

PENNSYLVANIA BULLETIN

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Agencies in this issue

The General Assembly

The Courts

Department of Agriculture

Department of Banking and Securities

Department of Conservation and Natural
Resources

Department of Environmental Protection

Department of Health

Department of Human Services

Environmental Quality Board

Insurance Department

Milk Marketing Board

Pennsylvania Energy Development Authority

Pennsylvania Public Utility Commission

Susquehanna River Basin Commission

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

No. 548, July 2020

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Available Online at <http://www.pacodeandbulletin.gov>

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

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

Citation to the Pennsylvania Bulletin

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

Pennsylvania Code

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

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

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

How to Find Rules and Regulations

Search for your area of interest in the *Pennsylvania Code*. The *Pennsylvania Code* is available at www.pacodeandbulletin.gov.

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.

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

The *Pennsylvania Bulletin* is available at www.pacodeandbulletin.gov.

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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

Recent Actions during the 2020 Regular Session of the General Assembly

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

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
2020 General Acts of Regular Session Enacted—Act 027 through 056					
027	Jun 5	H0102	PN0101	60 days	Game and Wildlife Code (34 Pa.C.S.)—eligibility for license
028	Jun 5	H1036	PN3856	60 days	Boroughs and Incorporated Towns (8 Pa.C.S.)—judicial adjustment, decrease in number of members of council and specific powers
029	Jun 5	H1048	PN3863	60 days	Liquor Code—omnibus amendments
030	Jun 5	H1210	PN3867	Immediately*	Public School Code of 1949—omnibus amendments
031	Jun 5	H1907	PN2674	60 days	Senator Hal Mowery Memorial Bridge—designation
032	Jun 5	S0275	PN0694	60 days	Crimes Code (18 Pa.C.S.), Domestic Relations (23 Pa.C.S.) and Judicial Code (42 Pa.C.S.)—omnibus amendments
033	Jun 5	S0863	PN1660	60 days	Lodging and Housing (48 Pa.C.S.)—omnibus amendments
034	Jun 5	S1030	PN1489	60 days	Pennsylvania Sewage Facilities Act—official plans
035	Jun 17	H2502	PN3774	Immediately	Administrative Code of 1929—report on implementation of 2020 general primary election
036	Jul 1	S0905	PN1754	Immediately	Capital Budget Project Itemization Act of 2019-2020—enactment
037	Jun 30	H2418	PN4015	Immediately	Administrative Code of 1929—State Geospatial Coordinating Board, additional duties and COVID-19 debt cost reduction review
038	Jul 1	H0364	PN4023	60 days	Vehicle Code (75 Pa.C.S.)—enforcement of failure to stop for school bus with flashing red lights and visual signals on authorized vehicles
039	Jul 1	H1003	PN3134	60 days	Fish (30 Pa.C.S.)—marking of dams
040	Jul 1	H1185	PN3862	60 days	Fish (30 Pa.C.S.)—omnibus amendments
041	Jul 1	H1188	PN1385	60 days	Game (34 Pa.C.S.)—unlawful devices and methods
042	Jul 1	H1379	PN1670	60 days	Sunday Polo Act—repealed
043	Jul 1	H1405	PN1725	60 days	Sunday Tennis Act—repealed
044	Jul 1	H1457	PN1825	60 days	Insurance Company Law of 1921—mastectomy and breast cancer reconstruction
045	Jul 1	H1510	PN3854	60 days	Multiple designations in multiple counties—designation
046	Jul 1	H1564	PN3901	Immediately*	Municipalities (53 Pa.C.S.)—subjects of local taxation, assessment of mobile homes and house trailers, special provisions relating to countywide revisions of assessments and regulations and training of boards
047	Jul 1	H1597	PN4010	60 days	Multiple designations in multiple counties—designation

<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>
048	Jul 1	H1710	PN3855	120 days	Vehicle Code (75 Pa.C.S.)—USA semiquincentennial registration plates
049	Jul 1	H2018	PN2834	60 days	Conveyance—Commonwealth property in Plymouth Borough, Luzerne County
050	Jul 1	H2171	PN4024	Immediately	Public School Code of 1949—omnibus amendments
051	Jul 1	S0351	PN0341	60 days	Crimes Code (18 Pa.C.S.)—offense of aggravated assault
052	Jul 1	S0595	PN1722	60 days	Insurance Company Law of 1921—coverage for mammographic examinations
053	Jul 1	S0637	PN1815	Immediately*	Crimes Code (18 Pa.C.S.) and Professions and Occupations (63 Pa.C.S.)—use of records by licensing agencies, preliminary provisions and Bureau of Professional and Occupational Affairs
054	Jul 1	S0842	PN1152	60 days	Health Care Facilities Act—photo identification tag regulations
055	Jul 1	S0997	PN1465	Immediately	State Government (71 Pa.C.S.)—election to purchase nonintervening military service and construction of part
056	Jul 10	H0808	PN3947	Immediately	Fish (30 Pa.C.S.)—omnibus amendments

* 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.

VINCENT C. DELIBERATO, Jr.,
Director
Legislative Reference Bureau

[Pa.B. Doc. No. 20-985. Filed for public inspection July 24, 2020, 9:00 a.m.]

THE COURTS

Title 255—LOCAL COURT RULES

ADAMS COUNTY

Rule of Criminal Procedure 576.1; Administrative Order Number 8 of 2020

Order of Court

And Now, this 7th day of July, 2020, the Court hereby creates Rule 576.1 of the Adams County Rules of Criminal Procedure and amends as follows:

[Rules 572—589. Reserved]

Rule 576.1. Electronic Filing and Service of Legal Papers.

A. Pursuant to Pa.R.Crim.P. 576.1, the Administrative Office of Pennsylvania Courts and the 51st Judicial District have agreed upon an implementation plan for electronic filing of criminal legal papers through the statewide system known as PACFile, effective March 9, 2020.

B. All parties are authorized to electronically file legal papers through PACFile with the clerk of courts in cases in the Adams County Court of Common Pleas, 51st Judicial District.

C. Any party may, but is not required to, utilize PACFile for any document except the following:

1. applications for search warrants,
2. applications for arrest warrants,
3. any grand jury materials,
4. submissions filed *ex parte* as authorized by law, and
5. submissions filed or authorized to be filed under seal.

D. Any party who is unable or declines to participate in PACFile may file legal papers in a physical paper format with the clerk of courts, and shall be served legal papers in a physical paper format by the clerk of courts and other parties to the case. However, pursuant to Pa.R.Crim.P. 576.1(D)(2), establishment of a PACFile account shall constitute consent to participate in electronic filing, including acceptance of service electronically of any document filed in PACFile.

E. Parties utilizing PACFile shall serve physical paper format copies on all parties to the case who do not utilize PACFile, pursuant to Pa.R.Crim.P. 576. When utilizing PACFile, parties shall not be required to serve the court administrator.

F. On March 9, 2022, all attorneys shall be required to file criminal legal papers electronically through PACFile in the 51st Judicial District, subject to the provisions in this Rule.

This rule shall become effective after all the provisions of the Pennsylvania Rules of Judicial Administration 103 are met, to include the following:

a. A certified copy of this Order shall be submitted to the Criminal Procedural Rules Committee for review.

b. Upon receipt of a statement from the Criminal Procedural Rules Committee that the local rule is not inconsistent with any general rule of the Supreme Court, two (2) certified copies of this Order together with a computer diskette that complies with the requirement of

1 Pa. Code § 13.11(b), or other compliant format, containing the test of the local rule(s) adopted hereby shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

c. One copy of this Order shall be forwarded to the Administrative Office of the Pennsylvania Courts via e-mail to adminrules@pacourts.us;

d. A copy of the proposed local rule(s) shall be published on the 51st Judicial District website;

e. This Order shall be filed in the Office of the Prothonotary of Adams County and a copy thereof shall be filed with the Adams County Clerk of Courts and the Adams County Law Library for inspection and copying;

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

By the Court

MICHAEL A. GEORGE,
President Judge

[Pa.B. Doc. No. 20-986. Filed for public inspection July 24, 2020, 9:00 a.m.]

Title 255—LOCAL COURT RULES

ADAMS COUNTY

Rule of Criminal Procedure 576.1; Administrative Order Number 8A of 2020

Order of Court

And Now, this 14th day of July, 2020, the Court hereby makes a correction to Administrative Order 8 of 2020, proposed Rule 576.1(C)(3), issued on July 7, 2020, as follows:

3. any grand jury materials, except the indicting grand jury indictment or the investigating grand jury presentment,

All other aspects of Administrative Order 8 of 2020 remain in full effect.

By the Court

MICHAEL A. GEORGE,
President Judge

[Pa.B. Doc. No. 20-987. Filed for public inspection July 24, 2020, 9:00 a.m.]

Title 255—LOCAL COURT RULES

BUCKS COUNTY

Order Rescinding Rule of Civil Procedure 208.2(e) and Promulgating Rule of Civil Procedure Rule 208.2(e) Affidavit of Good Faith Efforts to Resolve Discovery Disputes Prior to Court Action; Administrative Order No. 99

Order

And Now, this 15th day of July 2020, Bucks County Civil Rule 208.2(e) is vacated and Bucks County Civil Rule 208.2(e) is promulgated as follows:

Rule 208.2(e). Affidavit of Good Faith Efforts to Resolve Discovery Disputes Prior to Court Action.

(1) Any motion filed in a Civil or Family Court action based on a party's failure to fulfill obligations in discovery shall have attached thereto an affidavit taken by the filing counsel or unrepresented party that:

(a) certifies that filing counsel or unrepresented party has made "good faith efforts," i.e., conferred or attempted to confer with all interested parties, in order to resolve the discovery dispute without Court action; and

(b) alleges with specificity the date and manner in which such good faith efforts were made.

(2) Good faith efforts shall include at minimum an attempt to contact any interested parties by telephone, letter, and/or email, as appropriate. The required affidavit of good faith efforts shall have attached thereto documents evidencing such communication(s).

(3) No Court action will be taken on any motion which fails to attach the required affidavit, which shall be in substantially the following form:

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

: No.
vs. :
:

AFFIDAVIT PURSUANT TO B.C.R.C.P. NO. 208.2(e)

I, _____, hereby certify that prior to filing the attached motion, I conferred or attempted to confer with all interested parties to the motion in an attempt to avoid Court intervention.

The above-certified communications/attempts to communicate with all interested parties regarding the issues presented by the motion were as follows:

Method of communication	Date
-------------------------	------

I verify that the facts set forth above are true and correct to the best of my knowledge, information and belief. I understand that false statements made herein are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

This Order shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

By the Court

WALLACE H. BATEMAN, JR.,
President Judge

[Pa.B. Doc. No. 20-988. Filed for public inspection July 24, 2020, 9:00 a.m.]

Title 255—LOCAL COURT RULES

WESTMORELAND COUNTY

Judicial Custody (Pretrial) Conference; No. 3 of 2020

Administrative Order of Court

And Now, this 8th day of July, 2020, *It Is Hereby Ordered* that Westmoreland County Judicial Custody (Pretrial) Conference Rule W1915.4-4 is hereby adopted. This change is effective 30 days after publication in the *Pennsylvania Bulletin*.

By the Court

RITA DONOVAN HATHAWAY,
President Judge

Rule W1915.4-4. Judicial Custody (Pretrial) Conference.

(a) The parties shall file a pre-trial statement, in the form substantially similar to the form set forth in subparagraph (e) below, which shall list all witnesses, including experts, and anticipated evidence on each custody factor. The pre-trial statement shall be completed by the parties or counsel and shall be filed, submitted to the court, and served on the opposing party at least ten days prior to the pre-trial conference.

(b) All parties and any child for whom custody or visitation is sought shall be present at the Judicial Custody Conference unless either waived by the parties or their counsel, or permitted to be absent by court order. Failure of a party to appear at the Judicial Custody Conference may result in the entry of a custody/visitation order by the court.

(c) The court shall attempt to obtain a Consent Custody Agreement on any pending custody issues. Any Agreement shall be reduced to writing and entered as an Order of Court.

(d) If no agreement is reached, the court may enter a new Order pending the Custody Hearing and shall issue an Order listing the matter for trial.

(e) The pre-trial statement shall be substantially in the following form:

THE COURTS

IN THE COURT OF COMMON PLEAS OF WESTMORELAND COUNTY, PENNSYLVANIA CIVIL ACTION—CUSTODY

Plaintiff vs. Defendant No. _____ of 20____-D

PRE-TRIAL STATEMENT

This pre-trial statement is filed pursuant to Westmoreland County Rule of Civil Procedure W1915.4-4 on behalf of _____, Plaintiff/Defendant in the above captioned case.

WITNESS LIST (MUST BE COMPLETE). PROVIDE NAME, ADDRESS, TELEPHONE NUMBER OF EACH WITNESS:

Name _____ Address _____ Tel. No. _____ Name _____ Address _____ Tel. No. _____

EXPERT WITNESSES: PROVIDE NAME, ADDRESS TELEPHONE NUMBER OF EACH EXPERT. ATTACH WRITTEN REPORT.

Name _____ Address _____ Tel. No. _____ Name _____ Address _____ Tel. No. _____

IDENTIFY EXHIBITS REQUESTED BY STIPULATION (SCHOOL OR MEDICAL RECORDS, HOME EVALUATION, OTHER). ATTACH A COPY OF EACH EXHIBIT.

PROPOSAL FOR SETTLEMENT: _____

PLEASE ATTACH REQUESTED STIPULATION OF FACTS.

Printed Name _____ Identify (Plaintiff, Defendant, Counsel, etc.) _____ Signature _____ Date _____

CUSTODY FACTORS

Table with 4 columns: Factor, Mother, Party This Factor Favors?, Father. Row 1: (1) Which party is more likely to encourage and permit frequent and continuing contact between the child and another party.

<i>Factor</i>	<i>Mother</i>	<i>Party This Factor Favors?</i>	<i>Father</i>
(2) The present and past abuse committed by a party or member of the party's household, whether there is a continued risk of harm to the child or an abused party and which party can better provide adequate physical safeguards and supervision of the child.			
(2.1) The information set forth in section 5329.1(a) (relating to consideration of child abuse and involvement with protective services).			
(3) The parental duties performed by each party on behalf of the child.			
(4) The need for stability and continuity in the child's education, family life and community life.			
(5) The availability of extended family.			
(6) The child's sibling relationships.			
(7) The well-reasoned preference of the child, based on the child's maturity and judgment.			
(8) The attempts of a parent to turn the child against the other parent, except in cases of domestic violence where reasonable safety measures are necessary to protect the child from harm.			
(9) Which party is more likely to maintain a loving, stable, consistent and nurturing relationship with the child adequate for the child's emotional needs.			
(10) Which party is more likely to attend to the daily physical, emotional, developmental, educational and special needs of the child.			
(11) The proximity of the residences of the parties.			
(12) Each party's availability to care for the child or ability to make appropriate child-care arrangements.			
(13) The level of conflict between the parties and the willingness and ability of the parties to cooperate with one another. A party's effort to protect a child from abuse by another party is not evidence of unwillingness or inability to cooperate with that party.			
(14) The history of drug or alcohol abuse of a party or member of a party's household.			
(15) The mental and physical condition of a party or member of a party's household.			
(16) Any other relevant factor.			

Rescinded March 25, 2013; New Rule W1915.17 adopted March 25, 2013, effective May 27, 2013. Amended and renumbered September 20, 2016, effective 11/20/16.

Note: Rule W1915.7 was rescinded effective April 3, 2000.

[Pa.B. Doc. No. 20-989. Filed for public inspection July 24, 2020, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Suspension

Notice is hereby given that by Order of the Supreme Court of Pennsylvania dated July 15, 2020, Ross Peter Wagner (# 326047) is Suspended on Consent from the Bar of this Commonwealth for a period of two years, with twelve months to be served. The remaining suspension of

twelve months is stayed, and he is placed on probation for one year. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

MARCEE D. SLOAN,
Board Prothonotary

[Pa.B. Doc. No. 20-990. Filed for public inspection July 24, 2020, 9:00 a.m.]

RULES AND REGULATIONS

Title 25—ENVIRONMENTAL PROTECTION

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CH. 123]

Revision of the Maximum Allowable Sulfur Content Limit for No. 2 and Lighter Commercial Fuel Oil

The Environmental Quality Board (Board) amends Chapter 123 (relating to standards for contaminants) to reduce the maximum allowable sulfur content limit for No. 2 and lighter commercial fuel oil, generally sold for and used in residential and commercial furnaces and oil heat burners for home or space heating, water heating, or both, from the current limit of 500 parts per million (ppm) of sulfur to 15 ppm. This final-form rulemaking is reasonably necessary to address regional haze and visibility impairment impacting Federal Class I areas and related applicable Federal Clean Air Act (CAA) (42 U.S.C.A. §§ 7401—7671q) requirements and will also improve public health and visibility impairment in urban and rural areas of this Commonwealth. The compliance date of this final-form rulemaking is September 1, 2020.

This final-form rulemaking will be submitted to the United States Environmental Protection Agency (EPA) for approval as a revision to the Commonwealth's State Implementation Plan (SIP) following publication of the final-form rulemaking in the *Pennsylvania Bulletin*.

This final-form rulemaking was adopted by the Board at its meeting on January 21, 2020.

A. Effective Date

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

B. Contact Persons

For further information, contact Kirit Dalal, Chief, Division of Air Resource Management, Bureau of Air Quality, Rachel Carson State Office Building, P.O. Box 8468, Harrisburg, PA 17105-8468, (717) 772-3436; or Jesse C. Walker, Assistant Counsel, Bureau of Regulatory Counsel, Rachel Carson State Office Building, P.O. Box 8464, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the Pennsylvania AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This final-form rulemaking is available on the Department of Environmental Protection's (Department) web site at www.dep.pa.gov (select "Public Participation," then "Environmental Quality Board").

C. Statutory Authority

This final-form rulemaking is authorized under section 5(a)(1) of the Air Pollution Control Act (APCA) (35 P.S. § 4005(a)(1)), which grants the Board the authority to adopt rules and regulations for the prevention, control, reduction and abatement of air pollution in this Commonwealth. Section 5(a)(8) of the APCA also grants the Board the authority to adopt rules and regulations designed to implement the provisions of the CAA.

D. Background and Purpose

Among other things, this final-form rulemaking allows the Department to address regional haze and visibility impairment. Haze is one of the most basic forms of air pollution. It degrades visibility in many American cities

and scenic areas. Haze is caused when sunlight encounters tiny pollution particles in the air, which reduce the clarity and color of what we see, especially during humid conditions. Most haze is not natural. It is air pollution carried by the wind often many hundreds of miles from where it originated. Regional haze is visibility impairment produced by a multitude of combustion sources and activities emitting sulfur dioxide (SO₂), nitrogen oxides (NO_x), fine particulate matter or particle matter 2.5 micrometers or less (PM_{2.5}), and PM_{2.5} precursors. The combustion sources and activities are located across a broad geographic area. Visibility impairment is humanly perceptible change in visibility (such as light extinction, visual range, contrast and coloration) from the visibility that would have existed under natural conditions.

The SO₂ emissions released by combustion of sulfur-containing No. 2 or lighter commercial fuel oil contribute to the formation of regional haze and PM_{2.5}, both of which are serious public health and welfare threats and affect visibility. Numerous scientific studies have linked PM_{2.5} particle pollution exposure to a variety of problems, including: premature death in people with heart or lung disease; nonfatal heart attacks; irregular heartbeat; aggravated asthma; decreased lung function; and increased respiratory symptoms, such as irritation of the airways, coughing or difficulty breathing. People with heart or lung disease, children and older adults are the most likely to be affected by fine particle pollution exposure.

Fine particles are similar in size to the wavelength of light, and are most efficient, per unit of mass, at reducing visibility. Particles affect visibility through the scattering and absorption of light. SO₂ emissions oxidize in the atmosphere to form sulfate particles. Visibility impairment, including regional haze, in rural areas of eastern North America is primarily due to sulfate particles. The CAA and its implementing regulations codified in 40 CFR Part 51, Subpart P (relating to protection of visibility) mandate actions to protect visibility, especially in Federal Class I areas, which include National parks, forests and wilderness areas.

In 1977, Congress added section 169A of the CAA (42 U.S.C.A. § 7491), regarding visibility protection for Federal Class I areas. Section 169A(a)(1) of the CAA sets a National goal for the "prevention of any future, and the remedying of any existing, impairment of visibility in mandatory class I Federal areas which impairment results from manmade air pollution." The Federal visibility regulations require restoration of natural levels of visibility in the mandatory Federal Class I areas by 2064. See 40 CFR 51.308(d)(1) (relating to regional haze program requirements). The Federal regulations further require that states consider the implementation, in their regional haze SIPs, of the emission reduction measures identified by Class I states as being necessary to make reasonable progress in any Class I area. See 40 CFR 51.308(d)(3). In 1990, Congress added section 169B of the CAA (42 U.S.C.A. § 7492), regarding visibility, to authorize further research and regular assessments of the progress made so far toward the National visibility goals. Section 169B(c)(1) of the CAA authorizes the EPA Administrator to establish a transport region for visibility impairment when there is reason to believe that pollutants from one or more states contribute to visibility impairment in Federal Class I areas.

In 1999, the EPA and the affected states and tribes agreed to create five Regional Planning Organizations

(RPO) to facilitate interstate coordination with regional haze SIPs. The Commonwealth is a member of the Mid-Atlantic/Northeast Visibility Union (MANE-VU) RPO, established in 2001, to assist the Mid-Atlantic and Northeast states in planning and developing their regional haze SIP revisions. The other MANE-VU states are Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island and Vermont. The District of Columbia, Native American tribes in the region, the EPA, the United States Fish and Wildlife Service and the United States Forest Service are also members of MANE-VU. There are 156 mandatory Federal Class I areas established under the CAA, including seven in the MANE-VU states. Although this Commonwealth does not have a mandatory Federal Class I area in it, emissions from this Commonwealth are considered to impact several Federal Class I areas in MANE-VU states, as well as the Dolly Sods Wilderness Area in West Virginia and Shenandoah National Park in Virginia. This final-form rulemaking addresses, in part, those impacts.

MANE-VU evaluated the residential and commercial furnace and oil heat burner categories for their contribution to the MANE-VU SO₂ emission inventory from the burning of sulfur-containing distillate oil (a general classification for one of the petroleum fractions produced in conventional distillation operations). The Northeast States for Coordinated Air Use Management (NESCAUM) performed this evaluation for MANE-VU in 2005 using 2002 data, which was the most current information available at the time of the study (2005 NESCAUM evaluation). The 2005 NESCAUM evaluation found that the combined SO₂ emissions from all MANE-VU regional residential and commercial furnaces and oil heat burners contributed about 7% to the MANE-VU total SO₂ emission inventory. In this Commonwealth, commercial fuel oil combustion in residential and commercial furnaces and oil heat burners contributed between 2% and 3% of the SO₂ emissions in the MANE-VU region, depending on the season.

To address the impact of regional haze on mandatory Federal Class I areas within the MANE-VU region, the members adopted a course of action on June 20, 2007, in the *Statement of the Mid-Atlantic and Northeast Visibility Union (MANE-VU)* (2007 MANE-VU "Ask"). The 2007 MANE-VU "Ask" established that the member states would pursue a coordinated course of action, including pursuing the adoption and implementation of the following strategy to reduce the maximum allowable sulfur content of distillate oil in the "inner zone" MANE-VU states (New Jersey, New York, Delaware and this Commonwealth, or portions thereof), as follows—to 500 ppm (0.05% sulfur by weight) by 2012 and to 15 ppm (0.0015% by weight) by 2016. The 2005 NESCAUM evaluation indicated that the anticipated annual SO₂ emission reduction benefits in this Commonwealth would be approximately 25,000 tons per year (tpy) when the maximum allowable sulfur content limit of 15 ppm for No. 2 and lighter commercial fuel oil was fully implemented.

The Department reviewed the 2005 NESCAUM evaluation and the 2007 MANE-VU "Ask" recommendations and determined that the recommended lower maximum allowable sulfur content limit for No. 2 and lighter commercial fuel oil was an appropriate measure to be pursued as part of the regional strategy to improve visibility. Lowering the maximum allowable sulfur content limit for No. 2 and lighter commercial fuel oil sold for and used in residential and commercial furnaces and oil heat burners in this Commonwealth would contribute to the MANE-VU goals

of improving visibility in the region's mandatory Federal Class I areas. Actions taken by the Department to reduce haze on a regional level would also improve visibility in this Commonwealth's recreational and urban areas.

On February 9, 2013, the Board amended its regulations in § 123.22 (relating to combustion units) to reduce SO₂ emissions from home heating and commercial fuel oils beginning July 1, 2016. See 43 Pa.B. 806 (February 9, 2013). The Board reduced the maximum allowable sulfur content limit for No. 2 and lighter commercial fuel oil beginning July 1, 2016, to 500 ppm, rather than 15 ppm, due to concerns at the time regarding the available supply of low sulfur content distillate oil in various regions of this Commonwealth. The EPA approved a SIP revision incorporating the amended maximum allowable sulfur content limits for No. 2 and lighter, as well as heavier commercial fuel oil provisions, into the Commonwealth's SIP at 79 FR 39330 (July 10, 2014).

The City of Philadelphia, Department of Public Health, Philadelphia Air Management Services (AMS) adopted a low-sulfur content commercial fuel oil requirement, enacted into law by the City of Philadelphia on July 15, 2014, as an amendment to *Philadelphia Code*, Title 3—Air Management Code, Chapter 3-200, § 3-207 (relating to sale of fuel oil) and to Philadelphia Air Management Regulation III (relating to the control of emissions of oxides and sulfur compounds), Section I. Since there was not a low-sulfur fuel supply concern within the Philadelphia region, the amendments reduced the maximum allowable sulfur content limit for No. 2 and lighter commercial fuel oil to 15 ppm in the City of Philadelphia, effective July 1, 2015. The Department, on behalf of AMS, submitted these amendments to the EPA as a revision to the Commonwealth's SIP on June 27, 2018.

On August 25, 2017, MANE-VU issued the *Statement of the MANE-VU States Concerning a Course of Action Within MANE-VU Toward Assuring Reasonable Progress For the Second Regional Haze Implementation Period (2018—2028)* (2017 MANE-VU "Ask"). The 2017 MANE-VU "Ask" specified that member states are to expeditiously pursue adoption of the low-sulfur content maximum allowable limit of 15 ppm for No. 2 and lighter commercial fuel oil if they have not done so already. The Department has determined that the availability of distillate oil within various regions of this Commonwealth and Nationwide, with a maximum allowable limit of 15 ppm of sulfur or less, is no longer of concern. The supply of No. 2 and lighter commercial fuel oil with a maximum sulfur content of 15 ppm has increased over the last several years, and fuel with a sulfur content between 15 ppm and 500 ppm has decreased to less than 1% of the overall supply of distillate oil distributed on the east coast. This final-form rulemaking is designed to implement the 2017 MANE-VU "Ask" course of action to pursue adoption of a maximum allowable sulfur content limit of 15 ppm for No. 2 and lighter commercial fuel oil Statewide for purposes of reducing regional haze and visibility impairment in this Commonwealth and affected Federal Class I areas.

The EPA's regional haze regulations require all states, even those that do not contain a Federal Class I area, to submit a SIP revision containing emission reduction strategies to improve visibility in Class I areas affected by emissions from within the state. See 40 CFR 51.308(d)(3). States are required to evaluate advancement toward reasonable progress goals every 5 years to assure that emission controls are on track with emission reduction forecasts in the SIP. The first progress report is due 5 years from the submittal of the initial regional haze

implementation plan. See 40 CFR 51.308(g). If emission controls are not on track to meet SIP forecasts, then a state would need to take action to assure that emission controls by 2018 would be consistent with the SIP or to revise the SIP to be consistent with the revised emission forecast. The Commonwealth submitted its first regional haze SIP revision to the EPA in December 2010. To track visibility improvement, the Commonwealth must submit its second regional haze SIP revision to the EPA by July 31, 2021. The third regional haze SIP revision is due July 31, 2028, and then additional SIP revisions every 10 years thereafter.

In addition to improving public health and the environment, decreased emissions of SO₂ will also contribute to the attainment or maintenance, or both, of the 2012 annual PM_{2.5} National Ambient Air Quality Standards (NAAQS) within this Commonwealth. On April 7, 2015, the EPA designated the Allegheny, Delaware and Lebanon County areas as nonattainment with the 2012 annual PM_{2.5} NAAQS. See 80 FR 18535, 18549 (April 7, 2015). The EPA subsequently determined that the Delaware and Lebanon County areas attained that NAAQS. See 81 FR 89868 (December 13, 2016) and 83 FR 9435 (March 6, 2018). On January 23, 2019, and February 11, 2019, the Department submitted requests to the EPA to redesignate the Delaware County and Lebanon County nonattainment areas to attainment of the 2012 annual PM_{2.5} NAAQS. The maintenance plans for these areas identified lowering the No. 2 and lighter commercial fuel oil standard from 500 ppm to 15 ppm as a contingency measure to ensure that these areas will continue to be classified as attainment for the 2012 annual PM_{2.5} NAAQS for at least 10 years after redesignation to attainment. See 84 FR 33886, 33900 (July 16, 2019). On September 30, 2019, the EPA approved the redesignation requests and maintenance plans for the Delaware County and Lebanon County 2012 PM_{2.5} areas, effective October 30, 2019. See 84 FR 51420, 51424 (September 30, 2019).

The Department presented the draft final-form Annex A to the Air Quality Technical Advisory Committee on October 17, 2019, and to the Small Business Compliance Advisory Committee on October 23, 2019, and briefed the committees on the comments received on the proposed rulemaking. Both committees voted unanimously to concur with the Department's recommendation to present this final-form rulemaking to the Board for consideration. The Department presented the draft final-form Annex A to the Citizens Advisory Council's (CAC) Policy and Regulatory Oversight Committee on October 28, 2019. On the recommendation of the Policy and Regulatory Oversight Committee, on November 19, 2019, the CAC concurred with the Department's recommendation to present this final-form rulemaking to the Board for consideration. Advisory committee meetings are advertised and open to the public.

E. Summary of Final-Form Rulemaking and Changes from Proposed to Final-Form Rulemaking

The proposed compliance dates under § 123.22(a)—(e) were revised to fixed dates in this final-form rulemaking: August 31, 2020, and September 1, 2020. These dates certain replace the proposed 59 days after the effective date and 60 days after the effective date, respectively.

F. Summary of Comments and Responses on the Proposed Rulemaking

The Board adopted the proposed rulemaking at its meeting on April 16, 2019. The proposed rulemaking was published at 49 Pa.B. 3482 (July 6, 2019), opening a 66-day public comment period that closed on September

9, 2019. Three public hearings were held on August 6, 7 and 8, 2019, in Pittsburgh, Norristown and Harrisburg respectively.

Public comments were received from 23 public commenters. No written comments were received from the Senate or House Environmental Resources and Energy Committees, but the Honorable Pennsylvania State Senator Scott Hutchinson submitted written comments. On October 9, 2019, the Independent Regulatory Review Commission (IRRC) submitted its comments. The comments received on the proposed rulemaking are summarized as follows and are addressed in a comment and response document which is available from the Department.

Public comments on the proposed rulemaking from small and large businesses alike were overwhelmingly supportive of reducing the sulfur content from 500 ppm to 15 ppm. Two commenters suggested adding a biodiesel mandate, which is outside the scope of this final-form rulemaking; however, biodiesel may still be used, but is not mandated. One trade association indicated that upstream suppliers believed that the 60-day transition period might not be enough time to cycle through existing 500 ppm product, but the association ultimately supported the 60-day transition period. Another commenter requested a longer time between the effective and compliance dates, as well as a fixed compliance date, that is, July 1, 2020, or September 1, 2020, rather than a date "60 days after the effective date of adoption" as stated in the proposed rulemaking. The Honorable Senator Hutchinson indicated that there is a small transmix refinery in his district that directly employs 44 people on which the proposed rulemaking would place an onerous financial burden. The Honorable Senator Hutchinson further indicated that requiring an immediate reduction in sulfur content from 500 ppm to 15 ppm would be overly burdensome on a small refinery that lacks resources to invest in plant upgrades to meet the new standards.

In response to comments, the Board revised the compliance date in this final-form rulemaking to September 1, 2020, to provide certainty for refinery owners and operators, distributors, carriers and owners and operators of commercial fuel oil and transportation diesel fuel terminals. This compliance date provides ample notice for businesses to adapt their operations for the 2020-2021 fuel delivery season. Noncompliant commercial fuel oil purchased and delivered by businesses to the ultimate consumer before the compliance date of September 1, 2020, may still be used by the ultimate consumer after the compliance date. Noncompliant commercial fuel oil with a higher sulfur content may be marketed on and after September 1, 2020, to states that do not have a maximum allowable sulfur content limit of 15 ppm for No. 2 and lighter commercial fuel oil, such as Ohio, West Virginia and Virginia.

With regard to comments related to small business impact, the Board explained that the commercial fuel oil industry overall will benefit from having consistent maximum allowable sulfur content limits in transportation diesel fuel including nonroad, locomotive and marine (NRLM) and highway transportation diesel fuel as well as No. 2 and lighter commercial fuel oil. Consistent maximum allowable sulfur content limits will help refinery owners and operators, distributors, carriers and owners and operators of commercial fuel oil and transportation diesel fuel terminals minimize the number of storage tanks and delivery trucks needed. The maximum allowable sulfur content level required in NRLM and highway

transportation diesel fuels is already 15 ppm. No. 2 and lighter commercial fuel oil could be combined with NRLM and highway transportation diesel fuel in the same storage tanks and delivery trucks, thus minimizing the number of vehicles needed. Further, the final-form amendments included in this final-form rulemaking are part of a longstanding goal to reduce sulfur content.

Finally, the Commonwealth is currently the only state included in MANE-VU that does not yet have the requirement for sulfur content of 15 ppm, putting the Commonwealth at a competitive disadvantage as explained in Section G.

G. Benefits, Costs and Compliance

Benefits

Lowering the maximum allowable sulfur content of No. 2 and lighter commercial fuel oil from 500 ppm of sulfur to 15 ppm will benefit this Commonwealth's 12.8 million residents, numerous animals, crops, vegetation and natural areas, as well as the residents and environments of downwind states, through reduced regional haze, and reduced SO₂, PM_{2.5} and ground-level ozone pollution. SO₂ is the most significant pollutant involved in the formation of regional haze. Visibility impairment, including regional haze, in rural areas of eastern North America occurs primarily due to sulfate particles. Sulfate particles are formed in the atmosphere when SO₂ emissions oxidize.

SO₂ emissions also contribute to the formation of acid rain, which makes lakes, rivers and streams unsuitable for many fish and other aquatic life, and erodes stone buildings, historical monuments and paint on cars. Acid rain and PM_{2.5} contribute to agricultural crop and vegetation damage and to degradation of the Chesapeake Bay. The reductions in SO₂ emissions will reduce air pollution threats to public health and welfare and the environment and will contribute to improving visibility. Decreased emissions of SO₂ will also contribute to the attainment and maintenance, or both, of the SO₂, PM_{2.5} and ground-level ozone NAAQS in this Commonwealth and the MANE-VU region.

NO_x emissions will also decrease due to furnace and oil heat burner efficiency improvements. Emissions of NO_x contribute to public health and environmental problems in the Mid-Atlantic and Northeast states, including the formation of PM_{2.5} and ground-level ozone.

The existence of PM_{2.5} in the atmosphere not only produces regional haze but also causes significant adverse health effects. Epidemiological studies have shown a significant correlation between elevated PM_{2.5} levels and premature mortality. Other important health effects associated with PM_{2.5} exposure include aggravation of respiratory and cardiovascular disease (as indicated by increased hospital admissions, emergency room visits, absences from school or work and restricted activity days), lung disease, decreased lung function, asthma attacks and certain cardiovascular problems. Individuals particularly sensitive to PM_{2.5} exposure include older adults, people with heart and lung disease and children. High levels of PM_{2.5} affect animals in ways similar to humans. Ground-level ozone is a serious human and animal health and welfare threat, causing or contributing to respiratory illnesses and decreased lung function, agricultural crop loss, visible foliar injury to sensitive plant species, and damage to forests, ecosystems and infrastructure.

Emissions of carbon dioxide, a greenhouse gas, will likely also be reduced because the overall consumption of

No. 2 and lighter commercial fuel oil should decrease with improved combustion efficiency resulting from the use of No. 2 and lighter commercial fuel oil with a lowered sulfur content of 15 ppm.

Implementation of the maximum allowable sulfur content limit of 500 ppm for No. 2 and lighter commercial fuel oil beginning July 1, 2016, was expected to achieve reductions of SO₂ emissions of at least 21,000 tpy in this Commonwealth. See 43 Pa.B. 806 and 811. The Department expects that the Commonwealth will realize an additional 4,000 tpy of SO₂ emission reductions from implementation of the lower maximum allowable sulfur content limit of 15 ppm for No. 2 and lighter commercial fuel oil. See 43 Pa.B. 806, 807 and 811. While many of these anticipated emission reductions have already been achieved as a result of the marketplace and nearby state and local limits already in place, this final-form rulemaking, if promulgated as a final-form rulemaking and approved by the EPA as a revision to the Commonwealth's SIP, will ensure that the full amount of emission reductions is realized.

Commercial fuel oil users and consumers will benefit financially through lower combustion equipment maintenance costs. According to the United States Energy Information Administration's (EIA) State Energy Profiles, approximately 18% of the households in this Commonwealth consume No. 2 and lighter commercial fuel oil for space heat. Low-sulfur content commercial fuel oil has the potential to improve furnace and oil heat burner combustion efficiency by reducing fouling rates of furnace and oil heat burner heat exchangers and other components. Reduced furnace and oil heat burner fouling rates translate directly into lower vacuum-cleaning costs for fuel oil companies and homeowners by extending the service intervals. Further, the availability of low-sulfur content No. 2 and lighter commercial fuel oil will enable the introduction of highly efficient advanced technology condensing furnaces.

The commercial fuel oil industry will also benefit from having consistent maximum allowable sulfur content limits in both No. 2 and lighter commercial fuel oil and transportation diesel fuel including NRLM and highway transportation diesel fuel. Consistent maximum allowable sulfur content limits will help refinery owners and operators, distributors, carriers and owners and operators of commercial fuel oil and transportation diesel fuel terminals minimize the number of storage tanks and delivery trucks needed. The maximum allowable sulfur content level required in NRLM and highway transportation diesel fuels is already 15 ppm. No. 2 and lighter commercial fuel oil can be combined with NRLM and highway transportation diesel fuel in the same storage tanks and delivery trucks, thus minimizing the number of vehicles needed. Since the maximum allowable sulfur content limit for No. 2 and lighter commercial fuel oil will be consistent Statewide, compliance and recordkeeping will also be simplified for the petroleum refining and distribution companies.

Costs and compliance

This final-form rulemaking applies to the owner and operator of a refinery, pipeline, terminal, distributor, carrier or retail outlet fuel storage facility that produces, conveys, stores or sells No. 2 and lighter commercial fuel oil. The requirements focus on persons or entities that "offer for sale, deliver for use, exchange in trade or permit the use of commercial fuel oil." These are the suppliers and operators selling to the ultimate consumer.

There are four refineries in this Commonwealth, owned by four different companies. United Refining Company and Monroe Energy, LLC refineries currently produce No. 2 and lighter commercial fuel oil with a sulfur content of 15 ppm or less. The American Refining Group, Inc. produces No. 2 and lighter commercial fuel oil with a sulfur content of 15 ppm to be sold to New York, and No. 2 and lighter commercial fuel oil with a sulfur content of less than 500 ppm for north and northwestern counties in this Commonwealth. Philadelphia Energy Solutions (PES) has the ability to produce No. 2 and lighter commercial fuel oil with a maximum sulfur content of 15 ppm and prior to the fires in June 2019, produced most of the No. 2 and lighter commercial fuel oil distributed along the east coast with a sulfur content of 15 ppm or less. A discussion with Philadelphia AMS on September 26, 2019, indicated that PES is currently operating the boilers and wastewater sources, but no refining sources. The facility permit is active and a renewal application is on hold. PES is currently in bankruptcy and is trying to find a buyer. Since PES has an active permit, the refining sources can resume operating or someone could buy the PES facility and operate those sources.

Owners and operators of refineries outside of this Commonwealth will be affected if they supply distributors that sell No. 2 and lighter commercial fuel oil in this Commonwealth. However, maximum allowable sulfur content limits have been established in motor fuels for 30 years, so the industry has the technical capacity to implement the new requirements.

There are 128 fuel oil terminal operations and 684 distributors of petroleum products in this Commonwealth; not all operations handle No. 2 and lighter commercial fuel oil. The terminal operators include those with familiar names from the petroleum industry, including Sunoco and Gulf Oil. Several major distributors also operate terminals, including Buckeye Energy. While the size of distributor operations ranges from large to small, members of the petroleum distribution industry, as a whole, have been regulated for many years. Existing systems to track the quantity and composition of fuel are long standing for purposes of compliance with environmental and tax regulations.

End-users of No. 2 and lighter commercial fuel oil are generally homeowners and those living in rental units. The EIA State Energy Profile estimates that 18% of households in this Commonwealth use No. 2 and lighter commercial fuel oil for home or space heating, water heating, or both.

Market forces and regulations for transportation-related diesel fuels in the United States and internationally are factors affecting this industry, since the use of No. 2 and lighter commercial fuel oil for residential heating is a very small portion of diesel fuel consumption. Upon promulgation of this final-form rulemaking, No. 2 and lighter commercial fuel oil sold or distributed for use in this Commonwealth will have the same maximum allowable sulfur content limit as NRLM and highway transportation diesel fuel.

The 2008 National Oilheat Research Alliance's "Northeast Heating Oil Assessment," by Hart Energy Consulting, estimated that there would be a 6.3-to-6.8 cent-per-gallon (cpg) incremental production cost for 500 ppm versus 2,500 ppm sulfur content home heating oil (No. 2 commercial fuel oil), including capital costs. Incremental production costs were estimated to be as much as 8.9 cpg for 15 ppm sulfur content versus 2,500 ppm.

However, where refiners have desulfurization capabilities, the incremental cost of producing 15 ppm sulfur versus 2,500 ppm sulfur content home heating oil was estimated to be 4.6 cpg. Data showing the cost difference between 500 ppm and 15 ppm sulfur content home heating oil was not found. However, by subtracting the 500 ppm and 15 ppm sulfur content home heating oil costs, the estimated costs will likely be no more than 2.6 cpg (8.9 cpg - 6.3 cpg = 2.6 cpg). Note that these are costs to the producers; prices to the ultimate consumer will be influenced by factors additional to the cost of reducing the sulfur content in the No. 2 and lighter commercial fuel oil.

Furnace and oil heat burner maintenance costs for consumers will likely be lower for those that do not already use 15 ppm low-sulfur content No. 2 and lighter commercial fuel oil due to less fouling of their heat exchangers. Decreased fouling improves efficiency of the furnace or oil heat burner, which results in lower fuel usage and longer time periods between cleanings. Although 15 ppm low-sulfur content No. 2 and lighter commercial fuel oil may cost a few cents per gallon more, savings on maintenance costs will help to defray that impact.

Compliance assistance plan

The Department plans to educate and assist the public and regulated community in understanding the requirements and how to comply with them. This will be accomplished through the Department's ongoing compliance assistance program. The Department will also work with the Small Business Assistance Program to aid the owners and operators of facilities less able to handle matters with in-house staff.

Paperwork requirements

There are no additional paperwork requirements associated with this final-form rulemaking with which industry will need to comply. As in the existing regulation, this final-form rulemaking requires that, beginning with the refinery owner or operator who sells or transfers No. 2 and lighter commercial fuel oil and ending with the ultimate consumer, each time the physical custody of or title to a shipment of No. 2 and lighter commercial fuel oil changes hands, the transferor is required to provide the transferee with an electronic or paper record of the transaction. Each affected person is required to keep the records in electronic or paper format for 2 years. No recordkeeping or reporting is required of ultimate consumers at private residences or apartment complexes and condominiums.

H. Pollution Prevention

The Pollution Prevention Act of 1990 (42 U.S.C.A. §§ 13101—13109) established a National policy that promotes pollution prevention as the preferred means for achieving state environmental protection goals. The Department encourages pollution prevention, which is the reduction or elimination of pollution at its source, through the substitution of environmentally friendly materials, more efficient use of raw materials and the incorporation of energy efficiency strategies. Pollution prevention practices can provide greater environmental protection with greater efficiency because they can result in significant cost savings to facility owners and operators that permanently achieve or move beyond compliance.

This final-form rulemaking will prevent emissions of SO₂ and NO_x air pollutants by requiring a lower maximum allowable amount of sulfur in No. 2 and lighter commercial fuel oil used in this Commonwealth, thereby

reducing regional haze and ambient levels of PM_{2.5} in this Commonwealth and throughout the Mid-Atlantic and Northeast states. This final-form rulemaking does not require add-on controls, although existing provisions allow the use of controlled noncompliant fuel if the controlled emissions are equivalent to those obtained with compliant No. 2 and lighter commercial fuel oil.

I. Sunset Review

The Board is not establishing a sunset date for this final-form rulemaking, since it is needed for the Department to carry out its statutory authority. The Department will continue to closely monitor this final-form rulemaking for effectiveness and recommend updates to the Board as necessary.

J. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on June 19, 2019, the Department submitted a copy of the notice of proposed rulemaking, published at 49 Pa.B. 3482, to IRRC and the Chairpersons of the House and Senate Committees on Environmental Resources and Energy for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on June 17, 2020, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on June 18, 2020, and approved the final-form rulemaking.

K. Findings of the Board

The Board finds that:

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

(2) At least a 60-day public comment period was provided as required by law and all comments were considered.

(3) This final-form rulemaking does not enlarge the purpose of the proposed rulemaking published at 49 Pa.B. 3482.

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

(5) These regulations are reasonably necessary to address regional haze and visibility impairment and to satisfy related CAA requirements.

L. Order of the Board

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

(a) The regulations of the Department, 25 Pa. Code Chapter 123, are amended by amending § 123.22 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

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

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

(d) The Chairperson of the Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(e) This final-form rulemaking will be submitted to the EPA as a revision to the Commonwealth SIP.

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

PATRICK McDONNELL,
Chairperson

(Editor's Note: See 50 Pa.B. 3355 (July 4, 2020) for IRRC's approval order.)

Fiscal Note: Fiscal note 7-546 remains valid for the final adoption of the subject regulation.

Annex A

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

Subpart C. PROTECTION OF NATURAL RESOURCES

ARTICLE III. AIR RESOURCES

**CHAPTER 123. STANDARDS FOR CONTAMINANTS
SULFUR COMPOUND EMISSIONS**

§ 123.22. Combustion units.

(a) *Nonair basin areas.* Combustion units in nonair basin areas must conform with the following:

(1) *General provision.* A person may not permit the emission into the outdoor atmosphere of sulfur oxides, expressed as SO₂, from a combustion unit in excess of the rate of 4 pounds per million Btu of heat input over a 1-hour period, except as provided in paragraph (4).

(2) *Commercial fuel oil.*

(i) Except as specified in subparagraphs (ii) and (iii), a person may not offer for sale, deliver for use, exchange in trade or permit the use of commercial fuel oil in nonair basin areas if the commercial fuel oil contains sulfur in excess of the applicable maximum allowable sulfur content set forth in the following table:

<i>Maximum Allowable Sulfur Content Expressed as Parts per Million (ppm) by Weight or Percentage by Weight</i>		
<i>Grades Commercial Fuel Oil (Consistent with ASTM D396)</i>	<i>Through August 31, 2020</i>	<i>Beginning September 1, 2020</i>
No. 2 and lighter oil	500 ppm (0.05%)	15 ppm (0.0015%)
No. 4 oil	2,500 ppm (0.25%)	2,500 ppm (0.25%)
No. 5, No. 6 and heavier oil	5,000 ppm (0.5%)	5,000 ppm (0.5%)

(ii) Commercial fuel oil that was stored in this Commonwealth by the ultimate consumer prior to September 1, 2020, which met the applicable maximum allowable sulfur content for commercial fuel oil through August 31, 2020, in subparagraph (i) at the time it was stored, may be used by the ultimate consumer in this Commonwealth on and after September 1, 2020.

(iii) The Department may temporarily suspend or increase the applicable maximum allowable sulfur content for a commercial fuel oil set forth in subparagraph (i) if the following occur:

(A) The Department receives a written request at the address specified in subsection (h) for a suspension or increase on the basis that compliant commercial fuel oil is not reasonably available in a nonair basin area. The request must include the following:

(I) The nonair basin county or counties for which the suspension or increase is requested.

(II) The reason compliant commercial fuel oil is not reasonably available.

(III) The duration of time for which the suspension or increase is requested and the justification for the requested duration.

(B) The Department determines that an insufficient quantity of compliant commercial fuel oil is reasonably available in the nonair basin area and that the circumstances leading to the insufficiency are due to events that could not have been reasonably foreseen or prevented and

are not due to lack of prudent planning on the part of the transferor of the commercial fuel oil into or within the specified nonair basin area.

(C) The Department approves the request, in writing, prior to the transferor distributing the noncompliant commercial fuel oil into or within the specified nonair basin area.

(iv) The Department will limit a suspension or increase in the applicable maximum allowable sulfur content granted under subparagraph (iii) to the shortest duration in which adequate supplies of compliant commercial fuel oil can be made reasonably available, but in no case longer than 60 days from the date the Department grants the suspension or increase.

* * * * *

(b) *Erie; Harrisburg; York; Lancaster; and Scranton, Wilkes-Barre air basins.* Combustion units in these subject air basins must conform with the following:

(1) *General provision.* A person may not permit the emission into the outdoor atmosphere of sulfur oxides, expressed as SO₂, from a combustion unit in excess of the rate of 4 pounds per million Btu of heat input over a 1-hour period, except as provided in paragraph (4).

