns that the automatic adoption of all future, and consequently unknown, requirements may be an improper delegation of the Commission’s authority, and that new obligations may be imposed without members of the regulated community and other interested parties having the opportunity for public comment as provided in the Commonwealth Documents Law,<sup>56</sup> the Regulatory Review Act,<sup>57</sup> and the Commonwealth Attorneys Act<sup>58</sup> (collectively, Commonwealth Acts). IRRC requests that the Commission explain its rationale for automatically adopting changes to FCC pole attachment regulations that have not been vetted through the Commonwealth’s regulatory review process.

The CBPA recommends reconsidering Section 77.4 to favor a situation where FCC rules concerning pole attach-

<sup>36</sup> As a housekeeping matter and as described above, reference to Sections 1.1401—1.1425 will be amended to read “47 CFR Chapter I, Subchapter A, Part 1, Subpart J” to incorporate recent changes to the FCC’s regulations on pole attachment complaint procedures.

<sup>37</sup> Parties supporting reverse preemption with automatic adoption of future FCC rule changes include CenturyLink, CTIA, DQE Communications, PTA, and Verizon.

<sup>38</sup> Parties opposed to the automatic adoption of future FCC rules changes include CBPA, CWA, DLC, FirstEnergy, MAW, NetSpeed, and PPL.

<sup>39</sup> CenturyLink at 2, 4.

<sup>40</sup> CTIA at 4.

<sup>41</sup> DQE Communications at 3.

<sup>42</sup> PTA at 2.

<sup>43</sup> CTIA at 5.

<sup>44</sup> Verizon at 9.

<sup>45</sup> Verizon at 10.

<sup>46</sup> BCAP at 4-5; Crown Castle at 8-9.

<sup>47</sup> Crown Castle at 7-8.

<sup>48</sup> First Energy at 10; PPL at 3.

<sup>49</sup> First Energy at 10.

<sup>50</sup> MAW at 1; see also CWA at 11.

<sup>51</sup> See PPL at 2; see also DLC at 2; NetSpeed at 2.

<sup>52</sup> See PECO at 3; see also FirstEnergy at 8-9 (Broadband and wireless deployment should not jeopardize the safe and reliable operation of electric utilities or come at the expense of EDCs or their ratepayers.); DLC at 2; First Energy at 8-9.

<sup>53</sup> CWA at 2; see also First Energy at 6-7. The CWA also notes that while the FCC’s regulations have been promulgated, they are far from settled. The CWA continues that several utilities have petitioned the FCC to reconsider its 2018 Poles Order, a first step in what will likely be a lengthy appeal process. CWA at 4.

<sup>54</sup> First Energy at 6.

<sup>55</sup> First Energy at 7-9.

<sup>56</sup> 45 P.S. §§ 1102 et seq. and 1 Pa. Code §§ 7.1 et seq.

<sup>57</sup> 71 P.S. §§ 745.1 et seq.

<sup>58</sup> 71 P.S. §§ 732-101 et seq.



ments would undergo review by the Commission within months after the potential rules became effective at the federal level.<sup>59</sup> PPL suggests that the Commission adopt the FCC's regulations as they are on a particular date, but that it not automatically adopt future FCC amendments.<sup>60</sup> DLC inquires whether the Commission seeks to adopt each change promulgated at the FCC as quickly as it is adopted or whether the Commission seeks to control the pole attachment process as it existed at the time of NPRM, without disrupting existing business practices.<sup>61</sup> First Energy contends that the Commission is unclear about whether it intended for FCC changes made once the Commission released its NPRM to become effective automatically in Pennsylvania; this appears to reference changes that have not yet become final.<sup>62</sup> While PECO agrees that is appropriate for the Commission to use FCC and court interpretations for guidance, it advocates that the Commission should retain full discretion to form its own interpretations to benefit the Commonwealth.<sup>63</sup>

ExteNet states that customization of the FCC's rules and regulations should be anticipated, as issues that are appropriate for nationwide implementation may not always fit the needs of Pennsylvanians. ExteNet believes the Commission should adopt a method to codify any variance from the FCC's rules and regulations specific to Pennsylvania and proposes adding a subsection (b) to Section 77.4 as follows:

Any party seeking a generally applicable deviation from those rates, terms and conditions of access to and use of poles, ducts, conduits and rights-of-way to the full extent provided for in 47 U.S.C. § 224 and 47 CFR §§ 1.1401—1.1425, may at any time petition the Commission for a rulemaking proceeding for such purpose pursuant to 52 Pa. Code §§ 1.5, 5.1, 5.11, and 5.211. The Commission shall, in its sole discretion, by formal vote of its members, determine whether to initiate such a rulemaking proceeding.<sup>64</sup>

IRRC states that if the Commission determines that major amendments to this rulemaking are required, then it would be in the public interest to start with a new proposed rulemaking. Should the Commission move forward with the instant proposal, IRRC suggests an Advance Notice of Final Rulemaking before it delivers a final-form rulemaking.

*Disposition: The Automatic Adoption of Subsequent Modifications and Additions to the FCC's Pole Attachment Regulations Is Not an Improper Delegation of the Commission's Authority*

IRRC's comment that automatically adopting future federal amendments may be an improper delegation of Commission authority is unfounded. We do not agree that our adoption of subsequent modifications to federal rules such as the federal pole attachment regulations constitutes an impermissible delegation of Commission authority back to the FCC, the source of the reverse preemption authority. Rather, the automatic adoption is a proper exercise of the Commission's authority to assert jurisdiction over pole attachments in accordance with both state and federal law, including Sections 313, 314, 501, 701, 1301, and 1501 of the Public Utility Code, 66 Pa.C.S. §§ 313, 314, 501, 701, 1301, and 1501, and Section 224(c) of the PAA, 47 U.S.C. § 224(c). Moreover, our adoption of

federal rules and their subsequent amendment is not without precedent at the Commission or IRRC.

Adoption clauses similar to that being proposed in Chapter 77 exist elsewhere in legislation impacting the Commission (e.g., Act 127), as well as in previously approved Commission regulations, and are not uncommon across state agencies. For example, as discussed in greater detail below, the Commission adopted a federal regulatory framework relating to the transportation of hazardous liquids by pipeline into its own regulations in 2012. Also, the Pennsylvania Department of Environmental Protection similarly adopted federal emission guidelines in 1997.

We note that the review mechanisms in place in the final form regulations will maintain an ongoing dialogue and review in which stakeholders may actively participate in how the federal pole attachments rules are applied and whether future amendments are adopted at all. This ongoing stakeholder review process, particularly on the establishment of a working group and a minimum 60-day review period for any future changes to the federal rules, helps ensure that Chapter 77 protects the affected regulated community and other interested parties against the harms that may result from improper delegation of authority.<sup>65</sup>

As a part of our consideration of IRRC's concerns on this issue, the Commission will create safeguards to ensure that the Commission retains authority to make basic policy choices and to guide and ensure that the FCC rules to be incorporated have been appropriately vetted both at the FCC and here in Pennsylvania. As explained further herein, these safeguards include: (1) the creation of a working group to monitor, discuss, and advise on pole attachment issues; (2) the creation of a process that allows for the meaningful review of changes to federal pole attachment regulations before they become effective in Pennsylvania; and (3) Commission consideration of FCC orders promulgating or interpreting federal pole attachment rules as persuasive authority. The Commission believes that these safeguards ensure that the Commission is in compliance with the Commonwealth Acts.

Chapter 77 creates a working group to advise the Commission on pole attachments (Working Group). The Working Group is created, in part, to help address concerns about the automatic adoption of future changes to the FCC's rules. The Working Group will meet at least annually to address pole attachment issues and will have the opportunity to address future changes to the federal pole attachment rules prior to their taking effect. Specifically, under Section 77.4(c), a change to the federal pole attachment rules will take effect unless the Commission publishes a notice in the *Pennsylvania Bulletin* that the change may not take effect. We expect the Working Group to advise the Commission as to whether the Commission should make such a change within 60 days. If the Commission publishes a notice that the federal change may not take effect, this will trigger a 60-day consideration period during which the Commission will entertain public comments on the matter. Similarly, a Commission notice that a change may not take effect also may provide for public comment on the matter. Absent Commission action affirmatively declining to adopt the change for good cause shown, the change shall become effective 60

<sup>59</sup> CBPA at 4.

<sup>60</sup> PPL at 3.

<sup>61</sup> DLC at 4.

<sup>62</sup> First Energy at 3.

<sup>63</sup> PECO at 2-3.

<sup>64</sup> ExteNet at 7-8.

<sup>65</sup> See *Protz v. Workers' Compensation Appeal Board (Protz)*, 639 Pa. 645, 655 (2017); see also *Tosto v. Pa. Nursing Home Loan Agency*, 331 A.2d 198 (Pa. 1975), *Wm. Penn Parking Garage, Inc. v. City of Pittsburgh*, 346 A.2d 269 (Pa. 1975) (plurality opinion), and *Phantom Fireworks Showrooms, LLC v. Wolf*, 198 A.3d 1205, 1227 (Pa. Cmwlth. 2018).

days after publication of the Commission notice in the *Pennsylvania Bulletin*. In any event, for any change in the federal rules that takes effect in Pennsylvania, the Commission will publish a notice of the effective date of the change in Pennsylvania in the *Pennsylvania Bulletin*.

As these safeguards show, the Commission will continuously review amendments to the FCC's rules to consider how proposed changes affect the public interest. Nevertheless, the Commission's decision to establish a process for input prior to changes to the federal rules taking effect should not be construed as an invitation for Pennsylvania utilities and other interested parties to regularly rehash or reargue determinations of the FCC. Rather, this process should be utilized to focus on the Pennsylvania-specific impacts of such changes. If the Commission does find it necessary to amend Chapter 77 to accommodate state-specific changes, the Commission will initiate an appropriate rulemaking, and the public will be notified and provided with appropriate opportunity to comment.

We also point out the reciprocal nature of pole attachments reverse preemption. 47 U.S.C. § 224(c)(3) and updated 47 CFR § 1.1405(f) provide that jurisdiction over pole attachments will revert back to the FCC if a state fails to meet the statutory deadline in any individual case, specifically rendering a decision within 180 days after a complaint is filed unless the state establishes a different time period which cannot exceed 360 days under Section 224(c)(3)(B)(ii). While the Commission does not anticipate losing jurisdiction over specific complaints in this manner, should it occur, parties will apply the same substantive rules in either venue. This is yet another reason why parity between the Pennsylvania and federal rules benefits stakeholders.

In addition, Commission application of the pole attachment rules to specific cases will come in the context of a formal adjudication, which further protects the affected regulated community and other interested parties against the harms that may result from improper delegation of authority. Chapter 77 establishes neutral and transparent operating procedures under which affected stakeholders can obtain a ready agency decision and judicial review from courts of competent jurisdiction with reasoned opinions to explain decisions. Thus, state judicial review of how the pole attachment rules are applied will be an integral aspect of Chapter 77 such that it will not result in ad hoc decision making. Because of this level of ongoing evaluation and judicial review, our exercise of authority based on federal law and the FCC's authority is both checked and restrained. The Commission will thus retain its core legislative prerogative to consider rules adopted by the FCC; each new amendment is subject to not only judicial review, but also rejection, alteration, reconsideration, or other scrutiny through a formal rulemaking as the Commission deems appropriate.<sup>66</sup>

*Example: Commission Regulation of Liquid Fuels and Hazardous Materials Pipelines*

As previously mentioned, adoption clauses similar to that currently being proposed by the Commission in Chapter 77 exist and have been approved by IRRC. In 2012, the Commission issued a Final Rulemaking (2012 FRM) that set forth language for the regulation of liquid fuels and hazardous materials pipelines by incorporating the federal safety standards at 49 CFR Part 195 (relating to transportation of hazardous liquids by pipeline) into its regulations. Regarding any future federal amendments,

Section 59.33 establishes that they "shall take effect 60 days after the effective date of the Federal amendment or modification, unless the Commission publishes a notice in the *Pennsylvania Bulletin* stating that the amendment or modification may not take effect." 52 Pa. Code § 59.33(b). There, IRRC similarly questioned the Commission's proposed "future federal amendments to 49 CFR Parts 190—195, 198, and 199. . ." language and pointed out that "[i]f any agency wishes to incorporate subsequent amendments [of a code or regulation] the agency must explicitly do so by amendment of its existing rules. . . ."<sup>67</sup>

In the 2012 FRM, the Commission noted that it was adding no new language to Section 59.33 regarding future federal changes, but merely added 49 CFR Part 195 to the Commission's then-existing regulation. The Commission cited federal funding for its natural gas pipeline safety program as the reason it was necessary to maintain language about future federal amendments. The Commission was concerned it would otherwise not be able to adequately participate in the Hazardous Liquid Pipeline Safety Grant Program.

While in the instant case there is no designated federal funding program to which Pennsylvania risks its eligibility to participate, Section 59.33 provides precedent of incorporating a federal regulatory framework into the Commission's regulations, which includes a mechanism for adopting future changes to the federal rules. Verizon and the CTIA reference this regulation, as well as Act 127,<sup>68</sup> to demonstrate that the automatic adoption of future federal amendments to pole attachment regulations is appropriate.

But even assuming otherwise, arguendo, multiple safeguards have been put in place to allow vetting of FCC amendments prior to their becoming effective in the Commonwealth. These safeguards include a 60-day review period prior to adopting changes to the federal rules during which the Commission can publish a notice in the *Pennsylvania Bulletin* informing that it may not adopt the change. Such notice will provide for public comment. In addition, the pole attachment Working Group, during this same 60-day review period, may advise the Commission as to whether we should adopt a change to the federal rules. Further, any interested party can make a filing with the Commission regarding such a change.

In any event, adopting the FCC's regulations provides certainty that Pennsylvania's pole attachment regulations conform to the base-line federal standards required to retain state authority over pole attachments. Adoption of the federal rules, including the proposed mechanism for adopting future changes to those rules, supports the cooperative state-federal goal of deployment of broadband across the Commonwealth, while also considering the safety, adequacy, and reliability of electric service in a manner that is consistent with due process. As stated throughout this FRM, the Commission believes that its proposed course allows for the Commission to assert jurisdiction quickly, while providing stability and uniformity for broadband investment in Pennsylvania, giving stakeholders a local forum to adjudicate disputes. Requiring the Commission to institute a separate, yet parallel, proceeding each time the FCC updates its rules in order to provide regulatory certainty would be an expensive, time-consuming allocation of resources that is unlikely to yield differing results in most instances. However, as we acknowledge, if the Commission deems it appropriate to

<sup>66</sup> See *Germantown Cab Co. v. Philadelphia Parking Authority*, 206 A.3d 1030, 1048 (Pa. 2019).

<sup>67</sup> Rulemaking re Liquid Fuels Pipeline Regulations, Docket No. L-2008-2034622 (Final Rulemaking Order entered March 1, 2012) at 3.  
<sup>68</sup> 58 P.S. § 801.302(b)(1).

diverge from the federal regulations, it would initiate a rulemaking that would be subject to public comment.

Moreover, we note that interested parties will retain a meaningful opportunity to comment on prospective changes to the FCC's rules at the FCC. Automatically incorporating FCC changes, as opposed to amending the language of Chapter 77, is consistent with the expectation that state agencies engage in cooperative federalism to achieve state and national policy goals. This approach is consistent with the Commission and IRRC's approval of prior actions adopting FCC rules in toto in the past. This is particularly true regarding telecommunications regulation where even though policy is often set at the national level, there still is a process for considering the Pennsylvania[ad]specific impact. Maintaining agency discretion to implement a cooperative federal regulatory framework when it is within their delegated power is not only permissible, but also is desirable.