(2) *Commercial fuel oil.*

(i) Except as specified in subparagraphs (ii) and (iii), a person may not offer for sale, deliver for use, exchange in trade or permit the use of commercial fuel oil in the subject air basins if the commercial fuel oil contains sulfur in excess of the applicable maximum allowable sulfur content set forth in the following table:

<i>Grades Commercial Fuel Oil (Consistent with ASTM D396)</i>	<i>Through August 31, 2020</i>		<i>Beginning September 1, 2020</i>	
No. 2 and lighter oil	500 ppm	(0.05%)	15 ppm	(0.0015%)
No. 4 oil	2,500 ppm	(0.25%)	2,500 ppm	(0.25%)
No. 5, No. 6 and heavier oil	5,000 ppm	(0.5%)	5,000 ppm	(0.5%)

(ii) Commercial fuel oil that was stored in this Commonwealth by the ultimate consumer prior to September 1, 2020, which met the applicable maximum allowable sulfur content for commercial fuel oil through August 31, 2020, in subparagraph (i) at the time it was stored, may be used by the ultimate consumer in this Commonwealth on and after September 1, 2020.

(iii) The Department may temporarily suspend or increase the applicable maximum allowable sulfur content for a commercial fuel oil set forth in subparagraph (i) if the following occur:

(A) The Department receives a written request at the address specified in subsection (h) for a suspension or increase on the basis that compliant commercial fuel oil is not reasonably available in a subject air basin. The request must include the following:

(I) The subject air basin for which the suspension or increase is requested.

(II) The reason compliant commercial fuel oil is not reasonably available.

(III) The duration of time for which the suspension or increase is requested and the justification for the requested duration.

(B) The Department determines that an insufficient quantity of compliant commercial fuel oil is reasonably

available in the air basin and that the circumstances leading to the insufficiency are due to events that could not have been reasonably foreseen or prevented and are not due to lack of prudent planning on the part of the transferor of the commercial fuel oil into or within the air basin.

(C) The Department approves the request, in writing, prior to the transferor distributing the noncompliant commercial fuel oil into or within the air basin.

(iv) The Department will limit a suspension or increase in the applicable maximum allowable sulfur content granted under subparagraph (iii) to the shortest duration in which adequate supplies of compliant commercial fuel oil can be made reasonably available, but in no case longer than 60 days from the date the Department grants the suspension or increase.

* * * * *

(c) *Allentown, Bethlehem, Easton; Reading; Upper Beaver Valley; and Johnstown air basins.* Combustion units in these subject air basins must conform with the following:

(1) *General provision.* A person may not permit the emission into the outdoor atmosphere of sulfur oxides, expressed as SO₂, from a combustion unit in excess of the

rate of 3 pounds per million Btu of heat input over a 1-hour period, except as provided in paragraph (4).

(2) *Commercial fuel oil.*

(i) Except as specified in subparagraphs (ii) and (iii), a

person may not offer for sale, deliver for use, exchange in trade or permit the use of commercial fuel oil in the subject air basins if the commercial fuel oil contains sulfur in excess of the applicable maximum allowable sulfur content set forth in the following table:

<i>Grades Commercial Fuel Oil (Consistent with ASTM D396)</i>	<i>Through August 31, 2020</i>		<i>Beginning September 1, 2020</i>	
No. 2 and lighter oil	500 ppm	(0.05%)	15 ppm	(0.0015%)
No. 4 oil	2,500 ppm	(0.25%)	2,500 ppm	(0.25%)
No. 5, No. 6 and heavier oil	5,000 ppm	(0.5%)	5,000 ppm	(0.5%)

(ii) Commercial fuel oil that was stored in this Commonwealth by the ultimate consumer prior to September 1, 2020, which met the applicable maximum allowable sulfur content for commercial fuel oil through August 31, 2020, in subparagraph (i) at the time it was stored, may be used by the ultimate consumer in this Commonwealth on and after September 1, 2020.

(iii) The Department may temporarily suspend or increase the applicable maximum allowable sulfur content for a commercial fuel oil set forth in subparagraph (i) if the following occur:

(A) The Department receives a written request at the address specified in subsection (h) for a suspension or increase on the basis that compliant commercial fuel oil is not reasonably available in a subject air basin. The request must include the following:

(I) The subject air basin for which the suspension or increase is requested.

(II) The reason compliant commercial fuel oil is not reasonably available.

(III) The duration of time for which the suspension or increase is requested and the justification for the requested duration.

(B) The Department determines that an insufficient quantity of compliant commercial fuel oil is reasonably available in the air basin and that the circumstances leading to the insufficiency are due to events that could not have been reasonably foreseen or prevented and are not due to lack of prudent planning on the part of the transferor of the commercial fuel oil into or within the air basin.

(C) The Department approves the request, in writing, prior to the transferor distributing the noncompliant commercial fuel oil into or within the air basin.

(iv) The Department will limit a suspension or increase in the applicable maximum allowable sulfur content granted under subparagraph (iii) to the shortest duration in which adequate supplies of compliant commercial fuel oil can be made reasonably available, but in no case longer than 60 days from the date the Department grants the suspension or increase.

* * * * *

(d) *Allegheny County; Lower Beaver Valley; and Monongahela Valley air basins.* Combustion units in these subject air basins must conform with the following:

(1) *General provision.* A person may not permit the emission into the outdoor atmosphere of sulfur oxides, expressed as SO₂, from a combustion unit in excess of one or more of the following:

(i) The rate of 1 pound per million Btu of heat input, when the heat input to the combustion unit in millions of Btus per hour is greater than 2.5 but less than 50.

(ii) The rate determined by the following formula: $A = 1.7E^{-0.14}$, where: A = Allowable emissions in pounds per million Btu of heat input, and E = Heat input to the combustion unit in millions of Btus per hours when E is equal to or greater than 50 but less than 2,000.

(iii) The rate of 0.6 pounds per million Btu of heat input when the heat input to the combustion unit in millions of Btus per hour is equal to or greater than 2,000.

(2) *Commercial fuel oil.*

(i) Except as specified in subparagraphs (ii) and (iii), a person may not offer for sale, deliver for use, exchange in trade or permit the use of commercial fuel oil in the subject air basins, if the commercial fuel oil contains sulfur in excess of the applicable maximum allowable sulfur content set forth in the following table:

<i>Grades Commercial Fuel Oil (Consistent with ASTM D396)</i>	<i>Through August 31, 2020</i>		<i>Beginning September 1, 2020</i>	
No. 2 and lighter oil	500 ppm	(0.05%)	15 ppm	(0.0015%)
No. 4 oil	2,500 ppm	(0.25%)	2,500 ppm	(0.25%)
No. 5, No. 6 and heavier oil	5,000 ppm	(0.5%)	5,000 ppm	(0.5%)

(ii) Commercial fuel oil that was stored in this Commonwealth by the ultimate consumer prior to September 1, 2020, which met the applicable maximum allowable sulfur content through August 31, 2020, at the time it was stored, may be used by the ultimate consumer in this Commonwealth on and after September 1, 2020.

(iii) The Department may temporarily suspend or increase the applicable maximum allowable sulfur content for a commercial fuel oil set forth in subparagraph (i) if the following occur:

(A) The Department receives a written request at the address specified in subsection (h) for a suspension or increase on the basis that compliant commercial fuel oil is not reasonably available in a subject air basin. The request must include the following:

(I) The subject air basin for which the suspension or increase is requested.

(II) The reason compliant commercial fuel oil is not reasonably available.

(III) The duration of time for which the suspension or increase is requested and the justification for the requested duration.

(B) The Department determines that an insufficient quantity of compliant commercial fuel oil is reasonably available in the air basin and that the circumstances leading to the insufficiency are due to events that could not have been reasonably foreseen or prevented and are not due to lack of prudent planning on the part of the transferor of the commercial fuel oil into or within the air basin.

(C) The Department approves the request, in writing, prior to the transferor distributing the noncompliant commercial fuel oil into or within the air basin.

(iv) The Department will limit a suspension or increase in the applicable maximum allowable sulfur content granted under subparagraph (iii) to the shortest duration in which adequate supplies of compliant commercial fuel oil can be made reasonably available, but in no case longer than 60 days from the date the Department grants the suspension or increase.

* * * * *

(e) *Southeast Pennsylvania air basin.* Combustion units in the Southeast Pennsylvania air basin must conform with the following:

(1) *General provision.* A person may not permit the emission into the outdoor atmosphere of sulfur oxides, expressed as SO₂, from a combustion unit except as provided in paragraph (3) or (5), in excess of the applicable rate in pounds per million Btu of heat input specified in the following table:

<i>Rated Capacity of Units in 10⁶ Btus per hour</i>	<i>Inner Zone</i>	<i>Outer Zone</i>
Less than 250	1.0	1.2
Greater than or equal to 250	0.6	1.2

(2) *Commercial fuel oil.*

(i) Except as specified in subparagraphs (ii) and (iii), a person may not offer for sale, deliver for use, exchange in trade or permit the use of commercial fuel oil in a combustion unit in the Southeast Pennsylvania air basin if the commercial fuel oil contains sulfur in excess of the applicable maximum allowable sulfur content set forth in the following table:

Maximum Allowable Sulfur Content Expressed as Parts per Million (ppm) by Weight or Percentage by Weight

<i>Grades Commercial Fuel Oil (Consistent with ASTM D396)</i>	<i>Through August 31, 2020</i>	<i>Beginning September 1, 2020</i>
No. 2 and lighter oil	500 ppm (0.05%)	15 ppm (0.0015%)
No. 4 oil	2,500 ppm (0.25%)	2,500 ppm (0.25%)
No. 5, No. 6 and heavier oil	5,000 ppm (0.5%)	5,000 ppm (0.5%)

(ii) Commercial fuel oil that was stored in this Commonwealth by the ultimate consumer prior to September 1, 2020, which met the applicable maximum allowable sulfur content for commercial fuel oil through August 31, 2020, in subparagraph (i) at the time it was stored, may be used by the ultimate consumer in this Commonwealth on and after September 1, 2020.

(iii) The Department may temporarily suspend or increase the applicable maximum allowable sulfur content for a commercial fuel oil set forth in subparagraph (i) if the following occur:

(A) The Department receives a written request at the address specified in subsection (h) for a suspension or increase on the basis that compliant commercial fuel oil is not reasonably available in the subject air basin. The request must include both of the following:

(I) The reason compliant commercial fuel oil is not reasonably available.

(II) The duration of time for which the suspension or increase is requested and the justification for the requested duration.

(B) The Department determines that an insufficient quantity of compliant commercial fuel oil is reasonably available in the air basin and that the circumstances leading to the insufficiency are due to events that could not have been reasonably foreseen or prevented and are

not due to lack of prudent planning on the part of the transferor of the commercial fuel oil into or within the air basin.

(C) The Department approves the request, in writing, prior to the transferor distributing the noncompliant commercial fuel oil into or within the air basin.

(iv) The Department will limit a suspension or increase in the applicable maximum allowable sulfur content granted under subparagraph (iii) to the shortest duration in which adequate supplies of compliant commercial fuel oil can be made reasonably available, but in no case longer than 60 days from the date the Department grants the suspension or increase.

* * * * *

(f) *Sampling and testing.*

(1) For the purpose of determining compliance with the requirements of this section, the actual sulfur content of commercial fuel oil shall be determined by one of the following:

(i) In accordance with the sample collection, test methods and procedures specified under § 139.16 (relating to sulfur in fuel oil).

(ii) Other methods developed or approved by the Department or the Administrator of the EPA, or both.

(2) A refinery owner or operator who produces commercial fuel oil intended for use or used in this Common-

wealth is required to sample, test and calculate the actual sulfur content of each batch of the commercial fuel oil as specified in paragraph (1).

(3) Prior to offering for sale, delivering for use, exchanging in trade or permitting the use of commercial fuel oil in this Commonwealth, a person other than the ultimate consumer that accepts a shipment of commercial fuel oil from a refinery or other transferor, shall sample, test and calculate the actual sulfur content of the commercial fuel oil in accordance with paragraph (1) if the shipment lacks the record required under subsection (g)(1) that enables the transferee to determine if the sulfur content of the shipment of commercial fuel oil meets the applicable maximum allowable sulfur content.

(g) *Recordkeeping and reporting.*

(1) Beginning with the refinery owner or operator who sells or transfers commercial fuel oil into or within this Commonwealth for use in this Commonwealth and ending with the ultimate consumer, each time the physical custody of, or title to, a shipment of commercial fuel oil changes hands, the transferor shall provide to the transferee an electronic or paper record described in this paragraph. This record must legibly and conspicuously contain the following information:

- (i) The date of the sale or transfer.
- (ii) The name and address of the transferor.

(iii) The name and address of the transferee.

(iv) The volume of commercial fuel oil being sold or transferred.

(v) The identification of the sulfur content of the shipment of commercial fuel oil, determined using the sampling and testing methods specified in subsection (f)(1), expressed as one of the following statements:

(A) For a shipment of No. 2 and lighter commercial fuel oil:

(I) Prior to September 1, 2020—"The sulfur content of this shipment is 500 ppm or below."

(II) On and after September 1, 2020—"The sulfur content of this shipment is 15 ppm or below."

(B) For a shipment of No. 4 commercial fuel oil, "The sulfur content of this shipment is 2,500 ppm or below."

(C) For a shipment of No. 5, No. 6 and heavier commercial fuel oil, "The sulfur content of this shipment is 5,000 ppm or below."

(vi) The location of the commercial fuel oil at the time of transfer.

* * * * *

[Pa.B. Doc. No. 20-991. Filed for public inspection July 24, 2020, 9:00 a.m.]

PROPOSED RULEMAKING

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CHS. 93 AND 96]

Water Quality Standard for Manganese and Implementation

The Environmental Quality Board (Board) proposes to amend Chapters 93 and 96 (relating to water quality standards; and water quality standards implementation). The proposed amendments delete manganese from Table 3 in § 93.7 (relating to specific water quality criteria) and add manganese to Table 5 in § 93.8c (relating to human health and aquatic life criteria for toxic substances). Additionally, the amendments propose two alternatives for a point of compliance with the manganese water quality standard: the point of all existing or planned surface potable water supply withdrawals; or all surface waters (that is, near the point of discharge). The proposed amendments, set forth in Annex A, support both alternatives.

This proposed rulemaking was adopted by the Board at its meeting on December 17, 2019.

A. Effective Date

This proposed rulemaking will go into effect upon final-form publication in the *Pennsylvania Bulletin*. Subsequent approval by the United States Environmental Protection Agency (EPA) of water quality standards is required to implement the Federal Clean Water Act (CWA) (33 U.S.C.A §§ 1251—1388).

B. Contact Persons

For further information, contact Gary Walters, Bureau of Clean Water, 11th Floor, Rachel Carson State Office Building, P.O. Box 8774, 400 Market Street, Harrisburg, PA 17105-8774, (717) 787-9637; or Michelle Moses, Assistant Counsel, Bureau of Regulatory Counsel, 9th Floor, Rachel Carson State Office Building, P.O. Box 8464, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This proposed rulemaking is available on the Department of Environmental Protection (Department) web site at www.dep.pa.gov (select “Public Participation,” then “Environmental Quality Board”).

C. Statutory and Regulatory Authority

This proposed rulemaking is being made under the authority of sections 5(b)(1) and 402 of The Clean Streams Law (CSL) (35 P.S. §§ 691.5(b)(1) and 691.402), which authorize the Board to develop and adopt rules and regulations to implement the CSL (35 P.S. §§ 691.1—691.1001). Additional authority for this proposed rulemaking includes sections 1920-A(b) and (j) of The Administrative Code of 1929 (71 P.S. § 510-20(b) and (j)), which grants to the Board the power and duty to formulate, adopt and promulgate rules and regulations for the proper performance of the work of the Department and mandates that the Board “promulgate regulations under the act of June 22, 1937 (P.L. 1987, No. 394), known as The Clean Streams Law, or other laws of this Commonwealth that require that the water quality criteria for manganese established under 25 Pa. Code Ch. 93 (relating to water quality standards) shall be met, consistent with the exception in 25 Pa. Code § 96.3(d) (relating to water quality protection requirements).” Sec-

tions 101(a)(2) and 303 of the CWA (33 U.S.C.A. §§ 1251(a)(2) and 1313) set forth requirements for water quality standards, which states must meet to implement the CWA in the Commonwealth. Section 101(a)(3) of the CWA declares the National policy that the discharge of toxic pollutants in toxic amounts be prohibited (33 U.S.C.A. § 1251(a)(3)).

D. Background and Purpose

General background information

Water quality standards are in-stream water quality targets that are implemented by imposing specific regulatory requirements and permit conditions (such as treatment requirements, effluent limitations and best management practices) on individual sources of water pollution. The water quality standards include the existing and designated uses of the surface waters of the Commonwealth, along with the specific numeric and narrative criteria necessary to achieve and maintain those uses, and antidegradation requirements. The purpose and goals of this proposed rulemaking are: to comply with Act 40 of 2017 (71 P.S. § 510-20(j)); to delete the existing manganese numeric water quality criterion from Table 3 at § 93.7 which was established for the protection of the Potable Water Supply use; to add a manganese criterion to Table 5 at § 93.8c designed to protect human health from the neurotoxicological effects of manganese which will also ensure adequate protection of all water uses; and to identify the point of compliance for the criterion.

On October 30, 2017, subsection (j) (known as “Act 40”) was added to section 1920-A of The Administrative Code of 1929. This subsection states:

(j) The board shall promulgate regulations under the act of June 22, 1937 (P.L. 1987, No. 394), known as “The Clean Streams Law,” or other laws of this Commonwealth that require that the water quality criteria for manganese established under 25 Pa. Code Ch. 93 (relating to water quality standards) shall be met, consistent with the exception in 25 Pa. Code § 96.3(d) (relating to water quality protection requirements). Within ninety days of the effective date of this subsection, the board shall promulgate proposed regulations.

Act 40 directed the Board to propose a regulation that moves the point of compliance for manganese from the point of discharge to any downstream public water supply intake.

In addition to Act 40, the Department needs to consider other environmental statutes like the CSL and the Pennsylvania Safe Drinking Water Act (SDWA) (35 P.S. §§ 721.1—721.17). For instance, section 4(1) of the CSL declares that clean, unpolluted streams are absolutely essential if Pennsylvania is to attract new manufacturing industries and to develop the Commonwealth’s full share of the tourist industry. 35 P.S. § 691.4(1). Similarly, section 4(3) declares that an objective of the CSL is to prevent pollution and restore streams that are presently polluted. 35 P.S. § 691.4(1). Sections 4(4) and 5(b)(1) of the CSL provide that the Department has the duty to formulate regulations that prevent and eliminate water pollution. 35 P.S. §§ 691.4(4) and 691.5(b)(1). “Pollution” is defined as “contamination of any waters of the Commonwealth such as...to render such waters harmful, detrimental or injurious to public health..., or to domestic, municipal, commercial, industrial, agricultural,

recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life. . . .” 35 P.S. § 691.1.

In adopting rules and regulations under the CSL, to carry out the purposes of the act, the Department needs to consider, where applicable, the following: (1) water quality management and pollution control in the watershed as a whole; (2) the present and possible future uses of particular waters; (3) the feasibility of combined or joint treatment facilities; (4) the state of scientific and technological knowledge; and (5) the immediate and long-range economic impact upon the Commonwealth and its citizens. 35 P.S. § 691.5(a).

Where a pollutant found in discharges to surface waters is toxic to human health or aquatic life, the Commonwealth’s regulations require development of appropriate water quality criteria to control pollution. 25 Pa. Code § 93.8a (relating to toxic substances) specifically provides that “[t]he waters of this Commonwealth may not contain toxic substances attributable to point or nonpoint source waste discharges in concentrations or amounts that are inimical to the water uses to be protected.”

Section 303(c) of the Federal CWA and 40 CFR Part 131 (relating to water quality standards) require states to develop water quality standards that consist of designated uses, water quality criteria to protect those uses and antidegradation requirements. Such standards must “protect the public health or welfare and enhance the quality of water” 33 U.S.C.A. § 1313(c). In addition, such standards must take into consideration water uses including public water supplies, propagation of fish and wildlife, recreational purposes, agricultural purposes and industrial purposes. Section 101(a)(3) of the CWA declares the National policy that the discharge of toxic pollutants in toxic amounts be prohibited 33 U.S.C.A. § 1251(a)(3).

Furthermore, the SDWA provides that an adequate supply of safe, pure drinking water is essential to the public health, safety and welfare and that such a supply is an important natural resource in the economic development of the Commonwealth. 35 P.S. §§ 721.2. Moreover, among other things, the Department is required to develop a safe drinking water program necessary to assume enforcement responsibility of the Federal SDWA, 42 U.S.C.A. §§ 300f–300j-27. 35 P.S. § 721.5. On November 30, 1984, the Department assumed responsibility under the Federal act. 50 FR 342 (January 3, 1985). Public water suppliers must achieve the Secondary Maximum Contaminant Level (SMCL) for manganese of 0.05 mg/L in finished water based on the Federal standard found at 40 CFR 143.3 (relating to secondary maximum containment levels).

Section 1920-A of the Administrative Code of 1929 authorizes the Board to formulate, adopt and promulgate such rules and regulations as may be determined by the Board for proper performance of the work of the Department.

This proposed rulemaking takes the statutory directives of the CWA, CSL, SDWA and the Administrative Code into consideration.

Manganese is found in discharges to the waters of the Commonwealth and was last evaluated by the Commonwealth in 1967. The Department is required to protect surface waters based on the most current toxicological data and science. Current data and science demonstrate manganese is a neurotoxin to humans when levels necessary to maintain adequate health are

exceeded. The Department took the provisions of Act 40, the CWA, the CSL and the Pennsylvania SDWA into account in this evaluation.

Following the passage of Act 40, the Department solicited information for the development of this proposed rulemaking through an Advance Notice of Proposed Rulemaking (ANPR) published at 48 Pa.B. 605 (January 27, 2018). The Department sought scientific and current toxicological information to comprehensively review the manganese standard as it relates to the water uses identified in § 93.3 (relating to protected water uses) and, in particular, to determine the need to develop manganese toxics criteria related to human health and aquatic life exposure. Additionally, because Act 40 directed the Board to propose a regulation that moves the point of compliance for manganese from the point of discharge to the point of all existing or planned surface potable water supply withdrawals, the Department requested information on the financial and economic impact of compliance with the manganese water quality standard, including costs associated with adding manganese treatment to public water supply facilities, and manganese treatment process information.

The Department received comments on the ANPR from 15 organizations, including the EPA, American Rivers, PA American Water, PennFuture, Public Utility Commission (PUC), Fish and Boat Commission (FBC), City of Lancaster Public Works, Philadelphia Water Department, the Manganese Interest Group, SUEZ-FCGA, CONSOL Energy, Pennsylvania Anthracite Council, Pennsylvania Coal Alliance, Corsa Coal Corporation and Rosebud Mining Company.

The Department’s evaluation resulted in the proposed amendment in Table 5 of § 93.8c. Chapters 93 and 96 implement the CSL and the CWA. Pursuant to these chapters, a pollutant identified as a toxic substance requires control of the substance in all surface waters to protect all water uses. No toxic substances are currently identified in § 96.3(d), which identifies exceptions to the control of substances in all surface waters. By adding a toxic substance to the list of pollutants in § 96.3(d), intervening water uses between the point of discharge and the point of potable water supply withdrawal may not be protected. Also, changing the point of compliance to the point of withdrawal will shift the burden of treatment and control to downstream users, such as public water suppliers and customers.

On November 29, 2018, May 23, 2019, and July 25, 2019, the Department met with the Water Resources Advisory Committee (WRAC) to discuss the scientific literature and information available to support manganese water quality criteria development and other regulatory issues relating to manganese. On July 25, 2019, WRAC voted on a motion to: acknowledge the legislative requirement in Act 40 to propose a regulation moving the point of compliance for manganese to the point of all existing or planned surface potable water supply withdrawals; support proposing a regulation that adds manganese to Table 5 in § 93.8c as a toxic substance for human health at the level of 0.3 mg/L, recognizing that the compliance point for this standard will be met in all surface waters, as described in § 96.3(c); and recommend that the Board request public comment on this combined approach for consideration in developing a final-form rulemaking.

The Department met with the Agricultural Advisory Board on October 25, 2018, June 20, 2019, and August 29, 2019, to present information and seek additional

agriculture-related information relating to manganese and this proposed rulemaking. Also, the Department met with the Small Water Systems Technical Assistance Center Advisory Board (TAC) on January 31, 2019, and August 8, 2019, to present information and seek additional water supply treatment information relating to manganese and this proposed rulemaking. TAC voted to concur with WRAC's motion.

E. Summary of Regulatory Requirements

Proposed amendments to manganese criteria in Chapter 93

The Department periodically reviews its existing criteria to ensure that they are appropriate. If the peer-reviewed scientific information demonstrates that a change is warranted, the criteria will be revised to ensure protection of the most sensitive water use, or population to be protected. For this proposed rulemaking, the Department completed a comprehensive review of the available scientific data for manganese to determine the appropriate water quality criteria to protect all existing and designated water uses and to evaluate the impact of the proposed regulations required by Act 40.

The Department conducted a review of the information received through the ANPR as well as an independent search of the scientific literature available on the toxic effects of manganese to aquatic life, livestock and humans. With respect to aquatic life, the Department reviewed manganese studies on aquatic macroinvertebrates, fish and algae. Current science indicates that elevated manganese is toxic to aquatic organisms. Limited information was available to evaluate the impacts of elevated source water manganese on livestock, but some data suggests elevated levels of manganese in the drinking water for livestock may significantly reduce palatability resulting in lower water consumption. With respect to impacts on humans, the Department reviewed over 60 human health studies relevant to the toxic effects of manganese and included areas of epidemiology, epigenetics and animal toxicity studies. The Department also reviewed information available through the EPA's Integrated Risk Information System (IRIS) database. At levels beyond those necessary to maintain adequate health, manganese has been identified as a nervous system toxin and has been specifically linked to negative impacts on fetal and childhood neurodevelopment.

Based on the science reviewed, the Board is proposing adoption of a numeric water quality criterion for manganese designed to be protective of human health. This criterion would be added to § 93.8c Table 5—Water Quality Criteria for Toxic Substances, and the existing Potable Water Supply criterion of 1 mg/L, found in § 93.7 Table 3 would be deleted. Table 3 generally identifies a specific water use, or uses, to be protected by each criterion. Conversely, Table 5 does not identify specific water uses to be protected by each criterion, but rather the table identifies the organisms to be protected by the criterion (that is, aquatic life or human health). While Table 3 identifies critical uses that are protected by the criteria, the Table 5 criteria may be relevant to multiple protected water uses particularly with respect to human health (for example, Water Supply, Water Contact Sports, Irrigation and Fishing may all be relevant). The proposed numeric human health criterion for manganese is more stringent than the existing Potable Water Supply criterion of 1.0 mg/L and includes protection of the Potable Water Supply use; therefore, the Potable Water Supply use would be afforded appropriate protection from elevated levels of manganese when the human health standard is applied in accordance with Department policy

and regulations. Since this numeric criterion will be included in Table 5, it should apply in all surface waters of the Commonwealth, consistent with § 93.8a(a), § 96.3(c) and the Department's Water Quality Toxics Management Strategy—Statement of Policy at 25 Pa. Code Chapter 16 (relating to water quality toxics management strategy—statement of policy). Based upon the Department's scientific review, the adoption and implementation of a human health criterion in all surface waters in accordance with this proposed rulemaking will also provide adequate protection to aquatic life and livestock from the toxic effects of manganese.

When a chemical or compound, in sufficient quantity or concentration, is harmful to humans the Department must limit the concentrations in waste discharges, as required in § 93.8a(a). In accordance with Chapter 16 and EPA-approved methodologies, human health criteria are developed based on one of two approaches—threshold level or nonthreshold level toxic effects (carcinogens). The terms "threshold effect" and "nonthreshold effects" are defined in § 93.1 (relating to definitions). For threshold level toxic effects, there exists a dose below which no adverse response will occur. Toxic effects include most systemic effects and developmental toxicity, including teratogenicity. Developmental toxicity includes all adverse effects in developing offspring resulting from prenatal exposure to a causative agent. A nonthreshold effect is an adverse impact, including carcinogenic effects, for which no exposure greater than zero assures protection to the exposed individual. Manganese has not been shown to be carcinogenic. Therefore, a criterion was developed following the Department's threshold level toxic effects policy found at § 16.32 (relating to threshold level toxic effects).

Under § 16.32, the Department will establish criteria for threshold toxics in accordance with the following guidelines: (1) if the EPA has developed criteria, the Department will evaluate and accept the criteria when it is determined that they are adequate to protect the designated water uses; (2) if the EPA criteria have been evaluated, and have been determined to be inadequate to protect designated uses, or when no criteria have been developed for a substance identified or expected in a discharge, the Department will develop criteria following the EPA's standard toxicological procedures outlined in the Methodology for Deriving Ambient Water Quality Criteria for the Protection of Human Health (EPA-822-B-00-004, October 2000) and the National Recommended Water Quality Criteria (EPA-822-H-04-001, 2004), as amended and updated or Exhibit 3-1 of the Water Quality Standards Handbook, Second Edition, EPA-823-0-94-005A, August 1994, as amended and updated; and (3) if no data are available to characterize the human health hazard of a chemical, no criterion will be developed. A criterion to protect the next most sensitive use will be used. In accordance with this policy, the Department reviewed the available information to determine whether or not a criterion could be developed for manganese. The EPA has not published a human health criterion recommendation for manganese; however, toxicological data relating to the human health effects of manganese does exist. Therefore, the Department followed the procedures outlined in § 16.32(c)(2) to develop a human health criterion for manganese.

In addition to these guidelines for criteria development, § 16.32(d) identifies the sources the Department uses to obtain relevant risk assessment values for protection from threshold level toxic effects, which includes the following sources: (1) verified reference doses listed in the EPA's IRIS database and other EPA approved data sources

referred through IRIS; (2) maximum contaminant level goals; (3) the EPA's CWA § 304(a) health criteria as amended and updated and other final criteria published by the EPA and the Great Lakes Initiative Clearinghouse; and (4) Teratology and other data that have been peer-reviewed may provide information for criteria development. In accordance with § 16.32(d), the Department will typically use verified reference doses in the IRIS database when available. When appropriate reference dose information is not available in IRIS, the Department must develop a reference dose using one of the other sources of information listed above. A reference dose is an essential component of the EPA equation used to derive ambient water quality criteria for the protection of human health. In other words, a human health criterion cannot be calculated without an appropriate reference dose.

The EPA developed an oral reference dose (RfD) for manganese (CASRN 7439-96-5) and published the complete summary in the IRIS database <https://www.epa.gov/iris> in 1995. The EPA defines a reference dose as "an estimate (with an uncertainty spanning approximately an order of magnitude) of a daily exposure to the human population (including sensitive subgroups) that is likely to be without appreciable risk of deleterious effects over a lifetime." When the EPA's 2000 Human Health Methodology was published, the most common approach for deriving a reference dose was to identify the no-observed-adverse-effect level (NOAEL) for the most sensitive known toxicity endpoint, that is, the toxic effect that occurs at the lowest dose. This effect is called the critical effect (EPA-822-B-00-004, October 2000). Many different factors are evaluated when selecting the most appropriate NOAEL from among all available studies. For manganese, the EPA identified central nervous system effects as the critical effect.

The 1995 IRIS reference dose is for the total daily oral intake of manganese, which includes drinking water and dietary sources. However, the NOAEL was based solely on dietary studies; therefore, the EPA recommends that an assessment of drinking water exposure should include a modifying factor (MF) of 3. The EPA provided four reasons for this recommendation. First, fasting individuals have been shown to absorb more manganese from drinking water than nonfasting individuals. Second, there were concerns about possible adverse health effects associated with a lifetime consumption of drinking water containing approximately 2 mg/L of manganese. Third, formula-fed infants have been found to have a much higher concentration of manganese in hair samples versus breast fed infants. Not only does infant formula contain higher amounts of manganese than breast milk, but the valence form of the manganese in formula appears to increase the absorption rate. Studies have shown that the levels of manganese in learning-disabled children were significantly increased in comparison with that of nondisabled children. Although no causal relationship has been determined, further research is needed. Fourth, there is evidence that the neonate (infant less than 28 days old) digestive tract absorbs more manganese than an adult's and that neonates are less able to excrete it. Furthermore, it has been shown that manganese will more readily cross the blood-brain barrier in neonates, suggested by studies to be at a rate 4-times higher in infants than in adults. Caution is warranted when establishing safe levels of manganese in water since any adverse neurological effects acquired during this critical period of development are likely to be irreversible and may not manifest for years after the exposure.

The Board's proposed amendment relies upon the EPA's existing IRIS RfD for manganese with the recommended MF of 3. The EPA recommends applying an MF of 3 to assess manganese exposure from water consumption.

$$\text{RfD} = (0.14 \text{ mg/kg-day} \div 3) = 0.05 \text{ mg/kg-day}$$

In accordance with the guidelines in § 16.32(c), the Department follows the EPA Methodology for Deriving Ambient Water Quality Criteria for the Protection of Human Health (2000) <https://www.epa.gov/wqc/methodology-deriving-ambient-water-quality-criteria-protection-human-health-2000-documents> in establishing criteria for threshold toxics. The Department used the updated exposure input values as given in the 2015 EPA Updated Ambient Water Quality Criteria for the Protection of Human Health <https://www.epa.gov/wqc/2015-epa-updated-ambient-water-quality-criteria-protection-human-health>. In accordance with § 93.8a, the Department derived the following human health criterion for manganese. Manganese is not known to significantly bioaccumulate in freshwater fish; therefore, a bioaccumulation factor of 1 has been assumed.

AWQC_{Mn} = Ambient Water Quality Criterion for Manganese

$$\text{AWQC}_{\text{Mn}} = \text{RfD} \times \text{RSC} \times (\text{BW} \div [\text{DWI} + (\text{FI} \times \text{BAF})])$$

Where:

$$\text{RfD} = 0.05 \text{ mg/kg-day}$$

$$\text{Relative Source Contribution (RSC)} = 0.2$$

$$\text{Body Weight (BW)} = 80 \text{ kg}$$

$$\text{Drinking Water Intake (DWI)} = 2.4 \text{ L}$$

$$\text{Fish Intake (FI)} = 0.022 \text{ kg/day}$$

$$\text{Bioaccumulation factor (BAF)} = 1$$

$$\text{AWQC}_{\text{Mn}} = 0.05 \text{ mg/kg-day} \times 0.2 \times (80 \div [2.4 + (0.022 \text{ kg/day} \times 1)])$$

$$\text{AWQC}_{\text{Mn}} = 0.3 \text{ mg/L}$$

This proposed criterion of 0.3 mg/L is expected to protect human health from the threshold level toxic effects of manganese (that is, developmental neurotoxicological effects) consistent with Chapters 16 and 93.

In response to the ANPR, the Department received comments noting that both the State and Federal regulations include technology-based limits for mining wastewater effluent discharges. These manganese limits are 2.0 mg/L as a 30-day average, 4.0 mg/L as a daily maximum and 5.0 mg/L as an instantaneous maximum. It has been suggested that these limitations would prevent the discharge of toxic levels of manganese to surface waters of this Commonwealth. However, these effluent limits are based on the performance of wastewater treatment and control technologies, not water quality protection. The National Pollutant Discharge Elimination System (NPDES) regulations require permit limits to be based on "any requirements *in addition to or more stringent than* promulgated effluent limitations guidelines or standards under sections 301 (relating to effluent limitations), 304 (relating to information and guidelines), 306 (relating to national standards of performance), 307 (relating to toxic and pretreatment effluent limits), 318 (relating to aquaculture) and 405 (relating to disposal of sewage sludge) of the CWA *necessary to (1) achieve water quality standards established under section 303 of the CWA. . . .*" (emphasis added) 40 CFR 122.44(d)(1) (relating to establishing limitations, standards, and other permit conditions (applicable to State NPDES programs, see § 123.25)) incorporated by reference into 25 Pa. Code § 92a.44 (relating to establishing limitations, standards, and other

permit conditions); and 33 U.S.C.A. § 1312(a) (relating to water quality related effluent limitations).

It must be noted that the technology-based effluent limitations mentioned previously are specific to the mining industry and do not apply to other dischargers of manganese. The Department conducted a review of NPDES permits and identified several nonmining, NPDES-permitted sectors (for example, landfills, wastewater treatment plants and power plants) that currently have water quality-based effluent limits for manganese, based on the existing manganese water quality criterion, but which do not have State or Federal technology-based limits similar to the mining program which would limit their discharge of manganese at the point of discharge. In contrast to the applicability of technology-based limitations, water quality criteria are not narrowly focused or developed for specific permitted discharge activities or categories of discharge. They are developed to protect designated uses and specific populations (that is, aquatic life or human health), and they apply to all permitted discharges regardless of the type of discharge activity. All NPDES discharge permits must be written to comply with all applicable water quality standards as set forth by the Board for the protection of water uses and users. Therefore, the Department cannot limit its review to industry specific standards when determining the water quality criteria necessary to ensure adequate aquatic life, plant, animal and human health protection.

With respect to the mining industry, the EPA evaluated the Federal effluent limitation guidelines (ELG) for manganese in 2008 at the request of mining industries and state agencies. The EPA determined that the ELGs were valid and should remain in place. The EPA noted that the toxic effects of manganese on aquatic species are typically chronic rather than acute in nature, and headwater streams are especially sensitive to manganese. Additionally, the EPA determined that for active surface and underground mining areas and postmining areas with underground acid mine drainage discharges, manganese treatment is available, economically achievable, and compliance rates with permit limits derived from the management effluent guidelines are high (73 FR 53218 (September 15, 2008); Notice of Final 2008 Effluent Guideline Program Plan).

Adoption of a new human health toxics criterion for manganese may require new and existing NPDES discharges to be evaluated when permit applications undergo Department review. This evaluation could potentially result in increased treatment and operational costs for permitted dischargers with manganese effluent limits, depending on the point of compliance for the criterion.

Proposed amendments to Chapter 96—point of compliance alternatives

Annex A includes language which supports two alternative points of compliance for the proposed manganese criterion. The first alternative, consistent with Act 40, is to move the point of compliance to the point of all existing or planned surface potable water supply withdrawals. The second alternative is to maintain the existing point of compliance in all surface waters (that is, at the point of discharge). The Board is seeking public comment on both alternatives.

First alternative point of compliance

In accordance with Act 40, the first alternative is a proposed regulation that changes the point of compliance for manganese in Chapter 96 from “being] achieved in all

surface waters” (§ 96.3(c)) to being met “at the point of all existing or planned surface potable water supply withdrawals” (§ 96.3(d)). Language in the Annex A that reflects this alternative is as follows:

(d) As an exception to subsection (c), the water quality criteria for total dissolved solids, nitrite-nitrate nitrogen, phenolics, chloride, sulfate and fluoride established for the protection of potable water supply *and the water quality criterion for manganese* shall be met at least 99% of the time at the point of all existing or planned surface potable water supply withdrawals unless otherwise specified in this title. (Emphasis added).

Under this alternative, if no potable water supply exists or is planned then no water quality-based effluent limits will apply; however, Federal ELGs would apply to the mining discharges. For all other point source discharges of manganese there would be no water quality criteria or Federal ELGs to limit the amount of manganese discharged into the surface water. Under this scenario, dischargers would have no water quality-based effluent limit applied to their discharge of wastewater containing manganese. If a potable water supply withdrawal does exist downstream of a manganese discharge, the proposed water quality criterion for manganese will only apply at the potable water supply intake, leaving the surface water users between the discharge and the potable water supply intake devoid of any kind of protection from the effects of manganese.

This scenario, which would establish the point of compliance for the proposed manganese criterion at the point of potable water supply intake, would grant some financial relief to any permitted discharger of manganese due to reduced wastewater treatment costs. Under this alternative the proposed human health criterion for manganese will not apply unless a potable water supply withdrawal is located on the surface water. If a potable water supply is located on the stream, a discharger’s point of compliance with the proposed manganese criterion will be modelled from the upstream point of discharge to the point of potable water supply withdrawal, allowing for attenuation of the effluent as it travels downstream. The discharger’s effluent limitation would be determined based on achieving the proposed manganese criterion of 0.3 mg/L at the point of potable water supply intake.

Although moving the point of compliance may be beneficial to some facilities that have permitted discharges of manganese in their wastewater, it could be an added burden to some potable water supply facilities. It could also burden facilities with surface water intakes that require a certain level of water quality for use in food and beverage production or preparation, paper and textile manufacturing, aquaculture and irrigation. Moving the point of compliance for the manganese water quality criterion from the point of discharge to the point of withdrawal will likely require additional monitoring by all of these facilities to determine the effects of increased source water manganese levels on their operations. As the levels of manganese change in the surface water, all potable water supply facilities using surface waters as their source water will need to monitor and may require facility upgrades or additional chemical usage to continue achieving the SMCL for manganese of 0.05 mg/L in the finished water, which is required under sections 3 and 5 of the Pennsylvania SDWA (35 P.S. §§ 721.3 and 721.5) and regulations at 25 Pa. Code § 109.202(b) (relating to State MCLs, MRDLs and treatment technique require-

ments). The SMCL for manganese in this Commonwealth is based on the Federal standard found at 40 CFR 143.3.

Additional burdens to water suppliers may apply based on other drinking water requirements. The EPA developed 1-day, 10-day and lifetime Health Advisory Limits (HAL) for manganese, under the Federal SDWA, 42 U.S.C.A. §§ 300f–300j-27. The lifetime HAL of 0.3 mg/L protects against concerns of potential neurological effects. The 1-day and 10-day HALs of 1 mg/L are for acute exposure and it is advised that for infants younger than 6 months, the lifetime HAL of 0.3 mg/L be used even for an acute exposure of 10 days, because of the concerns for differences in manganese content in human milk and formula and the possibility of higher absorption and lower excretion in young infants. Because the EPA developed HALs for manganese, public water suppliers may be subject to additional monitoring and public notification requirements if the HALs are exceeded in the finished water. In accordance with the current regulations found in Chapter 93, the Potable Water Supply water quality criterion ensures that public water systems receive raw water at their intake structures that can achieve compliance with 25 Pa. Code Chapter 109 (relating to safe drinking water) standards utilizing only conventional treatment. If a water supplier or the Department indicates a contaminant is present in the potable water supply and may cause a potential health hazard, additional monitoring may be required under § 109.302(b) (relating to special monitoring requirements), which may then trigger additional treatment requirements pursuant to § 109.4 (relating to general requirements). If source water for public water supply operations is received at or above 0.3 mg/L, sequestration of manganese is no longer an option and modifications to operations and/or additional treatment technologies for removal of manganese would be required. Sequestration does not remove the manganese so it is still present and still bioavailable and as such it can act as a neurotoxin. Finally, under § 109.407(a)(9) (relating to general public notification requirements) and § 109.408(a)(11) (relating to Tier 1 public notice—categories, timing and delivery of notice), Tier 1 public notice requirements may be triggered if exceedance of the HALs has the “potential to have serious adverse effects on human health as a result of short-term exposure.”

Industries that rely on surface waters for industrial water supplies may be faced with similar modifications and costs to achieve compliance with their respective industry standards and regulations. If a facility’s monitoring reveals an increase of manganese in the surface water source, modifications to their existing operations or additional technologies, or both, may be required to remove the additional manganese load. An example of a potential facility modification would be the addition of an oxidation process or increased chemical usage, but the type and degree of modifications will be based on both the manganese concentration and the effect of manganese on other water quality parameters of the source water.

The Department reviewed information submitted by several drinking water facilities in response to the ANPR. Comments received on the ANPR from Pennsylvania American Water, PUC, Philadelphia Water Department, SUEZ FCGA and the City of Lancaster’s Department of Public Works indicated that moving the compliance point for the manganese criterion to the location of an existing or planned surface water potable water supply withdrawal will shift the burden of treatment from the resource extraction industry to the public water suppliers. The City of Lancaster’s Department of Public Works and Pennsylvania American Water both indicated that the

costs associated with this proposed rulemaking will be in the tens of millions of dollars.

The ANPR requested information be submitted describing the costs that would be incurred if the numeric limit of the manganese criterion remained at 1.0 mg/L and the point of compliance was moved to the surface water potable water supply intake. The evaluation of the manganese criterion, resulting in a proposal of a 0.3 mg/L limit, was not completed prior to the ANPR. If the recommended limit of 0.3 mg/L is applied only at the point of potable water supply withdrawal, the treatment cost concerns raised by the drinking water facilities still apply and such costs will likely be passed on to their customers.

Second alternative point of compliance

Manganese is a human health concern through its action as a neurotoxin when levels necessary to maintain adequate health are exceeded. To be consistent with all other toxics criteria in Table 5, the second alternative is a proposed regulation that maintains the current point of compliance for manganese, in all surface waters (that is, at the point of discharge), as stated in § 96.3(c). Language in the Annex A that reflects this alternative is as follows:

(c) To protect existing and designated surface water uses, the water quality criteria described in Chapter 93 (relating to water quality standards), including the criteria in §§ 93.7 and 93.8a(b) (relating to specific water quality criteria; and toxic substances) shall be achieved in all surface waters at least 99% of the time, unless otherwise specified in this title. The general water quality criteria in § 93.6 (relating to general water quality criteria) shall be achieved in surface waters at all times at design conditions.

Under this alternative, the manganese criterion for the protection of human health would be applicable in all surface waters to protect all relevant water uses in accordance with § 96.3(c). As stated in the EPA’s 2000 Methodology for Deriving Ambient Water Quality Criteria for the Protection of Human Health (EPA-822-B-00-004), “water quality criteria are derived to establish ambient concentrations of pollutants which if not exceeded, will protect the general population from adverse health impacts from those pollutants due to consumption of aquatic organisms and water, including incidental water consumption related to recreational activities. . . . EPA considers that its target protection goal is satisfied if the population as a whole will be adequately protected by the human health criteria when criteria are met in ambient water.” The EPA further states that “in consideration of the Agency’s goals of pollution prevention, ambient waters should not be contaminated to a level where the burden of achieving health objectives is shifted away from those responsible for pollutant discharges and placed on downstream users to bear the costs of upgraded or supplemental water treatment.”

In accordance with Chapters 16, 93 and 96, the criteria for all human health toxic pollutants contained in § 93.8c Table 5 are met in all surface waters, consistent with § 96.3(c) (that is, met at the point of discharge). In comparison, the exceptions contained in § 96.3(d) list parameters which are only required to be met at the point of any existing or planned potable water supply withdrawal. To date, exceptions to subsection (c) have only been made for limited, specific Potable Water Supply criteria that have not been identified as toxic pollutants. For example, the existing Potable Water Supply criterion

for Phenolics in Table 3 is listed as an exception to subsection (c) in § 96.3. However, it should be noted that § 93.7 Table 3 specifically excludes those phenolic compounds that have been identified as Priority Pollutants (toxics) by the EPA. Criteria for those specific toxic pollutants are presently located in § 93.8c Table 5 and must be met in all surface waters for the protection of human health.

The second alternative would afford aquatic life an appropriate level of protection from the deleterious effects of manganese. It is widely known that high levels of manganese are toxic to aquatic life. Comments were received in response to the ANPR which provided discussion regarding how movement of the point of compliance will affect other uses including aquatic life. The FBC commented that manganese is one of several heavy metals associated with acid mine discharges that act on aquatic organisms as metabolic poisons. Depending on the water chemistry, manganese will often settle on stream beds as a black, sticky coating that interferes with the colonization, abundance, and diversity of stream dwelling aquatic insects which are very important in the aquatic ecosystem. The FBC also provided information on the impacts of this proposed rulemaking on the FBC and cooperative fish hatcheries that rely on withdrawals from streams for their raw source water. If manganese concentrations in the source water are greater than 1.0 mg/L there would be a new need for pre-treatment to reduce the level of manganese to an acceptable level for fish culture. The FBC also noted that, although it was developed for Potable Water Supply use protection, the current manganese standard which is applicable in all surface waters provides protection for other protected uses including Boating, Fishing, Water Contact Sports and Esthetics.

In addition to the FBC's comments, the Department reviewed the EPA's ECOTOX database for information on the toxicity of manganese to aquatic life. This database contains over 150 studies relevant to the toxicity of manganese to aquatic organisms. ECOTOX (<https://cfpub.epa.gov/ecotox/index.cfm>) is a comprehensive, publicly available knowledgebase which provides single chemical environmental toxicity data derived predominantly from peer-reviewed literature on aquatic life, terrestrial plants and wildlife.

The threshold at which manganese needs to be maintained in the surface water to avoid toxicity to humans is lower than the level necessary to afford appropriate protection for aquatic life. The current science indicates that the human health criteria proposed in this rulemaking will afford adequate protection for aquatic life if it is applied in all surface waters. Aquatic life would not be granted adequate protection under the first alternative, where the standard would only be met at the point of potable water supply withdrawal.

Under this alternative, additional protections will be provided to the Potable Water Supply use and other protected water supply uses (for example, Irrigation, Livestock Water Supply and Wildlife Water Supply). Furthermore, cost savings may be realized by public water systems, as manganese levels in source waters will be lower, and less treatment will be necessary to meet drinking water regulations.

F. Benefits, Costs and Compliance

Benefits

Overall, this Commonwealth's residents and visitors and its natural resources benefit from providing the

appropriate level of protection to preserve the integrity of existing and designated uses of surface waters in this Commonwealth. Protecting water quality provides: economic value to present and future generations in the form of a clean water supply for human consumption, wildlife, irrigation and industrial use; recreational opportunities such as fishing (also for consumption), water contact sports and boating; and aquatic life protection. It is important to realize these benefits and to ensure opportunities and activities continue in a manner that is environmentally, socially and economically sound. Maintenance of water quality ensures its future availability for all uses. All users of surface water will benefit from the development of a human health criterion for manganese.

If the proposed criterion is adopted and the first point of compliance alternative is adopted, those entities holding or seeking permits to discharge manganese into the surface waters of this Commonwealth will benefit. If the proposed criterion is adopted and the second point of compliance alternative is adopted, all users of surface waters will benefit.

Compliance costs

Based on the proposed water quality criterion for manganese and the first alternative point of compliance, additional compliance costs may be imposed on the regulated drinking water community due to potential increases in source water levels of manganese, while reducing compliance costs for the mining industry and other permitted discharges of manganese.

Under the first alternative point of compliance, persons with an existing or planned potable water supply surface water withdrawal could be adversely affected financially if there is a need to provide a higher level of raw water treatment to continue meeting the existing SMCL for manganese, 0.05 mg/L, in the finished (that is, potable) water. For example, increased costs may take the form of increased source water sampling and monitoring, facility upgrades, treatment modifications or additional operation and maintenance costs for treatment chemicals and waste disposal. Treatment modifications and associated costs are site-specific and will depend upon the specific treatment processes employed by a facility, the quality of the source water and many other factors. It is therefore not possible to precisely predict the actual change in costs. Economic impacts would primarily involve the potential for higher treatment costs for public water supply facilities located downstream of permitted manganese discharges, which would likely result in water fee increases for the water supply rate payers. A review of statewide potable water supply withdrawals and permitted manganese discharges suggests a significant overlap exists between the two regulated communities, which means treatment may be necessary in areas with mining discharges.

Based on the second alternative point of compliance and the proposed criterion for manganese, compliance and treatment costs for the regulated wastewater community, including the mining industry, may increase. The expenditures necessary to meet new effluent limitations may exceed that which is required under existing regulations.

The proposed amendments will be implemented through the Department's permit and approval actions. Persons with an existing discharge or proposing to add a new discharge point to a stream could be adversely affected upon permit renewal or permit issuance if they

need to provide a higher level of treatment to meet any new standard established by this proposed rulemaking. For example, increased costs may take the form of higher engineering, construction or operating cost for point source discharges. Monitoring and treatment costs are site-specific and depend upon the size of the discharge in relation to the size of the stream and many other factors. It is therefore not possible to precisely predict the actual change in costs. Economic impacts would primarily involve the potential for higher treatment costs for permitted discharges to streams to meet the new water quality standards requirements. The initial costs resulting from the installation of technologically advanced wastewater treatment processes may be offset by potential savings from and increased value of improved water quality through more cost-effective and efficient treatment over time.

Compliance assistance plan

This proposed rulemaking has been developed as part of an established program that has been implemented by the Department since the early 1980s. All surface waters in this Commonwealth are afforded a minimum level of protection through compliance with the water quality standards, which prevent pollution and protect existing water uses.

The proposed amendments will be implemented through the Department's permit and approval actions. For example, the NPDES permitting program bases effluent limitations on the water uses of the stream, and the water quality criteria developed to maintain those uses. These effluent limits are established to assure water quality is protected and maintained.

Paperwork requirements

This proposed rulemaking should not have new direct paperwork impact on the Commonwealth, local governments, political subdivisions or the private sector. This proposed rulemaking will be implemented in accordance with existing Department regulations.

G. Pollution Prevention

The Federal Pollution Prevention Act of 1990 (42 U.S.C.A. §§ 13101–13109) established a National policy that promotes pollution prevention as the preferred means for achieving state environmental protection goals. The Department encourages pollution prevention, which is the reduction or elimination of pollution at its source, through the substitution of environmentally-friendly materials, more efficient use of raw materials and the incorporation of energy efficiency strategies. Pollution prevention practices can provide greater environmental protection with greater efficiency because they can result in significant cost savings to facilities that permanently achieve or move beyond compliance.

Water quality standards are a major pollution prevention tool because they protect water quality and designated and existing uses. The proposed amendments will be implemented through the Department's permit and approval actions. For example, the NPDES program will establish effluent limitations in permits based on the more stringent of technology-based or water quality-based limits. Water quality-based limits are determined by the designated use of the receiving stream and the water quality criteria necessary to achieve the designated and existing uses.

H. Sunset Review

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

I. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on June 30, 2020, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Environmental Resources and Energy Committees. A copy of this material is available to the public upon request.

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

J. Public Comments

Interested persons are invited to submit to the Board written comments, suggestions, support or objections regarding this proposed rulemaking. Comments, suggestions, support or objections must be received by the Board by September 25, 2020.

Comments may be submitted to the Board online, by e-mail, by mail or express mail as follows.

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

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

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

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

K. Public Hearings

In accordance with Governor Tom Wolf's emergency disaster declaration and based on advice from the Department of Health regarding the mitigation of the spread of the novel coronavirus (COVID-19), the Board will hold three virtual public hearings for the purpose of accepting comments on this proposed rulemaking. The hearings will be held as follows:

September 8, 2020, at 2 p.m.

September 9, 2020, at 6 p.m.

September 10, 2020, at 2 p.m.

Persons wishing to present testimony at a hearing must contact Jennifer Swan for the Department and the Board, (717) 783-8727 or RA-EPEQB@pa.gov at least 24 hours in advance of the hearing to reserve a time to present testimony.

Organizations are limited to designating one witness to present testimony on their behalf at only one hearing. Verbal testimony is limited to 5 minutes for each witness. Video demonstrations and screen sharing by witnesses will not be permitted.

Witnesses are requested to submit written copy of their verbal testimony by e-mail to RegComments@pa.gov after providing testimony at the hearing.

Information on how to access the hearings will be available on the Board’s webpage found through the Public Participation tab on the Department of Environmental Protection’s (Department) web site at www.dep.pa.gov (select “Public Participation,” then “Environmental Quality Board”). Prior to each hearing, individuals are encouraged to visit the Board’s webpage for the most current information for accessing each hearing.

Any members of the public wishing to observe the public hearing without providing testimony are also directed to access the Board’s webpage. Those who have not registered with Jennifer Swan in advance as described previously will remain muted for the duration of the public hearing.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Board at (717) 783-8727 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) or

(800) 654-5988 (voice users) to discuss how the Board may accommodate their needs.

PATRICK McDONNELL,
Chairperson

Fiscal Note: 7-553. No fiscal impact; (8) recommends adoption.

Annex A

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

Subpart C. PROTECTION OF NATURAL RESOURCES

ARTICLE II. WATER RESOURCES

**CHAPTER 93. WATER QUALITY STANDARDS
WATER QUALITY CRITERIA**

§ 93.7. Specific water quality criteria.

(a) Table 3 displays specific water quality criteria and associated critical uses. The criteria associated with the Statewide water uses listed in § 93.4, Table 2 apply to all surface waters, unless a specific exception is indicated in §§ 93.9a—93.9z. These exceptions will be indicated on a stream-by-stream or segment-by-segment basis by the words “Add” or “Delete” followed by the appropriate symbols described elsewhere in this chapter. Other specific water quality criteria apply to surface waters as specified in §§ 93.9a—93.9z. All applicable criteria shall be applied in accordance with this chapter, Chapter 96 (relating to water quality standards implementation) and other applicable State and Federal laws and regulations.

TABLE 3

<i>Parameter</i>	<i>Symbol</i>	<i>Criteria</i>	<i>Critical Use*</i>
		* * * * *	
Iron	Fe ₁	30-day average 1.5 mg/l as total recoverable.	CWF, WWF, TSF, MF
	Fe ₂	Maximum 0.3 mg/l as dissolved.	PWS
[Manganese	Mn	Maximum 1.0 mg/l, as total recoverable.	PWS]
Nitrite plus Nitrate	N	Maximum 10 mg/l as nitrogen.	PWS
		* * * * *	

§ 93.8c. Human health and aquatic life criteria for toxic substances.

* * * * *

TABLE 5

WATER QUALITY CRITERIA FOR TOXIC SUBSTANCES

<i>Fish and Aquatic Life Criteria</i>						
<i>PP NO</i>	<i>Chemical Name</i>	<i>CAS Number</i>	<i>Criteria Continuous Concentrations (ug/L)</i>	<i>Criteria Maximum Concentration (ug/L)</i>	<i>Human Health Criteria (ug/L)</i>	
			* * * * *			
-	LITHIUM	07439932	N/A	N/A	N/A	-
D	MANGANESE	07439965	N/A	N/A	300	H
-	METHYLETHYL KETONE	00078933	32000	230000	21000	H
			* * * * *			

CHAPTER 96. WATER QUALITY STANDARDS IMPLEMENTATION

§ 96.3. Water quality protection requirements.

* * * * *

(c) To protect existing and designated surface water uses, the water quality criteria described in Chapter 93 (relating to water quality standards), including the criteria in §§ 93.7 and 93.8a(b) (relating to specific water quality criteria; and toxic substances) shall be achieved in all surface waters at least 99% of the time, unless otherwise specified in this title. The general water quality criteria in § 93.6 (relating to general water quality

criteria) shall be achieved in surface waters at all times at design conditions.

(d) As an exception to subsection (c), the water quality criteria for total dissolved solids, nitrite-nitrate nitrogen, phenolics, chloride, sulfate and fluoride established for the protection of potable water supply **and the water quality criterion for manganese** shall be met at least 99% of the time at the point of all existing or planned surface potable water supply withdrawals unless otherwise specified in this title.

* * * * *

[Pa.B. Doc. No. 20-992. Filed for public inspection July 24, 2020, 9:00 a.m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Pennsylvania Malt and Brewed Beverage Industry Promotion Board; Grant Solicitation and Application Procedures for Act 39 of 2016 Funding

1. *Introduction.* Under Act 39 of 2016, the Pennsylvania Malt and Brewed Beverage Industry Promotion Board annually, or more frequently as the availability of funds permits, solicits proposals for grants to conduct promotion, marketing and research projects to increase the quality, profitability, production and sale of malt and brewed beverages produced in this Commonwealth. The Pennsylvania Malt and Brewed Beverage Industry Promotion Board was established by section 446.1 of the Liquor Code (47 P.S. § 4-446.1). The Pennsylvania Malt and Brewed Beverage Industry Promotion Board makes recommendations for the awarding of grants by the Liquor Control Board from funds provided through the Liquor Code (47 P.S. §§ 1-101—10-1001). This notice establishes the procedures by which grant applications will be solicited and reviewed, and grants awarded. Priority is being given to projects that will help support the Pennsylvania Beer Industry's recovery as it navigates and emerges from the novel coronavirus (COVID-19) pandemic. Applicants with projects aligned to COVID-19 recovery, with an outcome that would benefit Pennsylvania's wine and beer industries, and where the scope is warranted are encouraged to submit proposals to both the Wine Marketing and Research Board and the Pennsylvania Malt and Brewed Beverage Industry Promotion Board for joint funding. Projects submitted jointly to both boards will be reviewed and must be approved by each board independently.

2. *Grant Solicitation.* The Pennsylvania Malt and Brewed Beverage Industry Promotion Board will be accepting grant applications for the purposes, in the form and according to the schedule set forth herein for not less than 30 days beginning on the date of publication of this notice in the *Pennsylvania Bulletin*. Additional publication and dissemination of this notice shall be made and may include direct dissemination to State universities and State-supported universities located in this Commonwealth, universities with colleges of agricultural science located in this Commonwealth and individuals or entities who have requested notification from the Department of Agriculture or the Pennsylvania Malt and Brewed Beverage Industry Promotion Board of grant availability. Private sector parties are encouraged to apply if their project will have a positive macro impact on the industry.

3. *Process Overview.* The Pennsylvania Malt and Brewed Beverage Industry Promotion Board will employ the review process described as follows to select projects and funding levels to recommend to the Liquor Control Board for the making of a grant. In the event of a recommendation to the Liquor Control Board to make and fund a grant, the decision as to whether to award a grant will be made by the Liquor Control Board.

a. If the Liquor Control Board approves the grant recommendation, the terms and conditions of the grant will be governed by a grant agreement between the Liquor Control Board and the applicant, which shall be tendered to the applicant for execution by the Liquor Control Board, returnable to the Liquor Control Board in no more than 30 calendar days.

b. The Liquor Control Board grant agreement follows hereto as Addendum 1 and incorporated by reference. The terms are nonnegotiable; therefore, applicants shall carefully review the Liquor Control Board grant agreement to ensure that proposed projects are compliant with agreement requirements. Applicants who submit proposals to both the Wine Marketing and Research Board and the Pennsylvania Malt and Brewed Beverage Industry Promotion Board for joint funding will be required to enter into a separate agreement for funding from each board, with separate purchase orders for each funding source, and split invoices for reimbursement to reflect a 50/50 allocation of expenses to each funding source.

c. It is also recommended that applicants seek private counsel experienced in Pennsylvania liquor law to provide guidance as it pertains to the Liquor Code and the Liquor Control Board's regulations at 40 Pa. Code §§ 1.1—17.41 (relating to liquor) to ensure the legality and viability of grant projects and proposed activities.

4. *Application.* Applicants shall submit a Project Proposal and Grant Application, in the form set forth in paragraph 5 of this notice, to the Pennsylvania Malt and Brewed Beverage Industry Promotion Board by 4 p.m. on Wednesday, August 26, 2020. Proposals should be sent electronically to RA-AGCommodities@pa.gov. Applications should be addressed and delivered to the Department of Agriculture, Bureau of Market Development, Attn: Agricultural Commodity Board Grant Program, 2301 North Cameron Street, Harrisburg, PA 17110-9408.

5. *Format of the Project Proposal and Grant Application.* The project proposal and grant application cannot exceed 10 pages total for project and budget narratives, plus one additional page for the budget table and shall be formatted as follows:

a. A cover page, titled Pennsylvania Malt and Brewed Beverage Industry Promotion Board—Project Proposal and Grant Application, providing: the title of the proposed project; the full legal name and street address of the applicant; the name, address, telephone number and e-mail address of the applicant's principal contact person for matters relating to the application; and the total maximum grant amount sought for the proposed project or program.

b. Section 1, titled Statement of Purpose, addressing: the purpose for which the grant funds would be utilized; how the project links, supports and benefits beer in this Commonwealth; methodology and evaluation, addressing: the type of project (promotion, marketing, outreach, research, tech transfer, and the like); the methodology to be employed, including an evaluation component; the expected impact and outcomes; a qualitative or quantitative estimate of economic impacts (direct, indirect, induced); and the sectors of the industry that will receive this benefit.

c. Section 2, titled Statement of Need, addressing: the need for the grant funds sought; any other partners or partner organizations that will be involved with the project; and any other funding or noncash resources that will be committed to the project and the sources thereof.

d. Section 3, titled Linkage to Funding Priorities, addressing: how the project will support one of the funding priorities established by the Pennsylvania Malt and Brewed Beverage Industry Promotion Board which are listed in paragraph 12; the geographic area of this

Commonwealth where impact will occur; the intended impact created by the project and who will benefit.

e. Section 4, titled Budget, presenting a detailed budget for the proposed project or program, including any other matching funds and the value of any noncash resources that will be included in the project. In the case of a proposal submitted jointly to the Wine Marketing and Research Board and the Pennsylvania Malt and Brewed Beverage Industry Promotion Board, the budget must reflect a 50/50 allocation of expenses to each program throughout. Each and every item of direct expense to be incurred in the project shall be separately set forth, including all purchases of consumable or non-consumable goods or equipment, listing the disposition of all nonconsumable goods or equipment upon completion of the project; all travel by dates, purpose, destination, mode of transportation and rate; a full breakdown of other costs, if any, and the method used to calculate those costs.

i. *Personnel*—Includes employed personnel. Those employed elsewhere should be listed as subcontractors or consultants in the contractual cost category. Provide detail of all personnel by name devoted to the project, their professional qualifications, the amount of time calculated by hours and the tasks to be performed by each of the named personnel.

ii. *Fringe Benefits*—Provide the rate of fringe benefits for each project participant's salary. Identify the total for all funded fringe benefits.

iii. *Travel*—Calculate the costs for travel by considering destinations, number of trips, days traveling, transportation costs, estimated lodging and meal costs, and estimated mileage rate.

iv. *Supplies*—This could be anything from office supplies and software to education or field supplies.

v. *Contractual*—If contractual work will be involved with carrying out the work of the project, identify the total contractual expenses. When determining the total cost for this category, include the fees for the professional services, travel costs, lodging expenses, indirect costs and any other related contractual expenses.

vi. *Other*—This category includes fees for conferences or meetings, facility and equipment rental costs, lodging and meal expenses, communication costs, speaker fees, publication costs and data collection.

f. Section 5, titled Industry Support, addressing the extent of support, participation and funding from the Commonwealth's beer industry, including associations, organizations or agencies, or all three, with an interest in the project outcome. Any letters of support should be included in section 5.

g. Due to limitations of Commonwealth equipment and considering that all Liquor Control Board grant communications will be conducted electronically, applicants should not use color in any tables, graphs, charts or other material elements of the proposals. Black and white or gray-scale should be used in such elements to ensure ongoing document integrity.

6. *Scoring of Applications*. The Pennsylvania Malt and Brewed Beverage Industry Promotion Board will evaluate each complete and timely filed project proposal and grant application received in accordance with a 100-point scale as set forth in Addendum 2.

If any joint funding proposals are received per paragraph 1, the Wine Marketing and Research Board and the Pennsylvania Malt and Brewed Beverage Industry Promotion Board will each independently evaluate and score based on each board's criteria. For a recommendation for

funding a joint proposal to be made to the Liquor Control Board, each board must independently approve the proposal for recommendation and then agree to joint funding with the other.

7. *Evaluation, Recommendations and Awards*. The Pennsylvania Malt and Brewed Beverage Industry Promotion Board reserves the right to request modifications or clarifications, or both, of project proposals and grant applications, including but not limited to additional detail of purpose, reduced or modified budgets, and the like. Upon completion of evaluations, the Pennsylvania Malt and Brewed Beverage Industry Promotion Board will prepare a record of each complete and timely-filed project proposal and grant application received, and the numerical score assigned to each. In the event of one or more recommendations to the Liquor Control Board to make and fund a grant, the Pennsylvania Malt and Brewed Beverage Industry Promotion Board will transmit to the Liquor Control Board the complete and final project proposal and grant application along with the score assigned by the Pennsylvania Malt and Brewed Beverage Industry Promotion Board and any other information deemed relevant by the Pennsylvania Malt and Brewed Beverage Industry Promotion Board or requested by the Liquor Control Board. Request will be made by the Pennsylvania Malt and Brewed Beverage Industry Promotion Board that the Liquor Control Board respond to all recommendations for grant approval within 30 days. The Liquor Control Board's three-member board will vote on these recommendations at a public meeting, and the Liquor Control Board will directly contact those applicants whose proposals were approved for funding. The Liquor Control Board is responsible for notifying applicants whose projects were recommended by the Pennsylvania Malt and Brewed Beverage Industry Promotion Board for Liquor Control Board funding, but which the Liquor Control Board determined not to fund.

8. *Term of Grants*. Grant Agreements will become effective on the date of the last required Commonwealth approval (Effective Date). While the Liquor Control Board cannot guarantee how quickly each grant agreement will be finalized, it is anticipated that fully executed grant agreements will facilitate projects beginning in fall 2020.

a. No reimbursements will be made by the Liquor Control Board for any grant activity beginning prior to the Effective Date.

b. Research projects will have a term of 18 months. All other projects will have a term of 12 months.

c. Grant terms may be extended for up to 90 days, if mutually agreed upon by the Liquor Control Board and the grantee based on circumstances requiring additional time to complete the project, but in no case will research grants exceed 21 months nor all other projects exceed 15 months. Grant applicants are encouraged to plan projects and proposals accordingly.

d. A Notice to Proceed, Purchase Orders, fully executed agreements and invoicing instructions will be provided by Liquor Control Board by means of e-mail.

e. Any jointly funded projects per paragraph 1 will require two separate grant agreements and two separate purchase orders with the Liquor Control Board, with funding split equally between Wine Marketing and Research funds and Malt and Brewed Beverage Industry Promotion funds. Grantees will be required to submit separate invoices for each funding stream, attributing half of each expenditure to each purchase order.

f. Final invoices shall be submitted to the Liquor Control Board within 60 days of contract end date as set forth in the Grant Agreement.

g. See Addendum 1 Grant Agreement for more details about the Liquor Control Board's grant administration practices.

9. *Progress Reports.* Progress reports are to be delivered by e-mail to RA-AGCommodities@pa.gov no later than October 1, and April 1, every year for the duration of the project, or as requested by the Pennsylvania Malt and Brewed Beverage Industry Promotion Board. Final reports should be submitted within 90 days of contract end date.

10. *Grant Agreement.* The Liquor Control Board will provide applicants with a grant agreement for execution and return by the Grantee within calendar 30 days. The Liquor Control Board will obtain the required signature on the grant agreements, including any other required Commonwealth entities, and return a copy to the applicant. Unless otherwise stated in the executed grant agreement, no grant agreement is effective, and work should not begin until all required signatures have been applied to the grant agreement. Among the terms of the grant agreement shall be a requirement that the grant recipient provide the Pennsylvania Malt and Brewed Beverage Industry Promotion Board full and complete access to all records relating to the performance of the project and submit information as the Pennsylvania Malt and Brewed Beverage Industry Promotion Board may require.

11. *Cost-Reimbursement Grant and Indirect Costs Cap.* Payment of all grant funds will occur on a reimbursement basis only. Grant awards may include an allowance for indirect costs of up to 10%. In the case of graduate student participation, reasonable stipends will be allowed, and tuition will not be allowed.

12. *Funding Priorities.* In accordance with paragraph 5.d., the Pennsylvania Malt and Brewed Beverage Industry Promotion Board has identified the following funding priorities, listed in no particular order. The name given to each priority area is not intended to limit the intended scope and creative thought applied by applicants in developing projects that serve the purposes articulated in this notice. Additionally, these priorities should be linked to the COVID-19 recovery priority outlined in the introduction in paragraph 1.

a. *Agriculture:* Projects are sought that will lead to the expansion, through means including cultivation, value-added manufacturing and research, of beer industry-related raw material produced or grown, or both in the Commonwealth. Some examples of desired project scope include:

i. Research and development that will increase the production, quality or yield, or both, of Pennsylvania-produced raw agricultural commodities (hops, barley, and the like) used by the beer industry.

ii. Research that will identify growing conditions for hop production and evaluate each of the Commonwealth's 67 counties on the criteria.

iii. Outreach and support to encourage existing agricultural producers to consider hop production.

iv. Matching funds for small Commonwealth-based start-up businesses or ventures focused on agricultural related cultivation (hops and barley) or value-added manufacturing of beer related raw materials (malting).

b. *Tourism:* Projects are sought from organizations interested in marketing and integrating the Common-

wealth's beer industry into new or existing regional and Statewide tourism initiatives, such as:

i. Development of beer tourism and beer trails (using and expanding upon the "Bourbon Trails" model).

ii. Regional integration of breweries and brewery visitation with existing attractions, destinations and the regional hospitality industry.

c. *Distributor Licensee Outreach:* Projects are sought that will assist "D" license holders in efforts to change existing business models and remain viable, competitive and profitable within the parameters of the new Liquor Code, including providing consultation, training and business plan development to interested D licensees to assist them in transforming their business models. The proposer should illustrate the ability to:

i. Understand, interpret and transfer knowledge related to the current Liquor Code.

ii. Understand both the new opportunities as well as the threats presented to distributors as a result of 2016 changes to the Liquor Code.

iii. Have working knowledge of the beer industry trade and practices, the constraints on the industry, Standard Operating Procedures, financial models, and the like.

iv. Identify and document best practices within the Commonwealth's beer industry (D license holders) regarding layout and design (shelf space, lighting, signage), hours of operation and staff models, promotions and displays, value added merchandise, and best practices in urban, suburban and rural markets.

v. In conjunction with existing industry stakeholders, like the Malt Beverage Distributors Association (MBDA), develop guidelines, standards and communicate best practices in a user-friendly format, as well as offer training and outreach conferences in appropriate locations throughout this Commonwealth.

vi. In conjunction with existing industry stakeholders like the MBDA, the project may include efforts to create special grants or business loans made available to retailers to implement new business models.

d. *Beer Industry Research:* The Pennsylvania Malt and Brewed Beverage Industry Promotion Board seeks research and the development of quantitative data on the beer industry in this Commonwealth, such as:

i. Research that will identify and map the size and impacts of the Commonwealth's macro beer industry (production, wholesale and retail) identifying direct, indirect, induced impacts.

ii. Research that will identify the upstream and downstream economic opportunities related to the Commonwealth's beer industry.

iii. Research that can measure the economic impacts on the Commonwealth's beer industry of 2016 changes to the Liquor Code.

iv. Research that will offer guidance on public policy and best practices to benefit the beer industry in this Commonwealth and improve regulatory efficiency.

e. *Technical Assistance, Support, and Research and Development:* Projects are sought that will advance best practices, technology transfer, research and development, workforce development and training in the Commonwealth's brewing industry. The Pennsylvania Malt and Brewed Beverage Industry Promotion Board is interested in funding projects that will: increase beer knowledge/science; advance best practices in brewing; provide education/training opportunities related to beer produc-

tion, quality, packaging, marketing and sales; and promote innovation in the brewing and manufacturing processes. Examples could include:

i. Engagement of consultants, speakers and subject matter experts for industry related training, presentations or problem solving in conjunction with conferences, technical work groups and association members.

ii. Research and development projects on relevant topics concerning brewing and manufacturing processes.

iii. Customized training/education in areas related to: differing levels of brewery, wholesale and retail management; sales and marketing; brewery—wholesaler relationships; beer market best practices; and industry recognized certifications.

f. *Innovation*: The Pennsylvania Malt and Brewed Beverage Industry Promotion Board will consider projects that do not fall into any of the other funding priorities but nevertheless offer unique approaches to supporting and promoting Pennsylvania beer. The Pennsylvania Malt and Brewed Beverage Industry Promotion Board believes that innovation is the driving force behind the growth and success of the Commonwealth's beer industry. This category of funding is designed for projects and initiatives that demonstrate new thinking, ideas and approaches to promoting Pennsylvania beer—and do not fit into any other category.

RUSSELL C. REDDING,
Secretary

Addendum 1

LIQUOR CONTROL BOARD GRANT AGREEMENT GRANT AGREEMENT PURSUANT TO 47 P.S. § 4-446.1

This Grant Agreement is entered into by and between the Pennsylvania Liquor Control Board, 312 Northwest Office Building, Harrisburg PA 17124 (hereinafter referred to as "PLCB" or "Grantor"), and _____, (hereinafter referred to as "Grantee") (collectively, "the Parties").

I. RECITALS

1. Pursuant to section 446.1 of the Pennsylvania Liquor Code, 47 P.S. § 4-446.1, the PLCB shall allocate the amount of \$1,000,000 annually to be used to award grants to entities for the purpose of increasing the production of Pennsylvania-made malt and brewed beverages and enhancing the Pennsylvania malt and brewed beverages industry through promotion, marketing and research-based programs and projects.

2. The Pennsylvania Malt and Brewed Beverages Industry Promotion Board ("Beer Board") was established by the Pennsylvania Liquor Code and is statutorily charged with establishing procedures by which an entity may submit an application for grant funding pursuant to 47 P.S. § 4-446.0; reviewing all such grant applications; and making recommendations to the PLCB for the awarding of the grants.

The Beer Board is further statutorily charged with requiring grant recipients to provide full and complete access to all records relating to the performance of the grant; conducting a thorough annual evaluation of each program for which a grant is made; and submitting an annual report to the General Assembly detailing all actions of the Beer Board and the grants awarded pursuant to section 446.1 of the Liquor Code.

3. The PLCB has made the aforementioned allocation; the Beer Board has established the requisite procedures

and process; the Grantee has applied for a grant pursuant thereto; the Beer Board has recommended to the PLCB to make a grant to the Grantee as detailed in Appendix G, attached and incorporated by reference; and the PLCB has approved the award of the grant ("the Grant").

II. AGREEMENT

In consideration of the foregoing recitals, which are incorporated herein, and the mutual promises contained in this Grant Agreement, the Parties, intending to be legally bound, agree as follows:

1. SCOPE.

a. This Grant is for funding the Project Proposal and Grant Application ("the Project") summarily described as follows and in more detail in the documents attached hereto and incorporated herein as Attachment G.

b. No increases to the funding amount or changes to the approved scope of work will be permitted under any circumstance; however, minor revisions to the Project timeline, methodology and/or budget(s) contained in Attachment G may be approved by the PLCB at its sole discretion upon review of Grantee's written request and justification for same. Grantee shall submit such requests via email to the PLCB's resource account at RA-LBAct39Grants@pa.gov ("the Resource Account"), and the PLCB will respond to the request via the same Resource Account within ten calendar days of its receipt of the request. In no event may such minor revisions have retroactive effect.

2. OPERATIONAL REQUIREMENTS

a. All communications between the Grantee and the PLCB, including but not limited to questions, notifications, requests, and invoice submissions, shall be conducted via email to and from the PLCB's aforementioned Resource Account. Grantee expressly accepts this method of electronic communication and is responsible to timely provide notice to the PLCB via the Resource Account if there are any changes or additions to the Grantee's contact information. The PLCB will utilize best efforts to respond to all inquiries from Grantee within five business days of receipt of an email, except as otherwise provided herein.

b. In order to be issued an approved Purchase Order and to receive Grant funds, if the Grantee does not have a valid PLCB Oracle Supplier Registration Number (which is different than other Commonwealth supplier/vendor numbers), Grantee is required to register with the PLCB's Supplier Unit using the following linked form which includes instructions: <https://www.lcb.pa.gov/JoinOurTeam/Documents/001698.pdf>.

3. EFFECTIVE DATE AND TERM

a. This Grant Agreement shall become effective on January 1, 2021 or on the date of the last required Commonwealth signature, whichever is later. The Grant Activity Period, defined as the period of performance for which the Grantee can be reimbursed for activity performed in accordance with the Grant, shall be twelve months from the Effective Date for marketing, educational and/or promotions-related projects and eighteen months from the Effective Date for research projects.

b. No later than sixty days prior to the expiration of the Grant Activity Period, Grantee may electronically submit a request to the PLCB via the Resource Account to extend the Grant Activity Period in order to complete the Project without increasing the Grant funding. At its sole discretion and by issuance of a written notice to

extend by the PLCB, the PLCB may extend the Grant Activity Period for no more than ninety days. This written notice of an approved extension will be emailed to the Grantee via the Resource Account within ten calendar days of the PLCB's receipt of a compliant request. No additional extensions will be approved, although Grantee is not precluded from applying for a subsequent grant.

4. **REIMBURSEMENT.** The PLCB agrees to contribute the amount of _____ for the purpose of completing the Project in accordance with the terms of this Grant Agreement. Payments hereunder may be made electronically through the Pennsylvania Electronic Payment Program, details of which are set forth and incorporated herein as Attachment A hereto. Under no circumstances will the PLCB reimburse the Grantee for any expenses incurred before the Effective Date or after the expiration date of the Grant.

5. **CONTRIBUTION.** The Grantee agrees to contribute and/or secure any additional necessary funds required to complete the Project, if any, in accordance with the terms of Attachment G.

6. **PERMITTED EXPENDITURE.**

a. Funds provided by the PLCB shall be used for only those expenses outlined in this Grant Agreement, including its Attachments. The Grantee shall not purchase equipment of any type or kind under the terms of this Grant Agreement unless mandated by the nature of the work and explicitly approved by the PLCB in this Grant Agreement.

b. The Grantee expressly warrants that it shall request reimbursement of expenses solely allowable by the Grant Agreement. Should the PLCB determine that the Grantee is not using Grant funds exclusively in conformance with the Grant Agreement, the PLCB shall have the absolute right, in addition to any other rights provided herein or by law, to terminate this Grant Agreement and to demand the repayment/return of Grant funds. Failure of Grantee to repay/return such funds within ten business days of the PLCB's written demand, sent electronically via the Resource Account, will result in referral of the matter to the Office of the Attorney General for investigation and possible prosecution.

7. **INVOICING, RECORDS, REPORTS.**

a. All payments of Grant funds hereunder shall be made on a reimbursement basis only, which payments may be made for agreed milestones throughout the Project to the extent set forth in the approved Attachment G. Invoices for expenses incurred shall be in accordance with Paragraph 6.

b. Grantee must electronically submit detailed invoices to the Resource Account. These invoices must be submitted within thirty days of the end of each quarter during the Grant Activity Period for work performed and expenses paid during that quarter. If there was no work performed or expenses paid during a given quarter of the Grant Activity Period, Grantee must communicate that fact via email to the Resource Account within thirty days of the end of that quarter. The PLCB shall reject any invoices received more than sixty days following the end of the Grant Activity Period and Grantee shall have no claim against the PLCB or the Commonwealth for same.

c. Within ten calendar days of a request sent to the Grantee by the PLCB via the Resource Account, Grantee shall supply supporting documentation to substantiate invoices submitted and funds expended. This documentation shall be submitted via the Resource Account.

d. Grantee is required to file timely progress reports to the Beer Board, including but not limited to a final report. The PLCB reserves the right to withhold payment otherwise due under the terms of this Grant Agreement for Grantee's failure to submit reports to the Beer Board, until the Beer Board advises the PLCB that such reports have been submitted. The Grantee is responsible for ensuring that its required reports are timely submitted directly to the Beer Board and acknowledges that the PLCB has no involvement in the Beer Board's statutory reporting requirements.

e. Records of all expenditures shall be maintained for a period of two years after expiration of the term of this Grant Agreement and shall be subject to audit by the PLCB and legally authorized officials of the Commonwealth of Pennsylvania. The Grantee shall provide the PLCB and the Commonwealth full and complete access to all records relating to the performance of any and all work hereunder and shall submit truthful and accurate information about the work performed hereunder if, and as, requested by the PLCB and/or the Commonwealth.

8. **HOLD HARMLESS.** The Grantee shall indemnify, hold harmless and defend the PLCB and the Commonwealth of Pennsylvania and their officers, employees and agents from and against any and all suits and judgments for damages for personal injury, death or damage to real or tangible personal property arising out of or in conjunction with the performance by the Grantee under this Grant Agreement and caused by the Grantee's negligence or intentional wrongful acts. This paragraph does not apply when the Grantee is a Commonwealth Agency, including but not limited to state-affiliated entities or state-related institutions.

9. **ADDITIONAL COMPLIANCE REQUIREMENTS**

a. The following additional compliance requirements are attached and incorporated into this Grant Agreement and made a part hereof. The Grantee shall comply with, and be bound by, the provisions set forth in these attachments:

i. *Attachment A—Pennsylvania Electronic Payment Program*

ii. *Attachment B—Nondiscrimination/Sexual Harassment Clause*, with respect to which the Grantee is the "Contractor."

iii. *Attachment C—Contractor Integrity Provisions*, with respect to which the Grantee is the "Contractor."

iv. *Attachment D—The Americans With Disabilities Act provisions*, with respect to which the Grantee is the "Contractor."

v. *Attachment E—Right-to-Know Provisions*, with respect to which the Grantee is the "Contractor."

vi. *Attachment F—Contractor Responsibility Provisions*, with respect to which the Grantee is the "Contractor."

b. The Grantee agrees that in the performance of its obligations under this Grant Agreement it will comply with all applicable, federal, state and local laws and regulations. The Grantee expressly warrants that, as it relates to the performance of the Project that is the subject of this Grant Agreement, it shall at all times comply with the Pennsylvania Liquor Code, 47 P.S. § 1-101 et seq., and the PLCB's Regulations, 40 Pa. Code § 1.1 et seq.

c. Any forbearance by the PLCB in exercising any right or remedy hereunder or as otherwise afforded by applicable law shall not be a waiver of or preclude the exercise of any such right or remedy at any appropriate time.

d. The Grantee shall, in the performance of this Grant Agreement, act in an independent capacity and not as an officer, employee or agent of the PLCB or of the Commonwealth of Pennsylvania.

10. **STATE TAX LIABILITY.** The Grantee agrees that the Commonwealth of Pennsylvania may set-off the amount of any state tax liability or other debt of the Grantee or its subsidiaries, that is owed to the Commonwealth and not being contested on appeal, against any payments due the Grantee under this Grant Agreement.

11. **TERMINATION AND ASSIGNMENT.** If through any cause, the Grantee shall fail to fulfill in a timely and proper manner its obligations under this Grant Agreement, or in the event of violation of any of the covenants contained in this Grant Agreement, the PLCB thereupon has the right to terminate this Grant Agreement by giving thirty days written notice to the Grantee specifying the effective date of termination. If this Grant Agreement is so terminated, the Grantee shall be reimbursed for all expenses properly incurred under the terms of this Grant Agreement prior to receipt of notice, so long as Grantee properly submits valid invoices with supporting documentation within sixty days of the notice of termination. Failure by Grantee to timely submit final invoicing shall be considered a forfeiture of any claims to Grant funding. The Grantee shall not assign any interest to this Contract, nor shall any interest be transferred by novation or assignment without prior written consent of PLCB.

12. **SEVERABILITY.** The terms and provisions of this Grant Agreement are severable. In the event of the unenforceability or invalidity of any one or more of the terms, covenants, conditions or provisions of this Grant Agreement under federal, state or other applicable laws, such unenforceability or invalidity shall not render any other term, covenant, condition or provision hereof unenforceable or invalid.

13. **ENTIRE AGREEMENT.** This Grant Agreement constitutes the entire agreement between the parties. No amendment or modification hereof shall have any force or effect unless it is in writing and signed by all parties.

14. **CONTINGENCY.** The PLCB's obligation to make payments shall be subject to the availability and appropriation of funds.

15. **APPLICABLE LAW.** This Grant Agreement shall be governed by and interpreted and enforced in accordance with the laws of the Commonwealth of Pennsylvania (without regard to any conflict of laws provisions) and the decisions of the Pennsylvania courts. The Grantee consents to the jurisdiction of any court of the Commonwealth of Pennsylvania and any federal courts in Pennsylvania, waiving any claim or defense that such forum is not convenient or proper. The Grantee agrees that any such court shall have in personam jurisdiction over it, and consents to service of process in any manner authorized by Pennsylvania law.

[signatures on following page]

IN WITNESS WHEREOF, the Parties hereto, with the intention of being legally bound hereby and each signatory having the requisite legal authority to bind its respective entity, have caused this Grant Agreement to be duly executed. If the signature below is submitted electronically or digitally, the signatory hereby expressly acknowledges and avers that he or she is the named individual and that he or she intends to sign this Grant Agreement document electronically or digitally.

[GRANTEE]

NAME:
Title:

PENNSYLVANIA LIQUOR CONTROL BOARD

Charles Mooney, Executive Director

APPROVED AS TO FORM AND LEGALITY:

Rodrigo J. Diaz, PLCB CHIEF COUNSEL

OFFICE OF THE ATTORNEY GENERAL DATE

APPROVED:

COMPTROLLER

**Attachment A
PENNSYLVANIA ELECTRONIC PAYMENT
PROGRAM**

a. The commonwealth may make contract payments through ACH, upon your election. If you so elect, within 10 days of the Grant award, the recipient must submit or must have already submitted its ACH and electronic addenda information, if desired, to the commonwealth's Payable Service Center, Vendor Data Management Unit at 717-214-0140 (FAX) or by mail to the Office of Comptroller Operations, Bureau of Payable Services, Payable Service Center, Vendor Data Management Unit, 555 Walnut Street—9th Floor, Harrisburg, PA 17101. Electronic PEPP enrollment form is available at www.vendorregistration.state.pa.us/cvmu/paper/Forms/ACH-EFTenrollmentform.pdf

b. The recipient must submit a unique invoice number with each invoice submitted. The unique invoice number will be listed on the Commonwealth of Pennsylvania's ACH remittance advice to enable the recipient to properly apply the state agency's payment to the respective invoice or program.

c. It is the responsibility of the recipient to ensure that the ACH information contained in the commonwealth's central vendor master file is accurate and complete. Failure to maintain accurate and complete information may result in delays in payments.

**Attachment B
NONDISCRIMINATION/SEXUAL HARASSMENT
CLAUSE (Grants)**

The Grantee agrees:

1. In the hiring of any employee(s) for the manufacture of supplies, performance of work, or any other activity required under the Grant Agreement or any subgrant agreement, contract, or subcontract, the Grantee, a subgrantee, a contractor, a subcontractor, or any person acting on behalf of the Grantee shall not discriminate by reason of race, gender, creed, color, sexual orientation, gender identity or expression, or in violation of the Pennsylvania Human Relations Act (PHRA) and applicable federal laws, against any citizen of this Common-

wealth who is qualified and available to perform the work to which the employment relates.

2. The Grantee, any subgrantee, contractor or any subcontractor or any person on their behalf shall not in any manner discriminate by reason of race, gender, creed, color, sexual orientation, gender identity or expression, or in violation of the PHRA and applicable federal laws, against or intimidate any of its employees.

3. Neither the Grantee nor any subgrantee nor any contractor nor any subcontractor nor any person on their behalf shall in any manner discriminate by reason of race, gender, creed, color, sexual orientation, gender identity or expression, or in violation of the PHRA and applicable federal laws, in the provision of services under the Grant agreement, subgrant agreement, contract or subcontract.

4. Neither the Grantee nor any subgrantee nor any contractor nor any subcontractor nor any person on their behalf shall in any manner discriminate against employees by reason of participation in or decision to refrain from participating in labor activities protected under the Public Employee Relations Act, Pennsylvania Labor Relations Act or National Labor Relations Act, as applicable and to the extent determined by entities charged with such Acts' enforcement, and shall comply with any provision of law establishing organizations as employees' exclusive representatives.

5. The Grantee, any subgrantee, contractor or any subcontractor shall establish and maintain a written nondiscrimination and sexual harassment policy and shall inform their employees in writing of the policy. The policy must contain a provision that sexual harassment will not be tolerated and employees who practice it will be disciplined. Posting this Nondiscrimination/Sexual Harassment Clause conspicuously in easily-accessible and well-lighted places customarily frequented by employees and at or near where the Grant services are performed shall satisfy this requirement for employees with an established work site.

6. The Grantee, any subgrantee, contractor or any subcontractor shall not discriminate by reason of race, gender, creed, color, sexual orientation, gender identity or expression, or in violation of the PHRA and applicable federal laws, against any subgrantee, contractor, subcontractor or supplier who is qualified to perform the work to which the Grant relates.

7. The Grantee and each subgrantee, contractor and subcontractor represents that it is presently in compliance with and will maintain compliance with all applicable federal, state, and local laws and regulations relating to nondiscrimination and sexual harassment. The Grantee and each subgrantee, contractor and subcontractor further represents that it has filed a Standard Form 100 Employer Information Report ("EEO-1") with the U.S. Equal Employment Opportunity Commission ("EEOC") and shall file an annual EEO-1 report with the EEOC as required for employers' subject to Title VII of the Civil Rights Act of 1964, as amended, that have 100 or more employees and employers that have federal government contracts or first-tier subcontracts and have 50 or more employees. The Grantee, any subgrantee, any contractor or any subcontractor shall, upon request and within the time periods requested by the Commonwealth, furnish all necessary employment documents and records, including EEO-1 reports, and permit access to their books, records, and accounts by the granting agency and the Bureau of Diversity, Inclusion and Small Business Opportun-

ities for the purpose of ascertaining compliance with the provisions of this Nondiscrimination/Sexual Harassment Clause.

8. The Grantee, any subgrantee, contractor or any subcontractor shall include the provisions of this Nondiscrimination/Sexual Harassment Clause in every subgrant agreement, contract or subcontract so that those provisions applicable to subgrantees, contractors or subcontractors will be binding upon each subgrantee, contractor or subcontractor.

9. The Granter's and each subgrantee's, contractor's and subcontractor's obligations pursuant to these provisions are ongoing from and after the effective date of the Grant agreement through the termination date thereof. Accordingly, the Grantee and each subgrantee, contractor and subcontractor shall have an obligation to inform the Commonwealth if, at any time during the term of the Grant agreement, it becomes aware of any actions or occurrences that would result in violation of these provisions.

10. The Commonwealth may cancel or terminate the Grant agreement and all money due or to become due under the Grant agreement may be forfeited for a violation of the terms and conditions of this Nondiscrimination/Sexual Harassment Clause. In addition, the granting agency may proceed with debarment or suspension and may place the Grantee, subgrantee, contractor, or subcontractor in the Contractor Responsibility File.

Attachment C

CONTRACTOR INTEGRITY PROVISIONS

It is essential that those who seek to contract with the Commonwealth of Pennsylvania ("Commonwealth") observe high standards of honesty and integrity. They must conduct themselves in a manner that fosters public confidence in the integrity of the Commonwealth contracting and procurement process.

1. **DEFINITIONS.** For purposes of these Contractor Integrity Provisions, the following terms shall have the meanings found in this Section:

a. **"Affiliate"** means two or more entities where (a) a parent entity owns more than fifty percent of the voting stock of each of the entities; or (b) a common shareholder or group of shareholders owns more than fifty percent of the voting stock of each of the entities; or (c) the entities have a common proprietor or general partner.

b. **"Consent"** means written permission signed by a duly authorized officer or employee of the Commonwealth, provided that where the material facts have been disclosed, in writing, by prequalification, bid, proposal, or contractual terms, the Commonwealth shall be deemed to have consented by virtue of the execution of this contract.

c. **"Contractor"** means the individual or entity, that has entered into this contract with the Commonwealth.

d. **"Contractor Related Parties"** means any affiliates of the Contractor and the Contractor's executive officers, Pennsylvania officers and directors, or owners of 5 percent or more interest in the Contractor.

e. **"Financial Interest"** means either:

(1) Ownership of more than a five percent interest in any business; or

(2) Holding a position as an officer, director, trustee, partner, employee, or holding any position of management.

f. **"Gratuity"** means tendering, giving, or providing anything of more than nominal monetary value including, but not limited to, cash, travel, entertainment, gifts, meals,

lodging, loans, subscriptions, advances, deposits of money, services, employment, or contracts of any kind. The exceptions set forth in the Governor's Code of Conduct, Executive Order 1980-18, the 4 Pa. Code § 7.153(b), shall apply.

g. **“Non-bid Basis”** means a contract awarded or executed by the Commonwealth with Contractor without seeking bids or proposals from any other potential bidder or offeror.

2. In furtherance of this policy, Contractor agrees to the following:

a. Contractor shall maintain the highest standards of honesty and integrity during the performance of this contract and shall take no action in violation of state or federal laws or regulations or any other applicable laws or regulations, or other requirements applicable to Contractor or that govern contracting or procurement with the Commonwealth.

b. Contractor shall establish and implement a written business integrity policy, which includes, at a minimum, the requirements of these provisions as they relate to the Contractor activity with the Commonwealth and Commonwealth employees and which is made known to all Contractor employees. Posting these Contractor Integrity Provisions conspicuously in easily-accessible and well-lighted places customarily frequented by employees and at or near where the contract services are performed shall satisfy this requirement.

c. Contractor, its affiliates, agents, employees and anyone in privity with Contractor shall not accept, agree to give, offer, confer, or agree to confer or promise to confer, directly or indirectly, any gratuity or pecuniary benefit to any person, or to influence or attempt to influence any person in violation of any federal or state law, regulation, executive order of the Governor of Pennsylvania, statement of policy, management directive or any other published standard of the Commonwealth in connection with performance of work under this contract, except as provided in this contract.

d. Contractor shall not have a financial interest in any other contractor, subcontractor, or supplier providing services, labor, or material under this contract, unless the financial interest is disclosed to the Commonwealth in writing and the Commonwealth consents to Contractor's financial interest prior to Commonwealth execution of the contract. Contractor shall disclose the financial interest to the Commonwealth at the time of bid or proposal submission, or if no bids or proposals are solicited, no later than Contractor's submission of the contract signed by Contractor.

e. Contractor certifies to the best of its knowledge and belief that within the last five (5) years Contractor or Contractor Related Parties have not:

(1) been indicted or convicted of a crime involving moral turpitude or business honesty or integrity in any jurisdiction;

(2) been suspended, debarred or otherwise disqualified from entering into any contract with any governmental agency;

(3) had any business license or professional license suspended or revoked;

(4) had any sanction or finding of fact imposed as a result of a judicial or administrative proceeding related to fraud, extortion, bribery, bid rigging, embezzlement, misrepresentation or anti-trust; and

(5) been, and is not currently, the subject of a criminal investigation by any federal, state or local prosecuting or

investigative agency and/or civil anti-trust investigation by any federal, state or local prosecuting or investigative agency.

If Contractor cannot so certify to the above, then it must submit along with its bid, proposal or contract a written explanation of why such certification cannot be made and the Commonwealth will determine whether a contract may be entered into with the Contractor. The Contractor's obligation pursuant to this certification is ongoing from and after the effective date of the contract through the termination date thereof. Accordingly, the Contractor shall have an obligation to immediately notify the Commonwealth in writing if at any time during the term of the contract if becomes aware of any event which would cause the Contractor's certification or explanation to change. Contractor acknowledges that the Commonwealth may, in its sole discretion, terminate the contract for cause if it learns that any of the certifications made herein are currently false due to intervening factual circumstances or were false or should have been known to be false when entering into the contract.

f. Contractor shall comply with the requirements of the Lobbying Disclosure Act (65 Pa.C.S. § 13A01 et seq.) regardless of the method of award. If this contract was awarded on a Non-bid Basis, Contractor must also comply with the requirements of the Section 1641 of the Pennsylvania Election Code (25 P.S. § 3260a).

g. When Contractor has reason to believe that any breach of ethical standards as set forth in law, the Governor's Code of Conduct, or these Contractor Integrity Provisions has occurred or may occur, including but not limited to contact by a Commonwealth officer or employee which, if acted upon, would violate such ethical standards, Contractor shall immediately notify the Commonwealth contracting officer or the Office of the State Inspector General in writing.

h. Contractor, by submission of its bid or proposal and/or execution of this contract and by the submission of any bills, invoices or requests for payment pursuant to the contract, certifies and represents that it has not violated any of these Contractor Integrity Provisions in connection with the submission of the bid or proposal, during any contract negotiations or during the term of the contract, to include any extensions thereof. Contractor shall immediately notify the Commonwealth in writing of any actions for occurrences that would result in a violation of these Contractor Integrity Provisions. Contractor agrees to reimburse the Commonwealth for the reasonable costs of investigation incurred by the Office of the State Inspector General for investigations of the Contractor's compliance with the terms of this or any other agreement between the Contractor and the Commonwealth that results in the suspension or debarment of the Contractor. Contractor shall not be responsible for investigative costs for investigations that do not result in the Contractor's suspension or debarment.

i. Contractor shall cooperate with the Office of the State Inspector General in its investigation of any alleged Commonwealth agency or employee breach of ethical standards and any alleged Contractor non-compliance with these Contractor Integrity Provisions. Contractor agrees to make identified Contractor employees available for interviews at reasonable times and places. Contractor, upon the inquiry or request of an Inspector General, shall provide, or if appropriate, make promptly available for inspection or copying, any information of any type or form deemed relevant by the Office of the State Inspector General to Contractor's integrity and compliance with

these provisions. Such information may include, but shall not be limited to, Contractor's business or financial records, documents or files of any type or form that refer to or concern this contract. Contractor shall incorporate this paragraph in any agreement, contract or subcontract it enters into in the course of the performance of this contract/agreement solely for the purpose of obtaining subcontractor compliance with this provision. The incorporation of this provision in a subcontract shall not create privity of contract between the Commonwealth and any such subcontractor, and no third party beneficiaries shall be created thereby.

j. For violation of any of these Contractor Integrity Provisions, the Commonwealth may terminate this and any other contract with Contractor, claim liquidated damages in an amount equal to the value of anything received in breach of these Provisions, claim damages for all additional costs and expenses incurred in obtaining another contractor to complete performance under this contract, and debar and suspend Contractor from doing business with the Commonwealth. These rights and remedies are cumulative, and the use or non-use of any one shall not preclude the use of all or any other. These rights and remedies are in addition to those the Commonwealth may have under law, statute, regulation, or otherwise.