Although the Commission in this FRM adopts the FCC's pole attachment complaint procedures as the Commission's regulations, changes to the FCC's rules will not require changes to Chapter 77. Thus, the Commission, through this rulemaking, is acting in accordance with the requirements of the Commonwealth Acts. The Commission notes that only amendments to the text of Chapter 77 would trigger the necessity to initiate a new rulemaking proceeding in accordance with the Commonwealth Acts raised by IRRC and the CWA. Language changes to Chapter 77 without complying with the Commonwealth Acts would be instances where the Commission could upset or upend its proffered regulatory framework without giving appropriate opportunity for public comments.

*Example: Pennsylvania Department of Environmental Protection Emission Guidelines*

As another example, Pennsylvania Department of Environmental Protection (DEP) emission guidelines contain an adoption clause similar to that currently being proposed by the Commission in Chapter 77. In 1997, DEP amended 25 Pa. Code § 122.3 (relating to adoption of standards) to adopt in its entirety and incorporate by reference the federal Emission Guidelines promulgated in 40 CFR Part 60 by the U.S. Environmental Protection Agency (EPA) Administrator. DEP utilized the Emission Guidelines codified at 25 Pa. Code § 122.3 as the legal mechanism to implement new Emission Guidelines and standards for hospital/medical/infectious waste incinerators pursuant to the Clean Air Act (CAA) in 2014. DEP noted that the 1997 amendments to Section 122.3 were duly promulgated under applicable state law including the Air Pollution Control Act (35 P.S. §§ 4001 et seq.) and the Commonwealth Acts.

The Commission's current proposal to adopt, and incorporate by reference, Subpart J is directly on point with this example from DEP previously approved by IRRC. The Commission recommends using 52 Pa. Code Chapter 77 as the legal mechanism to implement future amendments adopted by the FCC regarding the PAA. Promulgating Chapter 77 in this way complies with the requirements of the Commonwealth Acts. Thus, the Commission is not recommending a regulatory framework that would either subvert the state's rulemaking process or constitute a violation of due process by denying any notice or an opportunity to be heard.

By the same token, however, the Commission should not be required, as a matter of course, to expend additional resources that duplicate the efforts undertaken by

the FCC. The FCC takes care to explore amendments, review comments from interested parties, and establish regulations. This is especially true under the proposed regulatory framework, where the Commission's new Chapter 77 will not see changes to its language when federal rules are amended. Instead, those amendments will be timely addressed using the review process set out above in which expending additional resources will be the exception and not the general rule.

The FRM envisions that prospective changes to Chapter 77 that the Commission decides to consider will likely be limited in scope with a record largely developed at the federal level and available for Commission review. As previously noted, the regulated community and other interested parties will retain a meaningful opportunity to comment on prospective changes at the FCC. Thus, it remains incumbent on pole owners and attachers, which are sophisticated entities and utilities, to remain diligent and aware of action being considered by the FCC regarding pole attachments. The regulated community and interested parties also are not precluded from petitioning the Commission to consider deviating from FCC rules as appropriate and necessary.

*Example: Naylor v. Department of Public Welfare*

The CWA erroneously claims that automatic adoption of future changes to the FCC's pole attachment rules violates the publication and review requirements of Pennsylvania law. Neither the Regulatory Review Act, which addresses IRRC's structure and review process, nor the Commonwealth Attorneys Act, which outlines the role of the Office of General Counsel, contain language addressing the automatic adoption of future amendments. The Commonwealth Documents Law, at 1 Pa. Code § 7.4, states in pertinent part:

An agency may omit or modify the procedures specified in §§ 7.1 and 7.2 (relating to notice of proposed rulemaking required; and adoption of regulations) if:

- (1) The administrative regulation or change relates to one of the following:

\* \* \* \* \*

- (v) The interpretation of a self-executing statute or administrative regulation.

\* \* \* \* \*

The inclusion of an automatic adoption clause means that the Commission's regulation regarding pole attachments can be self-executing; federal amendments could become effective without additional intervening or implementing action, although as previously stated, the Commission can reject a change in the federal rules for Pennsylvania. The Commonwealth Acts do not prohibit such action and, for the reasons stated above, this mechanism to adopt updates to the FCC's rules is practical and in the public interest to conserve unnecessary time and resources. Chapter 77 is therefore being promulgated in accordance with the Commonwealth Acts.

We note a commonwealth agency can change applicable standards via a notice process and not through a rulemaking, when the agency is acting pursuant to existing authority. By way of example, in *Naylor*,<sup>69</sup> the Commonwealth Court considered the Department of Welfare's (Department) 2010 reduction in "the amount of certain of its monthly State Supplementary Payments (SSP) to severely disabled, blind, and elderly indigent Pennsylvania residents," which was made simply by publishing

<sup>69</sup> *Naylor v. Com., Dept. of Public Welfare*, 54 A.3d 429, 431 (Pa. Cmwlth. 2012) (*Naylor*).



notice in the *Pennsylvania Bulletin*. The Petitioners contended that the Department failed to comply with statutorily required rulemaking procedures that were set forth in the Commonwealth Acts. For many years, the SSP had been fixed by regulation; however, the Department replaced that provision with a new chapter, which in part, provides that “revisions to the SSP payment levels will be published as a notice in the *Pennsylvania Bulletin* . . .”<sup>70</sup> The Department claimed that it properly promulgated Section 299.37 of its regulations in accordance with the Commonwealth Acts and that the Governor’s Office of General Counsel, the Attorney General’s Office, and IRRC approved it, as did the legislative committees with oversight authority.

The Department further stated that its notice in the *Pennsylvania Bulletin* was published as part of an established regulatory framework; thus, it was immaterial and irrelevant whether notice of a reduction in SSP is a statement of policy or a binding norm. Notice was the vehicle authorized by regulation for revising SSP levels.<sup>71</sup>

Ultimately, the Court determined that the Department used, rather than circumvented, the rulemaking process to alter the prior practice it followed to announce changes in the amount of SSP.<sup>72</sup> The Court held that when the Department issued its notice reducing the amount of SSP, it did not promulgate a new regulation or a regulatory amendment because it merely invoked the authority of Section 299.37. Thus, the Department was not required to comply again with the Commonwealth Acts.<sup>73</sup>

The Court determined that Section 299.37 was valid by applying the *Rohrbaugh* test, which upholds agency regulations as binding on the courts only if they are: (1) within the agency’s granted power; (2) issued pursuant to proper procedure; and (3) reasonable.<sup>74</sup> The Court concluded that, given the clear language of the Public Welfare Code, the subject matter of Section 299.37 was within the Department’s delegated power. The Court also held that the Department properly promulgated Section 299.37 pursuant to the Commonwealth Acts.<sup>75</sup> Finally, in determining the reasonableness of Section 299.37, the Court noted that the Public Welfare Code did not require the Department to establish the amount of SSP through promulgation of a regulation.

Similar to *Naylor*, the subject matter of Chapter 77—pole attachments—clearly is within the Commission’s power to regulate, pursuant to both state law under the Public Utility Code and federal law under Section 224(c) of the PAA. The Commission has authority under state law to assert jurisdiction over pole attachments, as Section 501(a) provides broad authority for the Commission to act to enforce the Public Utility Code and “the full intent thereof.”<sup>76</sup> To assert jurisdiction over pole attachments, the Commission under federal law must certify to the FCC that: (1) it has issued and made effective rules and regulations implementing the state’s regulatory authority over pole attachments; and (2) with respect to any individual matter it will take final action on any matter within 180 days after the complaint is filed, absent

another time period which cannot exceed 360 days.<sup>77</sup> This FRM adopts effective rules and regulations for the Commission to exercise responsible jurisdiction over pole attachments, while also providing a 180-day period for a final action upon the filing of a complaint unless good cause is shown to have a decision at a later date not to exceed 270 days.<sup>78</sup>

Similar to the Department’s claims in *Naylor* that Section 299.37 was issued pursuant to proper procedure, the Commission is properly promulgating Chapter 77 pursuant to the requirements of the Commonwealth Acts. The instant rulemaking has been an open process, which included publication of the proposed Chapter 77, solicited comments from stakeholders, interested parties, legislative oversight committees and IRRC, and the final-form regulations will be reviewed by those same oversight committees, IRRC, and the Attorney General’s Office. If approved, Chapter 77 outlines the regulatory framework for the scope of pole attachment regulation in Pennsylvania.

While notice in the *Pennsylvania Bulletin* was the vehicle authorized by regulation to revise SSP levels in *Naylor*, incorporation of Subpart J is the mechanism chosen by the Commission to revise pole attachment requirements. The Commission is clearly using the rulemaking process to assert jurisdiction granted to it under federal law and to implement regulations that comprehensively consider pole attachment issues in Pennsylvania. At the same time, the Commission also is establishing a process that allows for public input prior to the adoption of subsequent federal rule changes in Pennsylvania. Moreover, for any change in the federal rules that takes effect in Pennsylvania, the Commission will publish a notice of the effective date of the change in Pennsylvania in the *Pennsylvania Bulletin*.

Similar to *Naylor*, the Commission’s approach to asserting jurisdiction over pole attachments is reasonable. As previously stated, the Commission seeks to assert jurisdiction over pole attachments to provide a local forum in Pennsylvania for the timely resolution of pole attachment disputes. Among other things, the Commission’s assertion of jurisdiction will assist Pennsylvania pole owners and those entities that seek to utilize pole attachments, including those entities seeking to deploy much-needed broadband network access elements across the Commonwealth. To assert jurisdiction both promptly and cautiously, the Commission’s approach for Pennsylvania is to adopt the FCC’s pole attachment regulations at Subpart J, as amended from time to time. Such an approach is entirely consistent with the Commission’s authority under state law, and this turn-key approach will ensure the timely availability of the Commission’s adjudicatory process to stakeholders for the prompt resolution of pole attachment disputes.

Multiple commentators noted the precedent across state agencies of adopting a federal framework, by reference, in place of crafting a state-specific regime. As the Commission has noted, an entirely new state-specific regime with detailed Pennsylvania-specific rules, regulations, processes, and procedures is likely to yield only incremental benefits to Pennsylvania residents while being a time-consuming, costly endeavor that will create regulatory uncertainty at the outset, as well as every time the Commission initiates a new rulemaking to modify its rules. That is particularly the case, given that matters of

<sup>70</sup> 55 Pa. Code § 299.37.

<sup>71</sup> *Naylor* at 433.

<sup>72</sup> *Naylor* at 435-436.

<sup>73</sup> *Naylor* at 436.

<sup>74</sup> *Naylor* at 434-435; see also *Rohrbaugh v. Pa. Public Utility Comm’n*, 727 A.2d 1080, 1085 (Pa. 1999).

<sup>75</sup> *Naylor* at 435.

<sup>76</sup> Commission authority may be found at 66 Pa.C.S. §§ 313 (authority concurrent with United States); 314 (enforcement of federal rates and service); 501 (enforce the full intent of Public Utility Code, including as it relates to federal law); 701 (ability of affected persons to file complaints with the Commission); 1301 (authority over jurisdictional rates); 1501 (authority over jurisdictional services).

<sup>77</sup> 47 U.S.C. § 224(c).

<sup>78</sup> We anticipate that the presiding Administrative Law Judge would make a ruling on any request to extend the deadline for final Commission action in a case, which may be subject to review by the Commission.



pole attachments are critical to deploying broadband in Pennsylvania and are the subject of considerably detailed national rules to date. Given these considerations, the Commission prefers to keep parity with the FCC's rules.

At the same time, despite some commentators disagreeing with the Commission's decision to adopt future federal amendments, no parties cited any evidence that the Commission is prohibited from incorporating the federal regulations as its framework. We note that the automatic adoption of future federal pole attachment rule changes as proposed in this FRM does not preclude the Commission from considering petitions from Pennsylvania entities to reconsider specific federal changes or from initiating a rulemaking proceeding to address Pennsylvania-specific needs or regulations that appear to conflict with the public interest. We further note that automatic adoption of future federal rule changes as proposed in this FRM also does not prohibit or constrain the Commission's ability to diverge from FCC regulations. Thus, the Commission has provided a plethora of reasons to support its decision and to illustrate the reasonableness of its approach, especially to initially assert jurisdiction.

The Commission reserves its authority to balance the needs of pole owners, pole attachers, and the public need for access to reasonable and adequate telecommunications services. As shared previously, the Commission agrees with the PTA that the Commission should act, in most instances, to address pole attachment rule changes at the federal level only after the industry and regulators have had time to review the success or failure of the implementation of such changes. Indeed, the review process adopted today applicable to future changes to the federal rules does just that in response to those concerns and comments. Parties including PECO and Verizon acknowledge that the Commission has authority to convene a rulemaking after automatic adoption to examine and reconsider any changes that become effective after 60 days.<sup>79</sup>

We will discuss in greater detail below the formation of a Working Group on pole attachment issues, but at this juncture it is important to state that the Commission will keep open lines of communication with pole attachment stakeholders to stay apprised of concerns from those in the industry. The Commission anticipates that this Working Group, comprised of pole owners (including those exempt from Commission regulation) and attachers and Commission staff, will be well-positioned to advise and share on the effectiveness of federal rule changes and their impacts on Pennsylvania consumers.

Against this regulatory landscape, the Commission believes that the appropriate time for pole owners to raise concerns against attachers about safety, adequacy, and reliability is through the formal complaint process after an application to attach is disputed or after a dispute is raised about the rates, terms, and conditions of an attachment. Moreover, whether prior to or after the filing of a formal complaint, pole owners can pursue Commission alternative dispute resolution in the form of mediation if the parties choose to use what may prove to be a more cost-effective way to address their dispute.

*Disposition: The Commission Will Adopt the FCC's Regulations in Existence When Chapter 77 Becomes Effective and Will Automatically Adopt Future Changes Subject to Certain Exceptions*

Based on our review and evaluation of stakeholders' comments, the Commission will adopt the FCC's pole

attachment complaint procedure regulations at Subpart J, as they exist at the time of our adoption of 52 Pa. Code Chapter 77. Also, the Commission will automatically adopt future federal changes, which will take effect in Pennsylvania 60 days after their effective date by the FCC, unless the Commission publishes a notice in the *Pennsylvania Bulletin* that such changes may not take effect. In any event, the Commission reserves authority, pursuant to its general authority under the Code, to deviate from the FCC's rules if Pennsylvania-specific needs arise, or to consider, at a future time, adoption of a new regulatory regime with Pennsylvania-specific rates, terms and conditions for pole attachments. Such a determination to diverge from the federal regulations would require the Commission to initiate a rulemaking proceeding.

At this time, however, the Commission is resolute in the necessity, especially at first and going forward, to proceed with a turn-key adoption of the FCC's pole attachment regulations. As noted in our NPRM, Pennsylvania-specific regulations would be unlikely to provide anything more than incremental improvement above what are well-established installation practices.<sup>80</sup> This approach will meet the needs of Pennsylvania's regulated community in a timely manner. The Commission believes it is well-positioned to balance stakeholder and constituent needs regarding broadband access and physical infrastructure deployment, particularly with opportunity to receive input from the interested public and stakeholders on future changes to the FCC's rules during the 60-day review process established in Chapter 77.

The Commission is amenable to the recommendations advocated by the CBPA, whereby FCC rules concerning attachments would undergo review by the Commission within months of the rules becoming effective at the federal level, and of the PTA, to address rule changes after the industry and regulators have had time to review the success or failure of their implementation. We are unwilling to embrace Verizon's position that we make clear the Commission will not entertain arguments for different rules. At the same time, we will not presently commit to considering the adoption of wholly separate Pennsylvania rates, terms and conditions to replace the federal framework that governs pole attachments, which was advocated for by the OCA.

The Commission reiterates that the most effective means of resolving all these concerns is with an automatic adoption clause coupled with the Chapter 77 review process established in this FRM. As explained previously, the Commission will utilize an automatic adoption process for future changes to the federal pole attachment rules that provides the Commission the opportunity to address such changes prior their taking effect. The Commission will also consider advice it receives from the Working Group. The Commission rejects the suggestion of the CWA to adopt the FCC's rules as they existed on the date our NPRM was released, July 12, 2018, and to ignore the OTMR regime, updated "shot clocks," and self-help allowances subsequently implemented by the FCC.<sup>81</sup> First, even as stakeholders await the Commission's FRM regarding pole attachments, they are implementing the new regime and making appropriate adjustments to their operations. Second, the rules are effective notwithstanding the pending appeals because those rules have not been stayed. Moreover, interested parties were given an opportunity to file comments with the FCC to express their positions and concerns. Thus, these parties

<sup>79</sup> PECO at 2-3; PTA at 6; Verizon Reply Comments at 9.

<sup>80</sup> NPRM at 11.

<sup>81</sup> CWA at 5.

will be in no worse position by the Commission's automatic adoption than if the Commission did not assume jurisdiction.

The Commission also disagrees with First Energy that the Commission was unclear in its intention about newly adopted or future changes to the FCC's regulations.<sup>82</sup> While our NPRM specifically adopted the federal provisions in place in July 2018, Section 77.4 was clear that the Commission intended future changes to become effective as amendments were approved, as occurred through the FCC 2018 Poles Order. The Commission also is not inclined to wait until petitions for reconsideration or any appeals of these recent federal changes are settled. If reversed on appeal, then, of course, the Commission would obey that outcome. In this way, the Commission's rules will consistently mirror those of the FCC. The Commission acknowledges how critical it is to provide regulatory certainty rather than additional burdens and expenses where broadband investment is contemplated and desired.

The Commission agrees with the CTIA that automatic adoption of federal regulations is neither new nor novel to our regulations. The Commission believes that federal amendments taking effect in Pennsylvania 60 days after the FCC's effective date is appropriate to allow affected parties to make necessary adjustments and for the Commission to provide notice to Pennsylvania entities as it deems necessary. Section 77.4 will be amended as follows:

(a) This chapter adopts the rates, terms and conditions of access to and use of utility poles, ducts, conduits and rights-of-way to the full extent provided for in 47 U.S.C. § 224 and 47 CFR Chapter I, Subchapter A, Part 1, Subpart J (relating to pole attachment complaint procedures), inclusive of future changes as those regulations may be amended.

\* \* \* \* \*

(c) Notwithstanding paragraph (b), an amendment or modification under paragraph (a) shall take effect 60 days after the effective date of the Federal change unless the Commission publishes a notice in the *Pennsylvania Bulletin* stating that the amendment or modification may not take effect.

\* \* \* \* \*

The Commission will continue to monitor pole attachment activity at the FCC diligently. This approach will help ensure that the Commission flags changes to the federal pole attachment rules as they occur. However, the Working Group also shall be expected to monitor diligently the FCC's pole attachment regulations and should alert Commission staff of federal regulatory changes that may have Pennsylvania-specific impacts and may need to be investigated further before becoming effective in the Commonwealth. Based on recommendations from the Working Group, the Commission may delay the effective date of federal amendments in Pennsylvania. Additionally, individual parties may petition the Commission for the postponement of FCC amendments, as provided in Chapter 77 of the Commission's regulations even following their adoption.

The Commission finds it unnecessary to add ExteNet's proposed subsection (b) to Section 77.4. No parties will be precluded, through the Commission's adoption of Chapter 77, from petitioning the Commission to initiate a rulemaking to deviate from the federal rules. The Commission is not compelled to include this explicitly in its regulations or to specify how it will address or dispose of

such petitions. Parties are always free under the Public Utility Code to petition the Commission for relief on any matter they deem appropriate and within the Commission's jurisdiction.

As the Commission makes no large or sweeping amendments to its proposed rulemaking, but rather maintains the status quo and clarifies certain provisions in response to stakeholder comments, it is unnecessary to begin a new proposed rulemaking at this time simply to account for FCC reforms. Pole owners, attachers, and other interested parties had an opportunity to place their positions on the record at the FCC prior to the FCC's adoption of its new regime. Parties with Pennsylvania-specific interests have now been given the chance to comment on the Commission's proposals and have provided thoughtful insights about the federal changes for our consideration. Moreover, with future changes to the federal rules, the Commission is establishing a review process that provides notice and opportunity to be heard prior to such changes taking effect in Pennsylvania.

Changes to our pole attachment regulations in the future that deviate from the FCC's rules will come to our attention likely through the efforts of the Working Group and from petitions filed by pole owners and attachers as perceived needs for amendments arise. The Commission is not improperly delegating its authority by incorporating the federal regulations and no parties have provided evidence or cited cases that preclude the Commission from adopting this regulatory framework. Moreover, IRRC has previously approved state agency adoption in toto of federal rules, including the automatic adoption of future changes to the federal rules.

Had the Commission decided to deviate from the proposals in its NPRM, which recommend adopting the FCC's rules inclusive of future changes, we may be more inclined to issue an Advance Notice of Final Rulemaking. However, these final-form regulations are a logical, practical outgrowth of our NPRM. The revisions made in this Final Rulemaking Order from our earlier NPRM are responsive to the issues raised in comments and are not material; stakeholders will not be unexpecting of its conclusions.

#### E. Section 77.5. Resolution of disputes

##### Comments

The Commission's proposed Section 77.5 addresses the resolution of disputes by making its mediation, formal complaint and adjudicative procedures under 52 Pa. Code Chapters 1, 3 and 5 available to stakeholders in pole attachment disputes. Several parties support a dispute process that will reach prompt resolutions of pole attachment issues.<sup>83</sup> The Commission will apply, at least in its initial assertion of jurisdiction, existing FCC regulations concerning rates, terms and conditions of pole attachments.

Regarding dispute resolution, CBPA believes that the Commission could incorporate various aspects of its mediation processes; however, CBPA states that whatever alternative dispute resolution process is chosen, it should allow for prompt resolution and involve Commission staff knowledgeable about pole attachment issues.<sup>84</sup> The PTA adds that an expedited dispute resolution process would be less cumbersome, time-consuming, and expensive than the Commission's formal complaint process.<sup>85</sup>

In 2004, the New York Public Service Commission (NY PSC) adopted an order that addressed dispute resolution

<sup>83</sup> CenturyLink at 2; PTA at 2.

<sup>84</sup> CBPA at 6.

<sup>85</sup> PTA at 3.

<sup>82</sup> First Energy at 3. See also DLC at 4.

of pole attachment issues.<sup>86</sup> In his Statement to the instant rulemaking, Commissioner Norman J. Kennard sought comment on the value of adopting an expedited dispute resolution process similar to the one adopted by the NY PSC. CenturyLink, MAW, and NetSpeed each comment that they would support a similar expedited process.<sup>87</sup> Under that NY PSC process, a pole attachment dispute is discussed at the intermediate level at a company for ten days before going to a “Company Ombudsman” for consideration for an additional twelve days. After this occurs, the dispute may be taken to the NY PSC for expedited resolution.<sup>88</sup> NetSpeed envisions an expedited resolution at the Commission as a substantive decision rendered by Commission staff with significant knowledge of outside plant and the legal provisions pertaining to pole access. Such a process, according to NetSpeed, should be appealable to the full Commission through a formal complaint.<sup>89</sup> CTIA supports an enhanced, expedited process that involves the Commission’s technical staff, but notes that if litigation is unavoidable, Maine’s expedited docket process may be a useful model.<sup>90</sup>

Crown Castle shares its concern that, unlike the FCC which decides many issues “on paper,” the Commission does not currently have a formal complaint adjudication process that omits trial-type hearings before presiding officers in the OALJ, which can be lengthy and costly.<sup>91</sup>

DQE Communications welcomes the opportunity to avail itself to the Commission’s adjudicatory process and notes the difficulty of hiring expensive Washington D.C.-based counsel to obtain results that often prove meaningless due to the time that lapses before a decision is rendered by the FCC. DQE states that rules, processes, and the reconciliation of differences between pole owners and attachers are best handled at the local level, a sentiment shared by many commentators.<sup>92</sup>

ExteNet draws the Commission’s attention to Congress only allowing states to exercise jurisdiction over pole attachment rates, terms and conditions when a state has procedures in place to take action on a complaint within 180 days of the complaint being filed. ExteNet acknowledges the Commission’s inclusion of Chapter 3 of the Commission’s regulations, which allows for emergency relief, in its proposed Section 77.5; however, ExteNet offers more explicit language by proposing a subsection (d):

A final action on any proceeding brought under this chapter shall be issued within 180 days of the filing of a complaint with the Commission. The assigned presiding officer shall have discretion to accordingly adjust responsive timelines provided for under 52 Pa. Code Chapters 1, 3 and 5 to meet this timeframe for resolution.<sup>93</sup>

Verizon cites 47 U.S.C. § 224(c)(3) and updated 47 CFR § 1.1405(f) to remind the Commission that jurisdiction reverts to the FCC if the state does not meet the

statutory deadline in any individual case, 180 days after a complaint is filed with the state.<sup>94</sup> At a minimum, Verizon believes the Commission should comply with the FCC’s 180-day shot clock to decide complaints alleging denial of access and the FCC’s 270-day shot clock that applies to complaints that allege unjust and unreasonable rates, terms, and conditions.<sup>95</sup> Verizon notes that the Commission could make mediation available and provide assistance and incentives for negotiated settlement of disputes.<sup>96</sup>

First Energy claims that the use of “may” in proposed Section 77.5(a) raises the question whether the Commission’s dispute resolution procedures are conclusively to be applied or whether parties or the Commission may choose to apply, in the alternative, the FCC dispute procedures.<sup>97</sup> First Energy also notes that, while the Commission’s procedures could be lengthier than the FCC’s 270-day “shot clock,” which was part of the July 2018 Order, such procedures could allow for a more fully-developed evidentiary record on which to base decisions.<sup>98</sup>

FSN advocates for the Commission to make clear that parties can use the Commission’s abbreviated dispute resolution process (ADRP),<sup>99</sup> which was specifically developed for a limited number of interconnection-type disputes between telecommunications carriers to create a more level playing field for competitors to avail themselves of the Commission’s dispute process and to receive a more timely resolution of disputes with incumbent public utilities.<sup>100</sup> Under this process, the presiding Administrative Law Judge is required to issue an Initial Decision resolving a dispute within 30 calendar days of the filing of the Dispute Resolution Petition. Upon the filing of exceptions and replies, a final Commission order is then due 45 days from the due date for the replies. It is important to note that the ADRP referenced by FSN is a process to obtain an expedited decision from the Commission, which is different than the Commission’s mediation process where no such expedited decision is part of that process.

Subsection (b) states that “Parties before the Commission under [federal law] shall employ the procedural requirements therein except where silent or in cases of conflict where 52 Pa. Code Chapters 1, 3 and 5 will control.” PPL contends that the FCC regulations differ from the Commission’s informal and formal complaint procedure and requests clarification about which regulation will control if there is a conflict.<sup>101</sup> PPL believes that the existing FCC adjudicatory and dispute resolution processes are a starting point on which the Commission can build, but states that Pennsylvania would benefit from a holistic state level perspective that balances the safety and reliability of the electric distribution system, adequate cost recovery for attachments, and the need for timely access to utility infrastructure.<sup>102</sup>

Following concerns expressed by a commentator that it will be difficult for parties to determine federal sections that are silent or that do not control, IRRC requests that the Commission explain how it will implement subsection (b) in the final-form regulation. DLC states that is

<sup>86</sup> Proceeding Motion of the Commission Concerning Certain Pole Attachment Issues, NY Pub. Serv. Comm’n Case 03-M-0432, Order adopting Policy Statement on Pole Attachments (Aug. 6, 2004).

<sup>87</sup> CenturyLink at 6; MAW at 3; NetSpeed at 3.

<sup>88</sup> NetSpeed at 3.

<sup>89</sup> Id.

<sup>90</sup> CTIA at 7 (See Investigation into Practices and Acts Regarding Access to Utility Poles, State of Maine Public Utilities Commission, Docket No. 201–371 (Order entered July 12, 2011)).

<sup>91</sup> Crown Castle at 6.

<sup>92</sup> DQE Communications at 3-4; see also CTIA at 2, First Energy at 2; PECO at 2; PTA at 2 (“While the FCC has recently taken strides to improve the situation...the agency has proven not to be an effective venue for adjudicating grievances which [PTA members] may have with pole owners for a variety of reasons; most notably the costs associated with the time and effort required to achieve a resolution.”).

<sup>93</sup> ExteNet at 8-9.

<sup>94</sup> Verizon at 12-13. Verizon does not address the Section 224(c)(3)(B)(ii) option to establish a decision timeline other than 180 days so long as it does not exceed 360 days.

<sup>95</sup> Verizon at 13.

<sup>96</sup> Id.

<sup>97</sup> First Energy at 5.

<sup>98</sup> First Energy at 12.

<sup>99</sup> Interim Guidelines for Abbreviated Dispute Resolution Process, Docket No. M-00021685, Final Order entered August 31, 2005.

<sup>100</sup> FSN at 3-4.

<sup>101</sup> PPL at 3.

<sup>102</sup> PPL at 5.



unclear whether the Commission expects parties to use the *Pennsylvania Code* or the Code of Federal Regulations in preparing complaints and for dismissals. DLC recommends that the Commission decline to adopt Sections 1.1404—1.1408 (as they were in place in July 2018) and instead utilize 52 Pa. Code Chapters 1, 3 and 5 to adjudicate any disputes.<sup>103</sup>

Regarding the NPRM's proposed Section 77.5(c), IRRC seeks clarification about whether the Commission's adjudicatory functions and processes will look to FCC decisions and precedent to resolve disputes or if the Commission will develop separate precedent as it adjudicates pole attachment matters. This inquiry stems from the Commission's response to Question # 10 on the completed Regulatory Analysis Form (RAF) which stated that "[i]f adopted, Chapter 77 will provide stakeholders with the opportunity to access the [PUC's] adjudicatory resources and to develop precedent relevant to the challenges of broadband deployment in Pennsylvania." IRRC looks to have this statement reconciled with Section 77.5(c), which states that the Commission will consider FCC orders promulgating and interpreting federal pole attachment rules and federal court decisions as persuasive authority in construing 47 U.S.C. § 224 and 47 CFR §§ 1.1401—1.1425.