Attachment D

AMERICANS WITH DISABILITIES ACT

a. Pursuant to federal regulations promulgated under the authority of The Americans with Disabilities Act, 28 C.F.R. § 35.101 et seq., the contractor understands and agrees that it shall not cause any person with a disability to be excluded from participation in this Contract or from activities provided for under this Contract on the basis of the disability. As a condition of accepting this contract, the Contractor agrees to comply with the "General Prohibitions Against Discrimination," 28 C.F.R. § 35.130, and all other regulations promulgated under Title II of The Americans with Disabilities Act which are applicable to the benefits, services, programs, and activities provided by the Commonwealth of Pennsylvania through contracts with outside contractors.

b. The Contractor shall be responsible for and agrees to indemnify and hold harmless the Commonwealth of Pennsylvania from all losses, damages, expenses, claims, demands, suits, and actions brought by any party against the Commonwealth of Pennsylvania as a result of the Contractor's failure to comply with the provisions of subparagraph (a) above.

Attachment E

RIGHT TO KNOW LAW— GRANT PROVISIONS—8-K-1580

a. Grantee or Subgrantee understands that this Grant Agreement and records related to or arising out of the Grant Agreement are subject to requests made pursuant to the Pennsylvania Right-to-Know Law, 65 P.S. §§ 67.101-3104, ("RTKL"). For the purpose of these provisions, the term "the Commonwealth" shall refer to the granting Commonwealth agency.

b. If the Commonwealth needs the Grantee's or Subgrantee's assistance in any matter arising out of the RTKL related to this Grant Agreement, it shall notify the Grantee or Subgrantee using the legal contact information provided in the Grant Agreement. The Grantee or Subgrantee, at any time, may designate a different contact for such purpose upon reasonable prior written notice to the Commonwealth.

c. Upon written notification from the Commonwealth that it requires Grantee's or Subgrantee's assistance in responding to a request under the RTKL for information related to this Grant Agreement that may be in Grantee's or Subgrantee's possession, constituting, or alleged to constitute, a public record in accordance with the RTKL ("Requested Information"), Grantee or Subgrantee shall:

1. Provide the commonwealth, within ten (10) calendar days after receipt of written notification, access to, and copies of, any document or information in Grantee's or Subgrantee's possession arising out of this Grant Agreement that the Commonwealth reasonably believes is Requested Information and may be a public record under the RTKL; and

2. Provide such other assistance as the Commonwealth may reasonably request, in order to comply with the RTKL with respect to this Grant Agreement.

d. If Grantee or Subgrantee considers the Requested Information to include a request for a Trade Secret or Confidential Proprietary Information, as those terms are defined by the RTKL, or other information that Grantee or Subgrantee considers exempt from production under the RTKL, Grantee or Subgrantee must notify the Commonwealth and provide, within seven (7) calendar days of receiving the written notification, a written statement signed by a representative of Grantee or Subgrantee explaining why the requested material is exempt from public disclosure under the RTKL.

e. The Commonwealth will rely upon the written statement from Grantee or Subgrantee in denying a RTKL request for the Requested Information unless the Commonwealth determines that the Requested Information is clearly not protected from disclosure under the RTKL. Should the commonwealth determine that the Requested Information is clearly not exempt from disclosure, Grantee or Subgrantee shall provide the Requested Information within five (5) business days of receipt of written notice of the Commonwealth's determination.

f. If Grantee or Subgrantee fails to provide the Requested Information within the time period required by these provisions, Grantee or Subgrantee shall indemnify and hold the Commonwealth harmless for any damages, penalties, costs, detriment or harm that the Commonwealth may incur as a result of Grantee's or Subgrantee's failure, including any statutory damages assessed against the Commonwealth.

g. The Commonwealth will reimburse Grantee or Subgrantee for any costs associated with complying with these provisions only to the extent allowed under the fee schedule established by the Office of Open Records or as otherwise provided by the RTKL if the fee schedule is inapplicable.

h. Grantee or Subgrantee may file a legal challenge to any Commonwealth decision to release a record to the public with the Office of Open Records, or in the Pennsylvania Courts, however, Grantee or Subgrantee shall indemnify the Commonwealth for any legal expenses incurred by the Commonwealth as a result of such a challenge and shall hold the Commonwealth harmless for any damages, penalties, costs, detriment or harm that the Commonwealth may incur as a result of Grantee's or Subgrantee's failure, including any statutory damages assessed against the Commonwealth, regardless of the outcome of such legal challenge. As between the parties, Grantee or Subgrantee agrees to waive all rights or remedies that may be available to it as a result of the Commonwealth's disclosure of Requested Information pursuant to the RTKL.

i. The Grantee's or Subgrantee's duties relating to the RTKL are continuing duties that survive the expiration of this Grant Agreement and shall continue as long as the Grantee or Subgrantee has Requested Information in its possession.

Attachment F

Contractor Responsibility Provisions

For the purpose of these provisions, the term contractor is defined as any person, including, but not limited to, a bidder, offeror, loan recipient, Grantee or lessor, who has furnished or performed or seeks to furnish or perform, goods, supplies, services, leased space, construction or other activity, under a contract, grant, lease, purchase order or reimbursement agreement with the Commonwealth of Pennsylvania (Commonwealth). The term contractor includes a permittee, licensee, or any agency, political subdivision, instrumentality, public authority, or other public entity in the Commonwealth.

1. The Contractor certifies, in writing, for itself and its subcontractors required to be disclosed or approved by the Commonwealth, that as of the date of its execution of this Bid/Contract, that neither the Contractor, nor any such subcontractors, are under suspension or debarment by the Commonwealth or any governmental entity, instrumentality, or authority and, if the Contractor cannot so certify, then it agrees to submit, along with its Bid/Contract, a written explanation of why such certification cannot be made.

2. The Contractor also certifies, in writing, that as of the date of its execution of this Bid/Contract it has no tax liabilities or other Commonwealth obligations, or has filed a timely administrative or judicial appeal if such liabilities or obligations exist, or is subject to a duly approved deferred payment plan if such liabilities exist.

3. The Contractor's obligations pursuant to these provisions are ongoing from and after the effective date of the

Contract through the termination date thereof. Accordingly, the Contractor shall have an obligation to inform the Commonwealth if, at any time during the term of the Contract, it becomes delinquent in the payment of taxes, or other Commonwealth obligations, or if it or, to the best knowledge of the Contractor, any of its subcontractors are suspended or debarred by the Commonwealth, the federal government, or any other state or governmental entity. Such notification shall be made within 15 days of the date of suspension or debarment.

4. The failure of the Contractor to notify the Commonwealth of its suspension or debarment by the Commonwealth, any other state, or the federal government shall constitute an event of default of the Contract with the Commonwealth.

5. The Contractor agrees to reimburse the Commonwealth for the reasonable costs of investigation incurred by the Office of State Inspector General for investigations of the Contractor's compliance with the terms of this or any other agreement between the Contractor and the Commonwealth that results in the suspension or debarment of the contractor. Such costs shall include, but shall not be limited to, salaries of investigators, including overtime; travel and lodging expenses; and expert witness and documentary fees. The Contractor shall not be responsible for investigative costs for investigations that do not result in the Contractor's suspension or debarment.

6. The Contractor may obtain a current list of suspended and debarred Commonwealth contractors by either searching the Internet at <http://www.dgs.state.pa.us/> or contacting the:

*Department of General Services
Office of Chief Counsel
603 North Office Building
Harrisburg, PA 17125
Telephone No: (717) 783-6472
FAX No: (717) 787-9138*

Addendum 2

BOARD GRANT SCORING CRITERIA & SCALE

<i>Section Title</i>	<i>Evaluation Criteria</i>	<i>Points</i>
Feasibility	<ul style="list-style-type: none"> • To what extent can the Purpose be accomplished with the funds requested? • Is there enough non-cash capacity to fulfill the objectives of the project? • Are the proposed outcomes and impacts in proportion to the grant request? • Can the project be completed within the timeline established? • Are the outcomes proposed realistic? 	10
Linkages to PA's Beer Industry	<ul style="list-style-type: none"> • Is there a compelling link to PA's Beer Industry? • How quickly will the industry benefit from project outcomes? 	10
Innovation	<ul style="list-style-type: none"> • Does the proposal offer a "new approach" in supporting PA Beer? • Will the project offer or create any new competitive advantages? • Do the project outcomes offer new and unique benefits to the industry? • What components of the project are sustainable once completed? 	20
Expected Impacts & Outcomes	<ul style="list-style-type: none"> • Will the project raise the visibility of PA Beer? • Will the impacts and outcomes offer long-term benefits? • Do they provide solutions to current industry challenges? • How will the impacts and outcomes ultimately strengthen PA's beer industry? • How much of the industry will benefit from the project? 	20
Economic Benefits Generated	<ul style="list-style-type: none"> • Does the project create jobs? • Does the project save money for the industry? • Will it strengthen the economic viability of the industry and how? • Does the project support and promote intrastate and/or interstate tourism? 	20

<i>Section Title</i>	<i>Evaluation Criteria</i>	<i>Points</i>
Methodology & Evaluation	<ul style="list-style-type: none"> • Can the methodology produce the desired outcomes? • Does the evaluation component measure the right outcomes? • Can the methodology produce stated economic benefits and can the evaluation accurately measure so benefits? 	10
Industry Support	<ul style="list-style-type: none"> • Is there strong industry support for this project? • Are there any matching funds or leveraged resources? 	10

[Pa.B. Doc. No. 20-993. Filed for public inspection July 24, 2020, 9:00 a.m.]

DEPARTMENT OF AGRICULTURE

Pennsylvania Wine Marketing and Research Board; Grant Solicitation and Application Procedures for Act 39 of 2016 Funding

1. *Introduction.* The Pennsylvania Wine Marketing and Research Program Board annually, or more frequently as the availability of fund permits, solicits applications for grants to conduct promotion, marketing and research projects to increase the quality, profitability, production and sale of wines, enhance the wine industry and benefit wine producers of this Commonwealth. The Pennsylvania Wine Marketing and Research Program Board was established by the Department of Agriculture (Department) under 3 Pa.C.S. §§ 4501—4513 (relating to Agricultural Commodities Marketing Act) (ACMA). Its composition, funding and duties were subsequently expanded by section 488.1 of the Liquor Code (47 P.S. § 4-488.1). The Pennsylvania Wine Marketing and Research Program Board makes recommendations for the awarding of grants by the Liquor Control Board from funds provided through the Liquor Code (47 P.S. §§ 1-101—10-1001) for Liquor Control Board Act 39 of 2016 funding. This notice establishes the procedures by which grant applications will be solicited, reviewed and grants awarded. Priority is being given to projects that will help support the Pennsylvania Wine Industry's recovery as it navigates and emerges from the novel coronavirus (COVID-19) pandemic. Applicants with projects aligned to COVID-19 recovery, with an outcome that would benefit Pennsylvania's wine and beer industries, and where the scope is warranted are encouraged to submit proposals to both the Pennsylvania Wine Marketing and Research Program Board and the Pennsylvania Malt and Brewed Beverage Industry Promotion Board for joint funding. Projects submitted jointly to both boards will be reviewed and must be approved by each board independently.

2. *Grant Solicitation.* The Pennsylvania Wine Marketing and Research Program Board will be accepting grant applications for the purposes, in the form and according to the schedule set forth herein for not less than 30 days beginning on the date of publication of this notice in the *Pennsylvania Bulletin*. Additional publication and dissemination of this notice shall be made and may include direct dissemination to State universities and State-supported universities located in this Commonwealth, universities with colleges of agricultural science located in this Commonwealth and individuals or entities who have requested notification from the Department of Agriculture or the Pennsylvania Wine Marketing and Research Program Board of grant availability.

3. *Process Overview.* The Pennsylvania Wine Marketing and Research Program Board will employ the review process described as follows to select projects and funding levels to recommend to the Liquor Control Board for the making of a grant. In the event of a recommendation to

the Liquor Control Board to make and fund a grant, the decision as to whether to award a grant will be made by the Liquor Control Board.

a. If the Liquor Control Board approves the grant recommendation, the terms and conditions of the grant will be governed by a grant agreement between the Liquor Control Board and the applicant, which shall be tendered to the applicant for execution by the Liquor Control Board, returnable to the Liquor Control Board in no more than 30 calendar days.

b. The Liquor Control Board grant agreement follows hereto as Addendum 1 and incorporated by reference. The terms are non-negotiable; therefore, applicants shall carefully review the Liquor Control Board grant agreement to ensure that proposed projects are compliant with agreement requirements. Applicants who submit proposals to both the Pennsylvania Wine Marketing and Research Program Board and the Pennsylvania Malt and Brewed Beverage Industry Promotion Board for joint funding will be required to enter into a separate agreement for funding from each board, with separate purchase orders for each funding source, and split invoices for reimbursement to reflect a 50/50 allocation of expenses to each funding source.

c. It is also recommended that applicants seek private counsel experienced in Pennsylvania liquor law to provide guidance as it pertains to the Liquor Code and the Liquor Control Board's regulations at 40 Pa. Code §§ 1.1—17.41 (relating to liquor) to ensure the legality and viability of grant projects and proposed activities.

4. *Application.* Applicants shall submit a Project Proposal and Grant Application, in the form set forth in paragraph 5 of this notice, to the Pennsylvania Wine Marketing and Research Program Board by 4 p.m. on Friday, August 21, 2020. Proposals should be sent electronically to RA-AGCommodities@pa.gov. Applications should be addressed and delivered to the Department of Agriculture, Bureau of Market Development, Attn: Agricultural Commodity Board Grant Program, 2301 North Cameron Street, Harrisburg, PA 17110-9408.

5. *Format of the Project Proposal and Grant Application.* The project proposal and grant application cannot exceed 10 pages total for project and budget narratives, plus one additional page for the budget table and shall be formatted as follows:

a. A cover page, titled Pennsylvania Wine Marketing and Research Program—Project Proposal and Grant Application, providing: the title of the proposed project; the full legal name and street address of the applicant; the name, address, telephone number and e-mail address of the applicant's principal contact person for matters relating to the application; and the total maximum grant amount sought for the proposed project or program.

b. Section 1, titled Statement of Purpose, explaining or presenting: the purpose for which the grant funds would

be utilized and identifying methods for measuring and reporting outcomes; details of the proposed project, including a statement of expected impact of outcomes, staffing for the project, and objectives and methodologies; and whether, how and to what anticipated extent, the proposed marketing or research project increases the quality, profitability, production and sale of wines, enhances the wine industry and benefits wine producers of this Commonwealth.

c. Section 2, titled Statement of Need, addressing: the need for the grant funds sought; any other partners or partner organizations that will be involved with the project; and any other funding or noncash resources that will be committed to the project and the sources thereof.

d. Section 3, titled Budget, presenting a detailed budget for the proposed project or program, including any other matching funds and the value of any noncash resources that will be included in the project. In the case of a proposal submitted jointly to the Pennsylvania Wine Marketing and Research Program Board and the Pennsylvania Malt and Brewed Beverage Industry Promotion Board, the budget must reflect a 50/50 allocation of expenses to each program throughout. Each and every item of direct expense to be incurred in the project shall be separately set forth, including all purchases of consumable or nonconsumable goods or equipment, listing the disposition of all nonconsumable goods or equipment upon completion of the project; all travel by dates, purpose, destination, mode of transportation and rate; a full breakdown of other costs, if any, and the method used to calculate those costs. See also paragraph 11.

i. *Personnel*—Includes employed personnel. Those employed elsewhere should be listed as subcontractors or consultants in the Contractual cost category. Provide detail of all personnel by name devoted to the project, their professional qualifications, the amount of time calculated by hours and the tasks to be performed by each of the named personnel.

ii. *Fringe Benefits*—Provide the rate of fringe benefits for each project participant's salary. Identify the total for all funded fringe benefits.

iii. *Travel*—Calculate the costs for travel by considering destinations, number of trips, days traveling, transportation costs, estimated lodging and meal costs, and estimated mileage rate.

iv. *Supplies*—This could be anything from office supplies and software to education or field supplies.

v. *Contractual*—If contractual work will be involved with carrying out the work of the project, identify the total contractual expenses. When determining the total cost for this category, include the fees for the professional services, travel costs, lodging expenses, indirect costs as provided in paragraph 11, and any other related contractual expenses.

vi. *Other*—This category includes fees for conferences or meetings, facility and equipment rental costs, lodging and meal expenses, communication costs, speaker fees, publication costs and data collection.

e. Section 5, titled Industry Support, describing the extent of any support, participation and funding from the Commonwealth's wine industry, including any written confirmation of that support, participation or funding.

f. Due to limitations of Commonwealth equipment and considering that all Liquor Control Board grant communications will be conducted electronically, applicants should not use color in any tables, graphs, charts or other

material elements of the proposals. Black and white or gray-scale should be used in such elements to ensure ongoing document integrity.

6. *Scoring of Applications*. The Pennsylvania Wine Marketing and Research Program Board will evaluate each complete and timely-filed project proposal and grant application it receives, which shall include a 100-point scale assessing:

a. Up to 20 points for the project needs statement.

b. Up to 20 points for the expected impact of project outcomes.

c. Up to 20 points for the promotion, marketing or research methodology.

d. Up to 20 points for overall project evaluation.

e. Up to 20 points for support and participation from industry.

If any joint funding proposals are received per paragraph 1, the Pennsylvania Wine Marketing and Research Program Board and the Pennsylvania Malt and Brewed Beverage Industry Promotion Board will each independently evaluate and score based on each board's criteria. For a recommendation for funding a joint proposal to be made to the Liquor Control Board, each board must independently approve the proposal for recommendation and then agree to joint funding with the other.

7. *Evaluation, Recommendations and Awards*. The Pennsylvania Wine Marketing and Research Program Board reserves the right to request modifications or clarifications, or both, of project proposals and grant applications, including but not limited to additional detail of purpose, reduced or modified budgets, and the like. Upon completion of evaluations, the Pennsylvania Wine Marketing and Research Program Board will prepare a record identifying each complete and timely filed project proposal and grant application received, and the numerical score assigned to each.

In the event of one or more recommendations to the Liquor Control Board to make and fund a grant, the Pennsylvania Wine Marketing and Research Program Board will transmit to the Liquor Control Board the complete and final project proposal and grant application along with the score assigned by the Pennsylvania Wine Marketing and Research Program Board and any other information deemed relevant by the Pennsylvania Wine Marketing and Research Program Board or requested by the Liquor Control Board. Request will be made by the Pennsylvania Wine Marketing and Research Program Board that the Liquor Control Board respond to all recommendations for grant approval within 30 days. The Liquor Control Board's three-member board will vote on these recommendations at a public meeting, and the Liquor Control Board will directly contact those applicants whose proposals/applications are approved. The Liquor Control Board is responsible for notifying applicants whose projects were recommended by the Pennsylvania Wine Marketing and Research Program Board for Liquor Control Board funding, but which the Liquor Control Board determined not to fund.

8. *Term of Grants*. Grant Agreements will become effective on the date of the last required Commonwealth approval (Effective Date). While the Liquor Control Board cannot guarantee how quickly each grant agreement will be finalized, it is anticipated that fully executed grant agreements will facilitate projects beginning in fall 2020.

a. No reimbursements will be made by the Liquor Control Board for any grant activity commencing prior to the Effective Date.

b. Research projects will have a term of 18 months. All other projects will have a term of 12 months.

c. Grant terms may be extended for up to 90 days, if mutually agreed upon by the Liquor Control Board and the grantee based on circumstances requiring additional time to complete the project, but in no case will research grants exceed 21 months nor all other projects exceed 15 months. Grant applicants are encouraged to plan projects and proposals accordingly.

d. A Notice to Proceed, Purchase Orders fully executed agreements, and invoicing instructions will be provided by Liquor Control Board by means of e-mail.

e. Any jointly funded projects per paragraph 1 will require two separate grant agreements and two separate purchase orders with the Liquor Control Board, with funding split equally between Wine Marketing and Research funds and Malt and Brewed Beverage Industry Promotion funds. Grantees will be required to submit separate invoices for each funding stream, attributing half of each expenditure to each purchase order.

f. Final invoices shall be submitted to the Liquor Control Board within 60 days of contract end date as set forth in the Grant Agreement.

g. See Addendum 1 Grant Agreement for more details about the Liquor Control Board's grant administration practices.

9. *Progress Reports.* Progress reports are to be delivered by e-mail to RA-AGCommodities@pa.gov no later than October 1, and April 1, every year for the duration of the project, or as requested by the Pennsylvania Wine Marketing and Research Program Board. Final reports should be submitted to RA-AGCommodities@pa.gov within 90 days of contract end date.

10. *Grant Agreement.* The Liquor Control Board will provide applicants with a grant agreement for Grantee's execution and return within 30 calendar days. The Liquor Control Board will obtain the required signature on the grant agreements, including any other required Commonwealth entities, and return a copy to the applicant. Unless otherwise stated in the executed grant agreement, no grant agreement is effective, and work should not begin until all required signatures have been applied to the grant agreement. Among the terms of the grant agreement shall be a requirement that the grant recipient provide the Pennsylvania Wine Marketing and Research Program Board full and complete access to all records relating to the performance of the project and submit information as the Pennsylvania Wine Marketing and Research Program Board may require.

11. *Cost-Reimbursement Grant and Indirect Costs Cap.* Grants made hereunder do not require the applicant secure or devote a matching sum to the project. Payment of grant funds will occur on a reimbursement basis only. Grant awards may include an allowance for indirect costs of up to 10%. In the case of graduate student participation, reasonable stipends will be allowed, and tuition will not be allowed.

RUSSELL C. REDDING,
Secretary

Addendum 1

LIQUOR CONTROL BOARD GRANT AGREEMENT GRANT AGREEMENT PURSUANT TO 47 P.S. § 4-488.1

This Grant Agreement is entered into by and between the Pennsylvania Liquor Control Board, 312 Northwest Office Building, Harrisburg PA 17124 (hereinafter re-

ferred to as "PLCB" or "Grantor"), and _____, (hereinafter referred to as "Grantee") (collectively, "the Parties").

I. RECITALS

1. Pursuant to sections 488(k) and 448.1 of the Pennsylvania Liquor Code, 47 P.S. §§ 4-488(k) and 4-488.1, the PLCB shall allocate the amount of \$1,000,000 annually to be used to award grants to entities for the purpose of increasing the production of Pennsylvania-made wines and enhancing the Pennsylvania wine industry through promotion, marketing and research-based programs and projects.

2. The Pennsylvania Wine Marketing and Research Program Board ("Wine Board") was established by the Pennsylvania Department of Agriculture under the authority of the Pennsylvania Agricultural Commodities Marketing Act at 3 Pa.C.S. §§ 4501—4513. Its composition, funding and duties were subsequently expanded in the Pennsylvania Liquor Code; specifically, at 47 P.S. § 4-488.1.

The Wine Board is statutorily charged with establishing procedures by which an entity may submit an application for grant funding pursuant to 47 P.S. § 4-488(k) and § 4-488.1; reviewing all such grant applications; and making recommendations to the PLCB for the awarding of the grants.

The Wine Board is further statutorily charged with requiring grant recipients to provide full and complete access to all records relating to the performance of the grant; conducting a thorough annual evaluation of each program for which a grant is made; and submitting an annual report to the General Assembly detailing all actions of the Wine Board and the grants awarded pursuant to section 488(k) and 488.1 of the Liquor Code.

3. The PLCB has made the aforementioned allocation; the Wine Board has established the requisite procedures and process; the Grantee has applied for a grant pursuant thereto; the Wine Board has recommended to the PLCB to make a grant to the Grantee as detailed in Appendix G, attached and incorporated by reference; and the PLCB has approved the award of the grant ("the Grant").

II. AGREEMENT

In consideration of the foregoing recitals, which are incorporated herein, and the mutual promises contained in this Grant Agreement, the Parties, intending to be legally bound, agree as follows:

1. SCOPE.

a. This Grant is for funding the Project Proposal and Grant Application ("the Project") summarily described as follows and in more detail in the documents attached hereto and incorporated herein as Attachment G.

b. No increases to the funding amount or changes to the approved scope of work will be permitted under any circumstance; however, minor revisions to the Project timeline, methodology and/or budget(s) contained in Attachment G may be approved by the PLCB at its sole discretion upon review of Grantee's written request and justification for same. Grantee shall submit such requests via email to the PLCB's resource account at RA-LBAct39Grants@pa.gov ("the Resource Account"), and the PLCB will respond to the request via the same Resource Account within ten calendar days of its receipt of the request. In no event may such minor revisions have retroactive effect.

2. OPERATIONAL REQUIREMENTS

a. All communications between the Grantee and the PLCB, including but not limited to questions, notifications, requests, and invoice submissions, shall be conducted via email to and from the PLCB's aforementioned Resource Account. Grantee expressly accepts this method of electronic communication and is responsible to timely provide notice to the PLCB via the Resource Account if there are any changes or additions to the Grantee's contact information. The PLCB will utilize best efforts to respond to all inquiries from Grantee within five business days of receipt of an email, except as otherwise provided herein.

b. In order to be issued an approved Purchase Order and to receive Grant funds, if the Grantee does not have a valid PLCB Oracle Supplier Registration Number (which is different than other Commonwealth supplier/vendor numbers), Grantee is required to register with the PLCB's Supplier Unit using the following linked form which includes instructions: <https://www.lcb.pa.gov/JoinOurTeam/Documents/001698.pdf>.

3. EFFECTIVE DATE AND TERM

a. This Grant Agreement shall become effective on September 1, 2020 or on the date of the last required Commonwealth signature, whichever is later. The Grant Activity Period, defined as the period of performance for which the Grantee can be reimbursed for activity performed in accordance with the Grant, shall be twelve months from the Effective Date for marketing, educational and/or promotions-related projects and eighteen months from the Effective Date for research projects.

b. No later than sixty days prior to the expiration of the Grant Activity Period, Grantee may electronically submit a request to the PLCB via the Resource Account to extend the Grant Activity Period in order to complete the Project without increasing the Grant funding. At its sole discretion and by issuance of a written notice to extend by the PLCB, the PLCB may extend the Grant Activity Period for no more than ninety days. This written notice of an approved extension will be emailed to the Grantee via the Resource Account within ten calendar days of the PLCB's receipt of a compliant request. No additional extensions will be approved, although Grantee is not precluded from applying for a subsequent grant.

4. **REIMBURSEMENT.** The PLCB agrees to contribute the amount of _____ for the purpose of completing the Project in accordance with the terms of this Grant Agreement. Payments hereunder may be made electronically through the Pennsylvania Electronic Payment Program, details of which are set forth and incorporated herein as Attachment A hereto. Under no circumstances will the PLCB reimburse the Grantee for any expenses incurred before the Effective Date or after the expiration date of the Grant.

5. **CONTRIBUTION.** The Grantee agrees to contribute and/or secure any additional necessary funds required to complete the Project, if any, in accordance with the terms of Attachment G.

6. PERMITTED EXPENDITURE.

a. Funds provided by the PLCB shall be used for only those expenses outlined in this Grant Agreement, including its Attachments. The Grantee shall not purchase equipment of any type or kind under the terms of this Grant Agreement unless mandated by the nature of the work and explicitly approved by the PLCB in this Grant Agreement.

b. The Grantee expressly warrants that it shall request reimbursement of expenses solely allowable by the Grant Agreement. Should the PLCB determine that the Grantee is not using Grant funds exclusively in conformance with the Grant Agreement, the PLCB shall have the absolute right, in addition to any other rights provided herein or by law, to terminate this Grant Agreement and to demand the repayment/return of Grant funds. Failure of Grantee to repay/return such funds within ten business days of the PLCB's written demand, sent electronically via the Resource Account, will result in referral of the matter to the Office of the Attorney General for investigation and possible prosecution.

7. INVOICING, RECORDS, REPORTS.

a. All payments of Grant funds hereunder shall be made on a reimbursement basis only, which payments may be made for agreed milestones throughout the Project to the extent set forth in the approved Attachment G. Invoices for expenses incurred shall be in accordance with Paragraph 6.

b. Grantee must electronically submit detailed invoices to the Resource Account. These invoices must be submitted within thirty days of the end of each quarter during the Grant Activity Period for work performed and expenses paid during that quarter. If there was no work performed or expenses paid during a given quarter of the Grant Activity Period, Grantee must communicate that fact via email to the Resource Account within thirty days of the end of that quarter. The PLCB shall reject any invoices received more than sixty days following the end of the Grant Activity Period and Grantee shall have no claim against the PLCB or the Commonwealth for same.

c. Within ten calendar days of a request sent to the Grantee by the PLCB via the Resource Account, Grantee shall supply supporting documentation to substantiate invoices submitted and funds expended. This documentation shall be submitted via the Resource Account.

d. Grantee is required to file timely progress reports to the Wine Board, including but not limited to a final report. The PLCB reserves the right to withhold payment otherwise due under the terms of this Grant Agreement for Grantee's failure to submit reports to the Wine Board, until the Wine Board advises the PLCB that such reports have been submitted. The Grantee is responsible for ensuring that its required reports are timely submitted directly to the Wine Board and acknowledges that the PLCB has no involvement in the Wine Board's statutory reporting requirements.

e. Records of all expenditures shall be maintained for a period of two years after expiration of the term of this Grant Agreement and shall be subject to audit by the PLCB and legally authorized officials of the Commonwealth of Pennsylvania. The Grantee shall provide the PLCB and the Commonwealth full and complete access to all records relating to the performance of any and all work hereunder and shall submit truthful and accurate information about the work performed hereunder if, and as, requested by the PLCB and/or the Commonwealth.

8. **HOLD HARMLESS.** The Grantee shall indemnify, hold harmless and defend the PLCB and the Commonwealth of Pennsylvania and their officers, employees and agents from and against any and all suits and judgments for damages for personal injury, death or damage to real or tangible personal property arising out of or in conjunction with the performance by the Grantee under this Grant Agreement and caused by the Grantee's negligence or intentional wrongful acts. This paragraph does

not apply when the Grantee is a Commonwealth Agency, including but not limited to state-affiliated entities or state-related institutions.

9. ADDITIONAL COMPLIANCE REQUIREMENTS

a. The following additional compliance requirements are attached and incorporated into this Grant Agreement and made a part hereof. The Grantee shall comply with, and be bound by, the provisions set forth in these attachments:

i. *Attachment A—Pennsylvania Electronic Payment Program*

ii. *Attachment B—Nondiscrimination/Sexual Harassment Clause*, with respect to which the Grantee is the “Contractor.”

iii. *Attachment C—Contractor Integrity Provisions*, with respect to which the Grantee is the “Contractor.”

iv. *Attachment D—The Americans With Disabilities Act provisions*, with respect to which the Grantee is the “Contractor.”

v. *Attachment E—Right-to-Know Provisions*, with respect to which the Grantee is the “Contractor.”

vi. *Attachment F—Contractor Responsibility Provisions*, with respect to which the Grantee is the “Contractor.”

b. The Grantee agrees that in the performance of its obligations under this Grant Agreement it will comply with all applicable, federal, state and local laws and regulations. The Grantee expressly warrants that, as it relates to the performance of the Project that is the subject of this Grant Agreement, it shall at all times comply with the Pennsylvania Liquor Code, 47 P.S. § 1-101 et seq., and the PLCB’s Regulations, 40 Pa. Code § 1.1 et seq.

c. Any forbearance by the PLCB in exercising any right or remedy hereunder or as otherwise afforded by applicable law shall not be a waiver of or preclude the exercise of any such right or remedy at any appropriate time.

d. The Grantee shall, in the performance of this Grant Agreement, act in an independent capacity and not as an officer, employee or agent of the PLCB or of the Commonwealth of Pennsylvania.

10. **STATE TAX LIABILITY.** The Grantee agrees that the Commonwealth of Pennsylvania may set-off the amount of any state tax liability or other debt of the Grantee or its subsidiaries, that is owed to the Commonwealth and not being contested on appeal, against any payments due the Grantee under this Grant Agreement.

11. **TERMINATION AND ASSIGNMENT.** If through any cause, the Grantee shall fail to fulfill in a timely and proper manner its obligations under this Grant Agreement, or in the event of violation of any of the covenants contained in this Grant Agreement, the PLCB thereupon has the right to terminate this Grant Agreement by giving thirty days written notice to the Grantee specifying the effective date of termination. If this Grant Agreement is so terminated, the Grantee shall be reimbursed for all expenses properly incurred under the terms of this Grant Agreement prior to receipt of notice, so long as Grantee properly submits valid invoices with supporting documentation within sixty days of the notice of termination. Failure by Grantee to timely submit final invoicing shall be considered a forfeiture of any claims to Grant funding. The Grantee shall not assign any interest to this Contract, nor shall any interest be transferred by novation or assignment without prior written consent of PLCB.

12. **SEVERABILITY.** The terms and provisions of this Grant Agreement are severable. In the event of the unenforceability or invalidity of any one or more of the terms, covenants, conditions or provisions of this Grant Agreement under federal, state or other applicable laws, such unenforceability or invalidity shall not render any other term, covenant, condition or provision hereof unenforceable or invalid.

13. **ENTIRE AGREEMENT.** This Grant Agreement constitutes the entire agreement between the parties. No amendment or modification hereof shall have any force or effect unless it is in writing and signed by all parties.

14. **CONTINGENCY.** The PLCB’s obligation to make payments shall be subject to the availability and appropriation of funds.

15. **APPLICABLE LAW.** This Grant Agreement shall be governed by and interpreted and enforced in accordance with the laws of the Commonwealth of Pennsylvania (without regard to any conflict of laws provisions) and the decisions of the Pennsylvania courts. The Grantee consents to the jurisdiction of any court of the Commonwealth of Pennsylvania and any federal courts in Pennsylvania, waiving any claim or defense that such forum is not convenient or proper. The Grantee agrees that any such court shall have in personam jurisdiction over it, and consents to service of process in any manner authorized by Pennsylvania law.

[signatures on following page]

IN WITNESS WHEREOF, the Parties hereto, with the intention of being legally bound hereby and each signatory having the requisite legal authority to bind its respective entity, have caused this Grant Agreement to be duly executed. If the signature below is submitted electronically or digitally, the signatory hereby expressly acknowledges and avers that he or she is the named individual and that he or she intends to sign this Grant Agreement document electronically or digitally.

[GRANTEE]

NAME:

Title:

PENNSYLVANIA LIQUOR CONTROL BOARD

Charles Mooney, Executive Director

APPROVED AS TO FORM AND LEGALITY:

Rodrigo J. Diaz, PLCB CHIEF COUNSEL

OFFICE OF THE ATTORNEY GENERAL

DATE

APPROVED:

COMPTROLLER

Attachment A

PENNSYLVANIA ELECTRONIC PAYMENT PROGRAM

a. The commonwealth may make contract payments through ACH, upon your election. If you so elect, within 10

days of the Grant award, the recipient must submit or must have already submitted its ACH and electronic addenda information, if desired, to the commonwealth's Payable Service Center, Vendor Data Management Unit at 717-214-0140 (FAX) or by mail to the Office of Comptroller Operations, Bureau of Payable Services, Payable Service Center, Vendor Data Management Unit, 555 Walnut Street—9th Floor, Harrisburg, PA 17101. Electronic PEPP enrollment form is available at www.vendorregistration.state.pa.us/cvmu/paper/Forms/ACH-EFTenrollmentform.pdf

b. The recipient must submit a unique invoice number with each invoice submitted. The unique invoice number will be listed on the Commonwealth of Pennsylvania's ACH remittance advice to enable the recipient to properly apply the state agency's payment to the respective invoice or program.

c. It is the responsibility of the recipient to ensure that the ACH information contained in the commonwealth's central vendor master file is accurate and complete. Failure to maintain accurate and complete information may result in delays in payments.

Attachment B

NONDISCRIMINATION/SEXUAL HARASSMENT CLAUSE (Grants)

The Grantee agrees:

1. In the hiring of any employee(s) for the manufacture of supplies, performance of work, or any other activity required under the Grant Agreement or any subgrant agreement, contract, or subcontract, the Grantee, a subgrantee, a contractor, a subcontractor, or any person acting on behalf of the Grantee shall not discriminate by reason of race, gender, creed, color, sexual orientation, gender identity or expression, or in violation of the *Pennsylvania Human Relations Act* (PHRA) and applicable federal laws, against any citizen of this Commonwealth who is qualified and available to perform the work to which the employment relates.

2. The Grantee, any subgrantee, contractor or any subcontractor or any person on their behalf shall not in any manner discriminate by reason of race, gender, creed, color, sexual orientation, gender identity or expression, or in violation of the PHRA and applicable federal laws, against or intimidate any of its employees.

3. Neither the Grantee nor any subgrantee nor any contractor nor any subcontractor nor any person on their behalf shall in any manner discriminate by reason of race, gender, creed, color, sexual orientation, gender identity or expression, or in violation of the PHRA and applicable federal laws, in the provision of services under the Grant agreement, subgrant agreement, contract or subcontract.

4. Neither the Grantee nor any subgrantee nor any contractor nor any subcontractor nor any person on their behalf shall in any manner discriminate against employees by reason of participation in or decision to refrain from participating in labor activities protected under the *Public Employee Relations Act*, *Pennsylvania Labor Relations Act* or *National Labor Relations Act*, as applicable and to the extent determined by entities charged with such Acts' enforcement, and shall comply with any provision of law establishing organizations as employees' exclusive representatives.

5. The Grantee, any subgrantee, contractor or any subcontractor shall establish and maintain a written nondiscrimination and sexual harassment policy and shall inform their employees in writing of the policy. The

policy must contain a provision that sexual harassment will not be tolerated and employees who practice it will be disciplined. Posting this Nondiscrimination/Sexual Harassment Clause conspicuously in easily-accessible and well-lighted places customarily frequented by employees and at or near where the Grant services are performed shall satisfy this requirement for employees with an established work site.

6. The Grantee, any subgrantee, contractor or any subcontractor shall not discriminate by reason of race, gender, creed, color, sexual orientation, gender identity or expression, or in violation of the PHRA and applicable federal laws, against any subgrantee, contractor, subcontractor or supplier who is qualified to perform the work to which the Grant relates.

7. The Grantee and each subgrantee, contractor and subcontractor represents that it is presently in compliance with and will maintain compliance with all applicable federal, state, and local laws and regulations relating to nondiscrimination and sexual harassment. The Grantee and each subgrantee, contractor and subcontractor further represents that it has filed a Standard Form 100 Employer Information Report ("EEO-1") with the U.S. Equal Employment Opportunity Commission ("EEOC") and shall file an annual EEO-1 report with the EEOC as required for employers' subject to *Title VII of the Civil Rights Act of 1964*, as amended, that have 100 or more employees and employers that have federal government contracts or first-tier subcontracts and have 50 or more employees. The Grantee, any subgrantee, any contractor or any subcontractor shall, upon request and within the time periods requested by the Commonwealth, furnish all necessary employment documents and records, including EEO-1 reports, and permit access to their books, records, and accounts by the granting agency and the Bureau of Diversity, Inclusion and Small Business Opportunities for the purpose of ascertaining compliance with the provisions of this Nondiscrimination/Sexual Harassment Clause.

8. The Grantee, any subgrantee, contractor or any subcontractor shall include the provisions of this Nondiscrimination/Sexual Harassment Clause in every subgrant agreement, contract or subcontract so that those provisions applicable to subgrantees, contractors or subcontractors will be binding upon each subgrantee, contractor or subcontractor.

9. The Granter's and each subgrantee's, contractor's and subcontractor's obligations pursuant to these provisions are ongoing from and after the effective date of the Grant agreement through the termination date thereof. Accordingly, the Grantee and each subgrantee, contractor and subcontractor shall have an obligation to inform the Commonwealth if, at any time during the term of the Grant agreement, it becomes aware of any actions or occurrences that would result in violation of these provisions.

10. The Commonwealth may cancel or terminate the Grant agreement and all money due or to become due under the Grant agreement may be forfeited for a violation of the terms and conditions of this Nondiscrimination/Sexual Harassment Clause. In addition, the granting agency may proceed with debarment or suspension and may place the Grantee, subgrantee, contractor, or subcontractor in the Contractor Responsibility File.

Attachment C
CONTRACTOR INTEGRITY PROVISIONS

It is essential that those who seek to contract with the Commonwealth of Pennsylvania ("Commonwealth") observe high standards of honesty and integrity. They must conduct themselves in a manner that fosters public confidence in the integrity of the Commonwealth contracting and procurement process.

1. **DEFINITIONS.** For purposes of these Contractor Integrity Provisions, the following terms shall have the meanings found in this Section:

a. **"Affiliate"** means two or more entities where (a) a parent entity owns more than fifty percent of the voting stock of each of the entities; or (b) a common shareholder or group of shareholders owns more than fifty percent of the voting stock of each of the entities; or (c) the entities have a common proprietor or general partner.

b. **"Consent"** means written permission signed by a duly authorized officer or employee of the Commonwealth, provided that where the material facts have been disclosed, in writing, by prequalification, bid, proposal, or contractual terms, the Commonwealth shall be deemed to have consented by virtue of the execution of this contract.

c. **"Contractor"** means the individual or entity, that has entered into this contract with the Commonwealth.

d. **"Contractor Related Parties"** means any affiliates of the Contractor and the Contractor's executive officers, Pennsylvania officers and directors, or owners of 5 percent or more interest in the Contractor.

e. **"Financial Interest"** means either:

(1) Ownership of more than a five percent interest in any business; or

(2) Holding a position as an officer, director, trustee, partner, employee, or holding any position of management.

f. **"Gratuity"** means tendering, giving, or providing anything of more than nominal monetary value including, but not limited to, cash, travel, entertainment, gifts, meals, lodging, loans, subscriptions, advances, deposits of money, services, employment, or contracts of any kind. The exceptions set forth in the Governor's Code of Conduct, Executive Order 1980-18, the 4 Pa. Code § 7.153(b), shall apply.

g. **"Non-bid Basis"** means a contract awarded or executed by the Commonwealth with Contractor without seeking bids or proposals from any other potential bidder or offeror.

2. In furtherance of this policy, Contractor agrees to the following:

a. Contractor shall maintain the highest standards of honesty and integrity during the performance of this contract and shall take no action in violation of state or federal laws or regulations or any other applicable laws or regulations, or other requirements applicable to Contractor or that govern contracting or procurement with the Commonwealth.

b. Contractor shall establish and implement a written business integrity policy, which includes, at a minimum, the requirements of these provisions as they relate to the Contractor activity with the Commonwealth and Commonwealth employees and which is made known to all Contractor employees. Posting these Contractor Integrity Provisions conspicuously in easily-accessible and well-lighted places customarily frequented by employees and at or near where the contract services are performed shall satisfy this requirement.

c. Contractor, its affiliates, agents, employees and anyone in privity with Contractor shall not accept, agree to give, offer, confer, or agree to confer or promise to confer, directly or indirectly, any gratuity or pecuniary benefit to any person, or to influence or attempt to influence any person in violation of any federal or state law, regulation, executive order of the Governor of Pennsylvania, statement of policy, management directive or any other published standard of the Commonwealth in connection with performance of work under this contract, except as provided in this contract.

d. Contractor shall not have a financial interest in any other contractor, subcontractor, or supplier providing services, labor, or material under this contract, unless the financial interest is disclosed to the Commonwealth in writing and the Commonwealth consents to Contractor's financial interest prior to Commonwealth execution of the contract. Contractor shall disclose the financial interest to the Commonwealth at the time of bid or proposal submission, or if no bids or proposals are solicited, no later than Contractor's submission of the contract signed by Contractor.

e. Contractor certifies to the best of its knowledge and belief that within the last five (5) years Contractor or Contractor Related Parties have not:

(1) been indicted or convicted of a crime involving moral turpitude or business honesty or integrity in any jurisdiction;

(2) been suspended, debarred or otherwise disqualified from entering into any contract with any governmental agency;

(3) had any business license or professional license suspended or revoked;

(4) had any sanction or finding of fact imposed as a result of a judicial or administrative proceeding related to fraud, extortion, bribery, bid rigging, embezzlement, misrepresentation or anti-trust; and

(5) been, and is not currently, the subject of a criminal investigation by any federal, state or local prosecuting or investigative agency and/or civil anti-trust investigation by any federal, state or local prosecuting or investigative agency.

If Contractor cannot so certify to the above, then it must submit along with its bid, proposal or contract a written explanation of why such certification cannot be made and the Commonwealth will determine whether a contract may be entered into with the Contractor. The Contractor's obligation pursuant to this certification is ongoing from and after the effective date of the contract through the termination date thereof. Accordingly, the Contractor shall have an obligation to immediately notify the Commonwealth in writing if at any time during the term of the contract it becomes aware of any event which would cause the Contractor's certification or explanation to change. Contractor acknowledges that the Commonwealth may, in its sole discretion, terminate the contract for cause if it learns that any of the certifications made herein are currently false due to intervening factual circumstances or were false or should have been known to be false when entering into the contract.

f. Contractor shall comply with the requirements of the Lobbying Disclosure Act (65 Pa.C.S. § 13A01 et seq.) regardless of the method of award. If this contract was awarded on a Non-bid Basis, Contractor must also comply with the requirements of the Section 1641 of the Pennsylvania Election Code (25 P.S. § 3260a).

g. When Contractor has reason to believe that any breach of ethical standards as set forth in law, the Governor's Code of Conduct, or these Contractor Integrity Provisions has occurred or may occur, including but not limited to contact by a Commonwealth officer or employee which, if acted upon, would violate such ethical standards, Contractor shall immediately notify the Commonwealth contracting officer or the Office of the State Inspector General in writing.

h. Contractor, by submission of its bid or proposal and/or execution of this contract and by the submission of any bills, invoices or requests for payment pursuant to the contract, certifies and represents that it has not violated any of these Contractor Integrity Provisions in connection with the submission of the bid or proposal, during any contract negotiations or during the term of the contract, to include any extensions thereof. Contractor shall immediately notify the Commonwealth in writing of any actions for occurrences that would result in a violation of these Contractor Integrity Provisions. Contractor agrees to reimburse the Commonwealth for the reasonable costs of investigation incurred by the Office of the State Inspector General for investigations of the Contractor's compliance with the terms of this or any other agreement between the Contractor and the Commonwealth that results in the suspension or debarment of the Contractor. Contractor shall not be responsible for investigative costs for investigations that do not result in the Contractor's suspension or debarment.

i. Contractor shall cooperate with the Office of the State Inspector General in its investigation of any alleged Commonwealth agency or employee breach of ethical standards and any alleged Contractor non-compliance with these Contractor Integrity Provisions. Contractor agrees to make identified Contractor employees available for interviews at reasonable times and places. Contractor, upon the inquiry or request of an Inspector General, shall provide, or if appropriate, make promptly available for inspection or copying, any information of any type or form deemed relevant by the Office of the State Inspector General to Contractor's integrity and compliance with these provisions. Such information may include, but shall not be limited to, Contractor's business or financial records, documents or files of any type or form that refer to or concern this contract. Contractor shall incorporate this paragraph in any agreement, contract or subcontract it enters into in the course of the performance of this contract/agreement solely for the purpose of obtaining subcontractor compliance with this provision. The incorporation of this provision in a subcontract shall not create privity of contract between the Commonwealth and any such subcontractor, and no third party beneficiaries shall be created thereby.

j. For violation of any of these Contractor Integrity Provisions, the Commonwealth may terminate this and any other contract with Contractor, claim liquidated damages in an amount equal to the value of anything received in breach of these Provisions, claim damages for all additional costs and expenses incurred in obtaining another contractor to complete performance under this contract, and debar and suspend Contractor from doing business with the Commonwealth. These rights and remedies are cumulative, and the use or non-use of any one shall not preclude the use of all or any other. These rights and remedies are in addition to those the Commonwealth may have under law, statute, regulation, or otherwise.

Attachment D

AMERICANS WITH DISABILITIES ACT

a. Pursuant to federal regulations promulgated under the authority of The Americans with Disabilities Act, 28 C. F. R. § 35.101 et seq., the contractor understands and agrees that it shall not cause any person with a disability to be excluded from participation in this Contract or from activities provided for under this Contract on the basis of the disability. As a condition of accepting this contract, the Contractor agrees to comply with the "General Prohibitions Against Discrimination," 28 C. F. R. § 35.130, and all other regulations promulgated under Title II of The Americans with Disabilities Act which are applicable to the benefits, services, programs, and activities provided by the Commonwealth of Pennsylvania through contracts with outside contractors.

b. The Contractor shall be responsible for and agrees to indemnify and hold harmless the Commonwealth of Pennsylvania from all losses, damages, expenses, claims, demands, suits, and actions brought by any party against the Commonwealth of Pennsylvania as a result of the Contractor's failure to comply with the provisions of subparagraph (a) above.

Attachment E

RIGHT TO KNOW LAW—GRANT PROVISIONS—8-K-1580

a. Grantee or Subgrantee understands that this Grant Agreement and records related to or arising out of the Grant Agreement are subject to requests made pursuant to the Pennsylvania Right-to-Know Law, 65 P.S. §§ 67.101-3104, ("RTKL"). For the purpose of these provisions, the term "the Commonwealth" shall refer to the granting Commonwealth agency.

b. If the Commonwealth needs the Grantee's or Subgrantee's assistance in any matter arising out of the RTKL related to this Grant Agreement, it shall notify the Grantee or Subgrantee using the legal contact information provided in the Grant Agreement. The Grantee or Subgrantee, at any time, may designate a different contact for such purpose upon reasonable prior written notice to the Commonwealth.

c. Upon written notification from the Commonwealth that it requires Grantee's or Subgrantee's assistance in responding to a request under the RTKL for information related to this Grant Agreement that may be in Grantee's or Subgrantee's possession, constituting, or alleged to constitute, a public record in accordance with the RTKL ("Requested Information"), Grantee or Subgrantee shall:

1. Provide the commonwealth, within ten (10) calendar days after receipt of written notification, access to, and copies of, any document or information in Grantee's or Subgrantee's possession arising out of this Grant Agreement that the Commonwealth reasonably believes is Requested Information and may be a public record under the RTKL; and

2. Provide such other assistance as the Commonwealth may reasonably request, in order to comply with the RTKL with respect to this Grant Agreement.

d. If Grantee or Subgrantee considers the Requested Information to include a request for a Trade Secret or Confidential Proprietary Information, as those terms are defined by the RTKL, or other information that Grantee or Subgrantee considers exempt from production under the RTKL, Grantee or Subgrantee must notify the Commonwealth and provide, within seven (7) calendar days of receiving the written notification, a written statement

signed by a representative of Grantee or Subgrantee explaining why the requested material is exempt from public disclosure under the RTKL.

e. The Commonwealth will rely upon the written statement from Grantee or Subgrantee in denying a RTKL request for the Requested Information unless the Commonwealth determines that the Requested Information is clearly not protected from disclosure under the RTKL. Should the commonwealth determine that the Requested Information is clearly not exempt from disclosure, Grantee or Subgrantee shall provide the Requested Information within five (5) business days of receipt of written notice of the Commonwealth's determination.

f. If Grantee or Subgrantee fails to provide the Requested Information within the time period required by these provisions, Grantee or Subgrantee shall indemnify and hold the Commonwealth harmless for any damages, penalties, costs, detriment or harm that the Commonwealth may incur as a result of Grantee's or Subgrantee's failure, including any statutory damages assessed against the Commonwealth.

g. The Commonwealth will reimburse Grantee or Subgrantee for any costs associated with complying with these provisions only to the extent allowed under the fee schedule established by the Office of Open Records or as otherwise provided by the RTKL if the fee schedule is inapplicable.

h. Grantee or Subgrantee may file a legal challenge to any Commonwealth decision to release a record to the public with the Office of Open Records, or in the Pennsylvania Courts, however, Grantee or Subgrantee shall indemnify the Commonwealth for any legal expenses incurred by the Commonwealth as a result of such a challenge and shall hold the Commonwealth harmless for any damages, penalties, costs, detriment or harm that the Commonwealth may incur as a result of Grantee's or Subgrantee's failure, including any statutory damages assessed against the Commonwealth, regardless of the outcome of such legal challenge. As between the parties, Grantee or Subgrantee agrees to waive all rights or remedies that may be available to it as a result of the Commonwealth's disclosure of Requested Information pursuant to the RTKL.

i. The Grantee's or Subgrantee's duties relating to the RTKL are continuing duties that survive the expiration of this Grant Agreement and shall continue as long as the Grantee or Subgrantee has Requested Information in its possession.

Attachment F

Contractor Responsibility Provisions

For the purpose of these provisions, the term contractor is defined as any person, including, but not limited to, a bidder, offeror, loan recipient, Grantee or lessor, who has furnished or performed or seeks to furnish or perform, goods, supplies, services, leased space, construction or other activity, under a contract, grant, lease, purchase order or reimbursement agreement with the Commonwealth of Pennsylvania (Commonwealth). The term contractor includes a permittee, licensee, or any agency,

political subdivision, instrumentality, public authority, or other public entity in the Commonwealth.

1. The Contractor certifies, in writing, for itself and its subcontractors required to be disclosed or approved by the Commonwealth, that as of the date of its execution of this Bid/Contract, that neither the Contractor, nor any such subcontractors, are under suspension or debarment by the Commonwealth or any governmental entity, instrumentality, or authority and, if the Contractor cannot so certify, then it agrees to submit, along with its Bid/Contract, a written explanation of why such certification cannot be made.

2. The Contractor also certifies, in writing, that as of the date of its execution of this Bid/Contract it has no tax liabilities or other Commonwealth obligations, or has filed a timely administrative or judicial appeal if such liabilities or obligations exist, or is subject to a duly approved deferred payment plan if such liabilities exist.

3. The Contractor's obligations pursuant to these provisions are ongoing from and after the effective date of the Contract through the termination date thereof. Accordingly, the Contractor shall have an obligation to inform the Commonwealth if, at any time during the term of the Contract, it becomes delinquent in the payment of taxes, or other Commonwealth obligations, or if it or, to the best knowledge of the Contractor, any of its subcontractors are suspended or debarred by the Commonwealth, the federal government, or any other state or governmental entity. Such notification shall be made within 15 days of the date of suspension or debarment.

4. The failure of the Contractor to notify the Commonwealth of its suspension or debarment by the Commonwealth, any other state, or the federal government shall constitute an event of default of the Contract with the Commonwealth.

5. The Contractor agrees to reimburse the Commonwealth for the reasonable costs of investigation incurred by the Office of State Inspector General for investigations of the Contractor's compliance with the terms of this or any other agreement between the Contractor and the Commonwealth that results in the suspension or debarment of the contractor. Such costs shall include, but shall not be limited to, salaries of investigators, including overtime; travel and lodging expenses; and expert witness and documentary fees. The Contractor shall not be responsible for investigative costs for investigations that do not result in the Contractor's suspension or debarment.

6. The Contractor may obtain a current list of suspended and debarred Commonwealth contractors by either searching the Internet at <http://www.dgs.state.pa.us/> or contacting the:

Department of General Services
Office of Chief Counsel
603 North Office Building
Harrisburg, PA 17125
Telephone No: (717) 783-6472
FAX No: (717) 787-9138

[Pa.B. Doc. No. 20-994. Filed for public inspection July 24, 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 July 14, 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
Holding Company Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
07-01-2020	Citizens & Northern Corporation Wellsboro Tioga County	Effective
	Application for approval to acquire 100% of Covenant Financial, Inc., Doylestown, and thereby indirectly acquire 100% of Covenant Bank, Doylestown.	

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
07-01-2020	Citizens & Northern Bank Wellsboro Tioga County	Effective
	Merger of Covenant Bank, Doylestown, with and into Citizens & Northern Bank.	
	As a result of the merger, all branch offices of Covenant Bank became branch offices of Citizens & Northern Bank:	
	1500 East Lancaster Avenue Suite 105 Paoli Chester County	60 North Main Street Doylestown Bucks County

Branch Applications
Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
06-30-2020	Jonestown Bank and Trust Company of Jonestown, Pennsylvania Jonestown Lebanon County	2 East Main Street Palmyra Lebanon County	Closed

CREDIT UNIONS

No activity.

The Department's web site at www.dobs.pa.gov includes public notices for more recently filed applications.

RICHARD VAGUE,
Acting Secretary

[Pa.B. Doc. No. 20-995. Filed for public inspection July 24, 2020, 9:00 a.m.]

**DEPARTMENT OF CONSERVATION
AND NATURAL RESOURCES**

**Fall Grant Round for ATV or Snowmobile Trail
Projects and Programs**

The Department of Conservation and Natural Resources (Department), Bureau of Recreation and Conservation announces the fall grant round for projects proposing land acquisition, planning, development, rehabilitation, maintenance, equipment purchase or educational programs for all-terrain vehicle (ATV) or snowmobile trails and facilities. Grant funding is awarded through a

competitive grant application process. Applicants can apply between August 3, 2020, and September 30, 2020, by means of the Department's online grant application portal. A brief recorded webinar on the ATV and snowmobile grant program is available on the Department's web site. More information about these grant opportunities and the application process is available at <https://brcgrants.dcnr.pa.gov>.

CINDY ADAMS DUNN,
Secretary

[Pa.B. Doc. No. 20-996. Filed for public inspection July 24, 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 18701-1915, Email: RA-EPNPDES_NERO@pa.gov.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0029807 (Sewage)	New Jersey Federation of YMHA & YWHA 21 Plymouth Street Fairfield, NJ 07004-1615	Pike County Dingman Township	Sawkill Pond (EV, MF) (1-D)	Yes

Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, Email: RA-EPNPDES_SCRO@pa.gov.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0023744 (Sewage)	Mount Wolf Wastewater Treatment Plant 175 Chestnut Street Mount Wolf, PA 17347	York County/ East Manchester Township	Susquehanna River/7G	Yes
PA0028088 (Sewage)	Brown Township Municipal Authority Wastewater Treatment Plant 68 West Tony Street Reedsville, PA 17084	Mifflin County/ Brown Township	Kishacoquillas Creek/12A	Yes

Northcentral Region: Clean Water Program Manager, 208 W Third Street, Suite 101, Williamsport, PA 17701-6448, Phone: 570.327.3636, Email: RA-EPNPDES_NCRO@pa.gov.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0021881 (Sewage)	Westfield Borough Sewer System STP 429 E Main Street Westfield, PA 16950-1610	Tioga County Westfield Borough	Cowanesque River (WWF) (4-A)	No
PA0228796 (Sewage)	Barr SFTF 1957 Halfmoon Valley Road Port Matilda, PA 16870-8710	Centre County Halfmoon Township	Halfmoon Creek (HQ-CWF) (11-A)	Yes
PA0232521 (Storm Water)	Nicholas Meat 508 E Valley Road Loganton, PA 17747-9207	Clinton County Greene Township	Fishing Creek (HQ-CWF) (9-C)	Yes

Southwest Region: Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Email: RA-EPNPDES_SWRO@pa.gov.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0254819 (Sewage)	North Fork Mine STP 1134 Stoystown Rd Friedens, PA 15541	Somerset County Jenner Township	Hoffman Run (CWF) (18-E)	Yes
PA0098663 (Sewage)	R P Woodhouse STP 72 Donley Road Eighty-Four, PA 15330	Washington County Somerset Township	Opossum Run (HQ-WWF) (20-F)	Yes

Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, Phone: 814.332.6942, Email: RA-EPNPDES_NWRO@pa.gov.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0043826 (Industrial)	United Erie Manufacturing 1432 Chestnut Street Erie, PA 16502	Erie County Erie City	City of Erie Storm Sewer to Lake Erie (WWF) (15-X)	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, Email: RA-EPNPDES_SERO@pa.gov.

PA0245186, Storm Water, SIC Code 2082, **Victory Brewing Co.**, 420 Acorn Lane, Downingtown, PA 19335. Facility Name: Victory Brewing Development. This proposed facility is located in West Sadsbury Township, **Chester County**.

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

The receiving stream(s), Valley Creek (TSF, MF), is located in State Water Plan watershed 7-K 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 0 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX

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

- Necessary Property Rights
- Proper Sludge Disposal

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

The EPA Waiver is in effect.

Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, Email: RA-EPNPDES_SCRO@pa.gov.

PA0083623, Industrial, SIC Code 3568, **TB Woods Inc.**, 440 5th Avenue, Chambersburg, PA 17201-1763. Facility Name: TB Woods Foundry. This existing facility is located in Chambersburg Borough, **Franklin County**.

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

The receiving stream(s), Unnamed Tributary to Falling Spring Branch (TSF, MF), is located in State Water Plan watershed 13-C and is classified for Migratory Fishes and Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfalls 001, 002 and 004 are based on a design flow of 0.44 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Temperature (deg F) (°F)						
Aug 1 - Jun 30	XXX	XXX	XXX	XXX	110 Daily Max	XXX
Jul 1 - 31	XXX	XXX	XXX	XXX	85 Daily Max	XXX

The proposed monitoring requirements for Stormwater Outfalls 005—009.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Chromium, Total	XXX	XXX	XXX	XXX	Report	XXX
Copper, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Dissolved	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Nickel, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

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

The EPA Waiver is in effect.

PA0085537 A-1, Industrial, SIC Code 4941, **Altoona Water Authority**, 900 Chestnut Avenue, Altoona, PA 16601-4617. Facility Name: Altoona City Water System. This existing facility is located in Antis Township, **Blair County**.

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

The receiving stream(s), Bells Gap Run (TSF), is located in State Water Plan watershed 11-A and is classified for 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 .24 MGD.—Limits.

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

The proposed effluent limits for Outfall 101 are based on a design flow of 0.24 MGD.—Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly	Minimum	Average Monthly	Daily Maximum	
Nitrate-Nitrite as N	Report Semi Avg	XXX	XXX	Report Semi Avg	XXX	XXX
Total Nitrogen (lbs/year)	XXX	Report Semi Avg	XXX	XXX	XXX	XXX
Total Kjeldahl Nitrogen	Report SemiAvg	XXX	XXX	Report Semi Avg	XXX	XXX
Total Phosphorus (lbs/year)	XXX	Report Semi Avg	XXX	XXX	XXX	XXX

The proposed effluent limits for Outfall 101 are based on a design flow of 0.24 MGD.—Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly	Minimum	Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	30	60	75
Aluminum, Total	7.0	14.0	XXX	3.5	7.0	8.7
Iron, Total	Report	Report Daily Max	XXX	2.0	4.0	5
Manganese, Total	Report	Report Daily Max	XXX	1.0	2.0	2.5

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

The EPA Waiver is in effect.

PA0246859, Concentrated Animal Feeding Operation (CAFO), **Amos L Hoover** (Hickory Lane Farm CAFO), 230 Clarks Run Road, Blain, PA 17006-6219.

Amos L Hoover has submitted an application for an Individual NPDES permit for a renewal of an CAFO known as Hickory Lane Farm CAFO, located in Jackson Township, **Perry County**.

The CAFO is situated near Unnamed Tributary to Bowers Run (HQ-CWF, MF) in Watershed 7-A, which is classified for High Quality—Cold Water and Migratory Fish. The CAFO is designed to maintain an animal population of approximately 1,379.90 animal equivalent units (AEUs) consisting of 110 sows with litters, 590 gestating sows, 10 boars, and 7,400 wean to finish pigs. Manure is stored in a clay-lined earthen lagoon. A release or discharge to waters of the Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 100-year, 24-hour storm event.

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

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

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

PA0248061, Sewage, SIC Code 4952, **Jefferson Codorus Joint Sewer Authority York County**, P.O. Box 223, Codorus, PA 17311-0223. Facility Name: Jefferson Codorus Joint Sewer Authority STP Power Homes. This existing facility is located in Codorus Township, **York County**.

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

The receiving stream(s), Unnamed Tributary of Codorus Creek (TSF), is located in State Water Plan watershed 7-H and is classified for 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 .272 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Instantaneous Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	6.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	56	90	XXX	25	40	50
Biochemical Oxygen Demand (BOD ₅)						
Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids	68	102	XXX	30	45	60
Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Ultraviolet light intensity (mW/cm ²)	XXX	XXX	Report	XXX	XXX	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N (Total Load, lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen (Total Load, lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Effluent Net	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	11	XXX	XXX	4.86	XXX	9.72
May 1 - Oct 31	3.67	XXX	XXX	1.62	XXX	3.24
Ammonia-Nitrogen (Total Load, lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen (Total Load, lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Phosphorus	4.54	XXX	XXX	2.0	XXX	4
Total Phosphorus (Total Load, lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Effluent Net	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Copper, Total	0.022	XXX	XXX	0.01	XXX	0.02
Lead, Total	0.007	XXX	XXX	0.003	XXX	0.006

Sludge use and disposal description and location(s): Offsite landfill.

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

The EPA Waiver is in effect.

PA0080837, Sewage, SIC Code 6515, **CM Estates Management LLC**, 2846 Main Street, Morgantown, PA 19543-9490. Facility Name: Conodoguinet Mobile Estates. This existing facility is located in Lower Mifflin Township, **Cumberland County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of .03 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report Daily Max	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Report Daily Max	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report Daily Max	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of .03 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0 Daily Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Ammonia-Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	2.0	XXX	4

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

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

The EPA Waiver is in effect.

Southwest Region: Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Email: RA-EPNPDES_SWRO@pa.gov.

PA0092797, Industrial, SIC Code 1221, **Rosebud Mining Company**, 301 Market Street, Kittanning, PA 16201-1504. Facility Name: Avonmore Rail Loading Facility. This proposed facility is located in Conemaugh Township, **Indiana County**.

Description of Proposed Activity: The application is for a new NPDES permit following expiration of an existing and previously permitted discharge of treated industrial waste.

The receiving stream(s), Kiskiminetas River, is located in State Water Plan watershed 18-C and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The receiving stream is located in the Kiskiminetas-Conemaugh River Watershed Total Maximum Daily Load (TMDL). The facility's current discharges do not have a Waste Load Allocation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0056 MGD.

Interim Period (no coal storage nor handling activity present onsite):

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

Parameters	Mass Units (lbs/day)		Instant. Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	70.0	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Manganese, Total	XXX	XXX	XXX	XXX	Report	XXX

Final Period (coal storage and handling activity present onsite):

Parameters	Mass Units (lbs/day)		Instant. Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	35.0	XXX	70.0
Oil and Grease	XXX	XXX	XXX	Report	Report	XXX
Aluminum, Total	XXX	XXX	XXX	Report	Report	XXX
Iron, Total	XXX	XXX	XXX	3.5	XXX	7.0
Manganese, Total	XXX	XXX	XXX	2.0	XXX	4.0

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6078.

The EPA Waiver is not in effect.

Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, Phone: 814.332.6942, Email: RA-EPNPDES_NWRO@pa.gov.

PA0288462, Sewage, SIC Code 8800, **Katie & Kevin Elder**, 5350 Old French Road, Erie, PA 16509-3644. Facility Name: Katie & Kevin Elder SRSTP. This proposed facility is located in Millcreek 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 Mill Creek (WWF, MF), is located in State Water Plan watershed 15-A and is classified for Migratory Fishes and Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Flow (GPD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10	XXX	20
Fecal Coliform	XXX	XXX	XXX	200	XXX	XXX

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

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6078.

The EPA Waiver is in effect.

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

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

WQM Permit No. 4509401 A-1, Sewage, **Kinsley Robert**, P.O. Box 760, Brodheadsville, PA 18322-0760.

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

Description of Proposed Action/Activity: WQM Amendment for modifications to fix the existing treatment plant so the full previously permitted hydraulic capacity can be achieved. Additions include: three new precast concrete tanks, conversion of the existing sludge holding tank to an aeration tank, and installation of a blower room/blowers.

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

WQM Permit No. 3620403, Amendment, Sewerage, **Stuart Hess**, Pine View Acres, 116-B Blantz Road, Lititz, PA 17543-9573.

This proposed facility is located in Penn Township, **Lancaster County**.

Description of Proposed Action/Activity: Permit Amendment.

WQM Permit No. 0717401, Sewerage, **Ivan and Dawn McCaulley**, 246 Hollen Road, Tyrone, PA 16686.

This proposed facility is located in Antis Township, **Blair County**.

Description of Proposed Action/Activity: Permit Transfer.

WQM Permit No. 0181201, Amendment, Industrial Waste, **Knouse Foods Cooperative, Inc.**, 800 Peach Glen—Idaville Road, Peach Glen, PA 17375-0001.

This proposed facility is located in Biglerville Borough, **Adams County**.

Description of Proposed Action/Activity: Seeking permit approval for the renewal of the sprayfield and Large volume onlot disposal/industrial wastewater disposal systems at Biglerville Plant.

WQM Permit No. WQG02672004, Sewerage, **Stewartstown Borough Authority**, 6 North Main Street, Stewartstown, PA 17363.

This proposed facility is located in Hopewell Township, **York County**.

Description of Proposed Action/Activity: Seeking permit approval for the construction/operation of pump station to serve the Kurtz School.

WQM Permit No. 2220405, Sewerage, **Londonderry Township**, 783 South Geyers Church Road, Middletown, PA 170557.

This proposed facility is located in Londonderry Township & Derry Township, **Dauphin County**.

Description of Proposed Action/Activity: Seeking permit approval for the construction/operation of a low-pressure sewage system to serve Londonderry Estates.

WQM Permit No. 3420201, CAFO Operation, **Zugstead Farm, Inc.**, 558 Freed Rd., Mifflintown, PA 17059.

This proposed facility is located in Walker Township, **Juniata County**.

Description of Proposed Action/Activity: Seeking permit approval for the construction/operation of a new manure storage facility.

Southwest Region: Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

WQM Permit No. 0420200, Industrial, **AK Steel Corp**, P.O. Box 832, Butler, PA 16003.

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

Description of Proposed Action/Activity: The construction and operation of an industrial wastewater treatment system, consisting of an oil/water separator, an equalization tank, pre-filtration, carbon adsorption, post-filtration, and a discharge tank, for the treatment of contaminated groundwater collected by an under-drain system associated with a historic industrial landfill.

WQM Permit No. 6320401, Sewage, **Mt. Pleasant Township Municipal Authority**, P.O. Box 411, Hickory, PA 15340-0411.

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

Description of Proposed Action/Activity: The Authority proposes to construct the MPTMA WWTP with a hydraulic design capacity of 0.175 mgd. The WWTP consists of 2 SBRs, UV Disinfection, and Aerobic Digestion. The WWTP will serve the Mt. Pleasant Township Municipal Authority's service area, which primarily includes areas along Main Street, Westland Road, Pleasant Road, Millers Run Road, and Southview Road.

The Pennsylvania Infrastructure Investment Authority (PENNVEST) which administers Pennsylvania's State Revolving Fund has been identified as a possible funding source.

WQM Permit No. 6320402, Sewage, **Mt. Pleasant Township Municipal Authority**, P.O. Box 411, Hickory, PA 15340-0411.

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

Description of Proposed Action/Activity: The Authority proposes to construct 4 new pump stations, force mains, and a sanitary sewer collection system to serve the Mt. Pleasant Township Municipal Authority's service area, which primarily includes areas along Main Street, Westland Road, Pleasant Road, Millers Run Road, and Southview Road.

The Pennsylvania Infrastructure Investment Authority (PENNVEST) which administers Pennsylvania's State Revolving Fund has been identified as a possible funding source.

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

WQM Permit No. 6220405, Sewage, **Diane & Richard McMillen**, 2858 E 28th Street, Erie, PA 16510-2822.

This proposed facility is located in Eldred Township, **Warren County**.

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

WQM Permit No. 2520416, Sewage, **Samuel Melaragno**, 4151 McLaughlin Road, McKean, PA 16426-2034.

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

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

WQM Permit No. 1620404, Sewage, **Steven McNeil**, 2093 Mapleview Road, Brookville, PA 15825.

This proposed facility is located in Clarion Township, **Clarion County**.

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

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

Southeast Region: Waterways & Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401, Telephone 484-250-5160, Email: ra-epww-sero@pa.gov.

NPDES

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD230037	Rose Tree Media School District 308 North Olive Street Media, PA 19063	Delaware	Middletown Township	Ridley Creek HQ-TSF
PAD150185	Demarco Real Estate, LLC 2 Street Road Newtown Square, PA 19073	Chester	East Whiteland Township	Unnamed Tributary to Valley Creek EV-MF
PAD460058	JSF Management, LLC 535 Springfield Avenue Suite 100 Summit, NJ 07901-2631	Montgomery	Abington Township	Sandy Run via Storm Sewer TSF-MF

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

Contact: Gillian Ostrum, Clerk Typist 2, 570-830-3077.

Lackawanna County Conservation District, 1038 Montdale Road, Scott Township, PA 18447, 570-382-3086.

NPDES

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD350020	Terra Manor, LLC 1220 Mount Cobb Road Jefferson Twp., PA 18436-3220	Lackawanna	Newton Township	UNT To Gardner Creek (CWF, MF), EV Wetlands

Lehigh County Conservation District, 4184 Dorney Park Road, Suite 105, Allentown, PA 18401, 610-391-9583.

NPDES

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD390161	Wesley Works Properties, LLC 500 Chestnut St. Emmaus, PA 18049	Lehigh	Emmaus Borough	Leibert Creek (HQ-CWF, MF)

Luzerne Conservation District, 325 Smiths Pond Road, Shavertown, PA 18708, 570-674-7991.

NPDES

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD400034	GIP Ventures, LP Robert Tamburro 1140 Route 315 Wilkes-Barre, PA 18711	Luzerne	Dupont Borough & Pittston Township	Collins Creek (CWF, MF) UNT to Collins Creek (CWF, MF)

Southcentral Region: Waterways & Wetlands Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

NPDES

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD670040	E. K. Services, Inc. 260 Old York Road New Cumberland, PA 17070	York	Fairview Township	Marsh Run (WWF) Susquehanna River (WWF)
PAD210058	Peace Centre 505 Cavalry Road Carlisle, PA 17013	Cumberland	North Middletown Township	UNT Letort Spring Run (CWF-HQ)
PAD360060	Kenton Martin 23 East 28th Division Highway Lititz, PA 17543	Lancaster	Elizabeth Township	UNT Furnace Run (CWF-HQ) EV Wetlands

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD360044	Sun Communities, Inc. 27777 Franklin Road Suite 220 Southfield, MI 48034	Lancaster	Brecknock Township	UNT Black Creek (HQ-WWF, MF)

Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

Centre County Conservation District: 414 Holmes Avenue, Suite 4, Bellefonte, PA 16823, (814) 355-6817.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD140064	Pennsylvania State University Office of Physical Plant 139J Physical Plant Bldg University Park, PA 16802	Centre	Benner Twp	UNT Big Hollow Spring Creek & Buffalo Run HQ-CWF

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

PAG-12 CAFOs

CAFO Notices of Intent Received.

Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, Email: RA-EPNPDES_SCRO@pa.gov.

NPDES Permit No. PAG123746 A-1, CAFO, Benner Arlin L, 880 Pinkerton Road, Mount Joy, PA 17552-9241.

This existing facility is located in West Fallowfield Township, **Chester County**.

Description of size and scope of existing operation/activity: Dairy (Cows, Heifers): 250 AEUs.

The receiving stream, Muddy Run (TSF, MF) and Muddy Run, is in watershed 7-K and classified for: Migratory Fishes and Trout Stocking.

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

STATE CONSERVATION COMMISSION

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

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

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

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

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

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

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/ New</i>
Pfleegor Family Farm 840 Gold Rd. Muncy, PA 17756	Northumberland	447.7	724.66	Swine Beef Steers	NA	Renewal
Carsonville Farm LP Jeff Wagner 2716 Powell Valley Road Halifax, PA 17032	Dauphin	8.7	649.18	Poultry & Swine	NA	Renewal
James Schwalm 351 Bastian Road Halifax, PA 17032	Dauphin	82.8	353.51	Swine	NA	Renewal
Robert L Brubaker Jr. 2871 N Colebrook Rd. Manheim, PA 17545	Lancaster	12	600.83	Swine/Pullet	NA	Renewal
Leon Ray Zimmerman 2011 Maytown Road Elizabethtown, PA 17407	Lancaster	356.3	807.22	Swine/ Pullets/ Steer	NA	Renewal
Marlin Hartzler 39 Hazel Lane Belleville, PA 17004	Mifflin	134.8	253.15/ 4.75	Swine/Beef	NA	Renewal
R. W. Sauder, Inc. Hegins Valley Layer Complex— Greg Rhinier 570 Furnance Hills Road Lititz, PA 17543	Schuylkill	1	3,336.78	Layer	NA	Renewal
Operation located at 824 Church Road Hegins, PA 17938						
Philip Courter 6527 Jacksonville Rd. Mill Hall, PA 17751	Clinton	250.7	1,035.95	Swine Cattle Goats	HQ-CWF	Renewal
Haas Farms, LLC Stephen & Virginia Haas 15 Haas Rd. Klingerstown, PA 17941	Upper Mahantongo	1,743.6	563.40	Poultry	NA	Renewal

PUBLIC WATER SUPPLY PERMITS

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

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

Following the comment period, the Department will make a final determination regarding the proposed permit. Notice of this final determination will be published

in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

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

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

SAFE DRINKING WATER

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

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.

Application No. 3920502, Public Water Supply.

Applicant **Nestle Waters North America, Inc.**
305 Nestle Way
Breinigsville, PA 18031

Township and County Upper Macungie Township
Lehigh County

Responsible Official Mr. Tom Strowe
Plant Manager
Nestle Waters North America, Inc.
305 Nestle Way
Breinigsville, PA 18031

Type of Facility Bottled Water Facility

Consulting Engineer Edward E. Davis, P.E.
Miller Brothers Construction, Inc.
P.O. Box 472
Schuylkill Haven, PA 17972

Application Received Date July 9, 2020

Description of Action The applicant has proposed the addition of new sources of supply, the Cold Spring Boreholes No. 1 and 2 and Evergreen Borehole No. 1, to be treated at their existing bottling facility located in Breinigsville, PA.

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

Permit No. 3820505, Public Water Supply.

Applicant **Myerstown Water Authority**

Municipality Jackson Township

County **Lebanon**

Responsible Official Steve Hammer
Chairman
601 Stracks Dam Road
Myerstown, PA 17067

Type of Facility Public Water Supply

Consulting Engineer Farley F. Fry, P.E.
Hanover Engineering Associates, Inc.
20-C Snyder Lane
Ephrata, PA 17522-9101

Application Received: May 27, 2020

Description of Action Replacement of filter media.

Permit No. 3620518, Public Water Supply.

Applicant **Manor Care of Lancaster PA, LLC**

Municipality Lancaster

County **Lancaster**

Responsible Official Richard Snoddy
Senior Director Plant Operations and Construction
333 North Summit Street
Toledo, OH 43504

Type of Facility Public Water Supply

Consulting Engineer Wayne F. Jacobs, P.E.
Jacobs Engineering Associates
1914 Mt Royal Blvd
Glenshaw, PA 15116

Application Received: June 3, 2020

Description of Action Installation of an iClor disinfection system as secondary disinfection.

Permit No. 0520504, Public Water Supply.

Applicant **Fishertown Water Association**

Municipality East St. Clair Township

County **Bedford**

Responsible Official William J. Lochner
President
P.O. Box 149
206 Hammond Hill Road
Fishertown, PA 15539

Type of Facility Public Water Supply

Consulting Engineer David M. Cunningham, P.E.
Keller Engineers, Inc.
420 Allegheny Street
206 Hammond Hill Road
Hollidaysburg, PA 16648

Application Received: June 10, 2020

Description of Action Installation of storage tank flow control valving and booster pump.

Permit No. 2220506, Public Water Supply.

Applicant **Pennsylvania American Water Company**

Municipality West Hanover Township

County **Dauphin**

Responsible Official Bruce Aiton, Vice President—
Engineering
852 Wesley Park Drive
Mechanicsburg, PA 17055

Type of Facility Public Water Supply

Consulting Engineer Max E. Stoner, P.E.
Glance Associates, Inc.
3705 Trindle Rd
Camp Hill, PA 17011

Application Received: June 10, 2020

Description of Action Installation of the Winslett Booster Pump Station.

Permit No. 3620512, Public Water Supply.

Applicant **Quarryville Resorts, LP**

Municipality East Drumore Township

County **Lancaster**

Responsible Official Zachery J. Bossenbroek
38 Commerce Ave. SW
Suite 200
Grand Rapids, PA 49503

Type of Facility	Public Water Supply
Consulting Engineer	Scott M. Rights, P.E. Steckbeck Engineering Associates 279 N Zinns Mill Rd Lebanon, PA 17042
Application Received:	April 29, 2020
Description of Action	Installation of a Well No. 4, including an modifications to the existing nitrate treatment system and corrosion control, and the addition of 4-log disinfection.

RESIDUAL WASTE GENERAL PERMITS

Application(s) Renewal Administratively Complete Under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and 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 No. WMGR123SW028. CNX Gas Company LLC, 1000 Consol Energy Drive, Canonsburg, PA 15317. A permit renewal application for continued coverage under General Permit WMGR123 for the processing and beneficial use of oil and gas liquid waste at MORW1 AST Pad, 190 Newland School Road, West Finley, PA 15337 in East Finley Township, **Washington County**, was deemed administratively complete by the Regional Office on July 7, 2020.

Persons interested in reviewing the general permit or the application may contact the Department of Environmental Protection, Regional Files, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

The Department has developed an “integrated” plan approval, State Operating Permit and Title V Operating Permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the general public. This approach allows the owner or operator of a facility to submit permitting documents relevant to its application for all sources related to a facility or a proposed project, affords an opportunity for public input, and provides for a decision on the issuance of the necessary permits.

The Department received applications for Plan Approvals or Operating Permits from the following facilities. Copies of the application, the Department’s analysis, all pertinent documents used in the evaluation of the application and subsequently prepared proposed plan approvals/operating permits are available for public review during normal business hours at the appropriate Department Regional Office. Appointments for scheduling a review

must be made by calling the appropriate 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.

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.

Southwest Region: 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Contact: Edward Orris, New Source Review Chief, 412.442.4168.

30-00233C: Hill Top Energy Center, LLC (P.O. Box 169, Carmichaels, PA 15320-0169). Notice is hereby given that the Department of Environmental Protection (Department) intends to issue plan approval No. 30-00233C to Hill Top Energy Center, LLC for authorization of the transfer and use of nitrogen oxide (NO_x) and volatile organic compound (VOC) emission reduction credits (ERCs) at the natural gas-fired combined cycle power

plant in Cumberland Township, **Greene County**. In accordance with PA-30-00233B and 25 Pa. Code §§ 127.201–127.217, the permittee shall secure 197 tons of NO_x ERCs and 69 tons of VOC ERCs no later than the date approved by the Department for commencement of operation of nonattainment and nonattainment pollutant precursor emitting sources.

The plan approval application, the Department's review memorandum, the proposed plan approval, and other relevant information are available for review by any interested party at the Department's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. To request a review, please contact the Department at 412.442.4000.

A person may oppose the proposed plan approval by filing a written protest with the Department through Alexander Sandy, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222, or asandy@pa.gov. Each protest or set of written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Plan Approval (PA-30-00233C), and concise statement of the objections to the plan approval issuance and the relevant facts upon which the objections are based. All comments must be received prior to the close of business 30 days after the date of this publication.

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

Contact: David Balog, New Source Review Chief, (814) 332-6940.

25-069R: BASF Corporation—Erie (1729 East Avenue, Erie, PA 16503), for the proposed removal of the NO_x scrubber from Source 048 due to the process no longer dissolving copper which was the major source of NO_x emissions. The facility is located in Erie City, **Erie 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 25-069R is for the proposed removal of the NO_x scrubber from Source 048 due to the process no longer dissolving copper which was the major source of NO_x emissions. 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:

- The nitrogen oxide (NO_x) emissions from the source shall not exceed 0.76 #/hr and 3.33 tpy based on a 12-month rolling total. [This condition replaces the following condition from Plan Approval 25-313-048 Condition # 7: The nitrogen oxide (NO_x) emissions from the scrubber shall not exceed 17.6 lbs/hr and 77 tons/yr.]
- Stack test, after removal of the control device, for NO_x.
- Records shall be maintained on site for a minimum of 5 years and shall be made available to the Department upon request.
- The permittee shall maintain and operate this source in accordance with the manufacturer's specifications and good air pollution control practices.

- The facility shall not dissolve copper.
- All conditions from the latest facility operating permit, currently with an issue date of December 6, 2018, remain in effect unless otherwise modified in this plan approval.
- Subject to Group 06 (Limited Production Activities), Group 07 (Trial Batch), & Group 08 (Part VVVVVV).
- The following conditions will be deleted from the facility operating permit as they pertain to the control device:
 - The company shall install and maintain, at a convenient location, a magnehelic gauge or similar device to measure pressure drop across the scrubber.
 - The company shall install and maintain a water flow monitor and pH monitor at convenient locations to measure the water flow rate and pH from the scrubber. PH level and water flow rate from the scrubber shall be maintained at or above 10 and 200 gpm, respectively.
 - The permittee shall maintain a record of the water flow rate to the scrubber.
 - The permittee shall maintain a record of all preventative maintenance inspections of the control device. These records shall, at a minimum, contain the following:
 - the dates of the inspections;
 - the identity of the person performing the inspection;
 - any problems or defects;
 - the actions taken to correct the problem or defects; and
 - any routine maintenance performed.
 - The permittee shall perform monthly maintenance inspections of the control device (C05).
 - The permittee shall permanently install and maintain a magnehelic gauge or similar device at a conveniently readable location to measure the pressure drop across the scrubber.
 - The permittee shall permanently install and maintain a rotameter or similar device at a conveniently readable location to indicate the water flow rate to the scrubber.
 - The permittee shall operate the control device at all times that this source is in operation.

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, Mead-

ville, PA 16335-3494 and must contain the name, address and telephone number of the person submitting the comments, identification of the proposed plan approval [25-069R] 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 to 127.431 for State Only Operating Permits or §§ 127.521 to 127.524 for Title V operating permits.

OPERATING PERMITS

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

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

Contact: Janine Tulloch-Reid, Facilities Permitting Chief, (484) 250-5920.

15-00015: Arkema Company, Inc. (610 Bolmar Street, West Chester, PA 19382), located in West Chester Borough, **Chester County**. This action is a renewal of the Title V Operating Permit. The facility manufactures acrylate and methacrylate oligomers and polymers that are used in inks, coatings, and adhesives. The boilers are subject to 40 C.F.R. Part 63 Subpart JJJJJ and the engines are subject to 40 C.F.R. Part 63 Subpart ZZZZ. As a result of potential emissions of volatile organic compounds and hazardous air pollutants, the facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments, and is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The permit includes monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

Anyone wishing to request information regarding this action can do so by contacting the Southeast Regional Office through the contact person listed in the previously listed header. Comments on the draft permit (or plan approval) can be submitted through the Air Quality resource account at RA-EPSEROPUBCOM@pa.gov.

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

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

Contact: Janine Tulloch-Reid, Facilities Permitting Chief, (484) 250-5920.

23-00051: Riddle Memorial Hospital (1068 West Baltimore Pike, Media, PA 19063-5104), for the renewal of a State Only, Synthetic Minor Operating Permit in Middletown Township, **Delaware County**. Riddle Memorial Hospital operates a general medical and surgical hospital. The sources of air emissions from this facility are three boilers and six emergency generator engines. The primary pollutant produced is Oxides of Nitrogen (NO_x). There is no change to the operations, or any emission increases with the renewal of the operating permit. Riddle Memorial maintains its status as a minor facility by limiting the NO_x emissions to less than 24.90 tons per year. The renewed permit will include testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable local, State, and Federal air quality requirements.

Anyone wishing to request information regarding this action can do so by contacting the Southeast Regional Office through the contact person listed in the previously listed header. Comments on the draft permit (or plan approval) can be submitted through the Air Quality resource account at RA-EPSEROPUBCOM@pa.gov.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Contact: Norman Frederick, Facility Permitting Chief, (570) 826-2409.

54-00076: Pottsville Materials, LLC (2 East Darkwater Road, Pottsville, PA 17901). The Department intends to issue a renewal State-Only Operating Permit for operation of sources at their quarry located in New Castle Township, **Schuylkill County**. Operations at the quarry include a non-metallic mineral processing plant and an asphalt plant w/rap. Control Devices include a wet spray dust suppression system; a baghouse; and a knock out box. The proposed permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

45-00007: National Electric Carbon Products/East Stroudsburg (100 Mill Creek Road, East Stroudsburg, PA 18301-1122). The Department intends to issue a renewal State-Only (Natural Minor) Permit for the manufacture of Carbon and Graphite Products located in East Stroudsburg Borough, **Monroe County**. The primary sources consist of kilns, mixers, and bake ovens. The control devices are baghouses and afterburners on the bake ovens. The sources are considered minor emission sources of nitrogen oxide (NO_x), sulfur oxides (SO_x), carbon monoxide (CO), total suspended particulate (TSP), and volatile organic compounds (VOC) emissions. The proposed operating permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

39-00101: Bimbo Bakeries USA Inc., Lehigh Valley Plant (150 Boulder Drive, Breinigsville, PA 18031-1838). The Department intends to issue a renewal State-Only (Synthetic Minor) Permit for the manufacture of Bread, Cake, and Related Products located in Upper Macungie Township, **Lehigh County**. The primary sources consist of roll ovens and a bread oven. The control devices are a

catalytic oxidizer. The sources are considered minor emission sources of nitrogen oxide (NO_x), sulfur oxides (SO_x), carbon monoxide (CO), total suspended particulate (TSP), and volatile organic compounds (VOC) emissions. The proposed operating permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

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

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

67-05068: Highway Materials, Inc. (409 Stenton Road, Flourtown, PA 19031) to issue a State Only Operating Permit for the asphalt plant located in Hellam Township, **York County**. The actual 2019 emissions were estimated at 2.04 tpy of NO_x, 32.68 tpy of CO, 2.20 tpy of PM₁₀, 0.37 tpy of SO_x, and 0.67 tpy of VOC. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR Part 60 Subpart I for hot mix asphalt facilities.

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

Contact: Muhammad Q. Zaman, Program Manager, 570-327-3648.

47-00015: Boral Resources LLC (200 Mansell Court East, Suite 305, Roswell, GA 30143) to issue a State Only Operating Permit for their Montour Plant located in Derry Township, **Montour County**. The facility is engaged in the reclamation, drying, storage, and loading for transport of flyash from the Montour Steam Electric Station's Area 2 Landfill. The facility's main emission source is a Rotary Convection Dryer with a natural gas-fired burner rated at 49.3 MMBtu/hr of heat input.

The facility has potential emissions of 14.4 tons per year (tpy) of NO_x, 0.1 tpy of SO_x, 11.4 tpy of PM₁₀, 45.5 tpy of CO, 7.9 tpy of VOCs, 0.2 tpy of total HAPs, and 14,806 tpy of GHGs.

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.

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

Contact: Matthew Williams, Facilities Permitting Chief, (814) 332-6940.

25-01038: Lord Corporation Erie, Robison Rd. (2455 Robison Rd W, Erie, PA 16509-4675). The Department is providing notice that they intend to renew a

State Only Operating Permit for the fabricated metal and rubber components manufacturing facility located in Summit Township, **Erie County**. The primary operations at the facility include surface preparation of metal components, application of adhesives, and bonding of the metal components with the rubber materials. Other sources are the natural gas-fired steam boilers, the natural gas heating unit, metal tanks, research and development activities, and three diesel-fueled emergency engines. The potential emissions of the primary pollutants from the facility are as follows: PM₁₀ and PM_{2.5}: 0.48 TPY, NO_x: 12.44 TPY, SO_x: 1.05 TPY, CO: 8.80 TPY, VOC: 24.50 TPY, and total HAPs: 24.00 TPY; thus, the facility is a natural minor. The facility is subject to Plan Approval 25-1038A, which includes limits on emissions of VOCs to 24.5 TPY, total HAPs to 24.0 TPY, and any single speciated HAP to 9.9 TPY on a 12-month rolling total. The spray booths are subject to 25 Pa. Code § 129.52 for surface coating processes. The emergency generator engines are subject to 40 CFR 60 Subpart IIII, Standards of Performance for Stationary Compression Ignition Internal Combustion Engines. The permit will contain emission restrictions, recordkeeping, work practices, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

61-00219: GOC Property Holdings, LLC (175 Main Street, Oil City, PA 16301). The Department intends to issue the renewal of the State-Only Operating Permit of a heat-treat facility located in Rouseville Borough, **Venango County**. Permitted air contamination sources at the facility are three heat-treat furnaces, a polymer quench tank, and a boiler. With PTEs below major source thresholds, the facility is Natural Minor. In this renewal, a heat-treat low temperature furnace initially authorized through a Request for Determination is added as a permitted source. With no source-specific requirements established and no Federal/State rule determined applicable, an evaporative cooling tower with negligible PM emissions is now considered an insignificant activity and no longer incorporated as a permitted source.

Philadelphia: Air Management Services, 321 University Avenue, Philadelphia, PA 19104-4543.

Contact: Edward Wiener, Chief, Source Registration at 215-685-9426.

The City of Philadelphia, Air Management Services (AMS) intends to issue a modification for a Synthetic Minor Operating Permit for the following facility:

OP19-000021: Commander Navy Region Mid-Atlantic (700 Robbins Avenue, Philadelphia, PA 19111-5098), which is a modification for the Synthetic Minor Operating Permit (OP16-000035) issued October 10, 2017, for the operation of air emission sources in office buildings, laboratories, and a base providing logistics and supply support for the U.S. Navy in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include one (1) 29.3 MMBtu/hr boiler (Boiler # 5) burning natural gas or No. 2 oil, two (2) 32.66 MMBtu/hr boilers (Boilers # 6 and # 7), each with low NO_x burners and flue gas recirculation, each burning natural gas or No. 2 oil, four (4) 0.399 MMBtu/hr boilers each burning natural gas, two (2) 1.34 MMBtu/hr boilers burning natural gas, two (2) water heaters rated 0.5 MMBtu/hr and 0.6 MMBtu/hr burning natural gas, four (4) non-emergency generators each rated less than or equal to 125 kW firing diesel, three (3) emergency generators firing diesel, of which one rated 750 kW, one rated 600 kW, and one rated 250 kW, two (2) emergency generators firing natural gas, of which one rated 395 kW

and one rated 121 kW, one (1) 100 HP fire pump firing diesel, and process equipment including one (1) carpentry shop, one (1) paint booth, and one (1) abrasive blaster.

The changes made as part of the modification includes the following:

- In Section A, updated the facility contact, permit contact, and the responsible official for the facility.
- In Table A1, updated the Facility Inventory List to specify that the Boilers 5, 6, and 7 will not operate on No. 4 and No. 6 Oil, remove GEN-32 and GEN-33, update the fire pump rated capacity, update the stack information for consistency with the Process Flow Diagram, add sources that were permitted after OP16-000035 was issued, move SP-6 to Group 04 Table, and add SP-8.
- Updated the Process Flow Diagram for consistency with Table A1.
 - In Section D: Source Specific Requirements
 - Removed SOX Synthetic Minor limit from Sections D.1.(a), D.2.(a), D.4.(a), and D.5.(a).
 - Updated Sections D.1.(d), D.2.(d), and D.5.(d) to remove GEN-32 and GEN-33.
 - Updated Sections D.1.(e), D.2.(a), and D.2.(e) to add Conditions for EG-41 and EG-43.
 - Updated the requirements of 25 Pa. Code §§ 129.201—129.205 in Conditions D.1.(e)(5) and D.2.(e)(8), and updated the engine load of EG-36 in Condition D.2.(e)(8).
 - Added Condition D.2.(a)(2)(i)(A) to specify that the Boilers 5, 6, and 7 will not operate on No. 4 and No. 6 Oil.
 - Updated Condition D.2.(b)(1) to be consistent with 40 CFR 63 Subpart JJJJJJ, and updated D.2.(b)(3) to clarify the Boiler 5 exemption from 40 CFR 63 Subpart JJJJJJ.
 - Updated Condition D.2.(c)(1) to replace manufacturer's specifications with Navy's Operations and Maintenance Plan.
 - Updated Conditions D.2.(e)(2), (3), (4) & (6) to update operating hour limits.
 - Updated Conditions D.2.(e)(2)(ii)-(iii) to update the definition of emergencies and modify the allowable hours for testing, engine tuning, maintenance checks, substation maintenance, readiness testing, and transformer replacements for each emergency generator to 100 hours per calendar year.
 - Updated Condition D.2.(e)(7) to update links to check AQI forecast.
 - In Section D.3, removed the testing requirements for boilers burning No. 4 and No. 6 Oil, and specified that compliance with PM emission limit of 25 Pa. Code § 123.13(c)(1)(i) shall be based on method 5 only.
 - Updated the monitoring requirements in Section D.4 and the recordkeeping requirements in Section D.5.
 - Updated Conditions D.6.(a)(1)-(2) to correct the citations to Section C, Conditions D.6.(b)(1)-(2) to correct the citations to 40 CFR 60 Subpart Dc, and Condition D.6.(b)(3) to remove notification requirement submitted by the facility already. The operating permit will be issued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public

inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

Persons wishing to file protest, comments, or request a public hearing on the previously listed operating permit must submit the protest, comments or request for public hearing within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least thirty days before the hearing.

COAL & 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 informal conferences), must contain the name, address and telephone number of the requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

Where a National Pollutant Discharge Elimination System (NPDES) number is listed, the mining activity permit application was accompanied by an application for an individual NPDES permit. A separate notice will be provided after the draft NPDES permit is prepared.

Coal Applications Received

Effluent Limits—The following range of effluent limits will apply to NPDES permits issued in conjunction with the associated coal mining activity permit and, in some cases, noncoal mining permits:

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 ¹		greater than 6.0; less than 9.0	

Alkalinity greater than acidity¹

¹ 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)

03071301 and NPDES Permit No. PA0235954. Rosebud Mining Company, 301 Market Street, Kittanning, PA 16201, to renew the permit and related NPDES permit for Long Run Mine in West Franklin Township, **Armstrong County**. No additional discharges. The application was considered administratively complete on June 29, 2020. Application received: June 16, 2020.

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900, (Contact: Melanie Wigfield).

Permit 29190101 and NPDES No. PA0279722. J&J Svonavec Excavating, Inc., 110 Windermere Lane, Somerset, PA 15501, commencement, operation, and restoration of a bituminous surface mine to allow for the beneficial use of biosolids for land reclamation in Wells and Wood Townships, **Fulton and Huntingdon Counties**, affecting 164.0 acres. Receiving stream: Great Trough Creek, classified for the following use: trout stocked fishes. The first downstream potable water supply intake from the point of discharge is Mifflintown Municipal Authority at Mifflintown, PA on Juniata River. Application received: July 8, 2020.

Permit 32130103 and NPDES No. PA0269301. Alverda Enterprises, Inc., P.O. Box 245, Alverda, PA 15710, permit renewal of a bituminous surface & auger mine, along with a land use change from forestland to unmanaged natural habitat in Grant Township, **Indiana County**, affecting 38.8 acres. Receiving streams: unnamed tributary to Little Mahoning 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 9, 2020.

Permit 32090104 and NPDES No. PA0262897. Beth Contracting, Inc., 815 Rock Run Road, Glen Campbell, PA 15742, permit renewal for the continued operation and restoration of a bituminous surface mine in Banks Township, **Indiana County** affecting 23.2 acres. Receiving streams: unnamed tributaries to Cush Creek and Horton Run classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: July 10, 2020.