PECO claims it is unaware of any complaints that the Commission's current dispute resolution process is too slow and does not believe changes to streamline the process are necessary.<sup>104</sup> PECO also proposes to revise Section 77.5(c) to add a new clause to the end, as follows:

...the Commission will consider [FCC] orders promulgating and interpreting federal pole attachment rules and federal court decisions...as persuasive authority in construing the provisions of 47 U.S.C. § 224 and 47 CFR §§ 1.1401—1.1425, *but may deviate from those rulings to make its own determinations of whether rates, terms, and conditions of pole attachments are just and reasonable.*<sup>105</sup>

The CBPA suggests that Section 77.5 be amended to state that FCC orders and federal court decisions be treated as "persuasive, but not presumptive, authority in construing provisions of 47 U.S.C. § 224 and 47 CFR §§ 1.1401—1.1425."<sup>106</sup> NetSpeed is uncomfortable with the language in Section 77.5(c) that provides that the Commission "will consider FCC orders...persuasive authority in construing the provisions of 47 U.S.C. § 224 and 47 CFR §§ 1.1401—1.1425." NetSpeed argues that certain FCC interpretations are unfavorable, could be improved, and then encourages the Commission to be open to deviating from the federal standards as it encounters real-life disputes.<sup>107</sup> Thus, NetSpeed proffers language similar to that used by the NY PSC, which reads:

Our new approach to pole attachments will adhere to the FCC's methods and practices *unless we find a compelling reason to depart from them.*<sup>108</sup>

(Emphasis added).

Meanwhile, CenturyLink supports using Section 77.5(c) as proposed in the NPRM to use FCC requirements as persuasive in construing federal law and FCC regulations.<sup>109</sup>

*Disposition: The Commission Will Permit Parties to Pole Attachment Disputes to Use the Commission's Formal and Mediation Processes to Readily Dispose of Conflicts*

The Commission will make available to parties to pole attachment disputes both its formal complaint process, pursuant to Chapters 1, 3 and 5 of Title 52 of the *Pennsylvania Code* and Title 66 Pa.C.S. (related to the Public Utility Code), as well as its mediation process outlined at 52 Pa. Code §§ 69.391—69.396. These processes will allow for prompt resolution of disputes and utilize staff knowledgeable about pole attachment issues. We agree with the position expressed by several commentators that allowing parties to these disputes to avail themselves to the Commission's processes will result in less time-consuming and expensive resolutions.

As DQE Communications noted, and we agree, the Commission's assertion of jurisdiction will benefit those who often struggle with defending themselves in FCC proceedings. Similarly, we agree with VNCI that the local forum disputes to be adjudicated will allow smaller carriers and companies to pursue formal complaints in a more cost-effective manner.

The Commission disagrees with the assertion of Crown Castle that the Commission does not presently have a formal complaint process that omits trial-type hearings. We note that the Commission's procedural rules allow for the possible resolution of a formal complaint at the pleadings stage prior to any evidentiary, trial-type hearing. Moreover, an evidentiary, trial-type hearing is not always required, as a paper hearing may suffice when only questions of law or policy are involved. The Commission also points out that its mediation process can be utilized as a reasonable alternative that the parties may choose or that the Commission may assign, pursuant to Section 69.392(e) of our regulations. In fact, a party may request mediation prior to the commencement of a proceeding pursuant to Section 69.392(b) of our regulations. We note that when the parties seek mediation following the filing of a formal complaint, the request to seek mediation often acts as a stay upon any statutory or regulatory deadline governing the formal proceeding.

At this juncture, the Commission does not outline an additional expedited dispute process other than noting that the Commission's existing formal process includes a mediation process before or during a formal proceeding. Consequently, the Commission will take a "wait and see" approach on whether such an expedited decision-making process is necessary, depending on what issues arise in adjudicating pole attachment disputes. In the future, the Commission could adopt policies similar to those existing in New York to handle disputes more promptly and meet needs in the public's interest. At present, we will decline from expressly naming the ADRP option in Chapter 77.

Below, the Commission will discuss the creation of a working group which will be convened following adoption of this FRM. One task of the Working Group will be to evaluate the dispute resolution process and how it can be improved to more efficiently meet parties' needs and expectations regarding pole attachments. The Commission believes this will be an appropriate forum for discussion on whether to implement expedited dispute resolution procedures.

Verizon and ExteNet claim that the Commission's jurisdiction reverts to the FCC in any individual case if the state does not meet the statutory deadline and take action within 180 days. 47 U.S.C. § 224(c)(3)(B)(ii) and the updated 47 CFR § 1.1405(f)(2) also allow for the

<sup>103</sup> DLC at 5.

<sup>104</sup> PECO at 14.

<sup>105</sup> PECO at 3.

<sup>106</sup> CBPA at 4.

<sup>107</sup> NetSpeed at 3.

<sup>108</sup> NetSpeed at 3.

<sup>109</sup> CenturyLink at 2.



Commission to retain jurisdiction if Pennsylvania's rules and regulations for final action do not extend beyond 360 days after the filing of a complaint. Against the backdrop of these two provisions, the Commission rejects ExteNet's proposed language for a new subsection to Section 77.5. However, the Commission recognizes the necessity that pole attachment adjudications be completed within 180 days as the Commission's rules do not otherwise prescribe that action must be taken within 360 days. Therefore, we propose to add a new Section 77.5(d) codifying that the Commission will issue a decision within 180 days of the filing of a formal complaint initiating a pole attachment dispute unless good cause is shown for additional time beyond 180 days. If good cause is shown, the Commission will issue its decision within 270 days of the filing of the complaint. This timeline for a decision in a pole attachment dispute is entirely consistent with Section 224(c)(3)(B)(ii) of the PAA. The Commission's OALJ will be mindful of this deadline and dispose of pole attachment disputes accordingly.

First Energy comments that the word "may" in Section 77.5(a) leaves open the question of whether the Commission's dispute resolution processes are to be applied or the FCC's procedures. The Commission takes this opportunity to clarify that Section 77.5(a) merely enables parties to pole attachment disputes to avail themselves of Commission process and have those disputes disposed of by the Commission's OALJ using the formal complaint and/or mediation processes.

In Section 77.5(b), the Commission makes clear that its procedural rules will generally be followed. When Commission regulations are silent, the FCC's procedural regulations found at 47 CFR §§ 1.720—1.740 will control so long as they do not conflict with the Public Utility Code. This disposes of PPL's concern about which procedural regulations control. The Commission does agree with PPL's assessment that Pennsylvania would benefit from a state-level perspective and believes this is precisely the kind of balancing that the Commission can offer to the dispute resolution process that may be less available at the FCC. Moreover, reliance on the Commission's rules of procedure is more efficient and cost-effective than attempts to resolve a Pennsylvania-specific proceeding using federal rules that differ.

The Commission believes that applying its procedural rules in the Public Utility Code and Chapters 1, 3, and 5 of the *Pennsylvania Code* will address the concerns represented by IRRRC. In the instance where the Commission's procedural rules and related precedent are silent, the presiding officers in the OALJ are well-equipped to handle issues raised by parties about federal procedures. In this instance, complaining and responding parties should look to the FCC's streamlined pole attachment procedural regulations found at 47 CFR §§ 1.720—1.740. To the extent that a party believes that these rules fail to provide the same due process protections afforded by our procedural rules, the offended party may raise those arguments in pleadings.

The Commission maintains in its final-form regulations that FCC and court decisions and precedent will be persuasive, and not controlling precedent. IRRRC expresses confusion about this language as compared to our response to Question # 10 on our previously submitted RAF which leaves room for the Commission to develop precedent relevant to broadband deployment across the Commonwealth. The Commission would acknowledge the wisdom of long-standing FCC practice and experience to interpret its pole attachment rules. At the same time, the

Commission anticipates challenges to the federal rules that may come to the Commission for resolution, which have not yet been adjudicated on the federal level once we assume jurisdiction. Similarly, we can envision instances where an interpretation by the FCC, which is charged with developing a nationwide scheme, may not align with Pennsylvania interests.

For reasons like this, the Commission agrees with commentators who state that FCC interpretations should not be presumptive and that, occasionally, reasons may exist to deviate from the FCC's interpretation. Thus, our language in Section 77.5(c) does not preclude the Commission from using its discretion to form separate interpretations to benefit the Commonwealth. FCC orders are persuasive, meaning that they do not establish binding precedent that the Commission would follow regardless of whether any particular application would be rational under a set of given circumstances.

PECO, NetSpeed, and the CBPA propose language to allow the Commission to exercise its discretion in interpreting FCC rules and court decisions. Section 77.5(c) adequately addresses these concerns by clarifying that the Commission will consider FCC orders promulgating and interpreting federal pole attachment rules as persuasive authority.

#### F. *ExteNet's Proposed Transparency Provision*

ExteNet contends that it, and other attachers, have no way of knowing whether they are being treated in a nondiscriminatory manner because most, if not all, pole attachment agreements are not public documents and the FCC's formula for setting pole attachment rates is based on complex information known only to the utility setting such rates. To remedy this claimed shortcoming in the FCC's rules, ExteNet proposes a Section 77.6 to the Commission's regulations titled *Transparency*:

(a) Within 30 days of the effective date of this Chapter, all utilities under the jurisdiction of this Chapter shall file with the Commission, in a docket established for such purpose, any existing pole attachment agreements between that utility and attachers. Utilities shall file all future pole attachment agreements within 14 days of such agreement's execution.

(b) Within 90 days of the effective date of this Chapter, all utilities under the jurisdiction of this Chapter shall file with the Commission, in a docket established for such purpose, any pole attachment and conduit rates and the basis therefore. If a utility enters into an agreement for a rate not previously provided in said docket, such rate and the basis therefore shall be filed with the Commission within 14 days.

#### *Disposition: ExteNet's Proposed Transparency Provision*

The Commission declines to adopt ExteNet's proposed remedy that would require public utilities to file existing pole attachment agreements with the Commission. The Commission does not believe that these documents should be introduced to the public sphere or that the Commission should be custodians of this information. Unless such transparency becomes required due to complaints by pole attachers that they are being treated in a discriminatory fashion, this is not an issue that the FCC has addressed, or that the Commission is inclined to address, in this rulemaking. However, Commission adjudications and rulings on pole attachments agreements and disputes will, upon completion, become public record. Thus, going forward, there should be a far greater degree of transpar-

ency available to stakeholders and the interested public. Moreover, this may be a good topic for the Working Group to consider.

#### G. Private Citizen Letters

Mr. David Hommel supports the service he receives from MAW as well as the Commission's exercise of reverse preemption over pole attachments because he believes it will ensure that competition for other services requiring use of utility poles is free and fair. He expresses concerns that, if private companies can set attachment rates, a "landscape littered with utility poles" will result. He has concerns that private companies that are also public utilities are able to place poles on public and private lands without leasing land because "poles provide a public service."

Ms. Rosemarie Keen supports the regulation of pole attachments, states that PPL should not ask for such high fees, and expresses appreciation for the Lancaster City Connect program.

Mr. David Kob expresses concerns of collusion stating that PPL is refusing to provide MAW access to its poles but is allowing access to Comcast.

Mr. Charles Lardner supports the Commission regulating pole attachments but does not support government regulation where avoidable. He also expresses concerns that PPL is imposing fees to prevent cities from providing services via pole attachments that may be usury or a violation of monopoly or anti-trust laws. He supports the use of a working group or committee to ensure needs of both owners and attachers are incorporated in agreements.

Ms. Carolyn Robbins supports MAW bringing fiber optic internet service to Lancaster. She expresses concerns that PPL is refusing MAW's efforts to submit data for service drop attachments and is removing attachments for "no proven violation." She supports MAW's (1) right to see regulations regarding service drop attachment requirements, (2) offer to pay for "PPL's computer glitch" that required them to reposition attachments, and (3) "expectation to pay a fair price for" make-ready and engineering fees.

Mr. John Roose supports the Commission assuming jurisdiction over pole attachments, rates, and conditions and providing for the timely resolution of disputes. He supports the November 15, 2018 comments from NetSpeed and the October 29, 2018 comments from MAW Communications, specifically regarding expediting the dispute resolution process. He also specifically supports the section of MAW's comments regarding funding to support new commission responsibilities. He expresses concerns regarding the "impasse" between MAW Communications and PPL and that his service may be terminated without further notice. Mr. Roose comments, "[W]e observe a classic David vs. Goliath situation: Big corporations enjoying use of public rights-of-way vs. entities competitively expanding internet services who much depend on access to facilities of the Big Corporations."

Mr. Trevor Roy comments that he is concerned over the "LanCity Connect" project in Lancaster, PA, and is unhappy with what he has read about PPL's behavior regarding poles access. He believes that PPL is not serving the best interests of the public, is not negotiating in good faith, and that competition is needed. He specifically alleges that PPL is "price gouging" engineering costs for pole attachments.

Mr. John Siegrist asks the Commission to create a rule that will not interrupt the internet service provided by

MAW Communications. He agrees with the comments submitted by MAW which state that lengthy disputes are a burden on subscribers who are waiting for high speed broadband service. He also notes that he is satisfied with the services he has received from MAW and that they helped increase competition in the city of Lancaster.

#### Commissioners' Statements And Inquiries

##### Working Group

Comments responding to the Commissioners' specific questions, as presented through their separate statements, focused on the creation of a pole attachments working group. Parties amenable to such a group expressed the need for the scope of the potential working group's existence to be clearly defined.<sup>110</sup>

PPL believes there is great value in establishing a pole attachment working group and looks forward to participating if one is created.<sup>111</sup> The CBPA recommended that the Commission would benefit from a state-specific advisory committee having broad membership comprised of individuals from the Commission's technical personnel, regulated utilities, ILECs, current and potential attachers, and governmental entities. Recommendations regarding engineering and cost recovery issues could be amongst the pole attachment matters discussed.<sup>112</sup> Crown Castle sees merit to the establishment of a working group that bridges private and public entities regarding pole attachment issues.<sup>113</sup> First Energy suggests that a working group could help clarify how the Commission intends to address new, yet-to-be promulgated FCC regulations and contribute to discussions about whether the Commission's dispute resolution processes are mandatory or whether the FCC procedures may be used.<sup>114</sup>

DQE Communications, DLC and Verizon see no value in establishing a working group at this time.<sup>115</sup>

##### Disposition: Creation of a Pole Attachment Working Group

The Commission proposes to add Section 77.7, which will institute a pole attachment Working Group consisting of industry, Commission staff, and the Statutory Advocates. The Law Bureau, in coordination with the Bureau of Technical Utility Services and the Office of Special Assistants, shall be responsible for convening a stakeholder working group that pole owners (including those exempt from commission regulation), attachers, the Statutory Advocates, and main interest groups will be invited to join. The Working Group will be established within 30 days of the effective date of Chapter 77.

The Working Group shall be charged with monitoring and advising the Commission on federal and state pole attachment issues, providing an ongoing forum for parties to discuss issues and ideas regarding pole attachment regulations, and evaluating the effectiveness and efficiency of Commission complaint, mediation, and dispute resolution processes. The Working Group shall convene at least annually, but also may convene upon stakeholder request to address specific issues that may arise. Moreover, as previously discussed, the Working Group may advise the Commission that it believes a future change to the federal pole attachment rules should not apply in Pennsylvania.

<sup>110</sup> CenturyLink at 6-7 ("If the Commission wants to undertake a workshop, it should be limited in scope—i.e., limited to how best to implement the FCC requirements and the[Commission's] process for handling disputes."); see also CTIA at 8; PECCO at 16.

<sup>111</sup> PPL at 4.

<sup>112</sup> CBPA at 4.

<sup>113</sup> Crown Castle at 10; see also MAW at 2; PREA at 3.

<sup>114</sup> First Energy at 13.

<sup>115</sup> DQE Communications at 4; DLC at 7; Verizon at 17.

The Law Bureau shall be responsible for presenting the Commission with issues the Working Group identifies as requiring attention or amendment. The Law Bureau shall annually report its findings to the Commission regarding issues developed in the stakeholder working group along with any recommended Commission action as appropriate. This Working Group will provide a forum in which interested stakeholders can discuss issues that have arisen and ideas for more effective regulation of pole attachments. As several commentators requested that such a working group include pole owners exempt from regulation for their insight, the Working Group will include these stakeholders. As a preview, the Commission specifically identifies one prospective topic that such a working group might be asked to address: expedited and abbreviated dispute resolution processes.

This Working Group will continue dialogue between pole owners and pole attachers as well as provide a forum for all stakeholders to influence policy and recommend changes to benefit Pennsylvanians. The Commission believes that an ongoing working group to discuss pole attachment concerns will ensure that the Commission remains apprised of industry concerns and will aid in resolving disputes efficiently and deploying broadband across the state while being mindful of electric safety and reliability.

*Comprehensive Registry of Poles and Pole Attachments*

CBPA supports a centralized, comprehensive registry that (1) is accessible by current and future pole attachers; (2) is free of cost to access; (3) includes what is attached and in which space an attachment is located; (4) is updated frequently to insure accurate information; and (5) contains industry-accepted measurement data.<sup>116</sup> MAW also supports the concept of a comprehensive registry to accelerate broadband deployment, assist in expediting disputes, and decrease costly repeated surveying of poles.<sup>117</sup>

CenturyLink and PECO opine that a registry of poles and attachment is problematic in terms of maintenance and would be an expensive endeavor.<sup>118</sup> DLC adds that there is little necessity and limited benefit to ratepayers in creating such a registry.<sup>119</sup> Pole owners often consider such information proprietary and collection and disclosure could create national security concerns and cybersecurity vulnerabilities.<sup>120</sup> PECO also notes that, consistent with current FCC policy, many utilities provide maps on a confidential basis to attaching entities that request and pay for this information.<sup>121</sup>

The OCA suggests that the Commission should consider compiling information from facility owners such as the rates charged (and supporting documents), how they track/manage pole and conduit investments, and specific characteristics of the facilities, as well as any “photographic inventory of poles and manhole access to conduits.” OCA states that such information may help the Commission meet the commitment set out in Section 224(c) that it “consider the interests of the subscribers of the services offered via such attachments, as well as the interests of the consumers of the utility services.”<sup>122</sup>

*Disposition: Comprehensive Registry of Poles and Pole Attachments*

While the Commission understands the benefits that pole attachers might receive from the creation of such a registry, these benefits are outweighed by the concerns expressed by the parties opposing such a registry, as has been decided in other jurisdictions. The cost to build, maintain, and update such a registry are likely prohibitive considering the limited value to the public of such a registry. Additionally, the Commission believes in being vigilant against threats to national security, in protecting critical infrastructure, and in avoiding cybersecurity vulnerabilities. Such a registry could pose a threat in all three areas.

Moreover, PECO’s reference to FCC policy that requires many utilities to keep up-to-date maps that can be made available on a confidential basis to attaching entities also undermines the need for a comprehensive registry. Finally, the scarce resources devoted to designing, implementing, and updating a Pennsylvania-specific database for all poles in the Commonwealth are better allocated to investment in broadband infrastructure, including the attachments that will be needed to expand broadband.

*Standardized Agreements and Tariffs*

State-wide standardized agreements and tariffs were largely rejected as commentators prefer to negotiate or to use their own standardized agreements and enjoy the flexibility of agreements specific to the owner and attaching party.<sup>123</sup>

While acknowledging that the Commission may wish to standardize formulae and terms for pole attachment agreements in the future, CBPA does not believe this should be a priority as the Commission asserts jurisdiction over attachments.<sup>124</sup> Crown Castle noted that standardized agreement terms that comport with the FCC’s rules may be useful in creating efficiencies and could reduce conflict and delay; however, Crown Castle does not support a tariff approach to attachments.<sup>125</sup>

CenturyLink argues that pole attachment agreements should be negotiated and that the Commission should only become involved if negotiations fail between parties.<sup>126</sup> Similarly, PECO has a standardized agreement that attaching entities negotiate by adding changes and believes its system does not require change.<sup>127</sup> CTIA believes that requiring tariffs or standardized agreements is an extra layer of process that may cause conflict with the FCC’s requirements and that is unnecessary.<sup>128</sup> Verizon notes that the FCC does not require pole owners to maintain standardized agreements or tariffs and sees no need for a state-specific requirement in Pennsylvania.<sup>129</sup>

MAW supports such agreements and believes a working group could be empowered to generate a state-wide standardized pole attachment agreement that meets the needs of pole owners and attachers while enabling safe but expedited broadband deployment.<sup>130</sup>

*Disposition: Standardized Agreements and Tariffs*

Based on the varied comments that the Commission received regarding standardized agreements, the Commission is not persuaded to pursue this matter. The Commis-

<sup>116</sup> CBPA at 6.  
<sup>117</sup> MAW at 2.  
<sup>118</sup> CenturyLink at 6; PECO at 15; Verizon at 16-17.  
<sup>119</sup> DLC at 6; see also PPL at 6.  
<sup>120</sup> CenturyLink at 6; see also CTIA at 8; DLC at 6 (The Company maintains a database of its poles but has serious concerns regarding making that database accessible to others outside the Company); First Energy at 13; PECO at 15; Verizon at 17.  
<sup>121</sup> PECO at 15.  
<sup>122</sup> OCA at 7.

<sup>123</sup> First Energy at 13; PPL at 6.  
<sup>124</sup> CBPA at 6; see also DLC at 6 and NetSpeed at 4.  
<sup>125</sup> Crown Castle at 10.  
<sup>126</sup> CenturyLink at 6.  
<sup>127</sup> PECO at 15.  
<sup>128</sup> CTIA at 8.  
<sup>129</sup> Verizon at 17.  
<sup>130</sup> MAW at 2.



sion agrees with the CBPA, DLC and NetSpeed that such agreements need not be prioritized presently. The Commission will allow our final-form regulations to become effective and may choose to revisit standardized agreements at a time in the future if it becomes evident that these might create efficiencies or lessen the number of disputes between pole owners and attachers. This would be a good topic for the Working Group to consider, including the development of a “best practices” model agreement for use as well.

*Potential Lack of Consensus Between Parties about Pole Attachment Agreements*

The CBPA believes that consensus may not be possible considering the varied positions of pole owners, existing and potential attachers and service providers, and the public. The CBPA comments that attempts to find such common ground would delay broadband development to the detriment of consumers and attachers.<sup>131</sup> CenturyLink contends that, by adopting the proposed regulation at Section 77.5(c), the Commission’s rules are broad and flexible to handle regulatory changes made by the FCC or courts.<sup>132</sup> CTIA contends that it is most efficient to resolve differences under a single set of rules, the FCC’s rules, rather than multiple regimes.<sup>133</sup>

PECO proposes a new section to Chapter 77 with respect to voluntarily negotiated agreements, which is currently used in Arkansas:

Section 77.6. Voluntarily Negotiated Agreements. Nothing in these Rules prevents or limits the ability of a pole owner and an attaching entity to enter into a voluntarily negotiated written agreement regarding the rates, terms, and conditions for pole attachment access. Voluntarily negotiated agreements are preferred and encouraged by the Commission. Nothing in these rules shall be interpreted to supersede or modify any lawful rate, term, or condition of a voluntarily negotiated written agreement.

According to PECO, this will protect existing and newly-negotiated agreements and will preserve Commission resources.<sup>134</sup>

*Disposition: Lack of Consensus Between Parties about Pole Attachment Agreements*

The Commission prefers and encourages parties to voluntarily negotiate and develop reasonable pole attachment agreements. This policy goal leads the Commission to adopt PECO’s proposed Section 77.6, Voluntarily Negotiated Agreements, which will recognize the rates, terms, and conditions for pole attachment access upon which pole owners and attaching entities mutually agree.

*Effect of Broadband Deployment Advisory Committee (BDAC)*

CBPA and Verizon state that the influence of the BDAC will only be felt based on any rules or regulations that the FCC adopts that originate from that group. Attempts to address what the BDAC’s deliberations may result in would be speculative.<sup>135</sup> CenturyLink asserts that the FCC appears to have considered BDAC input in its 2018 Poles Order.<sup>136</sup>

*Disposition: Effect of BDAC*

As the Commission reviews FCC pole attachment rules, BDAC recommendations will be incorporated to the extent adopted and made effective by the FCC.

*Commission Ratemaking Requirements*

CTIA does not believe the interplay between Commission ratemaking requirements and the FCC’s pole attachment regulations will be problematic as the FCC’s rate methodology for pole attachments has withstood judicial review.<sup>137</sup> First Energy notes that the expansion of broadband access may involve issues unique to Pennsylvania’s geography, demographics, and the corporate structures of EDCs, ILECs, CLECs and cable television companies (CATV).<sup>138</sup> The PTA notes that if the Commission would want to assume jurisdiction over entities exempt from the PAA, statutory changes would be required.<sup>139</sup>

*Disposition: Commission Ratemaking Requirements*

The Commission agrees with the PTA’s assessment that statutory changes by the General Assembly would need to occur for the Commission to assert jurisdiction over entities exempt from the PAA. Moreover, the rate formulas and procedures used to derive rates under FCC rules have been established and govern rates to this date. We see no reason to deviate from FCC-based rates or ratemaking procedures.

*Interaction Between Future Pennsylvania Statutes Addressing Pole Attachments and the Incorporated FCC Framework*

First Energy responds that the Commission should acknowledge that EDCs may adopt construction standards above the minimum safety standards issued by NESC or OSHA and that restoring electric services due to storms or other outages must be prioritized over the speed of broadband deployment.<sup>140</sup> PECO mentions House Bill No. 2564, which would apply only to decisions by municipalities over wireless carrier access to municipal rights-of-way and municipal role, but contends that FCC pole attachment regulations apply only to poles owned or controlled by EDCs and ILECs, meaning the Bill would have no effect on the regulations adopted by the Commission.<sup>141</sup>

*Disposition: Interaction Between Future Pennsylvania Statutes Addressing Pole Attachments and the Incorporated FCC Framework*

The Commission agrees that restoration of electric service due to storms or other outages should be prioritized over the speed of broadband deployment but finds that EDCs must exist within the federal framework, now adopted as the state’s regime, to allow construction and pole attachments.

*Forecasting Disputes and Additional Caseload and Demands*

Questions were raised regarding the impact of our pole attachment NPRM on Commission resources, the potential cost to the Commission of this undertaking, and potential new revenue sources, and they were directed to be explored and answered in this process.<sup>142</sup> Parties were largely unable to forecast the number of disputes expected or the additional caseload and resources the Commission would need to expend to assert jurisdiction over pole attachments.

<sup>131</sup> CBPA at 2-3.

<sup>132</sup> CenturyLink at 3-4.

<sup>133</sup> CTIA at 3.

<sup>134</sup> PECO at 4-5.

<sup>135</sup> CBPA at 3.

<sup>136</sup> CenturyLink at 3; see also CTIA at 4; PECO at 10.

<sup>137</sup> CTIA at 5.

<sup>138</sup> First Energy at 11.

<sup>139</sup> PTA at 5.

<sup>140</sup> First Energy at 10.

<sup>141</sup> PECO at 10.

<sup>142</sup> See July 12, 2018 Statement of Vice Chairperson, then Commissioner, David W. Sweet.



CBPA offers, anecdotally, that the time and cost of litigating disputes before the FCC may be depressing the number of actual disputes that exist regarding pole attachments. Still, CBPA expresses that any cost to the Commission is appropriate given the shared goal of expanding broadband across Pennsylvania. CBPA also suggests that it would be appropriate to impose a modest fee upon complainants.<sup>143</sup>

CenturyLink states that pole owners and attachers often try to address disputes on a business-to-business basis, which should limit the escalation of disputes.<sup>144</sup> Crown Castle is concerned about the Commission's ability to handle the increased workload to resolve disputes.<sup>145</sup>

CTIA alleges that it has no data that would allow it to provide a fact-based response; any attempt at quantification would be speculation.<sup>146</sup> CTIA notes that the Commission's jurisdiction may not extend to many attachers in Pennsylvania, limiting the Commission's ability to raise additional revenue and placing such attachers in a similar category to customers filing a formal complaint at the Commission. According to CTIA, neither the Public Utility Code nor federal law, rule or regulation, including the FCC's pole attachment regulations, appear to authorize such an assessment, meaning that the Commission would be limited to raising additional revenue from entities subject to its jurisdiction.<sup>147</sup> MAW proposes that pole owners and attachers, which both have responsibility to customers to resolve disputes, share equally the expenses associated with the Commission undertaking this jurisdiction.<sup>148</sup>

DQE Communications states that it would avail itself of the Commission's process to adjudicate disputes but is unable to estimate how often it might pursue this course. DQE Communications also opines that disputes may be resolved more amicably now that both parties to an issue know that the Commission's process is readily available.<sup>149</sup> First Energy shares that their affiliates' experiences in other states do not predict a prohibitive expansion of formal complaints.<sup>150</sup>

MAW cannot estimate the number of disputes the Commission might expect, but opines that standardized attachment agreements would lessen the overall number of disputes.<sup>151</sup> PECO states that it cannot predict the future and has not had disputes with attachers in recent memory; the company hopes that the Commission's assumption of jurisdiction would not encourage attaching entities to be more aggressive and claims that its proposal to protect existing and newly-negotiated agreements is intended to combat any such aggression.<sup>152</sup> The PTA also expresses the difficulty in attempting to forecast how many disputes may come to the Commission or the potential increased burden on Commission personnel.<sup>153</sup> Verizon is unable to forecast the caseload the Commission might expect, notes two open pole attachment complaint proceedings at the FCC that both involve Pennsylvania utilities, and states that it has no open FCC pole attachment complaints.<sup>154</sup>

Verizon suggests that the Commission consider excluding pending FCC proceedings from reverse preemption to

prevent delay or additional expense. Verizon at 14. However, federal law requires the FCC to forward to the Commission any pending case affected by our assertion of jurisdiction over pole attachments, to notify the parties involved, and to give public notice thereof.<sup>155</sup> The Commission cannot modify this rule as it relates to actions taken by the FCC. Regarding cases transferred to the Commission by the FCC, the Commission will take final action within 180 days unless good cause is shown. If such cause is shown, the Commission will issue a final order no later than 270 days from the transfer.

*Disposition: Forecasting Disputes and Additional Caseload and Demands*

Based on the comments received to this rulemaking, forecasting the number of disputes that may come to the Commission or the additional caseload and resources needed, will not be predictable until the Commission's regulations are in force. Still, stakeholders agree that the Commission's assertion of jurisdiction outweighs the costs and trust the expertise at the Commission to adjudicate disputes.