Knox District Mining Office: P.O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, (814) 797-1191, (Contact: Cayleigh Boniger).

33140101. P. and N. Coal Co., Inc. (P.O. Box 332, Punxsutawney, PA 15767). Renewal of an existing bituminous surface mine in McCalmont and Young Townships, **Jefferson County** affecting 245.6 acres. This renewal is issued for reclamation only. Receiving streams: Unnamed tributaries to Little Elk Run and unnamed tributaries to Elk Run, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: June 29, 2020.

New Stanton District Office: P.O. Box 133, New Stanton, PA 15672, (724) 925-5500, (Contact: Tracy Norbert).

03970110 and PA0202134. Mears Enterprises, Inc., 2770 Tanoma Road, Clymer, PA 15728. Renewal application for continued treatment of an existing bituminous surface mine, located in Valley Township, **Armstrong County**, affecting 27.4 acres. Receiving streams: unnamed tributary to Cowanshannock Creek to Allegheny River, classified for the following use: WWF. There is no potable water supply within 10 miles downstream from the point of discharge. Renewal application received: July 6, 2020.

Noncoal Applications Received

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

Table 2

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

* The parameter is applicable at all times.

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

Knox District Mining Office: P.O. Box 669, Knox, PA 16232-0669, (814) 797-1191, (Contact: Cayleigh Boniger).

37150301. Allegheny Mineral Corporation (P.O. Box 1022, Kittanning, PA 16201). Renewal of NPDES Permit No. PA0259616 in Slippery Rock Township, **Lawrence County**. Receiving streams: Unnamed tributary to Slippery Rock Creek, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: June 22, 2020.

37200302. Three Rivers Aggregates, LLC (1807 Shenango Road, New Galilee, PA 16141). Commencement, operation and restoration of a large industrial minerals surface mine in North Beaver Township and New Beaver Borough, **Lawrence County** affecting 50.5 acres. Receiving streams: Unnamed tributaries to Jenkins Run and Jenkins Run, classified for the following uses: WWF. The first downstream potable water supply intake from the point of discharge is 4.9 miles downstream, owned by PA American Water Company. Application received: June 8, 2020.

MINING ACTIVITY NPDES DRAFT PERMITS

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

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

Effluent Limits for Coal Mining Activities

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

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

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

*The parameter is applicable at all times.

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

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

Effluent Limits for Noncoal Mining Activities

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

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

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

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

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

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

Persons wishing to comment on an NPDES draft permit should submit a written statement to the Department at the address of the district mining office indicated before each draft permit within 30-days of this public notice. Comments received within the comment period will be considered in the final determinations regarding the NPDES permit applications. Comments must include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

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

Coal NPDES Draft Permits

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200, (Contact: Ashley Smith).

NPDES No. PA-0609781 (Mining Permit No. 17840126), P & N Coal Company, Inc., 680 Old Route 119 Highway North, Indiana, PA 15701, renewal of an NPDES permit for a coal surface mine in Jordan Township, **Clearfield County**, affecting 341.7 acres. Receiving stream(s): Hunter Run and Comfort Run, classified for the following use(s): Cold Water Fishes (CWF). Application received: May 26, 2020.

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

The following outfalls discharge to Comfort Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
001 (TB1)	N	Treatment
002 (TB2)	N	Treatment
004 (A)	N	Sediment
005 (B)	N	Sediment
006 (C)	N	Sediment

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

<i>Outfalls: 001, 002 (All Weather Conditions)</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	2.0	4.0	5.0
Total Suspended Solids (mg/l)	35.0	70.0	90.0
Sulfate (mg/L)		Monitor & Report	
Flow (gpm)		Monitor & Report	
Temperature (°C)		Monitor & Report	
Specific Conductivity (µmhos/cm)		Monitor & Report	

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

<i>Outfalls: 004, 005, 006 (All Weather Conditions)</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/l)	6.5	13.0	16.2
Manganese (mg/l)	4.7	9.4	11.7
Aluminum (mg/l)	3.2	6.4	7.9
Total Suspended Solids (mg/l)	35.0	70.0	90.0
Sulfate (mg/L)		Monitor & Report	
Flow (gpm)		Monitor & Report	
Temperature (°C)		Monitor & Report	

Outfalls: 004, 005, 006 (All Weather Conditions)
Parameter *30-Day Average* *Daily Maximum* *Instant. Maximum*
 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.

The following outfalls discharge to Hunter Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
003 (TB3)	N	Treatment
007 (D)	N	Sediment
008 (E)	N	Sediment

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

Outfalls: 003 (All Weather Conditions)
Parameter *30-Day Average* *Daily Maximum* *Instant. Maximum*
 Iron (mg/l) 3.0 6.0 7.0
 Manganese (mg/l) 2.0 4.0 5.0
 Aluminum (mg/l) 2.0 4.0 5.0
 Total Suspended Solids (mg/l) 35.0 70.0 90.0
 Sulfate (mg/L) Monitor & Report
 Flow (gpm) Monitor & Report
 Temperature (°C) Monitor & Report
 Specific Conductivity (µmhos/cm) Monitor & Report
 pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.
 Alkalinity must exceed acidity at all times.

Outfalls: 007, 008 (All Weather Conditions)
Parameter *30-Day Average* *Daily Maximum* *Instant. Maximum*
 Iron (mg/l) 8.1 16.2 20.2
 Manganese (mg/l) 5.5 11.0 13.7
 Aluminum (mg/l) 3.9 7.8 9.7
 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.

NPDES No. PA0256170 (Mining Permit No. 59050301), Glenn O. Hawbaker, Inc., 1952 Waddle Road, Suite 203, State College, PA 16803, renewal of an NPDES permit for discharge of water resulting from noncoal surface mining in Lawrence Township, **Tioga County**, affecting 44.49 acres. Receiving stream(s): Tioga River/Mutton Creek unnamed tributaries to Tioga River, classified for the following use(s): Warm Water Fishes. Application received: February 18, 2020.

The following outfalls discharge to Tioga River and Mutton Creek unnamed tributary to the Tioga River:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
001	N	Sediment
002	N	Sediment
003	N	Sediment
004	N	Sediment

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

Outfalls: 001, 002, 003, 004
Parameter *30-Day Average* *Daily Maximum* *Instant. Maximum*
 Total Suspended Solids (mg/l) 35 70 90
 Flow (gpm) Report
 pH (S.U.): Must be between 6.0 and 9.0 standard units.

NPDES No. PA0596639 (Mining Permit No. 4775SM10), Hanson Aggregates Pennsylvania LLC, 7660 Imperial Way, Allentown, PA 18195, revision of an NPDES permit for noncoal surface mining in College Township, **Centre County**, affecting 331 acres. Receiving stream(s): Spring Creek, classified for the following use(s): HQ-CWF, MF. Application received: March 19, 2020.

The following outfalls discharge to Lick Rim:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
001	N	Quarry Sump
002	N	Sediment Pond 1
003	N	Sediment Pond 2

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
004	N	Sediment Pond 4
005	N	Sediment Pond 5
006	N	Sediment Pond 6

The proposed effluent limits for the following outfalls are as follows:

<i>Outfalls: 001 Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Total Suspended Solids (mg/l)	30.0	N/A	60.0
Sulfate		Report	
Temperature		Report	
Flow (gpm or MGD)		Report	
pH (S.U.): Must be between 6.0 and 9.0 standard units.			

The proposed effluent limits for the following outfalls are as follows:

<i>Outfalls: 002, 003, 004, 005, and 006 Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Total Suspended Solids (mg/l)	35.0	70.0	90.0
Flow (gpm or MGD)		Report	
pH (S.U.): Must be between 6.0 and 9.0 standard units.			

NPDES No. PA0238350 (Mining Permit No. 17990112), Forcey Coal, Inc., 475 Banion Road, Madera, PA 16661, renewal of an NPDES permit for passive treatment of a postmining discharge in Bigler Township, **Clearfield County**, affecting 2.0 acres. Receiving stream(s): Banian Run, classified for the following use(s): Cold Water Fishes. Application received: April 15, 2020.

The following outfall discharges to Banian Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
006 (BC-3T)	N	Passive Treatment Outfall

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

<i>Outfalls: 006 (BC-03T) (All Weather Conditions) Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	3.1	6.2	7.7
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.			

Noncoal NPDES Draft Permits

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814.472.1900, (Contact: Melanie Ford-Wigfield).

NPDES No. PA0223239 (Mining Permit No. 01930302), Specialty Granules, LLC, 1455 Old Waynesboro Road, Blue Ridge Summit, PA 17214, renewal of an NPDES permit for noncoal surface mining in Hamiltonban Township, **Adams County**, affecting 241.2 acres. Receiving stream(s): Unnamed Tributary to/and Toms Creek, classified for the following use(s): High Quality, Cold Water Fishes, Migratory Fishes (HQ-CWF-MF). Application received: April 8, 2019.

The following outfalls discharge to Unnamed Tributaries to/and Toms Creek:

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

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

<i>Outfalls: 001 (>10-yr/24-hr Precip. Event) Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Total Suspended Solids (mg/l)	N/A	N/A	Monitor and Report
pH (S.U.): Must be between 6.0 and 9.0 standard units.			
Alkalinity must exceed acidity.			
<i>Outfalls: 002 (>100-yr/24-hr Precip. Event) Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Total Suspended Solids (mg/l)	N/A	N/A	Monitor and Report
pH (S.U.): Must be between 6.0 and 9.0 standard units.			
Alkalinity must exceed acidity.			

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between the hours of 8:00 AM and 4:00 PM on each working day at the office noted above the application.

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

Applications Received Under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27) and Section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and Requests for Certification Under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

Southeast Region: Waterways & Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401, Telephone 484.250.5160. E-mail: ra-epwv-sero@pa.gov.

Permit No. E1501220-024, Chester Water Authority, P.O. Box 467, Chester, PA 19016, Kennett Township, Chester County, ACOE Philadelphia District.

To construct and maintain a temporary wood mats access road about 306-feet long in two sections, one section exceeding 200-feet allowed per GP-8, along the wetlands (PEM) associated with the 48-inch diameter Air Release Valve Replacement Project. Total temporary wetland impact will be 0.084 acre.

The site is located at 847 Burrows Run Road (Kennett Square, PA USGS Quadrangle, Latitude: 39.849954; Longitude: -75.645744) in Kennett Township, Chester County.

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

Contact: Gillian Ostrum, Clerk Typist 2, 570-830-3077.

E4802220-024. Blair Custom Homes, Inc., 1412 Walter Street, Bethlehem, PA 18015-5427, in Lower Saucon Township, **Northampton County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain the following water obstructions and encroachments associated with the John's Place Development Project:

1. A utility line crossing of a UNT to Black River (CWF, MF) and adjacent PFO/PSS/PEM wetlands (EV) consisting of a 1.5-inch diameter, HPDE sanitary sewer pipe.

2. A utility line crossing of a UNT to Black River (CWF, MF) and adjacent PFO/PSS/PEM wetlands (EV) consisting of a 2-inch diameter, PVC electrical conduit.

3. A utility line crossing of a UNT to Black River (CWF, MF) and adjacent PFO/PSS/PEM wetlands (EV) consisting of a 2-inch diameter, copper water supply pipe.

4. A utility line crossing of a UNT to Black River (CWF, MF) and adjacent PFO/PSS/PEM wetlands (EV) consisting of a 2-inch diameter, HDPE natural gas supply pipe.

5. A stream crossing of a UNT to Black River (CWF, MF) and 0.01-acre of adjacent PFO/PSS/PEM wetlands (EV) consisting of a 28-LF, 30-inch diameter reinforced concrete culvert having concrete wingwalls and an invert depressed 6-inches below existing streambed elevation.

6. A fill within 0.12-acre of the 50-foot floodway of a UNT to Black River (CWF, MF) consisting of a portion of an office building and associated grading, a portion of a 12-space parking lot and associated grading, a portion of a 20-foot wide asphalt access road and associated grading, a portion of a 21-space parking lot and associated grading, and portions of various stormwater management Best Management Practices.

The project is located at 3725 Old Philadelphia Pike in Bethlehem, approximately 300-ft southwest of the intersection of S.R. 378 and West Raders Lane (Allentown East, PA Quadrangle Latitude: 40° 35' 16.79" Longitude: -75° 23' 14.47") in Lower Saucon Township, Northampton County.

E3902220-027. Whitehall Township, 3219 MacAuthor Road, Whitehall, PA 18052, in Whitehall Township, **Lehigh County**, U.S. Army Corps of Engineers, Philadelphia District.

To fill and maintain a 0.18-acre portion of the floodway of Jordan Creek (TSF, MF) consisting of an asphalt walking trail ranging in width from 6-ft to 15-ft, an information kiosk, a bicycle repair station, tree plantings, park benches, and a picnic table. These impacts will result in a 58 ft³ net cut within the floodway. The project is located approximately 200-ft southeast of the intersection of Mallard Drive and Mickley Road (Catasauqua, PA Quadrangle Latitude: 40° 37' 45" Longitude: -75° 29' 20") in Whitehall Township, Lehigh County.

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110.

E0103220-022. Clayton Tock, 20627 Lewins Court, Sterling, VA 20165, in Mount Joy Township, **Adams County**, U.S. Army Corps of Engineers Baltimore District.

The applicant proposes to construct and maintain: 1) two additions onto existing docks now totaling 544 square feet and 138 square feet, and 2) a 190 linear foot long sea wall, all for the purpose of utilizing the docks and stabilizing the banks. The project is located at 84 Meade Drive in Mount Joy Township, Adams County (Latitude: 39.8065; Longitude: -77.1910).

E0603220-022. Borough of Birdsboro, 202 East Main Street, Birdsboro, PA 19508-2025 in Robeson Township, **Berks County**, U.S. Army Corps of Engineers Philadelphia District.

To construct and maintain a 6-foot wide, single span, timber bridge, having a normal span of 80-feet across Hay Creek (EV, MF) for the purpose of providing pedestrian access from Rustic Park to the Birdsboro Preserve and additional recreational opportunities. The project is located off Haycreek Road in the southern portion of a parking area for Rustic Park (Birdsboro, PA quadrangle, Latitude: 40.253047 Longitude: -75.813682) in Birdsboro Borough and Robeson Township, Berks County. No wetlands impacts are proposed.

Southwest Region: Dana Drake, Waterways and Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

E0205220-002, Hollow Oak Land Trust, P.O. Box 741, Coraopolis, PA 15108-0741, **Allegheny County**; Pittsburgh ACOE District.

The applicant proposes to:

1. Construct, operate, and maintain a 6 LF wide by 74 LF long, fiberglass pedestrian bridge over Montour Run (TSF).

2. The project will permanently impact 6 LF of Montour Run and 0.02 acre of the floodway. The project will temporarily impact 0.04 acre of floodway.

For the purposes of creating a pedestrian bridge across Montour Run to connect the Montour Trail to the Montour Woods Conservation Area trail network operated by the Hollow Oak Land Trust.

The project site is located 800 feet west of the intersection of the Montour Trail with Hassam Toad, and 200 feet south of Hassam Road (Oakdale, PA USGS topographic quadrangle; N: 40°, 29', 25"; W: -80°, 99', 11"; Sub-basin 20G; USACE Pittsburgh District), in Moon Township and Robinson Township, Allegheny County.

E5605120-024, PennDOT District 9-0, 1620 N. Juniata Street, Holidaysburg, PA 16648, Brothersvalley and Stoneycreek Townships, **Somerset County**; Pittsburgh ACOE District.

The applicant proposes to:

Remove an existing, structurally deficient, single span, T-beam bridge, with a normal clear span of 32', with a roadway width of 34.4'.

Construct and maintain a replacement, single span, composite steel, rolled beam bridge, on integral abutments, with a normal clear span of 53', with a roadway width of 40'.

For the purpose of replacing a deficient structure, which carries SR 0031 over the Stoneycreek River.

The project will have a permanent impact of 105 LF, and temporary impact of 20 LF, to Stoneycreek River (CWF). The project will also have a permanent impact of 200 LF to an unnamed tributary to Stoneycreek River (CWF). The project will impact six PEM wetlands, having a total permanent impact of 0.23 acre, and total temporary impact of 0.201 acre. The wetland impacts will be mitigated for using credits from the Furnace Run Mitigation Bank. The project will also have a permanent total floodway impact of 0.19 acre, and temporary floodway impact of 0.34 acre.

The project site is located along SR 0031 (Glades Pike), near the intersection with Willkow Road and Beulah Road (Berlin, PA USGS topographic quadrangle; N: 39°, 57', 14.03"; W: -78°, 55', 13.18"; Sub-basin 18E; USACE Pittsburgh District), in Brothersvalley and Stoneycreek Townships, Somerset County.

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

E3706220-021, Patterson Erie Corp. LLC, 1250 Tower Lane, Erie, PA 16505, Burger King Neshannock, in Neshannock Twp, **Lawrence County**, ACOE Pittsburgh District (New Castle North, PA Quadrangle N: 41°, 3', 56.16"; W: -80°, 21', 39.6").

To construct and maintain a fast food restaurant and ancillary facilities to impact a total of 0.10 acre of Palustrine Emergent Wetlands (PEM) in Neshannock Township, Lawrence County at the corner of RT 18 and Mitchel Road. The applicant will mitigate for the wetland impacts by purchasing 0.10 wetland credits at the Enlow Fork Mitigation Bank.

Regional Permit Coordination Office: Domenic Rocco, PE, Program Manager, Rachel Carson State Office Building, 400 Market Street, 10th Floor, Harrisburg, PA 17101, 717-772-5987.

E0583220-022, Pennsylvania Turnpike Commission, 700 S. Eisenhower Blvd, Middletown, PA 17057, in Juniata Township, **Bedford County**, U.S. Army Corps of Engineers, Baltimore District.

To authorize the following activities associated with the PA Turnpike Roadway and Bridge Reconstruction MP 126.07 to MP 130.47 and mill and overlay of the PA Turnpike from MP 123.6 to MP 125.8:

1. To relocate an existing stream as part of the on-site mitigation. Permanent impacts of 975 LF (0.090 AC) to realign intermittent tributary to Raystown Branch (CWF/MF) by permanently removing the concrete channel on the westbound side of the turnpike and routing it to the eastbound side of the turnpike into a constructed vegetated channel.

2. To fill and permanently impact 1,487 SF (0.034 AC) of PEM wetland WET # 9 from the Turnpike widening and relocation of WUS # 14A.

3. To fill and permanently impact 0.5 SF (0.00001 AC) of PEM wetland WET # 10 from the reconstruction of Will Road.

4. To replace an existing 75-foot-long, steel I-beam bridge and construct and maintain a 124-foot-long, single span, composite prestressed concrete multi-beam bridge,

over perennial stream Raystown Branch of the Juniata River (CWF/MF). Permanent impact of 49 LF (0.004 AC) from the bridge replacement.

5. To fill and permanently impact 1,373 SF (0.032 AC) of PEM wetland WET # 20 from the roadway widening.

6. To fill and permanently impact 539 SF (0.012 AC) of PEM wetland WET # 19 from the roadway widening.

7. To fill and permanently impact 55 SF (0.001 AC) of PEM wetland WET # 18 from the roadway widening.

8. To realign an existing stream associated with the road widening. Permanent impact of 580 LF (0.044 AC) of intermittent tributary to Raystown Branch will occur.

In total the project will result in 0.189 acre of permanent stream impact, 11.283 acres of permanent floodway impact, and 0.245 acre of permanent wetland impact. A total of 0.050 acre of temporary stream impact, 7.694 acres of temporary floodway impact, and 1.0 sf of temporary wetland impact.

This project is located along the Mainline of the Pennsylvania Turnpike at milepost 123.6 to milepost 130.47 (New Baltimore and Buffalo Mills, PA Quadrangle, Latitude: 39° 57' 27"; Longitude: -78° 50' 54") in Juniata Township, Bedford County.

E5683220-023, Pennsylvania Turnpike Commission, 700 S. Eisenhower Blvd, Middletown, PA 17057, in Allegheny Township and New Baltimore Borough, **Somerset County**, U.S. Army Corps of Engineers, Baltimore District.

To authorize the following activities associated with the PA Turnpike Roadway and Bridge Reconstruction MP 126.07 to MP 130.47 and mill and overlay of the PA Turnpike from MP 123.6 to MP 125.8:

1. To place fill within an intermittent tributary to Wambaugh Run (CWF/MF). Permanent impact of 6 LF (0.0002 AC) for rock scour protection.

2. To place fill within an intermittent tributary to Wambaugh Run (CWF/MF). Permanent impact of 33 LF (0.002 AC) of rock placement for rip rap protection.

3. To construct, rehabilitate and maintain an existing 66-inch diameter, 258-foot-long CMP stream enclosure by lining it with a new 48-inch diameter HDPE enclosure and adding a 48-inch diameter, 22-foot-long extension on the upstream side, with rock scour protection at the inlet and outlet of the existing stream enclosure. Permanent impact of 88 LF (0.019 AC) within a perennial tributary to Wambaugh Run (CWF/MF).

4. To place and maintain a new rock-lined outfall for roadway drainage. Permanent impact of 10 LF (0.0002 AC) within perennial stream Wambaugh Run (CWF/MF).

5. To construct and maintain a 72-inch arch, 61-foot-long extension to an existing stream enclosure on the upstream side and rock scour protection at the inlet of the stream enclosure. Permanent impact of 83 LF (0.005 AC) within an intermittent tributary to Wambaugh Run (CWF/MF).

6. To construct and maintain a new vegetated outfall for roadway drainage. Permanent impact of 18 LF (0.001 AC) within perennial stream, Wambaugh Run (CWF/MF).

7. To construct and maintain a new vegetated outfall for roadway drainage. Permanent impact of 24 LF (0.001 AC) within perennial stream, Wambaugh Run (CWF/MF).

8. To construct and maintain a 48-inch arch, 25-foot-long extension to an existing stream enclosure on the upstream side, and rock scour protection at the inlet of the stream enclosure. Permanent impact of 48 LF (0.024 AC) of perennial stream, Three Lick Run (CWF/MF).

9. Aerial impacts as a result of the construction and maintenance of a new bridge. Permanent impact of 26 LF (0.009 AC) of perennial stream, Three Lick Run (CWF/MF).

10. To place and maintain a new rock-lined outfall for roadway drainage. Permanent impact of 17 LF (0.0003 AC) within intermittent tributary to Raystown Branch of Juniata River (CWF/MF).

11. To fill and permanently impact 1,779 SF (0.041 AC) of PEM wetland WET # 13 from construction of a stormwater management basin.

12. To fill and permanently impact 3,489 SF (0.080 AC) of PEM wetland WET # 12 from construction of a stormwater management basin.

13. To relocate an existing stream as part of the on-site mitigation. Permanent impact of 385 LF (0.035 AC) to realign intermittent tributary to Raystown Branch (CWF/MF) by removing an existing 54-inch diameter culvert and re-routing the stream into a new 25-foot-long culvert and directing into the new Part B Stream relocation channel.

14. To relocate an existing stream as part of the on-site mitigation. Permanent impact of 273 LF (0.015 AC) to realign ephemeral tributary to Raystown Branch (CWF/MF) by reducing the length of the stream and conveying the flow into a new 128-foot-long, 18-inch diameter stream enclosure into the new Part B Stream relocation channel.

15. To relocate an existing stream as part of the on-site mitigation. Permanent impact of 2,101 LF (0.192 AC) to realign intermittent tributary to Raystown Branch (CWF/MF) by permanently removing the existing concrete channel on the westbound side of the turnpike and routing it to the eastbound side of the turnpike into a constructed vegetated channel.

16. To fill and permanently impact 9,473 SF (0.217 AC) of PEM wetland WET # 11 from the roadway widening and construction of the Part B Stream Relocation on-site mitigation project.

17. To construct an outfall and vegetated swale for stormwater drainage along Will Road. Permanent impact of 18 LF (0.0003 AC) of perennial tributary to Raystown Branch (CWF/MF).

18. To fill and permanently impact 3 SF (0.0001 AC) of PEM wetland WET # 11 from the reconstruction of Will Road.

In total the project will result in 0.329 acre of permanent stream impact, 4.763 acres of permanent floodway impact, and 0.457 acre of permanent wetland impact. A total of 0.184 acre of temporary stream impact, 3.570 acres of temporary floodway impact, and 1.5 sf of temporary wetland impact.

This project is located along the Mainline of the Pennsylvania Turnpike at milepost 123.6 to milepost 130.47 (New Baltimore and Buffalo Mills, PA Quadrangle, Latitude: 39° 57' 27"; Longitude: -78° 50' 54") in Allegheny Township and New Baltimore Borough, Somerset 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 18701-1915, Email: RA-EPNPDES_NERO@pa.gov.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0061654 (Sewage)	Newfoundland Elementary School Wastewater Treatment Plant 2552 Route 6 Hawley, PA 18428-7045	Wayne County Dreher Township	Wallenpaupack Creek (HQ-CWF, MF) (1-C)	No

Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, Email: RA-EPNPDES_SCRO@pa.gov.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0281743 Sewage Issued	Nell Road Homeowners Assoc 315 Forest Drive New Oxford, PA 17350	Adams County Reading Township	Mud Run (WWF, MF) in Watershed(s) 7-F	Y
PA0084964 Sewage Issued	Bethel Township Fulton County P.O. Box 239 Warfordsburg, PA 17267-0239	Fulton County Bethel Township	Little Tonoloway Creek (TSF) in Watershed(s) 13-B	Y

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0259934 Sewage Issued	Perez Res 945 Swopes Valley Road Pine Grove, PA 17963-8405	Lebanon County Bethel Township	Bear Hole Run (CWF, MF) in Watershed(s) 7-D	Y

Northcentral Region: 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 & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0113883 (Sewage)	Keystone MHP 35 Calais Road Randolph, NJ 07869	Lycoming County Lewis Township	Lycoming Creek (EV (existing use)) (10-A)	Yes
PA0009431 (Industrial)	Milton Water System 105 Sodom Road Milton, PA 17847-9232	Union County White Deer Township	White Deer Creek (HQ-CWF) (10-C)	Yes
PA0209724 (Sewage)	Lake Glory Campgrounds 391 Knoebels Boulevard P.O. Box 317 Elysburg, PA 17824-7127	Columbia County Cleveland Township	Roaring Creek (TSF) (5-E)	Yes

Southwest Region: Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Email: RA-EPNPDES_SWRO@pa.gov.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0093211 (Sewage)	Buffington STP Tex Lane New Salem, PA 15468	Fayette County Menallen Township	Dunlap Creek (WWF) (19-C)	Yes
PA0254011 (Sewage)	J.G. Foodmarts SFTF RD # 6, Box 90 Uniontown, PA 15401	Fayette County North Union Township	Unnamed Tributary of 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 & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0222607 (Sewage)	Ronald Martonik SRSTP 2045 Rasselas Road Wilcox, PA 15870	Elk County Jones Township	East Branch Clarion River (HQ-CWF) (17-A)	Yes
PA0263508 (Sewage)	Patricia S. & William J. Sopp SFTF 8983 Neuburger Road Fairview, PA 16415	Erie County McKean Township	Unnamed Tributary to the Elk Creek (CWF, MF) (15-A)	Yes
PA0272736 (Sewage)	Station 4 Firehouse Grille 21800 US Highway 322 Meadville, PA 16335-5236	Crawford County East Fairfield Township	Unnamed Tributary to French Creek (WWF) (16-D)	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. PA0288365, Sewage, SIC Code 8800, **Frank Vranovich**, 648 Smith Road, New Wilmington, PA 16142-3816.

This proposed facility is located in Wilmington Township, **Lawrence County**.

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

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

Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, Email: RA-EPNPDES_SCRO@pa.gov.

WQM Permit No. 0119402, Sewerage, SIC Code 6514, **Nell Rd. Homeowners Assoc.**, Nell Road, East Berlin, PA 17316.

This facility is located in Reading Township, **Adams County**.

Description of Proposed Action/Activity:

This (permit) approves the (construction/operation) of sewage facilities consisting of:

Two (2) 2,000-gal Multi-Compartment Septic Tanks, a 1,500-gallon dosing tank, two (2) Ecoflo (ECP-970G) filters system or equal, with integral UV disinfection, pump, and 4-inch PVC outfall pipe.

WQM Permit No. 2817402 A-1, Sewerage, SIC Code 4952, **Hamilton Township Municipal Authority**, 1270 Crottlestown Road, Chambersburg, PA 17201.

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

Description of Proposed Action/Activity:

This (permit/amendment) approves the (construction/modification/operation) of sewage facilities consisting of:

- New duplex dry pit submersible pumps—180 GPM at a TDH of 125.5 ft.
- Other appurtenances.

Southwest Region: Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Email: RA-EPNPDES_SWRO@pa.gov.

WQM Permit No. 6569435 A-1, Sewerage, SIC Code 4952, **UMH Properties Inc.**, 3499 US Highway 9, Suite 3C, Freehold, NJ 07728-3277.

This existing facility is located in Lower Burrell City, **Westmoreland County**.

Description of Proposed Action/Activity: Ultraviolet light disinfection system installation at the UMH Hillcrest Crossings MHP STP.

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

WQM Permit No. 3720402, Sewerage, SIC Code 8800, **Frank Vranovich**, 648 Smith Road, New Wilmington, PA 16142-3816.

This proposed facility is located in Wilmington Township, **Lawrence County**.

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

VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions.

Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Gillian Ostrum, Clerk Typist 2, 570-830-3077.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD390148 Authorization/ Issuance	Lehigh Northampton Airport Authority 3311 Airport Rd. Allentown, PA 18190	Lehigh	City of Allentown	Little Lehigh Creek (HQ-CWF, MF)
PAD480117 Authorization/ Issuance	Bridge Moorestown Road, LLC c/o John Porcek, P.E. 1 Gatehall Drive Suite 201 Parsippany, NJ 07054-4540	Northampton	Bushkill Township	Sobers Run (HQ-CWF, MF), EV Wetlands
PAD480027 A-3 Authorization/ Issuance	Lafayette College Facilities Planning & Construction c/o Meghan Madeira 901 Bushkill Drive Easton, PA 18042	Northampton	City of Easton	Bushkill Creek (HQ-CWF, MF)

Southcentral Region: Waterways & Wetlands Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD360050 Issued	James S. Zimmerman 84 Hickory Lane Ephrata, PA 17522	Lancaster	Brecknock Township	UNT Black Creek (HQ-WWF, MF)

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

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

List of NPDES and/or Other General Permit Types.

PAG-01	General Permit for Discharges for Stormwater Discharges Associated with Small Construction Activities.
PAG-02	General Permit for Discharges of Stormwater Associated with Construction Activities

PAG-03	General Permit for Discharges of Stormwater from Industrial Activities
PAG-04	General Permit for Discharges from Small Flow Treatment Facilities
PAG-05	General Permit for Discharges from Petroleum Product Contaminated Groundwater Remediation Systems
PAG-06	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems (CSO)
PAG-07	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-08	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-08 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-08 General Permit Coverage
PAG-09	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-09 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-09 General Permit Coverage
PAG-10	General Permit for Discharges from Hydrostatic Testing of Tanks and Pipelines
PAG-11	General Permit for Discharges from Aquatic Animal Production Facilities
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)
PAG-14	(To Be Announced)
PAG-15	General Permit for Discharges from the Application of Pesticides

General Permit Type—PAG-02

Southeast Region: Waterways & Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401, Telephone 484-250-5160, Email: ra-epww-sero@pa.gov.

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Facility Location: Municipality & County</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
PAC510116	PolySAT Incorporated 7240 State Road Philadelphia, PA 19135-1412	City of Philadelphia Philadelphia County	Pompeston Creek— Delaware River WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC230065 A-1 Major Amendment	Toll Mid-Atlantic, L.P. Company 4 Hillman Drive Suite 120 Chadds Ford, PA 19317	Middletown Township Delaware County	Unnamed Tributary to Chester Creek and Chester Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC230116 (Formerly PAG02002314006) Renewal	PennDot District 6-0 7000 Geerdes Boulevard King of Prussia, PA 19406-1525	Bethel Township Concord Township Thornbury Township Delaware County	Webb Creek TSF-MF Green Creek CWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC090369	Forest Park at Southampton LLC 37 West 47th Street New York, NY 10036	Upper Southampton Township Bucks County	Mill Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC090373	Chick-fil-A 5200 Buffington Road Atlanta, GA 30359-2945	Middletown Township Bucks County	Unnamed Tributary to/ Queen Anne Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC090346	Nicholas Kownurko 217 Eagle Road Newtown, PA 18940	Newtown Township Bucks County	Unnamed Tributary to/ Newtown Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

NOTICES

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<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Facility Location: Municipality & County</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
PAC090284	LMCC North Acquisitions, LLC 2929 Arch Street Philadelphia, PA 19104-2857	Lower Makefield Township Bucks County	Core Creek CWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC090379 (PAG0200915080 Major Amendment)	Warwick Mill, LLC 330 South Randolphville Road Piscataway, NJ 08855-4110	Warwick Township Bucks County	Unnamed Tributary/ Neshaminy Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC090092	Zaveta Custom Homes, LLC 4030 Skyron Drive Suite G Doylestown, PA 18901	Upper Makefield Township Bucks County	Unnamed Tributary/ Jericho Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC090118	PA Biotechnology Center 3805 Old Easton Road Doylestown, PA 18901	Buckingham Township Bucks County	Unnamed Tributary/ Pine Run TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC090364	Buckingham Township 4613 Hughesian Drive Buckingham, PA 18912-0413	Buckingham Township Bucks County	Watson Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC090332	Scott Wolfinger 3 Geranium Court Newtown, PA 18940-9270	Upper Makefield Township Bucks County	Houghs Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC510168	Chestnut Street L.P. 900 7th Street, NW Suite 600 Washington, DC 20001	City of Philadelphia Philadelphia County	Delaware River WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC510169	1101 Chestnut Street L.P. 900 7th Street, NW Suite 600 Washington, DC 2001	City of Philadelphia Philadelphia County	Delaware River WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC510116	PolySAT Incorporated 7240 State Road Philadelphia, PA 19135-1412	City of Philadelphia Philadelphia County	Pompeston Creek— Delaware River WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC510165	Amazon 300 Boren Avenue Seattle, WA 98109-5305	City of Philadelphia Philadelphia County	Schuylkill River WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

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<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Facility Location: Municipality & County</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
PAC510152	Soz De Ave Apartments Owner, LLC 2301 Washington Avenue Suite 111 Philadelphia, PA 19146	City of Philadelphia Philadelphia County	Delaware River WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC230145	Ray Iacobucci 1 Raymond Drive Havertown, PA 19083	Chester Heights Borough Delaware County	Chester Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC230149	Sarah Peck 125 Stafford Avenue Wayne, PA 19047	Nether Providence Township Delaware County	Vernon Run TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
PAC230158	Robert Riegel 50 East Eagle Road Havertown, PA 19083	Haverford Township Delaware County	Cobbs Creek Naylor's Run WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Gillian Ostrum, Clerk Typist 2, 570-830-3077.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone Number</i>
PAC400165 Authorization/ Issuance	Kirk Farrelly Mtn Top (Nuangola) Dg, LLC 361 Summit Blvd Ste 110 Birmingham, AL 35243	Luzerne	Rice Twp	Nuangola Creek (CWF, MF)	Luzerne Conservation District 325 Smiths Pond Road Shavertown, PA 18708 570-674-7991
PAC400175 Authorization/ Issuance	Stephen Maakestad Mericle Humboldt 40, LLC 100 Baltimore Dr Wilkes-Barre, PA 18702	Luzerne	Hazle Twp	UNT to Catawissa Creek (CWF, MF) UNT to Tomhicken Creek (CWF, MF)	Luzerne Conservation District 325 Smiths Pond Road Shavertown, PA 18708 570-674-7991
PAC480104 Authorization/ Issuance	Aaron Tucker Hester at Washington LLC 57 Brand Ave Ste 200 Clark, NJ 07066	Northampton	Washington Twp	Oughoughton Creek (CWF, MF)	Northampton County Conservation District 14 Gracedale Ave Greystone Building Nazareth, PA 18064-9211 610-829-6276

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Southcentral Region: Waterways and Wetlands Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone Number</i>
PAC010143 Issued	Columbia Gas of PA 1600 Colony Road York, PA 17408	Adams	Cumberland Township	UNT Willoughby Run (WWF)	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325-3404 717.334.0636
PAC050042 Issued	Justin Martin 641 Manspeaker Road Saxton, PA 16678	Bedford	Liberty Township	UNT Raystown Branch Juniata River (WWF)	Bedford County Conservation District 702 West Pitt Street Suite 4 Bedford, PA 15522 814.623.7900, ext. 4
PAC060254 Issued	Flex Membrane International Corp. 2670 Leisczs Bridge Road Unit 400 Leesport, PA 19533-9433	Berks	Ontelaunee Township	Schuylkill River (WWF)	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 610.372.4657
PAC210068 A-1 Issued	S&A Homes, Inc. 2121 Old Gatesburg Road State College, PA 16803	Cumberland	Carlisle Borough	UNT Conodoguinet Creek (WWF, MF)	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013-9101 717.240.7812
PAC280193 Issued	JLG Industries 1 JLG Drive McConnellsburg, PA 17233	Franklin	Antrim Township	UNT Conococheague Creek (CWF)	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717.264.5499
PAC280213 Issued	Snowberger Homes 10880 Rinehart Drive Waynesboro, PA 17268	Franklin	Washington Township	UNT Falls Creek (WWF)	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717.264.5499
PAC280163 Issued	2017 Greenount Road, LLC 11535 Hopewell Road Hagerstown, MD 21740	Franklin	Antrim Township	UNT Conococheague Creek (CWF, MF)	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717.264.5499

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone Number</i>
PAC360545 Issued	David Charles 141 Oakridge Drive Mountville, PA 17554	Lancaster	West Lampeter Township	Big Spring Run (WWF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC360519 Issued	McDonalds USA LLC 110 North Carpenter Street Chicago, IL 60607-2101	Lancaster	West Donegal Township	UNT 08283 Conoy Creek (TSF, MF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC360538 Issued	Caernarvon Township 2139 Main Street Narvon, PA 17555	Lancaster	Caernarvon Township	Conestoga River (WWF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC360533 Issued	Patrick Tell 18 Richard Drive Lititz, PA 17543	Lancaster	Manheim Township	Bachman Run (TSF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC360464 Issued	Ajesh Patel 3737 Route 46 East Parsippany, NJ 07054	Lancaster	Manheim Township	Little Conestoga Creek (TSF, MF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC360234 A-1 Issued	Mark & Jessica Graybill 1140 Union School Road Mount Joy, PA 17522	Lancaster	East Donegal Township	Little Chiques Creek (TSF, MF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC360501 Issued	Aaron & Marian Lapp, Jr. 25 Pequea Valley Road Kinzers, PA 17535	Lancaster	Paradise Township	Houston Run (CWF, MF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361, ext. 5
PAC670415 Issued	Paul K. Miller 16098 Sawmill Road Stewartstown, PA 17363	York	Hopewell Township	UNT Deer Creek (CWF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717-840-7430

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Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Facility Location: Municipality & County</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
PAC140106	Moshannon Valley EMS 14 West Locust St Philipsburg, PA 16866	Rush Twp Centre County	Cold Stream CWF	Centre County Conservation District 414 Holmes Ave Ste 4 Bellefonte, PA 16823 (814) 355-6817
PAC190043	Landmark Signature Homes 138 Arbutus Park Rd Bloomsburg, PA 17815	Hemlock Twp	Columbia County	Little Fishing Creek Columbia County Conservation District 702 Sawmill Rd Ste 204 Bloomsburg, PA 17815 (570) 784-1310 X 102
PAC470022	DRIVE 418 Railroad St Suite 101 Danville, PA 17821	Danville Boro Montour County	Susquehanna River WWF, MF	Montour County Conservation District 14 E Mahoning St Danville, PA 17821 (570) 271-1140
PAC470021	Geisinger Medical Center 100 North Academy Ave Danville, PA 17822	Mahoning Twp Montour County	Mahoning Creek CWF, MF	Montour County Conservation District 14 E Mahoning St Danville, PA 17821 (570) 271-1140

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

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Facility Location: Municipality & County</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
PAC200070	Big Heart Pet Brands Inc. 18746 Mill Street Meadville, PA 16335	Vernon Township Crawford County	French Creek WWF	Crawford County Conservation District 21742 German Road Meadville, PA 16335 814-763-5269
PAC250029	Erie Veterans Affairs Medical Center 135 West 38th Street Erie, PA 16504	City of Erie Erie County	Mill Creek WWF-MF	Erie County Conservation District 1927 Wager Road Erie, PA 16509 814-825-6403
PAC100188	PaDOT District 10 2550 Oakland Avenue Indiana, PA 15701	Middlesex Township Butler County	Glade Run WWF, UNT to Glade Run WWF	Butler County Conservation District 120 Hollywood Drive Suite 201 Butler, PA 16001 724-284-5270
PAC100167	America First Enterprises LP 1768 North Main Street Butler, PA 16001	Forward Township Jackson Township Evans City Butler County	UNT to Breakneck Creek WWF	Butler County Conservation District 120 Hollywood Drive Suite 201 Butler, PA 16001 724-284-5270

General Permit Type—PAG-03

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

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Facility Location: Municipality & County</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
PAG034870 Issued	Select Energy Services, LLC 701 Industrial Parkway Muncy, PA 17756-6665	Muncy Creek Township Lycoming County	Muncy Creek (TSF, MF)—10-D	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101 Williamsport, PA 17701-6448 570.327.3636

*General Permit Type—PAG-08**Southeast Region: 2 East Main Street, Norristown, PA 19401.*

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Municipality & County</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
PAG080021	Souderton Borough 31 West Summit Street Souderton, PA 18964	Souderton Borough Montgomery County	Souderton Wastewater Treatment Plant Cowpath Road Souderton, PA 18964	Southeast Region Clean Water 484.250.5970

Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, Email: RA-EPNPDES_SCRO@pa.gov.

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Facility Location:</i>	<i>Municipality & County</i>	<i>Contact Office & Phone No.</i>
PAG-08-3605	City of Lancaster Wastewater Treatment Plant 1220 New Danville Pike Lancaster, PA 17603	City of Lancaster Wastewater Treatment Plant 1220 New Danville Pike Lancaster, PA 17603	Lancaster Township Lancaster County	Southcentral Region— Clean Water 717-705-4707

STATE CONSERVATION COMMISSION**NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs**

The State Conservation Commission has taken the following actions on previously received applications for nutrient management plans under 3 Pa.C.S. Chapter 5, for agricultural operations that have or anticipate submitting applications for new, amended or renewed NPDES permits or NOIs for coverage under a general permit for CAFOs under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Persons aggrieved by an action may appeal under 3 Pa.C.S. § 517, section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704 to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30-days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decision law.

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

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

NUTRIENT MANAGEMENT PLAN**CAFO PUBLIC NOTICE SPREADSHEET—ACTIONS**

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>AEU's</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Garret & Darren Moyer 1200 Red Bank Road Middleburg, PA 17842	Snyder	164	809.77	Dairy/Swine	NA	Approved
Creek Bottom Farms Michael Snook 1510 White Church Road Middleburg, PA 17842	Snyder	320	594.52	Dairy/Swine	NA	Approved
Pigeon Hill Farms LLC 9078 Orchard Road Spring Grove, PA 17362	York	32.3	399.85	Poultry (Pullets) and Steers	NA	Approved

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).

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. 3920501, Public Water Supply.

Applicant	South Whitehall Township Authority 4444 Walbert Avenue Allentown, PA 18104
Township and County	South Whitehall Township Lehigh County
Responsible Official	Gerald Charvala Authority Assistant Manager 4444 Walbert Avenue Allentown, PA 18104
Type of Facility	PWS
Consulting Engineer	William T. Orlowsky, PE Spotts, Stevens and McCoy 1047 N Park Road P.O. Box 6307 Reading, 19610-0307
Permit Issued Date	June 30, 2020

Permit No. 3520510MA, Construction Permit, Public Water Supply.

Applicant	Pennsylvania American Water Company 852 Wesley Drive Mechanicsburg, PA 17055
Municipality	South Abington Township and the City of Scranton
County	Lackawanna
Type of Facility	Public Water Supply
Consulting Engineer	Richard C. Dudek, P.E. Pennsylvania American Water Company 2699 Stafford Avenue Scranton, PA 18505

Permit to Construct Issued	June 23, 2020
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Description of Action	Pump station modification projects at three locations.
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Permit No. 2400104, Operation Permit, Public Water Supply.

Applicant	Aqua Pennsylvania, Inc. 762 W. Lancaster Avenue Bryn Mawr, PA 19010
Municipality	Kingston Township
County	Luzerne
Type of Facility	Aqua PA Midway Water System
Public Water Supply	Consultant Steven R. Read, P.G. Read & Associates, LLC 10 Field Stone Drive Mechanicsburg, PA 17050
Permit Issued	June 30, 2020

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

Permit No. 2219509, Public Water Supply.

Applicant	SUEZ Water PA, Inc.
Municipality	Susquehanna Township
County	Dauphin
Responsible Official	John D. Hollenbach General Manager 4211 East Park Circle Harrisburg, PA 17111-0151
Type of Facility	Relocation of chemical injection points and the installation of a UV disinfection system for additional log inactivation credit under the LT2 enhanced surface water treatment rule at Suez's 6th Street WTP.
Consulting Engineer	Justin J. Mendinsky, P.E. Herbert, Rowland & Grubic Inc. 369 East Park Drive Harrisburg, PA 17111
Permit to Construct Issued	July 7, 2020

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	The permitting of an existing Water Storage Tank, originally constructed in 1993, and upgrades to an existing booster chlorination station.

Consulting Engineer William P. Utzman, P.E.
Morris Knowles and
Associates Inc.
443 Athena Drive
Delmont, PA 15626

Permit to Construct June 12, 2020
Issued

Permit No. 3419501, Public Water Supply.
Applicant **McAlisterville Area Joint
Authority**
Municipality Fayette Township
County **Juniata**
Responsible Official Cory S. Fronk, Manager
P.O. Box 61
McAlisterville, PA 17049
Type of Facility Rehabilitation of the Tennis
Springs.

Consulting Engineer Brian L. Book, P.E.
cb3 Solutions, LLC
1161 Seibert Road
Bellefonte, PA 16823

Permit to Construct June 18, 2020
Issued

Permit No. 0620501, Public Water Supply.
Applicant **Giorgi Mushroom Company,
Farm 3, Plant 5**

Municipality Muhlenberg Township
County **Berks**
Responsible Official Jeremy Lawson, Farm 3
Manager
1161 Park Road (rear)
Reading, PA 19605

Type of Facility The installation of cation
exchange for hardness removal,
anion exchange for nitrate
removal, and cartridge filtration
for Well 3-51.

Consulting Engineer Katherine E. Cirone, P.E.
Liberty Environmental Inc.
315 West James Street
Suite 205
Lancaster, PA 17603

Permit to Construct June 29, 2020
Issued

Permit No. 0620503, Public Water Supply.
Applicant **Giorgi Mushroom Farm 3
Plants 3 & 4**

Municipality Muhlenberg Township
County **Berks**
Responsible Official Jeremy Lawson, Farm 3
Manager
1161 Park Road (rear)
Reading, PA 19605

Type of Facility The installation of cation
exchange for hardness removal,
anion exchange for nitrate
removal, and cartridge filtration
for Well 3-41.

Consulting Engineer Katherine E. Cirone, P.E.
Liberty Environmental Inc.
315 West James Street
Suite 205
Lancaster, PA 17603

Permit to Construct June 29, 2020
Issued

Permit No. 2120505 MA, Minor Amendment, Public
Water Supply.

Applicant **Shippensburg Borough
Authority**
Municipality Southampton Township
County **Cumberland**
Responsible Official Kevin Plasterer
Authority Secretary
111 North Fayette Street
P.O. Box 129
Shippensburg, PA 17257-0129

Type of Facility Well No. 1 Disinfection
Modifications

Consulting Engineer Dennis Hammaker, P.E.
RETTEW Associates, Inc.
3020 Columbia Avenue
Lancaster, PA 17603

Permit to Construct July 1, 2020
Issued

Permit No. 3620510 MA, Minor Amendment, Public
Water Supply.

Applicant **East Petersburg Borough**
Municipality East Petersburg Borough
County **Lancaster**
Responsible Official Scott Liggins
Chief Operator
6040 Main Street
East Petersburg, PA 17520

Type of Facility Filter and chemical feed
modifications

Consulting Engineer Bryan Panther, P.E.
ARRO Consulting Inc.
108 West Airport Road
Lititz, PA 17543

Permit to Construct June 22, 2020
Issued

Operation Permit No. 4416501 MA issued to: **New-
ton Hamilton Borough (PWS ID No. 4440013)**, New-
ton Hamilton Borough, **Mifflin County** on July 9, 2020
for facilities approved under Construction Permit No.
4416501 MA.

Operation Permit No. 0618501 issued to: **Giorgio
Foods, Inc. (PWS ID No. 3060809)**, Maiden creek Town-
ship, **Berks County** on June 26, 2020 for facilities
approved under Construction Permit No. 0618501.

Operation Permit No. 0618511 MA issued to:
Giorgio Foods, Inc. (PWS ID No. 3060809), Maiden-
creek Township, **Berks County** on June 26, 2020 for
facilities approved under Construction Permit No.
0618511 MA.

Operation Permit No. 3620504 issued to: **Pepe's
Pizza (PWS ID No. 7360746)**, Clay Township, **Lan-
caster County** on June 18, 2020 for facilities approved
under Construction Permit No. 3620504.

Operation Permit No. 3619507 issued to: **Leola Sewer Authority (PWS ID No. 9360140)**, Upper Leacock Township, **Lancaster County** on June 25, 2020 for facilities approved under Construction Permit No. 3619507.

Comprehensive Operation Permit No. 7360123 issued to: **Columbia Water Company (PWS ID No. 7360123)**, Columbia Borough, **Lancaster County** on July 8, 2020 for the operation of facilities approved under Construction Permit No. 7360123.

Operation Permit No. 6719512 issued to: **The York Water Company (PWS ID No. 7670100)**, Shrewsbury Township, **York County** on July 9, 2020 for facilities approved under Construction Permit No. 6719512.

Northcentral Region: Safe Drinking Water Program Manager, 208 West Third Street, Williamsport, PA 17701.

Permit No. 4120501, Construction, Public Water Supply.

Applicant	Bimbo Bakeries USA, Inc. 3375 Lycoming Creek Road Williamsport, PA 17701
Borough or Township	Old Lycoming Township
County	Lycoming County
Type of Facility	Public Water Supply— Construction
Consulting Engineer	Mr. Dan Hopkins, P.E. Entech Engineering, Inc. P.O. Box 32 Reading, PA 19603

Operations Permit issued to: **Miller Group Holdings, LP**, 950 East Main Street, Schuylkill Haven, PA 17972, **PWSID No. 6530313** Sweden Township, **Potter County** on July 8, 2020 for the operation of facilities approved under construction permit # 5319501. This permit authorizes operation of the new nontransient noncommunity public water system at Coudersport State Police Barracks. This approval includes Well No. 1 as a source of supply, a transmission line, one hydropneumatic tank, caustic soda and sodium hypochlorite chemical feed systems, two 80-gallon detention tanks, two Greensand Plus filters for iron and manganese removal, and the distribution system.

Southwest Region: Safe Drinking Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Permit No. 0220501, Major Amendment, Public Water Supply.

Applicant	West Penn Allegheny Health System, Inc. AHN Wexford Hospital 12351 Perry Highway Wexford, PA 15090
Borough or Township	Pine Township
County	Allegheny
Type of Facility	Water system
Consulting Engineer	Barclay Water Management, Inc. 55 Chapel Street Suite 400 Newton, MA 02458
Permit Issued	June 5, 2020

Permit No. 6520501, Major Amendment, Public Water Supply.

Applicant	Municipal Authority of the City of New Kensington 920 Barnes Street P.O. Box 577 New Kensington, PA 15068
Borough or Township	Upper Burrell Township
County	Westmoreland
Type of Facility	Alcoa Tanks # 1 & # 2
Consulting Engineer	Gibson-Thomas Engineering Co., Inc. 1004 Ligonier Street P.O. Box 853 Latrobe, PA 15650
Permit Issued	June 5, 2020

Permit No. 1120501MA, Minor Amendment, Public Water Supply.

Applicant	Carrolltown Borough Municipal Authority 140 East Carroll Street P.O. Box 307 Carrolltown, PA 15722
Borough or Township	East Carroll Township
County	Cambria
Type of Facility	Waterline
Consulting Engineer	Keller Engineers, Inc. 420 Allegheny Street P.O. Box 61 Hollidaysburg, PA 16648
Permit Issued	June 5, 2020

Permit No. 0220507MA, Minor Amendment, Public Water Supply.

Applicant	Findlay Township Municipal Authority P.O. Box 409 Clinton, PA 15026
Borough or Township	Findlay Township
County	Allegheny
Type of Facility	PAWC interconnection, transmission main
Consulting Engineer	KLH Engineers, Inc. 5173 Campbells Run Road Pittsburgh, PA 15205
Permit Issued	July 2, 2020

Permit No. 3020501MA, Minor Amendment, Public Water Supply.

Applicant	Southwestern Pennsylvania Water Authority 1442 Jefferson Road P.O. Box 187 Jefferson, PA 15344
Borough or Township	Cumberland Township
County	Greene
Type of Facility	Chemical feed system
Consulting Engineer	Bankson Engineers, Inc. Suite 200 267 Blue Run Road Cheswick, PA 15024
Permit Issued	July 2, 2020

Operations Permit issued to: **Municipal Authority of Westmoreland County**, 124 Park & Pool Road, New Stanton, PA 15672, **PWSID No. 5020025**, City of McKeesport, **Allegheny County** on June 29, 2020 for the operation of facilities approved under construction permit # 0218519 for the rehabilitated Alpine # 1 Tank including painting, a mixer and power ventilation system.

Operations Permit issued to: **Ambridge Water Authority**, P.O. Box 257, 600 Eleventh Street, Ambridge, PA 15003, **PWSID No. 5040008**, Ambridge Borough, **Beaver County** on July 2, 2020 for the operation of facilities approved under construction permit #0479501-C1 for designation of water quality performance requirements.

Operations Permit issued to: **Highland Sewer & Water Authority**, 120 Tank Drive, Johnstown, PA 15904, **PWSID No. 4110017**, Beaverdale, Dunio, Sidman, South Fork & Summerhill Townships, **Cambria County** on July 1, 2020 for the operation of facilities approved under construction permit # 1118508 for a mixing system in Tank # 2; improvements to the intake tower in the Beaverdam Reservoir; approximately 9,300 feet of waterline and a meter vault in South Fork.

Operations Permit issued to: **Beaver Falls Municipal Authority**, 1425 8th Avenue, Beaver Falls, PA 15010, **PWSID No. 5040012**, Eastvake Borough, **Beaver County** on July 8, 2020 for the operation of facilities approved under construction permit # 0419512MA for the rehabilitated Filters # 3 & # 6 at the Eastvale Water Treatment Plant.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION UNDER ACT 2, 1995

PREAMBLE 2

The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.908).

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P.S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the environmental cleanup program manager in the Department Regional Office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the community relations coordinator at the appropriate Regional Office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

Southeast Region: Environmental Cleanup & Brownfields Program Manager, 2 East Main Street, Norristown, PA 19401.

Delaware Generating Station, 1325 North Broad Street, City of Philadelphia, **Philadelphia County**. Mark Fortna, Penn E&R, 2755 Bergey Road, Hatfield, PA 19440 on behalf of Tony Bates, L-A Battery QOZ, LLC, 2400 Market Street, Suite 301, Philadelphia, PA 19103 submitted a Remedial Investigation Report/Cleanup Plan/Risk Assessment Report concerning remediation of site soil and groundwater contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Cross Residence, 8 Holland Drive, Chalfont Borough, **Bucks County**. Richard D. Trimpi, PG, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073 on behalf of Timothy Schea, 8 Holland Drive, Chalfont, PA 18914-2702 submitted a 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 Statewide Health Standard.

301 Jacksonville Road, 301 Jacksonville Road, Hatboro Borough, **Montgomery County**. Michael D. Lattanze, Penn E&R, 2755 Bergey Road, Hatfield, PA 19440 on behalf of Edward F. Moser, The Moser Group, 101 Stewart Lane, Chalfont, PA 18914 submitted a Risk Assessment Report/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.

225 Lincoln Highway, 225 Lincoln Highway, Falls Township, **Bucks County**. Matthew J. Brainard, BrightFields Inc., 801 Industrial Street, Wilmington, DE 19801-4368 on behalf of Bill Koelewyn, 225 Lincoln Properties, L.P., 225 Lincoln Highway, Suite 150, Fairless Hills, PA 19030 submitted a Risk Assessment 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.

Parkwood Fill Site, Dunks Ferry Road and Mechanicsville Road, City of Philadelphia, **Philadelphia County**. Jennifer L. Gresh, P.G., Duffield Associates, Inc., 211 North 13th Street, Suite 702, Philadelphia, PA 19107 on behalf of Daniel Harkins, Philadelphia Department of Public Property, City Hall-Room 784, Philadelphia, PA 19107 submitted a Remedial Investigation Report/Risk Assessment Report concerning remediation of site Soil contaminated with inorganics, VOCs, SVOCs, PCBs, and pesticides. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Tunnel Road Property, 1225 Tunnel Road, Perkasio Borough, **Bucks County**. Philip Schiebel, Barry Isett & Associates, 85 South Route 100, Allentown, PA 18106 on behalf of Carmen Carosella, Jupiter Property Management, LLC, 11401 Roosevelt Boulevard, Philadelphia, PA 19154 submitted a Remedial Investigation/Final Report

concerning remediation of site soil contaminated with mercury. The report is intended to document remediation of the site to meet the Site-Specific Standard.

1022 Lancaster Avenue, 1022 Lancaster Avenue, East-town Township, **Chester County**. Gilbert J. Marshall, PG, Marshall Geoscience, Inc., 170 1st Avenue, Collegeville, PA 19426 on behalf of Stacey Ballard, Ernest C. Eadeh Revocable Deed of Trust, 511 Old Lancaster Road, Suite 8, Berwyn, PA 19312 submitted a Final Report concerning remediation of site soil contaminated with benzene, ethylbenzene, isopropyl benzene, MTBE, naphthalene, toluene, 1,2,4-trimethylbenzene, and 1,3,5-trimethylbenzene. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Northeast Region: Environmental Cleanup & Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Chestnut Ridge at Rodale (former Rodale Corporate HQ), 400 South 10th Street, Emmaus, PA 18049 Emmaus Borough, **Lehigh County**. Barry Isett & Associates, 85 South Route 100, Allentown, PA 18106, on behalf of Phoebe Richland Health Care Center, 1925 Turner Street, Allentown, PA 18104, submitted a Risk Assessment concerning remediation of soil contaminated with Arsenic, Beryllium, Cadmium, Lead, and Thallium from a historic iron mine that was later used as the Emmaus Borough dump. The report is intended to document remediation of the site to meet Site-Specific Standards.

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

Lincoln Nursery Corporation, 1022-1098 Lincoln Road, Birdsboro, PA 19508, Exeter Township, **Berks County**. Environmental Maintenance Company, Inc., 1420 East Mermaid Lane, Glenside, PA 19038, on behalf of Borough of South Coatesville, 136 Modena Road, South Coatesville, PA 19320, and Lincoln Nursery Corporation, P.O. Box 264, Birdsboro, PA 19508, submitted a Final Report concerning remediation of site soil and groundwater contaminated with hydraulic oil from a truck accident. The Final Report is intended to document remediation of the site to meet the Residential Statewide Health 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:

Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.

Former Ardmore MGP Site—Greenfield Avenue, 44 Greenfield Avenue, Lower Merion Township, **Montgomery County**. Bruce Middleman, P.G., Stantec Consulting Services, Inc., 400 Davis Drive, Suite 400, Plymouth Meeting, PA 19462 on behalf of Peter Farrand, PECO Energy, 2301 Market Street, S7-2, Philadelphia, PA 19103 submitted a Cleanup Plan/Remedial Investigation Report/Final Report concerning the remediation of site groundwater contaminated with unleaded gasoline. The Report was reviewed by the Department which issued a technical deficiency letter on June 29, 2020.

1131—1339 S. Juniper Street, 1131—1339 S. Juniper Street, City of Philadelphia, **Philadelphia County**. Jennifer Poole, P.G., Pennoni, 1900 Market Street, Suite 300, Philadelphia, PA 19103 on behalf of David Landskroner, Hightop Real Estate and Development, 448 North 10th Street, Suite 303, Philadelphia, PA 19123 submitted a Final Report concerning the remediation of site soil and groundwater contaminated with ethylbenzene, xylenes, 1,2,4-trimethylbenzene and 1,3,5-trimethylbenzene and benzene. The Final Report demonstrated attainment of the non-residential site-specific standard and was approved by the Department on June 26, 2020.

Wawa Store No. 160, 761 Gap Newport Pike, London Grove Township, **Chester County**. Geoff Kristof, P.G., Aquaterra Technologies, Inc., 122 South Church Street, West Chester, PA 19382 on behalf of Joseph W. Standen, Jr., P.G., Wawa, Inc., 260 W. Baltimore Pike, Wawa, PA

19063 submitted a Final Report concerning the remediation of site soil contaminated with unleaded gasoline. The Final Report demonstrated attainment of the residential Statewide health standard and was approved by the Department on June 18, 2020.

D. Craig Goodman Property, 461 Old Reading Pike, West Pottsgrove Township, **Montgomery County**. Andrew Markowski, P.G., Patriot Environmental Management, LLC, 2404 Brown Street, Pottstown, PA 19464 on behalf of Kevin Silverang, SDC SMKOZ, LLC, 900 East 8th Avenue, Suite 300, King of Prussia, PA 19406 submitted a Final Report concerning the remediation of site soil and groundwater contaminated with No. 2 fuel oil and unleaded gasoline. The Final Report demonstrated attainment of the non-residential Statewide health standard and was approved by the Department on June 18, 2020.

Northeast Region: Environmental Cleanup & Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

3222 Bingen Road, 3222 Bingen Road, Bethlehem, PA 18015, Lower Saucon Township, **Northampton County**. JMT Industrial & Environmental Contracting Services, 710 Uhler Road, Easton, PA 18040, on behalf of REI Holdings LLC, 1866 Auburn Street, Bethlehem, PA 18015, submitted a Final Report concerning remediation of soil contaminated by heating oil that was released from an aboveground storage tank. The report documented remediation of the site to meet Statewide Health Standards and was approved by DEP on July 14, 2020.

1205 Russell Avenue, 1205 Russell Avenue, Bethlehem, PA 18015, Fountain Hill Borough, **Lehigh County**. Crawford Environmental Services, 20 Cardinal Drive, Birdsboro, PA 19508, on behalf of J&N REI II LLC, 2228 Redwood Drive, Slatington, PA 18080, submitted a Final Report concerning remediation of soil contaminated by heating oil that was released from the piping of an underground storage tank. The report documented remediation of the site to meet Statewide Health Standards and was approved by DEP on July 14, 2020.

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

Former Kwik-Fill Station S-036, 2265 South Queen Street, York, PA 17402, York Township, **York County**. GES, Inc., 301 Commerce Park Drive, Cranberry Township, PA 16066, on behalf of United Refining Company of Pennsylvania, 814 Lexington Avenue, P.O. Box 688, Warren, PA 16365, Ricke Brothers Enterprises, 4449 Lincoln Highway, 17406, submitted a Remedial Investigation and Risk Assessment Report concerning remediation of site soil and groundwater contaminated with a historic release of unleaded gasoline. The Report was disapproved by the Department on July 1, 2020.

Former Danskin Factory, 300 North State Street, York, PA 17403, York City, **York County**. ECS Mid-Atlantic, LLC, ECS Mid-Atlantic, 56 Grumbacher Road, Suite D, York, PA 17406, on behalf of Pennrose, LLC, One Brewery Park, 1301 North 31st Street, Philadelphia, PA 19121, City of York, 101 South George Street, York, PA 17405, submitted a combined Remedial Investigation Report, Risk Assessment Report, and Cleanup Plan concerning remediation of site soil and groundwater contaminated with heating oil. The combined Report/Plan was disapproved by the Department on July 1, 2020.

Birdsboro Power LLC, 1 Armorcast Road, Birdsboro, PA 19508, Borough of Birdsboro, **Berks County**. AMO Environmental Decisions, Inc., on behalf of Kiewit Power

Constructions Company, 9401 Renner Boulevard, Lenexa, KS 66219, submitted a Final Report concerning remediation of site soil contaminated with metals, polychlorinated biphenyls (PCBs), chlorinated solvents and volatile organic compounds (VOCs). The Final Report demonstrated attainment of the non-residential Statewide Health Standard and was approved by the Department on July 1, 2020.

United Former National Bank, 501 Penn Street, Huntingdon, PA 16652, Huntingdon Borough, **Huntingdon County**. CORE Environmental Services, Inc., 5 Brookstone Plaza, Morgantown, WV 26508, on behalf of First Commonwealth Bank, 111 South Main Street, P.O. Box 760, Greensburg, PA 15601, submitted a Remedial Investigation Report, Risk Assessment, and Final Report concerning remediation of site soil which achieved the Residential Statewide Health Standard for Number 2 fuel oil, and groundwater which achieved the Site-Specific Standard for Number 2 fuel oil. The combined Final Report demonstrated attainment of both standards and was approved by the Department on June 25, 2020.

23 Surrey Lane, 23 Surrey Lane, Mechanicsburg, PA 17050, Silver Spring Township, **Cumberland County**. Crawford Environmental, 20 Cardinal Drive, Birdsboro, PA 19508, on behalf of Leading Edge Investigations, P.O. Box 3488, Suwanee, GA, 30024, and Michael and Melissa Brion, 23 Surrey Lane, Mechanicsburg, PA 17050, submitted a Final Report concerning remediation of site soil contaminated with Jet-A fuel from a helicopter crash. The Final Report demonstrated attainment of the Residential Statewide Health Standard and was approved by the Department on July 7, 2020.

AIR QUALITY

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 Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2531.

Chrin Brothers Inc. (1225 Industrial Drive, Easton, PA 18042) issued on July 7, 2020 for the expansion of the landfill area at the site located in Williams Twp., **Northampton County**.

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.

36-03213A: Scantron Corporation (3975 Continental Drive, Columbia, PA 17512-9779) on July 7, 2020, for the operation of a digital inkjet printing press, ten non-heatset offset lithographic printing presses and a cold degreaser in West Hempfield Township, **Lancaster County**.

01-05037D: Gettysburg Energy & Nutrient Recovery Facility, LLC (3917 Oxford Road, York Springs, PA 17372) on July 7, 2020, for the reactivation and modification of the Gettysburg Energy & Nutrient Recovery Facility located in Tyrone Township, **Adams County**. The

permit will require that the facility continue use of previously permitted air pollution control equipment, as well as 1.) add to a dry sorbent injection (DSI) system to control HCL, SO_x, condensable particulate matter, and dioxin/furan emissions from the main plant stack, and 2.) add a wet scrubber to control ammonia emissions from the dryer stack, and 3.) add a baghouse to control filterable particulate emissions from the dryer stack.

36-05140H: Valley Proteins, Inc. (693 Wide Hollow Road, East Earl, PA 17519) on July 7, 2020, for the construction of a 33.5 MMBtu/hr boiler for the Terre Hill rendering plant located in East Earl Township, **Lancaster County**.

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

Contact: Muhammad Q. Zaman, Program Manager, (570) 327-3648.

17-00071B: Continental Carbonic Products, Inc. (3985 East Harrison Avenue, Decatur, IL 62526) on July 14, 2020, the Department of Environmental Protection issued the plan approval for the modification to expand production of the CO₂ Recovery/Dry Ice Production plant in Clearfield Borough, **Clearfield County**.

Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

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

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

46-0295A: Airgas USA LLC (107 Park Drive, Montgomeryville, PA 18936-9613) on July 6, 2020 for construction and operation of a spray booth to coat compressed air cylinders at their location in Montgomery Township, **Montgomery County**.

15-0077A: Hanson Aggregates PA LLC (7660 Imperial Way, Allentown, PA 18195) on July 6, 2020 for replacing an existing fabric filter with wet suppression on an existing tertiary crusher, downstream screen and associated transfer points in East Caln Township, **Chester County**.

46-0289A: Scott Contractors Inc. (2939 Felton Road, Norristown, PA 19401-1359) on July 6, 2020 for the installation of a portable non-metallic mineral processing plant with a portable crusher powered by a non-road diesel engine located in East Norriton Township, **Montgomery County**.

23-0027A: Eastern Concrete Materials (250 Pehle Avenue Place One, Ste 503, Saddle Brook, NJ 07663-5830) on July 10, 2020 for the installation and operation of a Crushing Plant, a Screening Plant and associated engines (Source IDs 107 and 108), to be used to recycle waste concrete into saleable products at their location in Darby Township, **Delaware County**.

15-0110B: Pepperidge Farm Inc. (421 Boot Road, Downingtown, PA 19335-3043) on July 10, 2020 for the installation and operation of two (2) 25-ton capacity use bins with vent filters for deliveries of flour to Pepperidge Farm, Inc. The facility is located in Downingtown Borough, **Chester County**.

23-0009K: The Boeing Co. (P.O. Box 16858, MC PO1-29, Philadelphia, PA 19142-0858) on July 10, 2020

for the construction of the equipment to support the Common Configuration Readiness and Modernization (CCRAM) program at their facility in Ridley Township, **Delaware County**.

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

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

28-05002J: Letterkenny Army Depot—US Department of Defense (One Overcash Avenue, Chambersburg, PA 17201) on July 9, 2020, to construct a new AP Rocket Motor Destruction (ARMD) Facility within the Letterkenny Munitions Center ammunition storage area, at the Letterkenny Army Depot in Greene/Letterkenny Townships, **Franklin County**. Air emissions from the ARMD will be controlled by a wet scrubber system, followed by an ADIOX packed bed scrubber tower absorption system. The plan approval was extended.

28-05002S: Letterkenny Army Depot (One Overcash Avenue, Chambersburg, PA 17201) on July 10, 2020, for the permanent shutdown and removal of the Regenerative Thermal Oxidizer (RTO), which has functioned as a VOC control device for four coating booths operating inside Building 350, and for the rework of the ventilation system for the coating booths at the Letterkenny Army Depot located in Letterkenny Township, **Franklin County**. The plan approval also revised the facility's existing PAL provisions. The plan approval was extended.

06-05154A: Birdsboro Power LLC (1 Armocast Road, Birdsboro, PA 19508) on July 10, 2020, for the construction of a natural gas-fired combined cycle electric generation facility located in Birdsboro Borough, **Berks County**. The facility is designed to generate up to 450 MW nominal using a combustion turbine generator and a heat recovery steam generator that will provide steam to drive a steam turbine generator. The heat recovery steam generator will be equipped with a natural gas-fired duct burner to supplement power output. The turbine is rated at 2,944 MMBtu/hr and the duct burner is rated at 500 MMBtu/hr. A selective catalytic reduction (SCR) system and oxidation catalyst in series will control NO_x, CO and VOC. The proposed project will also include a diesel emergency generator, a diesel emergency fire pump and an evaporative cooling tower. The plan approval was extended.

06-05154B: Birdsboro Power LLC (1 Armocast Road, Birdsboro, PA 19508) on July 10, 2020, for the modification of plan approval 06-05154A, which was issued for the construction of a natural gas-fired combined cycle electric generation facility located in Birdsboro Borough, **Berks County**. The plan approval modification removed duct burner emissions and hours of operation restrictions since the duct burners will not be installed. Also, it removed the startup/shutdown hours of operation restrictions. The plan approval was extended.

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

Contact: Muhammad Q. Zaman, Program Manager, (570) 327-3648.

49-00064A: Milton Sewer Regional Authority (5585 State Route 405, P.O. Box 433, Milton, PA 17847), on July 7, 2020, to extend the authorization to operate the sources pursuant to the plan approval an additional 180 days from July 21, 2020 to January 17, 2021 at their

facility located in West Chilisquaque Township, **Northumberland County**. The plan approval has been extended.

14-00002N: Graymont (PA), Inc. (375 Graymont Rd., Bellefonte, PA 16823) was issued an extension to allow for continued operation of the natural gas-fired vertical lime kiln (Kiln 8) in Spring Township, **Centre County**, pending issuance of an operating permit for it and the other new sources associated with the Kiln 8 project. The extension is valid for 180 days to January 20, 2021.

14-00002P: Graymont (PA), Inc. (375 Graymont Rd., Bellefonte, PA 16823) was issued an extension to allow for continued operation of the natural gas-fired vertical lime kiln (Kiln 8) in Spring Township, **Centre County**, pending issuance of an operating permit for it and the other new sources associated with the Kiln 8 project. The extension is valid for 180 days to January 20, 2021.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.

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

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

09-00156: Oldcastle Lawn and Garden, Inc. (500 East Pumping Station Road, Quakertown, PA 18951) on July 6, 2020, for the renewal of a non-Title V (State Only) Operating Permit for the operation of six diesel engines and wood processing equipment located in Richland Township, **Bucks County**.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Contact: Norman Frederick, Facility Permitting Chief—Telephone: 570-826-2409.

66-00010: Regency Marcellus Gas Gathering, LLC (101 W Third St., Williamsport, PA 17701). The Department issued, on 7/8/20, a State-Only (Synthetic Minor) Operating Permit for operation of sources at a natural gas extraction facility in Washington Township, **Wyoming County**. The sources include eight (8) 2,370 HP compressor engines, one (1) 5 mmscf dehydration unit with associated reboiler, three (3) 12,600-gal produced water tanks, one (1) emergency natural gas-fired generator, and associated venting, piping, and components. Control devices include oxidation catalysts and a thermal oxidizer. The operating permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

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

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

06-05152: Titus Power LLC (315 Riegelsville Rd., Milford, NJ 08848-1888) on July 6, 2020, for the Titus electric generating station located in Cumru Township, **Berks County**. The State-Only Permit was renewed.

36-03138: Opsec Security, Inc. (1857 Colonial Village Lane, P.O. Box 1055, Lancaster, PA 17605-0155) on July

6, 2020, for the security printing facility located in East Lampeter Township, Lancaster County. The State-Only Permit was renewed.

67-03166: C&S Wholesale Grocers, Inc. (4875 N. Susquehanna Trail, York, PA 17406-8498) on July 10, 2020, for the generators at the warehouse facility in Conewago 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.

10-00265: Iron Mountain Information Management, LLC Boyers Facility (1137 Branchton Road, Boyers, PA 16020) on July 9, 2020, the Department issued a State Only Operating Permit renewal for the operation of 22 emergency generators located in Cherry Township, **Butler County**. The subject facility consists of 22 diesel emergency generators (ranging from 158—3,353 hp). The facility has the potential to emit 94.38 tpy NO_x, 44.21 tpy CO, 10.45 tpy VOC, 0.78 tpy SO_x, 2.998 tpy PM, 0.05 tpy HAPs, and 6.387.41 tpy CO₂. The facility is a natural minor and is subject to State Regulations and Federal Regulations (40 CFR Part 60 Subpart IIII and Part 63 ZZZZ). The permit includes additional operation requirements, monitoring requirements, and recordkeeping requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

43-00286: RW Sidley, Inc., Concrete Plant (3401 New Castle Rd, West Middlesex, PA 16159), on July 10, 2020, the Department issued the renewal of the State-Only Operating Permit of a concrete batch plant located in Shenango Township, **Mercer County**. Air contamination sources identified in the operating permit are the four (4) emission points of the concrete batch plant and a hot water plant. Based on its potential emissions, the facility is Natural Minor. In this renewal, the hot water plant is incorporated as a permitted source. To demonstrate compliance with applicable emission limits, monitoring requirements are added for two (2) emission points of the concrete batch plant.

Philadelphia: Air Management Services, 321 University Avenue, Philadelphia, PA 19104-4543.

Contact: Edward Wiener, Chief, Source Registration at 215-685-9426.

The City of Philadelphia, Air Management Services (AMS) issued on 7/9/2020 a renewal for a Natural Minor State Only Operating Permit for the following facility:

OP19-000012: Jefferson Center FKA Aramark Tower (1101 Market Street, Philadelphia, PA 19107) on July 9, 2020, was issued a State Only (Natural Minor) permit renewal for the operation of air emission in a commercial building leasing facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources are one (1) emergency generator firing No. 2 oil rated 700 kW and three (3) boilers, of which one (1) firing natural gas and not connected to any fuel oil tank rated 1.674 MMBtu/hr and two (2) firing natural gas primarily and No. 2 oil during periods of natural gas curtailment or for periodic testing, maintenance, or operator training each rated 9.959 MMBtu/hr.

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.

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

Contact: Muhammad Q. Zaman, Program Manager, 570-327-3648.

08-00010: Global Tungsten & Powders Corp. (1 Hawes Street, Towanda, PA 18848) on July 10, 2020, was issued a revised State Only (synthetic minor) Operating Permit for their facility located in North Towanda Township and Towanda Borough, **Bradford County**. The operating permit revision was issued in order to incorporate the terms and conditions of Plan Approvals 08-00010M and 08-00010N. The revised State Only Operating Permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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 Permit Issued

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900, (Contact: Melanie Wigfield).

Permit 56130109 and NPDES No. PA0279358. Berwind Coal Sales Co., 509 15th Street, Windber, PA 15963, permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Paint and Ogle Townships, **Somerset County**, affecting 316.7 acres. Receiving streams: unnamed tributaries to/and Paint Creek, Seese Run and Babcock Creek, classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: May 1, 2020. Permit issued: July 9, 2020.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118, (Contact: Theresa Reilly-Flannery).

Permit No. 13890201R6. Panther Creek Permitting, LLC (4 Dennison Road, Nesquehoning, PA 18240), renewal of an existing anthracite coal refuse reprocessing and preparation plant operation in Nesquehoning Borough, **Carbon County** affecting 76.8 acres. Receiving stream: Nesquehoning Creek. Application received: December 23, 2019. Renewal issued: July 9, 2020.

Permit No. 13890201C2. Panther Creek Permitting, LLC (4 Dennison Road, Nesquehoning, PA 18240),

correction to update the post-mining land use from forestland to unmanaged natural habitat of an existing anthracite coal refuse reprocessing and preparation plant operation in Nesquehoning Borough, **Carbon County** affecting 76.8 acres. Receiving stream: Nesquehoning Creek. Application received: December 23, 2019. Renewal issued: July 9, 2020.

Permit No. PAM120008, Panther Creek Permitting, LLC (4 Dennison Road, Nesquehoning, PA 18240), coverage under the General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 13890201 in Nesquehoning Borough, **Carbon County**, receiving stream: Nesquehoning Creek. Application received: June 18, 2020. Permit issued: July 9, 2020.

Noncoal Permits Issued

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900, (Contact: Melanie Wigfield).

Permit 32200301 and NPDES No. PA0249653. Neiswonger Construction Inc., 17592 Route 322, Strattonville, PA 16258, commencement, operation and restoration of a large noncoal (industrial minerals) operation in Young Township, **Indiana County**, affecting 339 acres. Receiving stream(s): unnamed tributaries to/and Whiskey Run and Nesbit Creek classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: February 26, 2020. Permit issued: July 8, 2020.

Knox District Mining Office: P.O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191, (Contact: Cayleigh Boniger).

24190802. Jeffrey J. Friday (P.O. Box 84, Byrnedale, PA 15827) commencement, operation and restoration of a small industrial minerals surface mine in Jay Township, **Elk County** affecting 5.0 acres. Receiving streams: Kersey Run. Application received: July 17, 2019. Permit Issued: May 4, 2020.

16030302 and NPDES Permit No. PA0242365. IA Construction Corporation (24 Gibb Road, P.O. Box 568, Franklin, PA 16323) revision to an existing large industrial mineral surface mine to add 20.0 acres for a total of 163.5 acres in Richland and Licking Townships, **Clarion County**. Receiving streams: Unnamed tributary to Turkey Run and an unnamed tributary to the Clarion River. Application received: July 24, 2019. Permit Issued: May 5, 2020.

20970802. Vera I. Marzka (Allen Marzka for Vera I. Marzka, 29730 Hogback Road, Cambridge Springs, PA 16403) final bond release for a small noncoal mining operation in Rockdale Township, **Crawford County**. Restoration of 1.0 acre completed. Receiving streams: Unnamed tributary to Kelly Run. Application Received: November 4, 2019. Final bond release approved: May 28, 2020.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118, (Contact: Theresa Reilly-Flannery).

Permit No. 8274SM5C9 and NPDES Permit No. PA0123480. Allan Myers Materials PA, Inc. d/b/a Allan Myers Materials (638 Lancaster Avenue, Malvern, PA 19355), renewal of an NPDES Permit for discharge of treated mine drainage from a quarry operation in Fulton Township, **Lancaster County**. Receiving stream: Octoraro Creek. Application received: December 12, 2019. Renewal issued: July 7, 2020.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.

Blasting Permits Issued

Moshannon District Mining Office, 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200, (Contact: Ashley Smith).

08204001. Kipar Blasting, 6005 State Route 267, Meshoppen, PA 18630. Blasting for the D.A. Nolt Mountain House Parking Lot located in Overton Township, **Bradford County** with an expiration date of June 30, 2021. Permit issued: July 8, 2020.

New Stanton District Office: P.O. Box 133, New Stanton, PA 15672, 724-925-5500, (Contact: Tracy Norbert).

03204001. Precision Geophysical, Inc., 2695 State Route 83 South, Millersburg, OH 44654. Blasting Activity Permit for the construction of the Rural Valley 2D located in Porter, Mahoning, Redbank, Wayne, Dayton, Boggs, Cowanshannock, Rural Valley, Kittanning, Plumcreek, Atwood and Elderton Townships, **Armstrong County** with an expiration date of July 31, 2021. Permit issued: July 1, 2020.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118, (Contact: Theresa Reilly-Flannery).

Permit No. 40204111. Hayduk Enterprises, Inc. (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Tammy and Debra Evans dwelling in Lehman Township, **Luzerne County** with an expiration date of October 30, 2020. Permit issued: July 6, 2020.

Permit No. 06204108. Abel Construction Co., Inc. (3925 Columbia Avenue, Mountville, PA 17554), construction blasting for a UGI Training Facility in Bern Township, **Berks County** with an expiration date of December 31, 2020. Permit issued: July 8, 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. Section 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 once. If you cannot afford a lawyer, you may qualify for free pro bono representation. Call the Secretary to the Board (717) 787-3483 for more information.

WATER OBSTRUCTIONS AND ENCROACHMENTS

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.

Southeast Region: Waterways & Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401, Telephone 484.250.5160, E-mail: ra-epww-sero@pa.gov.

Permit No. E4601220-025, PECO Energy Company, 2301 Market Street, N3-3, Philadelphia, PA 19103, East Norriton Township, **Montgomery County**, ACOE Philadelphia District.

To construct and maintain 970 LF of a 6-inch gas main in and along the 100-year floodway of an unnamed tributary of Stony Creek utilizing Horizontal Directional Drilling (HDD).

The site is located near the intersection of Germantown Pike and Whitehall Road (Latitude: 40.151508, Longitude: -75.34593) in East Norriton Township, Montgomery County. Permit issued July 7, 2020.

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

Contact: Gillian Ostrum, Clerk Typist 2, 570-830-3077.

E1302219-001. UGI Utilities, Inc., 1 UGI Drive, Denver, PA 17517, Lehighon Borough, **Carbon County**, U.S. Army Corps of Engineers, Philadelphia District.

To stabilize and maintain an existing, exposed, 4-inch diameter, steel natural gas utility line stream crossing of Mahoning Creek (CWF) with work consisting of a 50-foot long, 40-foot wide streambank retaining device comprised of R-5 riprap blended with natural streambed material and having 2:1 side slopes, a 2-foot high layer of R-5 riprap placed at the toe of slope for the purpose of scour prevention, and two (2) 8-foot long, 10-foot wide articulating concrete mats placed atop the exposed pipeline and underlain with geotextile fabric and 8-inch sand bags. The project proposes a total of 1,075 ft³ of net fill within the stream and floodway. The project is located approximately 0.2 mile south of the intersection of East Bridge Street and Blakeslee Boulevard Drive (Lehighon,

PA Quadrangle, Latitude: 40° 49' 27.7"; Longitude: -75° 42' 15") in Lehighton Borough, Carbon County.

E3902119-008. Pa Department of Transportation, Engineering District 5-0, 1002 Hamilton Street, Allentown, PA 18101, East Stroudsburg Township, **Monroe County**, Army Corps of Engineers, Philadelphia District.

To authorize the following water obstructions and encroachments associated with the S.R. 0222 Section 01S Improvement Project:

1. To remove the existing structure and to construct and maintain a 81.14-foot wide single-span reinforced concrete bulb T-beam bridge carrying SR 0222 across Tributary to Schaefer Run (HQ-CWF, MF) having a 54.23-foot span and a 4.96-foot underclearance. Additionally, fill will be placed within the floodway of UNT to Schaefer Run (HQ-CWF, MF) for the purpose of bridge reconstruction and roadway widening.

2. To remove the existing structure and to construct and maintain a 52.56-foot long, 20-foot x 5-foot reinforced concrete box culvert carrying SR 3012 over UNT to Schaefer Run (HQ-CWF, MF) with wingwalls, fish baffles and with the invert depressed 1-foot below the streambed elevation. Additionally, fill will be placed within the floodway of Tributary to Schaefer Run (HQ-CWF, MF) for the purpose of bridge reconstruction and roadway widening.

3. To construct and maintain 7 outfalls impacting 1366 square feet of floodway of Tributary to Schaefer Run (HQ-CWF, MF).

4. To construct and maintain 4 outfalls impacting 1058 square feet of floodway of Schaefer Run (HQ-CWF, MF).

5. To place fill within the floodway of Schaefer Run (HQ-CWF, MF) for the purpose of roadway widening and realignment from Station 436+20 to Station 435+70 along SR 3011 (Farmington Road).

6. To place fill within the floodway of Schaefer Run (HQ-CWF, MF) for the purpose of roadway widening and realignment from Station 23+00 to Station 35+00 along SR 0222 (Hamilton Blvd).

7. To place fill within the floodway of Schaefer Run (HQ-CWF, MF) for the purpose of roadway widening and realignment from Station 45+00 to Station 50+00 along SR 0222 (Hamilton Blvd).

The proposed project is located along SR 0222 and extends into portions of SR 0863, SR 3012 (Shantz Road) and SR 3011, (Topton, PA Quadrangle, Latitude: 40° 33' 39.01"; Longitude: -75° 40' 18.98") in Upper Macungie Township, Lehigh County and Maxatawny Township, Berks County.

Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636.

E6004220-001. Pennsylvania Department of Conservation and Natural Resources, 262 Sizerville Road, Emporium, PA 15834. RB Winter State Park Footbridge, Hartley Township, **Union County**, U.S. Army Corps of Engineers Baltimore District (Mifflinburg Quadrangle, Latitude: 40.9897°N; Longitude: 77.1894°W).

The applicant will construct, operate and maintain 50' x 4' Pedestrian Footbridge crossing Rapid Run a HQ, CWF; MF stream. The location of said bridge is 40° 59' 23.7" N, 77° 11' 22.8" W.

DAM SAFETY

Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 2, 400 Market Street, Harrisburg, PA 17101, telephone number: 717-787-3411.

D52-005. Lehman Lake Rod and Gun Club (318 Raspberry Run Road, Bushkill, PA 18324). Permit issued to modify, operate, and maintain Lehman Lake Dam across Little Bush Kill Creek (HQ-CWF, MF), having no impact to waterways or wetlands for the purpose of rehabilitating an existing, recreational dam to comply with the Commonwealth's regulations. (Twelve-mile Pond, PA Quadrangle Lat: 41.1769°N; Long: 75.0019°W) in Lehman Township, **Pike County**.

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, (412) 442-4281.

ESCGP-3 # ESG076320005-00

Applicant Name Range Resources Appalachia LLC

Contact Person Karl Matz

Address 3000 Town Center Boulevard

City, State, Zip Canonsburg, PA 15317

County Washington

Township(s) Smith Township

Receiving Stream(s) and Classification(s) UNTs to Burgetts Fork (WWF); Raccoon Creek (WWF)

ESCGP-3 # ESG076320002-00

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) South Franklin Twp

Receiving Stream(s) and Classification(s) UNT to Fork of Bane Creek (TSF); Tenmile Creek (TSF)

ESCGP-3 # ESG073019032-00
 Applicant Name EQM Gathering OPCO LLC
 Contact Person Brinton Goettel
 Address 2200 Energy Drive
 City, State, Zip Canonsburg, PA 15317
 County Greene
 Township(s) Center Twp
 Receiving Stream(s) and Classification(s) UNT to South Fork Tenmile (HQ-WWF); UNT to McCourtney Run (HQ-WWF); South Fork Tenmile Creek

ESCGP-3 # ESG076319040-00
 Applicant Name EQM Gathering OPCO LLC
 Contact Person Tyler Conlon
 Address 2200 Energy Drive
 City, State, Zip Canonsburg, PA 15317
 County Washington
 Township(s) Amwell And Morris Twps
 Receiving Stream(s) and Classification(s) Horne Run Stream (TSF); UNTS to Horne Run (TSF); Bane Creek (TSF); Tributary 40888 to Bane Creek (TSF); UNTS to Bane Creek (TSF); Fork of Bane Creek (TSF); Tributary 40877 to Fork of Bane Creek (TSF); Pleasant Valley Run (TSF); UNTS to Pleasant Valley Run (TSF); UNTS to Fork of Bane Creek (TSF); Tenmile Creek (TSF)

ESCGP-3 # ESG076519011-00
 Applicant Name Laurel Mountain Midstream Operating LLC
 Contact Person Steph Ranker
 Address 111 Enterprise Lane
 City, State, Zip Connellsville, PA 15425
 County Westmoreland
 Township(s) Sewickley Twp
 Receiving Stream(s) and Classification(s) Little Sewickley Creek (TSF); Sewickley Creek (WWF)

ESCGP-3 # ESG073019004-00
 Applicant Name CNX Midstream Operating Company LLC
 Contact Person Ken Cerny
 Address 1000 Consol Energy Drive
 City, State, Zip Canonsburg, PA 15317
 County Greene
 Township(s) Gilmore Twp
 Receiving Stream(s) and Classification(s) UNTs to/and Blockhouse Run (WWF); UNTS to/and Roberts Run (WWF); UNTS to/and Hennen Run (WWF); UNTS to/and Garrison Fork (Siltation-Impaired, WWF); UNTS to/and Pennsylvania Fork Dunkard Creek (WWF); UNTS to Pumpkin Run (WWF) and Negro Run (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 # ESG295820007-00
 Applicant Name Williams Field Service Company, LLC
 Contact Person Barry Mahar
 Address 30351 Route 6
 City, State, Zip Wysox, PA 18854
 County Susquehanna
 Township(s) Bridgewater & Dimock
 Receiving Stream(s) and Classification(s) UNTs to White Creek (CWF), UNTS to Meshoppen Creek (CWF)
 Secondary: Susquehanna River (WWF), Susquehanna River (WWF)

ESCGP-3 # ESG294120012-00
 Applicant Name ARD Operating, LLC
 Contact Person Jennifer McCarthy
 Address 500 Dallas Street, Ste 2930
 City, State, Zip Houston, TX 77002-4701
 County Lycoming
 Township(s) Cummings
 Receiving Stream(s) and Classification(s) Velely Fork (HQ), 2nd Branch Ott Creek (HQ), Upper Pine Bottom Run (HQ)
 Secondary: Upper Pine Bottom Run (HQ), Ott Creek (HQ), Pine Creek (HQ)

ESCGP-3 # ESG295820028-00
 Applicant Name Appalachia Midstream Services, LLC
 Contact Person Adam Weightman
 Address 30351 Route 6
 City, State, Zip Wysox, PA 18854
 County Susquehanna
 Township(s) Auburn
 Receiving Stream(s) and Classification(s) Little Meshoppen Creek (CWF, MF)
 Secondary: (WWF, MF)

ESCGP-3 # ESG295820009-00
 Applicant Name SWN Production Company, LLC
 Contact Person Nicki Atkinson
 Address 917 State Route 92 North
 City, State, Zip Tunkhannock, PA 18657
 County Susquehanna
 Township(s) New Milford
 Receiving Stream(s) and Classification(s) UNT to Meylert Creek (HQ, CWF-MF)

CORRECTIVE ACTION UNDER ACT 32, 1989

PREAMBLE 2

The following plans and reports were submitted under the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104).

Provisions of 25 Pa. Code Chapter 245 Subchapter D, Administration of the Storage Tank and Spill Prevention Program, require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A remedial action plan is submitted to summarize the site characterization, document the design and construction details for the remedial action, and describe how the remedial action will attain the selected remediation standard. The remedial action plan also provides results of studies performed and data collected to support the remedial action and a description of postremediation care requirements. A remedial action completion report is submitted to document cleanup of a release of a regulated substance at a site to the selected remediation standard. A remedial action completion report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or non-residential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

For further information concerning plans or reports, please contact the Environmental Cleanup Program Manager in the DEP Regional Office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the DEP through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

Southeast Region: Environmental Cleanup & Brownfields Program, 2 East Main Street, Norristown, PA 19401, 484-250-5960.

Contact: Richard Staron, Professional Geologist.

Lindbergh Fuels 69861, 51-10908, 5945 Lindbergh Blvd., **City of Philadelphia**. Liberty Environmental, Inc., 315 West James Street, Suite 205, Lancaster, PA 17603, on behalf of Jassi Enterprises, 105 Mount Pleasant Road, Sewell, NJ 08080 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet nonresidential site-specific standards.

Willow Grove Term, 46-02711, 3290 Sunset Ln., Upper Moreland Township, **Montgomery County**. Groundwater & Environmental Services, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341, on behalf of Evergreen Resources Group, LLC, 2 Righter Parkway, Suite 120, Wilmington, DE 19803 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with unleaded petroleum. The report is intended to document remediation of the site to meet nonresidential Statewide health standards and site-specific standards.

AF Leidy Hdwr, 46-44669, 1010 Gravel Pike, Lower Frederick Township, **Montgomery County**. Marshall Geoscience, Inc., 170 East First Avenue, Collegeville, PA 19426, on behalf of Kehs Property, 1010 Gravel Pike, Schwenksville, PA 19473-2328, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with kerosene and leaded gasoline. The report is intended to document remediation of the site to meet residential Statewide health standards.

Sunoco 0363 5067, 51-30650, 630 Walnut Ln., **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 unleaded gasoline. The report is intended to document remediation of the site to meet nonresidential Statewide health and site-specific standards.

Gas Stop, 15-23149, 652 E. Lincoln Hwy., Coatesville City, **Chester County**. EMS Environmental, Inc., 4550 Bath Pike, Bethlehem, PA 18017, on behalf of KRSE, LLC, 655 E. Lincoln Highway, Coatesville, PA 19320-3532, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum products. The report is intended to document remediation of the site to meet site-specific standards.

Chichester, 23-29729, 2049 Chichester Ave., Upper Chichester Township, **Delaware County**. Synergy Environmental, Inc., 155 Rail Road Plaza, First Floor, Royersford, PA 194682049, on behalf of 2049 Chichester Ave Realty, LLC, 439 S. Governor Printz Blvd., Essington, PA 19029 submitted a Remedial Action Completion concerning remediation of soil and groundwater contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet nonresidential Statewide health standards.

Northeast Region: Environmental Cleanup & Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Former York's Service Station (aka Puff-N-Stuff), Storage Tank ID # 35-08032, 990 Lakeland Drive, Montdale, PA 18447, 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 revised 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.

Misericordia University—former Frontiers Communications Building, Storage Tank ID # 40-50097, 100 Lake Street, Dallas, PA 18612, Dallas Borough, **Luzerne County**. August Mack Environmental, 941 Wheatland Avenue, Suite 401, Lancaster, PA 17603, on behalf of Misericordia University, 301 Lake Street, Dallas, PA 18612, submitted a revised, combined Site Characterization Report and Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum. The report is intended to document the remedial actions for meeting Statewide Health Standards.

A Airport Autos, Storage Tank ID # 39-21075, 1227 Airport Road, Allentown, PA 18109, Allentown City, **Lehigh County**. Synergy Environmental, 155 Railroad Plaza, Royersford, PA 19468, on behalf of A Airport Autos, 1227 Airport Road, Allentown, PA 18109, has submitted a combined Site Characterization Report, Remedial Action Plan, and 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.

CORRECTIVE ACTION UNDER ACT 32, 1989

PREAMBLE 3

The DEP has taken action on the following plans and reports under the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104).

Provisions of 25 Pa. Code Chapter 245 Subchapter D, Administration of the Storage Tank and Spill Prevention Program, require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports.

A remedial action plan is submitted to summarize the site characterization, document the design and construction details for the remedial action, and describe how the

remedial action will attain the selected remediation standard. The remedial action plan also provides results of studies performed and data collected to support the remedial action and a description of postremediation care requirements. A remedial action completion report is submitted to document cleanup of a release of a regulated substance at a site to the selected remediation standard. A remedial action completion report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or non-residential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

The DEP may approve or disapprove plans and reports submitted. This notice provides the DEP's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, please contact the Environmental Cleanup Program Manager in the DEP Regional Office under which the notice of the plan or report appears. If information concerning a report is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the DEP through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The DEP has received the following plans and reports:

Southeast Region: Environmental Cleanup & Brownfields Program, 2 East Main Street, Norristown, PA 19401, 484-250-5960.

Contact: Richard Staron, Professional Geologist.

Center Square Mobil, 46-19056, 1399 Skippack Pike, Whitpain Township, **Montgomery County**. Geo-Enviro Consulting and Remediation LLC, 371 Hoes Lane, Suite 200, Piscataway, NJ 00854, on behalf of Marina Kats Greyhound Investment Group LLC, 1 Bustleton Pike, Feasterville, PA 19053 submitted a Remedial Action Plan and Remedial Action Completion concerning remediation of soil and groundwater contaminated with petroleum products. The reports demonstrated attainment of non-residential Statewide health standards and was approved by the Department on July 2, 2020.

7 Eleven 33284, 23-38710, 496 Conchester Hwy, Upper Chichester Township, **Delaware County**. AECOM, 625 West Ridge Pike, Suite E-100, Conshohocken, PA 19428, on behalf of 7-Eleven, Inc., P.O. Box 711, Dallas, TX 75221-0711 submitted a Remedial Action Plan concerning remediation of unleaded gasoline contaminated with soil and groundwater. The Remedial Action Plan was acceptable to meet residential Statewide health standards and was approved by the DEP on July 6, 2020.

Marcus Hook Ind Complex, 23-14224, 100 Green St., Marcus Hook Borough, **Delaware County**. Stantec Consulting Service Inc., 1060 Andrew Drive, Suite 140, West Chester PA 19380, 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 contaminated with crude oil. The Remedial Action Completion Reports demonstrated attainment of nonresidential Statewide health and site-specific standards and was approved by the Department on July 7, 2020.

Souderton Fuels 67425, 46-23960, 303 Harleysville Pike, Franconia Township, **Montgomery 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 and lead gasoline. Remedial Action Plan was acceptable to meet residential Statewide health standards and was approved by the DEP on June 15, 2020.

Marcus Hook Ind Complex, 23-14224, 100 Green St., Marcus Hook Borough, **Delaware County**. Stantec Consulting Service Inc., 1060 Andrew Drive, Suite 140, West Chester, PA 19380, on behalf of Evergreen Resources Management Operations, 2 Righter Parkway, Suite 120, Wilmington, DE 19803 submitted a Remedial Action Plan and Remedial Action Completion Report concerning remediation of soil contaminated with crude oil. The reports demonstrated attainment of nonresidential Statewide health and site-specific standards and was approved by the Department on July 14, 2020.

Northeast Region: Environmental Cleanup & Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Pump N Pantry 003, Storage Tank ID # 58-13085, 493 Main Street, New Milford, PA 18834, New Milford Borough, **Susquehanna County**, Resource Environmental Management, 50 Maple Street, Montrose, PA 18801, on behalf of Pump N Pantry Inc., 754 Grow Avenue, Montrose, PA, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with gasoline and kerosene. The Remedial Action Completion Report demonstrated attainment of Site-specific and Statewide health standards and was approved by DEP on July 8, 2020.