*Unauthorized Attachments*

CBPA simply states that the Commission will have to consider whether additional, specific procedures are necessary to address unauthorized attachments.<sup>156</sup> CenturyLink comments that it would support an expedited process similar to New York's to address unauthorized attachments and shares that the Commission could use its existing adjudicatory process to address liability or to impose fines.<sup>157</sup> CTIA shares that its preferred method for addressing unauthorized attachments is through contracts it enters.<sup>158</sup> DLC can envision a situation whereby unauthorized attachments could be brought before the Commission via formal complaint, enabling parties to obtain timely relief.<sup>159</sup> First Energy submits that the FCC provides a bifurcated avenue (i.e., liability and damages) for unauthorized attachments, but that the Commission could uphold suspension of new attachments as a penalty for nonpayment of unauthorized attachment fees, make-ready construction costs, and annual rental payments.<sup>160</sup>

In correlation with its recommendation that a comprehensive registry be developed with a mandatory three-year update policy, MAW believes that a fee totaling no more than three times the annual pole attachment rate is sufficient. MAW notes that, in its experience, removals largely affect subscribers of removed networks and, therefore, does not believe that removing unauthorized attachments should be permissible. A pole owner should be enabled to bring unauthorized attachments into compliance with the attacher being held financially responsible and receiving a standardized fine per attachment.<sup>161</sup>

PECO proposes a flat fee of \$200 per unauthorized wireline attachment and a significantly more severe penalty of \$2,500 per unauthorized wireless attachment. PECO believes that unauthorized wireless attachments will become much more commonplace with the rollout of wireless 5G antennas on utility poles, which will be installed on top of electric utility poles in the electric space. PECO contends that a meaningful deterrent is

<sup>143</sup> CBPA at 5.  
<sup>144</sup> CenturyLink at 5.  
<sup>145</sup> Crown Castle at 6.  
<sup>146</sup> CTIA at 6.  
<sup>147</sup> CTIA at 9.  
<sup>148</sup> MAW at 4.  
<sup>149</sup> DQE Communications at 4.  
<sup>150</sup> First Energy at 11.  
<sup>151</sup> MAW at 4.  
<sup>152</sup> PECO at 13.  
<sup>153</sup> PTA at 3.  
<sup>154</sup> Verizon at 14.

<sup>155</sup> 47 CFR § 1.1405(d).  
<sup>156</sup> CBPA at 5.  
<sup>157</sup> CenturyLink at 5.  
<sup>158</sup> CTIA at 6.  
<sup>159</sup> DLC at 7.  
<sup>160</sup> First Energy at 11-12.  
<sup>161</sup> MAW at 3.

required due to such attachments being potentially life-threatening and hazardous to the electric system.<sup>162</sup>

The PTA advises that no additional mechanisms are necessary at this juncture because the FCC provides a means for pole owners to address unauthorized attachments. Once the Commission asserts jurisdiction, if a proven need arises for enforcement action around unauthorized attachments, the PTA states that Commission action could benefit pole owners.<sup>163</sup> PPL agrees that no additional enforcement mechanism is currently necessary and states that pole owners are currently required to enforce the terms of their pole attachment agreements, which prohibit unauthorized attachments.<sup>164</sup> Verizon agrees that no action is needed.<sup>165</sup>

*Disposition: Unauthorized Attachments*

The Commission believes that, as we adopt these regulations in the first instance, the handling of unauthorized attachments will be addressed privately through contracts entered by pole owners and attachers and, where needed, by the adjudication of unauthorized attachment disputes filed with the Commission based upon the existing FCC rules. We note that the Commission typically does not favor telecommunications public utilities engaging in “self-help” to resolve disputes. As disputes come before us, the Commission recognizes that an updated approach to unauthorized attachments may become necessary, particularly as FCC orders promulgate or interpret pole attachment rules.

*NY PSC Expedited Dispute Resolution*

CTIA has no experience with the New York process because the New York PSC has not promulgated rules giving wireless carriers the right to attach to utility poles.<sup>166</sup> First Energy has no experience with the New York procedures.<sup>167</sup>

MAW, NetSpeed and the PTA support an expedited resolution process similar to the NY PSC’s 2004 Order.<sup>168</sup> The PTA asserts that New York’s expedited process may be beneficial in allowing its members to meet deadlines and provide certainty to alert customers when broadband services may be available.<sup>169</sup>

PECO contends no changes are necessary.<sup>170</sup> Verizon agrees, adding that it is not necessary to look at other states’ processes because the Commission’s own rules provide sufficient flexibility.<sup>171</sup>

*Disposition: NY PSC Expedited Dispute Resolution*

As shared above, while the Commission does not presently adopt a form of expedited dispute resolution, we are aware of the support for a process that resembles New York’s. This is an avenue the Commission may explore at a later time. Nevertheless, we note that parties to a pole attachment dispute will have access to the Commission’s mediation process outlined at 52 Pa. Code §§ 69.391–69.396.

<sup>162</sup> PECO at 14. PECO references the April 2011 Order which permits an unauthorized attachment fee of five times the current annual rental fee per pole if the pole occupant does not have a permit and the violation is self-reported or discovered through a joint inspection, with an additional sanction of \$100 per pole if the violation is found by the pole owner in an inspection in which the pole occupant declines to participate. PECO at 13-14.

<sup>163</sup> PTA at 3.

<sup>164</sup> PPL at 4.

<sup>165</sup> Verizon at 16.

<sup>166</sup> CTIA at 7.

<sup>167</sup> First Energy at 12.

<sup>168</sup> MAW at 3; NetSpeed at 3.

<sup>169</sup> PTA at 3.

<sup>170</sup> PECO at 14.

<sup>171</sup> Verizon at 16.

*IRRC’S Remaining Comments*

IRRC reminds the Commission that a quantification of the potential fiscal impact of a proposed rulemaking is required and requests that the RAF attached to the final-form rulemaking identify the number of pole attachment adjudications it expects, the costs associated with adjudication for both parties to a dispute, and the costs to adjudicate a dispute for the Commission. IRRC seeks additional information related to how this rulemaking compares to other states that have exercised reverse preemption under TA96. Finally, IRRC asks the Commission to identify the type and number of small businesses that will be affected in the RAF.

The Commission will attempt to satisfy IRRC’s request to quantify the fiscal impact of asserting jurisdiction over pole attachment and the number of adjudications the Commission expects, but believes this will be difficult to answer with accuracy until the regulation is finalized and the Commission begins making formal complaint proceedings and mediation available to the regulated community. Moreover, the Commission notes that parties such as DQE Communications urged the Commission to act, in part, because the costs to litigate and secure resolution to a conflict at the FCC required DC-based local counsel with results that were often outdated. This process was apparently devoid of the mediation option this Commission provides here, involved considerable expense for outdated results from counsel which, as has been noted, can be daunting. The parties who supported the assertion of jurisdiction based on this cost-benefit analysis, however, failed to submit any detailed cost information in the record sufficient to quantify the anticipated savings. The Commission will respond more fully to how other states have exercised reverse preemption under TA96 as well as how its rulemaking will affect small businesses when it submits its RAF.

*Conclusion*

This order sets forth final-form regulations regarding the Commission claiming jurisdiction over pole attachments from the FCC pursuant to 47 U.S.C. § 224. This order addresses physical infrastructure relied upon to deliver broadband services to end-user customers across the Commonwealth. Our decision allows the Commission to lend its expertise and adjudicatory resources, as well as provides a local forum, for disputes between pole owners and attaching entities to be resolved.

The Commission will implement the FCC’s regulations in turn-key fashion as they are in effect on the date this regulation is adopted. We assert jurisdiction over all utilities and facilities regulated by the Pennsylvania Public Utility Code but will not infringe on express federal exemptions regarding which entities come under our pole attachment regulations. Our final-form regulations include a mechanism to provide for the automatic adoption of future changes to the FCC’s pole attachment complaint procedure regulations at 47 CFR Chapter I, Subchapter A, Part 1, Subpart J.

The Commission, through the Law Bureau, which will coordinate with the Bureau of Technical Utility Services and the Office of Special Assistants, will create a Working Group to monitor, discuss, and advise the Commission on pole attachment issues both locally and federally. This Working Group will be comprised of public utilities, interest groups, and other stakeholders, including those entities exempt from the Commission’s regulation. This Working Group will be created no later than 30 days from the effective date of this FRM.

The Commission will permit parties to pole attachment disputes to avail themselves of our formal complaint and mediation processes, as well as the abbreviated dispute resolution with the FCC rules controlling only if the Commission’s rules are silent.

Accordingly, under sections 313, 314, 501, 701, 1301, and 1501 of the Public Utility Code (66 Pa.C.S. §§ 313, 314, 501, 701, 1301, and 1501); sections 201 and 202 of the act of July 31, 1968 (P.L. 769 No. 240) (45 P.S. §§ 1201 and 1202) and the regulations promulgated thereunder at 1 Pa. Code §§ 7.1, 7.2 and 7.5; section 204(b) of the Commonwealth Attorneys Act (71 P.S. § 732.204(b)); section 745.5 of the Regulatory Review Act (71 P.S. § 745.5); and section 612 of The Administrative Code of 1929 (71 P.S. § 232), and the regulations promulgated thereunder at 4 Pa. Code §§ 7.231—7.234, we seek to finalize the regulations set forth in Annex A, attached hereto; *Therefore,*

*It Is Ordered That:*

1. The Commission hereby adopts the revised final regulations set forth in Annex A.
2. The Law Bureau shall submit this Order and Annex A for review by the Legislative Standing Committees, and for review and approval by the Independent Regulatory Review Commission.
3. The Law Bureau shall submit this Order and Annex A to the Office of Attorney General for review as to form and legality and to the Governor’s Budget Office for review of fiscal impact.
4. The Law Bureau shall deposit this Order and Annex A with the Legislative Reference Bureau to be published in the *Pennsylvania Bulletin*.
5. The final regulations embodied in Annex A shall become effective upon publication in the *Pennsylvania Bulletin*.
6. The Law Bureau, in coordination with the Bureau of Technical Utility Services and the Office of Special Assistants, shall establish a stakeholder working group within 30 days of the effective date of Chapter 77.
7. Active cases transferred from the FCC pursuant to 47 CFR § 1.1405(d) will be decided by the Commission within the time prescribed by Chapter 77; the time of filing of the complaint will be measured from the date of receipt of the transfer by the Public Utility Commission.
8. The Law Bureau shall annually report its findings regarding issues developed in the stakeholder working group along with any recommended Commission action as appropriate.
9. The Secretary shall serve a copy of this Order and Annex A upon all jurisdictional fixed utility service providers, the Pennsylvania Telephone Association, the Broadband Cable Association of Pennsylvania, the Energy Association of Pennsylvania, The Pennsylvania Wireless Association, all jurisdictional Competitive Access Providers, the Office of Consumer Advocate, the Office of Small Business Advocate, the Commission’s Bureau of Investigation and Enforcement, and all other parties that filed comments at Docket No. L-2018-3002672, Assumption of Commission Jurisdiction Over Pole Attachments from the Federal Communications Commission.
10. A copy of this Order and Annex A shall be posted on the Commission’s website at the Electricity and Telecommunications web pages.
11. The contact persons for this Final Rulemaking are Colin W. Scott, Assistant Counsel, (717) 787-5959 and

Shaun A. Sparks, Deputy Chief Counsel, (717) 787-5000. Alternate formats of this document are available to persons with disabilities and may be obtained by contacting Laura Griffin, Regulatory Review Assistant, Law Bureau, (717) 772-4597.

ROSEMARY CHIAVETTA,  
*Secretary*

(*Editor’s Note:* See 49 Pa.B. 7256 (December 7, 2019) for IRRC’s approval order.)

**Fiscal Note:** Fiscal Note 57-323 remains valid for the final adoption of the subject regulations.

**Annex A**

**TITLE 52. PUBLIC UTILITIES**

**PART I. PUBLIC UTILITY COMMISSION**

**Subpart C. FIXED SERVICE UTILITIES**

**CHAPTER 77. POLE ATTACHMENTS**

**§ 77.1. Statement of purpose and preemption.**

This chapter exercises reverse preemption of the jurisdiction of the Federal Communications Commission over pole attachments under section 224(c) of the pole attachments act (47 U.S.C. § 224(c)) to improve the ability of persons and entities to utilize pole attachments within this Commonwealth and subject to regulation under 47 U.S.C. § 224 and the regulations promulgated thereunder at 47 CFR Chapter I, Subchapter A, Part 1, Subpart J (relating to pole attachment complaint procedures).

**§ 77.2. Applicability.**

(a) This chapter applies to all utility poles, ducts, conduits and rights-of-way under this Commission’s jurisdiction and subject to 47 U.S.C. § 224 and 47 CFR Chapter I, Subchapter A, Part 1, Subpart J (relating to pole attachment complaint procedures) as those regulations may be amended, but excluding any person or entity expressly exempted by 47 U.S.C. § 224(a)(1) and 47 CFR 1.1402(a) (relating to definitions).

(b) For the purposes of this chapter, the Commission will apply the definition of “pole attachments” as codified in section 224(a)(4) of the pole attachments act (47 U.S.C. § 224(a)(4)), the definition of “utility” as codified in 47 U.S.C. § 224(a)(1), and the definition of “telecommunications carrier” as codified in 47 CFR 1.1402(h).

**§ 77.3. Commission oversight.**

(a) This chapter establishes the Commission’s regulatory authority over the rates, terms and conditions of access to and use of utility poles, ducts, conduits and rights-of-way to the full extent of this Commission’s jurisdiction and authority and as provided for in 47 U.S.C. § 224 for pole attachments but excluding any person or entity expressly exempted by 47 U.S.C. § 224(a)(1) and 47 CFR 1.1402(a) (relating to definitions) as of 60 days after the effective date of this chapter.

(b) The Commission has the authority to consider the interests of the subscribers of the services offered by means of pole attachments, as well as the interests of the consumers of the utility services.

**§ 77.4. Adoption of Federal Communications Commission regulations.**

(a) This chapter adopts the rates, terms and conditions of access to and use of utility poles, ducts, conduits and rights-of-way to the full extent provided for in 47 U.S.C. § 224 and 47 CFR Chapter I, Subchapter A, Part 1,



Subpart J (relating to pole attachment complaint procedures), inclusive of future changes as those regulations may be amended.

(b) For an amendment or modification under paragraph (a) that takes effect in Pennsylvania by operation of law under paragraph (c) or (e), the Commission will publish notice of the effective date in Pennsylvania in the *Pennsylvania Bulletin*.

(c) Notwithstanding paragraph (b), an amendment or modification under paragraph (a) shall take effect 60 days after the effective date of the Federal change unless the Commission publishes a notice in the *Pennsylvania Bulletin* stating that the amendment or modification may not take effect.

(d) A Commission notice issued under paragraph (c) will provide an opportunity for public comment on the Federal change. Comments may be filed with the Commission no later than 15 days following publication of the Commission notice in the *Pennsylvania Bulletin*.

(e) An amendment or modification under paragraph (a) that is the subject of a Commission notice pursuant to paragraph (c) shall become effective 60 days after publication of the notice in the *Pennsylvania Bulletin* unless the Commission determines otherwise for good cause shown.

#### § 77.5. Resolution of disputes.

(a) Persons and entities subject to this chapter may utilize the mediation, formal complaint and adjudicative procedures under 52 Pa. Code Chapters 1, 3 and 5 (relating to rules of administrative practice and procedure; special provisions; and formal proceedings) of the Commission's regulations to resolve disputes or terminate controversies.

(b) Parties before the Commission under this chapter shall employ the procedural requirements in 52 Pa. Code Chapters 1, 3 and 5, Title 66 Pa.C.S. (relating to the public utility code), and related Commission precedent except where silent, in which case 47 U.S.C. § 224 or 47 CFR Chapter I, Subchapter A, Part 1, Subpart J (relating to pole attachment complaint procedures) will control.