Former Hawk Valley General Store, Storage Tank ID # 54-50635, 16 Summer Valley Road, Orwigsburg, PA 17961, West Brunswick Township, **Schuylkill County**, United Environmental, P.O. Box 701, Schuylkill Haven, PA 17972, on behalf of Jack Rich Inc., 617 Altamont Boulevard, Frackville, PA 17931, submitted a revised, combined Supplemental Site Characterization Report and Remedial Action Plan concerning remediation of groundwater contaminated with petroleum. The report was acceptable for meeting Statewide health standards and was approved by DEP on July 8, 2020.

Speedway 6742, Storage Tank ID # 48-32013, 3283 Easton Avenue, Bethlehem Township, **Northampton County**. EMS Environmental, 4550 Bath Pike, Bethlehem, PA 18017, on behalf of Speedway LLC, 500 Speedway Drive, Enon, OH 45323, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum. The report was not acceptable to meet Statewide Health Standards and was disapproved by DEP on July 9, 2020.

Al's Quick Stop 9, Storage Tank ID # 40-13185, 547 North Hunter Highway, Drums, PA 18222, Butler Township, **Luzerne County**, LaBella, 1000 Dunham Drive, Suite B, Dunmore, PA 18512, on behalf of Alnajukchahat Real Estate LLC, 702 East Swinick Drive, Dunmore, PA 18512, submitted a Remedial Action Plan

concerning remediation of soil and groundwater contaminated with gasoline. The report was acceptable for meeting Statewide Health Standards and was approved by DEP on July 9, 2020.

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

Hatzo Citgo, Storage Tank Facility ID # 20-90481, 16869 State Route 198, Hayfield Township, **Crawford County**. Core Environmental Services, Inc., 3960 William Flinn Highway, Suite 100, Allison Park, PA 15101-3603, on behalf of the Estate of Leonard W. Hatzo, c/o Emil M. Spadafore, Jr., Esquire, 935 Market Street, Meadville, PA 16335 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with benzene, ethylbenzene, cumene, MTBE, naphthalene and toluene. The Remedial Action Completion Report demonstrated attainment of the Statewide Health Standard and was approved by DEP on July 1, 2020.

Sheetz 114, Storage Tank Facility ID # 03-83804, 100 Walnut Street, Kittanning Borough, **Armstrong County**. EnviroTrac, Ltd., 176 Thorn Hill Road, Warrendale, PA 15086, on behalf of Sheetz, Inc., 5700 6th Avenue, Altoona, PA 16602, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with benzene, ethylbenzene, toluene, xylenes, MTBE, cumene, naphthalene, 1,2,4-trimethylbenzene and 1,3,5-trimethylbenzene. The Remedial Action Completion Report did not demonstrate attainment of the Background Standard and was disapproved by DEP on July 9, 2020.

[Pa.B. Doc. No. 20-997. Filed for public inspection July 24, 2020, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Aggregate Advisory Board Virtual Meeting

In accordance with Governor Tom Wolf's emergency disaster declaration and based on advice from the Department of Health regarding the mitigation of the spread of the novel coronavirus (COVID-19), the Aggregate Advisory Board (Board) meeting scheduled for 10 a.m. on Wednesday, August 5, 2020, will be held as a virtual meeting. Individuals who wish to join the meeting may do so remotely. Information will be provided on the Board's webpage. Individuals interested in providing public comments during the meeting must sign up prior to the start of the meeting by contacting Daniel E. Snowden at dsnowden@pa.gov or (717) 783-8846.

Information on how to join the meeting, as well as agenda and meeting materials, will be available on the Board's webpage, found through the Public Participation tab on the Department of Environmental Protection's (Department) web site at www.dep.pa.gov (select "Public Participation," then "Advisory Committees," then "Mining Advisory Committees," then "Aggregate Advisory Board" then "2020").

Individuals are encouraged to visit the Board's webpage to confirm meeting date, time and location prior to each meeting. Questions concerning the August 5, 2020, meeting can be directed to Daniel E. Snowden at dsnowden@pa.gov or (717) 783-8846.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should con-

tact Daniel E. Snowden at (717) 783-8846 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 20-998. Filed for public inspection July 24, 2020, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Availability of Grants through the Small Business Advantage Grant Program

The Department of Environmental Protection (Department) announces the availability of up to \$1 million in grant funding for the 17th year of the Commonwealth's Small Business Advantage Grant Program (Program). The Program assists small businesses undertaking energy efficiency, pollution prevention or natural resource conservation projects. With nearly 1 million small businesses in this Commonwealth, well-designed projects can help small businesses cut operating costs and grow the economy, while simultaneously protecting the environment.

The Program is a first-come, first-served grant program that provides up to 50% matching grants, up to a maximum of \$7,000, depending on the project. Eligible projects must save the small business a minimum of \$500 per year and at least 25% in annual energy consumption or pollution-related expenses.

Natural resource protection projects are exempt from the minimum savings requirements. However, projects must quantify the sediment and nutrient diversion from the directly related receiving waterway to be eligible.

An eligible applicant must have 100 or fewer full-time equivalent employees, be a registered for-profit small business and be taxed as a for-profit business located within this Commonwealth. The project to which the grant will apply must be undertaken in or on a facility located in in this Commonwealth. Applicants should not have current environmental violations or obligations due to the Commonwealth.

The Program guidelines and application instructions are available on the Department's web site at www.dep.pa.gov (select "Businesses," then "Small Businesses," then "Small Business Advantage Grant") or by contacting the Small Business Ombudsman Office at (717) 772-5160.

All applications must be submitted through the Commonwealth's Electronic Single Application web site at <https://www.esa.dced.state.pa.us/Login.aspx>. Applications are now being accepted. Applications will be reviewed in the order in which they are received.

For more information on the Program, e-mail epAdvantageGrant@pa.gov or contact the Small Business Ombudsman Office at (717) 772-5160.

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 20-999. Filed for public inspection July 24, 2020, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Household Hazardous Waste Education Grant Award under Section 901 of the Municipal Waste Planning, Recycling and Waste Reduction Act, Act 101 of 1988

The Department of Environmental Protection announces the following grant to Cambria County under section 901 of the Municipal Waste Planning, Recycling and Waste Reduction Act (Act 101) (53 P.S. § 4000.901) and section 208 of the Small Business and Household Pollution Prevention Program Act (35 P.S. § 6029.208).

Planning grants are awarded to counties for 80% of approved costs for preparing municipal waste management plans, as required by Act 101, for carrying out related studies, surveys, investigations, inquiries, research and analysis, including those related to siting, environmental mediation, education programs on pollution prevention and household hazardous waste (HHW) and providing technical assistance to small businesses for pollution prevention. Grants may be awarded for feasibility studies and project development for municipal waste processing or disposal facilities, except for facilities for the combustion of municipal waste that are not proposed to be operated for the recovery of energy. All grant awards are predicated on the receipt of recycling fees required by sections 701 and 702 of Act 101 (53 P.S. §§ 4000.701 and 4000.702) and the availability of funds in the Recycling Fund.

Inquiries regarding the grant offering can be directed to Mark Vottero, Department of Environmental Protection, Bureau of Waste Management, Division of Waste Minimization and Planning, Rachel Carson State Office Building, P.O. Box 8472, Harrisburg, PA 17105-8472, at mvottero@pa.gov or (717) 772-5719.

Act 101, Section 901 HHW Education Grant

<i>Region</i>	<i>County</i>	<i>Applicant</i>	<i>Project</i>	<i>Grant</i>
Southwest	Cambria	Cambria County	HHW Education	\$12,504

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 20-1000. Filed for public inspection July 24, 2020, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Limited Suspension of Enforcement of the Commercial Fuel Oil Sulfur Content Limit Requirements for Combustion Units for Certain Distributors and Retail Outlets

The Department of Environmental Protection (Department) announces that beginning on September 1, 2020, and ending February 28, 2021, the Department will suspend enforcement of the 15 parts per million (ppm) maximum allowable sulfur fuel content requirement for No. 2 and lighter commercial fuel oil for certain “distributors” and “retail outlets” as defined in 25 Pa. Code § 121.1 (relating to definitions). The maximum allowable sulfur fuel content requirement for No. 2 and lighter commercial fuel oil is established at 15 ppm in the final-form rulemaking notice amending 25 Pa. Code § 123.22 (relating to combustion units), published at 50 Pa.B. 3714 (July 25, 2020) by the Environmental Quality Board, with a compliance date of September 1, 2020.

This suspension applies to the transfer and use of No. 2 and lighter commercial fuel oil stored by the distributor or retail outlet in this Commonwealth as of July 25, 2020, that exceeds 15 ppm sulfur fuel content but that does not exceed the current regulatory limit of 0.05% sulfur by weight (500 ppm). This suspension of enforcement does not cover No. 2 and lighter commercial fuel oil received by the distributor or retail outlet after July 25, 2020. This suspension does not cover distributors of commercial fuel oil by pipeline or supersede conditions in any air quality plan approval or operating permit.

Under 25 Pa. Code § 123.22, a person may not offer for sale, deliver for use, exchange in trade or permit the use of commercial fuel oil if it exceeds the specified sulfur content. For No. 2 and lighter commercial fuel oil, the regulation promulgated at 50 Pa.B. 3714 imposes a maximum allowable sulfur content of 15 ppm beginning September 1, 2020. However, due to the unusually warm winter of 2019-2020, remaining inventories of No. 2 and lighter commercial fuel oil exceeding 15 ppm sulfur content are larger than anticipated. For that reason, the Department is announcing this transitional period during which it will exercise enforcement discretion on a limited basis for these existing inventories. Enforcement is not being suspended for any other requirements of 25 Pa. Code § 123.22, including recordkeeping requirements.

A distributor or retail outlet covered by this limited suspension of enforcement must maintain adequate records onsite to document the quantity of No. 2 and lighter commercial fuel oil stored by the distributor or retail outlet in this Commonwealth on July 25, 2020, that exceeds 15 ppm sulfur content. The records shall be made available to the Department upon request.

This suspension also applies to No. 2 and lighter commercial fuel oil received by the “ultimate consumer” as defined in 25 Pa. Code § 121.1, on or before February 28, 2021.

The commercial fuel oil sulfur limit requirements published at 43 Pa.B. 806 (February 9, 2013) and codified in 25 Pa. Code § 123.22 prior to July 25, 2020, are incorporated in the Commonwealth’s State Implementation Plan (SIP) approved by the United States Environmental Protection Agency at 40 CFR 52.2020 (relating to identification of plan), published at 79 FR 39330 (July 10, 2014). The Department’s exercise of enforcement discretion does not protect an owner or operator of a subject distributor

or retail outlet from the possibility of legal challenge by third persons under 25 Pa. Code § 123.22 or the Commonwealth's approved SIP.

For more information or questions concerning combustion unit commercial fuel oil sulfur limit requirements, contact Susan Foster, Environmental Program Manager for the Division of Compliance and Enforcement, Bureau of Air Quality, at sufoster@pa.gov or (717) 772-3369.

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 20-1001. Filed for public inspection July 24, 2020, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Proposed Certification that the Commonwealth's Existing Nonattainment New Source Review Program Addresses the 2015 Ozone National Ambient Air Quality Standard State Implementation Plan Requirements Rule

The Commonwealth proposes to submit a State Implementation Plan (SIP) revision to the United States Environmental Protection Agency (EPA) to certify that the Commonwealth's previously approved Nonattainment New Source Review (NNSR) regulations in 25 Pa. Code §§ 121.1 and 127.201—127.218 (relating to definitions; and new source review) apply Statewide, cover the Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE nonattainment area for the 2015 ozone National Ambient Air Quality Standards (NAAQS), and are sufficient for the purpose of meeting Federal requirements for the 2015 ozone NAAQS. After consideration of comments received, the Department of Environmental Protection (Department) will finalize and submit the SIP revision to the EPA for approval.

For nonattainment areas, sections 172(c)(5), 173 and 182a (42 U.S.C.A. §§ 7502(c)(5), 7503 and 7511a) of the Clean Air Act (CAA) require states to submit NNSR plans or plan revisions no later than 36 months after the effective date of area designations for the NAAQS. NNSR requirements for the 2015 ozone NAAQS are found at 40 CFR 51.165 (relating to permit requirements). The EPA previously approved a Commonwealth-wide NNSR SIP revision, which covered all Commonwealth nonattainment areas to meet the EPA's 2002 NSR Reform regulations published at 77 FR 28261 (May 14, 2012). For the 2015 ozone NAAQS, the NNSR plans or plan revisions for marginal nonattainment areas are due August 3, 2020, and the areas must be in attainment for the ozone NAAQS by August 3, 2021, which is 36 months after the effective date of the EPA's area designations for the 2015 ozone NAAQS published at 83 FR 25776 (June 4, 2018). The Commonwealth's certification of its existing NNSR program addresses the NNSR plan revision needed for the 2015 Ozone NAAQS.

The proposed SIP revision and supporting documents are available on the Department's web site at www.ahs.dep.pa.gov/eComment or by contacting Amanda Rodriguez at amarodrigu@pa.gov or (717) 787-9702.

In accordance with Governor Tom Wolf's emergency disaster declaration and based on advice from the Department of Health regarding the mitigation of the spread of the novel coronavirus (COVID-19), the Department will provide the opportunity for a virtual public hearing to

receive comments on the proposed SIP revision on Thursday, August 27, 2020 at 1 p.m. This virtual public hearing will be accessible Statewide.

Persons wishing to join the hearing may do so remotely. Information will be provided on the Bureau of Air Quality's webpage at www.dep.pa.gov/Business/Air/BAQ/Pages/default.aspx.

Persons wishing to present testimony should contact Amanda Rodriguez, P.O. Box 8468, Harrisburg, PA 17105, amarodrigu@pa.gov or (717) 787-9702 to reserve a time. Verbal testimony is limited to 5 minutes per witness. Witnesses are requested to provide a written copy of his/her testimony by e-mail to amarodrigu@pa.gov or by mail to Amanda Rodriguez, P.O. Box 8468, Harrisburg, PA 17105.

If by 12 p.m. on Monday, August 24, 2020, no person has expressed an interest in testifying at the hearing, the hearing will be cancelled. If the hearing is cancelled, the Department will provide public notice on the Bureau of Air Quality's webpage at www.dep.pa.gov/Business/Air/BAQ/Pages/default.aspx. Persons may also contact the Department to find out if the hearing is cancelled by contacting Amanda Rodriguez at amarodrigu@pa.gov or (717) 787-9702.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Amanda Rodriguez at (717) 787-9702 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

The Department must receive comments no later than Friday, August 28, 2020. Comments, including comments submitted by e-mail, must include the commenter's name and address. Commenters are encouraged to submit comments using the Department's online eComment tool at www.ahs.dep.pa.gov/eComment or by e-mail to ecomment@pa.gov. Written comments can be mailed to the Policy Office, Department of Environmental Protection, Rachel Carson State Office Building, P.O. Box 2063, Harrisburg, PA 17105-2063. Use "2015 Ozone NAAQS Certification SIP" as the subject line in written communication.

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 20-1002. Filed for public inspection July 24, 2020, 9:00 a.m.]

DEPARTMENT OF HEALTH

Pennsylvania Achieving Better Care by Monitoring All Prescriptions Board Virtual Meeting

The Pennsylvania Achieving Better Care by Monitoring All Prescriptions Board, established under the Achieving Better Care by Monitoring All Prescriptions Program (ABC-MAP) Act (35 P.S. §§ 872.1—872.40), will hold its next meeting on Tuesday, July 28, 2020, starting at 9:30 a.m. by means of Skype. The Skype link can be accessed at <https://meet.lync.com/pagov/jshinabery/HYM1Z29Q>. The dial-in number is (262) 332-8737 and the Conference ID is 545422262. The subjects to be discussed at the meeting include program status updates, current activities and upcoming activities.

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 John Krahel, Clerk Supervisor of Prescription Drug Monitoring Program Office, Department of Health, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120, (717) 836-3623, 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. 20-1003. Filed for public inspection July 24, 2020, 9:00 a.m.]

DEPARTMENT OF HEALTH

Pennsylvania Rural Health Redesign Center Authority Board Virtual Meeting

The Pennsylvania Rural Health Redesign Center Authority Board (Board), established under the act of November 27, 2019 (P.L. 742, No. 108), known as the Pennsylvania Rural Health Redesign Center Authority Act (Act 2019-108), will hold its third meeting on Wednesday, July 29, 2020, from 9:30 a.m. to 11:30 a.m. The meeting will be held virtually by means of Skype. The dial-in number is +1 (267) 332-8737 and the conference ID is 805748104#.

The Board is charged with administering the Pennsylvania Rural Health Model (Model) which aims to protect the financial viability of rural hospitals in this Commonwealth through transitioning them from a traditional fee-for-service model to a global budget payment model. The meeting will provide updates on a variety of topics including Model status updates, Federal grant deliverables, global budget methodology and more. It will also discuss current and upcoming activities.

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 Emily Roussel, Executive Assistant for Health Innovation, Department of Health, (717) 425-0623, eroussel@pa.gov. 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. 20-1004. Filed for public inspection July 24, 2020, 9:00 a.m.]

DEPARTMENT OF HUMAN SERVICES

Availability of Amendment to the Office of Long-Term Living's Home and Community-Based Community HealthChoices Waiver

The Department of Human Services (Department) is making available for public review and comment the Office of Long-Term Living's proposed amendment to the

Community HealthChoices (CHC) waiver. The proposed amendment will be effective January 1, 2021.

Background

Whenever substantive changes are made to an approved waiver, the Department must submit an amendment to the Centers for Medicare & Medicaid Services for approval. The Department proposes to amend the CHC waiver effective January 1, 2021, by revising service definitions, service limitations and/or provider qualifications for the following CHC waiver services:

- Assistive Technology
- Career Assessment
- Cognitive Rehabilitation Therapy Services
- Community Transition Services
- Home Adaptations
- Job Coaching
- Job Finding
- Nutritional Consultation
- Participant-Directed Community Supports
- Participant-Directed Goods and Services
- Personal Assistance Services
- Personal Emergency Response System (PERS)
- Respite
- Specialized Medical Equipment and Supplies
- Vehicle Modifications

The Department also proposes to amend the responsibilities of the Fiscal/Employer Agent and revise waiver performance measures.

The proposed CHC waiver amendment and a summary of all revisions are available for review at <https://www.dhs.pa.gov/contact/DHS-Offices/Pages/OLTL-Waiver-Amendments-and-Renewals.aspx> or by contacting the Department of Human Services, Office of Long-Term Living at (717) 425-2982.

Fiscal Impact

There is no direct fiscal impact associated with this announcement.

Public Comment

Interested persons are invited to submit written comments regarding the proposed waiver amendment to the Department of Human Services, Office of Long-Term Living, Bureau of Policy Development and Communications Management, Attention: Danielle Cyphert—CHC 2021 Waiver Amendment, P.O. Box 8025, Harrisburg, PA 17105-8025. Comments may also be submitted to the Department at RA-waiverstandard@pa.gov. Use "CHC 2021 Waiver Amendment" as the subject line. Comments received within 30 days of publication of this notice will be reviewed and considered for revisions to the proposed waiver amendment.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

TERESA D. MILLER,
Secretary

Fiscal Note: 14-NOT-1400. No fiscal impact; (8) recommendations adoption.

[Pa.B. Doc. No. 20-1005. Filed for public inspection July 24, 2020, 9:00 a.m.]

INSURANCE DEPARTMENT

Pennsylvania 2019 Private Passenger Automobile Data Call

The Insurance Department (Department) is conducting its annual Private Passenger Automobile Data Call (previously referred to as the "Act 6 Data Call"). The purpose of this data call is to monitor the private passenger automobile insurance marketplace in this Commonwealth.

The 2019 data call letter, instructions and templates are available on the Department's web site at www.insurance.pa.gov (select "Companies," then "Industry Activity," then "Data Calls" under "Product and Rate Activity").

Additionally, the Department sent e-mail notification of this data call to all companies licensed to write motor vehicle liability insurance in this Commonwealth.

Insurance companies with Pennsylvania private passenger automobile direct written premium in 2019 are required to complete Parts 1 and 2. Data for more than one insurance company may not be combined into a single submission. This information is to be submitted to the Department no later than October 15, 2020.

Insurance companies with no Pennsylvania private passenger automobile direct written premium in 2019 are required to submit only Part 2. This is to be submitted to the Department no later than October 15, 2020.

Consistent with previous data calls, the Department will consider the data submitted as proprietary and handle the data accordingly. See the instructions for additional information regarding the completion of the individual parts.

Completed data call files should be submitted by e-mail to Dennis Sloand at desloand@pa.gov.

The Department appreciates the companies' cooperation with this important study. Individuals who have any questions should contact Dennis Sloand, Bureau of Property and Casualty Insurance, (717) 214-1927, desloand@pa.gov.

JESSICA K. ALTMAN,
Insurance Commissioner

[Pa.B. Doc. No. 20-1006. Filed for public inspection July 24, 2020, 9:00 a.m.]

MILK MARKETING BOARD

Hearing and Presubmission Schedule; All Milk Marketing Areas; Over-Order Premium

Under the provisions of the Milk Marketing Law (31 P.S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Areas 1—6 on September 2, 2020, at 10 a.m. in Room 309, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning the level and duration of the Class I over-order premium.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons who wish to present evidence may be included on the Board's list of parties by: (1) having their attorney file with the Board on or before 12 p.m. on July 31, 2020, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the Board on or before 12 p.m. on July 31, 2020, notification of their desire to be included as a party. Parties shall indicate in their notices of appearance if alternate means of service, that is, e-mail or fax, are acceptable. Notices of appearance should be filed electronically and be directed to deberly@pa.gov.

The parties shall observe the following requirements for advance filing of witness information and exhibits. The Board may exclude witnesses or exhibits of a party that fails to comply with these requirements. Copies of the filings will be available on the Board web site at <http://www.mmb.pa.gov/Public%20Hearings/>.

1. By 2 p.m. on August 6, 2020, the petitioner shall file with the Board, in person or by mail, one original and five copies and ensure receipt by all other parties of one copy of:

a. A list of witnesses who will testify for the petitioner, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise. For expert witnesses there shall also be filed a written report or written testimony explaining the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 2 p.m. on August 20, 2020, each responding party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

3. By 2 p.m. on August 27, 2020, parties shall file and serve as set forth in paragraph 1 information concerning surrebuttal witnesses and copies of surrebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents, or records in other proceedings before the Board, or wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whenever these rules require production of a document as an exhibit, five copies shall be provided for Board use and one copy shall be provided to each interested party.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing addressed to chardbarge@pa.gov and received in the Board office by 2 p.m. on August 21, 2020.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

CAROL A. HARDBARGER,
Secretary

[Pa.B. Doc. No. 20-1007. Filed for public inspection July 24, 2020, 9:00 a.m.]

PENNSYLVANIA ENERGY DEVELOPMENT AUTHORITY

Virtual Meeting

The Pennsylvania Energy Development Authority Board (Board) has scheduled a meeting for Tuesday, August 4, 2020, at 2 p.m. In accordance with Governor Tom Wolf's emergency disaster declaration and based on advice from the Department of Health regarding the mitigation of the spread of the novel coronavirus (COVID-19), the meeting will be held as a virtual meeting.

Individuals who wish to join the meeting may do so remotely. Information will be provided on the Board's webpage. Individuals interested in providing public comments during the meeting must sign up prior to the start of the meeting by contacting David Althoff at dalthoff@pa.gov or (717) 783-0542.

Information on how to join the meeting, as well as agenda and meeting materials, will be available on the Board's webpage, found on the Department of Environmental Protection's (Department) web site at www.dep.pa.gov (select "Businesses," then "Energy," then "Energy Programs Office," then "Financial Options," then "PEDA").

Individuals are encouraged to visit the Board's webpage to confirm meeting date and time prior to the meeting. Questions concerning the August 4, 2020, meeting can be directed to David Althoff at dalthoff@pa.gov or (717) 783-0542.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 783-8411 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

PATRICK McDONNELL,
Chairperson

[Pa.B. Doc. No. 20-1008. Filed for public inspection July 24, 2020, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

General Rule Transaction

A-2020-3020004, A-2020-3020005, A-2020-3020006, A-2020-3020007, A-2020-3020009, A-2020-3020010, A-2020-3020011, A-2020-3020012, A-2020-3020013 and A-2020-3020014. Frontier Communications Corporation; Frontier Subsidiary Telco, LLC; Commonwealth Telephone Enterprises, LLC; Commonwealth Telephone Company, LLC, d/b/a Frontier Communications Commonwealth Telephone Company; Frontier Communications of Breezewood, LLC; Frontier Communications of Canton, LLC; Frontier Communications of Lakewood, LLC; Frontier Communications of Oswayo River, LLC; Frontier Communications of Pennsylvania, LLC; Citizens Telecommunications Company of New York, Inc.; CTSI, LLC, d/b/a Frontier Communications CTSI, LLC; CTE Telecom, LLC, d/b/a Frontier Communications CTE Telecom Company; and Frontier Communications of America, Inc.

ations Company of New York, Inc.; CTSI, LLC, d/b/a Frontier Communications CTSI, LLC; CTE Telecom, LLC, d/b/a Frontier Communications CTE Telecom Company; and Frontier Communications of America, Inc. Joint application Frontier Communications Corporation; Frontier Subsidiary Telco, LLC; Commonwealth Telephone Enterprises, LLC; Commonwealth Telephone Company, LLC, d/b/a Frontier Communications Commonwealth Telephone Company; Frontier Communications of Breezewood, LLC; Frontier Communications of Canton, LLC; Frontier Communications of Lakewood, LLC; Frontier Communications of Oswayo River, LLC; Frontier Communications of Pennsylvania, LLC; Citizens Telecommunications Company of New York, Inc.; CTSI, LLC, d/b/a Frontier Communications CTSI, LLC; CTE Telecom, LLC, d/b/a Frontier Communications CTE Telecom Company; and Frontier Communications of America, Inc. for approval of a pro forma transaction associated with the plan of reorganization.

The joint application was filed as a pro forma transaction under 52 Pa. Code § 63.325(a) (relating to Commission approval of a pro forma transaction subject to 66 Pa.C.S. §§ 1102(a)(3) and 1103) because the joint applicants claim that it will not result in the creation of a voting interest of 20% or more in the new top tier corporate parent entity and there will be no change in the rates or conditions of service.

However, the Pennsylvania Public Utility Commission (Commission) has determined that the transaction, which will result in newly formed companies being inserted in the corporate holding structure between shareholders and the Commonwealth-certificated entities, results in a transfer of 100% of the indirect control of the subsidiaries of Frontier Communications Corporation. Under 52 Pa. Code § 63.324(a) (relating to Commission approval of a general rule transaction subject to 66 Pa.C.S. §§ 1102(a)(3) and 1103), a transaction that results in the transfer of 20% or more of the assets or of the direct or indirect control of an applicant is a general rule transaction. The Commission therefore reclassifies the joint application as a general rule transaction per 52 Pa. Code § 63.325(b).

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before Monday, August 10, 2020. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, 400 North Street, 2nd Floor, Harrisburg, PA 17120, with a copy served on the joint applicants. The documents filed in support of the joint application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Commission's web site at www.puc.pa.gov and at the joint applicants' business address.

Joint Applicants: Frontier Communications Corporation; Frontier Subsidiary Telco, LLC; Commonwealth Telephone Enterprises, LLC; Commonwealth Telephone Company, LLC, d/b/a Frontier Communications Commonwealth Telephone Company; Frontier Communications of Breezewood, LLC; Frontier Communications of Canton, LLC; Frontier Communications of Lakewood, LLC; Frontier Communications of Oswayo River, LLC; Frontier Communications of Pennsylvania, LLC; Citizens Telecommunications Company of New York, Inc.; CTSI, LLC, d/b/a Frontier Communications CTSI, LLC; CTE Telecom, LLC, d/b/a Frontier Communications CTE Telecom Company; Frontier Communications of America, Inc.

Through and By Counsel: Thomas T. Niesen, Esquire, Charles E. Thomas, Jr., Esquire, Thomas, Niesen & Thomas, LLC, 212 Locust Street, Suite 302, Harrisburg, PA 17101

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 20-1009. Filed for public inspection July 24, 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 August 10, 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-2020-3020431. Alan Sementelli, t/a Keep Safe Transportation Services (836 West 3rd Street, Lock Haven, Clinton County, PA 17745) for the right to begin to transport, as a common carrier, by motor vehicles, persons in paratransit service, to medical treatment facilities between points in Pennsylvania, and vice versa.

A-2020-3020786. Solvere Transport, LLC (3782 Logan Ferry Road # Y, Pittsburgh, Allegheny County, PA 15239) for the right to begin to transport, as a common carrier, by motor vehicles, persons in paratransit service, between points in Pennsylvania, excluding points in the Counties of Bucks, Chester, Delaware and Montgomery, and the City and County of Philadelphia.

Application of the following for the approval of the right and privilege to discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under the application.

A-2020-3020702. Ronald L. Pfahler (P.O. Box 413, Paradise, Lancaster County, PA 17562) for the discontinuance and cancellation of his certificate, to transport, as a common carrier, by motor vehicle, persons in paratransit service, limited to persons whose personal convictions

prevent them from owning or operating motor vehicles, from points in the County of Lancaster to points in Pennsylvania, and return.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 20-1010. Filed for public inspection July 24, 2020, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2020-3020745. The United Telephone Company of Pennsylvania, LLC, d/b/a CenturyLink and Armstrong Telecommunications, Inc. Joint petition of The United Telephone Company of Pennsylvania, LLC, d/b/a CenturyLink and Armstrong Telecommunications, Inc. for approval of an amendment to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

The United Telephone Company of Pennsylvania, LLC, d/b/a CenturyLink and Armstrong Telecommunications, Inc., by their counsel, filed on July 9, 2020, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an amendment to interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of The United Telephone Company of Pennsylvania, LLC, d/b/a CenturyLink and Armstrong Telecommunications, Inc. joint petition are available for inspection at the Commission's web site at www.puc.pa.gov and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 20-1011. Filed for public inspection July 24, 2020, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2020-3020766. Verizon North, LLC and U.S. LEC of Pennsylvania, LLC. Joint petition of Verizon North, LLC and U.S. LEC of Pennsylvania, LLC for approval of an amendment to interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Verizon North, LLC and U.S. LEC of Pennsylvania, LLC, by their counsel, filed on July 10, 2020, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an amendment to interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of Verizon North, LLC and U.S. LEC of Pennsylvania, LLC joint petition are available for inspection at the Commission's web site at www.puc.pa.gov and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 20-1012. Filed for public inspection July 24, 2020, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2020-3020769. Verizon Pennsylvania, LLC and McLeodUSA Telecommunications Services, Inc. Joint petition of Verizon Pennsylvania, LLC and McLeodUSA Telecommunications Services, Inc. for approval of an amendment to interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Verizon Pennsylvania, LLC and McLeodUSA Telecommunications Services, Inc., by their counsel, filed on July 10, 2020, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an amendment to interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of Verizon Pennsylvania, LLC and McLeodUSA Telecommunications Services, Inc. joint petition are available for inspection at the Commission's web site at www.puc.pa.gov and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 20-1013. Filed for public inspection July 24, 2020, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2020-3020770. Verizon North, LLC and PaeTec Communications, Inc. Joint petition of Verizon North, LLC and PaeTec Communications, Inc. for approval of an amendment to interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Verizon North, LLC and PaeTec Communications, Inc., by their counsel, filed on July 10, 2020, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an amendment to interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of Verizon North, LLC and PaeTec Communications, Inc. joint petition are available for inspection at the Commission's web site at www.puc.pa.gov and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 20-1014. Filed for public inspection July 24, 2020, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2020-3020771. Verizon North, LLC and Spectrotel of Pennsylvania, LLC. Joint petition of Verizon North, LLC and Spectrotel of Pennsylvania, LLC for approval of an amendment to interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Verizon North, LLC and Spectrotel of Pennsylvania, LLC, by their counsel, filed on July 10, 2020, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an amendment to interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of Verizon North, LLC and Spectrotel of Pennsylvania, LLC joint petition are available for inspection at the Commission's web site at www.puc.pa.gov and at the applicant's business web site.

The contact person is Kathryn Sophy, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 20-1015. Filed for public inspection July 24, 2020, 9:00 a.m.]

SUSQUEHANNA RIVER BASIN COMMISSION

Projects Approved for Consumptive Uses of Water

The Susquehanna River Basin Commission (Commission) has approved by rule the following list of projects from June 1, 2020, through June 30, 2020.

For further information contact Jason E. Oyler, General Counsel and Secretary to the Commission, (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 the projects, described as follows, receiving approval for the consumptive use of water under the Commission's approval by rule process in 18 CFR 806.22(f)(13) (relating to standards for consumptive uses of water) for the time period previously specified:

Water Source Approval—Issued Under 18 CFR 806.22(f):

1. Rockdale Marcellus, LLC; Pad ID: Red Run Mountain 736; ABR-20100502.R2; McIntyre Township, Lycoming County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: June 9, 2020.

2. Repsol Oil & Gas USA, LLC; Pad ID: Chicken Hawk; ABR-20100434.R2; Sullivan Township, Tioga County, PA; Consumptive Use of Up to 6.0000 mgd; Approval Date: June 9, 2020.

3. Repsol Oil & Gas USA, LLC; Pad ID: STORCH (03 035) D; ABR-20100445.R2; Wells Township, Bradford County, PA; Consumptive Use of Up to 6.0000 mgd; Approval Date: June 9, 2020.

4. EXCO Resources (PA), LLC.; Pad ID: Warner Drilling Pad # 1; ABR-20100451; Franklin Township, Lycoming County, PA; Consumptive Use of Up to 2.0000 mgd; Approval Date: June 9, 2020.

5. SWN Production Company, LLC; Pad ID: NR-25 NOWICKI; ABR-201504006.R1; Oakland Township, Susquehanna County, PA; Consumptive Use of Up to 4.9990 mgd; Approval Date: June 9, 2020.

6. SWN Production Company, LLC.; Pad ID: NR-05 BAC Realty; ABR-201504007.R2; New Milford Township, Susquehanna County, PA; Consumptive Use of Up to 4.9990 mgd; Approval Date: June 11, 2020.

7. SWEPI LP; Pad ID: Johnson 434; ABR-20100501.R2; Shippen Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: June 11, 2020.

8. SWN Production Company, LLC.; Pad ID: GU-Y Loomis Pad; ABR-20100504.R2; Rush Township, Susquehanna County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: June 12, 2020.

9. Chesapeake Appalachia, LLC; Pad ID: Coates; ABR-20100509.R2; Standing Stone Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 12, 2020.

10. Chief Oil & Gas, LLC; Pad ID: Kerr Drilling Pad # 1; ABR-20100506.R2; Lathrop Township, Susquehanna County, PA; Consumptive Use of Up to 2.0000 mgd; Approval Date: June 15, 2020.

11. Range Resources Appalachia, LLC; Pad ID: Dog Run Hunting Club Unit; ABR-20100456.R2; Cummings Township, Lycoming County, PA; Consumptive Use of Up to 2.0000 mgd; Approval Date: June 15, 2020.

12. Chesapeake Appalachia, LLC; Pad ID: Fred; ABR-201005241.R2; Leroy Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 24, 2020.

13. Chesapeake Appalachia, LLC; Pad ID: McConnell; ABR-20100525.R2; Overton Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 24, 2020.

14. Cabot Oil & Gas Corporation; Pad ID: HousenickJ P1; ABR-201505004.R1; Rush Township, Susquehanna County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: June 24, 2020.

15. SWN Production Company, LLC; Pad ID: RU-42-KROPFF-PAD; ABR-201410002.R1; Jackson Township, Susquehanna County, PA; Consumptive Use of Up to 4.9990 mgd; Approval Date: June 29, 2020.

16. Seneca Resources Company, LLC; Pad ID: Gamble Pad P; ABR-201506005.R1; Hepburn Township, Lycoming County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: June 29, 2020.

17. Chesapeake Appalachia, LLC; Pad ID: Brackman; ABR-20100420.R2; Leroy Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 29, 2020.

18. Chief Oil & Gas, LLC; Pad ID: Squier Drilling Pad # 1; ABR-201007008.R2; Springville Township, Susquehanna County, PA; Consumptive Use of Up to 2.0000 mgd; Approval Date: June 29, 2020.

19. Cabot Oil & Gas Corporation; Pad ID: WarrinerR P2; ABR-20100518.R1; Dimock Township, Susquehanna County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: June 29, 2020.

20. Cabot Oil & Gas Corporation; Pad ID: CarsonJ P1; ABR-20100520.R1; Springville Township, Susquehanna County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: June 29, 2020.

21. SWEPI LP; Pad ID: Walker 438; ABR-20100516.R2; Shippen Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: June 29, 2020.

22. XPR Resources, LLC; Pad ID: Alder Run Land LP # 2H; ABR-20100454.R2; Cooper Township, Clearfield County, PA; Consumptive Use of Up to 2.0000 mgd; Approval Date: June 29, 2020.

23. Chesapeake Appalachia, LLC; Pad ID: Cerca; ABR-20100538.R2; Wyalusing Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 30, 2020.

24. Chesapeake Appalachia, LLC; Pad ID: Treat; ABR-20100527.R2; Rome Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 30, 2020.

25. Chesapeake Appalachia, LLC; Pad ID: Feusner New; ABR-20100558.R2; Litchfield Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 30, 2020.

26. Chesapeake Appalachia, LLC; Pad ID: Madden; ABR-20100536.R2; Asylum Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 30, 2020.

27. Chesapeake Appalachia, LLC; Pad ID: Rich; ABR-20100539.R2; Troy Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 30, 2020.

28. Chesapeake Appalachia, LLC; Pad ID: Allen; ABR-20100606.R2; Wysox Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 30, 2020.

29. Chesapeake Appalachia, LLC; Pad ID: Finnerty; ABR-20100602.R2; West Burlington Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 30, 2020.

30. Chesapeake Appalachia, LLC; Pad ID: Hilltop NEW; ABR-201006102.R2; Jessup Township, Susquehanna County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 30, 2020.

31. Chesapeake Appalachia, LLC; Pad ID: Akita NEW; ABR-20100689.R2; Smithfield Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 30, 2020.

32. Chesapeake Appalachia, LLC; Pad ID: Alderfer NEW; ABR-20100671.R2; Litchfield Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 30, 2020.

33. Chesapeake Appalachia, LLC; Pad ID: Lillie NEW; ABR-201006104.R2; Herrick Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 30, 2020.

34. Rockdale Marcellus, LLC; Pad ID: Greenwood Hunting Lodge 427; ABR-20100532.R2; McIntyre Township, Lycoming County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: June 30, 2020.

35. Seneca Resources Company, LLC; Pad ID: PHC Pad Q; ABR-20100551.R2; Lawrence Township, Clearfield County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: June 30, 2020.

36. Chief Oil & Gas, LLC; Pad ID: Severcool Drilling Pad # 1; ABR-20100547.R2; Forkston Township, Wyoming County, PA; Consumptive Use of Up to 2.0000 mgd; Approval Date: June 30, 2020.

Authority: Pub.L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808

Dated: July 14, 2020

ANDREW D. DEHOFF,
Executive Director

[Pa.B. Doc. No. 20-1016. Filed for public inspection July 24, 2020, 9:00 a.m.]

SUSQUEHANNA RIVER BASIN COMMISSION

Projects Approved for Minor Modifications

The Susquehanna River Basin Commission (Commission) lists the minor modifications approved for previously approved projects from June 1, 2020, through June 30, 2020.

For further information contact Jason E. Oyler, General Counsel, (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 previously approved projects, receiving approval of minor modifications, described as follows, under 18 CFR 806.18 (relating to approval modifications) or to Commission Resolution Nos. 2013-11 and 2015-06 for the time period previously specified:

Minor Modifications Issued Under 18 CFR 806.18

1. Silver Springs Ranch, LLC, Docket No. 20200313, Monroe Township, Wyoming County, PA; approval authorizing the additional water use purposes of bulk water supply for filling swimming pools and for other public water suppliers, as needed; Approval Date: June 12, 2020.

In addition, on March 13, 2020, the Commission adopted Resolution No. 2020-02 (Resolution) and companion Policy No. 2020-01 (Policy), which clarified the interpretation of consumptive use mitigation rules as applied to certain water impoundment evaporation (ponds, tanks, and the like).

Notice is hereby given that under, and consistent with, the Resolution and Policy, the Executive Director modified the following approvals to clarify that the evaporative losses from certain structures are not subject to consumptive use mitigation. A total of 111 dockets were modified under the Resolution. A list of those modifications can be found at <https://www.srbc.net/regulatory/policies-guidance/docs/20200313.pdf>.

Authority: Pub.L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808

Dated: July 14, 2020

ANDREW D. DEHOFF,
Executive Director

[Pa.B. Doc. No. 20-1017. Filed for public inspection July 24, 2020, 9:00 a.m.]

SUSQUEHANNA RIVER BASIN COMMISSION

Revocation of Approvals

The Susquehanna River Basin Commission (Commission) revoked by rule the following list of projects from June 1, 2020, through June 30, 2020.

For further information contact Jason E. Oyler, General Counsel and Secretary to the Commission, (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 the projects, described as follows, that have been revoked for the time period previously specified:

Revocation of Approvals by Rule Issued Under 18 CFR 806.22(f) (relating to standards for consumptive uses of water):

1. Chesapeake Appalachia, LLC; Pad ID: Sophia; ABR-201106005.R1; Smithfield and Springville Townships, Bradford County, PA; Revocation Date: June 25, 2020.

2. Chesapeake Appalachia, LLC; Pad ID: Sharidan; ABR-201112027.R1; Litchfield Township, Bradford County, PA; Revocation Date: June 25, 2020.

3. Repsol Oil & Gas USA, LLC; Pad ID: COLE (03 016) T; ABR-20100549.R1; Columbia Township, Bradford County, PA; Revocation Date: June 26, 2020.

4. SWN Production Company, LLC; Pad ID: TI-Kohler Pad; ABR-201601006; Liberty Township, Tioga County, PA; Revocation Date: June 26, 2020.

5. SWEPI LP; Pad ID: State 822; ABR-201007040.R1; Gaines Township, Tioga County, PA; Revocation Date: June 26, 2020.

6. SWEPI LP; Pad ID: Youst 405; ABR-201106026.R1; Jackson Township, Tioga County, PA; Revocation Date: June 26, 2020.

7. SWEPI LP; Pad ID: Wilson 286; ABR-201203027.R1; Charleston Township, Tioga County, PA; Revocation Date: June 29, 2020.

8. SWEPI LP; Pad ID: Jones 276; ABR-201201021.R1; Jackson Township, Tioga County, PA; Revocation Date: June 29, 2020.

9. SWEPI LP; Pad ID: State 6721; ABR-20100440.R1; Elk Township, Tioga County, PA; Revocation Date: June 29, 2020.

Authority: Pub.L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808

Dated: July 14, 2020

ANDREW D. DEHOFF,
Executive Director

[Pa.B. Doc. No. 20-1018. Filed for public inspection July 24, 2020, 9:00 a.m.]

SUSQUEHANNA RIVER BASIN COMMISSION

Telephonic Public Hearing

The Susquehanna River Basin Commission (Commission) will hold a telephonic public hearing on August 13, 2020, at 2:30 p.m. Due to the novel coronavirus (COVID-19) situation and the relevant orders in place in the Commission's member jurisdictions, the Commission will hold this meeting telephonically. The conference call number is (888) 387-8686. The conference room code number is #9179686050. The telephonic public hearing will end at 5 p.m. or at the conclusion of public testimony, whichever is sooner. At this telephonic public hearing, the Commission will hear testimony on the projects listed in the Supplementary Information section of this notice. The projects and proposals are intended to be scheduled for Commission action at its next business meeting, tentatively scheduled for September 18, 2020, which will be noticed separately. The public should take note that this telephonic 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 August 24, 2020.

For further information contact Jason Oyler, General Counsel and Secretary to the Commission, (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.srbc.net/waav>. Additional supporting documents are available to inspect and copy in accordance with the Commission's Access to Records Policy at www.srbc.net/regulatory/policies-guidance/docs/access-to-records-policy-2009-02.pdf.

Supplementary Information

The public hearing will cover the following projects.

Projects Scheduled for Action:

1. Project Sponsor and Facility: Bloomfield Borough Water Authority, Centre Township, Perry County, PA. Application for renewal of groundwater withdrawal of up to 0.056 mgd (30-day average) from Well 1 (Docket No. 19901103).

2. Project Sponsor: Byler Golf Management, Inc. Project Facility: Iron Valley Golf Club, Cornwall Borough, Lebanon County, PA. Modification to change consumptive use mitigation method (Docket No. 19981206).

3. Project Sponsor and Facility: Cabot Oil & Gas Corporation, Eaton Township, Wyoming County, PA. Application for renewal of groundwater withdrawal of up to 0.864 mgd (30-day average) from the Hatchery Wellfield (Wells 1—3) (Docket No. 20160610).

4. Project Sponsor and Facility: Cabot Oil & Gas Corporation (Susquehanna River), Great Bend Township, Susquehanna County, PA. Application for renewal of surface water withdrawal of up to 2.000 mgd (peak day) (Docket No. 20160902).

5. Project Sponsor and Facility: Chesapeake Appalachia, LLC (Susquehanna River), Wilmot Township, Bradford County, PA. Application for surface water withdrawal of up to 3.000 mgd (peak day).

6. Project Sponsor and Facility: Chesapeake Appalachia, LLC (Susquehanna River), Windham Township, Wyoming County, PA. Application for surface water withdrawal of up to 3.000 mgd (peak day).

7. Project Sponsor and Facility: Chesapeake Appalachia, LLC (Wyalusing Creek), Wyalusing Township, Bradford County, PA. Application for surface water withdrawal of up to 3.000 mgd (peak day).

8. Project Sponsor and Facility: Green Leaf Water, LLC (Lycoming Creek), Lewis Township, Lycoming County, PA. Application for renewal of surface water withdrawal of up to 0.900 mgd (peak day) (Docket No. 20160601).

9. Project Sponsor and Facility: Lake Meade Municipal Authority, Reading Township, Adams County, PA. Application for groundwater withdrawal of up to 0.252 mgd (30-day average) from Well 3.

10. Project Sponsor and Facility: Meadia Heights Golf Club, LLC, West Lampeter Township, Lancaster County, PA. Modification to change consumptive use mitigation method (Docket No. 20000204).

11. Project Sponsor and Facility: Montgomery Water Authority, Clinton Township, Lycoming County, PA. Application for renewal of groundwater withdrawal of up to 0.267 mgd (30-day average) from Well 1 (Docket No. 19881102).

12. Project Sponsor: Pixelle Specialty Solutions, LLC. Project Facility: Spring Grove Mill (Codorus Creek and Unnamed Tributary to Codorus Creek), Spring Grove Borough, Jackson Township and North Codorus Township, York County, PA. Applications for existing surface water withdrawals (peak day) of up to 19.800 mgd (New Filter Plant Intake), 6.000 mgd (Old Filter Plant Intake) and 0.750 mgd (Kessler Pond Intake); consumptive use of up to 3.650 mgd (peak day); and existing groundwater withdrawals (30-day average) of up to 0.039 mgd (Well 1) and 0.021 mgd (Well 2). Proposed action to include combining all existing and new approvals into a single approval document with a single approval term.

13. Project Sponsor and Facility: Repsol Oil & Gas USA, LLC (Susquehanna River), Sheshequin Township, Bradford County, PA. Application for renewal of surface water withdrawal of up to 1.500 mgd (peak day) (Docket No. 20160908).

14. Project Sponsor and Facility: S.T.L. Resources, LLC (West Branch Susquehanna River), Grugan Township, Clinton County, PA. Application for surface water withdrawal of up to 3.450 mgd (peak day).

15. Shippensburg Borough Authority, Southampton Township, Cumberland County, PA. Application for renewal of groundwater withdrawal of up to 1.280 mgd (30-day average) from Well 1 (Docket No. 19900713).

16. Project Sponsor: Togg Mountain, LLC. Project Facility: Toggenburg Mountain Winter Sports Center (West Branch Tioughnioga Creek), Town of Fabius, Onondaga County, NY. Modification to increase consumptive use (peak day) by an additional 0.505 mgd, for a total consumptive use of up to 0.990 mgd, and increase surface water withdrawal (peak day) by an additional 2.300 mgd, for a total surface water withdrawal of up to 4.500 mgd (Docket No. 20180911).

Commission-Initiated Project Approval Modifications:

1. Project Sponsor and Facility: The Municipal Authority of the Borough of Berlin, Allegheny Township, Somerset County, PA. Conforming the grandfathering amount with the forthcoming determination for a groundwater withdrawal up to 0.030 mgd (30-day average) from Well 6 (Docket No. 19980702).

2. Project Sponsor and Facility: Iron Masters Country Club, Bloomfield Township, Bedford County, PA. Conforming the grandfathering amount with the forthcoming determination for groundwater withdrawals up to 0.051 mgd (30-day average) from Well 10 and up to 0.061 mgd (30-day average) from Well 14 (Docket No. 20020813).

3. Project Sponsor and Facility: Sinking Valley Country Club, Tyrone Township, Blair County, PA. Conforming the

grandfathering amount with the forthcoming determination for groundwater withdrawals up to 0.081 mgd (30-day average) from the 14th Fairway Well and up to 0.099 mgd (30-day average) from the 8th Tee Well (Docket No. 20020811).

Opportunity to Appear and Comment:

Interested parties may call into the hearing to offer comments to the Commission on any business previously listed required to be subject of a public hearing. Given the telephonic nature of the meeting, the Commission strongly encourages those members of the public wishing to provide oral comments to pre-register with the Commission by e-mailing Jason Oyler at joyler@srbc.net prior to the hearing date. 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 by means of telephone will begin at 2:15 p.m. Guidelines for the public hearing are posted on the Commission's web site, 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 business previously listed required to be subject of a public hearing may also be mailed to Jason Oyler, Secretary to the Commission, 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 August 24, 2020, to be considered.

Authority: Pub.L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808

Dated: July 14, 2020

ANDREW D. DEHOFF,
Executive Director

[Pa.B. Doc. No. 20-1019. Filed for public inspection July 24, 2020, 9:00 a.m.]