(c) When exercising authority under this chapter the Commission will consider Federal Communications Commission orders promulgating and interpreting Federal pole attachment rules and Federal court decisions reviewing those rules and interpretations as persuasive authority in construing the provisions of 47 U.S.C. § 224 and 47 CFR Chapter I, Subchapter A, Part 1, Subpart J.

(d) The Commission will take final action consisting of an order that will issue within 180 days of the filing of a formal complaint initiating a pole attachment dispute as required by 47 U.S.C. § 224(c)(3)(b)(i) except for good cause shown. If the Commission determines that a final action will not issue within 180 days, the Commission will issue a final action consisting of an order no later than 270 days from the filing of the formal complaint as permitted by 47 U.S.C. § 224(c)(3)(b)(ii).

#### § 77.6. Voluntarily negotiated agreements.

(a) This chapter does not prevent or limit the ability of a pole owner and an attaching entity to enter into a voluntarily negotiated written agreement regarding the rates, terms and conditions for pole attachment access.

(b) Voluntarily negotiated agreements are preferred and encouraged by the Commission.

(c) This chapter does not supersede or modify any lawful rate, term or condition of a voluntarily negotiated written agreement.

#### § 77.7. Working Group.

(a) *Purpose.* The Commission will establish a pole attachment working group to ensure that the Commission remains apprised of industry concerns, that Federal amendments are properly vetted before becoming effective in this Commonwealth and that dispute resolution processes are efficient and effective.

(b) *Creation of Working Group.* The Commission's Law Bureau will establish the Working Group, in coordination with the Commission's Bureau of Technical Utility Services and the Office of Special Assistants, no later than 30 days from the effective date of this chapter.

(c) *Membership.* The Commission will invite persons and entities that it determines to be in the public interest to participate in the Working Group including, but not limited to, the following:

- (1) Commission staff from the Law Bureau, technical utility services, and the office of special assistants.
- (2) Pole owners.
- (3) Pole attachers.
- (4) The statutory advocates.
- (5) Interest groups, including the Pennsylvania Telephone Association, the Broadband Cable Association of Pennsylvania, and the Pennsylvania Office of Broadband Initiatives or their respective successor persons or entities.

(d) *Meeting Frequency.* The Working Group shall convene at least once annually but may convene at other times, as the Working Group deems necessary or at the direction of the Commission.

(e) *Duties.* The Working Group shall:

- (1) Monitor and advise the Commission on Federal and State pole attachment issues, including advising the Commission on whether to adopt any future change to the FCC's pole attachment rules.
- (2) Provide an ongoing forum for stakeholders, pole owners and pole attachers to discuss issues and ideas regarding effective pole attachment regulations.
- (3) Evaluate the effectiveness and efficiency of Commission complaint, mediation and dispute resolution processes.

(f) *Reporting.* The Law Bureau will annually report its findings on issues developed in the pole attachment Working Group along with any recommended Commission action as appropriate.

#### Statement of Chairperson Gladys Brown Dutrieuille

I support asserting Commission jurisdiction over pole attachment disputes when doing so is consistent with federal law. With today's action, this Commission gains the authority to resolve disputes about pole attachments, meaning that our utilities and telecommunication providers will not have to resolve their disputes at the Federal Communications Commission (FCC). I believe that our Commission can streamline the dispute resolution process. Having an accessible and efficient dispute resolution



process in place is important because pole attachment disputes have long been considered a major barrier to broadband deployment.<sup>172</sup>

Today's action also allows non-jurisdictional entities without a Pennsylvania certificate of public convenience to have disputes decided by the Commission. In the absence of a cost recovery mechanism to cover the Commission's administrative costs incurred during the dispute resolution process, other jurisdictional entities will likely pay more. The Public Utility Commission funds operations by assessing our regulated utilities or, in the case of non-regulated entities such as competitive service providers, charging fees to cover at least a portion of our administrative costs.<sup>173</sup>

The ensuing cost-shifting is also disturbing given that current federal rules allow a \$295 fee for pole attachment disputes. The Parties addressed this issue on the record, in fact, the Central Bradford Authority even proposed a larger \$500 fee.<sup>174</sup> It is anomalous and inconsistent to not address costs in a final decision that claims to adopt all federal regulations on the one hand yet, on the other hand, does not consider the application fee already allowed by the FCC rules.

I support mirroring the \$295 enforcement pole attachment fee currently in the FCC rules.<sup>175</sup> Costs incurred by this Commission for providing the public good of a forum for dispute resolution should be paid by all participating entities. Because we are not certain how many entities will utilize our dispute resolution process or how complex the issues will be, setting the fee at the current federal level until we have better data would be a reasonable way to address concerns expressed in the comments. It would be more efficient to tackle the cost issue today instead of putting it off to a later date. It will have to be addressed at some point in the future since the Commission is constrained to fund its operations and must do so in an equitable manner.

For these reasons, I wish to be recorded as voting no on the failure to address a pole attachment fee but yes on the final regulation.

**Statement of Vice Chairperson David W. Sweet**

Thirteen months ago we opened a notice of proposed rulemaking to consider reverse preemption of jurisdiction over pole attachment disputes by adopting the Federal Communications Commission (FCC) substantive rules and using our procedural rules except where they are silent on an issue. The objective was to make available our presumably more efficient, lower cost dispute resolution process to facilitate broadband deployment.

I supported moving expeditiously because, where our jurisdiction allows, I have consistently engaged in Commission initiatives to facilitate deployment, especially in rural areas lacking modern speeds. However, I also made clear the need to address the impact of this undertaking on our resources, which for telecommunications are al-

ready strained. I questioned "the additional caseload and demands on this Commission's resources" assuming federal jurisdiction may impose, particularly "when the impact on our resources had not been quantified" and we had not "identified new revenue sources. . .that will provide this Commission the revenues necessary to address these new responsibilities." I concluded "[t]hese questions need to be fully explored and answered in this process."<sup>176</sup>

I am compelled to dissent from today's action because these concerns are not addressed, and the impact on our resources must be explored before we assume this substantial federal obligation not after.

**I. Fiscal Analysis**

Our action today entirely avoids the fundamental issue of the fiscal impact on our own agency.

In the regulatory analysis that accompanied our proposed rulemaking, we identified that approximately 1,000 entities could avail themselves of our resources. Some of those entities are public utilities under the Public Utility Code and, as such, contribute to the costs of operations utilizing our resources through the Section 510 assessment process. However, some are subject only to the regulatory jurisdiction of the FCC. These include Internet Service Providers, various wireless entities, and cable television systems, many of which qualify as telecommunications carriers under relevant federal regulations and may avail themselves of the FCC's existing process. These entities will benefit from use of our resources but will not contribute to those resources. That burden will fall unevenly, and discriminatorily, only on providers, and their customers, defined as public utilities under the Public Utility Code.

The regulatory analysis form also requested an estimate of the costs and/or savings to state government associated with implementation of this regulation. We responded that "[r]ailroads, cooperatives, federal entities, and entities owned by the state are not subject to pole attachment regulation [thus those entities should] not experience any compliance costs." Assumption of this federal obligation most impacts this Commission, yet on this point our analysis and proposed final regulations are silent.

There are other states that have reverse preempted pole attachment jurisdiction, but this submission fails to analyze those commissions' resources or means of funding. The New York dispute process for pole attachments is mentioned, but not the fact that New York proceeded cautiously, taking over 20 years to fully expand its process to include wireless carriers.<sup>177</sup> And we rely on our adoption of the federal Pipeline and Hazardous Materials Safety Administration regulations to support this proposal, but ignore the fact that annually the Commission receives millions of dollars in federal funding from the U.S. Department of Transportation in exchange for our assuming that obligation. We could and should do better.

**II. Stakeholder Comments**

Most commenting parties support use of the Commission's local dispute resolution resources as a more efficient, lower cost forum than the FCC. Despite four

<sup>172</sup> See e.g., In re: National Broadband Plan, Docket No. 09-51 (March 16, 2010) and, more recently, In re: Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment, WC Docket No. 17-84 (August 3, 2018); In re: Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment, WT Docket No. 17-79 (August 3, 2018).

<sup>173</sup> 66 Pa.C.S. §§ 317 and 510(b).

<sup>174</sup> See, Comments of BCAP at p. 4 (October 29, 2018) (stating that the Commission, if it does act, should adopt the FCC rules wholesale); and Comments of Central Bradford Progress Authority and Rural Net at p. 5 (October 29, 2019) (While the exact cost to the Commission is unknown, it would be appropriate to impose a modest fee upon complainants. For example, a flat filing fee (say, \$500.00), plus an additional fee for each implicated pole for which a pole attachment dispute exists (e.g. \$1.00 per pole), may be appropriate.)

<sup>175</sup> 47 CFR § 1.1106—Schedule of charges for a pole attachment complaint. The pole attachment complaint fee was increased from \$250 to \$295 by notice dated August 3, 2018 and effective September 4, 2018. See 83 FR 38049.

<sup>176</sup> July 12, 2019 Statement at this docket. Any suggestion that addressing this issue now raises it for the first time in a final rulemaking ignores the fact that many issues not in our proposed regulations directly were raised in Commissioner statements and subject to comments, like the impact on our resources and the working group.

<sup>177</sup> CTIA Comments at 7 (the New York commission declined to promulgate rules that reflect the wireless carriers' right to attach to utility poles); But cf. Petition of CTIA—The Wireless Association to Initiate a Proceeding to Update and Clarify Wireless Pole Attachment Protections, Case 16-M-0330 (Order Issued March 14, 2019) (taking steps to provide wireless providers access to utility pole infrastructure).

decades' experience at the FCC, however, few provided information about past experiences to aide in our review. While this Commission regularly uses past experience to inform predictive judgment, these parties instead profess their inability to predict the future.<sup>178</sup>

Some, however, did acknowledge that an even-handed approach to addressing this concern now is both feasible and appropriate. MAW Communications recognizes that since "both the pole owners and attachers have a responsibility to [their] customers to resolve disputes in a mutually beneficial [manner] that ensures accelerated deployment of necessary infrastructure to service Pennsylvanians[,] the expenses [should be] shared equally by both disputing parties," allowing for a normalized expense level to be determined annually by the Commission.<sup>179</sup>

Central Bradford Progress Authority states that it is "widely understood" that resolution of pole attachment disputes at the FCC requires substantial time and money, thus the known level of disputes may be depressed. Given the shared objective of expanding broadband deployment while also recognizing the impact on our resources, however, Central Bradford concludes "it would be appropriate to impose a modest fee" on parties, such as a flat filing fee of \$500 plus a \$1.00 for each affected, sufficing initially if even with "a short-term potential for incomplete dollar-for-dollar cost coverage by the Commission."<sup>180</sup>

Other parties are less sanguine. Crown Castle comments that the FCC draws on forty years "of experience dealing with the complexities surrounding pole attachments[,] which] continue[] to change at a rapid pace. . . .Adjudication [at the Commission] will require the Commission to take on and train additional staff on an ongoing basis to manage the increased caseload and ensure disputes are resolved in a timely fashion."<sup>181</sup> Similarly, the Broadband Cable Association of Pennsylvania comments that the Commission's caseload can increase dramatically.<sup>182</sup>

Commentators raise other issues that substantiate my concerns. The FirstEnergy Companies comment that some pole attachment applications "have recently increased dramatically," and "the sheer volume of new requests" led to an affiliated electric utility's having to outsource part of the application review process. Because costs related to the pole attachment process are passed on to the regulated electric utility's electric customers, inad-

<sup>178</sup> For example, commentators could have provided information on their number of disputed attachment applications, the extent of their and the FCC resources implicated including time and staff, the ensuing resolution, and the fiscal support they provide at the FCC, including regulatory or other fees paid to the FCC that contribute to that agency's costs of operations.

<sup>179</sup> MAW Communications Comments at 4.  
<sup>180</sup> Central Bradford Comments at 5. The suggested \$500/\$1 filing fee finds analogous support in the FCC's recent determination that a nonrecurring \$500 application fee with up to an additional nonrecurring \$1,000 fee for a new pole attachment (plus additional annual recurring fees) is reasonable and not likely to run afoul of Sections 253 and 332 of the Telecommunications Act of 1996 prohibiting barriers to entry. See *In the Matter of Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment, Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, WT Dockets 17-79, 17-85 (Declaratory Ruling and Third Report and Order released September 27, 2018) at ¶¶ 11, 78–80.

<sup>181</sup> Crown Castle Comments at 4, 6.  
<sup>182</sup> BCAP Comments at 3 ("assumption of jurisdiction would cause significant administrative upheaval and substantially increase the demands on the Commission's resources"). See also CenturyLink Comments at 5 ("Commissioner [Sweet] raises a very fair question regarding Commission resources."); Duquesne Light Company Comments at 6 (while impossible to estimate with certainty how many parties will access the Commission's process, "[w]ith the opportunity to file a formal complaint before the Commission utilizing in-house counsel, more companies may be inclined to seek redress."); DQE Communications Comments at 3-4 (while current FCC process is complex and costly, with access to the PUC's process, the Company "would certainly avail itself of the process if necessary."); Pennsylvania Telephone Association Comments at 3 (While difficult to forecast the number of disputes, "the Companies recognize that there exists the potential for an increased burden on PUC personnel if it assumes jurisdiction[.]"); PECO Comments at 16 ("PECO understands [Commissioner Sweet's] concerns about regulatory burdens.").

equate cost recovery "would force electric customers to subsidize telecommunication providers."<sup>183</sup> Duquesne Light Company, as a regulated electric distribution company and pole owner, questioned the Commission's entry into dispute resolution when it may have jurisdiction over only one party to the fray and suggested that distinction be considered in its proposed regulations.<sup>184</sup> And though not addressing *existing* resources, Verizon offers that the Commission "can monitor its caseload" but not act now because the Commission's caseload for retail, wireline-related issues has declined, and "there may not be a material *net* increase in caseload[.]"<sup>185</sup>

On the other side of this challenge, CTIA—the Wireless Association, avers that a fact-based response would be speculation, and we must satisfy ourselves with collecting our regulatory costs of operations from our regulated public utilities.<sup>186</sup> Eager to access the Commission's dispute resolution process, CTIA asserts that we should not "get[] into the minutiae of jurisdiction and procedure,"<sup>187</sup> and welcomes any process, even New York's. This is despite, as CTIA admits, "[l]acking access to utility poles in New York, CTIA's members have no experience with the New York process[.]" the "effectiveness of which in resolving issues pertaining to wireless attachments is entirely unknown."<sup>188</sup>

### III. Fiscal Concerns

#### A. Subsidization by Existing Customers of Regulated Public Utilities

The FirstEnergy Companies' concern that without adequate cost recovery their customers subsidize telecommunications carriers and customers is the same discriminatory impact we place on those customers if we open our process to nonjurisdictional entities without receiving any contribution to our costs of operations. In the regulated ratemaking process, utilities pay our Section 510 assessment, and those regulatory costs are recovered from their customers as a legitimate expense recovered through the regulated utilities' customers' rates. Cable companies and wireless carriers currently contribute to the FCC's fiscal resources through regulatory fees.<sup>189</sup> In addition, the FCC imposes equally on all affected entities an application processing fee for pole attachment complaints.<sup>190</sup> Assumption of pole attachment jurisdiction does not have to come without any financial consideration on nonjurisdictional entities. While we cannot assess nonjurisdictional entities, we can adopt the FCC's regulation addressing its pole attachment fee structure. Otherwise we assume this jurisdiction at the expense of our regulated service customers.

CTIA analogizes the invocation of our dispute resolution process to that of a "consumer complainant" that does not pay expenses generated by its complaint. However, that analogy bears no weight. These are not "consumer complaints." Pole attachments involve commercial negotiations between large sophisticated entities. While disputes may be generically referred to as "complaints," the FCC itself considers them "not ordinary customer complaints" but rather applications to be processed and

<sup>183</sup> FirstEnergy Companies' Replies to Comments at 10.

<sup>184</sup> Duquesne Light Company Comments at 3.

<sup>185</sup> Verizon Comments at 17 (emphasis added).

<sup>186</sup> CTIA Comments at 6, 9.

<sup>187</sup> CTIA Replies to Comments at 7-8.

<sup>188</sup> CTIA Comments at 7.

<sup>189</sup> See, e.g., <https://docs.fcc.gov/public/attachments/DOC-353886A1.pdf> (regulatory fees applicable to cable television systems) and <https://docs.fcc.gov/public/attachments/DOC-353888A1.pdf> (regulatory fees applicable to commercial wireless services).

<sup>190</sup> <https://docs.fcc.gov/public/attachments/DOC-353915A1.pdf> (FCC charges an "application processing fee" for complaints involving pole attachments and publishing an application fee of \$295 per complaint); <https://www.law.cornell.edu/cfr/text/47/1.1106> (application processing fee for pole attachment complaints).

enforced.<sup>191</sup> Explosive changes in technology have caused the number of entities that provide “telecommunications” services today to expand well beyond the ability of our regulatory resources to keep pace. Through the ratemaking process customers of traditional utilities compensate the Commission for access to our process. Wireless and cable companies and their customers neither currently do, nor will they in the future under the final rulemaking, contribute to the costs of our operations.<sup>192</sup>

**B. Current Restraints on Telecommunications Resources**

A concern as important as the proper allocation and recovery of our regulatory costs of operations is consideration of our existing telecommunications resources. Our regulatory assessments are sized generally on the basis of our operations devoted to our regulated utilities.<sup>193</sup> As Verizon noted, our role over wireline services is shrinking. However, our assessments from regulated telecommunications services are also shrinking.<sup>194</sup> Along with fewer financial resources from which to assume this obligation, we also have fewer staff. As traditionally regulated wireline services have decreased, so, too, has the Commission’s telecommunications staff, which over time has seen wireline telecommunications staff reassigned and vacancies unfilled. Also because we have no jurisdiction over wireless, cable and other entities that provide “telecommunications services” under federal but not state law, and we have only limited jurisdiction over broadband, we have no staff assigned to these nonwireline issues. Thus any increase in telecommunications caseload negatively affects our resources.

In transferring this obligation to the state level, we hold nonjurisdictional entities entirely unaccountable while allowing the burden of our assumption of the FCC’s pole attachment dispute process to fall squarely, unreasonably, and discriminatorily on the customers of traditionally regulated public utilities. This is neither appropriate nor necessary.

**IV. Timely Remedy to Address Fiscal Impact**

There is no reason to ignore this issue before we adopt final regulations. The majority vote today implements a discrete, self-contained chapter of state regulations on an entirely new subject. This is precisely the time to address the impact on our resources. The issue was raised and vetted. Resolution at some indeterminate time in some indeterminate manner in the future, if at all, insufficiently addresses the impact on our resources, which will be immediate.<sup>195</sup>

Use of a fee-based application is well supported in the federal jurisdictional practice that we are reverse preempting today. All entities, including those nonjurisdictional to our process, are currently required to support the operations of the FCC through regulatory fees, a

fiscal resource unavailable to the Commission as non-regulated entities in Pennsylvania, as well as application filing fees, a fiscal resource that could be made available to the Commission in this rulemaking.

A timely remedy could be accomplished in this rulemaking through minimal modification of existing language in Section 77.5 of our proposed final regulations in one of either two ways: (1) Adopt the FCC regulation at 47 C.F.R. § 1.1106, which imposes an application processing fee on pole attachment “complaints”; or (2) Require the filing of an application for pole attachment permit accompanied by an application fee with the Secretary’s Bureau in order to invoke our resources.

**A. Modification of Section 77.5(b) of the Proposed Final Regulations**

Adoption of the FCC’s regulation imposing an application processing fee through adoption of Section 1.1106 is entirely consistent with the concept we adopt today: reverse preemption of an existing federal obligation through adoption of federal pole attachment regulations, including FCC process rules where ours are silent. While our procedural rules are silent on the subject of pole attachment dispute filing fees, the FCC’s rules are not and subject all entities to a \$295 “application processing fee.” No logical or legal impediment precludes our adopting this existing FCC regulation governing pole attachment disputes to recover some contribution towards the cost of our operations. In fact, doing so ensures some measure of fiscal responsibility in our actions today.

This could be readily accomplished as follows:

Section 77.5 \* \* \*

(b) Parties before the Commission under this chapter shall employ the procedural requirements in 52 PA. Code Chapters 1, 3 and 5, Title 66 PA.C.S. (relating to the public utility code), and related Commission precedent except where silent, in which case 47 U.S.C. § 224 or 47 CFR Chapter I, Subchapter A, Part 1, Subpart J, OR SUBPART G, SECTION 1.1106, REGARDING THE APPLICATION PROCESSING FEE APPLICABLE TO POLE ATTACHMENT COMPLAINTS, will control.<sup>196</sup>

**B. Modification of Section 77.5(a) of the Proposed Final Regulations**

Alternatively, an application enforcement fee is independently supported because the pole attachment process is initiated by an attacher’s “filing an application with the pole owner” seeking permission to attach.<sup>197</sup> Upon dispute, it is the application that is subject to dispute resolution. It is entirely consistent with existing state law and the federal practice we are assuming to require the filing of an application for pole attachment permit with our Secretary’s Bureau and the imposition of a filing fee under Sections 317 and 501 of the Public Utility Code.

This, too, could be readily accomplished as follows:

Section 77.5

(a) UPON APPLICATION FILED WITH THE SECRETARY’S BUREAU, persons and entities subject to this Chapter may utilize the mediation, formal complaint and adjudicative procedures under 52 Pa. Code

<sup>191</sup> See <https://www.fcc.gov/licensing-databases/fees> (FCC fees applicable to pole attachment disputes “not ordinary complaints”); note 15, supra.

<sup>192</sup> Unlike jurisdictional service providers that fund our operations through fees that are passed on to their customers, nothing in the pole attachment fee that attachers pay to owners contributes to our resources.

<sup>193</sup> In other instances involving our assumption of work not covered through our traditional Section 510 regulatory assessments, additional financial resources have been assigned to contribute to the recovery of our costs of operations. See, e.g., Act 50 of 2017 (Pennsylvania Underground Utility Line Protection Act, also known as “One Call”); Act 127 of 2011 (levy on pipeline operators under the Gas and Hazardous Liquids Pipelines Act to fund the Commission’s establishment and ongoing administration of a pipeline operator registry and enforcement of pipeline safety laws).

<sup>194</sup> In the general utility assessment order we adopt today, reported revenues from regulated telecommunications providers have decreased by over \$40 million compared to last year’s assessment, resulting in a reduction in assessment revenues we will receive from these utilities, whereas revenues reported from other utilities has increased, which in turn will produce an increased assessment. See General Assessment Upon Public Utilities, BP8-3012136.

<sup>195</sup> The FirstEnergy Companies state already have a pending FCC action that would likely come before the Commission. FirstEnergy Comments at 11.

<sup>196</sup> The argument exists that adoption of a filing fee to process a disputed pole attachment application is already implicit in our action since our regulations are silent on the subject.

<sup>197</sup> Comments of Velocity.Net Communications, Inc. at 3; See also In the Matter of Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment, Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment, WT Dockets 17-84, 17-79 (Third Report and Order and Declaratory Ruling released August 3, 2018) at ¶¶ 7, 64.



Chapters 1, 3 and 5 (relating to rules of administrative practice and procedure; special provisions; and formal proceedings) of the Commission's regulations to resolve disputes or terminate controversies. IF NOT RESOLVED BY MEDIATION, THE COMMISSION'S RESOLUTION OF THE MATTER WILL BE SET FORTH IN AN ADJUDICATION ORDER THAT GRANTS, MODIFIES OR DENIES THE POLE ATTACHMENT PERMIT TERMS AND CONDITIONS REQUESTED OR DISPUTED.

## V. Conclusion

Having wholly avoided a fiscal analysis while options are readily available to mitigate the impact on our resources by adopting the FCC's regulatory fee-based process while we assume a substantial, new regulatory responsibility from the FCC is both fiscally unsound and entirely unnecessary. In adopting the FCC's pole attachment regulations, we should also adopt the FCC's regulation for an application fee through either of the two means identified above.<sup>198</sup> This would ensure that the interests of all stakeholders, including those of the Commission specifically and the Commonwealth generally, are properly considered and served.

I am not satisfied that the inchoate regulatory action taken today satisfies the fiscal impact analysis required under the regulatory review process. Assumption of jurisdiction without addressing the impact on our resources is in neither the immediate nor the long-term interests of the Commonwealth.

For these reasons, I respectfully dissent.

### Statement of Commissioner Andrew G. Place Concurring in Part and Dissenting in Part

Before us is a recommendation for the adoption of a Final Rulemaking Order and final form regulations that will enable this Commission to assert jurisdiction over pole attachment matters in Pennsylvania through the adoption of germane Federal Communications Commission (FCC) rules. I am cognizant that the assertion of this jurisdiction will entail the timely accomplishment of new tasks to enforce this federal regulatory regime, however this assertion of jurisdiction will also provide an available adjudication forum for the timely resolution of pole attachment disputes. The resolution of such disputes through the enforcement of applicable federal rules and the use of the Commission's administrative adjudication procedures will facilitate the continuous deployment of wireline and wireless telecommunications and communications network facilities throughout the Commonwealth, thus increasing the availability of broadband access services for the citizens of Pennsylvania. Applicable statutes make such a deployment a joint responsibility between this Commission and the FCC.<sup>199</sup> For these reasons, I am supporting the assumption of this Commission's jurisdiction over pole attachments.

It is self-evident that the adjudications of pole attachment issues and complaints are inherently complex.<sup>200</sup> The recommended adoption of the FCC rules provides a

<sup>198</sup> Other options, though less attractive from the adoption process approved today, are to apply the suggestion of Central Bradford or refer the level of the fee immediately to the proposed Working Group for consideration, report, and Commission action.

<sup>199</sup> See, e.g., 66 Pa.C.S. §§ 3011(1) ("... a balance between mandated deployment and market-driven deployment of broadband facilities and advanced services throughout this Commonwealth. . ."); 47 U.S.C. § 1302(a) ("The Commission [FCC] and each State commission with regulatory jurisdiction over telecommunications services shall encourage the deployment on a reasonable and timely basis of advanced telecommunications capability to all Americans. . .").

<sup>200</sup> See, e.g., In re MAW Communications, Inc., *Complainant v. PPL Electric Utilities Corporation, Defendant*, EB Docket No. 19-29, File No. EB-19-MD-001 (FCC Enforcement Bur., Rel. Aug. 12, 2019), slip op. DA 19-771.

basic framework for asserting Commission jurisdiction. However, there is a pending federal appeal involving the FCC's 2018 rules on one-touch make-ready activities regarding pole attachments which engenders a certain degree of uncertainty.<sup>201</sup> The adoption of the present Final Rulemaking Order and final form regulations cannot possibly account for all future contingencies involving the Commission's enforcement of the FCC's pole attachment rules and related dispute resolution or adjudication. For these various reasons, I would have preferred a constructive dialogue engagement between our Staff and interested stakeholders after the receipt of the formal initial and reply comments to the Commission's proposed rules and prior to the submission of the recommendation that is before us today. It is my sincere hope that the function of the contemplated Working Group will provide the future opportunity for this constructive dialogue as the Commission proceeds with the assertion of its jurisdiction and the implementation of the final form regulations on pole attachments.

I believe that the filing of pre-existing pole attachment agreements with the Commission—or the summaries of their respective essential terms, conditions, and rates—even on a protected and proprietary basis could have assisted our agency in its future tasks of asserting jurisdiction in this area and potentially discerning the existence of any discriminatory patterns.<sup>202</sup> The filing of such pre-existing pole attachment agreements could have taken place on a one-time basis.<sup>203</sup> It is my hope that the Working Group will more comprehensively examine this issue in the near future. I note that wholesale interconnection agreements between incumbent local exchange carrier telephone companies and competitive telecommunications carriers, as well as the amendments to such agreements, are often, and publicly, submitted for this Commission's review and approval.<sup>204</sup>

For the above-referenced reasons, I will be concurring in part and dissenting in part in the recommended adoption of the Final Rulemaking Order and the final form regulations while supporting the overall assertion of Commission jurisdiction over pole attachments and the adoption of the corresponding FCC regulations.

### Statement of Commissioner Norman J. Kennard

Before the Pennsylvania Public Utility Commission (Commission) for consideration and disposition is the Final Rulemaking Order which asserts Commission jurisdiction over pole attachments and adopts the Federal Communications Commission's (FCC) regulations over pole attachments in totality.

The Commission's action today marks a pivotal step in promoting broadband deployment throughout the Commonwealth. Asserting Commission jurisdiction over pole attachments will make our adjudicatory and enforcement processes available to expeditiously resolve disputes that arise for both pole owners and pole attachers. Just and timely resolution of these pole attachments disputes before the Commission will facilitate the installation of broadband for all the residents of the Commonwealth.

<sup>201</sup> Broadband Cable Association of Pennsylvania (BCAP) Comments at 2-3 (citations omitted); BCAP Reply Comments at 3-4 (citations omitted). See also Telecommunications Reports Daily, "FCC Defends Pole Attachment Order from Utilities' Challenge," August 23, 2019; Brief for Respondents, *American Electric Power Service Corp., et al. v. FCC*, (9th Cir.) (Nos. 18-72689(L), 19-70490), submitted August 22, 2019.

<sup>202</sup> ExteNet Systems, Inc. Comments at 10 (Transparency and Equity).

<sup>203</sup> In Re: Implementation of the Telecommunications Act of 1996, Docket No. M-00960799, Order entered June 3, 1996, at 36-40, and Ordering Paragraph No. 5 at 51 (TA-96 Implementation Order) (submission and review of interconnection agreements existing before the enactment of the federal Telecommunications Act of 1996).

<sup>204</sup> 47 U.S.C. § 252(e)(1); TA-96 Implementation Order at 24-34, and Ordering Paragraph No. 4 at 51.



The comments received in this matter underscore and accentuate the need for Commission jurisdiction over these pole attachment disputes. It is clear that the current system of FCC oversight of these disputes is inadequate because there is no ready or efficient means to enforce pole attachment rules. Providing a local dispute forum at the Commission will allow for prompt resolution of these matters and result in broadband expansion for our residents, schools, and hospitals, particularly those located in more rural and remote portions of the Commonwealth.

I thank all of parties who participated in the rule-

making process by providing meaningful comments in this matter. I also commend the Commission's Law Bureau, specifically Shaun Sparks, Colin Scott, Christian McDowell, and Laura Griffin, for creating an exemplary work product. Finally, I thank all of the industry stakeholders, legislative leaders, and the Governor's Office for their continued commitment to initiatives dedicated to the expansion of broadband access across the Commonwealth.

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